

**BEFORE THE QUEENSTOWN LAKES  
DISTRICT COUNCIL**

**UNDER**

the Resource Management Act 1991

**IN THE MATTER**

of a hearing on submissions on a  
proposed Variation to Chapter 21 Rural  
Zone of the Proposed District Plan to  
introduce Priority Area Landscape  
Schedules

**ON BEHALF OF**

**GLEN DENE LTD (Submitter #47)  
RICHARD BURDON (Submitter #49)  
SUNNYHEIGHTS LTD (Submitter #42  
and #235)**

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**STATEMENT OF EVIDENCE OF DUNCAN LAWRENCE WHITE**

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Dated: 11 September 2023

## **Statement of Evidence of Duncan Lawrence White**

### **1. Introduction**

- [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.
- [2] I have 21 years of experience as a planner. This experience includes seven years with the Manukau City Council, made up of 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 14 years I have lived in Wānaka and worked as a planner for Paterson Pitts Group (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 Wānaka and the lower South Island. I have been involved on behalf of clients with the Proposed District Plan (PDP) since it was notified in 2015.
- [3] While this is a Council hearing I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 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. Scope of Evidence**

- [4] This evidence has been prepared in support of submissions from Glen Dene Ltd (Submitter #47), Richard Burdon (Submitter #49) and Sunnyheights Ltd (Submitter #42 and #235) on the Queenstown Lakes District Council's (QLDC or Council) variation to the Proposed District Plan (PDP) to introduce landscape priority area schedules 21.22 and 21.23 (PA schedules) into Chapter 21 – Rural Zone. These submissions opposed the landscape scheduling in its entirety. This evidence covers general points on the PA schedules, specific points on the Hawea South and North Grandview PA schedule (21.22.23) for Richard Burdon, and specific points on the Dublin Bay ONL (21.22.22)

and the Maungawera Valley RCL (21.23.5) PA schedules on behalf of Sunnyheights Ltd.

[5] In preparing this evidence I have reviewed (amongst other documentation) the following:

- The Landscape Priority Areas Schedules Variation and Section 32 Report
- The PDP S42A Report – Chapter 21 Rural Zone variation to introduce Priority Area Landscape Schedules 21.22 and 21.23 prepared by Ruth Evans
- The statement of landscape evidence prepared by Bridget Gilbert
- The statement of landscape evidence prepared by Jeremy Head
- The Brief of Evidence prepared by Benjamin Espie
- The submissions from Glen Dene, Richard Burdon, and Sunnyheights Ltd
- The following Proposed District Plan chapters:
  - Chapter 3 – Strategic Direction
  - Chapter 6 – Landscapes and Rural Character
  - Chapter 21 – Rural Zone

### **3. Background of Sites**

#### **Sunnyheights Ltd**

[6] Sunnyheights Ltd and RH and PH Masfen own Lot 3 DP 27742, Lots 2 and 3 DP 26282, Lot 1 DP 426178, and Section 45 Block V Lower Wanaka SD. These properties are affected by the notified Dublin Bay Priority Area Schedule and the Maungawera Valley RCL Priority Area Schedule. These properties and adjacent properties in the same ownerships are run as a farm.

#### **Glen Dene Ltd and Richard Burdon**

[7] Richard Burdon is a director of Glen Dene Limited. Glen Dene Limited owns and manages Glen Dene Station and is the lessee and operator of The Camp (formerly the Lake Hawea Holiday Park). Glen Dene Station is a working high-country station and is the owner of the majority of the land on the western shores of Lake Hawea within the Hawea South Priority Area. Glen Dene Limited also owns the land between SH6 and

The Camp as well as the land north of The Camp. Parts of this land are used as part of The Camp.

#### 4. Methodology

- [8] While the methodology for the preparation of the schedules of landscape values has been approached from a landscape perspective there are planning matters associated with the methodology, particularly the use of 'no landscape capacity'.
- [9] As noted by the s42A author (paras 9.43 and 9.46) I agree that the schedules will be of direct relevance to land use and subdivision applications in the Rural Zone. It is further noted that the PA schedules apply at the PA level not at the site level (para 9.64) and will not preclude future development (para 9.65). However, I consider that while the 'no landscape capacity' rating does not '*shut the door on applications for consent*' as described by the s42A author, this rating is effectively an 'avoid' policy which if a consent was applied for would create a difficult measure to assess consistency with regardless of the site specific considerations and assessment which have not been considered through the methodology of the PAs.
- [10] The evidence of Ben Espie addresses the 'no landscape capacity' point from a landscape perspective and considers that '*the wording used for the landscape capacity ratings in the PA Schedules is overly precise, unhelpful and discordant with the Methodology Statement and the NZILA Guidelines*' (para 27). Ben Espie's evidence suggests at para 28 an alternative scale which uses 'very unlikely to be capacity for this activity...' as the lowest level of capacity and explains the specific landscape aspects of this within their evidence. From a planning perspective I consider the scale proposed by Ben Espie is more appropriate when considering the future use of the schedules as part of the PDP guiding land use, subdivision, and plan change processes. This alternative scale reflects the landscape scale of the PAs and instead of indicating that there is 'no landscape capacity' which is linked to 'avoid' acknowledges that there is unlikely to be capacity but should certain aspects which are site or proposal specific are able to be met then it does not preclude activities. This allows for assessment and subsequent management of the PA at an appropriate scale while still allowing landowners to use their land in a sustainable way while providing for their social, cultural, and economic wellbeing.
- [11] Should the alternative schedules proposed by Ben Espie be seen as more appropriate, a rework of the methodology and schedules would be required however, in my view

would result in the plan being more user friendly and less open to interpretation as to how the landscape categories are applied in practice.

- [12] The recommendation in the evidence of Bridget Gilbert (paras 9.11 – 9.20) of adding an additional landscape capacity rating of 'very limited to no landscape capacity' does not address the issue in the same manner as recommended in Ben Espie's evidence and is still considered to be overly specific and inappropriate given the PA level landscape assessment undertaken as part of this variation.

## **5. General Matters**

- [13] The submissions of Glen Dene, Richard Burdon and Sunnyheights sought that the schedules be made more concise, with each schedule being six pages long this variation will add approximately 200 pages of schedules to Chapter 21. It is recognised (as mentioned in para 8.9 of Bridget Gilbert's evidence) that a balance is required between information that is useful to provide guidance for more detailed landscape assessments and an overwhelming level of detail. However, it is considered that an addition to the PDP of this scale is a significant increase to the PDP which is inconsistent with schedules in other sections of the PDP including the Heritage Chapter and Wahi Tupuna Chapter. While I recognise these cover different issues and have a different policy framework directing the matters included, they are a useful guide to consider the brevity appropriate for being useful in the PDP context for significance/values identification.
- [14] I acknowledge that Bridget Gilbert has attached a Landscape Capacity Summary table as Appendix 1 to her evidence. This is considered a helpful format and has sufficient level of detail appropriate for a schedule.
- [15] In his evidence (para 19) Ben Espie suggests amending the Priority Area (PA) schedules so these set out only the landscape values and capacity for the Outstanding Natural Landscape (ONL) and Outstanding Natural Feature (ONF) PAs, and only the landscape character, visual amenity values, and capacity for the Rural Character Landscape (RCL) PAs. The attributes that contribute to the values are important for understanding, but the relevant PDP Chapter 3 policies for ONL and ONF (Policies 3.2.5.1 and 3.2.5.2) refer only to landscape values and landscape capacity. The relevant RCL landscape Policies 3.2.5.5 and 3.2.5.7 refer to landscape character, visual amenity values, and landscape capacity.

[16] It is noted that the recommended preamble by the s42A author and Bridget Gilbert increases the clarity of the schedules and how the schedules are intended to apply, addressing several submission points. I agree with the recommendation to include this preamble.

## 6. Definitions

[17] The submissions sought that definitions already used in the PDP were used wherever possible. I agree with the s42A author that it would be preferable if the activities listed in Strategic Policies used existing PDP terms rather than introducing additional undefined terms. Introducing additional terms with similar meanings (or the same meaning) is unnecessary and creates additional plan complexity without positively contributing to the plan function or clarity.

[18] My view is that the most appropriate location for definitions is the PDP Definitions chapter. It is unclear with regard to paragraph 10.5 of the s42A report which definitions that the author is concerned about. However, a cross check of the PDP could be undertaken to ensure that there are no unintended consequences of adding new terms to the Definitions chapter.

[19] In lieu of amending the Strategic Policies (which would be the best outcome) or amending the Definitions chapter (second best option in my opinion), the suggested amendments proposed by the s42A author and Bridget Gilbert are an adequate outcome, albeit not ideal.

[20] I outline below where I consider definition could be amended to improve clarity. Where definitions are not addressed below, I agree with the s42A author and Bridget Gilbert in regard to those definitions.

[21] The definition of 'tourism related activities' being the same as 'Resort' is a helpful clarification, however, does not provide any certainty of activities or scale due to the broad nature of the definition. Therefore, it is difficult from a planning perspective to assess the activities anticipated (or not) by the landscape schedules. The definition of 'Resort' is:

*'Means an integrated and planned development involving low average density of residential development (as a proportion of the developed area) principally providing temporary visitor accommodation and forming part of an overall development focused on onsite visitor activities.'*

[22] This definition is broad and wide ranging and therefore relates to the above-mentioned issue on how the application of the proposed 'no landscape capacity' could apply when the activities and scale of any future development is difficult to determine.

[23] It is noted that the definition of 'Urban Expansion' seems to capture general urban development rather than be specific to expansion. It is generally understood that urban expansion is the extending of an existing urban area. The change from a rural activity to urban development does not in itself constitute urban expansion. The definition therefore should be amended to reflect the nature of the 'expansion' rather than just urban development.

[24] In my view the definition should be amended to be (or wording with similar effect):

*'Urban expansion means:*

- *A change ~~from a rural activity to~~ of land use adjacent to an existing urban area in a rural zone to urban development; or*
- *A change (including any proposed change) in zoning from a rural zone to an urban zone adjacent to an existing urban area, including any change to the urban growth boundary or any other zone changes (or proposed changes) that would provide for urban development adjacent to an existing urban area.*

## **7. Dublin Bay Priority Area Schedule – Submission of Sunnyheights**

[25] The submission of Sunnyheights sought amendments to the Dublin Bay PA. Many of those submission points have been addressed in above sections of this evidence.

[26] Specific to this PA, however, is there are notes within the PA Schedule regarding 'the flanks of Mount Brown' which is interpreted to be only part of the wider PA. In terms of determining the extent of the flanks and where this is intended to apply (or have parts be excluded from) it would increase plan clarity to have the flanks of Mount Brown identified spatially on the District Plan Web Mapping Application. To clarify, this is not a request for an amendment to the mapping of the extent of the PA (as suggested in the evidence of Jeremy Head), it is a request to define a sub-area of the PA. This could be undertaken in a way similar to the 'specific provisions apply' overlay in the PDP with an annotation of 'flanks of Mount Brown'.

## 8. Maungawera Valley RCL PA- Submission of Sunnyheights

[27] The submission of Sunnyheights sought amendments to the Maungawera Valley RCL PA. Many of those submission points have been addressed in above sections of this evidence.

[28] Specific to this PA are matters related to the landscape capacity for iv. Intensive agriculture and vi. Farm buildings. The amendments proposed by Jeremy Head somewhat address the matters raised in the submission. However, I consider that in relation to iv. Intensive agriculture while available water may alter the landscape, the water itself is not a landscape matter for the PAs to address. Emphasis for this matter should be on the landscape attributes and values to be maintained or enhanced not whether water is available to use for the activity. Therefore, it is my view that the wording suggested in the submission (below) is more appropriate as the focus is on the attributes and values of the landscape.

*'some landscape capacity where expressiveness and aesthetic attributes and values are maintained or enhanced.'*

[29] Farm buildings of a range of scales are a common feature of the Upper Clutha Rural Zone. The term 'modestly scaled' is considered to be uncertain in how it could be interpreted in practice. To note is that farm buildings within the Rural Zone RCL are required to meet the standards in Chapter 21 Table 5 which includes a standard (21.8.1.6) related to the scale of farm buildings which '*must not exceed 5m in height and the ground floor area must not exceed 300m<sup>2</sup>* to remain a permitted activity (among other standards). In this case, as the landscape schedules would only apply when a resource consent is applied for the construction of a farm building the farm building would have to be greater than this size to trigger consent. Therefore, buildings being consistent with existing rural character or landscape attributes and values is considered to be more relevant than the scale of building alone. This is also important as farmers build farm buildings that are required for a specific purpose on the farm rather than with residential buildings which can be configured in a range of ways. Allowing farmers to build farm buildings consistent with the existing rural character better allows farmers to provide for their economic wellbeing as well as the community and wider regional/national economic wellbeing. For these reasons, in my view the most appropriate wording for vi. Farm buildings is as follows:

*'... capacity for buildings that are consistent with the existing rural character.'*



## 9. Hawea South North Grandview – Submissions of Glen Dene and Richard Burdon

- [30] The submission of Glen Dene and Richard Burdon sought amendments to the Hawea South Borth Grandview PA. Many of those submission points have been addressed in above sections of this evidence.
- [31] The changes to 21.22.23 points 12(b), 17, 26, 51, 55, 64, 68 and Landscape Capacity i. as recommended by the submission are supported.
- [32] Ben Espie's evidence (paras 63 – 68) recommends further amendments to points 17 and 19 to clarify that the Glen Dene home paddocks are an area of improved pasture that is distinct from the wider PA landscape and is characterised by greener, more managed farmland, with the homestead, farmhouses, farm buildings and areas of exotic trees. The following changes to points 17 and 19 are proposed for clarity.

*17. Built modification which is currently generally concentrated around the Glen Dene homestead (western side of the lake). The Camp (including a nearby boat ramp and jetty/pontoon), a cluster of rural living buildings on the mountain slopes near the control dam, and the modest cluster of dwellings at the end of Nook Road.*

*19. Pastoral farming throughout much of the remainder of the PA, and associated farm tracks, fencing dams, farm buildings and rural dwellings. The Glen Dene Station home paddocks are an area of improved pasture that is distinct from the wider PA landscape that is characterised by greener, more managed farmland and areas of exotic trees.*

- [33] The text changes to 21.22.23 point 57 to note that the level and extent of Lake Hawea has been modified by human modification as a result of the Clutha Valley hydroelectric power scheme are supported. Mr Espie's evidence (para 66) also recommends amendments to points 41 – 42, 43 – 49 and 66 – 69 to incorporate references to the significant enlargement of the surface of Lake Hawea as a result of the raising of the Hawea dam as part of the Clutha Valley hydro-electric power scheme. Points 41 and 42 relate to historic attributes and values, but do not mention the historical changes to the landscape as a result of those works. The same is also true for points 43 – 49, particularly in relation to the regular changes in the lake levels and the gravel cliffs around the lake margins, although this is partially covered by the sentence added into point 57. The proposed amendments to points 66 and 68 address the effects of these works on naturalness attributes and values.

## **10. Conclusion**

[34] This planning evidence has addressed a number of points raised in the submissions of Glen Dene Ltd, Richard Burdon, and Sunnyheights Ltd. The evidence addresses points where I am in agreement with the s42A author and the evidence of Bridget Gilbert and Jeremy Head as well as addressing points where in my view the PA Schedules can be made clearer and more pragmatically applied in practice. Where I have suggested amendments these are either included in my evidence or the evidence of Ben Espie or referred to in the relevant submission.

[35] The changes recommended in this evidence will give better effect to the strategic objectives and policies of the PDP as well as be the most appropriate in achieving the purpose of the RMA. It is noted that there is a remaining issue with the definitions and the terms used in the Strategic Direction. However, this is difficult to resolve through this process.

**Duncan White**

Dated this 11<sup>th</sup> day of September 2023