

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER OF

Queenstown Lakes Proposed District Plan – Upper Clutha
Mapping Hearing

STATEMENT OF EVIDENCE OF SCOTT SNEDDON EDGAR

ON BEHALF OF THE FOLLOWING SUBMITTER:

HAWTHENDEN LIMITED (SUBMISSION #776)

4th April 2017



SOUTHERN LAND

SURVEYING | PLANNING | LAND DEVELOPMENT

Introduction

- 1 My name is Scott Sneddon Edgar. I am a Resource Management Planner and hold a Bachelor of Arts Degree (Honours) in Town and Country Planning from Strathclyde University in Glasgow, Scotland. I am an Associate Member of the New Zealand Planning Institute.
- 2 I have been employed by Southern Land Limited, a Wanaka based survey and planning consultancy, since October 2006. During my time at Southern Land I have been involved principally with the preparation of resource consent applications and the presentation of planning evidence at Council hearings.
- 3 Prior to relocating to New Zealand in 2005 I worked as a development control planner with various Scottish local authorities in both rural and urban regions.
- 4 Upon my arrival in New Zealand I was employed as a resource consents planner in the Wanaka office of Civic Corporation Limited before taking my current position with Southern Land Limited. I have a total of 17 years' planning experience, 11 of which have been gained in New Zealand.
- 5 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court of New Zealand Practice Note 2014 and I agree to comply with it. In that regard I confirm that this evidence is written within my expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of Evidence

- 6 I have been engaged by Hawthenden Limited (Submission #776) to provide expert planning evidence relating to their submission seeking the amendment of the Outstanding Natural Landscape (ONL) line which passes through Hawthenden Farm, as shown on Proposed District Plan Maps 18, 22 and 23.
- 7 In addition this evidence will address the proposed rezoning of parts of Hawthenden Farm from Rural to Rural Residential and Rural Lifestyle.
- 8 The submission included a landscape assessment undertaken by Ms. Hannah Ayres and a geological assessment undertaken by Mr. Stephen Leary. Ms. Ayres and Mr. Leary have also prepared briefs of evidence, in their respective fields of expertise, for this hearing. In addressing this submission I have relied on and been assisted by this information.

9 I have read the relevant Section 42A Reports, the associated Section 32 Evaluation Reports and Council’s expert evidence relating to ecology, landscape, transport and infrastructure as they relate to this submission. I have considered the facts, opinions and analysis therein when forming my opinions set out in this evidence. I have also undertaken an evaluation of the proposals under s32 of the Act and have attached this assessment as **Attachment [A]** to this evidence.

10 The submission of Hawthenden Limited seeks the following:

1. The realignment of the Outstanding Natural Landscape (ONL) line to generally follow the south western boundary of Hawthenden Farm as shown in Figure 1 below.
2. That parts of Hawthenden Farm (referred to as Areas A, B and C (as shown in Figure 1 below)) are zoned Rural Lifestyle (Areas A and C) and Rural Residential (Area B) with the balance of the farm being zoned Rural.

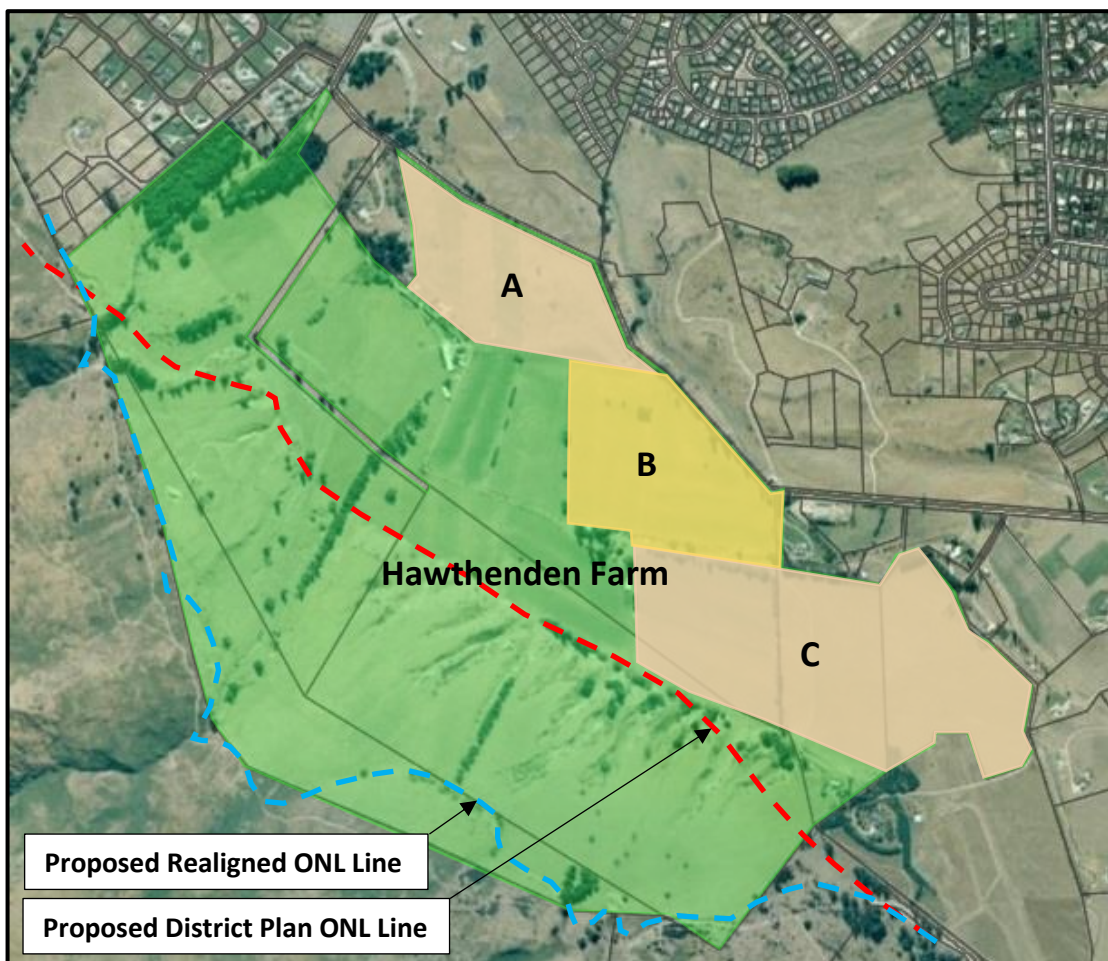


Figure 1 : Proposed Realigned ONL Line and Areas A, B and C

11 The history of Hawthenden Farm and the background to the submission is outlined in detail in the attached s32 Evaluation Report¹.

12 My brief of evidence is set out as follows:

- Statutory Framework
- Outstanding Natural Landscape Line
- Rural Residential and Rural Lifestyle Zoning
- Part 2 Assessment
- Conclusion

Statutory Framework

The Resource Management Act 1991 (RMA)(the Act)

13 The RMA requires Council's to promote the sustainable management of natural and physical resources through the management of use, development and protection of natural and physical resources to provide for the social, economic and cultural well-being and health and safety of people, communities and future generations.

14 The following matter of national importance, as set out under section 6 of the RMA, is of relevance to this submission:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

15 In addition the following other matters, as set out under section 7 of the Act, are of relevance to this submission:

(b) the efficient use and development of natural and physical resources:

(c) the maintenance and enhancement of amenity values:

(f) the maintenance and enhancement of the quality of the environment:

16 Section 79 of the Act directs that a district plan must be reviewed in the manner set out in Part 1 of Schedule 1 of the Act. In making changes to a district plan the local authority is required to:

- "give effect to" any national policy statement;
- "give effect to" any regional policy statement;

¹ Attachment [A]

- “must not be inconsistent with” a regional plan;
- “have regard to” any proposed regional policy statement.

The National Policy Statement on Urban Development Capacity (NPSUDC)(NPS)

- 17 The NPSUDC came into effect on 1 December 2016 and must be given effect to through the Proposed District Plan.
- 18 The NPS seeks to ensure that planning decisions result in effective and efficient urban environments that enable people, communities and future generations to provide for their wellbeing, provide opportunities to meet demand for housing and business land and provide choices in terms of dwelling type and location. The NPS directs Councils to provide in their plans enough development capacity to ensure that demand can be met and to ensure that the development capacity provided in plans is supported by infrastructure.
- 19 The NPS defines ‘urban environment’ as *“an area of land containing, or intended to contain a concentrated settlement of 10,000 people or more and any associated business land, irrespective of local authority or statistical boundaries”*². While Hawthenden Farm is located outside of the Wanaka Urban Growth Boundary as defined in the Proposed District Plan and the proposed rezoning would provide for rural rather than urban development I consider that the site forms part of the wider ‘urban environment’ of Wanaka and as such the NPS is of relevance to the consideration of the submission.
- 20 I consider that the proposed rezoning of parts of Hawthenden Farm as Rural Residential and Rural Lifestyle will assist in giving effect to the NPS through the provision of additional development capacity such that demand for a range of different residential opportunities (type, size, location) can be met.
- 21 While the NPS requires that development capacity is supported by infrastructure it also seeks to ensure that Councils respond and adapt to changes in demand for development capacity in a timely manner. I do not consider that the absence of available services or planned infrastructure upgrades should preclude rezoning in itself. I consider that infrastructure upgrades or extension could be included in future Long Term Plans such that the rezoned land may be developable in the medium to long term. In addition I note that the Rural Residential and Rural Lifestyle zones have the potential to be self-sufficient in terms of services and there

² National Policy Statement on Urban Development Capacity 2016, pg. 8

may be scope for Council services to be extended at the developer's expense. I therefore consider that the proposed rezoning of parts of Hawthenden Farm to provide Rural Residential and Rural Lifestyle living opportunities generally aligns with the provisions of the NPS.

Operative Regional Policy Statement (ORPS)

- 22 The Objectives and Policies of the ORPS that are relevant to the consideration of this submission include those relating to Land, Built Environment and Natural Hazards. Of particular relevance to the consideration of this submission are Objectives 5.4.1 and 5.4.3 and their associated policies which relate to Land and seek to maintain the primary productive capacity of the land resource and protect Otago's outstanding natural landscapes from inappropriate subdivision, use and development.
- 23 Objectives 9.4.1 and 9.4.3 and their associated policies, which relate to Built Environment, are also of relevance to the consideration of this submission. Those objective and policies seek to promote the sustainable management of Otago's built environment while avoiding, remedying or mitigating the adverse effects of the built environment on Otago's natural and physical resources.
- 24 In addition Objectives 11.4.1 and 11.4.2 and their associated policies, which recognise and avoid or mitigate the adverse effects of natural hazards on Otago's communities, are of particular relevance.
- 25 In my opinion the objectives and policies of the Proposed District Plan as they relate to the protection of Outstanding Natural Landscapes will give effect to the ORPS and I consider that the alignment of the ONL line sought in the submission will appropriately identify the ONL and differentiate it from the adjoining Rural Landscape. In addition I consider that the proposed rezoning will provide rural living opportunities in close proximity to urban Wanaka and while that will involve the loss of some productive land that land is already somewhat compromised due to the proximity of existing residential development and associated reverse sensitivity effects.
- 26 With regard to natural hazards I consider that the Proposed District Plan adequately recognises the likely presence of natural hazards and includes objectives and policies that will ensure that the adverse effects of such hazards are appropriately avoided or mitigated at such time as the land to be re-zoned is developed.
- 27 I therefore consider that the relief sought in the submission of Hawthenden Limited is consistent with the provisions of the ORPS.

Proposed Regional Policy Statement (PRPS)

- 28 The PRPS was notified on 23 May 2015 with decisions on submissions being released on 1st October 2016.
- 29 Objectives 3.1 and 3.2³ and associated policies of the PRPS recognise the importance and value of Otago’s landscapes and seek to identify and protect Outstanding Natural Landscapes within the Region.
- 30 Objectives 4.1 and its associated policies recognise the risk posed to Otago’s communities by natural hazards and seek to avoid, remedy or mitigate the effects of those risks while Objective 4.5 and its associated policies seek to ensure that urban growth and development is appropriately managed and occurs in an integrated manner through the identification of Urban Growth Boundaries and location of growth and development where services are available or can be upgraded or extended.
- 31 In addition Objective 5.3 and Policy 5.3.1 relate to the retention of land for economic production and seek to restrict activities in rural areas that may lead to reverse sensitivity effects and to minimise the subdivision of productive rural land to provide for rural residential activities.
- 32 As with the ORPS I consider that the objectives and policies of the Proposed District Plan will give effect to the PRPS in terms of the identification and protection of the ONL. Similarly I consider that the Proposed District Plan adequately provides for the assessment, avoidance or mitigation of natural hazards at such time as land is developed.
- 33 In terms of the management of growth and development in an integrated manner I consider that parts of Hawthenden Farm that are proposed to be rezoned immediately adjoin the Urban Growth Boundary and proposed urban zones and while servicing infrastructure may not be available or planned in the short to medium term the extension of services could form part of future Long Term Plans. In addition I note that the parts of the farm that are proposed to be rezoned could potentially be self-sufficient in terms of water supply and wastewater.
- 34 With regard to reverse sensitivity effects and the development of productive rural land I consider that the parts of the farm to be rezoned are already somewhat compromised due to reverse sensitivity effects resulting from residential neighbours in the vicinity. I consider that such effects are likely to be exacerbated by the development of the proposed Low Density

³ Numbering as per the Decisions Version of the Proposed Regional Policy Statement for Otago

Residential and Large Lot Residential zones immediately adjoining the farm. While the proposed rezoning would extend residential development into the farm I consider that the densities provided for in the proposed Rural Residential and Rural Lifestyle areas would assist in providing a transition between urban Wanaka and the farm and the development of those areas would provide the submitter the opportunity to address reverse sensitivity through the registration of appropriate covenants on the properties created.

35 I therefore consider that the relief sought in the submission of Hawthenden Limited is generally consistent with the provisions of the PRPS.

Higher Order Proposed District Plan Provisions

36 The Strategic Direction Chapter of the Proposed District Plan establishes a policy framework which seeks to, amongst other things, identify and protect Outstanding Natural Landscapes, manage urban growth in a strategic and sustainable manner and direct urban development to occur within urban areas while providing for rural living opportunities in appropriate locations.

37 The provisions of the Strategic Direction Chapter that I consider to be relevant to the consideration of the submission are set out at Section 4 of the s32 Evaluation Report attached to this evidence⁴.

38 I agree with and support these higher order provisions of the PDP and for the reasons set out in this evidence I consider that the relief sought in the submission of Hawthenden Limited aligns with the higher order provisions and would not compromise those provisions if the relief sought were to be adopted.

39 The Landscapes Chapter of the PDP is also of relevance to the consideration of this submission and the objectives and policies I consider to be of particular relevance are set out in Section 4 of the s32 Evaluation Report attached to this evidence⁵.

40 Again I agree with and support the landscape provisions (objectives and policies) of the PDP and consider that they are the most appropriate means of achieving the purpose of the Act in this regard.

41 I consider that, based on the assessments and evidence of Ms. Ayres and Mr. Leary, the relief sought in relation to the alignment of the ONL line through Hawthenden Farm is consistent with the objectives and policies of the landscape chapter. In addition I consider that the

⁴ Attachment [A], pages 7 to 9

⁵ Attachment [A], pages 9 to 11

proposed rezoning of parts of Hawthenden Farm as Rural Residential and Rural Lifestyle is generally consistent with the objectives and policies of the landscape chapter, noting that the areas to be rezoned fall within the Rural Landscape Classification and that Ms. Ayres and Ms. Mellsop generally agree that they are located in parts of the landscape with the capacity to absorb change.

Outstanding Natural Landscape Line

- 42 Based on the detailed landscape assessment undertaken by Ms. Ayres⁶ the submitter seeks the realignment of the Outstanding Natural Landscape line as it passes through Hawthenden Farm. The ONL line shown on the Operative and Proposed District Plan maps was set as a result of Environment Court Decision C73/2002 and generally follows the toe of what has been described as the Alpha Fan. In its decision the Court noted that the decision on the position of the ONL line was a finely balanced one. On that basis, and given the restrictions the submitter feels the ONL line places on their farming activities, Ms. Ayres has reviewed the landscape characteristics and values of the farm to determine whether the ONL line, shown on the Proposed District Plan maps, is appropriately located.
- 43 Ms. Ayres found, with the assistance of a geological assessment of the farm prepared by Mr. Leary⁷, that in her opinion the ONL line should be aligned along the upper most edge of the Alpha Fan where it meets the slopes of Mount Alpha. Consequently the submission of Hawthenden Limited seeks the realignment of the ONL line accordingly.
- 44 In her evidence, which accompanies Mr. Barr's s42A Reports, Ms. Mellsop generally agrees with the alignment of the ONL line as defined by the Environment Court save for some minor amendments and opposes the relief sought by Hawthenden Limited in relation to this matter.
- 45 Ms. Ayres and Mr. Leary have prepared evidence addressing the points raised by Ms. Mellsop including the origins and significance of the Alpha Fan. With the assistance of Mr. Leary's further geological assessment of the Alpha Fan and other fans in the district Ms. Ayres finds that the landform referred to as the 'Alpha Fan' is in fact only the upper part of the Alpha Fan, the remainder of which has been significantly modified through residential development. The geological assessment further describes the ONL line as following one of two discontinuous, partially eroded and buried terraces that cut across the fan.

⁶ Attached to the original submission

⁷ Attached to the original submission

46 In addition Mr. Leary points out that alluvial fans are common place within the district and that the Alpha Fan is not a particularly good example. It is also noted that many of the District's alluvial fans (including better examples from a geological perspective) are not included within ONLs. Based on this evidence Ms. Ayres considers that the Alpha Fan is not unique or outstanding enough to be included as part of the ONL.

47 With regard to the naturalness of the Alpha Fan Ms. Ayres points out that modification of the fan through over a century of farming is reasonably significant and that this, in conjunction with the absence of endemic vegetation cover, results in a lower degree of naturalness than might be expected within an ONL.

48 Based on her detailed assessment of the landscape characteristics of Hawthenden Farm and the Alpha Fan in particular Ms. Ayres considers that the amended ONL line⁸ would be more definable and defensible than the line shown on the Proposed District Plan Maps.

49 I rely on and adopt the opinions of Ms. Ayres and Mr. Leary in this regard and, based on the s32 Assessment included as **Attachment [A]** to this evidence, consider that the relief sought by Hawthenden Limited in relation to the alignment of the ONL line is the most appropriate means of achieving the objectives of the Proposed District Plan.

Rural Residential and Rural Lifestyle Zoning

50 The submission of Hawthenden Limited also seeks the rezoning of parts of the farm (Areas A, B and C as shown in Figure 1 of this Evidence) to Rural Residential and Rural Lifestyle Zone.

51 Area A, which is proposed to be rezoned Rural Lifestyle, is located at the northern end of the farm between the cluster of existing farm buildings and the unformed section of Studholme Road to the north. Area A comprises approximately 14.2 hectares of land and, based on the provisions of the Rural Lifestyle Zone, could accommodate up to 7 residential units at a maximum density of one residential unit per 2 hectares. I note that Area A includes an existing dwelling in its south western corner and consequently the proposed rezoning would likely result in 6 additional residential units rather than 7.

52 Area B comprises approximately 15.8 hectares of land centrally located on the farms Studholme Road frontage (unformed). It is proposed that Area B is rezoned Rural Residential which would provide for the development of around 35 properties.

⁸ As illustrated in the Landscape Assessment and Evidence of Ms. Ayres and Figure 1 of this Evidence

53 Area C is located at the eastern end of the farm and comprises approximately 35 hectares. The proposed Rural Lifestyle zoning would provide for the development of up to 17 properties at a maximum density of one residential unit per 2 hectares.

54 Areas A, B and C each have frontage to, albeit unformed sections of, Studholme Road and immediately adjoin the proposed Wanaka Urban Growth Boundary and Low Density and Large Lot Residential zones beyond.

55 Mr. Barr's s42A report on Group 2 – Wanaka Urban Fringe, and Council's supporting evidence has raised a number of issues in relation to the proposed re-zoning of Areas A, B and C and Mr. Barr's recommendation is that the proposed re-zoning of Area C is adopted while Areas A and B are rejected. The matters raised in Mr. Barr's s42A report and supporting evidence are as follows:

Landscape Effects and Effects on the Urban Edge

56 In her landscape evidence Ms. Mellsop does not oppose the proposed re-zoning of Area A and C to Rural Lifestyle stating⁹:

"I agree with the Rough and Milne report that Rural Lifestyle zoning in Areas A and C (shown in the submission and also in Mr. Barr's evidence) could be absorbed without significant adverse effects on the rural character of the peri-urban area or on the visual amenity values of the surrounding urban and rural landscapes. The rezoned areas would form a transitional rural living buffer between urban Wanaka and the rural area and would be experienced and viewed in the context of future urban development within the Urban Growth Boundary."

57 Despite there being apparent agreement between Ms. Ayres and Ms. Mellsop with regard to the ability of Areas A and C to absorb change resulting from the proposed Rural Lifestyle zoning Mr. Barr raises a number of landscape related issues with regard to Area A.

58 Mr. Barr states that, given the visibility of Area A, building platforms would need to be carefully located and notes that Ms. Ayres landscape assessment states that driveways would need to be avoided on north east facing slopes. Consequently Mr. Barr considers that Area A is too sensitive to development and that the proposed Rural Lifestyle zoning is inappropriate.

59 In describing the purpose of the Rural Lifestyle Zone the Proposed District Plan states¹⁰

⁹ Pg. 30, Para. 7.39

¹⁰ 22.1 Zone Purpose

“The Rural Lifestyle zone provides for rural living opportunities, having a development density of one residential unit per hectare with an overall density of one residential unit per two hectares across a subdivision. Building platforms are identified at the time of subdivision to manage the sprawl of buildings, manage adverse effects on landscape values and to manage other identified constraints such as natural hazards and servicing. The potential adverse effects of buildings are controlled by height, colour and lighting standards.”

and

“Many of the Rural Lifestyle zones are located within sensitive parts of the district’s distinctive landscapes. While residential development is anticipated within these zones, provisions are included to manage the visual prominence of buildings, control residential density and generally discourage commercial activities. Building location is controlled by the identification of building platforms, bulk and location standards and, where required, design and landscaping controls imposed at the time of subdivision.”

60 In addition I consider Objective 22.2.1 and its associated policies to be of particular relevance in this regard. The objective and policies state:

22.2.1 Objective – *Maintain and enhance the district’s landscape quality, character and visual amenity values while enabling rural living opportunities in areas that can avoid detracting from those landscapes.*

Policies

22.2.1.1 *Ensure the visual prominence of buildings is avoided, particularly development and associated earthworks on prominent slopes, ridges and skylines.*

22.2.1.2 *Set minimum density and building coverage standards so the open space, natural and rural qualities of the District’s distinctive landscapes is not reduced.*

22.2.1.3 *Allow for flexibility of the density provisions, where design-led and innovative patterns of subdivision and residential development, roading and planting would enhance the character of the zone and the District’s landscapes.*

22.2.1.5 *Maintain and enhance landscape values by controlling the colour, scale, location and height of permitted buildings and in certain locations or circumstances require landscaping and vegetation controls.*

61 I consider that the zone purpose and the above objective and policies are further reinforced by the objectives and policies of the Subdivision & Development Chapter of the Proposed District Plan which include the following:

27.2.5 Objective – *Require infrastructure and services are provided to lots and developments in anticipation of the likely effects of land use activities on those lots and within overall developments.*

Policies

27.2.5.4 *The design of subdivision and roading networks to recognise topographical features to ensure the physical and visual effects of subdivision and roading are minimised.*

62 The Rural Lifestyle Zone and Subdivision & Development provisions of the Proposed District Plan include the requirement to establish residential building platforms as part of any Rural Lifestyle subdivision. In addition the flexibility in terms of lot sizes (minimum 1ha, average 2ha) within the Rural Lifestyle Zone is intended to allow building platforms and future dwellings to be located where they are not affected by natural hazards and do not compromise landscape values. I therefore consider that the proposed Rural Lifestyle Zone makes adequate provision for the careful location of building platforms and subdivision design such that adverse landscape effects can be appropriately avoided or mitigated. Consequently I do not agree with Mr. Barr in his opinion that Area A should be retained within the Rural Zone in order that adequate attention is paid to the impacts of development.

63 With regard to Area B and its proposed rezoning to Rural Residential Ms. Mellsoop agrees with Ms. Ayres that Area B has little visibility outside of the immediate vicinity but considers that the proposed rezoning would not be consistent with the objective of maintaining a clear distinction between urban and rural areas. Mr. Barr shares this opinion.

64 The Urban Development Chapter of the Proposed District Plan seeks to manage urban growth, ensuring urban development occurs within Urban Growth Boundaries and in a coordinated manner in terms of infrastructure. Objectives 4.2.3 and 4.2.6 and their associated policies 4.2.3.7, 4.2.6.1 and 4.2.6.2 seek to control urban development at the edges of the Urban Growth Boundaries to provide a sensitive transition to rural areas.

65 The Proposed District Plan defines ‘urban development’ as follows¹¹:

¹¹ Definitions, Pg. 2-33

“Means any development activity within any zone other than the Rural Zones, including any development/activity which in terms of its characteristics (such as density) and its effects (apart from bulk and location) could be established as of right in any such zone; or any activity within an urban boundary as shown on the District Planning Maps.”

67 As such residential development within the Rural Lifestyle or Rural Residential Zone does not constitute ‘urban development’ and I consider that the objectives and policies of the Urban Development Chapter require that development **within** the Urban Growth Boundary is appropriately managed to provide a sensitive transition from urban to rural.

68 I note however that, in the Rural Residential & Rural Lifestyle Chapter, Objective 22.2.2 and associated Policy 22.2.2.2 state as follows:

22.2.2. Objective – *Ensure the predominant land uses are rural, residential and where appropriate, visitor and community activities.*

Policies

22.2.2.2 *Any development, including subdivision located on the periphery of residential and township areas, shall avoid undermining the integrity of the urban rural edge and where applicable, the urban growth boundaries.*

69 In describing the purpose of the Rural Residential and Rural Lifestyle Zones the Proposed District Plan states:

“The Rural Residential and Rural Lifestyle zones provide residential living opportunities on the periphery of urban areas and within specific locations amidst the Rural zone. In both zones a minimum allotment size is necessary to maintain the character and quality of the zones and, where applicable, a buffer edge between urban areas, or the open space, rural and natural landscape values of the surrounding Rural Zone.”¹²

70 I therefore consider that the Rural Residential and Rural Lifestyle Zones contemplate and direct development towards the edge of urban areas and it is my opinion that the requirement to provide or maintain a sensitive transition from urban to rural (and vice versa) applies to both sides of the Urban Growth Boundary. In addition I note that subdivision and development

¹² 22.1 Zone Purpose

located on the periphery of residential areas is not precluded but rather that the urban rural edge is not compromised.

71 The urban edge which adjoins Area B is formed by the proposed Urban Growth Boundary and Large Lot Residential Zone beyond. The minimum lot size for the proposed Large Lot Residential Zone to the north of Studholme Road is 2000m². When compared to the minimum lot size for the Rural Residential Zone of 4000m² I consider that there would be a noticeable difference in terms of the density of development on either side of the urban/rural edge. In addition I consider that the minimum road boundary setbacks of 10m, which would apply to development in the proposed Large Lot Residential Zone and Rural Residential Zone on either side of Studholme Road, will result in a minimum separation of 35m to 40m between dwellings on either side of the road (Studholme Road varying in width from 15m to 20m along the frontage of the proposed Rural Residential Zone). I consider that this, along with the noticeable difference in terms of density will assist in providing a sensitive and recognisable transition from urban to rural.

72 Further I consider that the likely layout and design of development within the proposed Rural Residential Zone would create a distinction between urban and rural. This would include the design and formation of roading, the presence or otherwise of street lighting and the ratio of landscaping and open space to built development. In addition I consider that the objectives and policies of the Rural Residential and Rural Lifestyle Zones provide scope to require specific design outcomes through the subdivision and development process to ensure that the urban/rural edge is not compromised.

73 Taking into consideration the fact that Area B is well contained such that it will not be readily visible beyond the immediate vicinity it is my opinion that the proposed rezoning of Area B as Rural Residential would not compromise the integrity of the urban/rural edge.

Infrastructure

74 I accept Mr Glasner's evidence that Hawthenden Farm is not connected to Council's wastewater and water supply reticulation and is outside of the scheme boundary.

75 I consider however that the proposed rezoning of Areas A and C as Rural Lifestyle (and potentially the proposed rezoning of Area B as Rural Residential) would not necessarily require Council reticulated wastewater or water supplies. As Mr. Barr points out such zoning is often self-sufficient in terms of water supply and wastewater treatment and disposal.

- 76 I consider that the objectives and policies of the Proposed District Plan's Subdivision & Development Chapter adequately address servicing, particularly Objectives 27.2.5 and 27.2.6 and their associated policies, and given the area of land available within Areas A, B and C (not to mention the balance of the farm) I consider that alternative solutions are likely to be available should connections to Council's services prove to be impractical or unavailable.
- 77 I do not consider that the proposed rezoning would create an expectation that Council services would be extended to the rezoned areas in the immediate term and the availability of services (or otherwise) will control the availability and development of the land (i.e. it may not be able to be developed until such time as service capacity and connections are available).
- 78 I note that the NPSUDC and the objectives and policies of the Proposed District Plan seek an integrated planning approach whereby zoning and servicing are addressed concurrently and Mr. Glasner points out that there are no Long Term Plan projects scheduled to extend services to the areas that are proposed to be rezoned. While I acknowledge the efficiencies of an integrated planning approach where practicable it is unclear how such an approach can provide for rezoning on the periphery of urban areas, outside of Urban Growth Boundaries. The NPSUDC seeks to provide a range of living opportunities and the Proposed District Plan seeks to provide for rural living opportunities on the periphery of existing urban areas.
- 79 The rezoning of such areas requires careful consideration and must go through a Plan Change or District Plan Review process. I therefore consider that it would be difficult and unrealistic for such areas to be serviced or to have service extensions planned and included in a LTP at the time the rezoning is considered.
- 80 I therefore consider that the proposed rezoning is not necessarily reliant on Council services being available or extended and the absence of services or planned upgrades should not preclude the proposed rezoning in itself.
- 81 With regard to the Hawthenden Reservoir I have been unable to find information relating to its detailed design and location and I am not aware of any agreement between Hawthenden Limited and Council regarding the construction of the reservoir on the farm. Any such agreement would be subject to negotiations and it is likely that Hawthenden Limited would seek a location on the farm that meets both Council's needs and their own in terms of the ability to service development on the farm. In addition I consider that there may be potential, through reserve land contributions, for the Hawthenden Reservoir project to be progressed through the development of parts of Hawthenden Farm. While that may not be reason in itself

to rezone parts of the farm as proposed I consider it to be a relevant consideration and potential positive effect of the proposed rezoning.

Transport

82 In her transport evidence Ms. Banks opposes the proposed rezoning of Areas A and B on the basis that the entire length of Studholme Road is not yet formed and due to the cumulative effects of potential traffic movements on the safety and efficiency of the formed parts of the road.

83 I consider that the proposed rezoning is not reliant on the entire length of Studholme Road being formed. Formed sections of Studholme Road extend to the boundary of Hawthenden Farm at its eastern and northern extents. From these formed sections of Studholme Road there is scope to provide access by way of subdivision roading located internally within to site or through the extension of the formed sections of Studholme Road as necessary at the developer's expense. Any internal subdivision roading could be designed in such a way that it could be connected to Studholme Road should its full length be formed at some point in the future.

84 In addition I consider that there is scope through the subdivision process to require upgrades to the formed sections of Studholme Road necessary to address adverse effects on the safety and efficiency of the public road resulting from the development of the rezoned land.

85 I therefore consider that the current formation of Studholme Road as it adjoins and provides access to Hawthenden Farm should not preclude the proposed rezoning.

Natural Hazards

86 Mr. Leary has confirmed that an assessment of natural hazards is outside of his field of expertise and has therefore not commented on such matters in relation to Areas A, B and C. No site specific assessment of natural hazards has been undertaken in relation to the proposed rezoning. The presence of natural hazards in the vicinity of the proposed rezoning is however well known and the areas of proposed rezoning have been identified with reference to Council's hazard maps.

87 Parts of Hawthenden Farm are shown on Council's GIS as being susceptible to flooding, alluvial fan and rock fall/landslide hazards. This is consistent with much of urban Wanaka in the vicinity of the subject site (including Far Horizon, Meadowstone and parts of the proposed Large Lot Residential zone to the north of Studholme Road).

88 Areas A, B and C are generally located outside of the areas shown as being susceptible to the potentially more significant natural hazards (alluvial fan, flooding etc.). While the extents of those natural hazards are shown on Council’s GIS as being indicative it is likely that much of the land that is proposed to be rezoned will not be affected by natural hazards. It is acknowledged however that such hazard are likely to exist in close proximity to Areas A, B and C and it is possible that parts of those areas may be affected by natural hazards, particularly given that the extents of the alluvial fan hazards are shown as being uncertain.

89 I note that the purpose of the Rural Residential and Rural Lifestyle Zones¹³, as set out in the Proposed District Plan states the following:

“While development is anticipated in the Rural Residential and Rural Lifestyle zones, the district is subject to natural hazards and, where applicable, it is anticipated that development will recognise and manage the risks of natural hazards at the time of subdivision or the identification of building platforms.”

90 This is further reflected in Objective 22.2.3 and its associated policy which state as follows:

22.2.3 Objective – Manage new development and natural hazards

Policies

22.2.3.1 *Parts of the Rural Residential and Rural Lifestyle zones have been, and might be identified in the future as susceptible to natural hazards and some areas may not be appropriate for residential activity if the natural hazard risk cannot be adequately managed.*

91 As such the Proposed District Plan acknowledges that parts of the Rural Residential and Rural Lifestyle zones may not be suitable for development due to natural hazards and confirms that it is appropriate for natural hazards to be identified and managed at the time of subdivision.

92 I therefore consider that the presence of natural hazards in the vicinity of the land that is proposed for rezoning as Rural Residential and Rural Lifestyle should not preclude that rezoning and, particularly given the fact that the land to be rezoned is generally located outside of areas of potentially significant natural hazard, I consider that it is appropriate for natural hazards to be addressed at the time of subdivision.

¹³ 22.1 Zone Purpose

93 In addition I consider that the minimum lot sizes, and the flexibility provided for within the Rural Lifestyle Zone in particular, will assist in ensuring that dwellings can be located clear of natural hazards that may affect parts of the land to be rezoned.

Reverse Sensitivity

94 The growth of urban Wanaka towards Hawthenden Farm has resulted in adverse reverse sensitivity effects on farm operations to the extent that Hawthenden Limited's farming activities have been inhibited due to the presence of residential neighbours. The reverse sensitivity issues include opposition of aerial spraying, complaints relating to the keeping of animals (roaring stags) and complaints relating to noise, dust and odour. In addition with the growth of Wanaka Hawthenden Limited have noticed an increase in instances of trespass including the use of the internal farm road, which connects the two formed ends of Studholme Road, as a short cut particularly when central Wanaka is at its busiest (i.e. holidays, A&P show days, Challenge Wanaka etc.).

95 While I consider that the land on the north side of Studholme Road, within the proposed Urban Growth Boundary, provides for the logical growth of Wanaka I note that the Objectives and Policies of the Large Lot Residential Zone do not acknowledge the potential effects of rural activities despite the Large Lot Residential Zones being generally located towards the edges of the Urban Growth Boundary. By contrast the Objectives and Policies of the Rural Residential and Rural Lifestyle Zones do acknowledge rural activities. Specifically Objective 22.2.5 and its associated policy which state:

22.2.5 Objective – *Manage situations where sensitive activities conflict with existing and anticipated rural activities.*

Policies

22.2.5.1 *Recognise existing and permitted activities, including activities within the surrounding Rural Zone might result in effects such as odour, noise, dust and traffic generation that are established, or reasonably expected to occur and will be noticeable to residents and visitors in rural areas.*

96 I therefore consider that the proposed Rural Residential and Rural Lifestyle Zoning of Areas A, B and C provides the necessary buffer between the Rural Zone and urban Wanaka to ensure that rural activities are not unduly inhibited due to the proximity of urban development. In addition I consider that the ability to develop the parts of the farm that immediately adjoin the proposed Urban Growth Boundary, being parts of the farm where farming activities are

already somewhat compromised, provides Hawthenden Limited the opportunity to further insulate the farm from adjoining urban areas and reverse sensitivity effects through the registration of appropriate reverse sensitivity covenants on the properties created.

Overall Recommendation

97 I agree with Mr. Barr in his recommendation that the rezoning of Area C as Rural Lifestyle is adopted. Further I consider, for the reasons set out above, that the proposed rezoning of Area A as Rural Lifestyle and Area B as Rural Residential is also appropriate and should be adopted.

Part 2 Assessment

98 Under Section 32 of the RMA the extent to which the objectives of a proposed plan are the most appropriate way to achieve the purpose of the Act, and whether the provisions of the proposed plan are the most appropriate way of achieving those objectives, must be examined.

99 I consider that the objectives and policies of the Proposed District Plan, as they relate to landscapes, rural living and urban development, are the most appropriate means of achieving the purpose of the Act.

100 I consider that the relief sought, which includes the amendment of provisions of the Proposed District Plan and specifically the amendment of Planning Maps 18, 22 and 23 to realign the ONL line as it passes through Hawthenden Farm and the rezoning of Areas A and C as Rural Lifestyle and Area B as Rural Residential, is the most appropriate means of achieving the objectives of the Proposed District Plan.

101 I consider that the relief sought will be consistent with Section 5 of the Act in that it will provide for the use, development, and protection of natural and physical resource in a way, or at a rate, that enables people and communities to provide for the social, economic, and cultural wellbeing and for their health and safety while safeguarding the life-supporting capacity of air, water, soil and ecosystems.

102 Through the provisions of the Proposed District Plan the development enabled by the proposed rezoning will be appropriately controlled and managed to ensure that the environmental effects arising are appropriately avoided, remedied or mitigated.

103 I consider that the proposed amendments to the provisions of the Proposed District Plan adequately recognise and provide for the relevant matters of national importance set out in Section 6, specifically the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development (*s6(b)*).

104 In addition I consider that the proposed amendments have appropriate regard to the relevant Section 7 matters, specifically the efficient use and development of natural and physical resources (*s7(b)*), the maintenance and enhancement of amenity values and the quality of the environment (*s7(c) and (f)*) and the finite characteristics of natural and physical resources (*s7(g)*).

105 With regard to Section 8 there are no known Treaty principles that will be affected by the proposed amendments to the Proposed District Plan.

106 I therefore consider that the relief sought in the submission of Hawthenden Limited achieves the purpose of the RMA.

Conclusion

107 Overall, having carefully considered the matters set out in Section 32, I consider that the realignment of the ONL line as it passes through Hawthenden Farm and the rezoning of parts of the farm to provide rural living opportunities will meet the purpose of the RMA.



Scott Sneddon Edgar

4th April 2017

Attachment [A] – Section 32 Evaluation Report