

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF of the Resource Management Act 1991

AND

IN THE MATTER OF the Queenstown Lakes Proposed District Plan Submissions
and Further Submission on Chapter 43: Millbrook Resort
Zone.

STATEMENT OF EVIDENCE BY LOUISE TAYLOR

ON BEHALF OF X-RAY TRUST LIMITED SUBMITTER NUMBER 355 / 1367

3 FEBRUARY 2017

1. INTRODUCTION

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 1.1 My name is Louise Taylor. I prepared evidence on behalf of submitters Matukituki Trust Limited (“**Matukituki**”)¹, X-Ray Trust Limited (“**X-Ray Trust**”)² and Peninsula Bay Joint Venture (“**PBJV**”)³ on chapters 1, 3, 4 and 6 of the Proposed District Plan. I set out my qualifications and experience in my evidence dated 26 February 2016.
- 1.2 Of particular relevance to this hearing I have been involved with the planning and resource consenting process at Ayrburn, which the X-Ray Trust sites form part of, for more than five years. I have visited the sites and surrounding locality numerous times over that period, and am very familiar with the Queenstown Lakes District.
- 1.3 I reconfirm my obligations in terms of the Environment Court Practice Note dated 1 December 2014.

SCOPE OF EVIDENCE

- 1.4 I have been engaged by X-Ray Trust to provide expert planning advice in relation to the Proposed Queenstown Lakes District Plan (“**Proposed Plan**”). Of particular relevance to this hearing, that advice has included how the planning framework that would apply to the expanded Millbrook Resort Zone could be amended to avoid adverse landscape and visual effects on neighboring X-Ray Trust land.
- 1.5 My evidence:
- 1.5.1 Provides context to the X-Ray Trust submission, and how Millbrook Country Club Limited has worked with X-Ray Trust and its advisors to develop an amended suite of provisions which avoid or mitigate

¹ Matukituki Trust Limited, submitter no. 355, further submitter no. 1349.

² X-Ray Trust Limited, submitter no. 355, further submitter no. 1367.

³ Peninsula Bay Joint Venture submitter no. 378, further submitter no. 1336.

adverse effects on X-Ray Trust Land and address the X-Ray Trust submission points; and

- 1.5.2 Sets out the changes I consider should be made to the version of Chapter 43 recommended by the Officer's Report (hereafter referred to as "**Council's strikethrough version**") so that it is effective and efficient in avoiding or mitigating adverse effects on X-Ray Trust Land and addresses the X-Ray Trust submission points.

2. BACKGROUND

- 2.1 X-Ray Trust owns two adjoining lots⁴ on the southern side of Speargrass Flat Road, Arrowtown. X-Ray Trust's property is approximately 58 hectares in total. The X-Ray Trust lots are in the Rural Zone and were created as part of a three-lot subdivision⁵ (plus balance lot) of land previously forming part of the Ayrburn Farm (Ayrburn Farm adjoins X-Ray Trust to the east). Both of X-Ray Trust's lots have building platforms, curtilage areas and extensive landscaping along with ecological restoration. Due to the sensitivity of the area from primarily a landscape perspective⁶, consent notices⁷ apply strict controls to development on each lot. Resource consents have subsequently been obtained from Queenstown Lakes District Council ("**Council**") for a number of buildings and structures associated with farming and residential activities on the X-Ray Trust land, and a detailed Landscape Management Plan ("**LMP**") has been developed for the site in collaboration with professional assistance from architecture, landscape architecture and ecology experts⁸.

⁴ Lots 1 and 2 DP 475822, Computer Freehold Registers 665219 and 655220, Speargrass Flat Road, Wakatipu Basin. Otherwise identified as 413 and 433 Speargrass Flat Road respectively.

⁵ i.e. Lots 1, 2 and 3 Deposited Plan 475822, held in Computer Freehold Registers 665219, 655220, 665221 respectively.

⁶ The report of Ms Steven which was appended to X-Ray's submission provides more detail about the specific landscape values of this site.⁶

⁷ Consent Notice 9805352.1, Consent Notice 9805352.2 and Consent Notice 9805352.3.

⁸ The LMP establishes an overall design and vision for grazing, cropping, horticultural and silvicultural activities, the establishment of garden, visual mitigation, ecological and amenity plantings, ecological protection and restoration areas and structures including solar panels and utility buildings.

- 2.2 The elevated northern part of X-Ray Trust's land adjoins Dalgleish Farm⁹ which was recently acquired by Millbrook. Dalgleish Farm is currently zoned Rural, however, the Proposed Plan re-zones it Millbrook Resort Zone (**"the rezoned area"**). The amended structure plan that would apply to the rezoned area depicts it containing additional residential activity areas in the form of cluster housing alongside expanded golf course facilities and landscape protection areas¹⁰.
- 2.3 X-Ray Trust made a number of submissions on the revised Millbrook Resort Zone provisions on the basis that development in accordance with those provisions would have adverse landscape and visual effects on surrounding areas, including X-Ray Trust's property.
- 2.4 In the period since submissions closed X-Ray Trust has worked cooperatively with Millbrook to address X-Ray Trust's concerns. The result of that work is general agreement between the two parties on a set of alternative provisions (hereafter referred to as the **"X-Ray/Millbrook Agreed Provisions"**) which were provided to Council and are included as Appendix 5 of the Officer's Report.¹¹ I was involved in the development of those provisions. In my view they address X-Ray Trusts submission points and would be effective and efficient in avoiding or mitigating the key effects development of the rezoned area could have on neighboring X-Ray Trust land.
- 2.5 Key aspects of the X-Ray/Millbrook Agreed Provisions are:
- 2.5.1 A revised structure plan which includes amended Residential Activity Areas, Earthworks Overlays, and replacement of the Ecological Protection and Restoration Overlay with more detailed Gully Planting and Open Planting Overlays; and

⁹ The north-west area of X-Ray's property at 413 Speargrass Flat Road is separated from Dalgleish Farm by Mooney Road.

¹⁰ Annotated on the Structure Plan as R13 – R18, pages 43-10 and 43-11 of the Proposed Plan.

¹¹ Letter from Dan Wells to Craig Barr dated 2 December 2016 and titled *"Revised Position of Millbrook Country Club Ltd in Relation to the Proposed Queenstown Lakes District Plan"*.

- 2.5.2 Various performance standards in the form of specific height controls, setbacks and recession planes to provide more certainty as to built form outcomes in the more elevated areas of the rezoned area.
- 2.6 The Officer's Report recommends the amended structure plan be accepted.
- 2.7 I also understand there is general agreement by X-Ray Trust and its advisors, Millbrook and its advisors, Council's landscape architect¹², and the Council Officer¹³ that including the performance standards controlling built form in the X-Ray/Millbrook Agreed Provisions in the planning framework for the rezoned area is important in order to appropriately manage the effects of the development.
- 2.8 However, there is disagreement on where in the planning framework those performance standards should be located. The Officer considers the performance standards would best be included in non-statutory design guidelines that would be developed by Millbrook and "approved" by Council.¹⁴ In my view this regime is too uncertain given the importance of the performance standards in managing the effects of the development to an acceptable level. In my view they should be located in the Plan itself.
- 2.9 In my opinion there is also a fundamental problem with how the Officer's recommended provisions link activity status to meeting performance standards contained in yet to be developed design guidelines, given the design guidelines would be a non-statutory document and not subject to any formal Resource Management Act 1991 ("**RMA**") approval process. This manifests in Rule 43.5.5 recommended by the Officer's Report, which in place of the specific performance standards contained in the X-Ray/Millbrook Agreed Provisions, recommends inclusion of the following performance standard (non-compliance with which would attract non-complying activity status):

¹² Ms Ayres Statement of Evidence paragraph 11.8.

¹³ Chapter 43 section 42A report, paragraph 8.10(c).

¹⁴ Chapter 43 section 42A report, paragraphs 8.10(c) and 8.11.

In addition, buildings must comply with the site specific heights and recession planes for each indicative residential site, as specified in the Council approved design guidelines.

- 2.10 I also note the Officer's approach is not consistent with the Operative Millbrook Resort Zone provisions. While I understand design guidelines are in place for the zone they are not explicitly referred to in the rules. In addition, guidelines are just that, guidelines. They are not specified standards that must be met.
- 2.11 Therefore, at best, if the built form performance standards were included in a future design guideline document (and there can be no guarantee now that will be the case), their effect can only be limited to providing soft guidance to decision makers considering resource consent applications for the zone on what is acceptable built form for each site.
- 2.12 I note the Officer has also rejected the detailed performance standards in Rule 45.3.11 of the X-Ray/Millbrook Agreed Provisions which specify the plant species to be established in the Amenity Landscaping Overlay, the Gully Planting Overlay and the Open Planting Overlay. Instead the Officer's Report has recommended the required plant species be specified in the design guidelines, along with several other clauses in the rule covering earthworks and other mitigation activities. I accept that the choice of a specific plant species is not fundamental to mitigating the effect of the development on neighboring land, and in that case do not oppose preferred plant species being specified in a design guidelines document. The other clauses in that rule recommended by the planner are appropriate in my view.

3. CONCLUSION

- 3.1 X-Ray Trust and Millbrook have worked cooperatively to develop a suite of alternative provisions for the expanded Millbrook Resort Zone which address X-Ray Trusts submission points and would be effective and efficient

in avoiding or mitigating the key effects development of the rezoned area could have on neighboring X-Ray Trust land.

- 3.2 I consider they meet the requirements of s32 in that they are effective and efficient and will be appropriate in achieving the relevant zone objectives.
- 3.3 The Officer's Report has recommended key performance standards restricting built form in the expanded zone be included in design guidelines. In my view that would not effectively or efficiently address the effects of development on neighbouring areas, and to provide certainty of outcome those performance standards should be located in the plan.