

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES
PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hearing Stream 14 – Wakatipu Basin

**REBUTTAL STATEMENT OF EVIDENCE
LOUISE ELIZABETH ROBERTSON TAYLOR**

On behalf of X-Ray Trust Limited and Avenue Trust [Submitter 2619]

Dated this 27th day of June 2018

MACALISTER TODD PHILLIPS

Barristers, Solicitors, Notaries

3rd Floor, 11-17 Church Street

Queenstown 9300

P O Box 653, DX ZP95001, Queenstown 9348

Telephone: (03) 441 0125 Fax: (03) 442 8116

Solicitor Acting: Jayne Elizabeth Macdonald

INTRODUCTION

- 1.1 My name is Louise Elizabeth Robertson Taylor. I set out my qualifications and experience, and role in this matter in my evidence in chief dated 13 June 2018. This rebuttal evidence has been prepared on behalf of X-Ray Trust and Avenue Trust (“the Trusts”) [submitter number 2619].
- 1.2 I reconfirm my obligations in terms of the Environment Court’s Code of Conduct for Expert Witnesses contained in the Practice Note 2014. I reconfirm that the issues addressed in this brief of evidence are within my area of expertise. I reconfirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 1.3 I have read the evidence of Mr John Edmonds (on behalf of Millbrook Country Club Limited¹) and Mr Jeff Brown (on behalf of R and M Donaldson²) and wish to comment on some of their statements.
- 1.4 Mr Edmonds addresses the X-Ray Trust, Avenue Trust, Donaldson and Williamson land at paragraphs 81 – 93 of his evidence. At paragraph 84 in particular, Mr Edmonds discusses the appropriate zoning for the Donaldson land.
- 1.5 At paragraphs 9.1 – 9.3 of his evidence, Mr Brown addresses the Donaldson land.
- 1.6 This evidence relates to the appropriate planning mechanism for the Donaldson land.
- 1.7 To assist the Commissioners, the Donaldson land is identified as Lot 3, DP20693, the X-Ray Trust land is 413 and 433 Speargrass Flat Road, and Avenue Trust land is 471 Speargrass Flat Road identified at Appendix B of my

¹ Submitter 2295.

² Submitter 2229.

evidence in chief. I have included the map again below as Figure One for ease of reference.

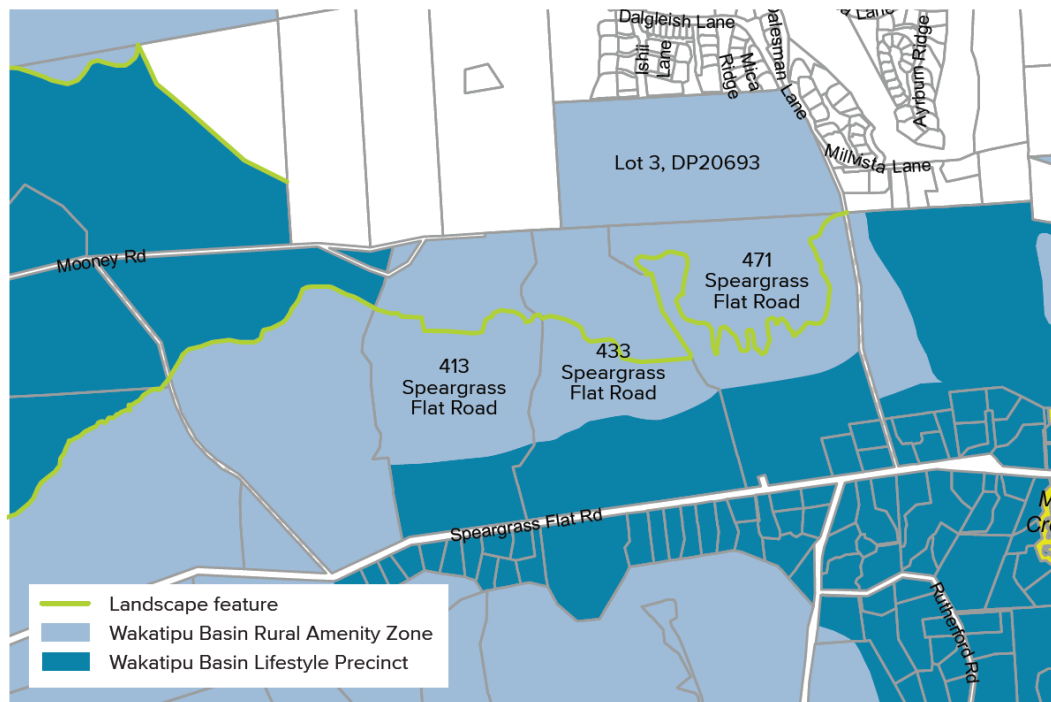


Figure One: Amended Planning Map as sought by X-Ray Trust and Avenue Trust Submission (from Appendix B, Louise Taylor evidence dated 13 June 2018).

DISCUSSION

- 1.8 In the paragraphs I refer to above, each of the two planners are essentially discussing how best to manage development on the Donaldson land, whilst protecting the identified values of the site and managing effects on neighbours and those who have views to the site.
- 1.9 Mr Edmonds agrees with the Trusts' submission that Lifestyle Precinct overlay is not appropriate for "Ayrburn Terrace" (which includes the Donaldson land and the upper portion of the X-Ray Trust, Avenue Trust and Williamson land), as he disagrees that this area reads as a rural residential landscape as claimed by the Council Officer, and it would be an inappropriate scale of development given public visibility of this Terrace

(paragraph 87). [Mr Blakely refers to this area as the Plateau³, and I have adopted that phrase in my evidence.]

- 1.10 Despite Mr Edmonds' opinion set out in his paragraph 87, he appears to be of the view that the Lifestyle Precinct zoning may be appropriate for the Donaldson site, given there are neighbours' agreements in place which aim to limit the scale and type of development⁴. I take from that statement that Mr Edmonds considers the Lifestyle Precinct zoning on its own will not be sufficient to appropriately manage development. It is my opinion that relying on neighbour agreements, even if secured by covenants, is not the most appropriate planning method, particularly when there are other zoning options which are more appropriate to apply via the current plan change process.
- 1.11 It is Mr Blakely's opinion that the Donaldson site, which is part of the Plateau Area of LCU 6, holds significant and important landscape values and relies on retaining the openness of the site to protect these values and character⁵. Given this, it is my opinion that the most appropriate zoning for the Donaldson block is Wakatipu Basin Rural Amenity⁶.
- 1.12 In his evidence, Mr Brown also refers to neighbour agreements between Millbrook and the Donaldson's and suggests these are now encapsulated in a covenant(s)⁷. He considers that the existing Lifestyle Precinct provisions "*subject to modifications as set out in this evidence, are appropriate for the land and that the covenant is an additional tool for managing the subdivision of the land.*" (paragraph 9.2). I am not clear on which modifications Mr Brown is referring to.
- 1.13 Mr Brown's client at least appears to accept that relying on the Lifestyle Precinct alone may not protect the identified values of the site and

³ P Blakely evidence dated 13 June 2018, paragraphs 5.1 onwards.

⁴ J Edmonds evidence dated 13 June 2018, paragraphs 82 – 84.

⁵ P Blakely evidence dated 13 June 2018, paragraphs 3.1, and discussed in more detail at section 5.

⁶ L Taylor evidence dated 13 June 2018, conclusions set out in paragraphs 11.2 and 11.3.

⁷ J Brown evidence dated 13 June 2018, paragraph 9.1.

appropriately manage effects on neighbours. They have therefore suggested a set of rules which would apply to this site to more precisely manage development and Mr Brown sets these out in his evidence (paragraph 9.3). As a planning method, I am more comfortable with this approach than relying on neighbour agreements, although due to the sensitivity of the site and need for very careful design of any development, I consider a structure plan would be more appropriate.

- 1.14 Such a structure plan would ensure that the effects of any buildings in terms of density, location and height (for example) could be assessed at the district plan stage, with the appropriate section 32 analysis, as opposed to relying at the resource consent stage, where there might well be an expectation that development can proceed. A structure plan is a good “stress test” about how the proposed zoning could work in practice.
- 1.15 The new rule proposed by Mr Brown (paragraph 9.3 of his evidence) sets out a minimum lot area of 2500m², no more than 15 lots in total on the site, and some other parameters in terms of location. I cannot locate any analysis for this rule or the parameters it provides for in terms of section 32 of the Resource Management Act 1991. It is therefore not clear what costs or benefit such development would have at the Donaldson site, what effects this level of development would have on the identified landscape values, or whether such an outcome would be the most appropriate way of achieving the objectives of the District Plan.

Louise Taylor

27 June 2018