

**BEFORE THE HEARING COMMISSIONERS
FOR THE PROPOSED THE QUEENSTOWN LAKES DISTRICT PLAN
AT QUEENSTOWN**

**IN THE MATTER
of the Resource Management Act 1991**

**AND
IN THE MATTER
of Hearing Stream 14
Millbrook Resort Zone**

Statement of Evidence of John Bernard Edmonds on behalf of Millbrook Country Club Limited
Planning

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INTRODUCTION

Qualifications and Experience

1. My name is John Bernard Edmonds. I hold the qualification of Bachelor of Regional Planning from Massey University, and am a full member of the New Zealand Planning Institute. I have 25 years' experience in planning and resource management, spanning policy and resource consent roles in local government and as a private consultant. I spent five years at Nelson City Council and six years with the Queenstown Lakes District Council (QLDC), most of that time (1997-2001) as the District Planner. In January 2001 I commenced private practice as a consultant. I am a trustee of the Queenstown Trails Trust.

Code of Conduct Statement

2. I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2014, and (although this matter is not before the Environment Court) I have complied with it in the preparation of this evidence.
3. This evidence is within my area of expertise and I confirm I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

Scope of this Evidence & Structure

4. I have been asked to prepare evidence by Millbrook Country Club Limited ('Millbrook'). I have read the relevant Section 42A reports and the Section 32 material, as well as the submissions and further submissions by other parties.
5. My evidence is structured to first address the submissions and further submissions, and second to provide a statutory context, and finally to reach a conclusion.

THE SUBMISSIONS

6. Millbrook lodged five separate submissions to the Wakatipu Basin chapter that deal with different issues around the perimeter of the resort.
7. Each submission deals with a particular geographic area and provides the Council with discrete issues to assess.
8. The five submissions have been identified in the summary as #2295 and #2605 under heading 57 on page 173 of the Mr. Langman's report.
9. Millbrook also made further submissions to Griffin (2580), Archibald (2501), Spruce Grove (2513, 2512), Egerton (2419), Boundary Trust (2444), Campbell (2413), Waterfall Park Developments (2388), Donaldson (2229), X-Ray Trust (2619).
10. The submissions are set out in the table below and include cross-referencing to a map that identifies the location of various submitters properties.

Attachment 1 – Map Reference	Submitter Name	Submitter Number	Address of Submitters Land	Further Submission Number
	Millbrook	2295 & 2605	MRZ	
A	Archibald	2501	35 Middlerigg Lane	2773
B	Griffin	2580	19 Middlerigg Lane	2773 ¹
C	Spruce Grove Trust	2513	1124 Malaghan Road	2773.
D	Spruce Grove Trust	2512	29 Butel Avenue	
E	Boundary Trust	2444	459 Arrowtown Lake Hayes Road	
F	Campbell	2413	461 Arrowtown Lake Hayes Road	
G	Edgerton	2419	9 Orchard Hill	
H	Waterfall Park/ Ayrburn	2388	Waterfall Park Road	
I	Donaldson	2229	Dalesman Lane	
J	X-Ray Trust	2619	Speargrass Flat Road	
K	Williamson	2272 & 499	Mooney Road	

11. In preparing this evidence I have focused on the submissions of submitters seeking to increase development opportunities on land adjacent to the Millbrook Resort Zone (MRZ) either through seeking inclusion in the MRZ or in the proposed Wakatipu Basin Lifestyle Precinct (WBLP) (of the Rural Zone) or, in the case of the Ayrburn land, inclusion in a Special Zone which is effectively an expansion of the Waterfall Park Special Zone. Further to the south and south-west I also provide comment on the proposed zoning of Wakatipu Basin Lifestyle Precinct along the Ayrburn ridgeline.

¹ MCC lodged a further submission to both submissions 2501 and 2580 – but the S42A report (appendix 3) does not include recognition of a further submission to #2580.

Inclusion in the MRZ (Attachment 1 - A, B, C, D, E, F and G)

12. The submitters seeking inclusion in the MRZ are shown on Attachment 1 – as A to G inclusive:
13. All of these properties are zoned Rural General in the Operative Plan.
14. The Spruce Grove Trust property on Malaghan Road has been the subject of an application for residential development. On appeal in 2009, the Environment Court concluded that four residential sites were sustainable across the lower south-facing slopes of this land.²
15. The further section 32 assessment undertaken by the Council in 2016-17 (The Wakatipu Basin Land Use Study) concluded that each of these properties had little if any potential for further development and should be zoned Wakatipu Basin Rural Amenity Zone and not MRZ.
16. In particular the Wakatipu Basin Land Use Study concluded:
 - “The Basin is a special landscape that is critical to retaining the high quality of Queenstown’s environment. The Basin is integral to the visitor and resident experience of Queenstown and plays an important part in the local economy;
 - Increasing populations from both residents and visitor accommodation is a core driver of the development pressures on the Basin and contribution to cumulative adverse effects on its values;
 - Protection of the Basin from inappropriate development is the fundamental driver to establishing an appropriate planning regime. The existing rural character of the area is no longer derived solely from farming activities but a mix of rural activities that reflect lifestyle uses of land, with pockets of small scale “hobby farming”. Larger farming blocks that are actively farmed for productive purposes are generally located in the outer ‘peripheral parts’ of the Basin;
 - Areas within the Basin can be characterised as having High to Very Low capability to absorb additional development. This varying absorption capability commends a range of potential planning strategy responses;
 - The ‘Discretionary Activity’ planning regime is unlikely to achieve the Strategic Direction of the Proposed District Plan; and
 - Planning provisions of the Basin should stand alone and be clearly distinguishable from the general zonings that apply to the rest of the District.”
17. Applying these various conclusions to land within the Basin a final report was prepared which identified in schematic form where and at what density additional dwellings could reasonably be located.³ These findings were then translated to a zoning recommendation also illustrated in Appendix L.
18. When viewed in conjunction with the s. 32 assessment undertaken for Chapter 43, it is clear that the capacity of future expansion and development of the MRZ was focused almost entirely on the adjacent land to the West of the MRZ in the vicinity of the Dalgleish Farm area which was included in the MRZ at the conclusion of the Chapter 43 hearings (and an appeal).
19. The Wakatipu Basin Land Use Study identified three other minor development opportunities for development around the existing fringes of the MRZ, on adjacent sites. The Archibald, Griffin, Spruce Grove Trust – Malaghan Road and Egerton properties were the only parcels

² Spruce Grove Trust v QLDC and others, ENV-2009-CHC-55 Borthwick,EJ

³ Appendix L Wakatipu Basin Land Use Study

of land identified as having any potential for residential development at all. But at no stage have they, with the exception of the Griffin, Archibald and Egerton sites, been considered appropriate for inclusion in the MRZ, nor has Millbrook sought to include them in its development plans.

20. By way of contrast, the s 32 evaluation for the Dagleish Farm parcel included supplementary reports in respect of:
- Contaminated Sites
 - Ecology
 - Pollution
 - Geology
 - Heritage
 - Infrastructure and Flooding
 - Landscape
 - Economic (of golf tourism)
 - Consultation,
- together with an amended structure plan for the whole MRZ, including an extension of the zone to the west to enable an additional 9 golf holes and up to 55 residences.
21. No work of that nature or detail has been undertaken in respect of additional parcels to the north or east of the MRZ boundaries, and with two exceptions, no landowner agreements have been reached which would enable cohesive Millbrook design, construction and use of MRZ dwellings and amenities on those parcels.
22. The needs of the resort zone to provide for golf tourism, visitor and residential values are able to be met within the existing zone boundaries.
23. In that regard, the present zoning is considered to be optimal for the objective of the MRZ.
24. I have also had the benefit of reading the draft evidence of Andrew Craig, (Landscape) and Ben O'Malley (Millbrook).
25. In the following section I assess each of the requests to join the MRZ in more detail.

Griffin and Archibald (#2501 and 2580)

26. The Griffin and Archibald land is accessed off Middlerigg Lane; a right-of-way that extends off Malaghans Road, about midway between the two Millbrook entrances. The land is located approximately 230 metres from Malaghans Road. The Griffin land is 1.8 hectares, whilst the Archibald land is 1.52 hectares. Each site contains a single residential dwelling. The land is characterised by an elevated hummock that overlooks Mill Creek along the collective northern boundary, but which sits at generally the same rolling levels as the land to the south. Both sites contain numerous mature trees that provide a high degree of privacy for properties located within a resort.
27. The MRZ has owned the land around the submitters properties since 2001, and more recently (2007) the resort was extended towards the west and development occurred around these parcels.

28. Millbrook lodged a primary submission that the Griffin land should remain either as the plan was notified (WBRAZ) or continue to be zoned Rural General.
29. Both Griffin and Archibald lodged identical submissions (2501 and 2580) requesting that their land should be included in the MRZ. Neither submission indicates, amongst other things, any proposed density controls or minimum lot size, height limitations, impacts upon current zoned capacity or infrastructure. It is assumed that both submitters want to join the MRZ for the potential development opportunities that it might provide, however no information is provided on the submitters' intentions if their land is included in the MRZ.
30. Millbrook lodged a further submission in opposition to both. That further submission has only been coded against the Archibald primary submission. I confirm that Millbrook's further submission did refer to both #2501 and #2580 (refer paragraph 2 of the MCC further submission).
31. I have not identified any further submission from either Griffin or Archibald which refers to the primary relief sought in their original submissions.
32. The Council recommendation is to zone both parcels WBLP (para57.9 and 58.8).
33. I acknowledge that in the context of the various other parcels of land near Millbrook which submitters want incorporated into the MRZ, the Griffin and Archibald land is different because it is surrounded by the zone. It is differentiated from other submitters who want land parcels included in the MRZ as these parcels are on the edge of the MRZ rather than surrounded by the zone.
34. Both the Griffin and Archibald properties still gain access through the right-of-way known as Middlerigg Lane – which does not assist either submitter in demonstrating how their sites will necessarily be developed in an integrated manner with the rest of Millbrook Resort. If Middlerigg Lane is closed to residential traffic, then I believe that would demonstrate a commitment by those landowners to being part of the MRZ. Interestingly, the intersection of Malaghan Road and Middlerigg Lane has very poor sight-distances and no shoulder widening that might allow for safer manoeuvring for increased residential traffic. Middlerigg Lane is not part of the integrated Millbrook road network and represents a remnant of a rural access lane which serviced several rural holdings. Such access rights have been legally surrendered by all rural or residential properties except for the Griffin and Archibald land.
35. From a planning perspective, there is logic in having an efficient zoning pattern that might incorporate land such as the Griffin and Archibald sites into the surrounding zone. However, a resort zoning brings with it an acknowledgement by the Council that such land is contributing in some sense to the (and giving effect to) the objectives and policies of the zone. Zoning of land is more than just consistent coloured maps.
36. Millbrook and the submitters have reached a separate agreement that this land could be included within the MRZ, with a maximum of three additional dwelling sites for each submitter. This land would be included as stand-alone Residential Activity Areas (19 & 20), where subdivision and building would proceed subject to a Controlled Activity consent. Millbrook rigorously maintains a design approval process which includes reference to a published design guideline. The design guideline sits outside of the rules in Chapter 43 and is privately managed through a design review process which occurs prior to lodging resource consents for a building.

37. For the Griffin and Archibald land to be included within the MRZ I consider that the submitters would need to agree to several matters that would confirm a willingness to be part of the resort zone more than just by name, including:
- Use of existing formal Millbrook Roads for access;
 - Registration of Millbrook's standard Memorandum of Encumbrance;
 - Adoption of the design guidelines; and
 - Agreement to a maximum density.
38. I acknowledge that there is a blurring of private agreements with public policy. However, from an independent witness perspective, to meet the objectives of both parties I think this extra level of commitment is necessary, otherwise the outcomes of submitters' preferred relief would derogate from the unique amenities of the MRZ.
39. This outcome would integrate with the existing master-plan for this part of the resort that was designed over 10 years ago. It has long been considered that some limited Millbrook style development would be likely to occur on these two small parcels within the MRZ.

Spruce Grove Trust – Malaghans Road (#2513 and 2723)

40. The submitters land comprises 9 hectares of vacant land that is characterised by a comparatively small but locally prominent glacial feature known as a *Roche Moutonee* that rises approximately 20m above Malaghans Road level, and 30m above the existing housing in Millbrook – to the east of the block. The site has 400m of frontage to Malaghans Road.
41. The potential residential capacity of this land has previously been considered and determined through the Environment Court (ENV-2009-CHC-55) as four residential sections.
42. The land is identified in the notified plan as part of the WBRAZ, and Millbrook's submission (#2295) supports that zoning, or alternatively a return to the Rural General zone.
43. Spruce's primary submission (#2513) seeks inclusion with the MRZ.
44. Both Millbrook (#2773) and Spruce (#2723) have further submissions in opposition to one another; Millbrook opposing the inclusion of that land in the MRZ, Spruce opposing retention in the WBRAZ.
45. The Spruce submission seeks most of the site to be identified as a Residential Activity Area (#20). The submission is silent on how much land is included as Residential, but it does include a plan, and that incorporates all of the geological feature which the Court found to be inappropriate for development. By my calculation there is almost 6 hectares of suggested residential land. Spruce submits that there should be an average 500m² density control (note: not a minimum), with 50% building coverage, and a rule preventing buildings being visible from Malaghans Road.
46. First, I think it is an almost unworkable rule to require that buildings are not visible from Malaghans Road. The plan provided in the submission indicates the residential area extending along the northern side of the geological feature – all of which is directly visible from Malaghans Road. Second, the road views into the western part of the site, near Millbrook service area, are currently blocked by vegetation mostly on Millbrook's boundary. If that vegetation is thinned or removed – then much more of the Spruce site would be visible.

47. More importantly, the Spruce submission proposes development and subdivision consistent with a Low Density Residential environment that could result in between 80 and 120 dwellings (applying Mr. Langman's 35% discount for roads and reserves).
48. The Spruce land would be separately accessed off Malaghans Road and would not share any common attributes with Millbrook.
49. The officer report identifies at paragraph 2.5 that the MRZ has been developed on the basis of significant open space off-sets that allow clustering of buildings and activities amongst a much greater park-like setting. The officer suggests that has occurred at an overall density of one residential unit or visitor unit per hectare. For clarification, when Millbrook was first developed it was based upon a residential density of approximately 1 dwelling per 5,000m². That density has been decreased to 1: 6,000m² with the recent addition of the Dalgleish Farm.
50. I adopt the evidence of Mr. Langman at paragraph 2.8, and also agree with him that there is no evidence or certainty that an extension of the resort on to neighbouring land could achieve the zone's objective of being 'developed in an integrated manner'.
51. The officer recommendation is to accept the Millbrook submission and reject the Spruce submission (paragraph 2.10). I support this recommendation. Any development beyond the 4 dwellings identified by the Environment Court will likely diminish MRZ amenities which have to date, and still do, justify a stand-alone, special zone.

Spruce Grove Trust, Boundary Trust, J Edgerton and M and K Campbell (#2512 and 2727, #2444 and 2720, #2419 and #2413)

52. The four adjoining landowners located on the eastern boundary of Millbrook have submitted that their land, together with the adjacent block (Lot 2 DP27846) owned by Walrus Jack Ltd – should all be removed from the WBRAZ and included within the MRZ. My understanding is that no alternative relief is sought; it is either retain in the WBRAZ or include in the MRZ. The land which is the subject of these submissions involves a total of 10.6 hectares of land. Each property presently contains a single residential unit and accessory buildings.
53. This is mostly flat or gently sloping land that adjoins Arrowtown-Lake Hayes Road for a distance of 400m. It is characterised by groups of Hawthorne hedge that sometimes block any views, contrasted with short views across open paddocks towards older farm buildings. The dwellings are located a minimum of 100m from the road (as much as 225m). This cluster of five houses is located amongst mature trees and landscaped grounds that have a very high amenity.
54. All but the Egerton site gain access from either Arrowtown-Lake Hayes Road or from Butel Road. Given the long history of the existing Egerton dwelling having its access and services through Millbrook and reading as part of the Orchard Hill residential cluster (Activity Area 1), there may be limited scope for this site to be included in the MRZ provided that future development is limited to one additional dwelling and accessory building to the south of the existing Egerton dwelling, and adoption of the Millbrook design controls. Again, for the Egerton land to be included within the MRZ, I consider that the submitters would need to agree to several matters that would confirm a willingness to be part of the MRZ more than just by name, which includes:
 - Use of existing formal Millbrook Roads for access (this may require negotiating ROW access and access to utilities with Millbrook);

- Registration of Millbrook’s standard Memorandum of Encumbrance;
 - Adoption of the design guidelines; and
 - Agreement to a maximum density.
55. The submissions all adopt the same proposed rules that would incorporate the land into the MRZ on the basis of becoming an independent Residential Activity Area (#21) with similar rules to the earlier Spruce Grove submission with an average density of 500m² and a 25m setback from the road.
56. The officer report advises at paragraphs 59.4 and 59.6 that the total land area of 5.389 hectares could give rise to between 70 and 107 dwellings (deducting 35% for roads and reserves). If the 10.6-hectare area is applied, that number increases to between 135 to 208 dwellings.
57. By taking an ‘averaging’ approach to the density rule, the submitters are presumably aiming for the higher end of that density range.
58. The officer recommends accepting the Millbrook submission (paragraph 57.10) and rejecting the various neighbouring submitters (paragraph 59.8). I support this recommendation because this area of land does not form part of the resort or appear to be integrated into the resort in any way. It simply shares a boundary. The one obvious exception being the Egerton parcel referred to above.

Summary of the Submissions seeking to Join the MRZ (Griffin, Archibald, Spruce Grove Trust x2, Boundary Trust, and M and K Campbell)

59. The submissions seeking to join the MRZ have not identified why those parcels of land are better suited to being within the MRZ, nor what benefit their inclusion within the resort will bring, either to the resort or to the wider community. These submissions all seek to borrow from the development rights, amenities and reputation that the MRZ provides.
60. Taken together, the requests by the above-mentioned submitters amounts to 23 hectares of land to be added to the MRZ, which is almost 10% of the total zoned area of Millbrook.
61. The combined yields proposed by these submitters could amount to between 258 and 394 additional residential units.
62. As noted in the Millbrook submission, there are currently 265 dwellings within Millbrook, with an ultimate cap of 450. The submissions from the neighbours do not propose to come within the cap nor do they propose to be part of the resort except by neighbourly association. None of these submitters have provided a s 32 assessment or a master-planning rationale for inclusion in the MRZ.
63. In my opinion, the effect of these submissions would render the Millbrook Resort Zone almost obsolete.

The Ayrburn Farm Block (H)

64. The notified Plan indicates that the Waterfall Park Resort Zone (WPRZ) remains in the form of Council’s decision on Chapter 42, and like Millbrook is coloured white on Map 13D – to indicate it is not part of the variation. This included retention of a triangular block of land

- (about 1.5 hectares) that is positioned between two Waterfall Park Resort zoned areas of land within the WBRAZ.
65. Beyond the WPRZ, the slopes on the western side of McIntyre’s Hill are included in the WBRAZ, whilst the lower paddocks of Ayrburn – to the south of the Waterfall Park Road are included in the WBLP.
 66. That dark blue WBLP continues to the west across Mill Creek, and across all of the slopes to Christine’s Hill – up to the boundary of the MRZ, save for a peculiar almost heart-shaped area of land that has been included in the WBRAZ, which is close to the old woolshed and farm buildings of Ayrburn Farm.
 67. The Council identified the inclusion of the south-facing slopes of Christine’s Hill in the WBLP as a mapping error as part of submission 2239. Millbrook has identified a similar issue (#2295) and sought the WBLP zoning be moved southwards, down-slope to the 360masl contour. The Millbrook submission seeks that the slopes are instead included in the WBRAZ, to protect those slopes from development.
 68. Waterfall Park Development Limited’s primary submission sought a range of outcomes in priority that included:
 - Incorporating the triangular block of land into the WPRZ and including the land that is north of Waterfall Park Road into the WBLP - which are both a constant relief regardless of the other outcomes.
 - Rezoning the land south of the Millbrook Resort Zone, Waterfall Park Resort Zone and Waterfall Park Road – to a new ‘Ayrburn Zone; or
 - Extending the Waterfall Park Resort Zone south to incorporate that heart-shaped area of land, whilst retaining the WBLP over the balance of the land; or
 - That the Waterfall Park resort zoning extend over all of the Ayrburn land; or
 - That the Rural Residential zone of the ODP be applied to the Ayrburn land.
 - The submission also sought to extend the Arrowtown UGB and to amend the LCU boundary.
 69. Millbrook has made a further submission addressing the various relief options sought. In particular, Millbrook acknowledges the rezoning of the ‘triangle’, provided the Waterfall Park Road is excluded from being zoned. The zoning of Waterfall Park Road as Waterfall Park Zone appears to be a drafting error, as that would otherwise preclude public access to the waterfall and might unintentionally enable development rights over the road. I note that the existing Residential and Visitor Activity Areas to the north and south of the triangle that are shown on the Structure Plan (refer page 42-8 of the decisions version of Chapter 42) are limited to the western side of Waterfall Park Road.
 70. The WPDL submission to include the ‘triangle’ within the Waterfall Zone includes application of the Waterfall Park Structure Plan. Millbrook’s further submission is that the Open Space sub-zoning (AA- O/P) should apply to that part of the triangle that is above 360masl, subject to refining activities that can occur in that O/P area. As noted below – I consider that the controls over the O/P area are vague and uncertain. The intention is that it is for open space and recreation purposes, but the rules are less clear. I consider a rule stating that buildings in the O/P require non-complying assessment would better achieve the intention of that area.
 71. Millbrook also submitted that the Christine’s Hill slopes should be retained in the WBRAZ.

72. WPDL's further submission says that it prefers a 'building restriction area' as it "considers that protection will be better achieved...".
73. Millbrook has identified the toe of the slope at 360masl. WPDL suggest 370masl. The proposed Ayrburn Zone (one of WPDL's relief) includes a Structure Plan that indicates an area shown as Open Space and Recreation (O/P) which occupies the hill-slope. It extends from the MRZ boundary in the north, down the slope to a dotted line. A residential sub-zone is located south of that line. It is unclear what level the line follows. The O/P area only extends as far east as an arbitrary line that appears to follow a steep ridgeline. The land east of that boundary is proposed, by the Ayrburn Zone Structure Plan to be a Village/ Residences sub-zone. The boundary of that new sub-zone is not defined by contour – but instead by cadastral boundary. This may simply be a mapping error – as otherwise buildings up to 8m high could be established as high as the water race that is just below the crest of the ridgeline. Millbrook maintains that the same 360masl should also apply around the toe of this feature and I agree.
74. The proposed O/P does not include any rules that prevent change to this area of land. In fact, proposed Rule 47.4.1 says that Discretionary consent is needed for buildings or structures in the O/P area. In addition, I understand that the O/P land can be used for administration activities, storage, maintenance and depot facilities could occur in the O/P.
75. The Structure Plan indicates the 'Primary Access Road' that has recently been consented under RM171280, with Village and Residences Activity Areas located uphill of that road. Assuming the structure plan faithfully represents the position of the consented road; the uphill land has a very steep gradient. It must simply be a mapping error.
76. I have reviewed the "bespoke" Ayrburn Special Zone and have compared it with the Waterfall Park Resort Zone. I can report that they are almost identical; there is nothing particularly bespoke about the Ayrburn Zone; it is no more than a proposed extension of the WPRZ.
77. The offer of a Building Restriction Area does not appear in any of the amended WBLP provisions that are attached to the submission.
78. Given the visual importance of Christine's Hill – I recommend that the hill-slope from the 360masl to the boundary of the MRZ be included in the WBRAZ or similar. Such zoning should continue up the Mill Creek valley until it reaches the edge of the boundary of the existing Waterfall Park zone. The 360masl line is clearly the point at which the gradient changes. There is a small plateau feature at the western end of the site – where the gradient of Christine's Hill change occurs at the 363masl level. The officers appear to support this change, but do not reference the contour in any of their reports.
79. I adopt to the evidence of Andrew Craig on the landscape elements of this issue.
80. The WPDL submission also requests that the Urban Growth Boundary be extended to include the submitter's land. The extension of the Arrowtown urban growth boundary would be inappropriate and would undermine the distinctiveness of Arrowtown and the land use patterns in this corner of the Basin.

Land to the South-West (I, J and K)

81. These submissions relate to the proposed zoning of land owned by Donaldson, X-Ray Trust and Williamson. The notified provisions place the WBLP zoning along the top of the terrace (locally known as Ayrburn Terrace).
82. The Donaldson block is a regular shaped undeveloped 20-hectare block that has the MRZ on three of its boundaries. Previous agreement has been reached between Donaldson and Millbrook to provide suitable access to this land through Millbrook, and to allow Millbrook to subdivide and develop outside some of its sub-zone boundaries. Both parties have also agreed that any development of the Donaldson land is to be of a particular scale and location that minimises external effects on MRZ land.
83. Millbrook and Mr Donaldson have been working towards an agreed position on additional issues. The final format of the zoning that applies to the Donaldson land may be of less consequence – if an enforceable agreement can be finally agreed.
84. Ultimately, the WBLP zoning could be appropriate for the Donaldson land, considering the physical and visual enclosure of this land, and neighbour agreements to mitigate potential impacts on adjoining MRZ land. I note that the WBLP height limit for dwellings here is proposed to be 6m. I support that height limit for dwellings closest to the common boundaries with Millbrook in order to reduce visual impacts and better enable mitigation.
85. The X-Ray Trust land is located closer to the Ayrburn terrace edge and comprises two large (almost 30 hectares) blocks, each with a residential building platform. These sites, and the Heatley/ Horton/ Pyle lot to the east were approved through an Environment Court Consent Order⁴.
86. Millbrook submitted that the WBLP should be removed from the upper terrace and replaced by the WBRAZ. X-Ray's submission extended that relief and requested the WBLP be located on the valley floor.
87. The officer reports state that these upper terraces, which are visible from many parts of the Wakatipu Basin "read as a rural residential landscape". That is simply incorrect. The density of development that can occur on the three Ayrburn sites (refer Figure 23, page 84 of the Planners report) is limited to a single residential house on each 30-hectare block of land. Rural Residential densities are typically 4,000m² per unit. In comparison, the density of the neighbourhood at the intersection of Speargrass Flat Road and Rutherford Road⁵ is 1:8,000m² average. The proposed zoning of the elevated ridgeline (as WBLP) enables rural living development at 6,000m² per lot, which I consider to be inappropriate.
88. The Williamson (R and H Trust Co. NZ Ltd) land is located around the western boundary of the MRZ, and the submitters land extends through to Mooney Road.
89. The western edge of the MRZ is an elevated and visible steep ridge. Millbrook promoted the protection of this ridge, and the Council decision on chapter 43 agreed and set aside the western-most 13 hectares of the Millbrook Resort Zone as an area of 'Landscape Protection' in which only landscape planting can occur – as a Restricted Discretionary activity. That is an appropriate response because of the high visibility of this more elevated component of the MRZ.

⁴ ENV-2010-CHC-272

⁵ This is the Rural Residential (north of Lake Hayes) Zone – minimum average density of 8,000m² per lot.

90. Millbrook submitted that the proposed WBLP zoning is inappropriate on the elevated land to the west of Millbrook and suggests that an upper limit of 440masl be applied to the WBLP in that vicinity. That contour line is represented by the Arrow Irrigation Race that extends through Millbrook, into the X-Ray land and then winds through Williamson's land.
91. The officer report on Submission 2271 (Williamson) makes incorrect reference to the subject site as being located at 76 Hunter Road (ref: Paragraph 18.4, page 54). It appears that the wrong submission has been reported on. The staff also reject the Millbrook submission, possibly without appreciating the location of the land that the submission relates to.
92. The landscape approach to zoning the elevated and highly visible Malaghan ridgeline is surprising and at-odds with years of previous work in the district, including assessments by a range of landscape architects, and is in conflict with directions from the Court. Policy 6.3.26 applies to the rural character Landscapes (ie. not ONL or ONF) and requires:
- Avoid adverse effects on visual amenity from subdivision, use and development that:*
- a. *is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); ...*
93. The Ayrburn ridgeline, and the wider Malaghan ridgeline feature are highly visible from a range of public places, and therefore zoning those ridges and elevated terraces would be contrary to this policy.

Millbrook Country Club

Mapping Errors

94. Millbrook identified several minor mapping errors which included several areas of land that are owned by MCC that have been inadvertently included in the WBRAZ. I understand that the Council has accepted that these will be dealt with through the Clause 16 process.
95. Millbrook also seeks that Planning Maps 14D, 26 and 27 are amended so that the names of the private roads within the MRZ are removed (Butel Road and The Avenue are public). The confusion arises because formed public roads are all identified on the maps by name – and there is nothing to distinguish between them and private roads.

Street Names

96. The officer recommends the retention of the private street names on the planning maps, presumably because street names assist in orienting readers of the Plan. A better approach is to indicate these private roads by a different notation; similar to the way that unformed roads are shown by cross-hatching. This could usefully avoid potential confusion.

THE PLANNING FRAMEWORK

97. I have reviewed the decisions issued for Chapters 3, 4, 6 and 43, which provide the overall local context for decision-making.
98. Chapter 3 (Strategic Direction) "sets out the over-arching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the Queenstown Lakes District's special qualities⁶". These qualities include:

⁶ QLDC, Proposed District Plan, Chapter 3, 3.1 - Purpose

- c. *vibrant and compact town centres;*
- g. *an innovative and diversifying economy based around a strong visitor industry;*
99. Millbrook Resort is recognised as a significant contributor to the tourism profile of New Zealand and the region. Mr O’Malley describes this in more detail. Evidence was also presented as part of the section 32 evaluation in support of Chapter 43 by Insight Economics.
100. Strategic Objective 3.2.1.1 confirms the importance that an area like Millbrook makes to the overall well-being of the district, and the important role that it plays in the tourism industry.
- 3.2.1.1 *The significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services are realised across the District.⁷*
101. The expansion of the MRZ to land that is not part of the resort cannot achieve this objective. The resort has been carefully planned, as Mr. O’Malley sets out in detail, to provide the right balance and style of visitor facilities, a significant part of which is the very open, low density park like surrounds with ONL backdrops. Any ad hoc additions will not add to or supplement any of the established facilities or provide any benefit to the functioning of the resort. The ‘add-on’ areas almost without exception do not have access from within the resort (Griffin, Archibald and Egerton excluded), and so will not have any physical connection, and simply will not feel part of that.
102. Any future residents in these areas would feel isolated from both Millbrook and from Arrowtown. They would sit within a small pocket of spot-zoned land that would have no particular relationship – apart from being an unrelated neighbour trying to masquerade as part of a world class resort.
103. Millbrook and Arrowtown have enjoyed a special symbiotic relationship; through mutual employment opportunities, the development of food and dining opportunities in Arrowtown and access to additional tourists. The two places have a very close connection; physically adjoining one another in places – yet enjoying enough separation so that they both have their own distinctive but complementary character. In Millbrook’s case that is due to a Structure Plan which identifies and provides for pockets of residential and visitor accommodation clusters located within large areas of modified and often manicured open space.
104. Strategic objective 3.2.2 says that urban growth is to be “managed in a strategic and integrated manner”, which is clarified further in the subsequent objective which states:
- 3.2.2.1 *Urban development occurs in a logical manner so as to:*
- a. *promote a compact, well designed and integrated urban form;*
- b. *build on historical urban settlement patterns;*
- c. *achieve a built environment that provides desirable, healthy and safe places to live, work and play;*
- d. *minimise the natural hazard risk, taking into account the predicted effects of climate change;*
- e. *protect the District’s rural landscapes from sporadic and sprawling development;*
- f. *ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;*

⁷ Objective 3.2.1.1 is supported by Strategic Policy 3.3.1

- g. contain a high quality network of open spaces and community facilities; and.
- h. be integrated with existing, and planned future, infrastructure.

105. The 'compact, well-designed and integrated urban form' is one of the key urban planning objectives in the operative plan. Arrowtown is the only community, in the operative plan, to have an urban growth boundary. The history of this dates back to a reference by the Wakatipu Environmental Society to the District Plan process during the late 90's. The Council had undertaken to investigate a boundary as part of settling a reference. The matter was eventually addressed in 2007 through Plan Change 29.
106. The urban growth boundary concept has been carried through to the Proposed Plan in chapter 3 and 4. Strategic Policies 3.3.13, 14 and 15 clearly establish that UGB's will be developed around existing urban areas. Policy 13 does not identify Millbrook as subject to a future UGB unlike, for example, Jacks Point. So, Millbrook is not identified in the Plan as an urban area. Policy 14 then says that the plan will have provisions that encourage and enable urban development inside the UGB's – and importantly in this case – that 'urban development' outside of the UGB will be avoided.
107. As I see it; the requests to add on to the MRZ conflict with these strategic policies and cannot be reconciled.
108. Chapter 4 of the Proposed Plan is titled 'Urban Development' and contains three objectives that identify UGB's as the primary tool for managing "the spatial location and layout of urban development within the District." The 'compact urban form' principle is re-stated at Objective 4.2.2A. The policies in Chapter 4 all refer to 'urban development;' and to focus it within the UGB's.
109. The term 'Urban Development' has been defined most recently in the Council's recent decision on Chapters 3, 4 and 6 of the PDP (referred to as Report 3). At page 89 of that decision the Panel concludes that the definition of Urban Development should be amended to read:
- "Means development that is not of a rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services such as water supply, wastewater and stormwater and by its cumulative generation of traffic. For the avoidance of doubt, a resort development in an otherwise rural area does not constitute urban development".*
110. In my opinion, the submissions seeking inclusion within the MRZ have sought to establish 'urban development' around the edge of the resort zone. If those areas are included, they will have no particular or obvious relationship with the resort. There is no obligation for Millbrook to provide or enable physical access, nor social access such as offering memberships.
111. The Panel also recognised that it is necessary to include a definition of Resort:
- "Resort" – means an integrated and planned development involving low average density of residential development (as a proportion of the developed area) principally providing visitor accommodation and forming part of an overall development focussed on on-site visitor activities."*
112. Millbrook Resort provides pockets of low density, mostly residential development in neighbourhoods that are located around the edges of the golf courses. These housing and accommodation clusters are all interconnected by both private roads and pathways; and all link back to the central 'village' area. In assessing the requests by those submitters that have sought to be included in the MRZ, I have considered how those properties align with this

definition. My conclusion is that they are all independent of the resort and are neither integrated with it, nor have they been planned to fit within it. They are neighbours who benefit from a close relationship with the resort and presumably (mostly) enjoy the amenity that the resort provides. However, they are not part of the resort and in my opinion the types of rules promoted in support of their submissions confirms that they would have little in common with the resort and fall well short of the carefully considered “resort” definition.

CONCLUSION

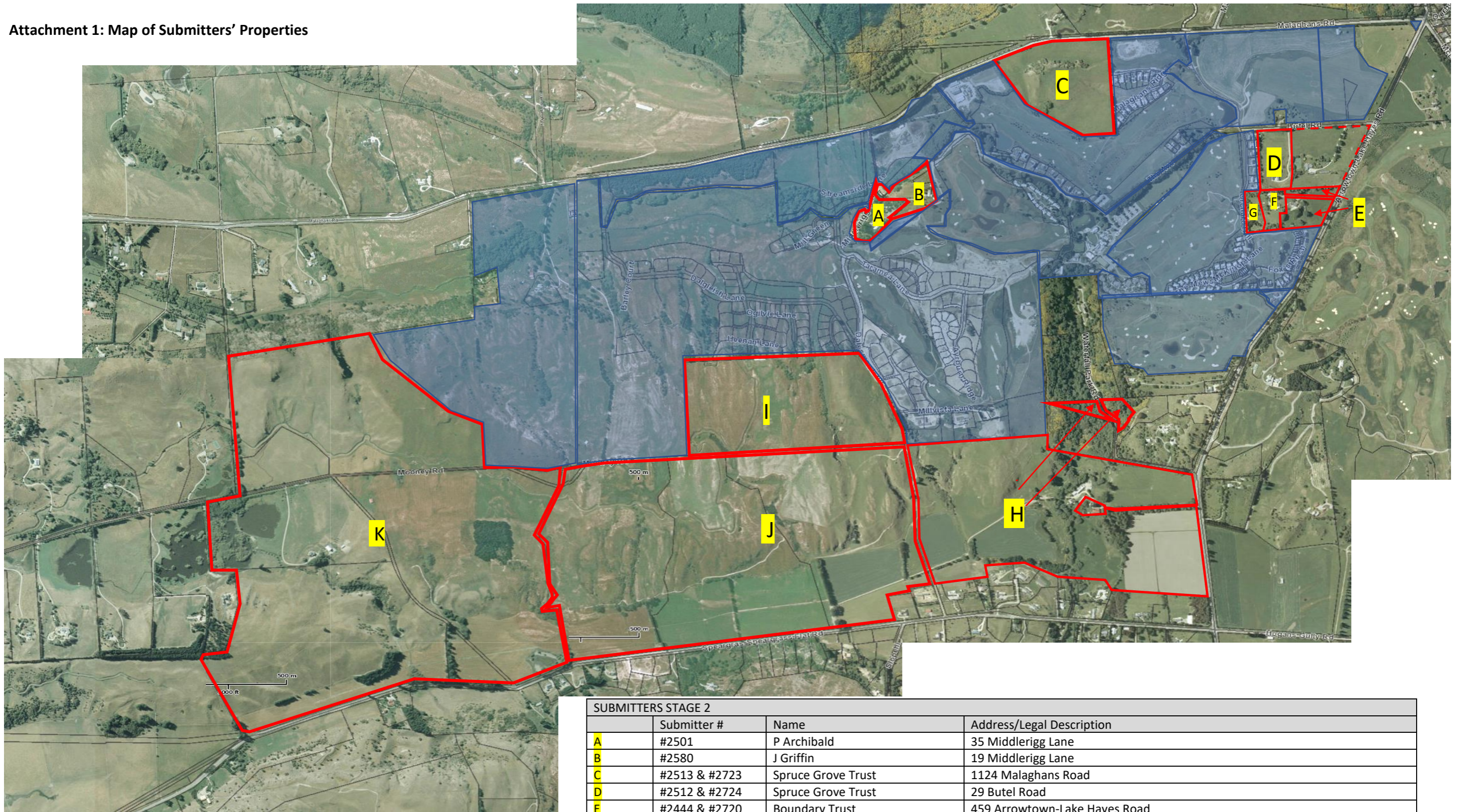
113. I generally support the zoning pattern as notified around the edges of the Millbrook Resort Zone.
114. I agree that the Griffin/ Archibald and Egerton circumstance are unique, and those parcels could be included within the MRZ subject to acceptance of the relevant limitations, design guidelines and encumbrances.
115. I remain of the view that access via Middlerigg Lane would need to be limited to the existing dwellings only, and that the six additional properties need to be accessed off internal Millbrook roads, and that the design guidelines need to be incorporated either into the zone or by way of agreed covenant.
116. I agree that the remaining properties on the edge of the MRZ and wanting to be included in it (areas shown as C, D, E and F on Attachment 1) should be rejected for the reasons I have already set out.
117. My primary concern with the Waterfall Park land is to ensure that the hill-slopes below Millbrook remain protected as open space areas.
118. The Donaldson land is located back from the Ayrburn ridgeline and contains hummocky terrain that can absorb some development. The land is appropriate for a Lifestyle Precinct zoning with appropriate limitations as to density, locations and mitigation.
119. In my view the upper terraces of the X-Ray land and the eastern end of the Williamson land that is above the level of the water race should be retained in the WBRAZ to maintain the wider landscape objectives and policies for these more elevated areas.

JB Edmonds

13 June 2018

Attachment 1: Map of Submitters' Properties

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SUBMITTERS STAGE 2			
	Submitter #	Name	Address/Legal Description
A	#2501	P Archibald	35 Middlerigg Lane
B	#2580	J Griffin	19 Middlerigg Lane
C	#2513 & #2723	Spruce Grove Trust	1124 Malaghans Road
D	#2512 & #2724	Spruce Grove Trust	29 Butel Road
E	#2444 & #2720	Boundary Trust	459 Arrowtown-Lake Hayes Road
F	#2413	M & K Campbell	461 Arrowtown-Lake Hayes Road
G	#2419	J Egerton	9 Orchard Hill
D, E, F, G	Land which is the subject of submissions #2512 & #2724: Spruce Grove Trust, #2444 & #2720: Boundary Trust, #2413: M & K Campbell, and #2419: J Egerton. This land includes land at 9 Butel Road.		
H	#2388 & #2785	Waterfall Park Developments Ltd	343 Arrowtown-Lake Hayes Road, Lot 1 DP27503 and Lot 2 DP 507367
I	#2229	R & M Donaldson	Lot 3 DP 20693
J	#2619	X-Ray Trust Ltd & Avenue Trust	413, 433 and 471 Speargrass Flat Rd
K	#2272	Skipp Williamson	Lot 2 DP 360366, Lot 2 DP 27602, Lot 1 and 2 DP 27112, Lot 1 and 2 DP 319853, Lots 1 and 2 DP 313306, Lot 2 DP 310422