

**Summary / Supplementary evidence of Jeffrey Brown
for hearing of submissions on the Residential Design Guidelines
12 August 2020**

1. In Part 1 of my Evidence in Chief (**EIC**) dated 29 May 2020 I set out my qualifications and experience, and commitment to the Code of Conduct for Expert Witnesses in the Environment Court's Consolidated Practice Note 2014.
2. The Independent Hearing Panel, in decision Report 09 (March 2018) on the Proposed District Plan's (**PDP**) residential zones (Stream 6), stated the following after a detailed discussion of the material before it (my underlining):

143. **We ... prefer the more studied analysis of [the Council's urban design witness] Mr Falconer, who supported the addition of design guidelines ... as a support reference that could help give developers practical ideas rather than a [sic] form part of a paint-by-numbers 'rule book' detailing a 'Queenstown style' to be complied with. He remained of the view that the S.42A version of the Plan (for all residential zones) had sufficient design requirement and guidance that, with skilled expert input as is typically provided by both applicants and the Council, developments would achieve an adequate design quality.**

12.7. Findings

144. **We find that clear outcome-focused objectives and policies remain the superior resource management instruments to ensure high quality design outcomes eventuate in a manner that can be enforced by way of the refusal of consent where necessary.**

145. **We are comfortable that we can recommend approval of the PDP without design guidelines, and have no opinion on what material might go into any potential future design guideline or why. On design matters more generally, we strongly prefer that the Plan continue a pragmatic non-regulatory approach given the subjectivity of the matter ...**

3. I appreciate that this current hearing is before a different IHP and that unlike the 2018 IHP you have the benefit of seeing actual guidelines. However, the matters discussed by and findings of the 2018 IHP are relevant and important.
4. This Variation promotes the Residential Zone Design Guide (**RZDG**) to be included as a restricted discretionary activity (**RDA**) matter in the Lower Density Residential Zone (and the other residential zones). The discretion is restricted to the *consistency with the RZDG 2019*, and the Council could hence refuse an application if it is inconsistent with the RZDG.
5. The RZDG promotes many detailed design elements, aspirations and exemplars. Imposed as a broad matter of discretion, it would be, in my view, a *paint by numbers rule book*, in Mr Falconer's language, and not a *support reference that could help give developers practical ideas*. The RZDG would not be a *pragmatic non-regulatory approach*, in the 2018 IHP's language.

6. I agree with the approach preferred by the 2018 IHP, and therefore do not support the inclusion of the RZDG in the form promoted in this Variation, as a regulatory, RDA method.
7. However, I see a role for the RZDG as a *support reference that could help give developers practical ideas, in a pragmatic non-regulatory way* (again using Mr Falconer's and the 2018 IHP's language) This role would be achieved simply by inclusion of a new clause in the zone, as follows:

7.3 Other Provisions and Rules

...

7.3.4 Non-regulatory methods

Applicants are encouraged to consider the Queenstown-Lakes District Council's Residential Zone Design Guide for practical assistance in designing developments.

8. This method would:
- (a) provide a signal to applicants that the RZDG exists as a tool to assist in design;
 - (b) reflect that the RZDG is (in my view) a well-considered and presented document which would assist applicants;
 - (c) avoid a scenario where an otherwise well-designed development that does not meet one or more of the detailed design elements in the RZDG would not face the prospect of refusal because of that inconsistency; and
 - (d) complement the existing well-known and utilised methods including:
 - obtaining an expert urban design report to support a particular development proposal, noting that the objectives and policies and matters of discretion would readily authorise a Council officer to request such an assessment if one is not provided by an applicant and is considered by the officer necessary to assist in the determination of the application; and/or
 - engaging with the Council's Urban Design Panel, which acts in a peer review role and (in my experience) offers practical advice and feedback on development proposals and is a valuable resource for applicants, Council officers and decision-makers.
9. To reiterate my view on s7 of the Act:
- (a) it is more efficient to identify the minimum standards for development as rules within the zone (as decided through Stage 1 of the PDP review) without imposing additional de facto standards and discretion via a separate document; and
 - (b) the s32 evaluation has not demonstrated that the current objectives, policies and rules, as determined by the 2018 IHP, are adversely affecting amenity values or the quality of the

environment. The residentially-zoned land in the District is a limited resource and development of these areas should be enabled as efficiently as possible.

10. Accordingly, I consider that the RZDG should not play a regulatory role but can play a supporting non-regulatory role as a practical guide to applicants.

J Brown

12 August 2020