

**BEFORE THE HEARING COMMISSIONERS  
AT QUEENSTOWN**

**IN THE MATTER** of the Resource Management Act 1991  
**(RMA or the Act)**

**AND**

**IN THE MATTER** of the proposed the Queenstown Lakes  
District Plan pursuant to Part 2 of the First  
Schedule to the Resource Management  
Act 1991

**ON BEHALF OF** Millbrook Country Club Ltd  
RCL Queenstown PTY Ltd

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**STATEMENT OF EVIDENCE OF DANIEL WELLS**

**15 July 2016**

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## **INTRODUCTION**

### **Qualifications and experience**

1. My name is Daniel Garth Wells. I am a planning consultant based in Queenstown and am employed by John Edmonds and Associates Ltd. My relevant experience was summarised in my Evidence in Chief as presented to the hearing on the Strategic Directions chapter. In addition I note a couple of further aspects of my experience that may be relevant.
2. I commissioned, managed, participated in and reviewed the subdivision urban design monitoring report undertaken by Boffa Miskell while I was at Council in 2010, which is appended to the report by Mr Falconer. And I have for the last 4 years been involved in the planning and project management of the development referred to as Hanley's Farm (being part of the proposed Jacks Point Zone). I have as part of that role coordinated the inputs of various technical experts and have been involved in numerous design processes for RCL's interests in Jacks Point, which are likely to produce over 2000 sections to the Wakatipu market over coming years.

### **Code of Conduct Statement**

3. 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. 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 (on a limited matter) and for RCL Queenstown PTY Ltd. I have read the relevant Section 42a reports as recently prepared. My evidence is focused on "greenfield" subdivision for urban development and the evidence I provide should be understood in that context.

### **Objectives and Policies**

5. There are in my opinion a number of significant improvements in the version of the Subdivision Chapter recommended by Mr Bryce.
6. RCL expressed in its submission concern at the large number of objectives and policies proposed and the potential inefficiencies this may create in terms of preparing and processing resource consents. Mr Bryce has recommended some changes in this regard. While in my opinion there are probably opportunities to further refine these, I am broadly satisfied with the

amendments made and the reasons provided by Mr Bryce, and there is only a couple of matters I propose to delve into further in this evidence.

7. Mr Bryce recommends retaining with some modifications policy 27.2.6.1 regarding developers meeting the costs of development in accordance with QLDC's development contributions policy. Council levies development contributions under the Local Government Act rather than utilising powers under the RMA. That process sees the policy readily updated and Council may choose in the future to reduce the proportion of costs met by developers (this seems quite possible given the current widespread concern around low housing supply). To avoid any future confusion should such policies change, it would in my opinion be simplest for the District Plan to remain silent on the matter. Or, if the Panel thought it useful, a brief advice note may suffice to draw attention to the existence of development contributions policies outside of the plan.
8. I also note that Mr Bryce's proposed policies 27.3.13.3 and 27.3.15.2 (regarding Jacks Point and Millbrook) do not appear to read in the format of a policy (they seem to be worded as matters of control or discretion, so perhaps they have been wrongly located). It doesn't appear that these are necessary amendments to the policies to achieve the outcomes sought and I suggest that the Panel need not accept the recommendations from the s42a report on these points.

#### **Activity Status of Subdivision in Millbrook**

9. I concur with the recommendations of Mr Bryce that it is reasonable in zones where there is a structure plan such as in Millbrook for subdivision to be a controlled activity.
10. I agree with the s32AA analysis undertaken by Mr Bryce on this matter. There are efficiency advantages for a developer or landowner as in my experience they are often seeking assurance that a consent will be approved so as to plan on that basis. I understand that for some developers it also can assist with gaining access to finance to enable development to progress.
11. In Millbrook there is something of an established style of development. Due to its ownership structure it is highly regulated in terms of design outcomes so the risk of poor outcomes is in my opinion very low. My firm regularly acts on behalf of Millbrook in preparing subdivision consents and from discussions I have had with my colleagues their feedback is that subdivisions which are compliant with the structure plan are typically straight forward with Council showing little concern at what is proposed. Given the aforementioned benefits of a controlled activity, in this situation I feel confident that the requisite tests in terms of efficiency and effectiveness will be met by continuing controlled activity status for subdivision in this zone.

## **Jacks Point Subdivision Provisions**

12. RCL owns or controls the Hanley Downs part of the Jacks Point Zone and part of the Jacks Point Village. It initiated Plan Change 44 to the Operative District Plan to achieve more efficient residential development of the Hanley Downs part of the Zone. Council issued a decision earlier this year. At the time of writing there was one outstanding appeal with respect to RCL's interests in Hanley Downs and a high likelihood that this will be settled shortly.
13. Council resolved to notify the Jacks Point Zone in the proposed District Plan and in the process attempted to largely replicate what the applicant and another submitter proposed at that time prior to the hearing on Plan Change 44. To a significant extent, RCL's land was approved as it sought in Plan Change 44 by Council.
14. Although my client is reluctant to see the matters reheard again so shortly after a previous hearing, as it stands I feel it is important that they participate in this hearing process to ensure that an appropriate and coherent set of provisions remain in place generally in accordance with what was recently resolved by Council.
15. I consider the notified subdivision provisions relating to the Hanley Downs part of the Jacks Point zone to be rather complicated. This is partly because some of what appeared to be rules had been labelled as policies. And some of these policies/rules were quite long winded and repetitious. I think there are opportunities to improve and simplify this part of the Plan.
16. An important part of assessing the appropriateness of these proposed rules is understanding the context of what is anticipated in the Hanley Downs part of the Jacks Point Zone. This is set out by the objective, policies and various rules within that Zone. I therefore suggest there may be some sense to deferring consideration of some of these matters until the hearing on that zone. Nevertheless, seeing as I cannot rely on that decision being made by the Panel, I will provide some evidence on these matters at this point.
17. Within the proposed Jacks Point Resort Zone there are specific proposed policies which refer to what is to occur in Hanley Downs and make reference to its capacity to absorb a higher density of development than elsewhere in the Zone. As accepted in Plan Change 44, the site has particular attributes that lend it to what might be described as "medium density development" or "small lot subdivision" (e.g. it is mostly flat or gently sloping). And similarly as accepted in that plan change process, there are significant benefits to this form of development in terms of affordability and the efficient use of land in the Wakatipu where the developable land resource is quite scarce.
18. Through the combination of rules (including the absence of a minimum lot size) under Plan Change 44, smaller lots than have typically occurred in the

District in the past are provided for. They are not mandated (there is flexibility in the density range) but RCL sees considerable market opportunity to produce land development in this more intensive manner. By way of example, the first stage of subdivision is currently being assessed by Council and provides for lots between around 360m<sup>2</sup> and 780m<sup>2</sup>. Subsequent stages are expected to deliver higher density development than this.

19. Having worked with RCL for several years and seen the development they have undertaken in Australia, I have a high degree of confidence in their experience in and commitment to developing high quality neighbourhood outcomes at these types of densities. What I have learned through this experience is how some of the more traditional rules applied in the likes of the Low Density Residential Zone in the District are not suitable for managing outcomes in these types of environments. Some "traditional" rules such as side yard setbacks and height recession planes can be too restrictive and lead to inefficient use of sites. On the other hand controls on appearances from the street and privacy between buildings become particularly important, and a focus on matters such as the shape of sections and connectivity of street layouts is warranted.
20. Having considered alternatives in methods I presented at the Plan Change 44 hearing what I thought were the most appropriate methods for the Plan to manage this type of development. I felt that writing rules in the District Plan for the often quite detailed controls on buildings on such sites would result in lengthy rules, could limit the ability to adapt design controls over stages and limited the ability to respond to site specific issues. My recommendation (which was accepted by the commissioners) was that these matters were best worked through on a case-by-case basis at the time of subdivision consent being prepared and lodged. This would require anticipated land use outcomes to be assessed and appropriate controls (such as building envelopes) proposed and registered as consent notices. It is for this reason that there are several matters of detail in terms of controls on built form outcomes listed as matters of control (or discretion) for subdivision in this Zone.
21. Having outlined the above, while I believe that Mr Bryce's suggestions are an improvement over the notified version, further amendments can and should be made to enable the zone to operate as I believe is anticipated and is appropriate. Overall, I believe that an effective and efficient plan for subdivision in the Hanley Downs part of the Jacks Point Zone would be achieved if:
  - (a) Subdivision is listed as a controlled activity
  - (b) A standard makes it a restricted discretionary activity if sites smaller than 380m<sup>2</sup> are created

- (c) A policy be introduced to make it clear that sites smaller than 380m<sup>2</sup> are anticipated, but that an extra level of design scrutiny and control is appropriate for such sites
  - (d) For all sites control or discretion to enable controls to be imposed over a list of built form outcomes is maintained
22. The Jacks Point Zone has a Structure Plan which shows amongst other matters key open space / landscape protection areas. In the Hanley Downs part of the Zone key road alignments and connections are shown. This gives a degree of certainty as to what will occur and therefore I support the view of Mr Bryce (which I share) that controlled activity subdivision is appropriate in this instance. I concur with Mr Bryce's s32AA analysis on this matter.
23. I am happy to speak to the reason for a threshold at 380m<sup>2</sup>, but I understand this is beyond the scope of this hearing and can be considered at a later point.
24. I suggest that the rather repetitive reference to certain provisions applying on different sized sites can be removed without reducing the scope of controls or discretion of the rules. This should simplify the plan and its application.
25. I accept there are some merits to the proposed rule to ensure cul-de-sacs are straight (+/- 15%). In principle avoiding cul-de-sacs where possible aids with the connectivity of subdivisions. But on balance I believe that the matters and control and subdivision should allow consideration of this matter so I believe the rule can be deleted in the interests of a briefer plan.
26. I consider that the above suggested changes are within the scope of RCL's submission. I have in an appendix to this submission written up how I recommend the provisions be redrafted.

### **Subdivision Guideline**

27. In general, I do not have a problem with the text of the subdivision guideline proposed to be incorporated within the District Plan. It generally promotes principles that should be considered and adhered to. What is confusing to me however is that the visually shown subdivision layout (albeit indicative) appears to have some fairly fundamental shortcomings which neither match some of the principles in the text of the document nor the objectives and policies of the proposed subdivision chapter.
28. For example I note some such shortcomings that I believe the guideline has:
- (a) Several lots appear to have a front and rear road frontage. At least one site appears to have three frontages. It would be very difficult to achieve an appropriate level of privacy on such lots without

erecting high roadside fences which would promote a poor street outcome.

- (b) Based on the size of the surrounding lots, some very small lots appear to be proposed – with several 200m<sup>2</sup> or smaller. While this may be feasible if well designed, I don't believe this is a good example of a layout at such densities. Many of these small lots have a shape which would be very difficult to build on. On some of the lots with multiple road frontages it is difficult to foresee how a reasonably sized building platform could be achieved given the required 4.5m road setback in the Low Density Residential Zone (where this is located)
  - (c) The subdivision creates a situation where an open space – being the greenway on the eastern boundary of the subdivision has no road frontage. Whilst I do not necessarily believe this is always inappropriate it does raise design challenges such as people seeking to fence along the greenway for privacy and a resultant lack of passive surveillance. It appears to contravene a principle set out in the guideline
  - (d) There appear to be several rear sections – which the document suggests should be avoided where possible. In my experience rear lots pose particular problems – such as with respect to privacy – on small sites such as shown in the guideline
  - (e) I would be interested in what a traffic expert may say about the layout. I note that several sites would be unable to meet the District Plan's required separations between driveways and intersections (although I believe that that site standard in Section 14 of the Plan could use reviewing when that part of the plan is reviewed as it can be difficult to meet with much larger lots)
29. In light of these issues, I suggest that if the guideline is to be adopted that a revised subdivision layout be shown that more appropriately demonstrates the points discussed in the guideline and shows a more realistic layout. Otherwise I consider that the value of the guideline could be limited and it could even prove counterproductive for achieving good subdivision design.

Daniel Wells

Dated: **15 July 2016**

**Appendix – Changes recommended in underline ~~strikeout~~ from the version of the provisions in the Section 42a report**

The following changes are made to reflect the position set out in my evidence and to suggest what I consider to be a more logical and consistent structure of rules already proposed.

*Amendments to the objectives and policies:*

**27.3.13 Objective - Jacks Point Zone - Subdivision shall have regard to identified location specific opportunities and constraints.**

**Policies**

27.3.13.1 Ensure that subdivision and development achieves the objectives and policies located within Chapter 41.

27.3.13.2 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Jacks Point Structure Plan located within Chapter 41.

~~27.3.13.3 The extent to which the subdivision achieves the matters of control listed under Rule 27.7.1 and as they relate to the Jacks Point Structure Plan located within Chapter 41.~~

New 27.3.13.3 – In the Hanley Downs Part of the Jacks Point Zone, anticipate and provide for lots which breach the minimum lot size standard subject to appropriate design controls being in place.

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**27.3.15 Objective – Millbrook - Subdivision shall provide for resort development while having particular regard to landscape, heritage, ecological, water and air quality values.**

**Policies**

27.3.15.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Millbrook Structure Plan located within Chapter 43.

~~27.3.15.2 The extent to which the subdivision achieves the matters of control listed under Rule 27.6.1 and as they relate to the Millbrook Structure Plan located within Chapter 43.~~

*Amendments to rules 27.5.13 and 27.5.14:*

	<b>Subdivision Activities</b>	<b>District Wide Activity</b>
27.5.13	<del>Within the Jacks Point Zone subdivision that does not comply with the standards in Part 27.5 and location specific standards</del>	D



	<del>in part 27.8.</del>	
27.5.14	Subdivision that does not comply with the standards in Part 27.6 <u>(except in the Jacks Point Zone as pursuant to 27.7.4)</u>	NC

Amendments to table 27.6.1:

Zone		Minimum Lot Area
<b>Jacks Point</b>	Residential Activity Areas	380m <sup>2</sup>
	FP-1 Activity Area	4000m <sup>2</sup> Average 2ha
	FP-2 Activity Area	2 hectares Average 40ha
	All other Activity Areas	<del>Subdivision shall comply with the average density requirements set out in Rule 41.5.8.</del>

Amendments to Rule 27.7.4:

	Zone Specific Standards	Activity Status
27.7.4	<p><b>In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision in accordance with the Jacks Point Zone Structure Plan identified in 41.7, the following additional matters of control shall be had regard to:</b></p> <ul style="list-style-type: none"> <li>• The provision of public access routes, primary, secondary and key road connections.</li> <li>• Within the R(HD) Activity Areas, the extent to which the <del>structure plan</del> <u>subdivision</u> provides for the following matters: <ul style="list-style-type: none"> <li>i. The development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area.</li> <li>ii. Mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu.</li> <li>iii. Road and street designs.</li> <li>iv. The location and suitability of proposed open spaces.</li> <li>v. Management responses to remove wilding trees.</li> <li><u>vi. the imposition via appropriate legal mechanism of controls over:</u> <ul style="list-style-type: none"> <li>a. <u>Building setbacks from boundaries.</u></li> <li>b. <u>Location and heights of garages and other</u></li> </ul> </li> </ul> </li> </ul>	C

accessory buildings.

- c. Height limitations for parts of buildings, including
- d. recession plane requirements.
- e. Window locations.
- f. Building coverage.
- g. Roadside fence heights.

- Within the R(HD-SH) Activity Areas, the visual effects of subdivision and future development on landscape and amenity values as viewed from State Highway 6.

- ~~Within the R(HD) Activity Area, the creation of sites sized between 380m<sup>2</sup> and 550m<sup>2</sup>, without limiting any other matters of control that apply to subdivision for that site, particular regard shall be had to the following matters and whether they shall be given effect to by imposing appropriate legal mechanism of controls over:~~

- ~~i. Building setbacks from boundaries.~~
- ~~ii. Location and heights of garages and other accessory buildings.~~
- ~~iii. Height limitations for parts of buildings, including recession plane requirements.~~
- ~~iv. Window locations.~~
- ~~v. Building coverage.~~
- ~~vi. Roadside fence heights.~~

- Within the OS Activity Areas shown on the Jacks Point Zone Structure Plan, measures to provide for the establishment and management of open space, including native vegetation.

- ~~Within the R(HD) A – E Activity Areas, ensure cul-de-sacs are straight (+/- 15 degrees).~~

- ~~In the Hanley Downs areas where subdivision of land within any Residential Activity Area results in allotments less than 550m<sup>2</sup> in area:~~

- ~~b The extent to which such sites are configured:~~

- ~~i. with good street frontage.~~
- ~~ii. to enable sunlight to existing and future residential units.~~
- ~~iii. To achieve an appropriate level of privacy between homes.~~

- ~~c The extent to which parking, access and landscaping are configured in a manner which:~~

- ~~i. minimises the dominance of driveways at the street edge.~~
- ~~ii. provides for efficient use of the land.~~
- ~~iii. maximises pedestrian and vehicular safety.~~
- ~~iv. addresses nuisance effects such as from vehicle lights.~~

- ~~d The extent to which subdivision design satisfies:~~

- ~~i. public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.~~
- ~~ii. Whether design parameters are required to be secured through an appropriate legal mechanism. These are~~

	<p><del>height, building mass, window sizes and locations, building setbacks, fence heights, locations and transparency, building materials and landscaping.</del></p> <p>The following standards apply to the Jacks Point Zone:</p> <p><u>FP-1 Activity Area – a 4000m<sup>2</sup> minimum lot size and an average lot size of 2ha</u></p> <p><u>FP-2 Activity Area – a 2 hectare minimum lot size and an average lot size of 40ha</u></p> <p><u>In all other activity areas subdivision shall comply with the average density requirements set out in Rule 41.5.8</u></p> <p><u>Within the Hanley Downs part of the Jacks Point Zone the minimum lot size shall be 380m<sup>2</sup> with discretion restricted to those matters listed above as matters of control for this part of the Zone.</u></p>	<p>D</p> <p>RD</p>
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