

T

Thames Coromandel District Council
Proposed District Plan – Hearings of Submissions

BURFOOT LIMITED (Submitter 423)

Statement by Jeffrey Brown

15 April 2015

Introduction

1. My name is Jeffrey Andrew Brown. I have the qualifications of Bachelor of Science with Honours and Master of Regional and Resource Planning, both from the University of Otago. I am a full member of the New Zealand Planning Institute. I am also a member of the New Zealand Resource Management Law Association. I was employed by the Queenstown Lakes District Council (**QLDC**) from 1992 – 1996, the latter half of that time as the District Planner with responsibility for all resource consents, designations, plan changes and the then proposed district plan process. Since 1996 I have practiced as an independent resource management planning consultant, and I am currently a director of Brown & Company Planning Group Ltd, a consultancy with offices in Auckland and Queenstown. I have resided in Auckland since 2001.
2. I attach (marked **A**) a more detailed description of my work and experience.
3. I have been involved in various subdivisions in Thames Coromandel since 2004. My family and I regularly holiday in Tairua.
4. In preparing this statement I have complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2014. This evidence is within my area of expertise, except where I state that I am relying on another person, and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.
5. In this evidence I address the submission by Burfoot Limited (**Burfoot**) (Submission **423.1**) and the issues raised in the further submissions and the s42A report.

6. Burfoot's submission is in opposition to the Rural Zoning of part of its land at Matarangi Drive (**Lot 5 DP 467530**) which is east of the Matarangi Structure Plan area. The land is shown on page 4 of the s42A report. It is generally in regenerating native and exotic bush with various clear areas, and surrounds three TCDC designations:
- TC205 – TCDC water supply plant (at the north west corner, near the shops);
 - TC204 – TCDC refuse station (at the north east); and
 - TC207 – wastewater plant (centrally located).
7. The Burfoot submission seeks to change the zoning of the part of the property zoned Rural in the PDP to the Rural Lifestyle Zone and/or to apply specific Overlay provisions, and/or a specific Site Development Plan. If the Panel is minded to accept the submission, any of these three options if adopted would need to be accompanied by a set of bespoke development parameters to ensure appropriate land use and land management environmental outcomes.
8. The submission identified the following issues and intentions:
- (a) ***Enable subdivision to create several clusters of rural lifestyle dwelling lots with an average lot size of 2ha;***
 - (b) ***Maintain and enhance native screen planting along the Matarangi Drive frontage to avoid visibility of built development when viewed from Matarangi Drive;***
 - (c) ***Minimise the number of access points onto Matarangi Drive by requiring that each cluster of rural lifestyle dwelling lots shares a single vehicle access from Matarangi Drive;***
 - (d) ***Maintain a minimum 40 metre setback of built development from the Conservation Zone boundary;***
 - (e) ***Maintain and enhance native vegetation areas by imposing limitations on footprint areas for buildings and associated curtilage areas, taking into account the priority locations for indigenous ecosystem restoration and enhancement shown on Figure 1 in Section 38, and legal protection for native vegetation areas;***
 - (f) ***Adopt appropriate best practice methods for stormwater management and disposal, and to require all lots to connect with the existing reticulated water supply and wastewater systems;***
 - (g) ***Ensure that buildings and other structures are located and designed to integrate with the natural character of the surrounding environment;***

- (h) **Promote suitable methods for ecological maintenance and enhancement including by way of weed plant and animal pest management programmes particularly in the area adjacent to the Conservation Zone;**
- (j) **Use planting species appropriate for the ecosystem using local genetic stock where available.**

9. The Planners' s42A report¹ identifies the following issues of concern:

- Ground level and sea level rise/coastal inundation;
- Reverse sensitivity from proximity of residential sites to designations (water supply plant, wastewater plant, transfer station);
- Traffic effects on Matarangi Road;
- Demand for rural lifestyle lots in Matarangi; and
- Consultation.

10. I address these issues as follows, before setting out a comprehensive list of development parameters that should apply to any subdivision and development of the land.

Ground level and sea level rise / coastal inundation

11. The land is generally low lying and the roads and building areas would need to be built up using fill, to a level suitable in relation to coastal hazards and potential sea level rise. The assessment of an application under Chapter 38 of the Plan mandates assessment of building areas in relation to potential coastal inundation and sea level rise. This would require investigation into the required ground level and minimum floor level of habitable buildings, which would be undertaken at the time of application for subdivision, along with consent notices for built development.

Reverse sensitivity from proximity to designations

12. A 75 metre separation distance between the designation boundaries and any habitable buildings within the rural lifestyle lots, along with the retention of the bush within this setback area, is adequate buffering to avoid or mitigate any potential reverse sensitivity effects on the operations of the Council's designated works. Such buffering would address any noise, odour and "activity" effects of the operations.

¹ S42A report – Mercury Bay rezonings, paragraphs 13 and 14

Traffic effects on Matarangi Drive

13. Any adverse traffic effects would be mitigated by:
- Avoiding direct access from individual properties onto Matarangi Drive;
 - Restricting the number of new roads joining Matarangi Drive; and
 - Restricting the number of rural lifestyle lots that could be created.
14. The addition of the traffic of up to 10 lots onto Matarangi Drive is insignificant given the current and potential future use of that road.
15. In any case all traffic impacts, including of the location of new intersections with Matarangi Drive, should be assessed by a traffic expert at the time of any subdivision.

Demand for rural lifestyle lots in Matarangi

16. I do not consider that this is a significant issue. What would be offered to the market is rural lifestyle lots, mostly in bush and with the amenity and privacy the bush offers, very close to the existing settlement (indeed within a very easy walk from the shops). This is a point of difference from other Matarangi properties. It is likely that the developer would research the market before developing,

Consultation

17. This PDP process is a form of consultation. Any application to subdivide the land would be subject to the normal tests for notification/non-notification. However, in my view the key issues (ecological impacts, coastal hazards, reverse sensitivities on Council assets and traffic impacts) are inherently Council issues and can be resolved between the Council and the developer. The status of any subdivision should be restricted discretionary, with the focus of attention on the key issues I listed above, which gives the Council the right to refuse an application or impose conditions where necessary to address potential effects on the environment.

Zoning mechanism and development parameters

18. I consider that applying the Rural Lifestyle zone to the part of the property zoned Rural, along with a set of specific development controls for subdivision and development, is appropriate for the land. A site development plan approach is not appropriate as the subdivision form would be a product of detailed investigations (which I address below). The consent status for the subdivision would appropriately be restricted discretionary, and the assessment matters are already established in Chapter 38.

19. Taking into account the matters in the submission and the issues raised in the s42A report, the development parameters should include:

Standards		
1	Maximum number of Rural Lifestyle lots:	10
2	Maximum area of vegetation clearance per Rural Lifestyle lot:	1200m² (excluding access), taking into account the areas shown on Figure 1 of Part 38 and subject to full ecological assessment
3	Maximum building platform area per Rural Lifestyle lot:	500m², to be entirely located within the vegetation clearance area
4	Minimum separation distance from designation areas TC204, TC205 and TC207	75m to the vegetation clearance area for the Rural Lifestyle lot. The 75m separation area is to remain in bush, and any clear areas within the 75m separation area are to be vegetated
5	Minimum separation distance from Matarangi Drive to any building:	30m. The 30m separation area is to remain in vegetation except where there is existing open space
6	Minimum separation distance from the Conservation Zone to the vegetation clearance area for the Rural Lifestyle lot:	25m². The 25m separation area is to remain in bush, and any clear areas within the 25m separation area are to be vegetated in native species
7	Maximum number of access points onto Matarangi Drive	3
8	Infrastructure	All Rural Lifestyle lots to be connected to reticulated services particularly wastewater

20. An application would need to be accompanied by (in addition to those matters required to demonstrate compliance with Rule 38.7) specific assessments as follows:

² The submission indicated 40m but the PDP rules require a 25m setback from the Conservation Zone (Rule 38.7, Table 3)

- (a) An ecological assessment of the standard otherwise required by Rule 38.8.1(d). This would identify the existing significant ecological values to be restored or enhanced and protected, ecological linkages, ongoing management, plant and animal pest management, monitoring, and would assess the effects of vegetation removal and ground disturbance necessary to create access roads and building platforms.
 - (b) A geotechnical engineering assessment of the access and building platforms and how earthworks within and adjacent to areas of indigenous vegetation would be minimised and managed;
 - (c) A civil engineering assessment of services particularly stormwater management to identify the best practicable option(s);
 - (d) A natural hazards assessment, including in relation to coastal inundation, sea level rise and tsunami;
 - (e) A traffic assessment of the effects of the access points on traffic safety of Matarangi Drive;
 - (f) An archaeological assessment and a cultural values assessment. The cultural assessment would: state the relationship of Maori with the land; identify sites of significance to Maori; state the methods and protocols to follow to protect sites of significance to Maori.
21. The net outcome of the above investigations would be a Subdivision Plan (showing the layout and configuration of access, lot boundaries, services locations, vegetation clearance areas, building platforms, and minimum ground levels and floor levels), and a Management Plan that would include provisions which:
- (a) Ensure the implementation and on-going management of the Management Plan; and
 - (b) Ensure the protection of areas of indigenous vegetation; and
 - (c) Assist the natural regeneration of indigenous vegetation and maintain, enhance or restore the functioning of ecological corridors and linkages, and wetlands; and
 - (d) Define any proposed rehabilitation areas and provide for planting of indigenous vegetation within these areas in particular where ecological linkages are possible; and

- (e) Protect by way of a covenant or consent notice the indigenous vegetation areas and proposed rehabilitation areas; and
 - (f) Require the definition of the areas in (e) above on the survey plan; and
 - (g) Avoid the introduction of pest species and introduced predators, and the control of animal and plant pest species; and
 - (h) Require the vegetation clearance areas and building platform to be registered on the title by way of consent notice; and
 - (i) Take into account any archaeological and cultural issues in the overall design and ongoing management; and
 - (j) Provide public trails, if appropriate, taking into account the ecological values of the bush, privacy, the Council's infrastructure, and internal vehicle access.
22. The outcome of the above is a set of provisions that, along with the Rural Lifestyle Zoning, would enable up to 10 rural lifestyle lots with dwellings nestled in the bush, with significant setbacks from the Council's infrastructure, along with the ongoing protection, restoration and enhancement of the indigenous vegetation, protection of any cultural values, and potentially with public walking trails in appropriate locations.

Objectives and policies

23. Below I address the relevant objectives and policies of the PDP. I begin with the higher order provisions, and then compare the relevant provisions of the Rural Zone and the Rural Lifestyle Zone.
24. In my view the key higher order PDP provisions for this matter are the objectives and policies for Biodiversity (Chapter 6) and the objective for the Coastal Environment (Chapter 7).
25. The Biodiversity objectives and policies (Chapter 6.3) are:

Biodiversity – Chapter 6

Objective 1

Indigenous biodiversity is maintained, restored or enhanced at the time of subdivision, use and development

Policy 1a

Subdivision, use and development shall:

- a) *Retain the ecological sustainability and natural characteristics of indigenous vegetation; and*
- b) *Minimise earthworks within and adjacent to areas of indigenous vegetation; and*
- c) *Locate buildings, structures and accesses outside of areas of indigenous vegetation; and*
- d) *Apply buffers around land use activities to minimise adverse effects on areas of indigenous vegetation; and*
- e) *Avoid the introduction of pest species and introduced predators into habitats where nationally threatened and at risk fauna and flora live; and*
- f) *Maintain, enhance or restore the functioning of ecological corridors and linkages, wetlands and dune systems; and*
- g) *Consider on-going management of priority locations mapped in Section 38 Subdivision, including legal protection, restoration, enhancement, pest control and stock exclusion.*

Policy 1b

Where subdivision, use and development will result in the clearance of indigenous vegetation, the clearance should be undertaken in a way that:

- a) *Retains the viability, integrity and sustainability of indigenous habitats and species; and*
- b) *Does not increase the risk to nationally at risk and threatened species; and*
- c) *Maintains the function of ecological corridors; and*
- d) *Does not increase natural hazard risk (including erosion and flooding); and*
- e) *Does not adversely affect wetland and dune ecosystems and their buffers.*

Policy 1c

Subdivision for restoration or enhancement of indigenous biodiversity shall be considered in the Rural Area where indigenous biodiversity is increased, and protected in legal perpetuity, by one or more of the following:

- a) *Restoring or enhancing priority locations mapped in Sec on 38 Subdivision, identified for protection;*
- b) *Establishing mountain to sea corridors of terrestrial and aquatic ecosystems;*
- c) *Reconnecting fragmented ecosystems (on land and via waterways);*
- d) *Establishing buffers to an underrepresented or threatened indigenous ecosystem;*
- e) *Creating an ecological stepping stone or corridor to link indigenous vegetation;*
- f) *Maintaining or enhancing habitat for nationally at risk and threatened flora and fauna;*
- g) *Restoring or enhancing indigenous habitats adjoining wetlands, rivers, springs, coastal cliffs, dunes, estuaries and fragmented forests;*
- h) *Establishing self-sustaining pest free areas;*
- i) *Restoring or enhancing rare ecosystems.*

Policy 1d

Sustainable use of indigenous vegetation shall be provided for on private land where indigenous biodiversity is maintained or enhanced (this may be through remediation or mitigation on the site or off the site).

Policy 1e

Subdivision, use and development in the Coastal Environment shall avoid adverse effects on:

- a) *Indigenous taxa listed as 'Threatened' or 'At Risk' in the New Zealand Threat Classification System lists or taxa listed as threatened by the International Union of Nature and Natural Resources; and*
- b) *Habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare; and*
- c) *Areas containing nationally significant examples of indigenous community types; and*
- d) *Indigenous ecosystems and vegetation types that are threatened in the Coastal Environment, or are naturally rare; and*
- e) *Areas set aside for full or partial protection of indigenous biological diversity under legislation.*

Coastal Environment – Chapter 7

Objective 1

Subdivision, use and development in the Coastal Environment:

- *Maintains the integrity, form, functioning and resilience of the Coastal Environment; and*
- *Preserves the natural character, natural features and landscape values of the Coastal Environment; and*
- *Recognises the relationship of tāngata whenua with the Coastal Environment; and*
- *Maintains and enhances public open space and recreation opportunities in the Coastal Environment; and*
- *Manages coastal hazard risks; and*
- *Protects and enhances historic heritage values.*

26. The biodiversity of interest is a mix of established and regenerating native and exotic vegetation. In relation to Objective 1 and its allied policies, I consider that the required investigations as discussed above, and the Management Plan approach to any subdivision of this land, will ensure that the objective and policies are achieved. All of the matters in Policy 1(a) can be addressed in the process of formulating the Management Plan, and Policies 1(b), 1(c), 1(d) and 1(e) would all be achieved. The Coastal Environment objectives and policies are also achieved, as the Management Plan approach addresses the natural values, the cultural and historical values, and the coastal hazard issues. I do not consider that any public open space or recreation opportunities are at stake in this case.
27. My view therefore is that the provisions I have set out above put in place an investigation and management regime that would lead to outcomes that are consistent with and achieve the relevant higher order objectives and policies relating to biodiversity and the coastal environment.

Comparison of zoning options: the notified Rural Zone provisions *versus* Rural Lifestyle Zone with the specific development parameters and Management Plan approach

28. When dealing with a review/plan change, there is no “default” position and no presumption in favour of the existing zoning. The start-point is a “clean sheet of paper” and the consent authority must determine what the most appropriate zoning is. In this case the options are

Either: the Rural Zone, which would, under the notified provisions, yield potentially two rural sites provided the ecological protection measures are undertaken;

Or: the Rural Lifestyle Zone along with the bespoke development parameters and the Management Plan approach, as I set out above.

29. The Rural and Rural Lifestyle Zones are described together in the “Background” statement to the Rural Area. The Background statement includes the following:

... The Rural Zone is a place where most of the District's primary production and rural industry is located. It is an active work area that contributes to the social and economic wellbeing of the District but is also a place where people live and use for recreation. The wide uses of the Rural Area can lead to 'reverse sensitivity' effects where largely residential activities conflict with traditional rural activities that generate noise, smell, dust and other effects that should be expected in the Rural Area. Parts of the District's Coastal Environment also fall within the Rural Area. The Rural Lifestyle Zone provides a buffer between settlements and the Rural Zone. In this area residential use on large lots is expected as well as rural activities. ...

30. On the basis of this background statement the land does not really fit the Rural Zone description – it is not primary production land per se, and does not contain any “industry” other than the Council designations. The land is immediately adjacent to the settlement and is a better fit, in my view, with a Rural Lifestyle zoning.

31. The Rural Area objectives and policies (Chapter 24.3), incorporate the Rural Zone and the Rural Lifestyle Zone, are set out below along with my analysis:

Objective 1

A variety of land uses occur in the Rural Area without conflict, making efficient use of natural and physical resources.

Policy 1a

Primary production and rural industrial activities and other activities that have a functional need to locate in the Rural Zone should occur where adverse effects on rural character and the natural environment are remedied or mitigated.

Policy 1b

Large lot residential development in the Rural Lifestyle Zone shall be self-sufficient in respect of water, wastewater and storm-water services.

Policy 1c

Subdivision in the Rural Zone shall be provided for, where appropriate, where priority areas of indigenous vegetation are restored or enhanced and legally protected.

Policy 1d

Subdivision, use and development in the Coastal Environment parts of the Rural Area shall provide public access to and along the coast, or alternative routes to the coast where access may need to be restricted to protect special values and health and safety.

32. Objective 1 refers to the efficient use of natural and physical resources. I consider that there are efficiencies from encouraging – subject to managing the ecological effects – more rural lifestyle development within this site than the notified provisions otherwise provide for. I address this efficiency issue at the conclusion of this section. Objective 1 also refers to uses that occur without conflict, and this can be adequately addressed by the buffer distances I have promoted around the Council designations.
33. Policy 1a applies only to the Rural Zone and refers to primary production and rural industry. I discuss these further in relation to Objective 2 below.
34. Policy 1b applies to Rural Lifestyle Zone, and requires that large lots be self-sufficient for services. The land is immediately adjacent to the settlement and the main services for the town (the water and wastewater plants). There are efficiencies in linking new lots to these town services.
35. In relation to Policy 1c, the land contains areas of priority indigenous vegetation (as shown on Figure 1 to Chapter 38 rules). Taking that into account, along with the location of the land in the context of Matarangi, in my view it is more efficient to promote more lots as a stronger incentive to protect and enhance the priority area. I address this further later in my evidence.
36. Policy 1d applies to both the Rural and Rural Lifestyle zones. Public access in the form of trails through the bush is encapsulated in the Management Plan provisions.

Objective 2

The District's rural land resource is safeguarded for primary production.

Policy 2a

The scale and intensity of residential, commercial and industrial activities in the Rural Zone shall be limited to retain the availability and versatility of high class soils for primary production.

Policy 2b

Rural lifestyle development shall be directed away from areas subject to natural hazards beyond acceptable risk (see Sec on 10 Natural Hazards), high class soils and known mineral resources.

37. Policy 2a applies in the Rural Zone only. The notified Plan values the land for its ecological attributes rather than the versatility of the soil and its potential for primary production.

38. Policy 2b applies in both the Rural Zone and the Rural Lifestyle Zone. There is potential risk from coastal inundation but this can be mitigated by the location and elevation of building platforms, and this would be assessed as part of the formulation of the subdivision plan and the Management Plan.

Objective 3

The viability of existing lawfully established activities in the Rural Zone is not compromised by new sensitive land use activities that would create reverse sensitivity conflicts.

Policy 3a

Residential activities may occur in the Rural Zone where the reverse sensitivity effects can be demonstrably minimised.

39. This objective and policy apply only in the Rural Zone. Whether the zoning is Rural or Rural Lifestyle, the separation distances proposed between the lots and the Council designation areas satisfy these provisions regarding reverse sensitivity.

Objective 4

Subdivision, use and development in the Rural Area maintains the rural character and amenity of the zone in which they are located.

Policy 4a

Subdivision, use and development in the Rural Area should be in keeping with the character and amenity of the zone in which they are located. In particular they should not:

- a) Generate significant increases in road traffic volumes beyond the state highways;***
- b) Generate significant increases in dust, odour or other nuisance effects beyond those expected in the zone.***

Policy 4b

Activities in the Rural Area shall be self-contained with regard to water, stormwater and wastewater servicing.

Policy 4c

Activities in the Rural Area shall ensure that there is sufficient quantity and quality of water supply for anticipated occupants and for fire-fighting demands.

Policy 4d

Buildings and structures in the Rural Area should be sited in a manner and designed to a scale, density, and height which complement the character and amenity of the zone in which they are located. In particular they should:

- a) Maintain the open space character of the Rural Area; and***
- b) Maintain amenity values in terms of scale, appearance or density.***

40. This objective and policies regarding rural character and amenity apply regardless of whether the Rural or Rural Lifestyle Zone applies.
41. The land is not part of a wider rural landscape or environment and it has a unique character given its location and setting. The intention is to create building platforms and curtilage areas

nestled within the existing bush, allowing privacy and separation but in very close proximity (walking distance) to the urban area. The provisions I have promoted would allow such development but would at the same time avoid significant change to the visible character of the land; the built development would not be visible from beyond the site, except for the introduction of the new access points onto Matarangi Drive. The very limited development allowed would not generate significant increases in road traffic or dust, odour etc.

42. In relation to Policies 4b and 4c, the lots should be able to connect to the reticulated services given their proximity to the town supply. In relation to Policy 4d, the Rural Zone and the Rural Lifestyle Zone provisions both contain provisions for managing effects of built development on character and amenity values.

Objective 5

Subdivision, use and development of the Coastal Environment maintains and enhances coastal ecosystems, indigenous biodiversity, coastal water quality, natural features and landscapes, ecological functions and physical processes.

Policy 5a

Subdivision, use and development shall minimise the discharge of sediments and contaminants to water in the Coastal Environment.

Policy 5b

Clearance of indigenous vegetation shall be discouraged in the Coastal Environment.

Policy 5c

Subdivision, use and development activities in the Coastal Environment shall use preventative measures to protect indigenous ecosystems and habitats that are particularly vulnerable to modification including estuaries, lagoons, coastal wetlands, dune lands, inter-tidal zones, rocky reef systems, eelgrass and saltmarsh.

Policy 5d

Subdivision, use and development activities in the Coastal Environment shall recognise and protect the values of the individual landscape units of rivers, harbours and estuaries (refer to Subdivision Design Principles Appendix 4).

43. This objective and policies regarding the Coastal Environment apply to both the Rural and Rural Lifestyle Zones.
44. In relation to Objective 5, the intention of the Management Plan approach is to enable additional subdivision opportunity within the site while maintaining and enhancing the ecosystems, indigenous biodiversity, water quality, natural features, ecological functions and physical processes inherent in the land and surrounds.
45. On Policy 5a, the Management Plan will address and determine the best practicable methods of stormwater management.

46. On Policies 5b and 5c, the intention of the Management Plan is to avoid or at the very least minimise clearance of indigenous vegetation, with the goal of better incentivising, by a reasonable increase in the potential lot yield, as much investment in protection and enhancement of the ecosystems and habitats as possible.
47. On Policy 5d, the development within the bush area would be sufficiently discrete and obscured from the landscape values of the estuary.

Objective 6

The natural character and landscape values of the Coastal Environment, particularly outside existing settlements, are retained and enhanced.

Policy 6a

New buildings in the Coastal Environment, outside of existing settlements, shall avoid ridgelines, hilltops or prominent landforms.

Policy 6b

New buildings in the Coastal Environment shall be designed, constructed and finished to:

- a) Visually integrate with the surrounding landscape; and*
- b) Be visually recessive and of low reflectivity.*

Policy 6c

Subdivision, use and development in the Coastal Environment shall incorporate landscaping and screen planting measures where visible from public land.

48. This objective and policies regarding the Coastal Environment apply to both the Rural and Rural Lifestyle Zones. The intention of the Management Plan provisions is to retain the natural character of the area when viewed from outside the site. As discussed earlier, the only physical change would be the introduction of new access points onto Matarangi Drive. There are no ridgelines, hilltops or prominent landforms, and buildings can easily be designed to visually integrate with the landscape – indeed they will be located to be obscured when viewed from outside the site. Screen planting can be used if necessary to augment existing vegetation.

Objective 7

The open, unspoilt character of the District's coast is maintained and future development avoids sensitive coastal and natural environments and undeveloped parts of the coast.

Policy 7a

Residential development in the Coastal Environment should be directed to existing coastal settlements.

Policy 7b

Development in the Rural Lifestyle Zone in the Coastal Environment shall provide opportunity for rural living while retaining the open space character of the Rural Area.

49. The objective and Policy 7a apply in both the Rural and Rural Lifestyle Zones, whereas Policy 7b refers only to the Rural Lifestyle Zone. The development of more lifestyle lots in this

location will not affect any open, unspoilt areas of the coast. The land is immediately adjacent to the existing residential settlement and the significant infrastructure that services that settlement; it is not out in an isolated rural location. The provisions provide opportunity for rural lifestyle living, in a unique setting, while having no impact on the open space character of the Rural Area.

Objectives and policies – summary and conclusion

50. I conclude from the above assessment that, on balance, the Rural Lifestyle Zone is a better fit for this land than the Rural Zone. This is confirmed when I consider the “Zone Purpose” statements (that head up the rules) which encapsulate the intent of the objectives and policies for each zone. The Zone Statements are:

51. For the Rural Zone (Chapter 56.2):

The Rural Zone is predominantly a working environment and effects such as noise, odour, contaminants and traffic from primary production activities are to be expected. Productive areas contribute to the District's wellbeing through economic activity and income generation. The 'right to farm' recognises that there are established expectations regarding the rural amenity levels associated with the primary activities in a Rural Zone. However, this needs to be balanced against the other special values in the Rural Area which are mostly expressed through the overlays in the Plan. New or emerging activities must acknowledge that these amenity levels are integral to the Zone's character and diversity. ...

Lot sizes and density standards in the Rural Zone have been established to provide for the sustainable use and development of primary production activities and those involving other natural resources, while ensuring those values that contribute to the rural character of the Zone are retained and enhanced.

52. For the Rural Lifestyle Zone (Chapter 57.2):

The Rural Lifestyle Zone is a transition area between settlements and productive rural land.

It is a zone close to settlements where residents can enjoy the benefits of a rural lifestyle and its associated amenity at a short distance from areas where support services and infrastructure are provided. The Zone also serves as a buffer between settlements and the Rural Zone. This assists with the management of effects from farming and forestry activities on neighbouring settlements (and vice versa). The Rural Lifestyle Zone provides an area where both rural and low density residential activities can co-exist. ...

53. Given the location adjacent to the Matarangi settlement, it is clear that the land provides opportunities for residents to enjoy the benefits of a rural lifestyle and its associated amenity (in this case the opportunity for living within the bush setting) at a short distance from the town's support services and infrastructure. The land is not productive and has other values (principally ecological) that provide the focus for identifying the most sustainable outcomes for the land and its resources.

54. In the Rural Zone the expectation is for very low density of development (minimum lot size of 20ha), whereas the Rural Lifestyle Zone has an expectation of higher density (2ha minimum). Given the locational attributes, the lack of any productive potential, the ability to manage reverse sensitivities, and the ability to protect, restore and enhance the natural values, the Rural Lifestyle zone is in my view more appropriate in that it enables a potentially higher density.
55. The overall yield of new sites, and the costs of the necessary protection, restoration and enhancement of natural values, is unknown; that is the purpose and outcome of the Management Plan approach. The Rural Zone yield of 2 sites may not be enough to incentivise (by virtue of the likely costs) the level of protection and enhancement required. The provisions I am promoting would, within the confines of the development parameters and the outcomes of the ecological and other assessments (which would collectively determine the optimal layout), yield a potentially higher number of sites and this is likely to be a stronger incentive for the works required for achieving the environmental benefits.
56. I consider that there is nothing inherently wrong with enabling a greater potential number of sites, in this location, given the intent of the Management Plan approach for achieving environmental gains, which is broadly consistent with the higher order objectives and policies for biodiversity and the coastal environment, as well as the objectives and policies for the rural areas.

Part 2 of the Act

57. Several section 6 matters are in play. Section 6(a) relates to the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development. I consider that the natural character of the land and its resources would be preserved to the extent that the indigenous areas of bush would be protected and enhanced, and the zoning, development parameters and Management Plan approach in this location are not inappropriate.
58. Section 6(c) relates to the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. The PDP recognises this area of vegetation and the Management Plan approach is tailored to its protection, as well as its enhancement.
59. Sections 6(d) (the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers), 6(e) (the relationship of Maori and their culture and traditions) and 6(f) (the protection of historic heritage from inappropriate subdivision, use, and development) are all addressed by the intended Management Plan provisions.

60. Section 7 is relevant. Section 7(b) promotes the efficient use and development of natural and physical resources. I consider that efficiencies derive from enabling lifestyle lots within walking distance of the existing settlement and the amenities and services it offers, and from the proximity to reticulated services. This would need to be balanced against the efficiencies of development requiring earthworks for building platforms and if necessary roading, and stormwater management, and the necessary investment in ensuring that such works do not in themselves have adverse effects. Such balancing would be addressed at the time of formulating the Management Plan.
61. Section 7(c) and (f) relate to the maintenance and enhancement of amenity values and the quality of the environment. I consider that the Management Plan approach intends that the amenity values and the quality of the environment of the area, including the intrinsic values of its ecosystems (section 7(d)) are maintained and enhanced, through the ecological assessment and the sensitive location of development in response to the ecological values.
62. Under section 5, the Rural Lifestyle Zone with specific development parameters and the Management Plan approach are tailored to the future use, development and protection of the resources of this property. They enable limited opportunities for people seeking to live in a lifestyle property in a bush setting but within walking distance to urban amenities and services, while achieving the matters in section 5(2)(c): sustaining the potential of the resources to meet the reasonably foreseeable needs of future generations; safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.
63. I therefore consider that the Rural Lifestyle Zone, the bespoke development parameters and the Management Plan provisions, are the methods to achieve the most sustainable outcomes for the resources of the property, and better meet the purpose and principles of the Act.

J A Brown

15 April 2015

A

Curriculum vitae – Jeffrey Brown

Professional Qualifications

1986: Bachelor of Science with Honours (Geography), University of Otago

1988: Master of Regional and Resource Planning, University of Otago

1996: Full Member of the New Zealand Planning Institute

Employment Profile

- May 05 – present: Director, Brown & Company Planning Group Ltd – resource management planning consultancy based in Queenstown and Auckland. Consultants in resource management/statutory planning, strategic planning, environmental impact assessment, and public liaison and consultation. Involved in numerous resource consent, plan preparation, changes, variations and designations on behalf of property development companies, Councils and other authorities throughout New Zealand.
- 1998 – May 2005: Director, Baxter Brown Limited – planning and design consultancy (Auckland and Queenstown, New Zealand). Consultants in resource management statutory planning, landscape architecture, urban design, strategic planning, land development, environmental impact assessment, public liaison and consultation.
- 1996-1998: Director, JBA, Queenstown, affiliated with Davie, Lovell-Smith, Christchurch – resource management consultant.
- 1989 – 1996: Resource management planner in several local government roles, including Planner (1992 – 1994) and District Planner (1994 – 96), Queenstown-Lakes District Council. Held responsibility for all policy formulation and consent administration.

List of projects (selected examples only)

- Numerous applications/rezoning/designation requests for a variety of development projects throughout New Zealand.
- Various: involvement in Queenstown-Lakes District landscape cases (including C180/1999 and subsequent cases, 1998 – 2003);
- Various: Involvement in numerous rural subdivision and development applications, Queenstown-Lakes, Central Otago, Auckland, Selwyn, Thames-Coromandel, Far North Districts, 1996 – present;
- Housing New Zealand Corporation – analysis of housing stock and planning implications (2010);
- Samson Corporation Ltd / Sterling Nominees Ltd – inner city and business/industrial redevelopment projects, Auckland (2001 – present);
- Melview Developments Ltd – high density hotel and residential development (2005 – 2008);
- Equinox Group / Thomas & Adamson Ltd – high density affordable housing project, Flat Bush, Manukau (2012 – present);
- Milford Dart Limited – proposal for tunnel linking Routeburn Road with Hollyford Road – Department of Conservation concession application (2006 – present);
- Hawthorne Estates Limited – rural residential development, Wakatipu, 2001
- Queenstown Lakes District Council – Aquatic Centre development – designation and associated consents (2004 – 2005);
- Wellington International Airport Limited – resource management advice, evidence and other reports and advice on property interests (2004 – 2006);
- Southern Alpine Recreation (nzski.com) – expansion of snow making facilities, Remarkables Ski Area (1999 – 2006); structures at Coronet Peak Ski Area (2005 – 2006); expansion of skifield areas (2019 – 2012);

- Mount Cardrona Station Limited – rezoning to create 1000 unit village and associated village centre and related activities (2005 – present) (**winner 2008 Resource Management Law Association Awards – Best Documentation**);
- Wanganui District Council – Industrial & Residential Strategic Plan for Wanganui (1998) and follow up strategic research and report (2005);
- Remarkables Park (100 ha residential/mixed-use, Queenstown) – key resource management advisor – up to 400 residential and visitor accommodation units, large format retail and shopping precinct and riverside village;
- Caughey Preston Home (Remuera, Auckland) – zone change to better enable expansion of established aged care facility (2009 – 2011);
- Whangarei District Council/NZ Fire Service – designations for new facilities (2002);
- Omaha Park Ltd – rezoning proposals for residential/visitor accommodation/recreation facilities at Omaha, Rodney District (2001 – present);
- Otahu Properties Ltd – coastal residential subdivisions, Coromandel Peninsula (2005 – 2006);
- Gusty Limited – coastal and lifestyle subdivisions, Coromandel Peninsula, 2013 – present;
- Clearwater Estate, Christchurch – golf course/resort and residential development - strategic planning advice (2001 – 2002);
- Ngai Tahu Property Group Ltd – Wigram Aerodrome masterplan for redevelopment, incorporating mixed density residential and commercial development, including golf course and recreational facilities on 250 hectare site, Christchurch;
- The Hills Golf Course – sculpture park, golf course, residential development, Arrowtown (2004 – 2009) (**winner 2009 Resource Management Law Association Awards – Best Project**).
- Mt Rosa Partnership / Management Systems Ltd (100 hectares, vineyards, winery, rural residential, State Highway 6, Gibbston Valley 1998-1999, 2003);
- Terrace Downs Resort, Rakaia Gorge, Canterbury – masterplanning and rezoning proposals (2005 – 2006);
- Residential/commercial rezoning proposals – Christchurch City periphery and Selwyn District: Yaldhurst residential rezoning (90 hectares), Halswell East block (70 hectare residential masterplan and rezoning) Shands Orchard (masterplanning, rezoning for rural residential use), Styx/Belfast (120 hectares masterplanning/rezoning), Mair Orchard (rezoning for rural residential) (1997 – 2002);
- Waitiri Station Ltd (150 hectares, vineyards, rural residential and high density residential, State Highway 6, Gibbston Valley, 1999 - 2000);
- Blanket Bay Lodge (visitor accommodation, Wakatipu, 1998-1999);
- Matakauri Lodge (visitor accommodation, Closeburn, 1998 – 2000);
- Perron Developments – Sofitel Hotel, Queenstown (2002 – 2005);
- Columbia Pictures, Sony Entertainment/Tristar (Sound Stages for movie production/other movie locations (1999-2001);
- Witness in numerous Council hearings and Environment Court hearings since 1993.