

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

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 12
– Upper Clutha
Annotations and
Rezoning Requests

**REBUTTAL EVIDENCE OF MARION READ
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

LANDSCAPE

5 May 2017

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1. INTRODUCTION

- 1.1 My full name is Marion Read. I am a Landscape Planner and principal of my own consultancy, Read Landscapes.
- 1.2 My qualifications and experience are set out in my statement of evidence in chief dated 20 March 2017.
- 1.3 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise except where I state that I am relying on the evidence of another person.
- 1.4 All references to PDP provision numbers are to the Council's Reply version of those provisions unless otherwise stated. In addition, references to **[CBX]** are to the Council's Bundle of Documents (**CB**) dated 10 March 2017.

2. SCOPE

- 2.1 My rebuttal evidence is provided in response to the following evidence:
- (a) Ms Yvonne Pfluger on behalf of Glendhu Bay Trustees Ltd (#583);
 - (b) Mr Christopher Ferguson also on behalf of Glendhu Bay Trustees Ltd (#583); and
 - (c) the 'rebuttal evidence' of Mr Charles Grant for Seven Albert Town Property Owners (#1038).
- 2.2 My evidence has the following appendices:
- (a) **Appendix 1:** Extension of G Activity Area; and
 - (b) **Appendix 2:** Identification of lots at southern part of Glendhu Station.

3. MS PFLUGER FOR GLENDHU BAY TRUSTEES LTD (#583)

3.1 The evidence filed on behalf of the Glendhu Bay Trustees Limited amends the proposed Glendhu Station Zone (**GSZ**), compared to the version originally provided with the submission. Mr Ferguson's evidence provides the modified framework which includes an amended proposed Chapter 44 GSZ, which is of particular relevance. Ms Pfluger's evidence relates to and supports that modified framework.

3.2 Ms Pfluger identifies that the following changes have been made to the proposed GSZ:

- (a) the Lodge Activity Area has been deleted, and the area in which it was located has been encompassed in the amended OS/F activity area, now the "GS-OS/F activity area". I consider that this is a positive amendment;
- (b) the Lake Shore activity area has been moved east and confined to the lower terrace adjacent to the lake. I consider that this is a positive amendment, which would reduce the impact of the development proposed within this area on the landscape of the vicinity. This also reduces the development area from that which is consented;
- (c) the proposed residential pod located to the north of the Mount Aspiring Road has been removed. The area in which it was to be located has been subsumed by the surrounding G activity area. The now removed residential pod is not part of the consented development. I consider this to be a positive amendment;
- (d) the four proposed residential pods (the R activity areas) have been aggregated. The OS-F activity area which was located between the pods has been removed to alter the focus from farming to revegetation. I consider that this is a positive amendment;
- (e) the original consent application was for 50 residences, but consent was only granted for 42. A total of 50 homesites were included on the Structure Plan included in the primary

submission, including the eight homesites that were declined through the consent process (HS 2, 7, 12, 14, 15, 23, 25 and 27). The locations of these eight homesites have now been refined. Ms Pfluger states at her paragraph 33(c) that, "*These sites are not identical and have been refined since the eight homesites sought at the time of the Council land use consent hearing*". She does not explain how they differ to the eight that were declined in the original consent hearing, but states at her paragraph 61 that she has assessed them and considers that, "... *the eight proposed homesites can be absorbed into the landscape without inappropriate adverse landscape, visual or amenity effects*". I have checked the original land use consent application and the only homesite that has a different Reduced Level (**RL**) from those declined through the consent application, is Lot 28, which has been lowered by 0.3m from 352.3masl to 352.0masl. I discuss this further below;

- (f) the height limit on all other home sites is reduced from 6m in the initial submission to 4m from a defined datum on each site. I am unclear as to how the datum levels for the eight extra homesites proposed have been determined. I discuss this further below;
- (g) a Golf Facilities Overlay has been located adjacent to and on the northern side of the Mount Aspiring Road and to the west of the Fern Burn. I understand this is to facilitate a service yard facility similar to that consented and consider that this is appropriate;
- (h) the Southern Tributary and Moraine Slope Landscape Protection Area overlay has been reconfigured with the effect of slightly diminishing its area. I am unable to find any reference in the proposed GSZ appended to Mr Ferguson's evidence that explains the purpose of this overlay (it is identified on the proposed Structure Plan in Appendix 5a of Mr Ferguson's evidence), or defines the activities anticipated within it; and
- (i) Covenant Protection Areas are proposed to ensure similar protections to those provided by the consent over areas of

the proposed Zone. They do not, however, coincide with all of the areas upon which covenants were to be placed.

- 3.3** In addition to these changes I note that the G activity area has been extended into an area to the east of the R activity area which was previously OS/F. This area is also a part of Covenant Area F. I have identified this extension on the plan attached as **Appendix 1** to this evidence. Ms Pfluger does not discuss this extension or its possible implications for the landscape of the vicinity. This area encompasses a portion of the moraine slope, including part of the Southern Tributary and Moraine Slope Landscape Protection Area and an area of the Fern Burn and its flood plain. It would seem, from a topographical perspective, to be unlikely to contribute to the further expansion of the golf course, but the G activity area would be more permissive, in terms of the construction of buildings, than the GS(OS/F) which is the equivalent activity area to that proposed in the submission. In my opinion the extent of the G activity area should be uplifted from this area and restored, in this vicinity, to that originally proposed in the submission.

Concerns regarding Homesites

- 3.4** I retain residual concerns regarding the proposed homesites (those 50 included in the submission and including the eight homesites additional to those consented identified through Ms Pfulger's evidence). The consented development is extremely detailed. Dwelling footprints are identified, and curtilages for each consented site defined. The consented dwellings have a roof height of 3.5m above datum, and all are flat, vegetated roofs. Despite this level of detail, homesites 2, 7, 12, 14, 15, 23, 25 and 27 were considered to have adverse effects such that they were declined consent by Council and not included in the appeal to the Environment Court.
- 3.5** Mr Ferguson's proposed GSZ would allow for dwellings to be located on all homesites as a controlled activity, and while control is retained by Council over external appearance, visibility from outside the site and associated earthworks and landscaping, it is still likely that rather

than 50 subtle, similar dwellings, that 50 dwellings of different design would be anticipated.

3.6 Thus rather than a coherent and consistent character of a resort, the likely character would be more of a high end housing suburb. I consider that this would represent a significant departure from the consented development and one which would have an adverse effect on the landscape of the vicinity. These dwellings could now be 4m in height.

3.7 The RLs of the consented building platforms are determined within 10cm intervals. That this level of precision was exercised in determining the suitability of locations for dwellings raises the concern that an additional 50cm may result in some of the consented platforms giving rise to dwellings that could have an adverse visual effect. Even a slight increase in the level of visibility of a number of the dwellings would have a significant effect on the visual amenity provided by views of this landscape.

3.8 Some of the controls on development within the homesites have been effectively carried over from the consent conditions, including a limit on the foot print of buildings of 400m² and a requirement to identify a curtilage of no more than 1000m².¹ These areas are similar to those consented. Further, curtilage activities are restricted to the curtilage area.² The consent limits the planting of exotic vegetation to that of less than 0.5m in height within the curtilage areas only, but otherwise restricts planting within the home sites to vegetation from an approved revegetation planting list.³ It also restricts the size of structures which may be built. These controls have not been carried over into the proposed GSZ. I consider these conditions are critical to ensuring that the development is as anticipated.

1 Evidence of Christopher Ferguson dated 11 April 2017, Appendix 5, Proposed Chapter 44, Rule 44.6.7(b) (i) & (ii).

2 Ibid, Rule 44.6.7(b) (iii).

3 Consent Condition 41(u).

4. MR FERGUSON FOR GLENDHU BAY TRUSTEES LTD (#583)

- 4.1 The proposed Chapter appended to Mr Ferguson's evidence includes amended objectives and policies. I note that the primary objective of the zone is proposed to be:

A high quality, tourism, residential and visitor accommodation development set within a framework of rural open space and outstanding natural landscapes, and providing biodiversity enhancement and recreation benefits. (Emphasis mine).

- 4.2 I consider that, in the main, the GSZ as amended would give rise to development which is more closely in keeping with that consented, than that originally proposed in the submission. The concern remains, however, that the extent of the zone is intended to encompass the entire Glendhu Station. Mr Ferguson identifies that the total area of land affected is 2818ha. Of this 2689ha are to be (GS(OS/F)). That is, the development area is restricted to only 178.66ha of the total area sought to be rezoned. It remains my opinion that the best means to manage this 2689ha from a landscape perspective is through the provisions of the Rural zone and the Objectives and Policies of Chapter 6.

- 4.3 I note that in Mr Ferguson's proposed rules at 44.5.2(e), provision is made for the establishment of two residential units within Lots 6 and 7 DP 457489. Ms Pfluger does not address this in her evidence, and nor does Mr Ferguson. I attach in **Appendix 2** for reference a plan of the southern part of Glendhu Station which identifies these lots, and a copy of the Covenant Areas Plan with my notes which was attached to my primary evidence as Appendix 2. I note that a significant part of Lot 7 DP 457489 was to be covenanted against any further development in perpetuity, and a further area of it, up to the Motatapu Road, was to be covenanted against further development for thirty five years.⁴

- 4.4 In addition, approximately half of Lot 6 DP 457489 was to be covenanted against further development for thirty five years. While

4 Conditions 41(vii) & 41(viii).

areas of both of these lots are outside of the covenant areas, it is my opinion that any residential development would require a thorough assessment of effects before being granted consent, and I consider that the Rural zone provisions are most likely to ensure that such an assessment was appropriate for the landscape of the vicinity.

4.5 At 44.6.3 of Mr Ferguson's proposed rules a number of setback requirements are stated. These are the same, regarding roads and waterbodies, as those in the Rural Chapter.⁵ A third setback is proposed, that of 3m from the site boundary adjoining the margin of Lake Wanaka.⁶ Ms Pfluger does not discuss any potential effects of this setback which is significantly less than the 15m internal boundary setback required by the Rural zone. Further, as there is a marginal strip around the foreshore of the lake I consider that it should refer to this, rather than the margin of the lake which has particular meaning in terms of section 6(a) of the RMA.

4.6 At 44.6.8(b) it is proposed that buildings within the Lake Side Activity Area can have a gross floor area of 3500m² and that this might be expanded by a further 1000m² as a restricted discretionary activity. Ms Pfluger states at her paragraph 46 that 3500m² is commensurate with the consented development. The potential for an additional 1000m² of built form within this activity area does not appear to have been assessed.

5. MR CHARLES GRANT FOR SEVEN ALBERT TOWN PROPERTY OWNERS (#1038)

5.1 The 'rebuttal evidence' filed on behalf of submitter 1038 by Mr Grant discusses the appropriate location of the ONF boundary of the Clutha River immediately upstream of the Albert Town bridge. He opines that I correctly located the boundary at the riverwards margin of Wicklow Terrace. It is my position that I correctly located it at the top of the enclosing river terrace.

5.2 A close examination of the original map of the area from my 1 April 2004 Report (which Mr Grant has reproduced, but which has lost

⁵ [CB15], 21.5.2 & 21.5.4.

⁶ 44.6.3(b).

resolution in the process) shows this. Land can be seen between the river and the line, and between the line and the property boundaries, which are themselves set back from the terrace edge (the majority of the dwellings in this location are setback approximately 4m, as measured on Council's GIS maps, from the lot boundaries). While the text does not discuss the location explicitly, the general discussion of the boundaries of the Clutha River ONF explains they are located so as to include at least the lowest of the enclosing terrace features. Consequently location of this boundary along the edge of the terrace is consistent with its placement in other locations along the river corridor.

5.3 An examination of the planning map of the vicinity (PDP Map 24b) shows that the landscape boundary has been snapped to the cadastral boundary, being the northern edge of the Wicklow Terrace road reserve. It was intended that the ONF boundary include the terrace landform. This can be appropriate, particularly where zoning on one side of the boundary is not Rural but the landform is the same on both sides. This is not the case here. Wicklow Terrace has no Stage 1 zoning under the PDP and it is my understanding that this does not exclude it from being considered to be a part of an ONL or ONF. It would not, in my opinion, be appropriate to include all of Wicklow Terrace within the ONF of the river in this vicinity as the upper surface of the river terrace has been modified and domesticated and is strongly influenced in its character and quality by the adjacent dwellings.

5.4 Based on the above, I support the recommended ONF boundary as identified on Figure 8 of Ms Mellsop's rebuttal evidence dated 5 May 2017.



Marion Read
5 May 2017