

**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 2 Proposed  
Queenstown Lakes District Council Plan  
by **Broadview Villas Limited**  
**(Submission 2222), T Rovin (2228), and**  
**Escarpment Limited (2230)**

---

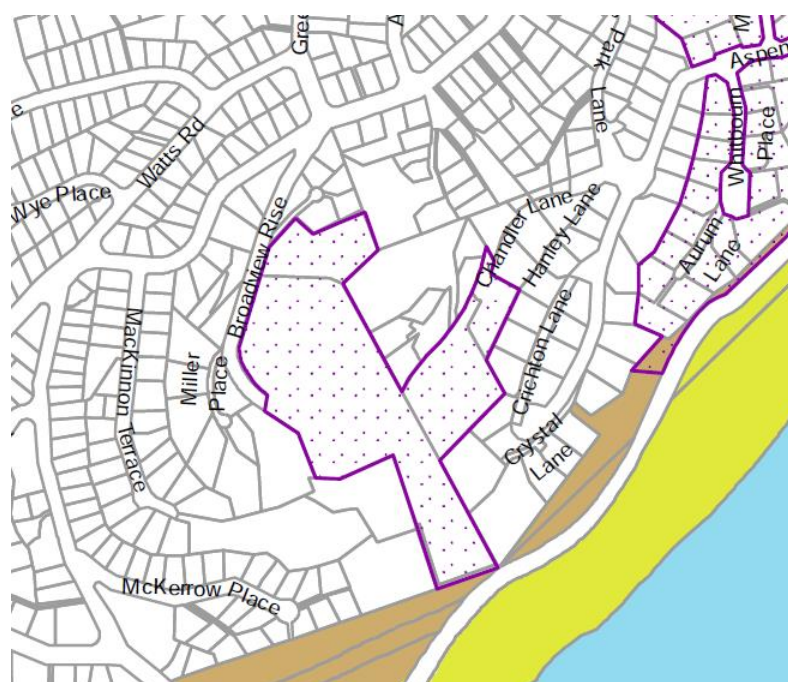
**STATEMENT OF EVIDENCE OF JEFFREY ANDREW BROWN  
ON BEHALF OF BROADVIEW VILLAS LTD, T ROVIN, AND ESCARPMENT LTD  
STREAM 15 – VISITOR ACCOMMODATION VARIATION  
6 August 2018**

---

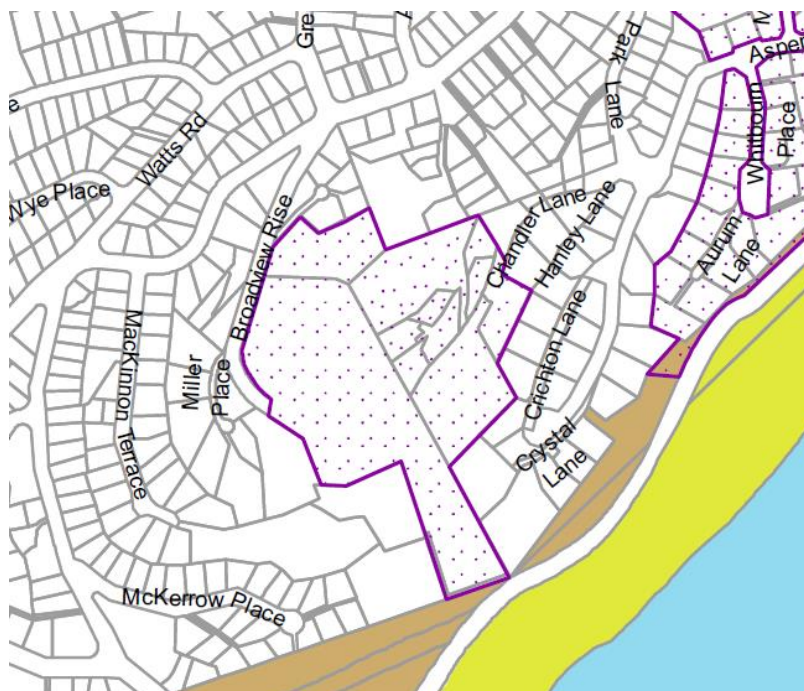
## Introduction

1. My name is Jeffrey Andrew Brown. I have the qualifications of Bachelor of Science with Honours and Master of Regional and Resource Planning, both from the University of Otago. I am a full member of the New Zealand Planning Institute. I am also a member of the New Zealand Resource Management Law Association. I was employed by the Queenstown Lakes District Council (QLDC) from 1992 . 1996, the latter half of that time as the District Planner. Since 1996 I have practiced as an independent resource management planning consultant, and I am currently a director of Brown & Company Planning Group Ltd, a consultancy with offices in Auckland and Queenstown. **Attachment A** contains a more detailed description of my work and experience.
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.
3. This evidence is on behalf of Broadview Villas Limited (Submitter 2222), T Rovin (Submitter 2228) and Escarpment Limited (Submitter 2230) (the **submissions**). The submissions support the notified Visitor Accommodation Sub Zone (**notified VASZ**) in the vicinity of Broadview Rise and Chandler Lane, Fernhill, as shown on **Figure 1**, and seek to extend it as shown on **Figure 2 (VASZ extension)**:

**Figure 1:** Extract from PDP Stage 2 Planning Map 34: zoom showing the notified VASZ at Broadview Rise (in purple outline with purple dots):



**Figure 2:** Extract from PDP Stage 2 Planning Map 34: zoom showing the VASZ extension at Broadview Rise / Chandler Lane



4. The VASZ extension is over seven properties<sup>1</sup> which have a total area of around 1.4ha, and, like the notified VASZ, is within the Low Density Suburban Residential Zone (**LDSRZ**).
5. I support the notified VASZ, and I support the VASZ extension. No submissions opposed the notified VASZ, and no further submissions opposed the VASZ extension.
6. I have read the Section 42A reports prepared by Ms Bowbyes and Ms Devlin for the Council. Ms Devlin addresses the visitor accommodation variation mapping issues and supports the notified VASZ and the VASZ extension sought by the submissions. I agree with her reasoning and I add the following brief evaluation, in relation to the rezoning principles recommended by the Hearings Commissioners in Stage 1<sup>2</sup>, and in relation to the purpose of the Act.

### Rezoning Principles

7. The rezoning principles, and my evaluation on each, are as follows.

**Principle (a) whether the change implements the purpose of the PDP Strategic chapters and in particular the Strategic Direction, Urban Development and Landscape Chapters**

<sup>1</sup> These properties are:

<sup>2</sup> PDP Stage 1, Report and Recommendations of Hearings Commissioners . Report 17-1, paragraph 132

8. The objectives and policies in the Strategic Direction chapter from the PDP Stage 1 Decisions Version are the most relevant, including:

**3.2 Strategic Objectives**

**3.2.1 The development of a prosperous, resilient and equitable economy in the District.**

**3.2.1.1 The significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services are realised across the District.**

**3.3 Strategic Policies**

**Visitor Industry**

**3.3.1 Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone.**

9. On Objective 3.2.1, the VASZ already exists in this area (the notified VASZ, as a rollover from the legacy plan), and the VASZ extension aligns with the current mix of activity in the Fernhill area, with a large number and variety of visitor accommodation operations (large hotels through to smaller lodges and bed and breakfast operations) mingled within the residential environment.
10. I consider that the VASZ extension is appropriately located because it has the same physical attributes as the notified VASZ, including the north, east and south facing aspect and orientation to enable broad views of the lake and mountains; the sloping topography; the general lack of existing development; and the ability for a comprehensive visitor accommodation proposal including the ability to share access from Broadview Rise which has sufficient width for increased traffic volumes.
11. On Policy 3.3.1, the VASZ extension contributes to the land area available for providing for visitor accommodation activities, in a largely undeveloped portion of urban Queenstown.
12. Policy 3.3.1 requires assessment of the relevant zone objectives and policies. The LDSRZ objective and policies for the VASZ, as recommended in Ms Bowbyesq42A report (her Appendix 1) are:

**7.2 Objectives and Policies**

**7.2.8 Objective - The location, scale and intensity of visitor accommodation, residential visitor accommodation and homestays is managed to maintain the residential character of the zone.**

**Policies**

**7.2.8.1 Provide for visitor accommodation in the Lower Density Suburban Residential Visitor Accommodation Sub-Zones that is appropriate for**

**the low density residential environment, ensuring that adverse effects on residential amenity are avoided, remedied or mitigated.**

13. The location of the VASZ is appropriate, for the reasons I set out above in relation to the Strategic Objective, and I consider that the VASZ extension is appropriate because:

- The effects on the environment of the VASZ expansion would be no different to the effects that would be created by the development of visitor accommodation activities within the existing VASZ at Broadview Rise, in that the topography is very similar and hence the relationship with existing neighbouring properties is very similar;
- The topography that generally screens the properties from nearby residential properties to the north and west such that visitor accommodation activities will not adversely impact on the residential character of the hillside behind; and
- Any development would be required to meet the various development standards of the underlying zone and other general standards, including those for building height, coverage, boundary setbacks, noise, access, parking, and so on. These standards prescribe what buildings can be constructed ~~as-of-right~~, and hence without adverse effects on the surrounding residential amenities.

14. My conclusion is that the VASZ extension achieves the relevant higher order objectives and policies in Chapter 3 because it enables a suitable location for a comprehensive visitor accommodation development that is consistent with the existing pattern of larger scale hotel facilities in Fernhill while being able to adequately manage potential adverse effects on residential amenity in the neighbourhood. In my opinion the VASZ extension achieves the higher order PDP provisions.

**Principle (b) the overall impact of the rezoning gives effect to the Otago Regional Policy Statement (ORPS)**

15. I do not consider that there are any operative or proposed ORPS provisions that are particularly pertinent to this proposed rezoning because the provisions, in relation to urban environments, are general and are given effect to by the more focused District Plan level objectives and policies.

**Principle (c) whether the objectives and policies of the proposed zone can be implemented on the land;**

16. The VASZ provisions can be implemented on the VASZ extension land.

**Principle (d) economic costs and benefits are considered;**

17. There would be similar economic benefits deriving from the LDSRZ and the VASZ over the VASZ extension land in relation to construction costs for buildings to accommodate residents or residents and visitors, respectively, however there would be greater economic benefits from the VASZ because of the increased, ongoing contribution from visitors to the local, regional and national economy. Further in relation to economic costs and benefits:
- There are economic benefits in that the VASZ extension will enable more efficient development, in particular by consolidating access and parking areas and central facilities, with more integrated landscaping and building form;
  - There are no costs arising in that there are no adverse environmental, social, or cultural effects from implementing VASZ extension; and
  - The VASZ expansion would inevitably result in increased employment in comparison with the more limited visitor accommodation opportunities outside the VASZ, and hence would contribute to economic growth.

**Principle (e) changes to zone boundaries are consistent with the maps in the PDP that indicate additional overlays or constraints (e.g., Airport Obstacle Limitation Surfaces, SNAs, Building Restriction Areas, ONL/ONF);**

18. There are no additional overlays or constraints; there are no over-riding building restriction areas, outstanding natural landscapes or features, or any heritage items within the site.

**Principle (f) changes should take into account the location and environmental features of the site (e.g., the existing and consented environment, existing buildings, significant features and infrastructure);**

19. The land is largely vacant and is physically the same as the adjacent notified VASZ, in relation to aspect, slope, and access. Broadview Rise has sufficient width to accommodate any additional heavy vehicle traffic (buses etc) as a result of additional visitor accommodation activities.

**Principle (g) zone changes are not inconsistent with long term planning for the provision of infrastructure and its capacity;**

20. The land is already zoned and serviced for urban development (and has been for many decades) and is consistent with any relevant long term planning of infrastructure.

**Principle (h) zone changes take into account effects on the environment of providing infrastructure onsite;**

21. Not relevant . infrastructure would be connected with reticulated services.

**Principle (i) there is adequate separation between incompatible land uses;**

22. There are no incompatible uses in the vicinity of the land; any visitor accommodation facility will be required to meet the relevant zone standards for development and any departure from these standards would need to be assessed through the consenting process.

**Principle (j) rezoning in lieu of resource consent approvals, where a portion of a site has capacity to absorb development does not necessarily mean another zone is more appropriate;**

23. There are no relevant resource consents.

**Principle (k) zoning is not determined by existing use rights, but these will be taken into account.**

24. There are no relevant existing use rights.

**Other factors: Context of a site or geographic area. Relevant local context factors include, most relevantly: (b) land with physical challenges such as steep topography, poor ground conditions, instability or natural hazards; and (d) the ability of the environment to absorb development.**

25. The notified VASZ / VASZ extension land as sought can absorb visitor accommodation development, within a more logical boundary, and the scale of development is managed through the development standards for the Zone. There are no additional hazards that would otherwise apply to the land (and indeed for Fernhill / Queenstown generally). There are no site or geographic context factors that inhibit the VASZ extension.

26. In relation to other s32 matters, the VASZ extension is appropriate in that:

- It achieves the relevant objective (Objective 7.2.8) as I discussed above;
- There is no other reasonably practicable option for achieving the objective. The status quo of not extending the Sub-Zone ignores the inherent opportunity presented by the attributes of the land;

- The extension would enable development that can efficiently and effectively achieve Objective 7.2.8; in particular, it would encourage and enable more efficient, comprehensive development of the land while maintaining the amenities of the wider residential environment;
- Under section 32(2), there is no risk of acting because there is no uncertainty about or insufficiency of information about the subject matter of the above.

27. I therefore conclude that the VASZ extension is consistent with and achieves the rezoning principles.

### **Part 2 of the Act**

28. The following matters must be given particular regard under section 7 of the Act:

- (b) the efficient use and development of natural and physical resources;**
- (c) the maintenance and enhancement of amenity values;**
- (f) maintenance and enhancement of the quality of the environment;**
- (g) any finite characteristics of natural and physical resources;**

29. I consider that VASZ extension meets these imperatives, for the following reasons:

- (a) Under s7(b), the VASZ extension, adjacent to a large vacant VASZ area, is the more efficient zoning for the use and development of the natural and physical resources of the land given the physical attributes of the land, the access, and the ability to comprehensively develop the land;
- (b) On ss7(c) and (f): the amenity values and quality of the environment of the wider area will be maintained by the existing development controls which apply to residential and visitor accommodation development;
- (c) On s7(g): larger vacant urban blocks, within which comprehensively designed and executed developments that will bring socio-economic benefits without adverse amenity effects, are a finite resource and the zoning should reflect this, in my view.

30. The VASZ extension achieves the sustainable management purpose of the Act by enabling appropriate activities and development, and accordingly social and economic well-being, in a manner that sustains the potential of the natural and physical resources of the site and the wider Wakatipu Basin, for future generations. It avoids or can adequately mitigate potential



adverse effects including effects on residential amenity, through the relevant development standards for the Zone.

31. Under Part 2 of the Act, I consider from the assessment above that the VASZ extension is consistent with and achieves the purpose and principles of the Act.

**J A Brown**  
**6 August 2018**

**A****Curriculum vitae – Jeffrey Brown****Professional Qualifications**

1986: Bachelor of Science with Honours (Geography), University of Otago

1988: Master of Regional and Resource Planning, University of Otago

1996: Full Member of the New Zealand Planning Institute

**Employment Profile**

May 05 . present: Director, Brown & Company Planning Group Ltd . resource management planning consultancy based in Queenstown and Auckland. Consultants in resource management/statutory planning, strategic planning, environmental impact assessment, and public liaison and consultation. Involved in numerous resource consent, plan preparation, changes, variations and designations on behalf of property development companies, Councils and other authorities throughout New Zealand.

1998 . May 2005: Director, Baxter Brown Limited . planning and design consultancy (Auckland and Queenstown, New Zealand). Consultants in resource management statutory planning, landscape architecture, urban design, strategic planning, land development, environmental impact assessment, public liaison and consultation.

1996-1998: Director, JBA, Queenstown . resource management consultant.

1989 . 1996: Resource management planner in several local government roles, including Planner (1992 . 1994) and District Planner (1994 . 96), Queenstown-Lakes District Council. Held responsibility for all policy formulation and consent administration.

**Other**

- New Zealand Planning Institute . presenter at *The Art of Presenting Good Planning Evidence* workshops for young planners (2016 . )
- Judge, New Zealand Planning Institute Best Practice Awards (2017 . )