

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource Management Act 1991
(the "Act")

AND

IN THE MATTER of the Queenstown Lakes Proposed
District Plan

**Statement of Evidence of
Duncan Lawrence White**

For Paterson Pitts Limited Partnership

17 August 2016

1.0 Introduction

- 1.1 My name is Duncan Lawrence White. I hold the qualifications of a Bachelor of Science in Geography, a Diploma for Graduates and a Post Graduate Diploma in Science. Both of the latter two qualifications are in Land Planning and Development. These qualifications are all from the University of Otago.
- 1.2 I have over 13 and a half years experience as a planner. I have seven years planning experience with the Manukau City Council, including three years as a subdivision officer processing subdivision resource consent applications, followed by four years as an environmental policy planner undertaking district plan changes, policy development and the acquisition of reserves. For the past six and a half years I have lived in Wanaka and worked as a planner for Paterson Pitts Limited Partnership (Paterson Pitts) (formerly Paterson Pitts Partners (Wanaka) Ltd.). Paterson Pitts is a land development consultancy that undertakes a variety of rural and urban subdivision, resource consent applications and plan change work, primarily around Wanaka.
- 1.3 While this is a Council hearing, rather than an Environment Court process, I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014, and agree to comply with it. I can confirm that this evidence is within my area of expertise, except where I state that I have relied on material produced by other parties, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2.0 Scope of Evidence

- 2.1 This evidence has been prepared on behalf of Paterson Pitts in support of the company's submission (submitter number #453) on Chapter 27 to the Proposed District Plan. This submission related to all components of Chapter 27. In preparing this evidence I have reviewed: the Section 32 Evaluation Report for Chapter 27 – Subdivision and Development, relevant submissions and evidence from some submitters, and Council's updated Section 42A Report on Chapter 27 and associated evidence from Mr David Wallace on infrastructure and Mr Garth Falconer on urban design.

2.2 This evidence covers the points made in the submission from Paterson Pitts in the same order covered in the Section 42A Report. References to proposed provisions are numbered in accordance with the references in the 19 July version of the recommended changes to Chapter 27 as contained in the Section 42A report.

2.3 In this evidence all references to the Act or the RMA are to the Resource Management Act 1991.

3.0 Issues 1-3, Activity Status for Subdivision

3.1 The submission from Paterson Pitts opposed the identification of most forms of subdivision as Discretionary Activities and sought that complying subdivisions, boundary adjustment subdivisions and subdivisions around existing buildings should instead be Controlled Activities.

3.2 The recommended change to a generally Restricted Discretionary regime for subdivision is supported, as are the provisions allowing the update of existing cross-lease and unit titles as Permitted Activities and certain types of boundary adjustments to occur as Controlled Activities. The recommendation for subdivisions in accordance with a structure plan or spatial layout plan to be Controlled Activities are also supported. Restricted Discretionary Activity status for subdivisions in urban zones and rural living zones is also supported.

4.0 Issue 6 – Infill Development Provisions

4.1 The changes to Rule 27.7.13 (submission point 453.4) are supported, however the Section 42A and Section 32AA reports do not address submission point 453.5 on Rule 27.7.14. This submission point supported the intent of the rule, but sought further consideration of the practicalities associated with this rule, particularly those raised by the note between clauses (b) and (c). These practicalities appear not to have been considered. The section 224(c) certificate is a prerequisite to the issue of a new Computer Freehold Register (CFR) to allotments created as a result of a subdivision. A consent notice under section 221 of the Act is normally registered at the time a new CFR is issued and this is always after the issue of the section 224(c) certificate. This issue

could easily be resolved by the following amendment to the wording of this clause by removing the wording "*prior to certification under S224(c)*" and replace the wording "*on the certificate of title*" with "*on the computer freehold register*". This amendment is a change to the wording of the rule only and so would not add any additional costs and would make the make the text of the plan more accurate, as well as being efficient and effective.

- 4.2 This submission point also noted that a consent notice is an enduring memorial on a CFR, and in this case would require ongoing compliance with a certain house design approved by resource consent or certificate of compliance. There may be other house designs that achieve the same or better outcomes for that site and would be just as suitable, but the consent notice (unless varied or cancelled under s221(3)) requires ongoing compliance with an approved outcome. Similarly any alteration to such a house (if a consent notice was registered) would require a variation or cancellation of the consent notice. One way to avoid this issue may be to register a generic consent notice referring to approved plans, rather than a specific reference to an approved set of plans. Another issue that needs consideration is what happens if a vacant site is created, but not built on for more than five years, by which time the consent or the certificate of compliance for the house has lapsed?
- 4.3 I also consider the registration of consent notices to secure short term requirements, in this case construct the approved house, or form a vehicle crossing for instance, to be an incorrect use of consent notices as they are not ongoing requirements. I also note that there is normally no requirement for subdivisions to be subject to consent notices requiring compliance with district plan rules such as required by clauses (d) and (e) of this rule. I consider the long-term costs associated with the rule in the cancellation or variation of the consent notice to the landowner to outweigh the short term benefit from the registration of the consent notice, and one technique to avoid this situation is to register a generic consent notice referring to approved plans, rather than a specific reference to an approved set of plans.. I also note that clauses (d) and (e) are requirements of proposed Rule 7.5.1.4 (from the Low Density Residential Zone) and as such may need to be considered in the light of decisions on that zone. The intent of the rule is therefore supported, but the mechanics, practicalities and effects of it need some more consideration.

5.0 Issue 9 - Objectives and Policies

5.1 Policy 27.2.1.1 Subdivision Code of Practice

Paterson Pitts submitted against the original wording of this policy, but is now satisfied with the amended wording of the proposed policy so it does not make specific reference to the Subdivision Code of Practice (CoP). As per the submission the concern raised by the submission is still around the process and reasons for changes to, and the ability for key stakeholders to provide input on changes to, the CoP. It is recognised that this is an outcome that is outside of a District Plan process.

5.2 Policy 27.2.1.2 Subdivision Design Guidelines

As with the previous issue, the submission on this point was concerned about the lack of involvement in the process for formulating the Subdivision Design Guidelines and as a result a guideline that has not been through a public process effectively will become part of the District Plan.

5.3 Changes sought to Policies 27.2.1.4, 27.2.1.5, 27.2.3.2, 27.2.5.4, 27.2.5.5 in submission points 453.12, 453.13, 453.15, 453.18, 453.19 respectively have been adopted, adopted to a satisfactory extent so it is not proposed to discuss these further.

5.4 Submission point 453.17 supported the renumbered Policy 27.2.4.6 with additional wording to recognise that land set aside as reserve in order to protect and enhance landscape, vegetation and indigenous biodiversity should be credited against the reserve land component of development contribution. The Section 42A report (at para 18.104 p 75) rejects this suggestion, and other submissions on the same policy on the basis that they do not make the policy more effective. Having looked at this proposed policy again and reviewed it in light of the wording of Council's Development Contributions Policy I now question whether this policy is required at all given this is a matter specifically addressed in the Development Contributions Policy. Perhaps it would be more efficient and effective and avoid overlaps to leave the consideration of specific development contributions outside the District Plan by removing clause (ii) of this proposed policy entirely.

5.5 Submission point 453.20 opposed Policy 27.2.5.9 on the basis that such matters are best addressed at the time of building. This submission point has been rejected by the Section 42A report (para 18.139 p 83), this report has not recognised that there is an overlap between this policy and 27.2.5.10 (iv) so this provision is now considered not to be required.

5.6 Submission point 453.20 opposed Policy 27.2.5.11. As with Policy 27.4.6 (para 5.4) this is a matter specifically addressed in the Development Contributions Policy. Perhaps it would be more efficient and effective and avoid overlaps to leave the consideration of specific development contributions outside the District Plan by removing this policy entirely.

5.7 The submission opposed the renumbered Policy 27.2.5.16 and sought to have upgrades credited against development contributions, but the original wording can be supported provided policy 27.2.5.11 is deleted on the basis that Council's development contributions policy and Subdivision Code of Practice covers the standards for the upgrades and the offsetting of costs associated with these against development contributions payable.

6.0 Issue 10 – Non-Complying Activity Standards

6.1 The recommended changes to proposed Rule 27.5.17 are supported as these satisfactorily clarify this rule.

7.0 Notification

7.1 The Section 42A Rule 27.9 relating to the non-notification of applications for Controlled and Restricted Discretionary subdivisions is supported.