

## Queenstown Lakes District Council Proposed Stage 2 District Plan Change for the Proposed Wakatipu Basin Lifestyle Precinct

Presentation of Evidence in respect to Submission 2135 and the Further Submission of David and Anthea Shepherd.

May it please the Hearing Panel:

1. My name is David Shepherd and I represent the Shepherd Family Trust, owners of a property at 14 Mica Ridge, Millbrook. We are immediate and adjacent neighbours to Lot 3 DP20693 (the Donaldson Farm) with a common boundary on our south west.
2. Our submission opposed the inclusion of the Donaldson Farm into a new Lifestyle Precinct Zone because such a zone would fail to maintain the primary objective of Chapter 24.1 of the Plan, *to maintain and enhance the rural landscape and amenity*. [my emphasis]
3. The land is currently a working farm and provides a broad pastoral rural buffer between the urbanised development within the Millbrook residential areas and the backdrop of the mountains behind. Photos 1 and 2 show views of the subject land from Mallagans Road and the 9<sup>th</sup> tee of the Millbrook Remarkables golf course.
4. It can be readily seen that the incursion of relatively intense residential development on this land would create the visual impression of a continuous and therefore significant body of residential development stretching from the Millbrook residential areas up to the visible ridge line of the hills behind. Such development is not consistent with or compatible to a rural landscape.
5. Photos 3, 4 and 5 show the north facing basin of the Donaldson Farm from the Western areas of the Millbrook resort. This basin forms part of a wider natural landscape feature with the rocky outcrops and escarpment at the head of Rocky Gully Road, the sharp horizontal incision of the water race cut under the undulating ridge line above and the random distribution of stock, seasonal crops, haybales and other expected rural effects.
6. The natural ecology provided by the wetlands on the property support bird and other wildlife that would be lost with the [necessary] reshaping and development of the land.
7. It is our view that the incursion of relatively intense residential development on this land would also be inconsistent with Rule 24.2.1.1 to *protect the landscape character and visual amenity values*, with Rule 24.2.1.2 to *maintain and enhance the landscape character and visual amenity values* and Rule 24.2.1.9 to *maintain a sense of openness and spaciousness*.
8. In support of that view I draw the Panel's attention to the expert evidence provided by Ms Bridget Gilbert for the QLDC dated 28 May 2018, where, at paragraph 5.16 at page 16<sup>1</sup> Ms Gilbert considers the intensity criteria suitable for land with a ranking of Moderate and

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<sup>1</sup> Extract attached as Appendix 1

Moderate-Low. In Ms Gilbert's opinion additional development in such areas runs the risk among other things of *detracting from the high landscape and visual amenity values* and of *undermining the impression of informal nodes of rural residential development interspersed with swathes of more open and spacious "rural" areas*. We understand the subject area has a ranking of Moderate.

9. Our submission also drew attention to there being few if any apparent gains for the district ratepayers with such additions to the housing stocks. Infrastructural services will need to be upgraded the costs of which cannot be recovered by development contributions alone. We noted that the Arrowtown water reticulation had already suffered both quality and supply failures last summer.
10. As a separate matter I draw the Panel's attention to the existence of a neighbour agreement between ourselves and the Donaldsons that is recorded by way of a restrictive covenant on our title and all the other titles within Millbrook west. That agreement provides the Donaldsons with a conditional preapproval from the Millbrook neighbours to develop up to an arbitrary 15 lots should they lodge a Resource Consent application under the current Operative District Plan. However, we understand that compliance with those conditions and the conditions provided by the covenant would limit the number of lots to 5 or 6.
11. We therefore ask the Panel to consider the implications of undermining that historic agreement, an undermining that would occur should the QLDC adopt the Lifestyle Precinct Zone and thus amend the rules and conditions under which any future development of the Donaldson Farm might occur. Adoption of the Proposed Rules for the Wakatipu Lifestyle Precinct would remove the need for the Donaldsons to make a Resource Consent application and therefore circumvent our opportunity to object to the effects that would otherwise be considered adverse.
12. It was clearly within the contemplation of the parties at the time of the agreement that some limited scale development would occur but that the location and hence the effects of that future development would fit within an agreed set of guidelines. It is material to that historic agreement for the existing rules to endure.
13. As an alternative perhaps, the Panel might consider the option provided by Ms Gilbert at Paragraph 57.14 page 140<sup>2</sup> of her evidence in which she contemplates the inclusion of 'no build' areas to be integrated into approved subdivisions to *maintain the sense of openness and spaciousness of the landscape, and to maintain visual amenity values in views from public places and neighbouring properties*. In that way development within the widely visible areas could be avoided.
14. We support in part the general submissions of the Millbrook Country Club Ltd (MCCL) and those parts of the Millbrook submissions in which emphasis is placed on the need to protect the high amenity standards and security within the resort by the limitation of access to the resort. In that regard I draw your attention to paragraph 11.5 of Mr O'Malley's evidence headed Access<sup>3</sup> in which Mr O'Malley argues for security and high level amenity.

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<sup>2</sup> Extract attached as Appendix 2

<sup>3</sup> Extract attached as Appendix 3

15. The formal access to the Donaldson Farm is through the Millbrook Resort. It follows that any reduction in the permitted number of lots developed on the Donaldson Farm would see a corresponding reduction in traffic movements resulting in less adverse effects for the Millbrook residents from those potential traffic movements. Fewer people too would have access that would help to reduce the security and access concerns identified by the MCCL.
16. It is therefore important to retain the existing controls of the Operative District Plan so that the conditions embodied in the neighbour agreement covenant can be used to have some level of influence over the number, nature and siting of any residential development through an assessment of effects process that is currently required for a Resource Consent. That assessment would ensure reasonable standards were preserved and adverse effects reasonably mitigated.
17. The further submissions from Mr and Mrs Donaldson sought to further reduce the minimum lot size to 2,500m<sup>2</sup> and the further submission from the MCCL supported that option. We repeated our objections as in paragraphs 2 and 7 above in our further submissions and noted that this further proposed reduction in lot sizes exacerbates a proposal that is already inconsistent with the policy objectives.
18. In support of that view I draw the Panel's attention to the expert authority provided by Ms Gilbert in the March 2017 Wakatipu Basin Land Use Study, where, at paragraphs 63.33 to 63.36 at page 165<sup>4</sup> Ms Gilbert concludes that *adverse landscape effects are unlikely to be avoided in the normal course of events if lot sizes fall below 6,000m<sup>2</sup>*. There are visually sensitive parts of the Donaldson property on which even 6,000m<sup>2</sup> clusters would create a visual urban effect that is inherently in conflict with the overarching requirement to retain the rural nature of the landscape. In this case if the "no build" area options contemplated by Ms Gilbert are inappropriate then perhaps a minimum lot size of 3Ha to 4Ha would successfully give effect to the Plan's objectives.
19. We understand that the Donaldsons and MCCL have reached or are close to reaching a neighbour agreement with respect to land west of the water race that provides for cluster housing on 2,500m<sup>2</sup> sites. We do not object to that level of density west of the ridge line as cluster development in that area would not create adverse visual effects within the north facing basin (see photo3, 4 and 5) that is the prime visual amenity for all of Millbrook west. Such development would see the important visual rural buffer noted in paragraph 2 (see photos 1 and 2) retained as it would not be seen from Mallagans Road or the Remarkables golf course

Thank you for your time today. We are simply private residents who did not realise until almost closing day that formal submissions to a District Plan that may have far reaching effects on our lifestyle and quiet enjoyment were going to be necessary. Accordingly, we have not had time to call expert evidence but ask that you give weight to our sincere lay submissions.

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<sup>4</sup> Extract attached as Appendix 4



Photo 1



PHOTO 2



photo 3



Photo 4



PHOTO 5



5.15 A rating of **Moderate-High** was considered to be an appropriate threshold for introducing an explicit rural living planning strategy. All of the units with a rating of **Moderate-High** or **High**:

- (a) display an established rural residential character (or urban parkland character in the case of LCU23 Millbrook);
- (b) are of relatively limited prominence as a consequence of their low-lying nature or visual discreetness; and
- (c) in the main, correspond to areas with defensible edges (due to the vulnerability of the basin to development creep).<sup>9</sup>

5.16 For units with a ranking of **Moderate** or **Moderate-Low** (LCU 15 Hogans Gully, LCU 17 Morven Ferry, LCU 22 The Hills, LCU 23 Millbrook) enabling additional development runs the risk of:

- (a) detracting from the high landscape and visual amenity values of the study area;
- (b) undermining the impression of informal nodes of rural residential development interspersed with swathes of more open and spacious 'rural' areas;<sup>10</sup> and/or
- (c) detracting from the neighbouring ONF and ONL context.

5.17 Appendix 2 contains a series of photographs of the various LCUs grouped according to their absorption capability rating, and conveys many of the recurrent landscape impressions associated with each rating.

<sup>9</sup> It should be noted that within a Rural zoning context, 'defensible edges' run counter to the reasonably standard rural landscape planning approach of encouraging rural residential development that effectively blends with the surrounding rural landscape. A defensible edge deliberately seeks to minimise the potential for 'blending'. However, the defensible edge approach is entirely appropriate in a landscape that currently displays a predominantly rural living (as opposed to working rural) character, exhibits high aesthetic and recreational values (i.e. Amenity Landscape), is surrounded by extremely high value landscapes (ONLs and ONFs) and is subject to significant development pressure. The absence of defensible edges to effectively 'contain' the rural residential development runs the risk of rural residential sprawl across the entire basin which would undermine the legibility of Arrowtown as a stand-alone settlement and, given the reasonably high density of rural residential living evident in places (e.g. LCU 9 Hawthorn Triangle), could result in the basin effectively reading as a low-density suburb stretching from Queenstown to Arrowtown.

<sup>10</sup> Noting that this attribute was identified as one of the key landscape character shaping 'patterns' associated with the basin landscape – refer Annexure 1 – and is of critical importance in avoiding the impression of development sprawl across the basin which would significantly detract from the landscape and visual amenity values.

- 57.11 For this reason, I do not consider it appropriate to simply 'transfer' the Landscape Protection strategy applied in the MRZ provisions to the adjacent Precinct land.
- 57.12 However, the consideration of (visual) amenity effects on neighbouring properties and public places is, in my opinion, a valid concern, particularly within the context of an Amenity Landscape setting.
- 57.13 The Landscape Feature 50m building setback extending along the northern portion of Millbrook's west boundary, together with the restricted discretionary subdivision regime with assessment criteria that require the consideration of effects on the visual amenity of neighbouring properties and public places, will ensure that rural residential development throughout the elevated Wharehuanui Hills (including Blocks A and B, and the Donaldson block identified above), does not detract from the established character of Millbrook nor the visual amenity enjoyed from public places in the vicinity.
- 57.14 Whilst I do not think it is appropriate to go so far as to effectively identify areas on the Donaldson block where rural residential development is inappropriate, my review of recent consents within the Basin (as part of the Case Study work that followed the completion of the WB Study, and in preparing this statement of evidence) revealed that it is not uncommon for 'no build' areas to be integrated into approved subdivisions to maintain the sense of openness and spaciousness of the landscape, and to maintain visual amenity values in views from public places and neighbouring properties.
- 57.15 For these reasons, I consider it is appropriate that reference to the use of 'no build areas' be added to the list of matters to be considered in the subdivision assessment criteria to give a clear signal to plan users that such a development design device may well be appropriate to manage adverse landscape and visual effects.
- 57.16 In reviewing this submission, I have also considered whether it is appropriate to extend the Landscape Feature line further eastwards throughout the portion of LCU 6 to the immediate south of Millbrook.

## Appendix 3

Each subdivision has a NDP which is then used by both QLDC and the Millbrook DRP to assess building and landscape works proposed. An example of a NDP is attached as **Appendix 2** which sets out the boundaries of each site, building platforms, driveway positions, site-specific height controls and controls for the curtilage areas surrounding each building platform. As each neighbourhood is designed and consented, the Design Guidelines remain relatively static however each neighbourhood has its own bespoke NDP approved by QLDC. Often the height rules imposed on an NDP are less than the standard 8m provided for within the District Plan for most RAA's.

**11.5 Access** – Millbrook is a semi-gated community with two main entrances. Security may be increased in the future. Limited and secure access is a key feature of the resort. Development within Millbrook is designed around a carefully considered network of laneways located in discrete locations which minimise the number of crossings through the golf course, headlight glare into dwellings and the length of road immediately adjacent to the golf courses. All roads within Millbrook are generally free of traditional urban elements such as kerb and channel and have a consistent surface finish and signage. As a general internal planning rule, houses are generally not accessed directly from thoroughfare roads with access generally limited to side roads and cul-de-sacs.

### **MASTER PLANNING AND A STEADY STATE OWNERSHIP**

- 12 Entities associated with the Ishii Family have owned and controlled Millbrook since its inception. This is unique in resort ownership where often the initial developer fails and as progressive owners take control they amend development policies which leave noticeable 'tide marks' of change. The long-term ownership of the Ishii Family, now onto its fourth generation of involvement at Millbrook, has provided for a steady and consistent style of development which is now uniquely identifiable as a 'Millbrook style of architecture'.
- 13 This has been achieved through a consistent approach to development and the use of long-term lead designer relationships, the DRP and a steady development management team. The design and development team take a comprehensive design

63.31 On the face of it, a minimum lot size of 6,000m<sup>2</sup> may discourage such an outcome, which would be contrary to the intentions of maintaining (and enhancing) landscape and visual amenity values.

63.32 I also note that in many rural living areas in New Zealand, there is a growing trend for at least some smaller lots to be integrated into a subdivision layout to provide for residents seeking a 'rural lifestyle' without the maintenance obligations associated with a larger property. Enabling a more varied range of lot sizes would provide for a wider range of living styles.

63.33 However, I am also mindful of the potential for the progressive introduction of much smaller scaled lots to gradually erode the (minimum) average lot size resulting in the perception of a large lot suburban development character rather than a rural living type character. In my opinion, such an outcome would represent a significant adverse landscape effect.

63.34 On balancing these considerations, it is my view that the landscape sensitivity of the Basin, coupled with the development pressure, warrants the 'belt and braces' type approach envisaged by a minimum and average lot size regime.

63.35 In my experience, despite a minimum lot size of the scale of 6,000m<sup>2</sup> it is usually possible to configure building platforms to achieve a cluster pattern, and I do not consider that this matter should drive the deletion of a minimum lot size. I also note that to date there would appear to have been a very limited appetite for cluster subdivision within the Basin.

63.36 For these reasons, I oppose the deletion of reference to a 6,000m<sup>2</sup> minimum lot size within the WBLP.