

Before the Hearings Panel
Appointed by the Queenstown Lakes District Council

Under the Resource Management Act 1991
In the matter of: Priority Area Landscape Schedules Variation to the
Queenstown Lakes Proposed District Plan
and **Cardrona Cattle Company Ltd**
(Submitter #94 and Further Submitter 233)
and **Gibbston Valley Station Ltd**
(Submitter #93)

Summary of Planning Evidence of Brett James Giddens

19 October 2023



TOWNPLANNING
GROUP

Town Planning Group NZ Limited

PO Box 2559, Queenstown 9349

Email: brett@townplanning.co.nz

Phone: 021365513

SUMMARY

- 1 My name is Brett Giddens. My background, planning experience and confirmation of my adherence to the Code of Conduct is outlined in paragraphs [2] to [6] of my Evidence in Chief (**EIC**) for the Cardona Cattle Company Ltd¹. For efficiency, this summary also covers my EIC for Gibbston Valley Station Ltd², which related to similar issues.
- 2 The primary issues traversed in my EIC relate to the question as to whether the Gibbston Character Zone (**GCZ**) is an Outstanding Natural Landscape (**ONL**) or not, and whether it should be included in the schedules. The same issues relate to the Gibbston Valley Resort Zone (**GVRZ**). Neither zone is Rural Zone (Chapter 21), both zones are not located within an ONL, and should not form part of the PA schedules and the mapping.
- 3 I have read the Council's response to my EIC on this matter; Ms Evan's considers that the GCZ is an ONL because it is an exception zone. As I understand it, her view is that if you remove the 'exception' then it follows that there is an ONL underneath. At [5.18] of her rebuttal she discusses the GVRZ, noting it is not a Rural Zone or an exemption zone, but that the mapping indicates that that zone is within an ONL and ONF by virtue of it falling within the brown ONL demarcation on the notified Planning Map 13.
- 4 In my opinion, the landscape capacity statements in the schedules represent a generally false environment against zonings of the GCZ and GVRZ, overlooking what both zones enable in terms of development and activities.³ It is difficult to reconcile how a permitted or controlled activity could have "some landscape capacity" such is the case for permitted commercial recreation activities, or "limited landscape capacity" for controlled farm buildings and wineries.⁴ For the GVRZ in particular, that zone enables a considerable amount of visitor accommodation, residential and commercial development which simply cannot correlate with a s6 landscape.
- 5 I have read the JWS and understand that there has been an attempt to address these issues by adding further text into the preamble of the schedule. I'll touch on this further.

¹ Dated 11 September 2023.

² Dated 11 September 2023.

³ See [53] to [57] of my EIC for the Cardona Cattle Company Ltd.

⁴ See [55] and [56] of my EIC for the Cardona Cattle Company Ltd.

MY POSITION

- 6 My opinions and the reasons for them are set out in full in my EIC. I do not agree with the approach to split the Chapter 21 Rural zone into rural zones (plural).⁵
- 7 My EIC sets out the genesis of the GCZ from its establishment under the former operative District Plan (**ODP**). The Council did not respond to that evidence. They have not explained how the GCZ has changed from a s7 visual amenity landscape into a s6 outstanding natural landscape. The PDP did not notify the GCZ as an ONL (contrary to the statement accompanying the figure contained at [5.10] of Ms Evan's rebuttal). No party sought for that zone to be located in an ONL under Stage 1 of the PDP.
- 8 Simply put, the Council is bound by what it notified, which was a variation to the Rural Zone in Chapter 21 of the PDP.⁶
- 9 I note that the opening legal submissions⁷ for the Council at [3.6] sets out a position whereby the Panel are confined to only making decisions on the schedules themselves. While I disagree with this position, I consider the same 'warnings' at [3.6] apply to the GCZ issue, whereby there are Court determinations confirming that the land incorporating the GCZ is not in an ONL (further supported in subsequent consent decisions) and also there has been no process under the PDP for landowners to be involved where the landscape classification has been considered or changed to an ONL. Fundamentally, if the GCZ was an ONL, there must be an assessment through a statutory process to support that.
- 10 What has changed between the ODP and PDP in terms of landscape values within the GCZ? In my opinion very little other than more development within the zone has been facilitated by way of resource consent and rezoning. I note rezoning here as I was involved from the creation of the GVRZ. This was a change from the GCZ to provide for a "resort" (as defined). An example of a developed "resort" is Millbrook. At no stage was that land ever assessed or considered as an ONL by the landscape experts and the s6 focus (rightfully in my opinion) was on the effects on the adjoining ONL/ONF of the Kawarau River.
- 11 I was also involved in the rezoning of a large area of land above Gibbston Valley Station to Rural Visitor Zone. Contextually this is

⁵ See [24] to [28] of my EIC for the Cardrona Cattle Company Ltd.

⁶ See [19] to [28] of my EIC for the Cardrona Cattle Company Ltd.

⁷ "It is submitted that these statements clearly confine the Variation to addressing the content of the Priority Area schedules, which will be included in Chapter 21 of the PDP. If the Panel was to recommend changes to the Priority Area mapping, it would not only be endorsing departures from the Environment Court determinations, but it would be permitting change without there being appropriate opportunities for participation by those that are potentially affected."

important because this land was zoned Rural under the PDP (and former ODP) and is within an ONL. It directly adjoined the GCZ. This has how the GCZ has essentially worked under both Plans – it is a rural environment that adjoins an ONL and ONF. Importantly, this is evidenced in the objectives, policies and assessment matters under both Plans.

- 12 I note that the JWS for the West Whakatipu PA traversed the issue of urban expansion into an ONL. At [8] of that JWS, Ms Gilbert confirms her view that “urban expansion is inappropriate in an ONL, as such development would mean that the area where the urban expansion is occurring would fail to qualify as ONL”. I would have expected that the same conclusion would apply to a resort within an ONL.
- 13 The Victoria Flats PA contains “urban development” in the form of a large-scale storage facility (consented but undeveloped). Also, of importance here is that the GCZ contained more supportive policies to enable this activity to occur in this zone and location⁸. Such policies are not contained in the Rural Zone Chapter 21, which contains specific policy relating to ONF/L, which I consider further supports my opinion that the GCZ is not an ONL.

AMENDMENTS POST-JWS

- 14 I have read the changes arising from the conferencing and in particular note the additional comments in the preamble about where the schedules apply / do not apply. While I consider this is an improvement from the notified schedule, it does not go far enough to removing the issues created by introducing non Chapter 21 Rural Zones that are not within an ONL into criteria that specifically relates to s6 landscapes.
- 15 The JWS changes to the preamble are reproduced below:

Application

The PA schedules have been prepared to reflect that the PA mapping extends beyond the Rural Zone. The application of the PA schedules is as follows:

- The PA schedules apply (as relevant) to any proposal requiring resource consent in the Rural Zone, including the Rural Industrial Sub Zone.
- The PA schedules do not directly apply to proposals requiring resource consent in any other zone, including Exception Zones (see 3.1B.5). They may inform landscape assessments for proposals involving any land within a PA but are not required to be considered.

⁸ For example, Policy 23.2.1.3 - Ensure activities not based on the rural resources of the area occur only where the character and productivity of the Gibbston Character zone and wider Gibbston Valley will not be adversely impacted.

- 16 If the preamble is to be retained, I consider it should be made explicit that:
- (a) the PA schedules do not apply to proposals (including resource consents and plan changes) other than the Rural Zone under Chapter 21 of the District Plan; and
 - (b) the reference to the PA schedules 'may' being applied for landscape schedules should be deleted as it is confusing and creates uncertainty.
- 17 In addition to the above, if the Panel concludes that they are unable to correct the extent of the PA mapping, then I suggest that the mapping itself is updated to denote non Rural Zone (Chapter 21) land as a different colour on the mapping with a specific key stating that the schedules do not apply to this land.

CERTAINTY

- 18 The applicability (or otherwise) of the schedule needs to be explicit. The use of terms such as 'may', 'might' and 'could' have no place in directing the use of the schedules.
- 19 There also needs to be certainty around the ONL status of the GCZ and GVRZ. To find that these zones are ONL is re-writing the PDP in my opinion.
- 20 I am happy to answer any questions that the Panel may have.

Brett Giddens
19 October 2023