

**BEFORE THE QUEENSTOWN LAKES  
DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991 (the “Act”)

**AND**

**IN THE MATTER** of the Queenstown Lakes Proposed District Plan –  
Large Lot Residential A Variation

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**Statement of Evidence of  
Duncan Lawrence White  
and  
Michael James Botting**

**For Paterson Pitts Limited Partnership #16**

**Philippa O’Connell and Jeromy van Reil # 12**

**Babak Hadi # 14**

**Rohit Khanna # 15**

**David Lumsden # 23**

**Andrew and Jodie Howard # 30**

**Alastair Seyb # 31**

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**14 June 2021**

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## 1.0 Introduction

1.1 This evidence is presented by the Wanaka office of Paterson Pitts Group by two of the partners from the Wanaka office. This evidence is presented on behalf of the following submitters:

12 – Philippa O’Connell and Jeromy van Reil

14 – Babak Hadi

15 – Rohit Khanna

16 – Paterson Pitts Limited Partnership (Wanaka)

23 – David Lumsden

30 – Andrew and Jodie Howard

31 – Alastair Seyb – Land and Infrastructure Management Ltd

### Qualifications and Experience

1.2 Paterson Pitts is a land development consultancy that undertakes a variety of surveying, engineering and planning projects, primarily around Wanaka. The company also has offices in Queenstown, Cromwell, Alexandra, Dunedin and Christchurch.

1.3 Mike Botting is a principal of the Wanaka Paterson Pitts office and has a Bachelor of Surveying, is a Registered Professional Surveyor and Licensed Cadastral Surveyor and a member of Survey and Spatial New Zealand (formerly the New Zealand Institute of Surveyors).

1.4 Mike started his surveying career working on a variety of land development projects across Auckland before moving to Wanaka in 2004. Mike now has over 20 years’ experience in land development including 16 years of project management of large greenfield subdivisions.

1.5 Mike is experienced in all aspects of the land development process from feasibility, budgeting, project planning, detailed design, tendering, construction supervision and compliance with local authorities.

1.6 Duncan White is also a principal of the Wanaka office of Paterson Pitts. He has 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.

- 1.7 Duncan has over 18 years planning experience, including seven years planning experience with the Manukau City Council. His local government experience includes 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 eleven years Duncan has lived in Wanaka and worked as a planner for Paterson Pitts Limited Partnership (Paterson Pitts).

### Submissions

- 1.8 The Paterson Pitts submission supported the strategic intent and purpose of the variation but sought changes to the drafting of the amended rules to make these clearer and more understandable. The submission and this evidence are specifically intended to provide feedback from practitioners who will deal with these provisions and the subdivision process on a day-to-day basis and have been involved in submissions on a number of other Proposed District Plan (PDP) topics. We have sought consent for several subdivision consents that complied with the 2,000m<sup>2</sup> minimum lot size and a few that infringed the minimum lot size due to the position of existing houses or the access. We have also had one application that was publicly notified as a result of Council's change in practice where one of the lots was less than 2,000m<sup>2</sup>. This application was approved by the commissioner. We have also had one application to subdivide around two existing houses with one of the lots less than 2,000m<sup>2</sup>, that Council have advised would be publicly notified.
- 1.9 In addition to the submission from Paterson Pitts, we provide evidence on behalf of various submitters who are landowners within the Large Lot Residential A zone. The following submitters sought amendments to the notified wording of the variation:

23 – David Lumsden

30 – Andrew and Jodie Howard

31 – Alastair Seyb – Land and Infrastructure Management Ltd

- 1.10 This evidence is also on behalf of the following submitters who submitted in support of the notified wording of the variation:

12 – Philippa O'Connell and Jeromy van Reil

14 – Babak Hadi

- 1.11 While this is a Council hearing, rather than an Environment Court process, we confirm that we have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and agree to comply with it. We can confirm that this evidence is within our areas of expertise, except where we state that we have relied on material produced by other parties, and that we have not omitted to consider material facts known to us that might alter or detract from the opinions expressed.

## **2.0 Scope of Evidence**

- 2.1 This evidence has a narrow scope and is therefore brief as it relates to the amendments to components of PDP Chapter 11 Large Lot Residential (Policy 11.2.1.2 and Rule 11.5.9.1 and the renumbered Rule 11.5.9.2) and the minimum lot size for subdivision in the Large Lot Residential A zone Rule 27.6.1.
- 2.2 The change to Policy 11.2.1.2 is supported as the proposed amended wording is efficient, effective and clear in which matters Council has control over in each of the Large Lot Residential zones. There are no submissions in opposition to the proposed wording. I support the position taken in the S42A report recommending that the submissions supporting the proposed variation to this policy be accepted.
- 2.3 The submissions and S42A report have three possible alternatives for the wording of Rule 11.5.9.1. These options are tabulated in Table 1 below. The submissions in support of the plan change all support retention of the as notified wording, or one of the three alternatives suggested by submissions PPG/Lumsden/Seyb, Malpass, or the revised version contained in the S42A Report.

Rule	Current PDP	Notified	PPG/Lumsden/Seyb	Malpass (Further Subission 36)	S42A Recommended
11.5.9.1	Large Lot Residential Area A: a maximum of one residential unit per 2000m <sup>2</sup> net site area	Large Lot Residential Area A: a maximum of one residential unit per site	Large Lot Residential Area A: a maximum of one residential unit per 2000m <sup>2</sup>	Large Lot Residential A: a maximum of one residential unit per site 2000m <sup>2</sup> (net site area). Except for lots created pursuant to Rule 27.6.1, there shall be more than one residential unit per site.	Large Lot Residential A: (a) a maximum of one residential unit per site; or (b) a maximum of one residential unit per 2000m <sup>2</sup> (total area).
11.5.9.2	N/A	Large Lot Residential Area A: any additional residential unit to that permitted by Rule 11.5.9.1, no more than one residential unit per 2000m <sup>2</sup> .	Not required as a result of above amendment	N/A	Not required as a result of above amendment.

Table 1: Proposed Wording of Rule 11.5.9.1

- 2.4 I have assessed the three current alternative options PPG/Lumsden/Seyb, Malpass, and the revised version contained in the S42A Report. I consider the wording recommended by the Malpass submission to be more confusing than the alternatives, requires reference back to the subdivision chapter and possibly allowing a density of more than one house per 2,000m<sup>2</sup>. I therefore do not favour this rule. I consider the S42A report wording to provide for (a) the construction of one residential unit per site, even if the site is less than 2,000m<sup>2</sup> and (b) for sites larger than 2,000m<sup>2</sup>, one residential unit per 2,000m<sup>2</sup>. I do not think the text “(total site)” is necessary and is not used elsewhere in the District Plan, but it does add some more clarity for interpretation. Overall, the S42A proposed version wording removes the consequential need to amend Rule 11.5.9.2 and add in 11.5.9.3 to contain the current Rule 11.5.9.2. I prefer the S42A report wording over the Paterson Pitts submission version as it enables one residential unit to be constructed as a permitted activity on sites less than 2,000m<sup>2</sup>. This will be important as the proposed variation to Rule 27.6.1 (discussed below) will enable vacant lots to be created between 1,500m<sup>2</sup> and 2,000m<sup>2</sup>. This is the only version of these rules that does not require a resource consent for a non-complying activity to construct a house on sites less than 2,000m<sup>2</sup>. I therefore prefer and support the wording of Rule 11.5.9.1 proposed in the S42A report.
- 2.5 The submissions and S42A report have three possible alternatives for the wording of Rule 27.6.1. These options are tabulated in Table 2 below.

Rule	Current PDP	Notified	Edgar	PPG/Lumsden/Seyb	S42A Recommended
27.6.1	Large Lot Residential A minimum lot area 2000m <sup>2</sup>	1500m <sup>2</sup> providing the total area of the site is not less than 2000m <sup>2</sup> average.	1500m <sup>2</sup> providing the total area of the site is not less than 2000m <sup>2</sup> average (gross)	1500m <sup>2</sup> providing the average lot size is not less than 2000m <sup>2</sup>	1500m <sup>2</sup> providing the average lot size is not less than 2000m <sup>2</sup> (total area, not net area).

Table 2: Proposed Wording of Rule 27.6.1

2.6 In my assessment the as notified version of Rule 27.6.1 is not clear. It does not satisfactorily link the minimum lot size of 1500m<sup>2</sup> and the required average lot size of 2,000m<sup>2</sup>, nor is it clear about the basis for the average lot size calculation (is this to be based on the net site area (excluding access) or the total site?). The Edgar submission clarifies that the average is to be assessed against the total site area. That submission uses the word gross, which I accept, as mentioned in the S42A report is linked in the District Plan to building area rather than subdivision. The PPG/Lumsden/Seyb submissions are clear that the minimum lot size is to be 1500m<sup>2</sup>, providing that the average lot size for lots within the subdivision is to be a minimum of 2,000m<sup>2</sup>. This is consistent with wording in other similar zones (eg Rural Lifestyle) which have both minimum and average lot sizes. The PPG/Lumsden/Seyb submissions have not defined whether the average lot size is to be calculated on a total area basis or net of access to rear sites. This was because the submissions considered it not necessary as the area of the site is the total area of the site including access.

2.7 The S42A report has taken the clearer wording of the PPG/Lumsden/Seyb submissions and combined it with a note on how the basis for the lot size is to be measured. In my opinion the note "*total area*" removes any ambiguity in application, the wording "*not net area*" is not used elsewhere in Rule 27.6.1 and is not strictly necessary.

### **3.0 Conclusions**

3.1 The change to Policy 11.2.1.2 as notified is supported as the proposed amended wording is efficient, effective and clear in which matters Council has control over in each of the Large Lot Residential zones.

3.2 In relation to Rule 11.5.9.1 the S42A version of Rule 11.5.9.1 is preferable to the original, notified and submission texts of the rule and is supported. This is as the S42A report version enables one residential unit to be constructed as a permitted activity on sites less than 2,000m<sup>2</sup>. This version does not require any amendment to Rules 11.5.9.2 or 11.5.9.3.

3.2 In relation to the proposed variation to Rule 27.6.1, the wording proposed in the S42A report introduces the minimum lot size of 1500m<sup>2</sup> to resolve some of the issues with the non-complying activity status of subdivision due to the need to subdivide around existing houses and provide access to rear sites and the fact that this access is excluded from the net site area making the lot size smaller than required by the current rule. The introduction of the minimum lot size of 1,500m<sup>2</sup> resolves these issues and the introduction of the average lot size of 2,000m<sup>2</sup> means the proposed variation results in the same amenity outcomes as anticipated by the Large Lot Residential A zone. The proposed S42A wording improves the issues identified with the drafting of the notified version. The introduction of the wording "*total area*" is in my opinion removes any ambiguity; the wording "*not net area*" is not necessary but does no harm. The variation to this rule as proposed in the S42A version is therefore supported.