

**BEFORE THE HEARING COMMISSIONERS
FOR THE PROPOSED THE QUEENSTOWN LAKES DISTRICT PLAN
AT QUEENSTOWN**

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

**AND
IN THE MATTER
of Hearing Stream 14
Millbrook Resort Zone**

Planning Summary of Joanna Claire Fyfe on behalf of Millbrook Country Club Limited

11 July 2018

Qualifications and Experience

1. My name is Joanna Claire Fyfe. I hold the qualification of Bachelor of Science in Geography and Environmental Science, from Auckland University, and am an associate member of the New Zealand Planning Institute. I have 10 years' experience in planning and resource management, in local government and as a private consultant. I spent five years at Auckland Council and 1.5 years at a London Borough as a Resource Consents/Development Planner, and 1.5 years with the Queenstown Lakes District Council (QLDC), as the Queenstown Resource Consents Team Leader. In February 2017 I commenced private practice as a consultant with John Edmonds and Associates.

Code of Conduct Statement

2. I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2014 and agree to adhere to it.

Scope

3. I was asked by counsel to assist with this matter on Monday 9th July, to present at the hearing in the place of John Edmonds, who is presently overseas.
4. I have read:
 - The submissions and evidence of Archibald, Underdown Trust, Egerton, Spruce Grove Trust, X-Ray Trust and Avenue Trust, Boundary Trust, Waterfall Park Developments, Donaldson, Williamson.
 - The statement of John Edmonds;
 - The statement of Ben O'Malley;
 - The statement and rebuttal evidence of Andrew Craig;
 - The legal submissions for Millbrook Country Club (Ian Gordon);
 - The statement of Amanda Leith;
 - The statement of Nikki Smetham;
 - The statement and rebuttal evidence of Bridget Gilbert;
 - The statement and rebuttal evidence of Marcus Langman;
 - The legal submission of QLDC- S.J Scott / C.J McCallum;
 - The evidence of Jeff Brown for Donaldson;
 - The Resort Zone ODP Provisions;
 - The Millbrook Resort Zone PDP Provisions;
 - The Waterfall Park Zone PDP Provisions.

5. I have twice visited the site and its surrounds for the purpose of this hearing.
6. I find myself in agreement with the statement prepared by Mr Edmonds and adopt it as my own. In saying that, I need to identify the following exceptions where on aspects of detail I do not have the information at hand to agree or disagree. Those matters are:
 - a) Waterfall Park Resort Zone (Paras 69 – 79)- Mr Edmonds discusses a contour of 360masl, and that development around Christine’s Hill should be limited to below 360masl. I do not have knowledge of the specific contour lines, and as such cannot agree or disagree with this point;
 - b) Williamson Land (Para 90)- Mr Edmonds discusses a contour of 440masl, and that development should be limited to below this contour. I do not have knowledge of the specific contour line, and as such cannot agree or disagree with this point.
7. I also find myself in agreement with the Panel’s reasons for recommending a definition for ‘Resort’ in order to distinguish it from ‘Urban Development’.

Summary of Evidence

8. Mr Edmond’s statement addresses submissions in three categories:
 - Submitters who want to be included in the MRZ
 - The Ayrburn Farm Block
 - Land to the south-west of Millbrook
9. **Submitters who want to be included in the MRZ (known as A, B, C, D, E, F and G)**
 - a) At no stage have the submitters properties, with the exception of the Underdown Trust, Archibald and Egerton sites, been considered appropriate for inclusion in the MRZ, nor has Millbrook sought to include them in its development plans.
10. **Griffin and Archibald**
 - a) Millbrook is working towards an agreement with Griffin and Archibald that this land could be included in the MRZ, with a maximum of three additional dwelling sites for each submitter. This land would be included as stand-alone Residential Activity Areas (19 & 20), where subdivision and building would proceed subject to a Controlled Activity consent.
 - b) For the two sites to be included within the MRZ, submitters would need to agree to the relevant limitations, design guidelines and encumbrances. Middlerigg Lane would need to be limited to the existing dwellings only, and the six additional properties need to be accessed off internal Millbrook roads.

11. **Spruce Grove Trust (Malaghans Road)**

- a) Potential residential capacity of land has previously been considered and determined through the Environment Court decision (ENV-2009-CHC-55) and associated RCs (RM080173 and RM180571).
- b) The proposed density by Spruce Grove is 1/500m² across each of the activity areas. This could result in around 61 dwellings (applying Mr Langman's discount for roads and reserves). This density is at a level that is consistent with a Low Density residential urban environment and is not consistent with the rest of the MRZ with a density of approximately 1 dwelling per 6000m².
- c) The proposed structure plan still incorporates much of the geological feature that the Environment Court found inappropriate for development, which appears to be identified in the Landscape Category Unit as an ONF.
- d) Land would not be separately accessed off Malaghans Road and would not share any common attributes with Millbrook and therefore could not be integrated as the definition of 'resort' requires.
- e) The site should remain WBRAZ.

12. **Spruce Grove Trust (Arrowtown Lake Hayes Road)**

- a) It may be possible for the Egerton land (at 'G') on map to be included as part of MRZ. I believe that MCC and the Egerton's are working towards agreement. For the Egerton land to be included as part of MRZ there must be agreement on:
 - Use of existing Millbrook roads for access;
 - Registration of Millbrook's standard Memorandum of Encumbrances;
 - Adoption of the design guidelines; and
 - Agreement to a maximum density.
- b) The submissions relating to the overall Spruce Grove block still adopt the average density of 1 dwelling/500m². This could yield up to 90 residential units which does not fit with the Millbrook park-like setting of 1 dwelling per 6000m².
- c) This area is not proposed to be integrated into the resort in any way, it simply shares a boundary (except for the Egerton parcel).
- d) The land should remain WBRAZ.

13. **The Ayrburn Farm Block (H)**

- a) Main concern with the Waterfall Park land is to ensure that the hill-slopes below Millbrook to the south remain protected as open space areas above the 360masl line.
- b) The extension of the Arrowtown UGB to include WPD land would be inappropriate and would undermine the distinctiveness of Arrowtown and the land use patterns in this corner of the Basin.

14. **Land to the South West (I, J and K)**

15. **Donaldson**

- a) Millbrook and Mr Donaldson are working towards an agreement which will adequately mitigate the density and buildings on this site for the residents of MRZ. If this agreement

fails however, I am supportive of Jeff Brown's recommendation to bring site-specific provisions into the DP, and for any breach of these provisions to be NCA due to the importance of the interface and to mitigate the effects on MRZ.

- b) With these restraints, the Wakatipu Basin Lifestyle Precinct (WBLP) could be appropriate for this land given that the land is physically and visually enclosed, although elevated.

16. **X-Ray Trust**

- a) WBLP should be removed from upper terrace and replaced with the WBRAZ.
- b) The proposed zoning of the elevated ridgeline as WBLP is inappropriate as it enables living development at 6000m² per lot on a visible slope.

17. **Williamson**

- a) On the western edge of MRZ is an elevated and visible steep ridge, which Millbrook has promoted protection of.
- b) Council decision on Chapter 43 agreed and set aside the western most 13ha of the MRZ as an area of 'landscape protection'.
- c) WBLP is inappropriate on the elevated land to the west of Millbrook and an upper limit of 440masl should be applied to the WBLP in that vicinity. This contour line is represented by the Arrow Irrigation Race.

- 18. In general, the land to the west of Millbrook, the Ayrburn Ridgeline and wider Malaghan Ridgeline are highly visible from a range of public places and zoning of WBLP along those ridges and elevated terraces would be contrary to Policy 6.3.26 which is to avoid adverse effects on visual amenity.

Planning Framework

- 19. The term 'Urban Development' has been defined most recently in the Council's recent decision on Chapters 3, 4 and 6 of the PDP (referred to as Report 3). At page 89 of that decision the Panel concludes that the definition of Urban Development should be amended to read:

"Means development that is not of a rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services such as water supply, wastewater and stormwater and by its cumulative generation of traffic. For the avoidance of doubt, a resort development in an otherwise rural area does not constitute urban development".

- 20. The submissions seeking inclusion within the MRZ have sought to establish 'urban development' around the edge of the resort zone. If those areas are included, they will have no particular or obvious relationship with the resort.
- 21. Strategic Policy 3.13.14 says that 'urban development' outside of the UGB will be avoided.
- 22. The Panel also recognised that it is necessary to include a definition of Resort:

“Resort” – means an integrated and planned development involving low average density of residential development (as a proportion of the developed area) principally providing visitor accommodation and forming part of an overall development focussed on on-site visitor activities.”

23. Millbrook Resort provides pockets of low density, mostly residential development in neighbourhoods that are located around the edges of the golf courses and are interconnected by both private roads and pathways which all link back to the central ‘village’ area. In assessing the requests by those submitters that have sought to be included in the MRZ, Mr Edmonds considered how those properties align with this definition. His conclusion is that they are all independent of the resort and are neither integrated with it, nor have they been planned to fit within it. I concur.
24. I adopt Mr Edmonds conclusions at paragraphs 113 – 119.