

**IN THE MATTER** of the Resource Management Act ('Act')

**AND**

**IN THE MATTER** of the submission by Te Anau Developments Limited on the QLDC Proposed District Plan 2015 (Stream 13) to rezone a piece of land from Rural to Rural Visitor

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**STATEMENT OF EVIDENCE OF BEN FARRELL FOR**

**Te Anau Developments Ltd (Submitter #607)**

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**9<sup>th</sup> June 2017**

## INTRODUCTION

1. My name is Ben Farrell. I am an Independent Planning Consultant employed by John Edmonds & Associates Limited, a firm of independent planners and project managers based in Queenstown.
2. My qualifications and experience are provided in my evidence in chief dated 29 February 2016 and my evidence prepared for the submission by Lake Wakatipu Station dated 9 June 2017. I confirm the matters raised in my evidence in chief relating to the code of conduct for expert witnesses also apply to this evidence.
3. In preparing this evidence I have reviewed [some or all of] the following documents of particular relevance to this matter:
  - Hearing Panel Minutes dated 29 May and 8 June relating to this matter
  - QLDC s.42A Report prepared by Ms Kim Banks dated 25 May
  - QLDC s.42A Report prepared by Mr Robert Buxton dated 24 May
  - Evidence in support of the s.42A Report prepared by Mr G Davis, Dr M Read, Mr U Glasner, D Mander all dated 24 May 2017
  - S.42A Report for Stream 12 prepared by Mr Barr dated 17 March, and rebuttal evidence dated 5 May 2017
  - Supplementary evidence of Mr Whyte dated 6 June 2017 for Sarah Burdon (Submission #282)
  - Evidence in support of the submission by Te Anau Developments by Ms Fiona Black, dated 9 June 2017
  - Rural Visitor Zone Monitoring Report prepared by QLDC dated April 2010
4. In preparing this evidence I have also listened to part of the recording of part of the Stream 12 Mapping Hearing in relation to the questioning of Mr Whyte by the panel in relation to his planning evidence.

## SCOPE AND SUMMARY OF EVIDENCE

5. This planning evidence is written at the request of Te Anau Developments Limited in support of its request to rezone existing reserve land (currently administered by DOC) from Rural to Rural Visitor.
6. I acknowledge the operative Rural Visitor zone may have some potential shortcomings in particular circumstances (evident in the opinions expressed in the QLDC 2010 monitoring report and evidence of Mr Barr referred to above). However, any such potential shortcomings are not supported by any actual evidence (that I am aware of) and are not likely to be an issue for the piece of reserve land Te Anau Developments is seeking to rezone in this particular case.
7. In the evidence below I set out reasons why the Rural Visitor zone (inclusive of the operative Rural Visitor zone provisions) is more appropriate than the Rural zone to implement the relevant objectives of the PDP (as notified). My reasons can be summarised as follows:
  - a. Te Anau Developments are guardians and stewards of the subject land and incorporation of the land into the existing Walter Peak Rural Visitor Zone is a logical extension from a land management and administration point of view.
  - b. The land is a popular visitor destination for visitors. The land is more suited to rural visitor activities and ecological restoration than it is agricultural land uses as promoted in the provisions for the Rural zone.

- c. Environmental effects of activities and development can be avoided, remedied or mitigated to the extent that the strategic objectives in the PDP are satisfactorily implemented.
- d. The Rural Visitor zone specifically provides for rural visitor land use and development. The proposed Rural zone provisions are overly restrictive and create a highly uncertain framework. The most efficient method for enabling rural visitor activities on the land is through the district plan review, not resource consent applications under the rural general framework or a via private plan change request.

## **SCOPE OF THE SUBMISSION**

- 8. The submission seeks an extension of the existing Rural Visitor zone around the existing Walter Peak rural visitor land to extend over adjoining land currently administered by the Department of Conservation<sup>1</sup>.
- 9. The submission seeks that the operative Rural Visitor provisions apply to the subject land. The operative Rural Visitor zone framework enables a bespoke framework for each particular Rural Visitor zone, although none currently apply to the existing Walter Peak Rural Visitor zone.
- 10. If the panel determines there is merit in the land being rezoned to Rural Visitor (or something similar), but the operative provisions are not the most appropriate (i.e. if additional or alternative provisions should be included), then the submission provides scope for the Panel / decision-maker to include those provisions in the PDP.

## **MATTERS RAISED IN THE S.42A REPORT**

- 11. The following addresses the matters raised in the s.42A report specific to the rezoning request.

### Ecological values

- 12. The s.42 report and evidence of Mr Davis raises concern with the rezoning request on the basis that the marginal strip land and other parts of the site contain significant indigenous vegetation.
- 13. Based on the attached evidence of Ms Black, which outlines the substantial ecological restoration work being undertaken in this location by Te Anau Developments (under the guidance of locally renowned conservationist and botanist Mr Neil Simpson<sup>2</sup>), I believe Mr Davis' concerns can be addressed through standards or conditions relating to the type of activities that can and cannot be undertaken in the marginal strip without resource consent approval.

### Infrastructure

- 14. The s.42A report and evidence of Mr Glasner raises no significant concern regarding infrastructure.

### Landscape

- 15. The s.42A report raises concerns around the landscape effects of the part of the requested rezoning, based on Dr Read's evidence:

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<sup>1</sup> Practically, Te Anau Developments administer this land on behalf of the Crown and the two parties are in the process of negotiating the land tenure arrangements for this land.  
<sup>2</sup> My assumption based on anecdotal discussions with various parties

*24.2 Dr Read opposes in part the rezoning from a landscape perspective because if located on the elevated slopes at the south eastern side of the bay, it would have an adverse effect on the landscape of the Bay and the mountainside behind. She suggests that the zone only apply to the portion of land between the homestead and what appears to be a paper road. She is opposed to the rezoning of the marginal strip due to it being part of the ONL of the lake.*

16. I am not entirely sure how the proposed rezoning would lead to inappropriate landscape effects. Notwithstanding this, in my opinion the Council's concerns about landscape effects could likely be ameliorated by applying an additional standard (or standards) to manage the particular concerns raised by Dr Read. An example could be to elevate the activity status of buildings in the areas of concern from controlled activity status to restricted discretionary or discretionary.

#### Access

17. The evidence of Mr Mander identifies that the submission does not provide information on how access to the enabled development will be managed or its impact on the transportation network.
18. Any effects on the transport network likely to be generated by rezoning the subject land can be managed such that they are indiscernible. In this regard:
- a. The Rural Visitor zone provisions provide methods for managing transportation effects (rule 12.4.3.2(ii)).
  - b. The subject land is reasonably small and its physical characteristics,, coupled with the intention of Te Anau Developments to enhance the natural values of the area, significantly constrains the nature and scale of development that could practically occur.
  - c. I am not aware of any evidence identifying significant transportation issues arising from the current zoning at Walter Peak.
  - d. Buildings within the marginal strip and upper part of the Beach Bay Recreation Reserve can be managed via the discretionary status, thus ensuring potential transport effects from these activities can be managed.

### **ASSESSMENT AGAINST THE PDP STRATEGIC OBJECTIVES**

19. Table 1 below compares the appropriateness of each zone (Rural or Rural Visitor) against each of the relevant strategic objectives set out in Chapter 3 (strategic direction) of the PDP<sup>3</sup>. As landscape is a key strategic issue for the District and an issue in this case, I have also considered the objectives of Chapter 6 (Landscape).
20. I have undertaken this assessment on the understanding that the Panel considers this to be a particularly relevant (if not the most determinative) assessment matter to evaluate the rezoning request.
21. In undertaking this assessment, I have not given any consideration to the weighting that should be applied to the respective provisions. My rationale for not doing so is that the status of each provision is uncertain at this point in time. Notwithstanding this, I observe the following provisions set directive environmental bottom lines:

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<sup>3</sup> As listed in the version publicly notified in 2015

- 3.2.3.2 Protect the District’s cultural heritage values and ensure development is sympathetic to them.
- 3.2.4.2 Protect areas with significant Nature Conservation Values.
- 3.2.4.4 Avoid exotic vegetation with the potential to spread and naturalise.
- 3.2.4.5 Preserve or enhance the natural character of the beds and margins of the District’s lakes, rivers and wetlands.
- 3.2.5.1 Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.
- 6.3.2 Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.

22. Upon assessment I consider the Rural Visitor zone is more appropriate than the Rural zone. While the Rural zoning better implements the more restrictive landscape provisions, and includes more supportive provisions relating to the benefits of nature conservation values, the Rural Visitor zoning is appropriately aligned to the adjoining zoning (Walter Peak Rural Visitor zone) and the suite of strategic direction objectives because it facilitates diversification of rural land uses and enhance visitor attraction activities, while appropriately protecting the districts landscape values. Moreover, specific standards or conditions can be incorporated into the Walter Peak Rural Visitor zone to specifically address and manage activities that Council may be concerned about.

**Table 1 Comparison of Rural and Rural Visitor zone provisions against the relevant PDP strategic objectives**

<p>3.2.1.1: Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand’s premier alpine resorts and the District’s economy.</p>	<p>The Rural Visitor zone (RVZ) is more appropriate as it will enhance the existing tourism and passenger transport operations between Walter Peak and the Queenstown CBD (namely the “TSS Earnslaw”). The Rural zone does not directly promote or encourage any benefit to the Queenstown CBD.</p>
<p>3.2.1.2: Recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas in the District.</p>	<p>RVZ is more consistent with this objective because it accommodates visitors travelling to or from, and services providers based in, Frankton.</p>
<p>3.2.1.3 Enable the development of innovative and sustainable enterprises that contribute to diversification of the District’s economic base and create employment opportunities.</p>	<p>RVZ is more consistent with this objective because it directly enables diversification of the economic base and creates employment opportunities.</p>
<p>3.2.1.4 Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests</p>	<p>RVZ is more consistent with this objective because it directly provides for rural areas to diversify their land use beyond productive farming – provided a sensitive approach is taken.</p> <p>Requiring resource consent for development (as is the case with the RVZ) is an example of providing a</p>

	“sensitive” approach.
3.2.1.5 Maintain and promote the efficient operation of the District’s infrastructure, including designated Airports, key roading and communication technology networks.	The RVZ will create more demand for the District’s infrastructure. However, neither zone will directly affect this objective – it is not particularly relevant.
3.2.2.1 Ensure urban development occurs in a logical manner: to promote a compact, well designed and integrated urban form; to manage the cost of Council infrastructure; and to protect the District’s rural landscapes from sporadic and sprawling development	Neither zone supports or is inconsistent with this objective – not relevant
3.2.2.2 Manage development in areas affected by natural hazards	The land is an area affected by natural hazards and can be managed. As the RVZ promotes the creation of a structure plan, there is a more specific mechanism for ensuring natural hazard risks can be managed.
3.2.3.1 Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.	Neither zone supports or is inconsistent with this objective – not relevant
3.2.3.2 Protect the District’s cultural heritage values and ensure development is sympathetic to them.	Neither zone supports or is inconsistent with this objective – not particularly relevant.
3.2.4.1 Promote development and activities that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems.	Both zones can promote development and activities that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems. The ecological restoration plan being implemented by Te Anau Developments and the Department of Conservation is an activity which enhances the life-supporting capacity of natural resources.
3.2.4.2 Protect areas with significant Nature Conservation Values.	Both zones can protect areas with significant nature conservation values but the RVZ allows bespoke provisions to be established if considered necessary. The RVZ is also more accommodating of different types of land use which can help protect and enhance significant nature conservation values.
3.2.4.3 Maintain or enhance the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities.	As above, the bespoke approach to the RVZ and diversification into tourism activities enables the opportunity for the landowners to help protect any rare or vulnerable species.
3.2.4.4 Avoid exotic vegetation with the	Landscaping is controlled under the RVZ

potential to spread and naturalise.	but not under the Rural zone, so there is greater potential to manage the effects of exotic vegetation on the site under the RVZ compared to the Rural zone. However, the PDP includes other methods (district wide rules) to prohibit the planting of trees irrespective of the underlying zoning so the comparison is mute.
3.2.4.5 Preserve or enhance the natural character of the beds and margins of the District's lakes, rivers and wetlands.	Both zones include methods for controlling/managing the location and design of buildings within and near the lake margins.  The RVZ controls landscaping while planting in or along margins is permitted in the Rural zone. Accordingly, there is more ability in the RVZ to preserve or enhance the natural character of the lake margin under the RVZ regime.
6.3.6 Protect, maintain or enhance the landscape quality, character and visual amenity provided by the lakes and rivers and their margins from the adverse effects of structures and activities.	Same as 3.2.4.5 above.
3.2.4.6 Maintain or enhance the water quality and function of our lakes, rivers and wetlands.	Neither zone supports or is inconsistent with this objective – not relevant
3.2.4.7 Facilitate public access to the natural environment.	Public access to the site and its surrounds is currently supported by the existing tourism activities operated by Te Anau Developments and Real Journeys within the existing RVZ. The RVZ provisions are more enabling of facilitating public access compared to the Rural provisions.
3.2.4.8 Respond positively to Climate Change.	Neither zone supports or is inconsistent with this objective – not relevant
3.2.5.1 Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.	Both zones implement this objective. However, the Rural provisions better protect the Outstanding Natural Landscape (ONL) values associated with the site – as it is more restrictive on building development (buildings in ONLs are discouraged).  The RVZ implements this objective provided (as is the case with the proposed rezoning) that RVZ development will not give rise to more than minor adverse effects on ONL values.
6.3.1 The District contains and values	While relevant, neither zone supports or is

Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.	inconsistent with this objective. Both zones include (or can include) provisions that satisfactorily protect landscape values from inappropriate subdivision and development.
6.3.2 Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.	The Rural zone better implements this objective because it is more restrictive on development and thus is better at avoiding adverse cumulative effects.
6.3.3 Protect, maintain or enhance the district's Outstanding Natural Features (ONF).	The site does not contain any Outstanding Natural Features; therefore neither zone supports or is inconsistent with this objective – not particularly relevant.
6.3.4 Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL).	Both zones are consistent with this policy. However, the Rural zone better implements this objective because it is more restrictive on development and therefore is better able to protect, maintain or enhance the districts ONL values.
3.2.5.2 Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.	The site is not within a specific Rural Landscape so neither zone supports or is inconsistent with this objective – not particularly relevant.
6.3.5 Ensure subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC).	Same as 3.2.5.2 above
3.2.5.3 Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.	The Rural zone provisions do not provide direction for accommodating development (each development proposal is assessed on a case by case basis).  Rezoning the subject land to RVZ will (or can) direct use and development of land to an area which has potential to absorb change. The extent to which landscape and visual amenity values may be detracted is totally subjective, but can be appropriately managed.
3.2.5.4 Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscape are to be maintained.	Neither zone supports or is inconsistent with this objective – not particularly relevant
3.2.5.5 Recognise that agricultural land use is fundamental to the character of our landscapes.	The Rural zone better implements this objective as the RVZ enables development other than agricultural land use.



<p>6.3.7 Recognise and protect indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District's landscapes.</p>	<p>The RVZ better implements this objective as it promotes bespoke land management through structure planning and the controlled activities status.</p>
<p>6.3.8 Recognise the dependence of tourism on the District's landscapes.</p>	<p>Both zones implement this objective but the RVZ better implements the objective. The Rural zone better protects the District's landscapes but has no direct benefit for tourism. The RVZ both protects the landscape values and directly facilitates tourism activities that attract (and enhance the ability for) visitors to enjoy the District's landscape values.</p>
<p>3.2.6.1 Provide access to housing that is more affordable.</p>	<p>The RVZ better enables this objective as it enables housing, including affordable housing units. Notwithstanding this, the existing environment and site constraints dictate that it is unlikely any housing would be located on the subject land.</p>
<p>3.2.6.2 Ensure a mix of housing opportunities.</p>	<p>The RVZ better enables this objective as it enables a mix of housing opportunities. However, as above, the existing environment and site constraints dictate that it is unlikely any housing would be located on the subject land.</p>
<p>3.2.6.3 Provide a high quality network of open spaces and community facilities.</p>	<p>The RVZ is more enabling of activities that enhancing the districts network of open spaces and community facilitates compared to the Rural zoning.</p>
<p>3.2.6.4 Ensure planning and development maximises opportunities to create safe and healthy communities through subdivision and building design.</p>	<p>Neither zone supports or is inconsistent with this objective – not particularly relevant.</p>
<p>3.2.7.1 Protect Ngai Tahu values, rights and interests, including taonga species and habitats, and wahi tupuna.</p>	<p>Neither zone supports or is inconsistent with this objective – not particularly relevant.</p>
<p>3.2.7.2 Enable the expression of kaitiakitanga by providing for meaningful collaboration with Ngai Tahu in resource management decision making and implementation.</p>	<p>Neither zone supports or is inconsistent with this objective – not particularly relevant.</p>

## CONCLUSION

23. Taking into account the above assessment, I consider the Rural Visitor zone is more appropriate than the Rural zone for the subject site. While the Rural zoning better implements the more restrictive landscape provisions, and includes more supportive provisions relating to nature conservation values; the Rural Visitor zoning is appropriately aligned to the adjoining zoning (Walter Peak Rural Visitor zone) and the suite of strategic direction objectives.
24. If considered necessary, specific standards or conditions can be incorporated into the Walter Peak Rural Visitor zone to specifically address and manage activities that Council may be concerned about.

## SIGNED

A handwritten signature in blue ink, appearing to be 'B. Allan', written over a horizontal line.

9 JUNE 2017