

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

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of Hearing Stream 14:  
Wakatipu Basin hearing  
and transferred Stage 1  
submissions related to  
Arrowtown and Lake  
Hayes

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**STATEMENT OF EVIDENCE OF BRIDGET MARY GILBERT  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**LANDSCAPE- WAKATIPU BASIN**

**28 May 2018**

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## TABLE OF CONTENTS

1. INTRODUCTION.....	3
2. SCOPE.....	5
3. EXECUTIVE SUMMARY .....	7
4. ASSUMPTIONS.....	11
5. WB STUDY .....	12
6. ODP: DISCRETIONARY REGIME.....	17
7. MCKEAGUE (2207).....	20
8. MCGUINNESS (2292) .....	22
9. D HAMILTON & L HAYDEN (2422).....	25
10. S BOTHERWAY (2610) .....	28
11. MILLBROOK COUNTRY CLUB SUBMISSIONS (2295 and 2605) .....	30
12. THE CROWN INVESTMENT TRUST (2307); ROBERT FFISKE AND WEBB FARRY TRUSTEES 2012 LTD (2338); AEM PROPERTY (2017) LIMITED (2496); A MORCOM, J DAVIES & VERITAS (2013) LIMITED (2334); MCGUINNESS (2292) and D BROOMFIELD & WOODLOT PROPERTIES LIMITED (2276).....	31
13. T HARDLEY (2440).....	32
14. MIDDLETON FAMILY TRUST (2332) .....	34
15. D BROOMFIELD & WOODLOT PROPERTIES LIMITED (2276).....	40
16. J WATERSTON (2308) .....	43
17. JAMES CANNING MUSPRATT (2418).....	45
18. G & J SIDDALL (2196); R&M DONALDSON (2229); KJ BRUSTAD (2577); D HAMILTON & L HAYDEN (2422); S BOTHERWAY (2610) .....	46
19. SKIPP WILLIAMSON (2272) .....	46
20. D S MOLONEY (2129); P NANCEKIVELL (2171);.....	48
21. X RAY TRUST & AVENUE TRUST (2619) .....	50
22. MILLBROOK COUNTRY CLUB SUBMISSIONS (2295 and 2605) .....	50
23. T EDMONDS (2604).....	50
24. LAKE HAYES EQUESTRIAN (2380); R & N HART (2101); P, J & S BEADLE (2430); J ANDERSSON (2167).....	53
25. DOYLE (2030) .....	56
26. BOXER HILLS TRUST (2385) .....	58
27. R KAMPMAN (2433) .....	60
28. WAKATIPU EQUITIES LIMITED (2479).....	63
29. SPEARGRASS TRUST (2410) .....	65
30. X RAY TRUST LIMITED & AVENUE TRUST (2619).....	67
31. QLDC (2239) .....	74
32. WATERFALL PARK DEVELOPMENTS LIMITED (2388).....	77
33. TARAMEA TRUST (2240) .....	83
34. L MCFADGEN (2529) .....	85
35. R FERNER (2464) .....	87

36.	SHOTOVER TRUST (2437); L MCFADGEN (2296); D GALLAGHER (2248), MK GREENSLADE (2249); P&J MCLEOD (2298); R&S MCLEOD (2300); P SMITH (2500); E&M HARRIS (2535); M&C BURGESS (2591); CASSIDY TRUST (2144).....	87
37.	R&M WALES (2270); GW STALKER FAMILY TRUST (SPRINGBANK) (2553); SLOPEHILL JOINT VENTURE (2475).....	91
38.	D ANDREW (2049).....	94
39.	WAKATIPU EQUITIES LIMITED (2479).....	95
40.	JG FRENCH & ME BURT (2417) .....	96
41.	MCGUINNESS PA LIMITED (2447); JUIE QT LIMITED (2488); UNITED ESTATES RANCH LIMITED (2126); PJ DENNISON & SJ GRANT (2301) .....	97
42.	LAKE HAYES LIMITED (2377).....	100
43.	MORVEN RESIDENTS ASSOCIATION (2490); TJ & MA HARRISON (2163) AC ROBINS, AJ ROBINS & HJM CALLAGHAN (2104); LAKE HAYES CELLAR (2378); JM MARTIN, CJ DOHERTY & KW FERGUS (2517); R MONK (2281); C BATCHELOR (2318); DD & JC DUNCAN (2319); LAKE HAYES INVESTMENTS LTD (2291); STONERIDGE ESTATE LTD (2314); RG DAYMAN (2315); TUI TRUSTEES (2015) LTD (2316); MANDEVILLE TRUST / S LECK (2317); WATERFALL PARK DEVELOPMENTS LIMITED (2389).....	101
44.	AK ROBINS, ANDERSON LLOYD TRUSTEE CO LTD & RB ROBINS (2398)	108
45.	L M TOPP (2254).....	109
46.	WK ALLEN & FL ALLEN SUBMISSION (2482); KT DUNLOP & SA GREEN (2609) 112	
47.	A WARD (2244).....	115
48.	MC GUTHRIE (2412).....	116
49.	A HAMILTON (2261).....	121
50.	LAKE HAYES ESTATES PROPERTIES LIMITED (2525) .....	122
51.	WK ALLEN & FL ALLEN SUBMISSION (2482); KT DUNLOP & SA GREEN (2609) 124	
52.	GOLDCREST FARMING LIMITED (2607) .....	124
53.	J HENKENHAF (2562).....	126
54.	WK ALLEN & FL ALLEN SUBMISSION (2482); KT DUNLOP & SA GREEN (2609); A WARD (2244) .....	128
55.	TROJAN HELMET (2387).....	129
56.	DOYLE (2030) .....	135
57.	MILLBROOK COUNTRY CLUB SUBMISSIONS (2295 and 2605) .....	136
58.	JE GRIFFIN (2580), PH ARCHIBALD (2501) .....	145
59.	J EGERTON & COOK ALLAN GIBSON TRUSTEE COMPANY LIMITED (2419), M & K CAMPBELL (2413), BOUNDARY TRUST (2444) AND SPRUCE GROVE TRUST (2512).....	146
60.	G WILLS & T BURDON SUBMISSION (2320).....	148
61.	WATERFALL PARK DEVELOPMENTS LIMITED (2388).....	151
62.	RURAL AMENITY ZONE MINIMUM LOT SIZE .....	154
63.	PRECINCT AVERAGE AND MINIMUM LOT SIZE.....	156
64.	SUBDIVISION ACTIVITY STATUS .....	166

65.	BUILDINGS ON APPROVED PLATFORMS.....	167
66.	EXOTIC VEGETATION RULE .....	171
67.	BUILDING COVERAGE STANDARD .....	172
68.	BUILDING HEIGHT STANDARD .....	173
69.	ROAD SETBACK STANDARD .....	174
70.	LANDSCAPE FEATURE SETBACK.....	179
71.	ASSESSMENT CRITERIA .....	180
72.	LCU DESCRIPTIONS .....	181
73.	LCU MAPPING.....	183

**Annexure 1: Wakatipu Basin Landscape Character**

**Annexure 2: LCU Photographs (ordered by their absorption capability rating)**

**Annexure 3: LCU 1 and LCU 6 Elevation Mapping**

**Annexure 4: LCU 6 Skipp Williamson Mapping**

**Annexure 5: Evidence in Chief Mapping Legend**

## 1. INTRODUCTION

1.1 My full name is Bridget Gilbert. I am a Landscape Architect and Director of Bridget Gilbert Landscape Architecture Ltd, Auckland. I hold the qualifications of Bachelor of Horticulture from Massey University and a postgraduate Diploma in Landscape Architecture from Lincoln College. I am an associate of the Landscape Institute (UK) and a registered member of the New Zealand Institute of Landscape Architects.

1.2 I have practised as a Landscape Architect for over twenty-five years in both New Zealand and England. Upon my return to New Zealand, I worked with Boffa Miskell Ltd in their Auckland office for seven years. I have been operating my own practice for the last thirteen years, also in Auckland.

1.3 During the course of my career I have been involved in a wide range of work in expert landscape evaluation, assessment and advice throughout New Zealand including:

- (a) landscape assessment in relation to Regional and District Plan policy;
- (b) preparation of structure plans for rural and coastal developments;
- (c) conceptual design and landscape assessment of infrastructure, rural, coastal, and urban development; and
- (d) detailed design and implementation supervision of infrastructure, rural, coastal, and urban projects.

1.4 Of particular relevance to the Hearing Stream 14, I have been involved in:

- (a) the conceptual design of, and landscape and visual effects assessment of a range of rural residential (and other) developments within a high amenity rural context that are in close proximity to Outstanding Natural Landscapes (**ONLs**) and Outstanding Natural Features (**ONFs**) within the Auckland, Hauraki Gulf Islands, Waikato, Taranaki, Far North,

Whangarei, Rodney, Waipa and Thames Coromandel districts; and

- (b) the assessment and identification of amenity landscapes and the development of appropriate policy for amenity landscapes (and ONF and ONLs) as part of district plan review processes (e.g. Rodney District Plan, Hauraki Gulf Islands District Plan, Waipa District Plan, Whangarei District Plan, Thames Coromandel District Plan).

**1.5** I am currently a panel member of the Auckland Urban Design Panel and an Independent Hearing Commissioner for Auckland Council.

**1.6** In relation to the Queenstown Lakes Proposed District Plan (**PDP**), I prepared the landscape components of the Wakatipu Basin Land Use Planning Study March 2017 (**WB Study**) in collaboration with Barry Kaye Associates and Strateg.ease, which largely informed the Wakatipu Basin Variation (**Variation**). I also assisted with the development of the landscape-related provisions that form part of the Wakatipu Basin Chapter (**WB Chapter**).

**1.7** I have now been asked by QLDC to provide evidence in relation to landscape architectural matters for Hearing Stream 14. My evidence relates to the Wakatipu Basin rezonings and text.

**1.8** The key documents I have used, or referred to, in forming my view while preparing this brief of evidence are:

- (a) WB Study (March 2017);
- (b) Section 32 Evaluation Report: Chapter 24 Wakatipu Basin (November 2017);
- (c) QLDC District Plan Monitoring Report: Monitoring the Effectiveness and Efficiency of the Rural General Zone (April 2009);
- (d) Monitoring Report on the Rural Living Zones of the Queenstown Lakes District Plan (January 2010);

- (e) Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment (Read Landscapes June 2014);
- (f) the notified Chapter 24 Wakatipu Basin of the PDP;
- (g) PDP Stage 1 Report 3: Report and Recommendations of Independent Commissioners Regarding Chapter 3, Chapter 4 and Chapter 6;
- (h) PDP Stage 1 Report 7: Report and Recommendations of Independent Commissioners Regarding Chapter 27 Subdivision and Development; and
- (i) Environment Court cases and resource consent decisions, where relevant to a particular submission.

**1.9** I confirm that I have visited the Wakatipu Basin on several occasions in a range of seasonal conditions. I have driven all of the public road network. I have also walked many of the tracks within and around the local area and I have cycled the Queenstown Trail. Flying into Queenstown on several occasions I have also had the benefit of viewing the Basin from the air.

**1.10** Although this is a Council hearing, 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.

## **2. SCOPE**

**2.1** My evidence is structured as follows:

- (a) a brief summary of the purpose and findings of the WB Study;
- (b) consideration of submissions seeking the reinstatement of the Operative District Plan (ODP) General Rural zone discretionary regime;
- (c) evaluation of location-specific zoning requests, organised by Landscape Character Unit (LCU). This section of my

evidence should be read in conjunction with the evidence of Mr Marcus Langman; and

- (d) evaluation of submissions seeking landscape related amendments to the Wakatipu Basin Rural Amenity Zone (**Amenity Zone**) and Wakatipu Basin Lifestyle Precinct (**Precinct**) provisions. This section of my evidence should be read in conjunction with the evidence of Mr Craig Barr.

**2.2** I attach the following appendices to my evidence:

- (a) **Annexure 1:** Wakatipu Basin Landscape Character
- (b) **Annexure 2:** LCU Photographs (ordered by their absorption capability rating)
- (c) **Annexure 3:** LCU 1 and LCU 6 Elevation Mapping
- (d) **Annexure 4:** LCU 6 Skipp Williamson Mapping
- (e) **Annexure 5:** Evidence in Chief Mapping Legend

**2.3** Due to the volume of landscape related submissions received in relation to the Variation, a 'division of labour' has been agreed whereby the (landscape) evidence of Ms Helen Mellsop addresses submissions in relation to:

- (a) PDP Stage 1 ONF and ONL classification, mapping, and rezoning requests;
- (b) rezoning in areas of the Wakatipu Basin outside the WBRAZ and WBLP;
- (c) the rezoning sought by Hogans Gully Farm Ltd (2313) LCU 15 (Hogans Gully); and
- (d) the rezoning sought by Barnhill Corporate Trustee Limited, DE and ME Bunn and LA Green (2509) in LCU 18 (Morven Eastern 'Foothills').

**2.4** I have collaborated with Ms Mellsop in the preparation of my statement of evidence to ensure that there is a reasonable degree of consistency in our advice to the Panel.



**2.5** When referring to the Stage 1 PDP provisions, I am referring to the Council's Decisions Version notified on 5 May 2018, (i.e. Decisions Objective 3.2.1).

**2.6** Reference to the **WB Variation** throughout my evidence relates to the notified version of Chapters 24 (WB Chapter) and the variations made to Chapter 27 (Subdivision), dated November 2017.

### **3. EXECUTIVE SUMMARY**

**3.1** In my opinion, the Wakatipu Basin embraces a RMA s7(c) amenity landscape. This is primarily the consequence of its high recreational values, generally high aesthetic values (derived from both natural and man-made elements), and its almost unbroken connection with the surrounding ONL / ONF context.

**3.2** Numerous submissions express a preference for the ODP and PDP Stage 1 planning regime which allowed for subdivision as a discretionary activity across much of the basin (within the ODP Rural General zone or PDP Rural zone).

**3.3** A fundamental driver of the WB Study was the concern raised through the PDP Stage 1 hearing process that such a regime would not adequately address cumulative adverse effects. Based on my detailed landscape study, which informed the WB Study and included an examination of consented and unbuilt platforms (amongst a wide range of other matters), I share this concern. Under a discretionary regime it is extremely difficult to evaluate cumulative adverse effects, as it relies on a site-by-site evaluation, making the determination of the 'tipping point' (at which amenity values are compromised) notoriously challenging.

**3.4** I consider the landscape-led mapping and provisions of the Variation represent a location-specific planning regime that is appropriate within an Amenity Landscape context.

**3.5** Submissions received on the Variation raise a range of landscape matters including: rezoning requests; changes to the location of the

Landscape Feature line; and amendments to the provisions (including the Schedule 24.8 LCU Descriptions).

**3.6** Of the submissions reviewed (and from a landscape perspective), I do not oppose the following aspects:<sup>1</sup>

- (a) **Millbrook Country Club (2295 and 2605):** portion of the submission that:
  - (i) supports the identification of the Precinct on properties to the north west and north of Millbrook Resort within LCU 1 Malaghans Valley;
  - (ii) requests a mapping amendment to the south of MRZ consistent with QLDC (2239);
  - (iii) requests a mapping amendment to exclude three slivers of land throughout the south western margins of Millbrook; and
  - (iv) supports the identification of the Amenity Zone throughout part of a series of properties to the southwest of MRZ and adjacent the Waterfall Park Zone.
  
- (b) **The Crown Investment Trust (2307); Robert Ffiske And Webb Farry Trustees 2012 Ltd (2338); Aem Property (2017) Limited (2496); A Morcom, J Davies & Veritas (2013) Limited (2334); McGuinness (2292) And D Broomfield & Woodlot Properties Limited (2276):** portion of the submission that expresses support for the Precinct on their land within LCU 2 Fitzpatrick Basin.
  
- (c) **G & J Siddall (2196); R&M Donaldson (2229); Kj Brustad (2577); D Hamilton & L Hayden (2422); S Botherway (2610):** portion of the submission that expresses support for the Precinct on their land within LCU 6 Wharehuanui Hills.
  
- (d) **Boxer Hills Trust (2385):** relatively minor amendments to the Schedule 24.8 LCU 8 Speargrass Flats Description.

<sup>1</sup> Note: there is no order of priority in the list of submissions that are not opposed. Rather the order corresponds to the order of submissions in the main body of my evidence.

- (e) **X Ray Trust Limited & Avenue Trust (2619)**: portion of the submission that expresses support for the Amenity Zone on 'the Hillside' part of the submission area which is located within the central/western end of LCU 8 Speargrass Flats.
- (f) **QLDC (2239)**: Precinct and Amenity Zone mapping amendment on the land to the north of the established rural residential area at the north end of Lake Hayes (to correct a mapping error in the Variation mapping).
- (g) **Waterfall Park Developments Limited (2388)**: portion of the submission that expresses support for:
  - (i) the Precinct on the Ayrburn land (referred to as 'Site A' in the submission), east of the unnamed stream (along the western margins of the landholding) and which is located within the eastern end of LCU 8 Speargrass Flat;
  - (ii) the extension of the WPZ over the 'wedge' area that coincides with 'Site B' of the submission area; and
  - (iii) the identification of the Precinct over the elevated flat land immediately west of Arrowtown Lake Hayes Road that coincides with 'Site B' of the submission area (and LCU 23 Millbrook).
- (h) **R Ferner (2464)**: portion of the submission that expresses support for the Precinct on their land within LCU 9 Hawthorn Triangle.
- (i) **Lake Hayes Limited (2377)**: portion of the submission that:
  - (i) expresses support for the Precinct on land on the south eastern side of the Hogans Gully Road and Arrowtown Lake Hayes Road intersection within LCU 12 Lake Hayes Rural Residential;
  - (ii) seeks to change the reference to 'average lot sizes' to 'minimum average lot sizes'.

- (j) **Ak Robins, Anderson Lloyd Trustee Co Ltd & Rb Robins Limited (2398)**: deletion of the Landscape feature line from the eastern edge of Hayes Creek within LCU 14 Lake Hayes Terrace.
- (k) **LM Topp (2254)**: portion of the submission that expresses support for the Precinct on the part of the submitter's land within LCU 14 Lake Hayes Terrace that sits outside the ONL as recommended in the evidence of Ms Mellsop.
- (l) **Wk Allen & FI Allen Submission (2482); Kt Dunlop & Sa Green (2609); A Ward (2244)**: portion of the submission that expresses support for the Precinct on land that coincides with LCU 21 Arrow Junction.
- (m) **Trojan Helmet (2387)**: relatively minor amendments to the Schedule 24.8 LCU 22 The Hills Description.
- (n) **JE Griffin (2580), PH Archibald (2501) J Egerton & Cook Allan Gibson Trustee Company Limited (2419), M & K Campbell (2413), Boundary Trust (2444) And Spruce Grove Trust (2512)**: portion of the submission that expresses support for the Precinct (or MRZ) on their land within LCU 23 Millbrook.
- (o) **G Wills & T Burdon (2320)**: portion of the submission that expresses support for the Precinct on the elevated flat land immediately west of Arrowtown Lake Hayes Road, within the submission area at LCU 23 Millbrook.
- (p) **Ffiske et al,<sup>2</sup> Wakatipu Wilding Conifer Group Inc (2190), Dennison & Grant (2301), Darby Planning LP (2376)**: portion of the submission that requests an amendment to the Exotic Vegetation rule to make an exception for wilding and pest species.

<sup>2</sup> Referencing the collective terminology for submissions set out in the evidence of Mr Barr

- (q) **Wil (2275), D Broomfield & Woodlot Properties Limited (2276)**: portion of the submission that seeks an amendment to the Schedule 24.8 mapping to clarify that all, or the majority of LCUs 10, 16 and 23, are not addressed in Chapter 24.

3.7 I oppose the remaining landscape related matters raised in submissions.

## 4. ASSUMPTIONS

### Site Visits

4.1 Only two of the submissions reviewed were accompanied by landscape evidence which, in one instance I consider to be technically deficient,<sup>3</sup> and the other to provide insufficient (landform patterning) detail to enable a thorough understanding of the effects of the requested rezoning.<sup>4</sup> This evidence relies on field survey of the Wakatipu Basin from public vantage points. It is possible that with more detailed technical evidence from submitters, my rebuttal evidence may necessitate detailed site visits.

### Evidence Mapping

4.2 In assessing rezoning submissions, I have overlaid the subject land as described in, or shown on, maps in the various submissions onto 'zoomed in' extracts from the WB Study Appendix I LCU mapping (called 'Folio of Figures' in the WB Study) to assist in understanding the nature and context of submitters' zoning requests. **Annexure 5** provides a legend for these plans.

4.3 It should be noted that there are a number of 'discrepancies' between the WB Study Appendix I LCU mapping and the notified Chapter 24 Wakatipu Basin mapping in relation to the alignment of the LCU boundaries on the former and the alignment of the Precinct boundaries on the latter. I explain these below. In addition, the Council did *not* notify all land that was originally included in the WB Study, as part of

3 Trojan Helmet Limited (2387)

4 Skipp Williamson (2272)

the Variation, and therefore all land that was included in the WB Study, is not within the scope of the Variation.

**4.4** A number of relatively minor amendments were made to the alignment of the Precinct boundaries in response to a more detailed interrogation of the landform patterning as part of the preparation of the Variation mapping. An example of this is evident along the southern edge of the Wharehuanui Hills. My evidence flags any such discrepancies where it is relevant to my opinion.

**4.5** The Section 32 Report also explains a number of changes to the mapping that occurred between the completion of the WB Study and the notification of the Variation.<sup>5</sup>

## **5. WB STUDY**

**5.1** The WB Study was prepared in response to the following brief from QLDC:

- (a) *Identify the environmental characteristics and amenity values of the area that should be maintained and enhanced, noting that these will vary across the Wakatipu Basin floor;*
- (b) *Identify those areas able to absorb development without adversely affecting the values derived in (a) and without adversely affecting the values associated with the surrounding Outstanding Natural Landscapes and Outstanding Natural Features;*
- (c) *Identify those areas that are unable to absorb such development;*
- (d) *Determine whether, given the residual development already consented, there is any capacity for further development in the Wakatipu Basin floor and, if there is, where it should be located and what form it should take.*

**5.2** The WB Study found that the identifiable (and established) landscape character and amenity values of the Wakatipu Basin do not derive

<sup>5</sup> Refer Section 32 Evaluation Report: Chapter 24 Wakatipu Basin, pages 24 and 25

predominantly from rural productive / agricultural land-uses. The nature and extent of approved / existing development and the lot size (and ownership) patterns that exist in the Basin do not support the characterisation of the study area as having a dominant rural production landscape character.

- 5.3** The WB Study found that the Basin comprises a landscape in its own right, loosely defined by the large-scale mountain ranges that encircle it.
- 5.4** **Appendix 1** contains a description of the characteristics of the wider basin landscape from the WB Study report.
- 5.5** Overall, the wider Wakatipu Basin is best described as an Amenity Landscape. This is a consequence of its high recreational values, generally high aesthetic values (derived from both natural and man-made elements), and its almost unbroken connection with the surrounding ONL / ONF context.
- 5.6** Amenity Landscapes, or RMA s7(c) landscapes, are landscapes whose values 'sit' between s6(a)<sup>6</sup> and s6(b)<sup>7</sup> landscapes, and more 'ordinary' rural landscapes.
- 5.7** The *Landscape Planning Guide for Peri Urban and Rural Areas (2005)* by Raewyn Peart provides a useful explanation of Amenity Landscapes and how they fit within the RMA framework. Amenity Landscapes are those which contribute to people's appreciation of the pleasantness, aesthetic coherence and cultural or recreational attributes of an area.<sup>8</sup> Landscapes which contribute to visual amenity and the quality of the environment are given special recognition under s7(c) (and 7(d)) where 'particular regard' is to be given to the 'maintenance and enhancement of amenity values' and the 'maintenance and enhancement of the quality of the environment'.

<sup>6</sup> These relate to areas of High and Outstanding Natural Character.

<sup>7</sup> i.e. ONFs and ONLs.

<sup>8</sup> See definition of amenity values in section 2 of the RMA.

- 5.8** Unlike s6 ONFs and ONLs, there is an expectation of some degree of change in Amenity Landscapes as land uses, technology, and settlement patterns modify over time. However, change needs to be carefully managed in Amenity Landscapes to ensure the overall amenity and environmental quality of the area is maintained or enhanced.
- 5.9** Nested within the larger Amenity Landscape of the Basin, a total of twenty-five LCUs were identified and evaluated using a consistent range of 'attributes' that encompass the range of biophysical, perceptual, and associative factors that are considered to underpin a thorough understanding of landscape values.
- 5.10** That information was then used to assess the capability of each LCU to absorb additional development, which involved consideration of the following key factors:
- (a) The landscape and visual complexity of the LCU; i.e. its ability to absorb landscape and visual change;
  - (b) The visual influence of the LCU on the wider landscape of the basin (i.e. its visibility and prominence or 'profile');
  - (c) The 'fit' of additional subdivision and development with the existing landscape character of the unit and its surrounds, taking into account both existing and 'consented but unbuilt' development;
  - (d) The potential for development to remedy or enhance the landscape character and visual amenity values of the unit;
  - (e) The consideration of the function or role of the unit within the wider landscape setting;
  - (f) How the unit contributes to or influences the key landscape character-shaping attributes of the Wakatipu Basin; and
  - (g) The relationship between units.
- 5.11** A 5-point scale was used ranging from **Very Low** to **Very High**. (Refer WB Study Appendix K for an explanation of the ratings scale.)



**5.12** No units were given a rating of **Very High** with respect to their capability to absorb additional development. This is unsurprising given the Amenity Landscape context of the Basin.

**5.13** Considering the Basin landscape as a whole, it was determined that LCUs with an absorption capability of **Low** or **Very Low** are suited to absorbing very limited or no additional development. This includes LCUs that:

- (a) play a key role in shaping the identity of the wider Basin landscape as a consequence of their location on key scenic routes;
- (b) function as a buffer or transition including to the surrounding s6(b) landscape context; function as an important gateway; and/or
- (c) display a relatively undeveloped character (LCU 1 Malaghans Valley, LCU 19 Gibbston Highway Flats and LCU 20 Crown Terrace).

**5.14** This also includes LCUs that:

- (a) are at, or very near, their landscape capability;
- (b) function as an important backdrop to or 'breathing space' in relation to more developed portions of the basin;
- (c) form a buffer or transition to the surrounding s6(b) landscape context; and / or
- (d) display a strong connection with the adjacent ONL/ONF context (LCU3 Shotover Terrace, part of LCU 4 Tucker beach, part of LCU 8 Speargrass Flat, LCU 11 Slope Hill 'Foothills', LCU 13 Lake Hayes Slopes, LCU 16 Bendemeer, LCU 18 Morven Eastern 'Foothills').

**5.15** A rating of **Moderate-High** was considered to be an appropriate threshold for introducing an explicit rural living planning strategy. All of the units with a rating of **Moderate-High** or **High**:

- (a) display an established rural residential character (or urban parkland character in the case of LCU23 Millbrook);
- (b) are of relatively limited prominence as a consequence of their low-lying nature or visual discreetness; and
- (c) in the main, correspond to areas with defensible edges (due to the vulnerability of the basin to development creep).<sup>9</sup>

**5.16** For units with a ranking of **Moderate** or **Moderate-Low** (LCU 15 Hogans Gully, LCU 17 Morven Ferry, LCU 22 The Hills, LCU 23 Millbrook) enabling additional development runs the risk of:

- (a) detracting from the high landscape and visual amenity values of the study area;
- (b) undermining the impression of informal nodes of rural residential development interspersed with swathes of more open and spacious 'rural' areas;<sup>10</sup> and/or
- (c) detracting from the neighbouring ONF and ONL context.

**5.17** **Appendix 2** contains a series of photographs of the various LCUs grouped according to their absorption capability rating, and conveys many of the recurrent landscape impressions associated with each rating.

<sup>9</sup> It should be noted that within a Rural zoning context, 'defensible edges' run counter to the reasonably standard rural landscape planning approach of encouraging rural residential development that effectively blends with the surrounding rural landscape. A defensible edge deliberately seeks to minimise the potential for 'blending'. However, the defensible edge approach is entirely appropriate in a landscape that currently displays a predominantly rural living (as opposed to working rural) character, exhibits high aesthetic and recreational values (i.e. Amenity Landscape), is surrounded by extremely high value landscapes (ONLs and ONFs) and is subject to significant development pressure. The absence of defensible edges to effectively 'contain' the rural residential development runs the risk of rural residential sprawl across the entire basin which would undermine the legibility of Arrowsmith as a stand-alone settlement and, given the reasonably high density of rural residential living evident in places (e.g. LCU 9 Hawthorn Triangle), could result in the basin effectively reading as a low-density suburb stretching from Queenstown to Arrowsmith.

<sup>10</sup> Noting that this attribute was identified as one of the key landscape character shaping 'patterns' associated with the basin landscape – refer **Annexure 1** – and is of critical importance in avoiding the impression of development sprawl across the basin which would significantly detract from the landscape and visual amenity values.

## **6. ODP: DISCRETIONARY REGIME**

- 6.1** Numerous submissions express a preference for the ODP and PDP Stage 1 planning regime which allowed for subdivision as a discretionary activity across much of the basin (within the ODP Rural General zone or PDP Rural zone).
- 6.2** A fundamental driver of the WB Study was the concern raised through the PDP Stage 1 hearing process that such a regime would not adequately address cumulative adverse effects.
- 6.3** I also note that the Council's Monitoring Report: Monitoring the Effectiveness and Efficiency of the Rural General Zone 2009, (which examined the effectiveness of the existing operative provisions and reflected on the amount of residential subdivision and development that had been consented in the Rural General Zone, and is Appendix 5 to the WB section 32 report)<sup>11</sup> identified that the cumulative effects of development pressure within the Basin were not being effectively managed.
- 6.4** I share this concern with respect to cumulative adverse effects, as, in my experience, such effects are notoriously difficult to accurately assess. Whilst it is usually quite straight forward to determine when the 'tipping point' has been reached (such that the level of development has detracted from landscape character and visual amenity values), it is extremely difficult to determine the actual 'tipping point' on a site-by-site basis as is required under a discretionary regime.
- 6.5** Within the context of a s7(c) Amenity Landscape that is surrounded by ONLs and ONFs, it is my view that greater certainty is required with respect to avoiding the tipping point and maintaining landscape and visual amenity values than is delivered under a discretionary regime.
- 6.6** Further, it would appear to me that under the discretionary regime, in some locations (for example, the land on the eastern side of Lower

<sup>11</sup>

[http://www.gldc.govt.nz/assets/OldImages/Files/Monitoring\\_Reports/Rural\\_General\\_Zone\\_Monitoring\\_Report\\_April\\_2009.pdf](http://www.gldc.govt.nz/assets/OldImages/Files/Monitoring_Reports/Rural_General_Zone_Monitoring_Report_April_2009.pdf)

Shotover Road within the Rural Zone, which has been developed for rural living in accordance with subdivision consents), the District Plan zoning is effectively playing 'catch up' with the consenting. Again, within the context of an Amenity Landscape, I consider such an approach to be inappropriate, and greater certainty is required with respect to the maintenance and management of landscape and visual amenity values.

**6.7** In coming to my conclusions on this matter, I have also considered the Stage 1 Panel Reports. In particular, I note the Panel's discussion of the issue of domestication associated with rural living development in the Wakatipu Basin in their Report 3: Report and Recommendations of Independent Commissioners Regarding Chapter 3, Chapter 4 and Chapter 6. In my opinion, the Panel's observation that subdivision, use and development should not be the subject of a case-by-case evaluation with little direction from the PDP and that "it is past time for the PDP to pick up on the Environment Court's finding in 1999 that there were areas of the Wakatipu Basin that required careful management, because they were already at or very close to the limit at which over domestication would occur" supports a departure from the ODP Discretionary regime in this part of the district.<sup>12</sup>

**6.8** It is my understanding that this concern (along with other matters), resulted in the recommendation that a new policy be introduced into the PDP (Decisions version policy 3.3.23) which directs that:

- (a) rural living areas be identified on the District Plan maps;
- (b) areas outside of ONFs and ONLs and that cannot absorb further change are also identified on the District Plan maps and rural residential development is avoided in those areas; and
- (c) cumulative effects of new subdivision and development associated with rural living does not result in a change in the

<sup>12</sup> Refer Report 3: Report and Recommendations of Independent Commissioners Regarding Chapter 3, Chapter 4 and Chapter 6: paragraph 452

character of the environment to the point where the area is no longer rural in character. <sup>13</sup>

- 6.9** I consider that the proposed change from the ODP discretionary regime to a more location specific rural living regime within the Basin is consistent with this policy.
- 6.10** I also note the Panel's preference for a restricted discretionary rather than a full discretionary default status for subdivision in rural living type zones which I consider supports the proposed change from the ODP discretionary approach.<sup>14</sup>
- 6.11** For these reasons, I do not support submissions seeking the reintroduction of the ODP discretionary activity status for subdivision within the basin.

<sup>13</sup> Refer Report 4A: Report and Recommendations of Independent Commissioners Regarding Chapter 21, Chapter 22, Chapter 23, Chapter 33 and Chapter 34: paragraph 68

<sup>14</sup> Refer Report 7: Report and Recommendations of Independent Commissioners Regarding Chapter 27 – (Subdivision and Development): paragraphs 138, 139

**LOCATION-SPECIFIC REZONING REQUESTS****LCU 1 MALAGHANS VALLEY (Very Low<sup>15</sup>)****7. MCKEAGUE (2207)**

- 7.1 The McKeague submission relates to land at 55 Dalefield Road. The north western portion is zoned Amenity Zone, and the south eastern portion is zoned Precinct in the PDP. The submitter requests that the Precinct boundary is relocated as per **Figure 2** below, which would have the effect of increasing the extent of the Precinct on their land.
- 7.2 The Precinct boundary currently passes through the south eastern margins of 55 Dalefield Road and follows the alignment of the crest of the escarpment landform system that defines the south side of Malaghans Valley (refer **Figure 1** below).

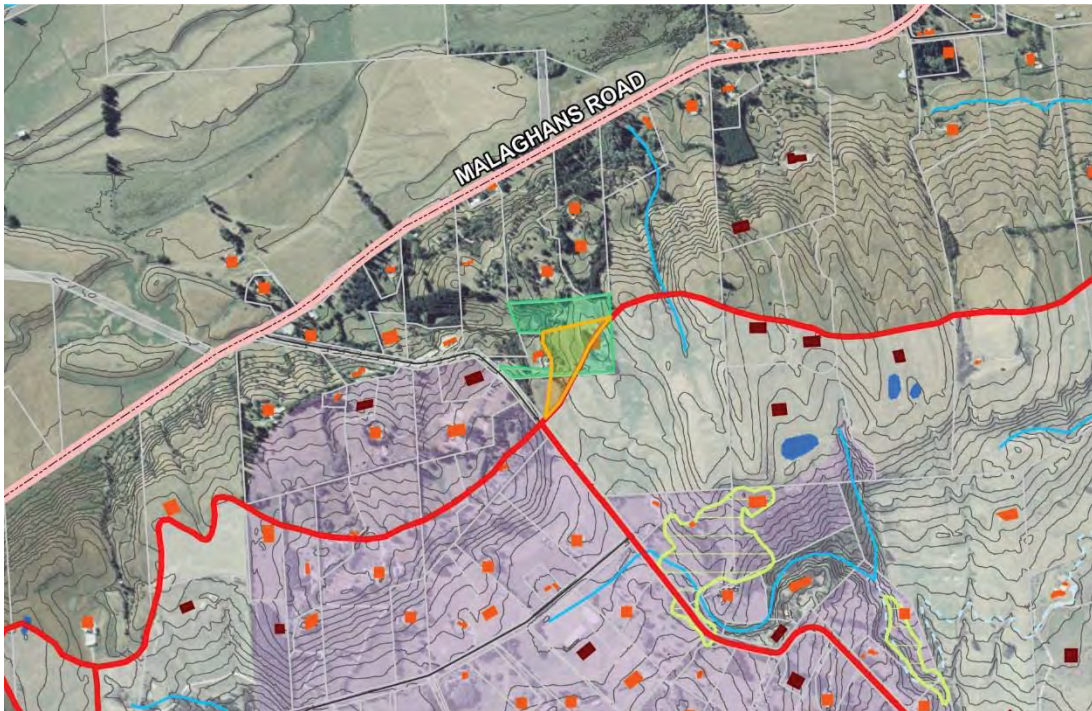


Figure 1: McKeague submission area shown in green. (Refer **Annexure 5** for mapping legend.)

15 This is the absorption capability for the LCU identified in the WB Study. NB this explanatory note applies to all subsequent LCU headings.

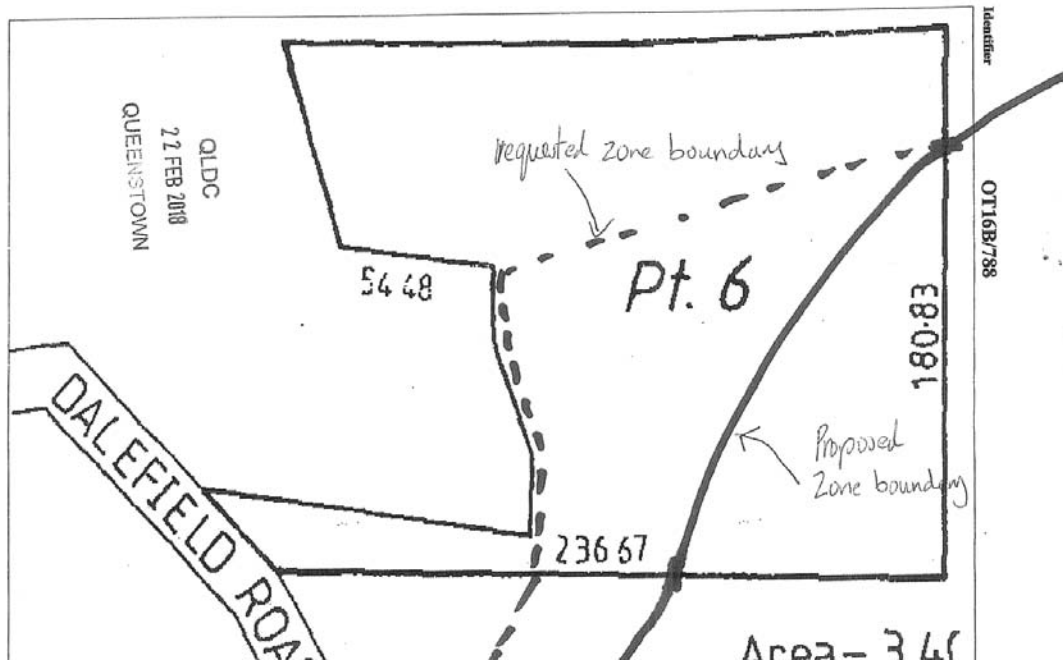


Figure 2: Requested realignment of Precinct / WBRAZ boundary extracted from the McKeague submission.

- 7.3** The Precinct 'line' amendment requested by the submitter does not follow a specific geomorphological boundary, but rather has been configured to accommodate a potential building platform on the elevated north-west facing slopes to the west of the existing dwelling on the property (and which overlooks Malaghans Valley). (Refer Sheet C in the McKeague submission).
- 7.4** The Precinct boundaries (for the most part, and certainly in the vicinity of the submitter's land), follow the alignment of the LCU boundaries. This was a deliberate measure as the LCU boundaries (again, for the most part) are aligned along 'defensible edges' and assist the management of cumulative adverse effects by containing the potential for (rural residential) development sprawl across the Basin.
- 7.5** The WB Study provides background to the delineation of the LCU boundaries, which in turn informed the alignment of the Precinct boundaries (refer Appendix G: Rural Landscape Character Assessment and Assumptions and Data Sources):

*Given that the fundamental drivers of the landscape character of the basin relate to landform and hydrological patterning, the delineation of*

*landscape character units sought to use geomorphological boundaries (ridgelines, streams etc.) wherever practicable.*

*ONLs and ONFs form the boundary (at least in part) for many of the landscape character units. The District Plan policy context which seeks to discourage development in these areas, in combination with the evidence of very few dwellings in these areas (within the wider Basin context), suggests that reliance on ONL and ONF boundaries is robust. Where geomorphological or ONL and ONF boundaries are not evident, the 'next preferred' delineation method was to use indigenous vegetation features (e.g. 15 Hogans Gully / 22 The Hills landscape units).*

*In some locations, the Special Zone boundaries were relied upon (e.g. 16 Bendemeer and 23 Millbrook). The structure plans for these areas reveal that, typically, a landscape buffer between development within the Special Zone and the surrounding landscape is required, suggesting that the zone boundaries are a reasonably robust edge.*

*Elsewhere, local roads (e.g. 09 Hawthorn Triangle) and marked changes in land use patterns / cadastral boundaries were relied on to delineate the boundary of landscape character units. Within the context of a study specifically aimed at identifying areas where additional development can or cannot be absorbed it should be noted that each of these methods is considerably less robust with respect to 'containing' potential development areas (i.e. limiting the potential for 'development sprawl'), which is likely to be an issue in a landscape setting that is vulnerable to adverse cumulative effects.*

**7.6** The re-alignment of the Precinct boundary, as sought by the submitter, does not accord with any of these LCU delineation 'methods' and is therefore not supportable from a landscape perspective.

**7.7** For these reasons, I oppose the rezoning request from Amenity Zone to Precinct, at 55 Dalefield Road.

## **8. MCGUINNESS (2292)**

**8.1** The McGuinness submission relates to a series of parcels on the north-facing escarpment and hillslopes on the west and east side of Dalefield



Road. The elevated land on the west side of Dalefield was zoned Rural Lifestyle in Stage 1 of the PDP. The majority of this area was varied to Amenity Zone in Stage 2, with a small sliver of land on the west side of Dalefield Road and a more generously proportioned section of elevated land on the east side of Dalefield identified as Precinct.

**8.2** The submitter requests that:

- (a) all of the identified area is rezoned to Precinct; and
- (b) the 'Landscape Feature' is either deleted or the rules relating to it are modified.

**8.3** The submission argues that the extent of rural residential development on their land warrants its inclusion in the Precinct.

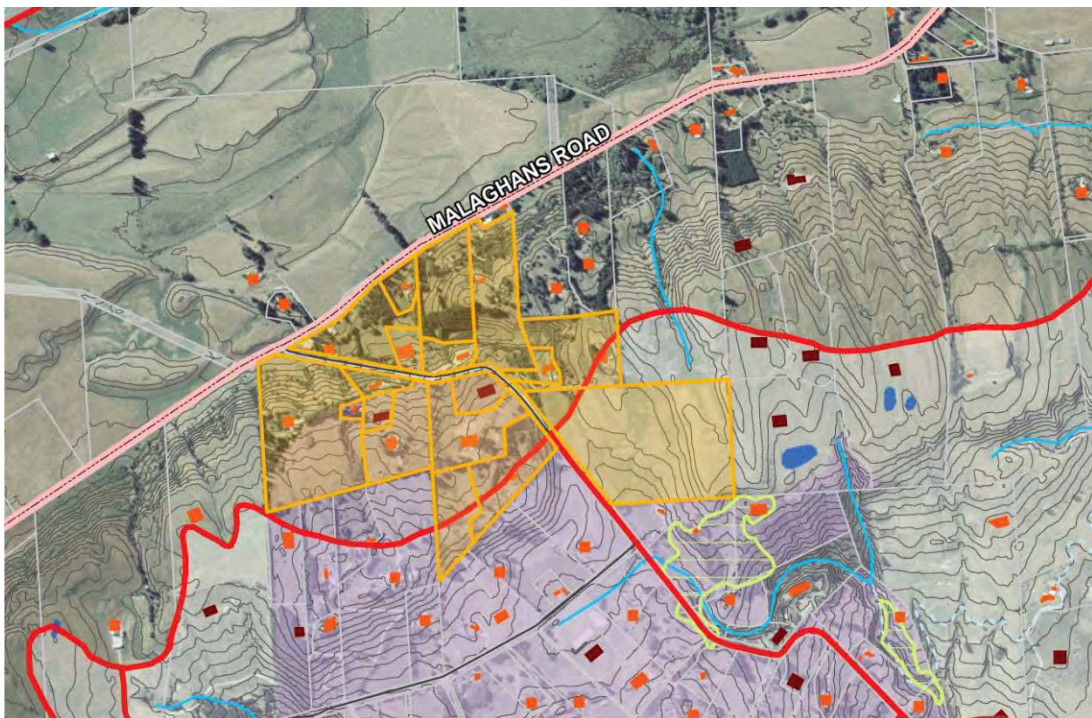


Figure 3: McGuinness submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

**8.4** Whilst the extent of existing built development and consented platforms was an important factor in determining both the extent and character of LCUs, and whether additional development may or may not be appropriate within an area, it was (consistently) considered alongside a wide range of other landscape 'factors' as detailed in the LCU

Descriptions. As explained in Section 5 above, the various attributes considered for each unit span the range of biophysical, perceptual, and associative values that are considered to underpin a thorough understanding of landscape values.

- 8.5** Whilst it is acknowledged that in this specific part of LCU 1 there is a reasonable level of existing rural residential development, the land to which this submission relates sits within a larger LCU that generally displays *“a predominantly working rural landscape character with pockets of (mostly) sympathetic rural development evident in places. The valley also serves as important ‘breathing space’ between Queenstown and Arrowtown and reads as a sensitive landscape ‘transition’ to the neighbouring ONL”*.
- 8.6** Overall (and despite the acknowledged pockets of existing rural residential development within the unit), LCU 1 was identified to have a **Very Low** capability to absorb additional development. This ranking comprises the lowest available ranking in the WB Study and was applied to only three of the twenty-five LCUs within the basin. In the case of Malaghans Valley, it was concluded that additional development in the unit has the potential to compromise the perceived character of the wider Wakatipu Basin landscape as a whole.
- 8.7** Further, expanding the Precinct to take in the submitter’s land would significantly undermine the LCU (and consequently, the Precinct) delineation methodology which seeks to use geomorphological boundaries as a first preference (wherever practicable) in recognition of the importance of landform and hydrological patterns in shaping the landscape character of the Basin and to assist in containing the potential for (rural residential) development sprawl.
- 8.8** The escarpment and hillslope landform patterning that defines the south side of Malaghans Valley is an obvious geomorphological boundary in the vicinity of the submitter’s land, and to depart from this delineation method in favour of cadastral and road boundaries as implied by this submission is not supported from a landscape perspective.

**8.9** With respect to the requested deletion of the 'Landscape Feature', I consider that this landscape planning device (which requires buildings to be set back a minimum of 50m from the 'line') is necessary in this location to ensure that:

- (a) any future built development associated with the WBLP throughout the elevated land to the south of Malaghans Valley does not detract from the high landscape and visual amenity values associated with LCU 1;
- (b) the impression of Malaghans Valley as a landscape in which buildings are subservient to more rural patterns remains intact; and
- (c) the perception of LCU 1 as a spacious and relatively open buffer between Queenstown and Arrowtown, and between the Basin 'proper' and the surrounding ONL mountain context is maintained.

**8.10** For these reasons, I oppose the rezoning of land around the northern end of Dalefield Road as requested in the McGuinness submission.

**9. D HAMILTON & L HAYDEN (2422)**

**9.1** This submitter owns land at 76 Hunter Road. Like the McKeague property, the LCU boundary on Schedule 24.8 (and therefore the Precinct / Amenity Zone boundary) passes through the northern portion of the property on a broadly west-east alignment. Land to the north is within LCU1 and is identified as Amenity Zone, and land to the south of the line is identified to fall within LCU 6 Wharehuanui Hills with the Precinct applied (refer **Figure 5** below).

**9.2** The submitter is supportive of the Precinct on their land (and the associated minimum and average lot size regime); however, seeks that all of their property is included within the Precinct.



Figure 4: Hamilton & Hayden mapping provided in the submission. The pink hashed area shows the extent of the submitter's land to which the Precinct applies (as notified). The balance of the submitter's land is identified as Amenity Zone.

**9.3** For the reasons outlined in my evaluation of the McKeague submission above, amending the boundary of the Precinct in this location to align with a cadastral pattern raises issues of methodological consistency. Whilst such a Precinct delineation approach has been adopted in a very limited number of locations within the Basin (for example, at the north western edge of the Precinct zone at the north end of Lake Hayes) this has only occurred where a 'more robust' method such as geomorphological features, ONLs, ONFs, Special Zones or land use patterns are not available.

**9.4** In the case of the majority of the Wharehuanui Hills (and therefore the south side of the Malaghans Valley unit), a very strong geomorphological pattern is available in the form of the hillslope and escarpment features, which should, in my opinion, be preferred over cadastral patterns as a delineation method.

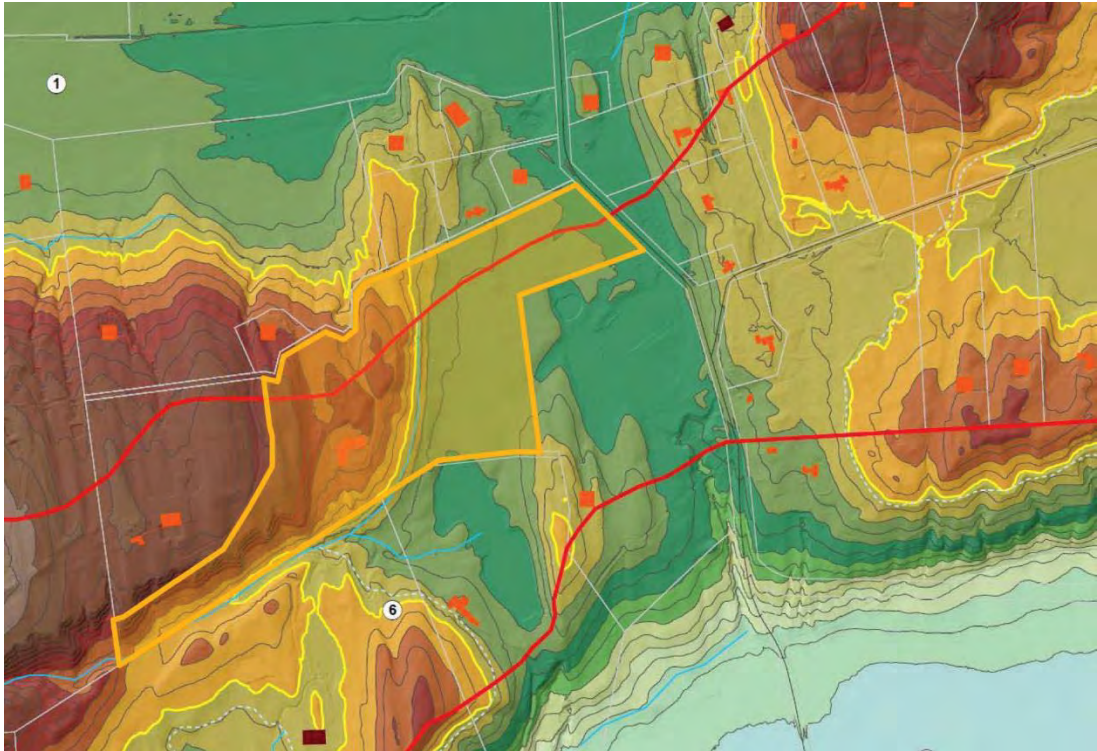


Figure 5: Hamilton and Hayden site shown in orange over Elevation 'base' plan. The red line corresponds to the Precinct (and therefore the LCU) boundary.

9.5 I note that more extensive mapping of the Elevation patterning of the Wharehuanui Hill system in the vicinity of the site is attached as **Appendix 3** together with a full legend for the mapping. (Brown toned areas correspond to higher land and green toned areas correspond to more low-lying land.)

9.6 Referencing **Figure 5** above, the eastern extent of 76 Hunter Road coincides with a low point in the ridgeline system that frames the south side of Malaghans Valley. As with the delineation of other landscape classifications such as the Coastal Environment (acknowledging there is no Coastal Environment within this District), the delineation of LCUs inevitably requires a degree of extrapolation to make sense of localised anomalies in landscape patterns. The appropriateness of such (landscape) estimations should, in my view, largely turn on the scale of the area involved, together with the legibility (or 'strength') and scale of the surrounding landscape patterns that are being relied upon.

9.7 In my opinion, the scale of the 'interruption' to the ridgeline patterning on the south side of the valley is insufficient to warrant the reconfiguration of the LCU boundary to exclude this area from the

Malaghans Valley unit, as the area generally reads as part of that 'more rural corridor' due to the very strong landform patterning evident on the south side of the balance of the unit. Further, the lower lying area does not read as part of the undulating Wharehuanui Hills unit and does not read as an LCU in its own right.

**9.8** I have also considered whether the LCU / Precinct boundary should be reconfigured along the crest of the small landform spur that extends northwards from the submitter's land. In my opinion, this landform comprises a relatively small-scale and localised anomaly in the distinctive steep hillslope / escarpment patterning that delineates the southern side of Malaghans Valley, and it would be artificial to exclude it from that unit.

**9.9** For these reasons, I do not consider that the extent of the Precinct should be altered on the submitter's land, and I oppose the rezoning request outlined in the D Hamilton and L Hayden submission.

## **10. S BOTHERWAY (2610)**

**10.1** The Botherway submission relates to land at 27 Mooney Road. The alignment of the Precinct / Amenity Zone boundary runs across the property on an approximately southwest-northeast orientation such that the western portion is identified as Amenity Zone and the eastern portion is identified as Precinct on the plan maps. Amenity Zone applies to the majority of the property and the existing dwelling is located within the Amenity Zone. The location of the property is shown on the Elevation mapping for the area in **Figure 6** below.

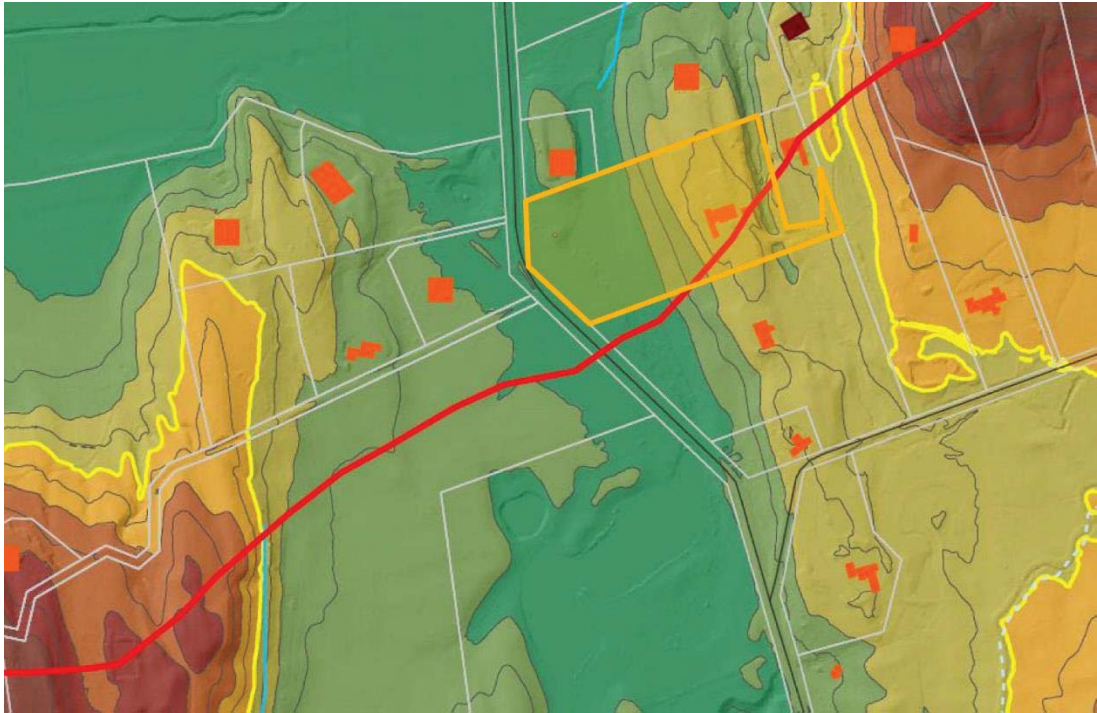


Figure 6: Location of Botherway site shown in orange over Elevation 'base' plan. The red line corresponds to the Precinct (and therefore the LCU) boundary.

- 10.2** I note that more extensive mapping of the Elevation patterning of the Wharehuanui Hill system in the vicinity of the site is attached as **Appendix 3** together with a full legend for the mapping. (Brown toned areas correspond to higher land and green toned areas correspond to more low-lying land.)
- 10.3** The submission would appear to be supportive of the Precinct and requests that all of the property is included within the Precinct, citing the limited visibility of the land from Malaghans Road, the subdivided property to the immediate north, and the inaccessibility of the Hunter Road frontage of the property from the balance of the site in favour of the rezoning request.
- 10.4** As **Figure 6** above demonstrates, the submitter's property is located on the east side of Hunter Road, roughly opposite the D Hamilton and L Hayden property, discussed above. The 27 Mooney Road property coincides with a low point in the ridgeline system that frames the south side of Malaghans Valley. As explained earlier, the delineation of LCUs (and therefore the Precinct boundary) favours geomorphological features where they are available (as is the case in this part of the Basin), and inevitably requires a degree of extrapolation to make sense

of localised anomalies in landscape patterns. The appropriateness of such (landscape) estimations should, in my view, largely turn on the scale of the area involved, together with the legibility (or strength) and scale of the surrounding landscape patterns that are being relied upon.

- 10.5** Consistent with my comments in relation to the Hamilton & Hayden submission, the scale of the ‘interruption’ to the ridgeline patterning on the south side of the valley is insufficient to warrant the reconfiguration of the character unit boundary (and therefore the Precinct boundary) to exclude all of the submitter’s land from the Malaghans Valley unit. This is because the area generally reads as part of that ‘more rural corridor’ due to the very strong landform patterning evident on the south side of the balance of the unit. Further, the lower lying area does not read as part of the undulating Wharehuanui Hills unit and does not read as a LCU in its own right.
- 10.6** I expect that there are several localised and small-scale areas throughout the Malaghans Valley that are not visible from the road and/or are located adjacent recently subdivided land. However, the location and extent of the Precinct and Amenity Zone have been developed as a consequence of a Basin-wide holistic landscape assessment as opposed to a site-by-site assessment.
- 10.7** For these reasons, I oppose the zoning request from Amenity Zone to Precinct at 27 Mooney Road.

## **11. MILLBROOK COUNTRY CLUB SUBMISSIONS (2295 and 2605)**

- 11.1** This submission supports the Amenity Zone notified for a number of properties to the northwest and north of Millbrook Resort that coincide with LCU 1 Malaghans Valley. I note that the bulk of this submission is discussed under LCU 23 Millbrook.
- 11.2** For the reasons set out in the WB Study that identify LCU 1 as being unsuited to absorb additional rural residential development, I support this aspect of the Millbrook Country Club submission.



**LCU 2 FITZPATRICK BASIN (High)**

12. **THE CROWN INVESTMENT TRUST (2307); ROBERT FFISKE AND WEBB FARRY TRUSTEES 2012 LTD (2338); AEM PROPERTY (2017) LIMITED (2496); A MORCOM, J DAVIES & VERITAS (2013) LIMITED (2334); MCGUINNESS (2292) and D BROOMFIELD & WOODLOT PROPERTIES LIMITED (2276)**

- 12.1 All of these submissions express support for the Precinct on their properties within LCU 2 (and also support the proposed minimum and average lot size regime for the Precinct). The location of the submitter's landholdings is shown on **Figure 7** below. (NB the location of the McGuinness submission is shown on **Figure 3**, as this submission straddles LCU 1 and LCU 2.)

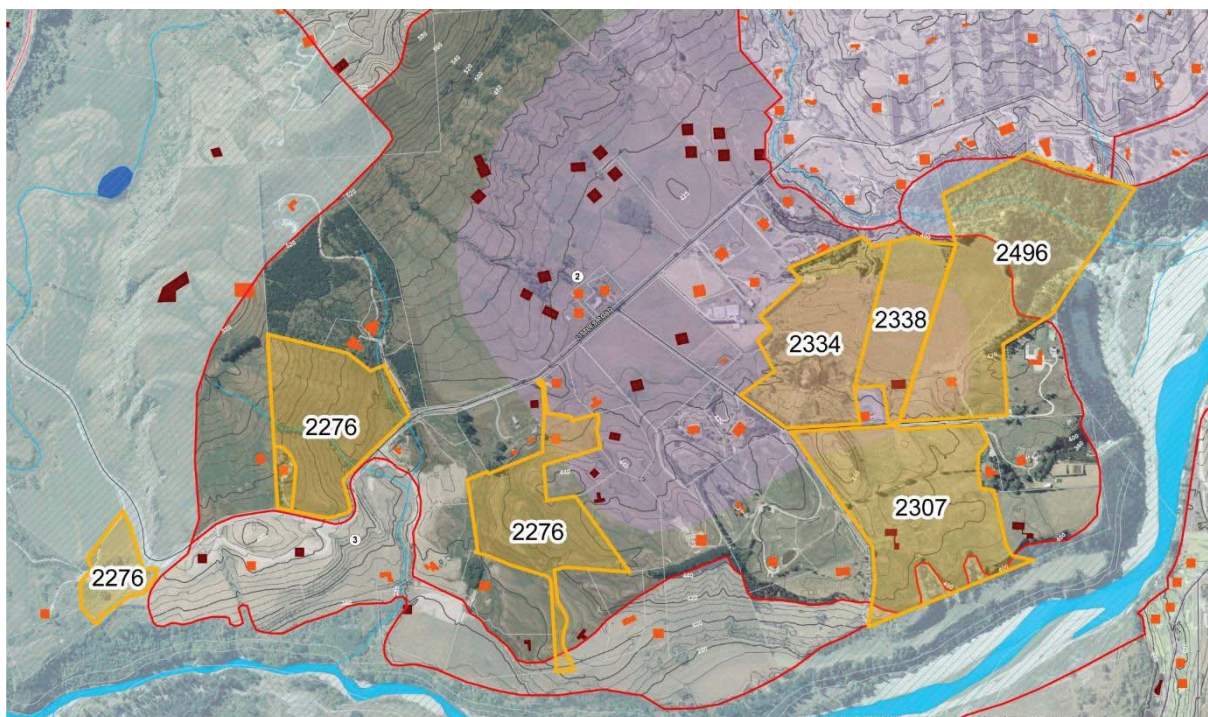


Figure 7: Location of LCU 2 rezoning submissions. (Refer **Annexure 5** for mapping legend.)

- 12.2 For the reasons set out in the WB Study that identify LCU 2 as being suited to absorb additional rural residential development, I support the above submissions (insofar as they relate to LCU 2). I note they do not seek any rezonings.

**13. T HARDLEY (2440)**

**13.1** The T Hardley submission relates to a series of titles in the south eastern quadrant of LCU 2 Fitzpatrick Basin that border the Shotover River ONL.

**13.2** The majority of the area was zoned Rural under Stage 1 of the PDP with a small area of Rural Lifestyle throughout the northern margins, and was varied to Precinct in Stage 2.

**13.3** The submission opposes the zoning of this area as Precinct, arguing that such an outcome would have an adverse effect on:

- (a) the landscape character of the Fitzpatrick Basin; and
- (b) the amenity of the immediate and wider landscape including neighbours.

**13.4** The submitter seeks that all of the area to which their submission relates is rezoned as Amenity Zone.

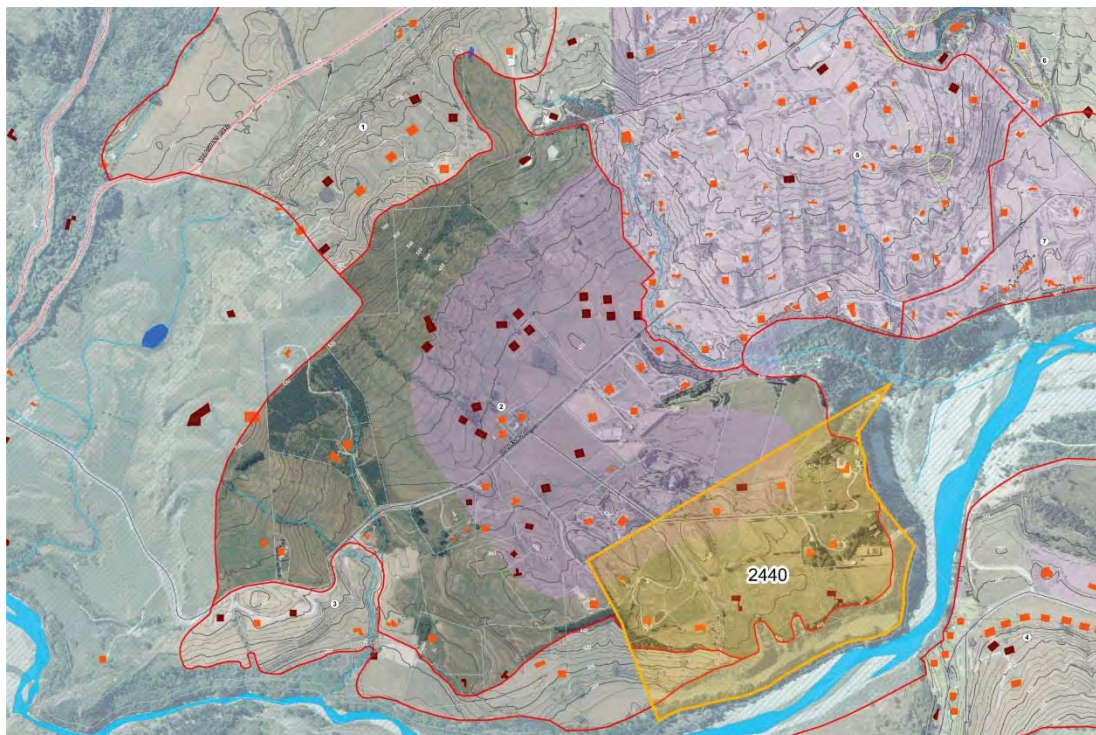


Figure 8: Hardley submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

- 13.5** **Figure 8** above shows the location of the submission area within the wider LCU 2 setting. Whilst this part of the Fitzpatrick Basin has seen less rural residential development than other portions to date, it is located within a landscape unit that exhibits a reasonable degree of landscape complexity, visual containment, and enclosure as a consequence of the hummocky landform pattern and established vegetation patterns.
- 13.6** Further, the land to which this submission applies is nested within a LCU that forms a visually unobtrusive, discrete enclave, apart from the balance of the Wakatipu Basin. This gives confidence that some change in the character of LCU 2 is unlikely to influence the character of the wider basin landscape.
- 13.7** Each of these factors point towards a landscape that is well suited to successfully absorbing additional (appropriate) rural residential development (from a landscape perspective).
- 13.8** It is, however, acknowledged that the introduction of the Precinct will inevitably bring about some localised change in landscape character.
- 13.9** In my opinion, the following aspects of the Variation will ensure that any future subdivision and development in this part of the Fitzpatrick Basin will appropriately manage adverse landscape and visual amenity effects:
- (a) the proposed Landscape Feature line in this area which seeks to safeguard the visual integrity of the adjacent Shotover River ONL landscape; and
  - (b) the proposed planning regime for the Precinct, which sees the introduction of a restricted discretionary approach for all subdivision, and triggers consideration of a wide range of landscape matters (including reference to the location specific LCU Description, the consideration of effects on neighbouring properties and public places and a number of landscape driven development controls).

- 13.10** On balancing these considerations, I do not agree with the submitter that the Precinct in this location will have an adverse effect on the landscape character of the Fitzpatrick Basin or the (visual) amenity of the local and wider area including neighbouring properties.
- 13.11** For these reasons I oppose the rezoning request outlined in the T Hardley submission.

**LCU 4 TUCKER BEACH (Central and Eastern End: High; Western End: Low)**

**14. MIDDLETON FAMILY TRUST (2332)**

- 14.1** The Middleton Family Trust submission relates to land throughout the central and western portion of LCU 4 Tucker Beach – referred to hereafter in the discussion of this submission as ‘the site’.
- 14.2** The majority of the eastern portion of the site has been zoned as Precinct in the Variation (excepting a small sliver that sits above the 400m contour and is identified as Amenity Zone), with the western portion identified as Amenity Zone.
- 14.3** The submitter seeks the replacement of the Amenity Zone and Precinct on their land with a bespoke “Tucker Beach Residential Precinct” (as depicted in **Figure 9** below) which would sit within the WB Chapter. This proposed new precinct would enable urban residential development at a density of one dwelling per 600m<sup>2</sup> throughout the western and central portion of the site. Development is excluded from the steep escarpment landform feature in the area and also along part of the ONL boundary.
- 14.4** Precinct is proposed on the submitter’s map (see **Figure 9**) throughout the river flat adjacent the Shotover River and the entire eastern portion of the site adjacent Ferry Hill.

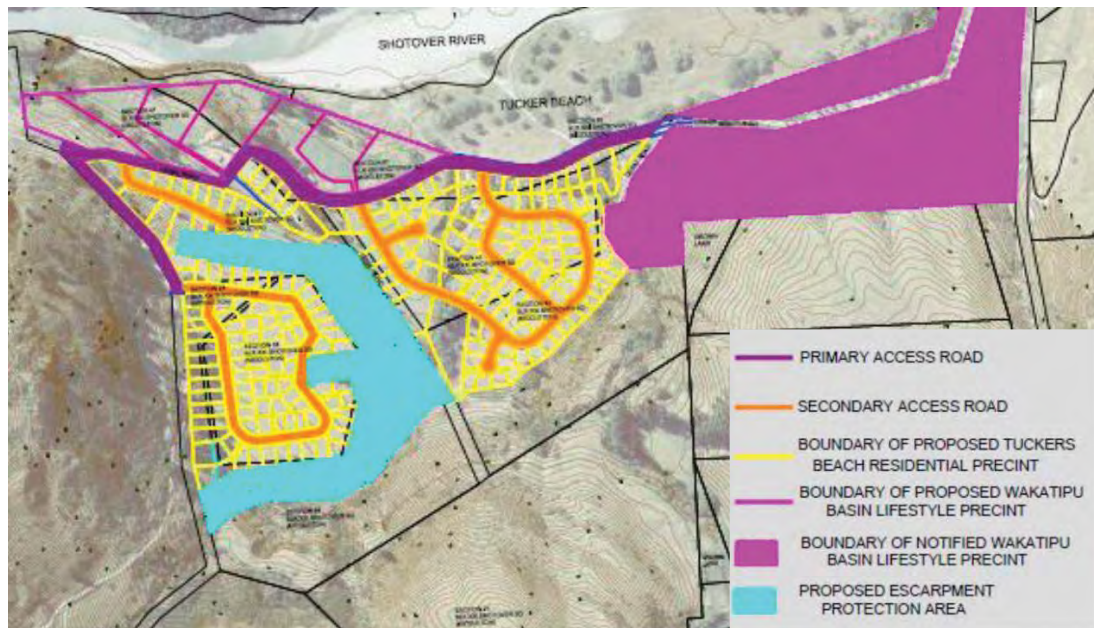


Figure 9: Tucker Beach Residential Precinct mapping provided in Middleton Family submission

**14.5** The land to which this submission relates is also depicted in **Figure 10** below. The site includes three key landscape areas (nested within the larger LCU):

- (a) The lower slopes of Ferry Hill in the eastern portion of the site. This area is dominated by rural residential land use. Generally, dwellings are located throughout the toe of the Ferry Hill slopes and well integrated by vegetation.
- (b) An area of low-lying river flat that is effectively framed by the lower slopes of Sugar Loaf to the west, Queenstown Hill to the southwest, and Ferry Hill to the south east. The area is bisected by two unnamed streams that drain to Shotover River running along the northern edge of the river flat. Relying on GIS datasets provided by QLDC, it is my understanding that this portion of the site also borders an appreciable Department of Conservation (**DoC**) reserve (refer **Figure 11** below). The river flat portion of the site is in pastoral land use. Numerous predominantly exotic trees line the stream banks and river terrace edges, and, in combination with the scattered specimens throughout the DoC reserve adjacent, the pasture cover and limited presence of buildings confer the impression of a reasonably 'green' and undeveloped river flat.

- (c) A steep escarpment and flat terrace in the western portion of the site that is in pastoral use with scattered exotic trees evident, particularly along fencelines, and very few buildings.

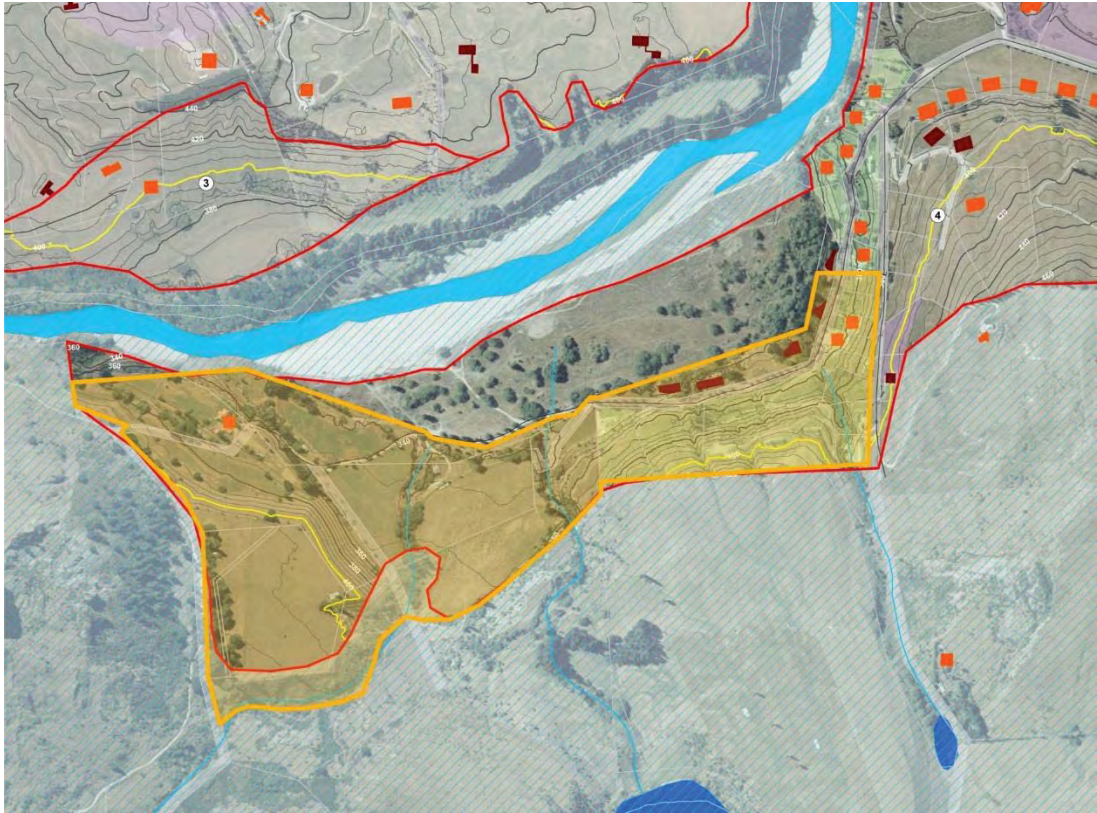


Figure 10: Middleton Family Trust submission area shown in orange. (Refer **Annexure 5** for mapping legend. 400m contour line shown in yellow.) Note: extent of ONL (blue hatched area) is consistent with that shown in PDP Stage 1 Decisions Version Map 31 Lower Shotover.

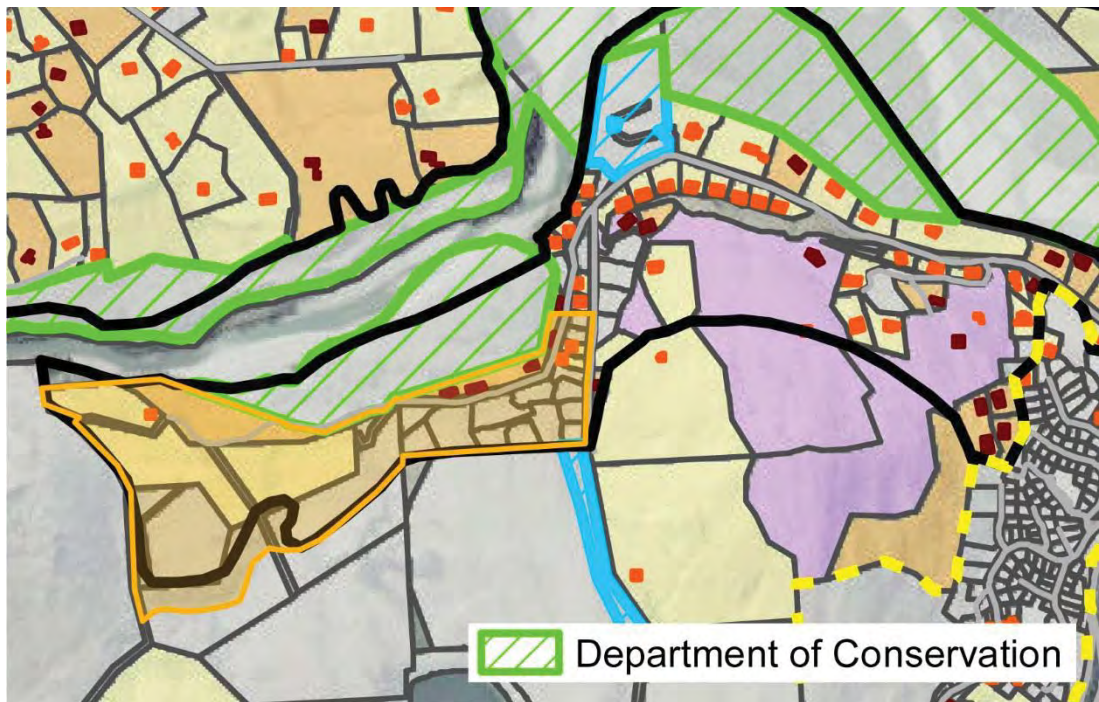


Figure 11: DoC land shown as green hatch. Extent of submission area shown in orange. For the full legend associated with this mapping refer WB Study Appendix I Sheet 17.



Photograph 1: View of the western end of LCU 7 from Hansen Road environs. Elevated terrace lined with exotic trees visible in centre mid-ground backdropped by Sugar Loaf.



Photograph 2: View of the western end of LCU 4 from the eastern end of Littles Road. Ferry Hill to left of view, Sugar Loaf to right of view.



Photograph 3: View of central and western end of LCU 4 from Domain Road.

- 14.6** The southern edge of the site adjoins the ONL that applies to the *rôche moutonnée* backdrop on this side of the basin. These features are visible from public roads within the Fitzpatrick Basin, Dalefield, the Domain Road, and the Shotover River terraces, and are expected to be highly visible from at least some dwellings within those areas.
- 14.7** Despite the more limited visibility of the site due to its lower elevation in comparison to the ONL, I consider that the relatively undeveloped, 'green' character of the river flat, escarpment, and terrace areas of the site, and the consistency of this character to the elevated slopes adjacent, means that the site has a strong spatial and visual connection to the s6(b) landscape, making it highly sensitive to change.



- 14.8** The proximity of the river flat to the DoC reserve, together with its perception as part of the Shotover River margins (also an ONL), also suggests a heightened sensitivity.
- 14.9** Whilst urban development has occurred in other locations adjacent to the river and elevated hill ONLs in the vicinity, I consider that any change of this scale and character would need to be evaluated and provided for in an extremely careful manner to ensure that the development outcome does not detract from the characteristics and values for which the neighbouring s6(b) landscapes are valued. No such evaluation is provided in this submission.
- 14.10** Referencing the PDP Stage 1 Decisions Version Map 31, the layout put forward by the submitter would appear to result in urban development 'hard-up' against almost the entire ONL boundary (although it should be noted that the very poor quality of the graphic provided in the Stage 1 submission makes it difficult to be certain of this relationship). Further, a small portion of the proposed urban footprint within the submitter's bespoke precinct overlaps the ONL. These outcomes, in my view, will generate adverse landscape and visual effects on the ONL and are not supported from a landscape perspective.
- 14.11** I also note that the submitter's proposed Tucker Beach Residential Precinct would introduce a patterning that sees an 'island' of (presumably un-serviced) rural residential development flanked by the established Quail Rise urban area to the east and the (proposed) "Tucker Beach Residential Precinct" urban area to the west. Such an outcome would result in a fragmented urban pattern and is not considered to be consistent with urban design best practice.
- 14.12** With respect to the extent of the Precinct proposed by the submitter in the eastern portion of the site, I consider the 400m contour line to be the upper limit where rural residential development is acceptable in this location (refer **Figure 10** yellow contour line). This contour was selected as it approximates the 'upper level' of the majority of existing built and consented development in this part of the unit and will therefore avoid the perception of development creeping up the lower

slopes of Ferry Hill ONL in views from the surrounding area. This is considered to be of importance in safeguarding the integrity of the visual amenity and landscape character values associated with the ONL and the wider basin landscape.

**14.13** For these reasons, I oppose the rezoning request outlined in the Middleton Family Trust submission.

**15. D BROOMFIELD & WOODLOT PROPERTIES LIMITED (2276)**

**15.1** The D Broomfield and Woodlot Properties Limited submission is supportive of the Precinct itself; however, seeks an amendment to the extent of the Amenity Zone / Precinct boundary such that all of their landholding on the lower northern slopes of Ferry Hill ONL (and outside of the ONL) is rezoned to Precinct (refer **Figure 13** below). From their submission to PDP Stage 1 (Submission Number 500 - refer **Figure 12**), which is also a relevant submission, it is inferred that the submitter considers that upzoning of their land would create an appropriate transition between the urban Quail Rise land to the east and the rural land to the west.

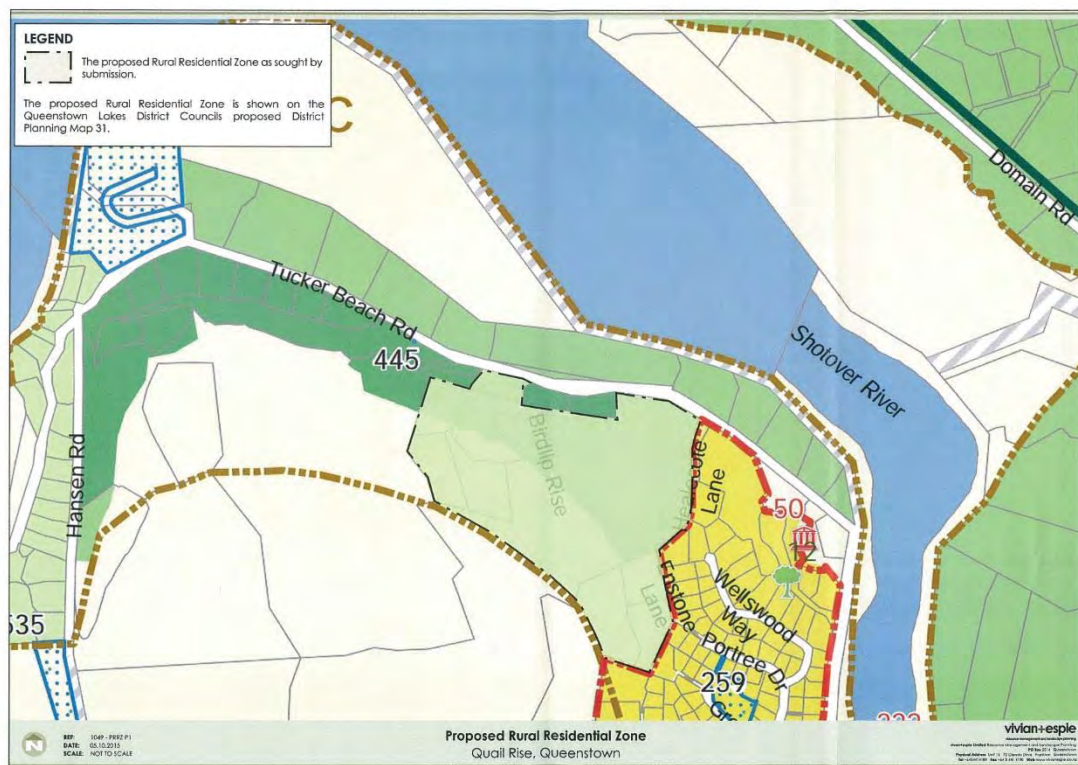


Figure 12: Broomfield and Woodlot Properties PDP Stage 1 submission plan.

- 15.2** The land to which this submission relates is shown below in **Figure 13**, which demonstrates the sloping nature of the site, the patterning of existing and consented development on the land, and its relationship with neighbouring development and the Ferry Hill ONL.

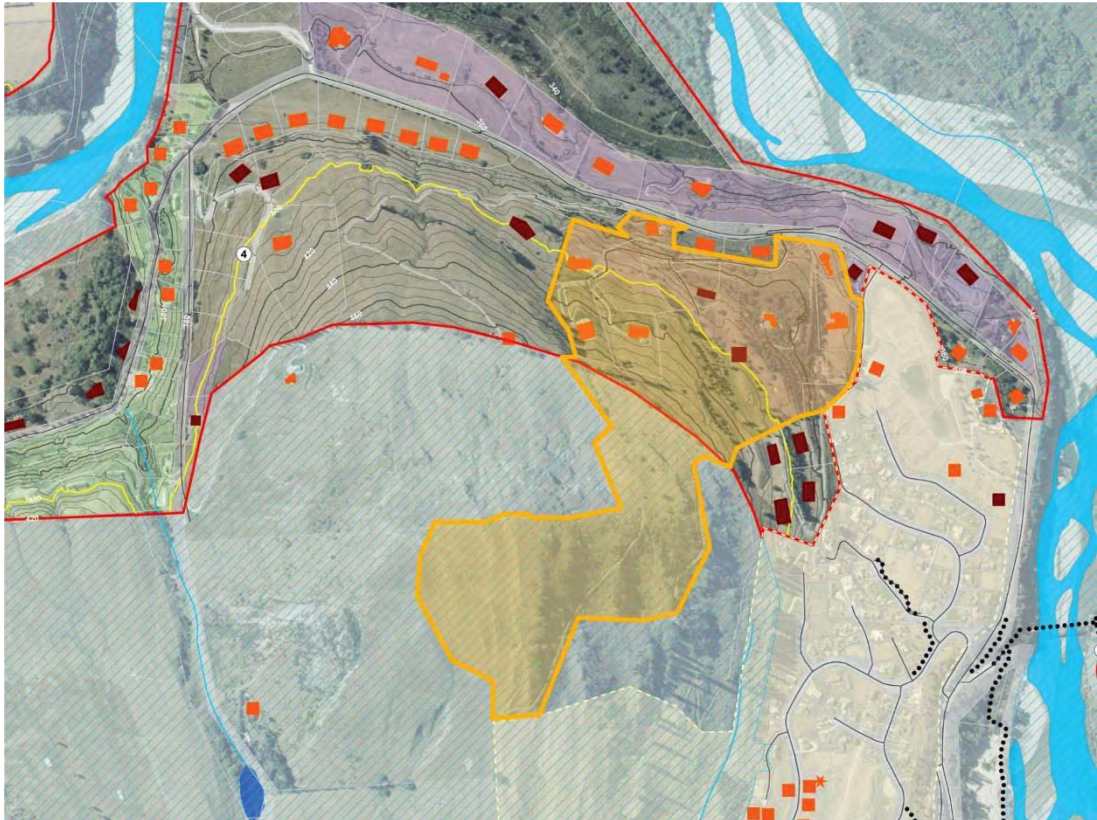


Figure 13: Broomfield and Woodlot Properties submission area shown in orange. (Refer **Annexure 5** for mapping legend. 400m contour line shown in yellow.)

- 15.3** The notion of reinforcing the existing rural residential transition between the Quail Rise urban area and the more working rural landscape at the western end of LCU 4 is supported and borne out in the proposed extent of the Precinct throughout the unit.
- 15.4** However, the extent of the Precinct in this location also needs to be cognisant of the ONL context of Ferry Hill immediately to the south, and the high visibility of the elevated slopes throughout the southern edge of the unit from the Domain Terrace, Dalefield and Fitzpatrick Basin environs to the north west and north (refer **Photograph 4**).



Photograph 4: View of Ferry Hill and existing Tucker Beach rural residential development from Domain Road.

- 15.5** As discussed in relation to the Middleton Family Trust submission, the southern extent of the Precinct in this location follows the 400m contour line. This contour was selected as it approximates the ‘upper level’ of the majority of existing built and consented development in this part of the unit and will therefore avoid the perception of development creeping up the lower slopes of Ferry Hill ONL in views from the surrounding area. This is considered to be of importance:
- (a) in safeguarding the integrity of the visual amenity and landscape character values associated with the ONL; and
  - (b) as a consequence of the high visibility of the area, and its consequential role in shaping the character of the wider basin landscape.
- 15.6** Further, the proposed precinct layout effectively builds in a buffer between rural residential land uses and the ONL, which is also considered to be appropriate in this location from a landscape perspective.
- 15.7** For these reasons, I oppose an extension of the Precinct to encompass all of the land addressed in the D Broomfield and Woodlot Properties Limited submission, and currently zoned Rural Amenity.

16. J WATERSTON (2308)

16.1 The J Waterston submission relates to land on the lower slopes of Ferry Hill as depicted in **Figure 14** below. The Precinct applies to the lower margins of the submission area. The Amenity Zone applies to the majority of the submission area. The submission requests that the extent of the Precinct is modified to incorporate two 'Possible Building Platforms' as depicted below (refer **Figure 14** and **Figure 15**). The submission argues that the Precinct line promulgated in their submission is more appropriate as it corresponds to the 'no build' line identified in an Environment Court decision in relation to a subdivision on the property.

Figure 14: J Waterston submission plans.

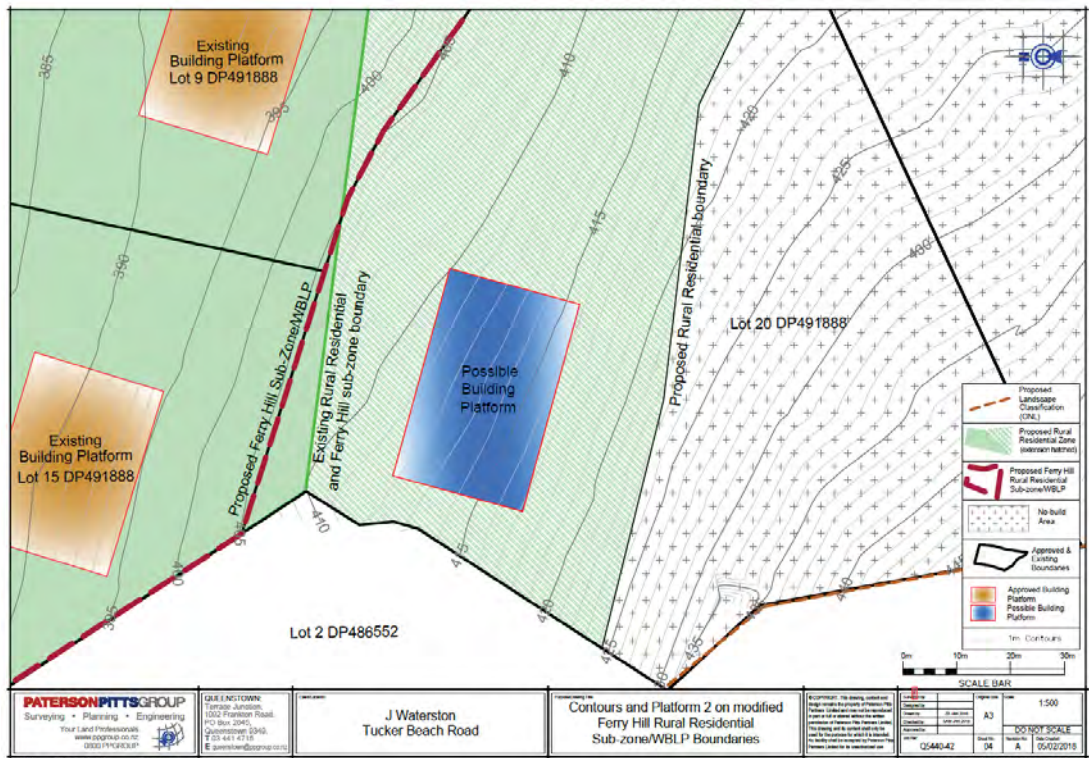




Figure 15: J Waterston submission area shown in orange. (Refer **Annexure 5** for mapping legend. 400m contour line shown in yellow.)

- 16.2** I note that each of the ‘possible building platforms’ sit above the 400m contour. Whilst I accept that the Environment Court found it acceptable in this specific location to allow for two platforms above that contour, I do not consider that this is a pattern that should dictate the alignment of the Precinct boundary on the submitter’s land (or the balance of this part of LCU 4).
- 16.3** As alluded to earlier, there are a number of ‘peripheral’ dwellings that sit above the 400m contour on the lower slopes of Ferry Hill; however, by far the dominant patterning sees buildings configured below that contour, and, for the reasons outlined earlier, I consider the appropriate location of the Precinct boundary to align with the 400m contour.
- 16.4** On balancing these considerations, I oppose an extension of the Precinct to encompass land above the 400m contour as proposed in the J Waterston submission.

**17. JAMES CANNING MUSPRATT (2418)**

- 17.1** The Muspratt submission relates to land (outside the Ferry Hill ONL) on the lower slopes of Ferry Hill as depicted in **Figure 16** below. The Precinct applies to the lower margins of the submission area. The Amenity Zone applies to the portion of the submission area that sits above the 400m contour.
- 17.2** The submission requests that the entire submission area is zoned from a mix of Amenity Zone and Precinct to Precinct, which would potentially enable dwellings above the 400m contour on Ferry Hill. It should be noted that the extent of the Precinct notified in the Variation corresponds to the 400m contour (yellow) line shown in **Figure 16** below.
- 17.3** For the reasons outlined above in my discussion of other submissions requesting an extension of the Precinct above the 400m contour line on the lower slopes of Ferry Hill, I oppose the Muspratt submission.

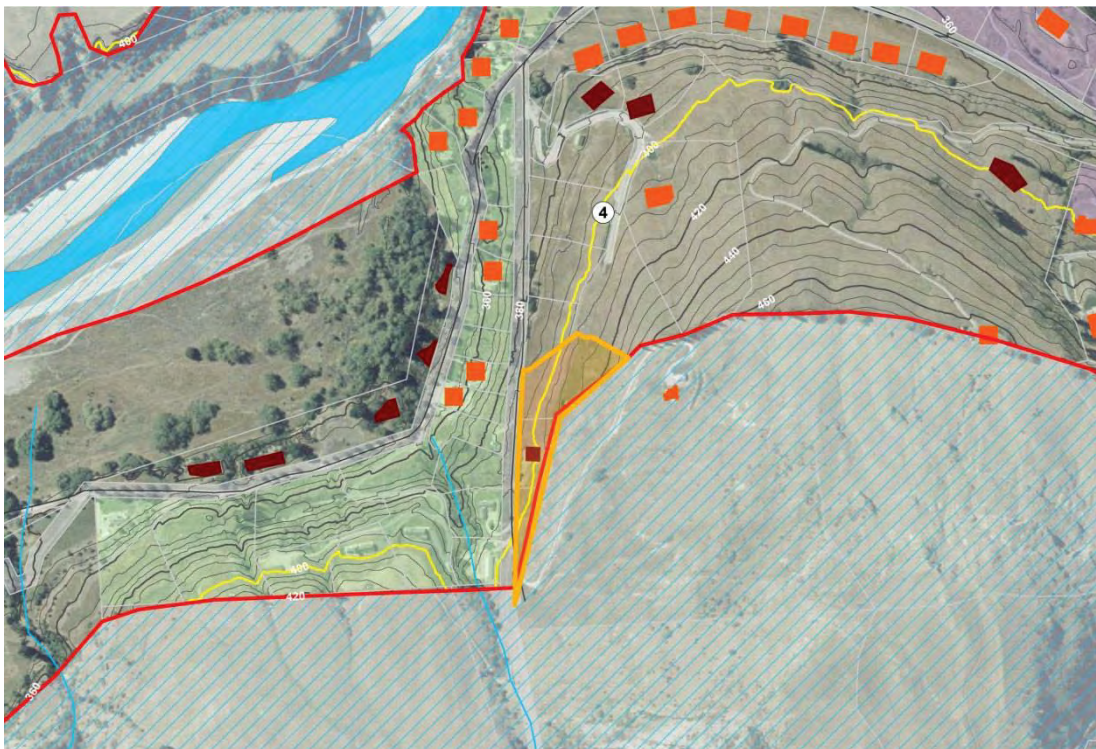


Figure 16: James Canning Muspratt submission area shown in orange. (Refer **Annexure 5** for mapping legend. 400m contour line shown in yellow.)

**LCU 6 WHAREHUANUI HILLS (High)**

**18. G & J SIDDALL (2196); R&M DONALDSON (2229); KJ BRUSTAD (2577); D HAMILTON & L HAYDEN (2422); S BOTHERWAY (2610)**

**18.1** Each of these submissions expresses support for the Precinct applied to their properties within LCU 6. The location of these properties is shown in **Figure 17** below. (I note the location of D Hamilton & L Hayden submission is shown on **Figure 5** and the S Botherway submission is shown on **Figure 6** as these submissions straddle LCU 1 and LCU 6.)

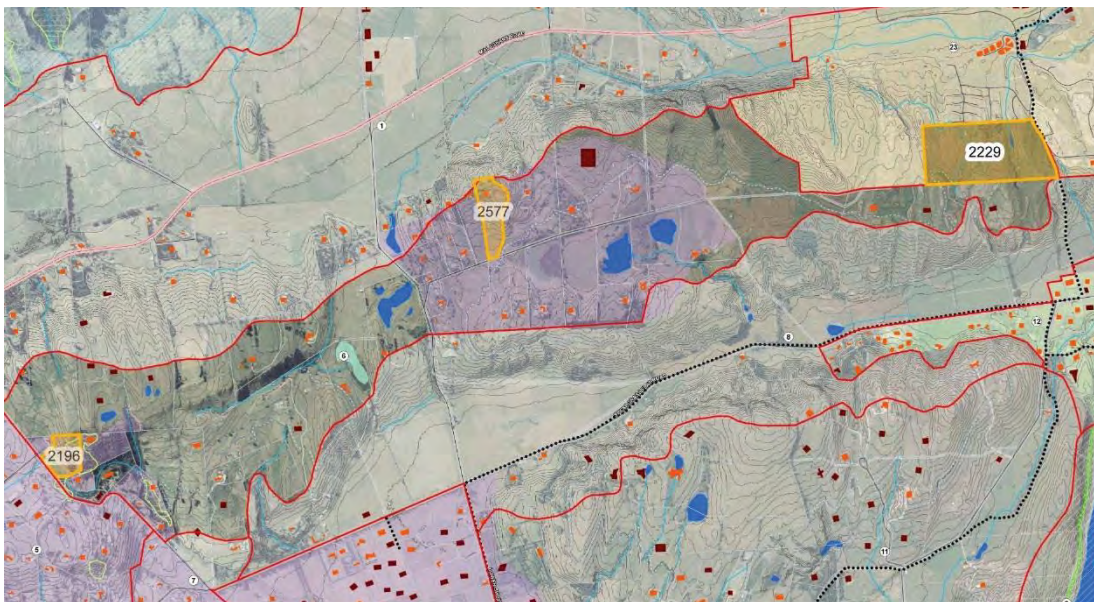


Figure 17: Location of submitters' land in LCU6 that are supportive of WBLP. Refer **Annexure 5** for mapping legend.)

**18.2** For the reasons outlined in the WB Study that identify LCU 6 as being suited to absorb additional rural residential development, I support the Sidall, Donaldson and Brustad submissions. I also support the D Hamilton & L Hayden submission in part, insofar as it relates to LCU 6.

**19. SKIPP WILLIAMSON (2272)**

**19.1** The Skipp Williamson submission expresses support for the Variation, including the proposed minimum and average lot sizes and the description of LCU 6.



- 19.2** The submission requests that the extent of the Precinct over the submitter's land is amended to be consistent with their submission to PDP Stage 1 (#499). That submission sought a Rural Lifestyle zoning over the elevated land within the submitter's landholding, including at least some of the 'roll-over' slopes at the edges of the Wharehuanui Hills; and would appear to have applied a Building Restriction to at least some of the 'roll-over' areas.
- 19.3** Submission #499 is supported by a Landscape and Visual Effects assessment prepared by Vivian + Espie. It should be noted that the absence of detailed contour information in Submission #499 makes it difficult to fully understand the reasoning underpinning the proposed Rural Lifestyle boundary alignment and the extent of the Building Restriction Areas.
- 19.4** Referencing the mapping in **Annexure 4** of my evidence, which shows an approximation of the mapping requested in the PDP Stage 1 submission (**Stage 1 submission mapping**) overlaid on the LCU 6 mapping, the extent of rural residential development enabled by the Precinct (which follows the crest of the ridgeline and excludes the 'roll-over' slopes) would be very similar to that anticipated by the submitter's Stage 1 relief.
- 19.5** The LCU boundary (and therefore Precinct) mapping methodology applied (in the Variation) to this portion of LCU 6 is consistent with that applied throughout the remainder of the unit (and in other elevated landscape units such as LCU 5 Dalefield) and follows the crest of the ridgeline landforms.
- 19.6** The rezoning sought would appear to deviate from the ridgeline crest in places (albeit to a relatively minor extent) thereby undermining the LCU (and consequently, the Precinct) delineation methodology which seeks to use geomorphological boundaries as a first preference (wherever practicable) in recognition of the importance of landform and hydrological patterns in shaping the landscape character of the Basin, and to assist in containing the potential for (rural residential) development sprawl.

**19.7** In my opinion, to adopt a different mapping method in this location raises issues of consistency with respect to the Precinct delineation method. More importantly, the rezoning sought would appear to suggest the potential for adverse landscape and visual effects in relation to LCU 8 Speargrass Flat to the south which was identified in the WB Study as having a **Low** capability to absorb additional development.

**19.8** For these reasons I oppose the rezoning request set out in the Skipp Williamson submission.

**20. D S MOLONEY (2129); P NANCEKIVELL (2171);**

**20.1** These two submissions oppose the identification of Precinct throughout the Mooney Road area as depicted in **Figure 18** below, and seek instead that the land be zoned Amenity Zone.

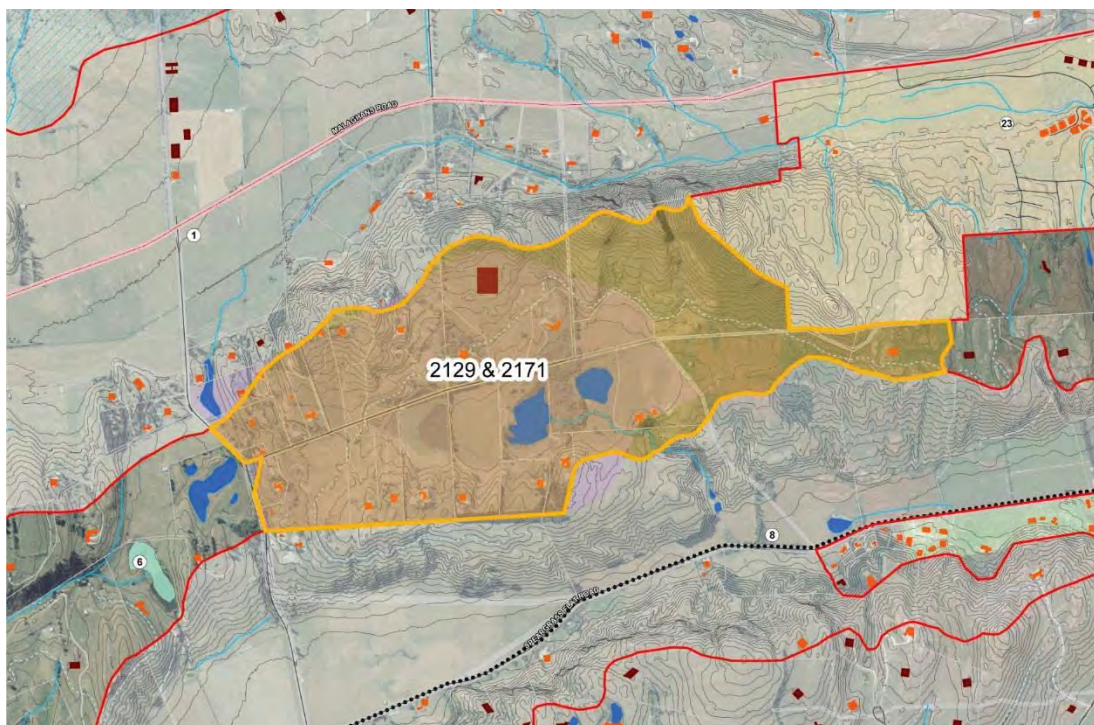


Figure 18: Moloney and Nancekivell submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

**20.2** Reasoning would appear to focus on water quality, traffic, reverse sensitivity, and wastewater issues, which are beyond the scope of this evidence. Rural character is also mentioned, albeit somewhat obliquely.

**20.3** The WB Study found that in relation to LCU 6:

*Generally, the area reads as a rural residential landscape in which buildings are reasonably well integrated by landform and vegetation. Whilst larger, more 'rural' lots are evident, overall the amenity plantings throughout tend to contribute a parkland rather than a working rural landscape impression.*

**20.4** This means that while there are some productive properties present within the unit, they do not dominate the character of the area. Rather, a reasonably attractive rural lifestyle land use tends to typify the landscape character of LCU 6. Within such a context (and bearing in mind the relatively visually discreet nature of the majority of the unit and its sympathetic landform patterning), additional rural residential development is considered to be appropriate from a landscape perspective.

**20.5** I also do not agree with the assertion in the Moloney submission that the Precinct at Mooney Road is “*analogous to the development of Lake Hayes Estates or Shotover Country suburbs, albeit with much larger section sizes*”. In my opinion, the consideration of the landscape-driven assessment criteria that will be required as part of any future subdivision application within the Precinct will ensure that development is responsive to the site-specific circumstances and the (visual) amenity of neighbouring properties. I consider this to be markedly different to the ‘relatively standard’ urban development character associated with Lake Hayes Estate and Shotover Country.

**20.6** I agree with the Moloney submission that the multiple landownership pattern of the area can create difficulties in terms of achieving a cohesive landscape outcome. However, again I consider that the landscape-driven assessment criteria can provide confidence that future subdivisions will be evaluated cognisant of the landscape context within which they are located. For example, there is a

requirement to consider effects in relation to neighbouring properties and to consider how a subdivision provides for future roads to serve surrounding land.

**20.7** Further, and for the reasons outlined earlier in Section 6, concerns raised in the Moloney submission in relation to cumulative adverse landscape effects will, in my view, be better addressed by the proposed Amenity Zone and Precinct regime than the ODP provisions. The identification of the LCU as capable of absorbing sympathetic rural residential development can give confidence that cumulative adverse landscape effects will be appropriately managed.

**20.8** For these reasons I oppose the rezoning request as outlined in the Moloney and Nancekivell submissions.

**21. X RAY TRUST & AVENUE TRUST (2619)**

**21.1** The X Ray Trust and Avenue Trust submission opposes the identification of the Precinct on the part of their property that coincides with LCU 6. This submission is discussed in more detail under LCU 8. (This includes mapping of the submission area).

**21.2** For the reasons outlined under the discussion of this submission under LCU 8, I oppose this rezoning request.

**22. MILLBROOK COUNTRY CLUB SUBMISSIONS (2295 and 2605)**

**22.1** This submission seeks to restrict the extent of the Precinct in parts of LCU 6 that are adjacent Millbrook. The merits of this submission are discussed in detail under LCU 23 Millbrook.

**22.2** For the reasons set out in my discussion under LCU 23 Millbrook, I oppose this aspect of the Millbrook Country Club submission.

**23. T EDMONDS (2604)**

**23.1** The Edmonds submission relates to land at 64 Hunter Road, a smaller scaled lot that is developed for residential purposes and forms part of

a small cluster of rural living properties within LCU 1 Malaghans Valley. I note that the submission is supportive of the Amenity Zone on their land.

**23.2** Whilst the submitter’s land is within LCU 1, the substantive relief sought in this submission relates to LCU 6 Wharehuanui Hills. LCU 6 is identified as Precinct in the Variation and the Edmonds’ submission requests that the entire landscape unit is rezoned as Amenity Zone or the extent of the Precinct reduced to exclude the area west of Hunter Road.

**23.3** The reason cited in support of this submission is the different landscape character of the land between Dalefield Road and Hunter Road in comparison to the Mooney Road area east of Hunter Road.

**23.4** The submission is also critical of the Landscape Feature line in the vicinity of their property, arguing that it does not correspond to any clear feature ‘on the ground’.

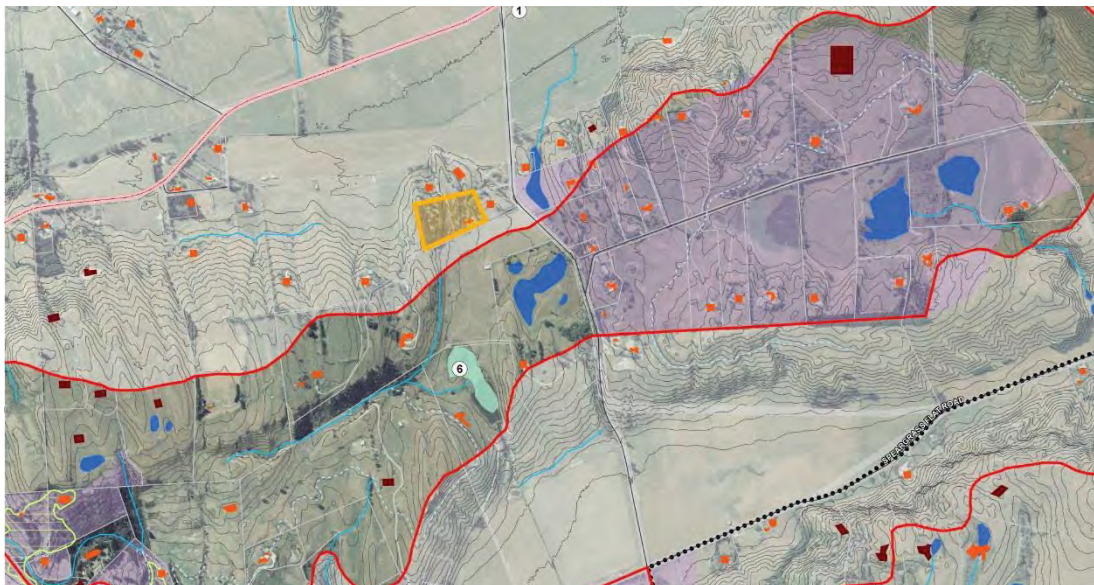


Figure 19: Edmonds property at 64 Hunter Road shown in orange. (Refer **Annexure 5** for mapping legend.)

**23.5** I do not agree that there is a marked difference in the landscape character between the western and eastern sides of Hunter Road that is deserving of the western land being zoned Amenity Zone. Rather it is my impression that both areas comprise elevated, undulating

plateaus, that are (for the most part) well defined by escarpment and steep hill slopes along their northern and southern edges that serve to clearly separate them from their neighbouring landscape units. I accept that the landscape to the west is more convex in form as described by the submitter; however, the overall containment of the area by steep landforms along the north and south edges remains intact and serves to obscure the visibility of both areas in longer range views (noting that this is a function of both the LCU 6 landform patterns and the landform and vegetation patterns of the surrounding landscapes). I also consider the extent of existing development (taking into account consented and unbuilt development) to be reasonably similar on each side of Hunter Road.

- 23.6** I acknowledge that the alignment of the Landscape Feature line along the north side of LCU 6 in the immediate vicinity of Hunter Road does not correspond to a landform ridgeline feature. As has been previously explained in my discussion of the Hamilton & Hayden submission (refer Section 9), the extent of the LCU (and consequently the Precinct) boundary corresponds to a localised interruption in the overall landform patterning. To curtail the extent of the Landform Feature setback for the short stretch of the Precinct boundary that coincides with this interruption would, in my view, be somewhat artificial.
- 23.7** Further, I expect that the alignment of the Landscape Feature line as proposed in the Variation would encourage any new development in this part of the Precinct to be set well back from LCU 1 Malaghans Valley (and the submitter's own property) ensuring that it does not influence the wider character of LCU 1, despite the relatively similar elevation of the area. I consider this to be appropriate given the high landscape sensitivity of LCU 1 (as described previously).
- 23.8** For the reasons stated earlier in my evaluation of the Moloney and Nancekivell submissions (refer Section 20), I do not agree that all of the LCU 6 should be rezoned Amenity Zone.
- 23.9** For these reasons, I oppose the rezoning request outlined in the Edmonds submission.

**LCU 8 SPEARGRASS FLATS (Eastern end: High; Central and Western end: Low)**

**24. LAKE HAYES EQUESTRIAN (2380); R & N HART (2101); P, J & S BEADLE (2430); J ANDERSSON (2167)**

**24.1** These four submissions all oppose the zoning of the land on the north side of Speargrass Flat Road and west side of Arrowtown Lake Hayes Road as Precinct, and seek that the area is identified as Amenity Zone.

**24.2** The extent of the land to which these submissions apply is shown in **Figure 20** below.

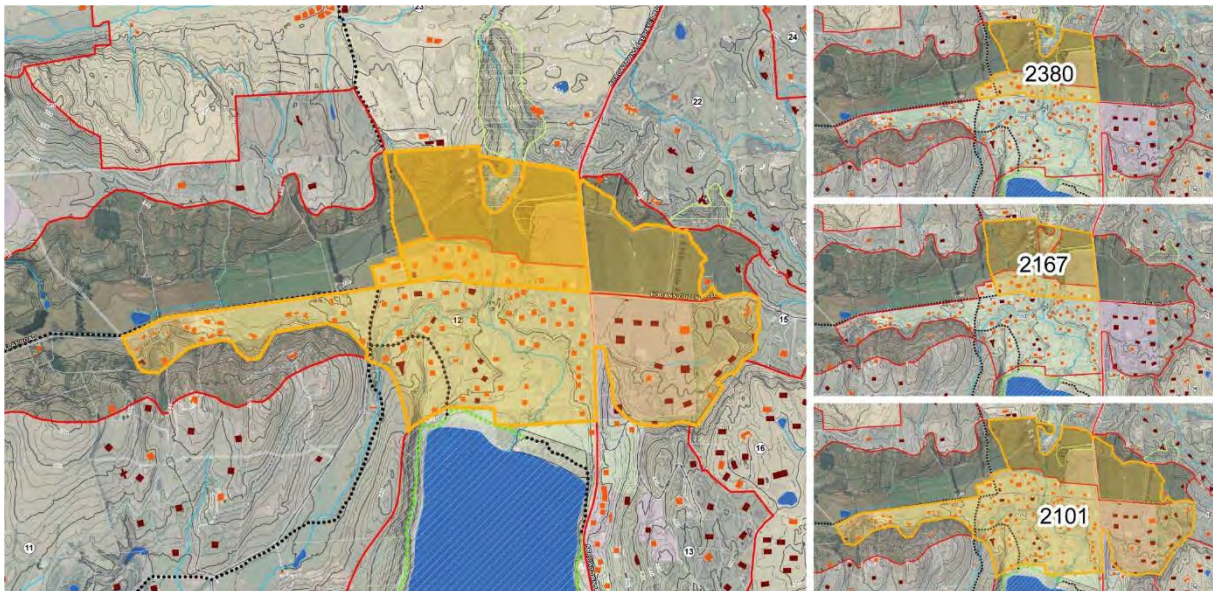


Figure 20: Location of submissions opposing WBLP in LCU 8 shown in orange. (Refer **Annexure 5** for mapping legend.)

**24.3** Reasons cited in support of these submissions include:

- (a) The high landscape values of the area;
- (b) The historic values of the area;
- (c) The importance of the area as an open space and its high amenity derived from the lesser level of modification in comparison to the surrounding area of lifestyle precinct;

- (d) The irrational extent of the precinct in this location, given that it does not correspond to the full extent of the LCU;
- (e) The Precinct in this location will give rise to significant cumulative adverse landscape and amenity effects in relation to 547 Speargrass Flat Road (the Beadle property); and
- (f) Lake Hayes water quality and Mill Creek flooding issues (which are beyond the scope of this evidence).

**24.4** Whilst I consider this part of the Basin to be highly attractive, there is nothing in my opinion that sets it apart from much of the balance of the Basin (in terms of landscape values) which I consider to collectively comprise a s7(c) or Amenity Landscape.

**24.5** I have a sympathy with the observation that the submission area contributes positively to the landscape character as a consequence of its existing open, spacious, and relatively undeveloped character. Certainly, as one drives southwards along Arrowtown Lake Hayes Road and descends into the 'north Lake Hayes settlement area', the open paddocks on either side of the road (to the north of Speargrass Flat Road and Hogans Gully) provide an attractive foil or contrast to the intensive vegetation patterning associated with the established settlement.

**24.6** However, this impression needs to be considered within the context of the approved (and unbuilt) development throughout the generally flat land on the south eastern corner of the Hogans Gully/Arrowtown Lake Hayes Road intersection, where a total of 12 new dwellings are anticipated, along with mitigation plantings. In my opinion, this approved development, when developed, will alter the character of the existing rural residential settlement in this part of the Basin, introducing a considerably more spacious rural living patterning, and in so doing, fundamentally alters the perception of the eastern end of the north Lake Hayes settlement as a relatively tight and densely vegetated residential cluster.



- 24.7** As a consequence of this likely change to the character of the settlement, I consider that the existing contrast associated with the open land to the north of Speargrass Flat Road and Hogans Gully will be appreciably diminished, leading me to conclude that it is not imperative to retain this area as Amenity Zone.
- 24.8** Rather, the proximity, relative scale, and exposure of this area to the established rural residential enclave at the northern end of Lake Hayes and the consented and unbuilt development on the opposite side of Hogans Gully, together with the distinctive and proximate landform containment along its north and western edges, confers the impression of a landscape character that is dominated by rural residential development.
- 24.9** In my opinion, the proposed road setback of 75m (consistent with that applied to the Arrowtown Lake Hayes Road frontage of the approved subdivision on the south eastern corner of the Hogans Gully/Arrowtown Lake Hayes Road intersection) will maintain a degree of openness from the road, thus maintaining some semblance of the existing attractive sequence of views for southbound users of Arrowtown Lake Hayes Road.
- 24.10** With respect to comments in relation to the extent of the Precinct, LCU 8 is one of the few landscape character units within the Basin where the WB Study found it appropriate to apply the Precinct to part of the unit and Amenity Zone to the balance of the unit. This was largely the consequence of the perception of the flats at the northern end of the established Lakes Hayes enclave reading as logical part of that 'settlement' due to the absence of legible boundaries to the existing enclave and the very close proximity of obvious geomorphological 'edges' within the adjacent Speargrass Flats LCU.
- 24.11** In my opinion, the proposed planning regime for the Precinct that sees the introduction of a restricted discretionary approach for all subdivision, which in turn triggers consideration of a wide range of landscape matters (and includes reference to the location specific LCU Description explained at the start of this evidence, the consideration of effects on neighbouring properties and a number of landscape driven

development controls), will ensure that any future subdivision and development throughout the Precinct will appropriately respond to the landscape characteristics of the specific location and safeguard the landscape and visual amenity values enjoyed at 547 Speargrass Flat Road.

**24.12** For these reasons, I oppose the zoning requests in relation to the open land on north western corner of the Arrowtown Lake Hayes Road and Speargrass Flat Road intersection as set out in the Lake Hayes Equestrian, Hart, Beadle and Andersson submissions.

**25. DOYLE (2030)**

**25.1** The Doyle submission relates to land in LCU 8 Speargrass Flats and LCU 22. The submitter requests that the flat land to the north east of the Arrowtown Lake Hayes/Hogans Gully intersection is rezoned from Precinct to Amenity Zone, and LCU 22 The Hills area to the north and east is rezoned from Amenity Zone to Precinct. The submitter argues that more rural residential development should be enabled throughout The Hills to complement the golf course and that the flat land adjacent the intersection should be retained as 'rural' to protect the integrity of Arrowtown as a township. The submitter considers this latter area to be prominent from the road and to comprise the "last true rural land" before driving into Arrowtown.

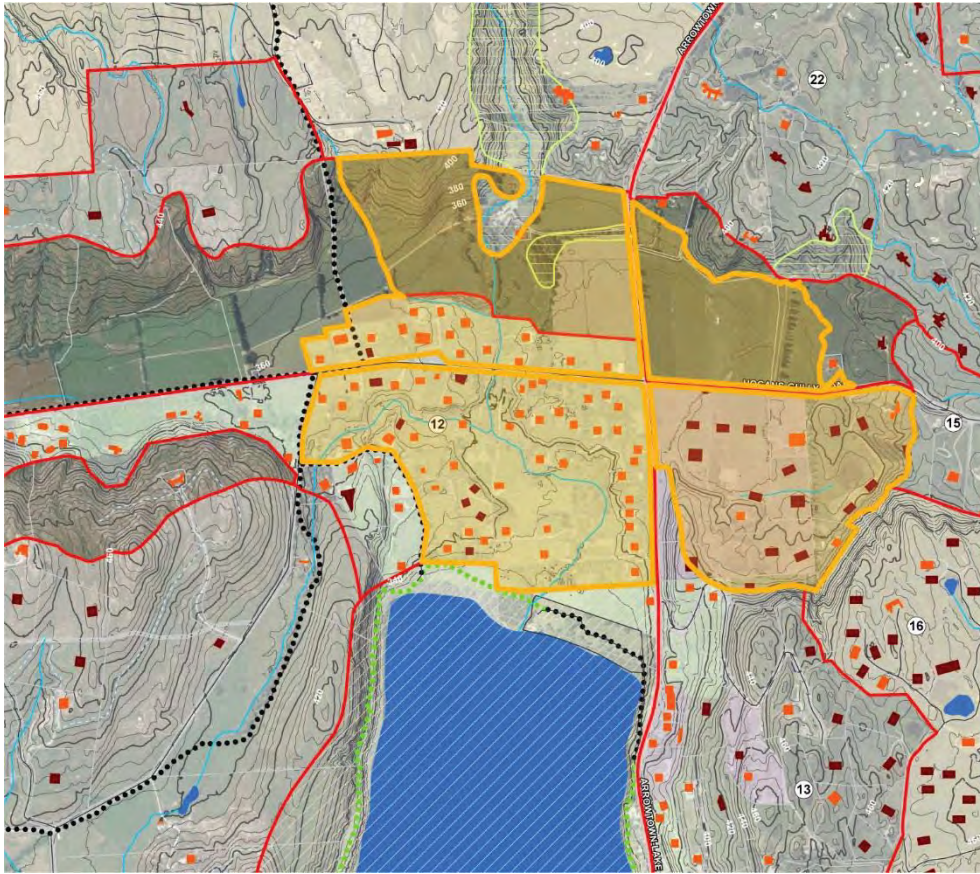


Figure 21: Doyle submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

**25.2** Comments in relation to land that falls within The Hills are addressed in my discussion of rezoning requests that relate to LCU 22.

**25.3** I agree that the flat land referenced in this submission is highly visible from the road. However, like the flat land to the west side of Arrowtown Road discussed above, the proximity, relative scale, and exposure of this area to the established rural residential enclave at the northern end of Lake Hayes and the consented and unbuilt development on the opposite side of Hogans Gully, together with the distinctive landform containment along its north and western edges that serves to separate it from LCU 22, confers the impression of a landscape character that is dominated by rural residential development.

**25.4** Further, it is expected that were the Precinct applied to LCU 22 The Hills and the quadrant of land on the north western corner of the Arrowtown Lake Hayes Road / Hogans Gully intersection identified as WBRAZ (as requested by the submitter), the latter would read as a

fragmented 'left over' parcel of rural zoned land between The Hills and the north Lake Hayes rural residential area, making it highly vulnerable to development creep.

**25.5** For these reasons, I oppose the rezoning of the land on the north western corner of the Arrowtown Lake Hayes Road / Hogans Gully intersection to WBRAZ as requested in the Doyle submission.

**26. BOXER HILLS TRUST (2385)**

**26.1** The Boxer Hills Trust submission supports the identification of the Precinct over their land on the north western corner of the Arrowtown Lake Hayes Road / Hogans Gully intersection; however, it requests a number of amendments to the LCU 8 Description in notified Schedule 24.8.

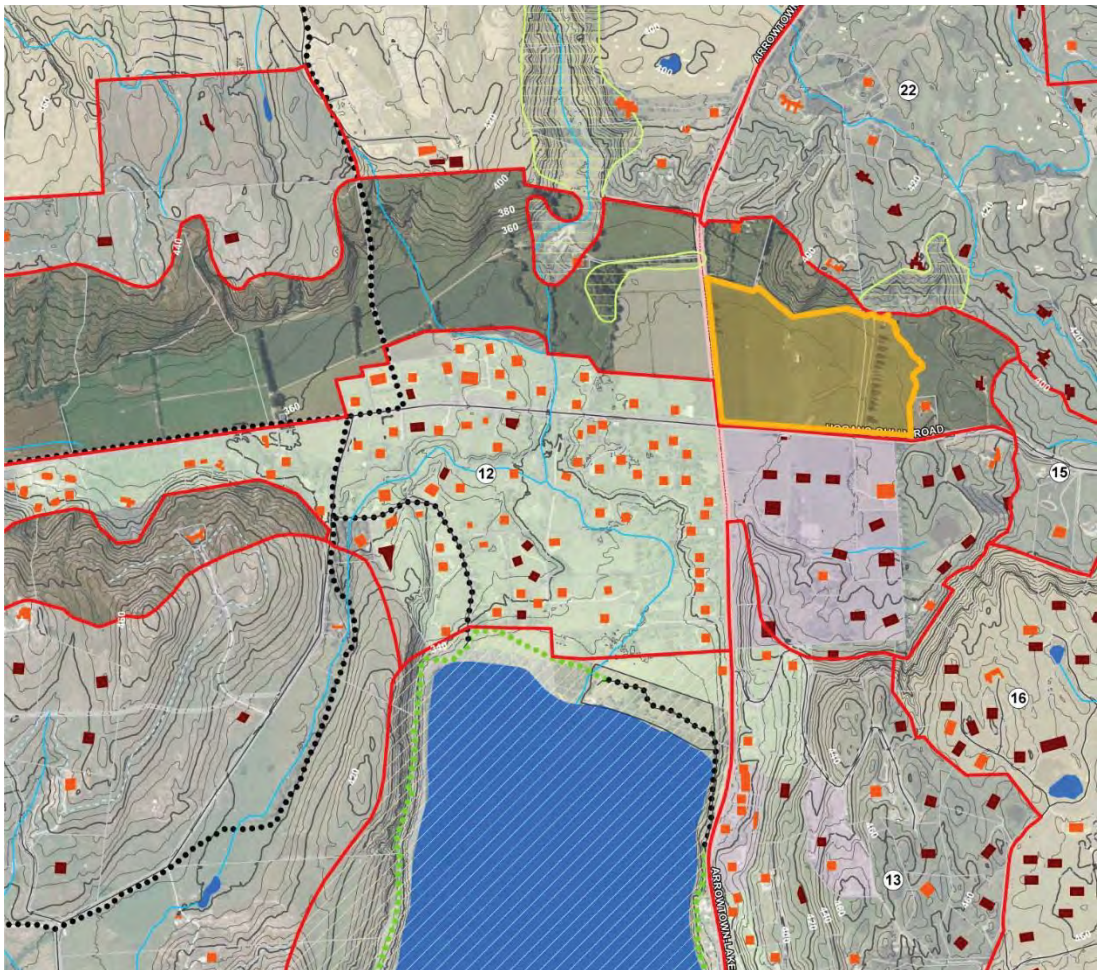


Figure 22: Boxer Hills Trust submission site shown in orange. (Refer **Annexure 5** for mapping legend.)

### **LCU 8 Description**

- 26.2** For completeness, I generally disagree with the suggested amendments to the LCU 8 Description in the Boxer Hills Trust submission with some minor exceptions as outlined below.
- 26.3** For consistency with the other LCUs, I see no reason why the reference to large scale lots under 'Potential landscape opportunities...' should be deleted as this is a factual issue (informed by the WB Study lot size analysis work).
- 26.4** I agree with the suggested amendment to include reference to Speargrass Flat Road, Hogans Gully Road, and Arrowtown Lake Hayes Road under 'Proximity to key route' as requested by the submitter.
- 26.5** With respect to the requested amendment to the description of the unit's 'Visibility/prominence', I agree that it is helpful to clarify that the visibility of the unit from the elevated land to the north and south is screened by intervening landform in places, and accept the submitter's requested rewording in this regard.
- 26.6** In regard to the 'Naturalness' amendments, I do not agree that reference to the level of built development should be deleted, as this is a key character-shaping element in the basin. I also do not consider it necessary to include reference to the low level of naturalness associated with rural land use evident in LCU 8, as this condition applies to almost the entire basin landscape and is not an especially noteworthy aspect of the landscape character of LCU 8.
- 26.7** I do not agree with the suggested amendments to the 'Sense of Place', 'Potential Landscape Issues etc', 'Potential Landscape Opportunities etc', 'Environmental Characteristics etc' and 'Capability to absorb additional development'. Each of these descriptions is based on a basin-wide landscape assessment that applied a consistent methodology and approach to describing and evaluating the landscape. To 'trim' such descriptions to the level requested in the submission is methodologically flawed (and technically incorrect,

noting the absence of landscape evidence in this regard) and would appear to be establishing a 'Description context' that is relatively neutral with respect to additional development in the unit, whereas it was the finding of the WB Study that the majority of the LCU had a **Low** capability to absorb additional development.

**26.8** For the reasons outlined in the WB Study that identify the eastern end of LCU 8 as being suited to absorb additional rural residential development, I support the Boxer Hills Trust submission in part, including a number of relatively minor amendments to the LCU 8 Description as included in the s42A chapter attached to the evidence of Mr Barr.

**26.9** For the reasons outlined above, I oppose the majority of the requested amendments to the LCU 8 Description.

**27. R KAMPMAN (2433)**

**27.1** The R Kampman submission seeks that a portion of the flat land on the north side of Speargrass Flat Road, straddling Hunter Road and roughly opposite Hawthorn Triangle (LCU 9) that is identified as Amenity Zone, is rezoned Precinct. The area to which this submission relates is shown in **Figure 23** below.

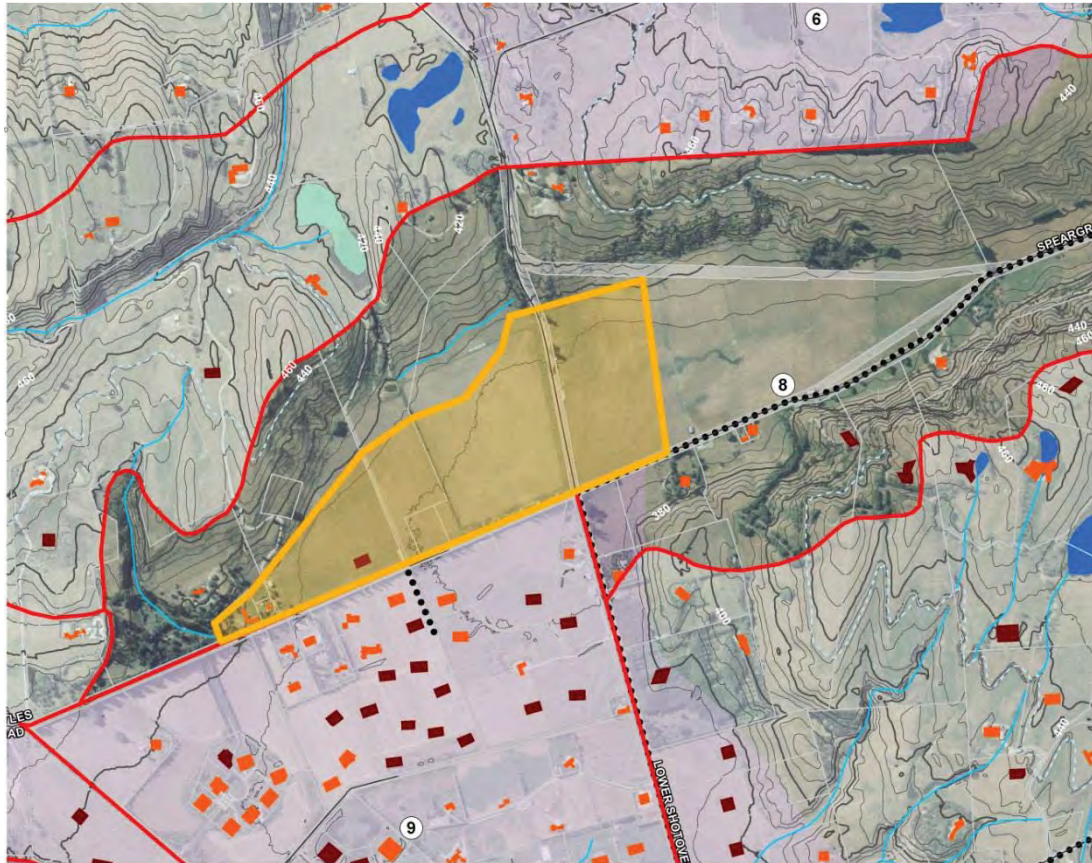


Figure 23: R Kampman submission site shown in orange. (Refer **Annexure 5** for mapping legend.)

- 27.2** The submitter also requests refinement of the LCU 6 Wharehuanui Hills boundary to ensure that built development in that location does not encroach on the Speargrass Flat valley.
- 27.3** The Landscape Feature line proposed along the southern edge of LCU 6 corresponds to the crest of the escarpment and steep hill slopes that frame the northern side of the Speargrass Flat valley. The Variation requires buildings to be set back a minimum of 50m from the Landscape Feature line. Non-compliance with this standard is a restricted discretionary activity, with assessment matters including the consideration of effects on the identified landscape character and visual amenity qualities of LCUs and the extent to which the development maintains visual amenity from public places and neighbouring properties.
- 27.4** It is considered that the provisions as notified address the concerns raised by this submission with respect to visibility of rural residential

development within the Wharehuanui Hills (LCU 6) from the Speargrass Flat valley.

- 27.5** With respect to the submitter's request that the Precinct is applied to a portion of the flat land at the western end of the LCU, this area, together with the central portion of the Speargrass Flat LCU, functions as an important 'foil' or buffer between the more intensively developed rural residential areas adjacent (Hawthorn Triangle) and nearby (Lake Hayes rural residential). The success of this area as a buffer is contingent upon its open character, landscape coherence and generous scale.
- 27.6** Further, the openness of the area in conjunction with the substantial depth (or 'width') of the flat land on the northern side of the Speargrass Flat Road enables a keen appreciation of the scale and character of the distinctive escarpment and hillslope landform that frames the northern side of the Speargrass Flat valley, in views from Speargrass Flat Road and the surrounds.
- 27.7** In my opinion, the extension of the Precinct as outlined in this submission would significantly undermine the buffer impression throughout the western end of the landscape character unit and is likely to obstruct views of the escarpment landform and, in so doing, will detract from the landscape and visual amenity values of this part of the basin.
- 27.8** Further, the proposed expansion of the Precinct suggested in this submission would create a 'new' rural residential edge. Whilst part of that new edge would appear to be aligned with the toe of the escarpment and therefore comprises a defensible edge, the (new) eastern edge would appear to be arbitrary, following no legible geomorphological, vegetation, land use or cadastral patterning.
- 27.9** In contrast, the extent of the Precinct in this part of the Basin proposed in the Variation corresponds to the Hawthorn Triangle, which displays a clearly legible and defensible edge comprising of mature protected vegetation, roads, and a marked change in land use patterning.



**27.10** In my opinion, enabling an extension of the Precinct in the manner outlined in the Kampman submission would undermine the existing robust Precinct edge patterning, suggesting the potential for development creep. Within the context of a s7 Amenity Landscape setting, such an outcome is not supported from a landscape perspective.

**27.11** For these reasons, I oppose the proposed rezoning of land on the north side of Speargrass Flat Road and modification of the Wharehuanui Hills Precinct boundary line as requested in the Kampman submission.

## **28. WAKATIPU EQUITIES LIMITED (2479)**

**28.1** The Wakatipu Equities Ltd submission seeks that land on the south side of Speargrass Flat Road which straddles LCU 8 Speargrass Flat and LCU 11 Slope Hills 'Foothills' is rezoned from Amenity Zone to Precinct (refer **Figure 24** mapping).

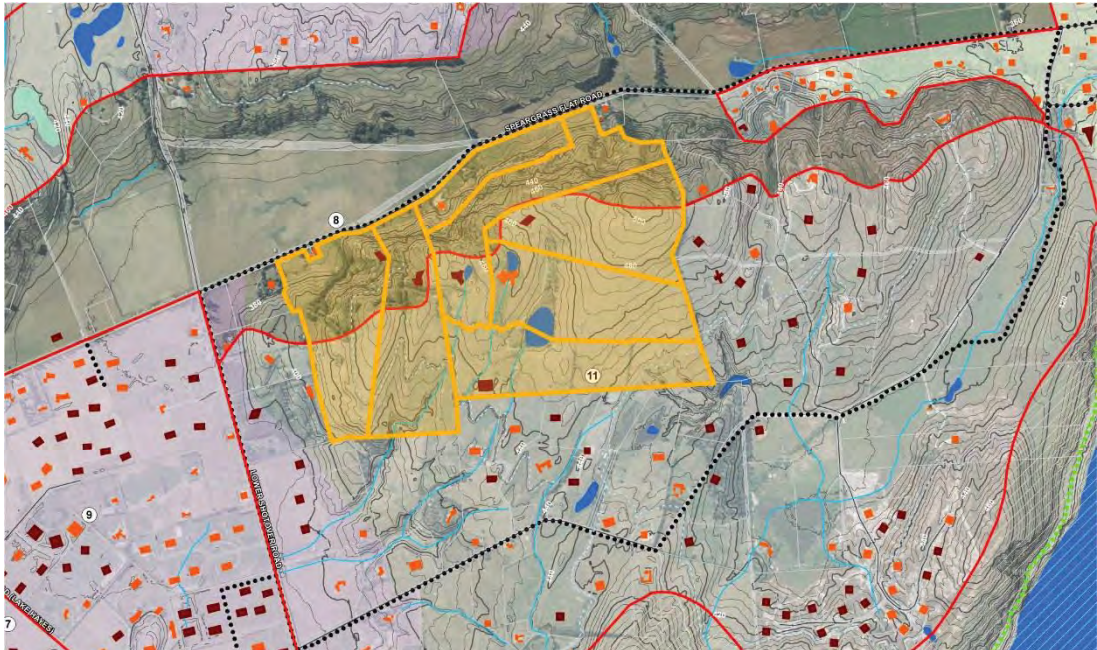


Figure 24: Wakatipu Equities submission shown in orange.

- 28.2** The land to which this submission applies comprises a substantial block on the south side of Speargrass Flat Road that encompasses:
- (a) a narrow and irregularly shaped 'margin' adjacent to the road;
  - (b) steep escarpment and hill slopes that frame the south side of the Speargrass Flat valley; and
  - (c) an elevated hill system to the south of the escarpment. This hill system area falls within LCU 11 Slope Hill 'Foothills'.
- 28.3** Applying the Precinct to this block would result in an 'island' of Precinct and, in so doing, would effectively amount to a spot zoning. Further, apart from the northern boundary of the (submitter's) proposed precinct which aligns with Speargrass Flat Road, the Precinct area as sought would rely on cadastral boundaries to define its western, southern, and eastern limits, making the WBRAZ land adjacent vulnerable to development creep. Neither of these outcomes is supportable from a landscape perspective within the context of an Amenity Landscape setting.
- 28.4** More specifically, additional rural residential development along the low-lying land on the south side of Speargrass Flat Road is likely to exacerbate the perception of an almost continuous ribbon of rural residential development extending between Hawthorn Triangle and Lake Hayes rural residential. Such a patterning is at odds with a fundamental landscape principle that underpins the Variation, namely that rural residential development throughout the Basin is (by and large) confined to visually discreet nodes that are separated by spacious and open, 'more rural' areas
- 28.5** Rural residential development throughout the escarpment and hillslopes within the submitter's land would be highly visible from the surrounding area and would inevitably require substantial landform modification; and in so doing, is likely to generate significant adverse landscape and visual effects.

**28.6** It is acknowledged that some level of additional rural residential development may be appropriate throughout some of the larger lots within the 'interior' of LCU 11 Slope Hill 'Foothills' that are relatively discreet. However, the importance of this unit as a buffer between the established rural residential nodes at Hawthorn Triangle and the northern end of Lake Hayes, together with the high visibility of parts of the unit, its role as a visual backdrop to the adjacent rural residential nodes, and its close proximity and visual connection with Slope Hill ONF warrants a cautious approach (as evidenced by the rating of LCU 11 in the WB Study as having a **Low** capability to absorb additional development).

**28.7** For these reasons, I oppose the rezoning requested in the Wakatipu Equities submission.

## **29. SPEARGRASS TRUST (2410)**

**29.1** In a similar vein, Speargrass Trust request that their land at 174 Speargrass Flat Road is rezoned Precinct (refer **Figure 25**). I note that the property was zoned Rural General under the ODP and a split zoning of Rural Lifestyle (applying to only the western margins of the property) and Rural zone was proposed (but not confirmed) under Stage 1 of the PDP. In Stage 2, the land was notified as Amenity Zone.

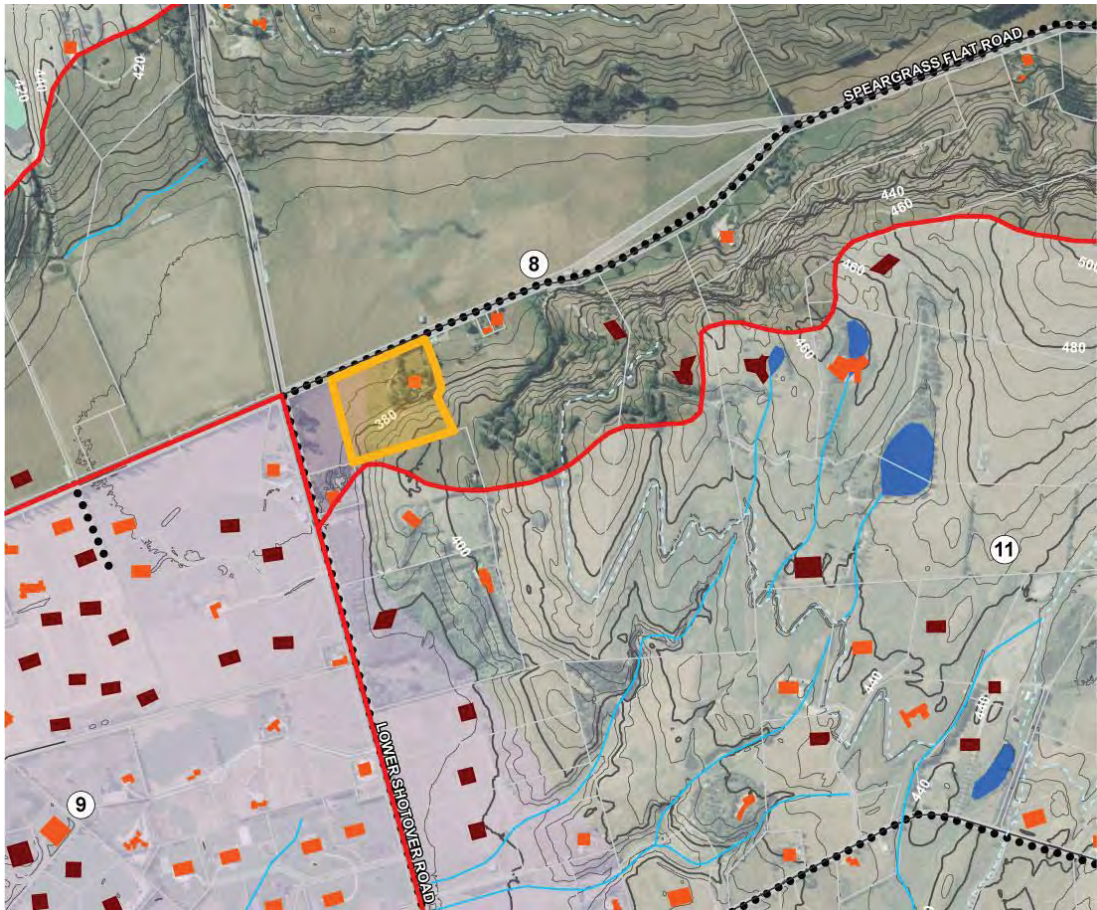


Figure 25: Speargrass Trust submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

- 29.2** The land that is the subject of this submission comprises a roughly square block on the south eastern side of, and near (i.e. one block 'in from') the intersection of Lower Shotover Road and Speargrass Flat Road. The northern half of the property comprises a relatively narrow and low-lying flat area adjacent Speargrass Flat Road. The southern half of the holding encompasses the moderate to steeply sloping landform that frames this portion of the Speargrass Flat valley.
- 29.3** The submission argues the patterning of existing rural residential development in the area and the arbitrary nature of the Precinct boundary in the immediate vicinity in support their submission.

**29.4** As for the Wakatipu Equities Limited submission discussed above, applying the Precinct to this land would:

- (a) effectively amount to a spot zoning with no legible or defensible edges;
- (b) exacerbate the impression of a ribbon of rural residential development along the south side of Speargrass Flat Road (thereby compromising the impression of a buffer between the rural residential nodes within the Basin); and
- (c) potentially encourage rural residential development on highly visible, elevated sloping land that frames the Speargrass Flat valley.

**29.5** Overall, it is my opinion that applying the Precinct to this property is likely to generate significant adverse landscape and visual effects.

**29.6** For these reasons, I oppose the zoning changes requested in the Speargrass Trust submission.

**30. X RAY TRUST LIMITED & AVENUE TRUST (2619)**

**30.1** The X Ray Trust and Avenue Trust submission relates to three lots on the north side of Speargrass Flat Road at the western edge of the existing established rural residential enclave at the northern end of Lake Hayes (i.e. 413-433 and 471 Speargrass Flat Road, referred to hereafter in the discussion of this submission as ‘the site’).

**30.2** The submission requests that:

- (a) The elevated land (‘the Plateau’) is rezoned from Precinct to Amenity Zone to safeguard the landscape characteristics of that area (i.e. the LCU 6 Wharehuanui Hills portion of the site);
- (b) The flat land adjacent Speargrass Flat Road (‘the Meadow’) is rezoned from Amenity Zone to Precinct, arguing the

context of existing rural residential development immediately to the east in support of this change; and

- (c) The Landscape Feature line is adjusted to align with the edge of the Plateau.

**30.3** The extent of the requested changes is illustrated in mapping appended to the submission and reproduced in **Figure 26** below.

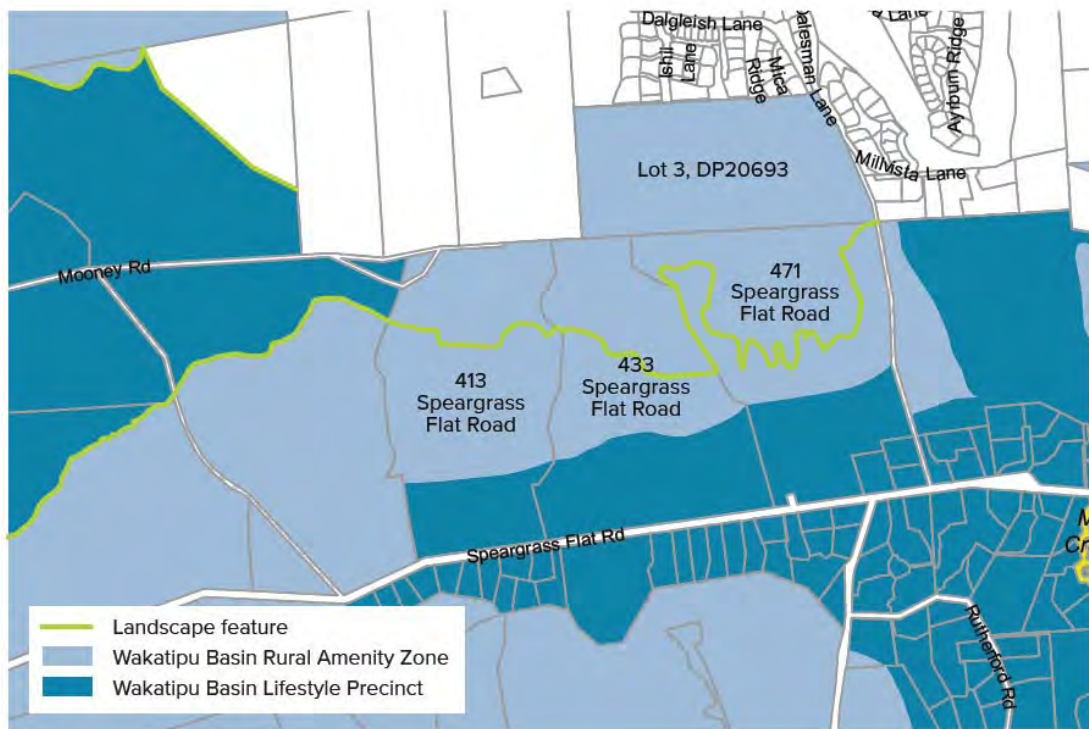


Figure 26: X Ray Trust Proposed Rezoning and Landscape Feature line submission mapping

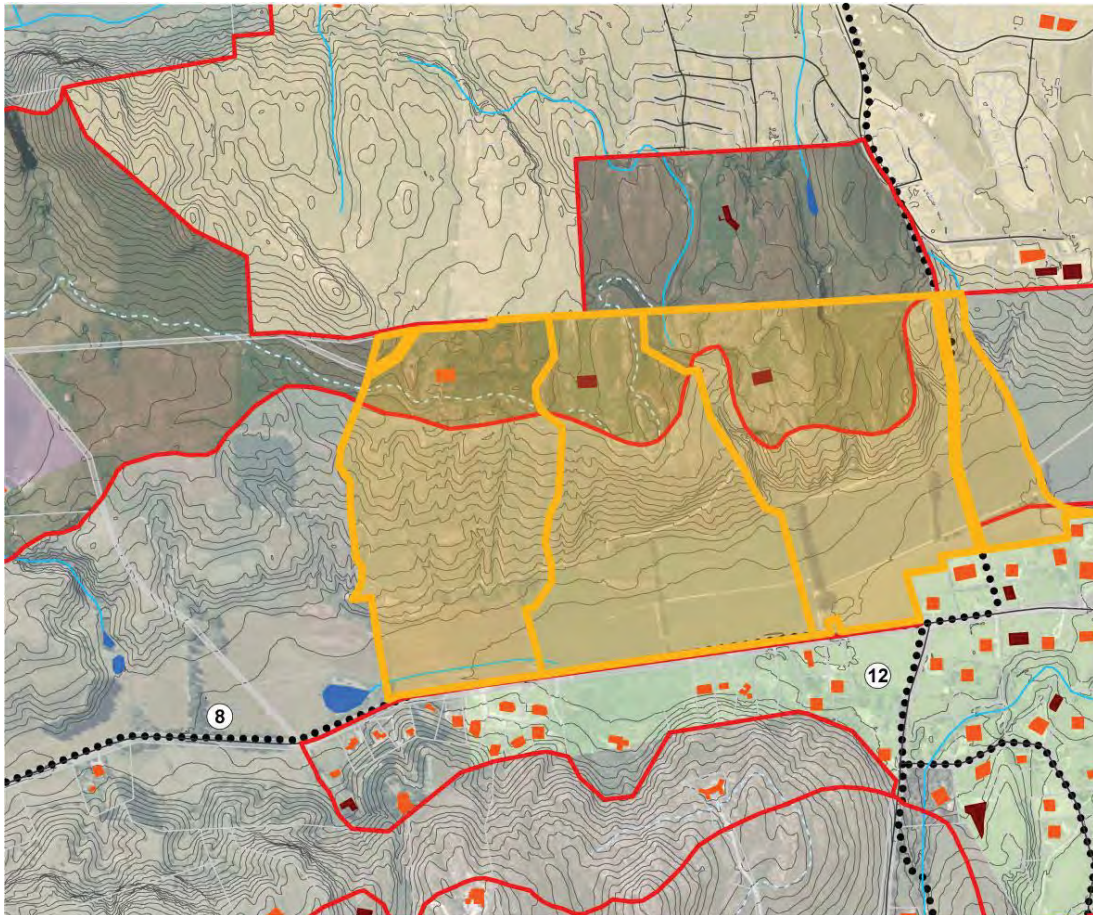


Figure 27: X Ray Trust and Avenue Trust submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

**30.4** I note the alignment of the LCU 6 boundary (and therefore the Precinct boundary) in this part of the Basin as illustrated in **Figure 27** above was adjusted post completion of the WB Study (from which the above base mapping is derived) in response to a more detailed interrogation of the landform patterning to determine the alignment of the crest of the hill/escarpment landform edging the Wharehuanui Hills.

**30.5** The site straddles LCU 6 Wharehuanui Hills and LCU 8 Speargrass Flats, and includes:

- (a) elevated land to the south of the Donaldson submission holding (2229), the latter of which is enclosed on three sides by Millbrook (described as the 'Plateau' in the submission);
- (b) a steep escarpment and hill slopes that backdrops the far western end of the established rural residential enclave at

the north end of Lake Hayes (described as the 'Hillsides' in the submission); and

- (c) an expanse of relatively open flat pastoral land bordering Speargrass Flat Road and the western limits of the established rural residential development on the northern side of Speargrass Flat Road (described as the 'Meadow' in the submission).

**30.6** The property was subdivided via a resource consent in 2012 into three main lots, with development on each lot controlled by way of consent notices. X Ray Trust own two of the three sites and have obtained resource consent for buildings and structures associated with residential and farming purposes on their land. It is understood that no development has occurred (nor consents sought) on the 'third lot' which is owned by Avenue Trust.

**30.7** Referencing the very low-resolution graphic provided in the submission (refer **Figure 28**), it would appear that the approved development on the property is located on the elevated land (the Plateau) and falls within the extent of the area sought to be rezoned to Precinct on this land.





Figure 28: Consented development plan.

**30.8** The submission supports the steep slopes (Hillside) as Amenity Zone.

**The Plateau**

**30.9** The LCU 6 Description provides a reasonably thorough description and evaluation of the landscape character of the unit within which the Plateau is located. As mentioned earlier in the discussion of LCU 6 submissions, the WB Study found that in relation to LCU 6:

*Generally, the area reads as a rural residential landscape in which buildings are reasonably well integrated by landform and vegetation. Whilst larger, more 'rural' lots are evident, overall the amenity plantings throughout tend to contribute a parkland rather than a working rural landscape impression.*

**30.10** The proposed planning regime for the Precinct, which sees the introduction of a restricted discretionary approach for all subdivision, triggering the consideration of a wide range of landscape matters (and

includes reference to location specific LCU Descriptions, the consideration of effects on neighbouring properties and a number of landscape driven development controls), will ensure that any future subdivision and development throughout the Precinct will appropriately respond to the landscape characteristics of the specific location and, in so doing, safeguard the landscape characteristics of the Plateau and surrounds.

- 30.11** Further, I note that the landscape character of this part of the property anticipated by the approved consents, comprising of two substantial dwellings, each set within a generous curtilage area and with extensive indigenous and exotic plantings, points to the appropriateness of the area being zoned as Precinct (although this approved development is in no way the only justification for the Precinct in this location).

### **The Meadows**

- 30.12** The Meadows sits within the relatively open and spacious pastoral portion of LCU 8 Speargrass Flat, which functions as an important 'breathing space' between Hawthorn Triangle (LCU 9) and Lake Hayes Rural Residential (LCU 12). The openness of the area together with the generous depth (or width) of the flat land on the northern side of the road enables a keen appreciation of the distinctive escarpment and hillslope landform that frames the northern side of the Speargrass Flat valley, in views from Speargrass Flat Road and the surrounds.



Photograph 5: View of the Meadows and Hillside from Speargrass Flat Road.

**30.13** It is acknowledged that the eastern edge of LCU 12 on the north side of Speargrass Flat Road (and adjacent to the submitter's landholding) is relatively weak; as, in the absence of any other logical and more robust boundary delineation method, it adopts a cadastral boundary albeit one that corresponds to a marked change in the existing land use patterning.

**30.14** I note that the 'new' Precinct boundary proposed in this submission is also aligned along a cadastral boundary; therefore, the approach suggested by the submitter does not improve the legibility or defensibility of the western edge of the Precinct area at the north end of Lake Hayes.

**30.15** More importantly, introducing rural residential development throughout the Meadows will undermine the sense of a 'more rural' buffer between the well-established rural residential enclaves at Hawthorn Triangle and the northern end of Lakes Hayes and is at odds with my understanding of the consenting history on this land to date, which has emphasised the importance of restricting built development throughout the Meadows and retaining the flat land in rural uses.

**30.16** Whilst it is acknowledged that there is effectively a ribbon of rural residential development extending along the narrow band of flat land along the south side of Speargrass Flat Road opposite the submitters' land, I do not consider that this patterning provides an appropriate cue for additional rural residential development throughout the considerably more generously-proportioned flat land to the north of the road.

#### **Landscape Feature line adjustment**

**30.17** The submission also seeks an adjustment of the Landscape Feature line to correspond with the mapping on the consented development plan (**Figure 28**).

**30.18** It would appear that the Plateau delineation on the **Figure 28** graphic is relatively diagrammatic in nature. Given the detailed examination of

contour patterns and slope analysis that informed the alignment of the Landscape Feature line in the Variation mapping, for methodological consistency the latter is preferred.

**30.19** For these reasons, I oppose the zoning changes requested in the X Ray Trust and Avenue Trust submission that apply to the Plateau (LCU 6) and the Meadow (LCU 8). I also oppose the requested amendment to the alignment of the Landscape Feature line requested in this submission.

**30.20** For the reasons outlined in the WB Study that identify the Hillside LCU 8 as being unsuited to absorb additional rural residential development, I agree with the aspect of the X Ray Trust and Avenue Trust submission that supports the Amenity Zone in this portion of the land to which the submission applies.

**31. QLDC (2239)**

**31.1** This submission requests a change to the extent of the Precinct within LCU 8, north of the established rural residential area at the north end of Lake Hayes, to correct a mapping error.

**31.2** The proposed amendment excludes the steep hillslopes from the Precinct and restricts the extent of the Precinct to the low-lying flat land north of the existing settlement. **Figure 29** and **Figure 30** below show the 'corrected' (or rezoning sought to the) extent of the Precinct at the north end of the existing Lake Hayes rural residential area to exclude the escarpment / hill area.

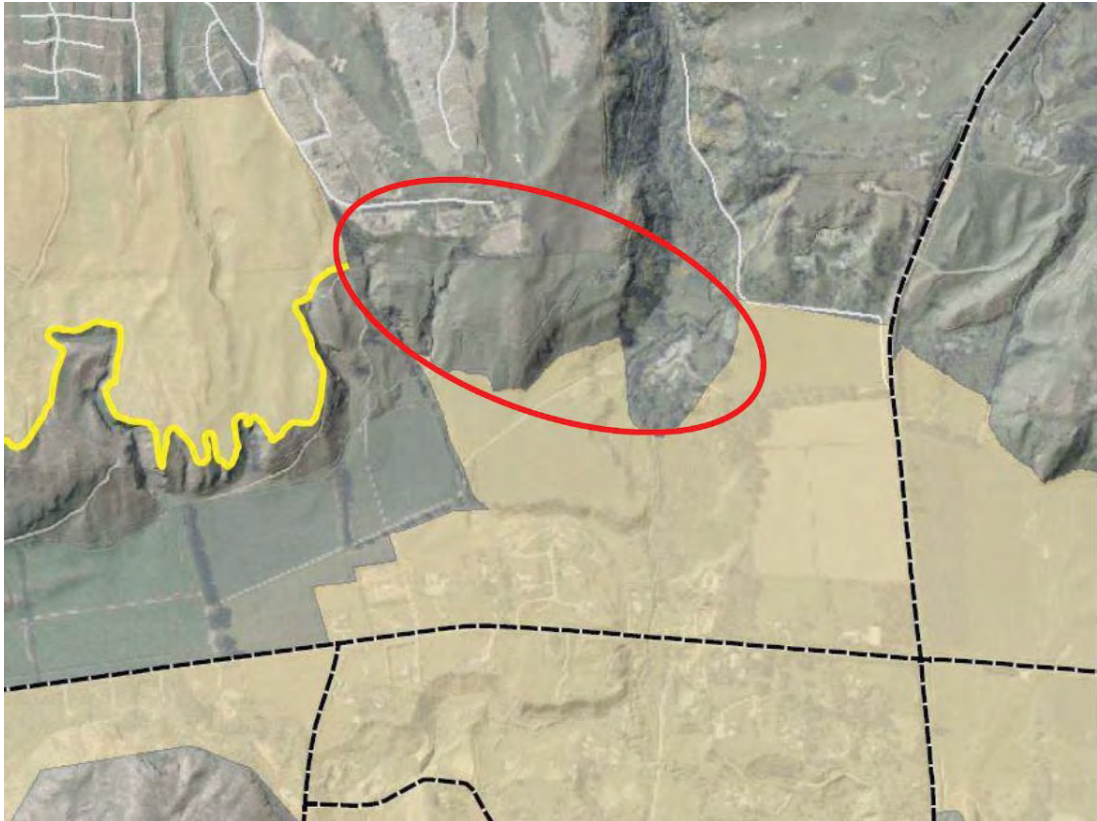


Figure 29: QLDC submission mapping (sourced from QLDC submission).

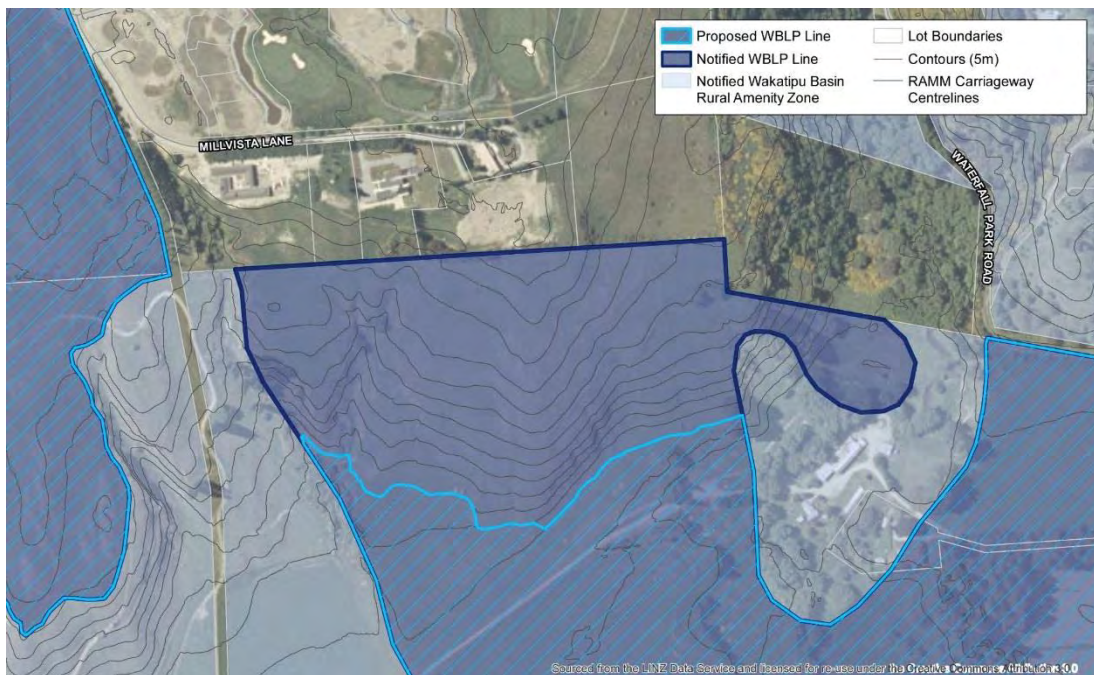


Figure 30: Mapping amendment sought by QLDC submission.

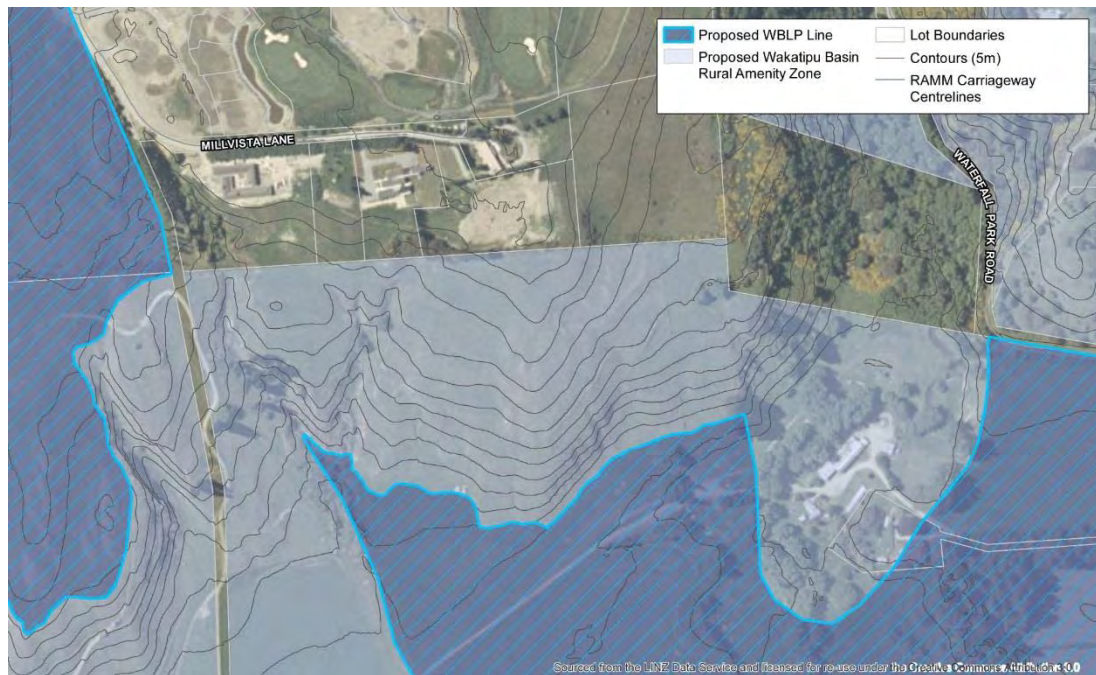


Figure 31: Proposed arrangement of the Amenity Zone and Precinct (supported by this statement of evidence).

- 31.3** In my opinion, enabling rural residential development throughout the steep hillslopes in this part of the Basin is likely to generate significant adverse landscape and visual amenity effects as a consequence of: the visibility of the area; the inevitable scale of landform (and vegetation) modification required to enable such development; and, the loss of a proximate spacious and green backdrop to the existing rural residential node associated with the northern end of Lake Hayes.
- 31.4** I also note that such a Precinct delineation method is consistent with that applied to the flat (Precinct) land on the opposite side of Arrowtown-Lake Hayes Road.
- 31.5** For these reasons, I support the mapping change requested in the QLDC submission (and as depicted in **Figure 29** and **Figure 30** above).

**32. WATERFALL PARK DEVELOPMENTS LIMITED (2388)**

**32.1** This submission relates to 343 Arrowtown-Lake Hayes Road and its surrounds and roughly corresponds to:

- (a) Land at 343 Arrowtown Lake Hayes Road (referred to in the submission as Site 'A' or the 'Ayrburn land'); and
- (b) the wedge of land that splits the Waterfall Park Zone (**WPZ**) (referred to in the submission as 'Site B').

**32.2** Site B falls within LCU 23 and is discussed under rezoning requests relating to that landscape unit.

**32.3** The majority of Site A was identified as Precinct in the notified Variation, with land on the west side of Mill Creek tributary identified as Amenity Zone. Waterfall Park Developments request that:

- (a) As a first preference, a new 'Ayrburn Zone' is applied to all of Site A. This new zone would include a mix of residential, retirement and visitor accommodation activities and facilities, open space and recreational areas (including a generous setback from road edges and land to the north including Millbrook Resort and 347 Arrowtown Lake Hayes Road, the latter of which is addressed in the Wills Burdon submission (2320) - see LCU23 Millbrook) and provides for protection and enhancement of Mill Creek. The spatial arrangement of these various activities is shown in the Ayrburn Zone Structure Plan. No minimum lot size is proposed within the 'development areas' identified in the submitter's Ayrburn Zone (consistent with PDP Waterfall Park and Millbrook Zones), although there is a cap of 200 residential dwellings. No buildings are permitted in the Open Space and Recreation areas (O/P) and buildings must be set back 7m from Mill Creek. The submission describes the proposed development outcome as being of an urban nature set within areas of open space.

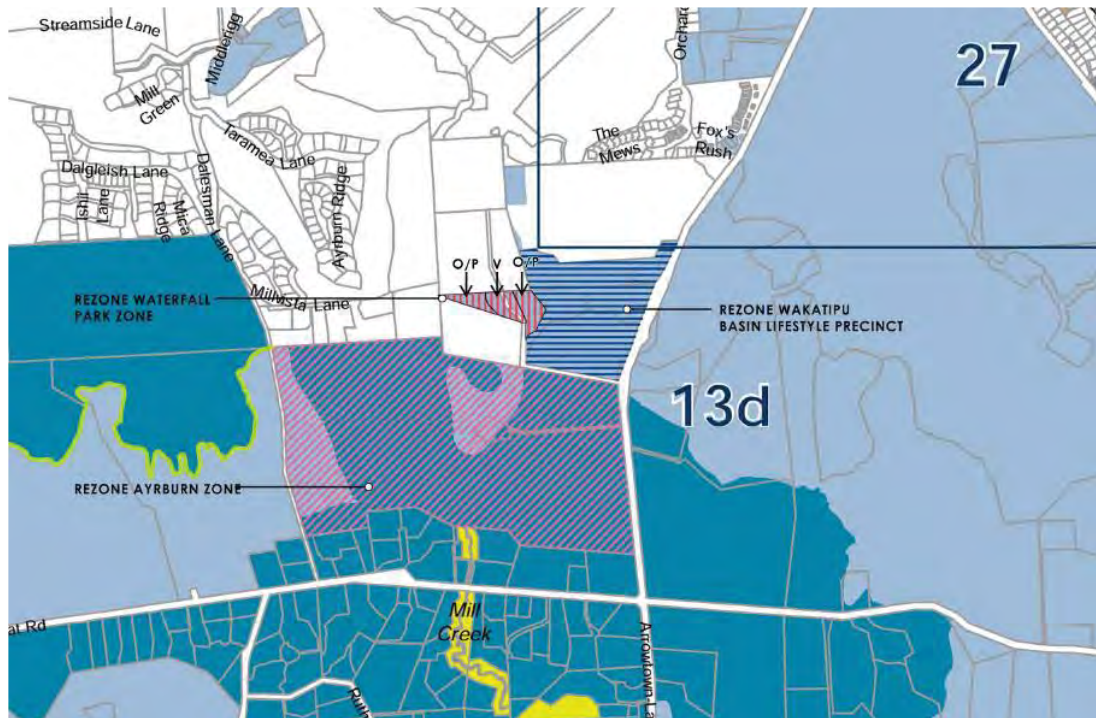


Figure 32: Extent of Ayrburn Zone proposed by submitter (extracted from submission mapping). Note: Site A corresponds to the area with a slanted red hatching and annotated as 'Rezone Ayrburn Zone'. Site B corresponds to the blue horizontal hatched area (annotated as "Rezone Wakatipu Basin Lifestyle Precinct") and the red vertical hatched area (annotated as 'Rezone Waterfall Park Zone').

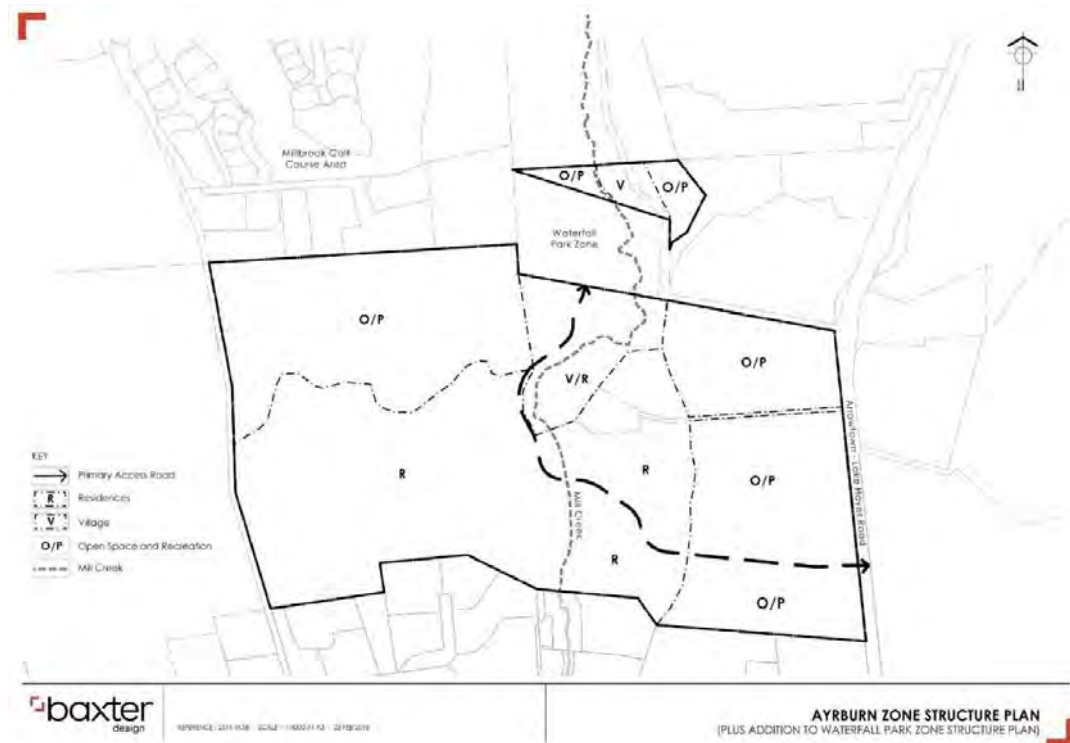


Figure 33: Ayrburn Zone Structure Plan (extracted from submission mapping).

(b) As a second preference, the WPZ is extended over the area, adopting the same spatial layout approach as depicted in the



Ayrburn Zone Structure Plan and allowing for an additional 200 dwellings;

- (c) As a third preference, the Precinct is applied to almost all of Site A, including the land to the west of the Mill Creek tributary, with a building restriction area applied to the steep hillslopes adjacent Millbrook and 'new' WPZ applied to a relatively small area directly adjacent the existing WPZ;
- (d) Consequential amendments to the LCU 8 and LCU 12 boundaries to incorporate the Ayrburn land (Site A) in LCU 12 Lake Hayes Rural Residential;
- (e) Consequential amendments to the LCU 8 and LCU 12 Schedule 24.8 Descriptions to reflect these changes.

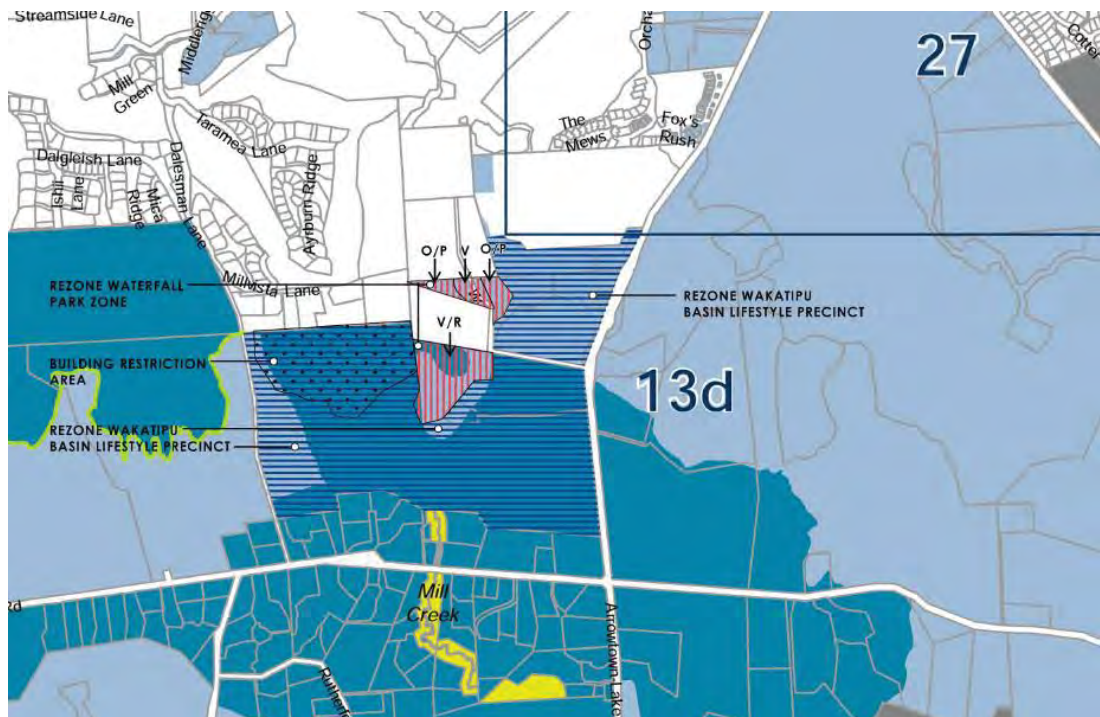


Figure 34: Extent of Precinct proposed by submitter (sourced from submission mapping).

**32.4** The submitter argues the low-lying and 'contained' nature of the land, the established rural lifestyle character associated with the northern

end of Lake Hayes, and the proximity of Millbrook and Waterfall Park Zones support the higher density of development envisaged by the (proposed) Ayrburn Zone, the proposed extension of the Waterfall Park Zone and the proposed extension to the Precinct.

### **New Ayrburn Zone**

- 32.5** I agree with the submitter that Site A is low-lying and relatively contained in its nature. It also enjoys a strong connection with the established rural residential enclave at the northern end of Lake Hayes. I also note the proximity of the land to the village area in the WPZ.
- 32.6** However, I do not agree that Site A enjoys such a 'connection' to Millbrook as a consequence of the large-scale and steep hillslopes that serve to (both spatially and visually) separate the low-lying Ayrburn land from the elevated Millbrook area (and corresponding to the building restriction area on **Figure 34** above). Further, the portion of Millbrook adjoining the Ayrburn land is in golf course use rather than residential or visitor building uses.
- 32.7** I note that the submitter's proposed Ayrburn Zone Structure Plan envisages a generous setback along the Arrowtown Lakes Hayes Road frontage, consistent with the development approach anticipated by the Precinct. It also excludes built development from the steep slopes adjacent Millbrook in the north western quadrant of the Structure Plan area; again, broadly consistent with the development outcome envisaged by the Variation (assuming the acceptance of the mapping amendments recommended in relation to the QLDC submission (2239) discussed earlier at Section 31).
- 32.8** However, the Structure Plan anticipates an urban development character along the southern half of the west boundary of the Ayrburn land. This is adjacent flat, open and relatively undeveloped pastoral land with the delineation between the two comprising a cadastral boundary coinciding with the eastern edge of the Queenstown Trail cycleway.

- 32.9** I do not consider that the latter comprises a legible and defensible edge to urban development and, as a consequence, suggests an extremely high risk of urban development creep westwards, throughout the neighbouring undeveloped and flat pastoral area of LCU 8. In my opinion, such an outcome would represent a significant adverse landscape and visual amenity effect within the context of a s7(c) landscape.
- 32.10** I also note that the density and character of such a development is a significant departure from the more traditional rural residential development character within the Basin. Whilst it is acknowledged that an urban parkland development character has established at Millbrook, this is considered to be located within a separate spatial and visual catchment (and LCU) and has little influence on the character of the Ayrburn land.
- 32.11** Similarly, the smaller scaled urban development anticipated by the WPZ is confined to a discrete and narrow valley landform. In combination with the Structure Plan layout that sees built development confined to the valley floor and effectively buffered by Open Space and Passive Recreation land throughout the mid and upper valley sides, it is my impression that the location, nature and extent of the WPZ has been very carefully considered to ensure that it does not influence the character of the wider Basin.
- 32.12** Conversely, it is my opinion that the submitter's proposed Ayrburn Zone would fundamentally change the character of the established rural residential enclave at the northern end of Lake Hayes and, the neighbouring open more rural land (to the west) and in so doing, disturb the existing predominant patterning of nodes of rural residential development interspersed with open and 'more rural' areas that characterises the Basin landscape.
- 32.13** Further, introducing urban development in this location would significantly undermine the WB Chapter strategy of 'nodes' of development interspersed with more open and undeveloped areas that is intended to assist with the management of cumulative adverse landscape and visual amenity effects in the basin. Rather the proposed

Ayrburn Zone would introduce an island of urban development in an area of the district that is considered to be dominated by a rural living (with some rural production).

**32.14** In my opinion, this raises a fundamental issue with respect to the appropriateness of such a development outcome within the context of a rural s 7(c) Amenity Landscape setting.

**32.15** At a more detailed level, I note that urban residential development within the proposed Ayrburn Zone is proposed 'hard up' against existing rural residential properties along its south boundary. Despite the matters of control listed in the proposed provisions, it is my expectation that such development would significantly detract from the landscape and visual amenity values associated with the neighbouring properties.

#### **Waterfall Park Zone Extension**

**32.16** For the reasons outlined above in relation to the submitter's proposed Ayrburn Zone, I also consider that the WPZ extension will generate significant adverse landscape and visual amenity effects.

#### **Precinct extension with small area of WPZ and Building Restriction Area**

**32.17** I agree that the Precinct should be applied to much of the Ayrburn land consistent with the findings of the WB Study.

**32.18** I do not agree that the relatively narrow portion of land to the west of the Mill Creek tributary should be included in the Precinct, as I consider the watercourse to comprise a legible and defensible edge, whilst the western edge of the precinct sought by Waterfall Park Developments does not (for the reasons stated earlier). Extending the Precinct in this portion of the Ayrburn land raises similar issues to those discussed in relation to The Meadow (adjacent) outlined in my evaluation of the X Ray Trust and Avenue Trust submission (see Section 30 above).

- 32.19** The merits of the proposed small portion of WPZ are discussed under LCU 23, as this portion of the submission sits within LCU 23.

**LCU boundaries and LCU descriptions**

- 32.20** For the same reasons outlined above concerning why I do not agree that the Ayrburn land needs to be rezoned, I also do not consider it necessary to amend the Schedule 24.8 LCU boundaries or LCU descriptions in the manner requested by the submitter.
- 32.21** I do not oppose the part of the submission that supports the notified Precinct.
- 32.22** I oppose all other aspects of the relief sought by the submitter for their land within LCU 8, and more specifically, the establishment of the submitter's Ayrburn Zone and the extension of the WPZ throughout the Ayrburn land (Site A).

**33. TARAMEA TRUST (2240)**

- 33.1** The Taramea Trust submission relates to land on the south side of Speargrass Flat Road that adjoins the existing ribbon development extending westwards from the established Lake Hayes rural residential enclave. The eastern portion of the land to which this submission applies has been subdivided and is zoned as Precinct in Stage 2. The western portion (and majority) of the submission land is undeveloped and identified as Amenity Zone in the Variation.

**33.2** The Taramea Trust request that all of their land is zoned Precinct and have included a Lot Layout Plan (see **Figure 35** below) in their submission to demonstrate how the land could be developed assuming a 1ha average lot size.



Figure 35: Lot Layout proposed by the Taramea Trust (sourced from submission mapping).

**33.3** The context of the area to which this submission relates is depicted in **Figure 36** below.

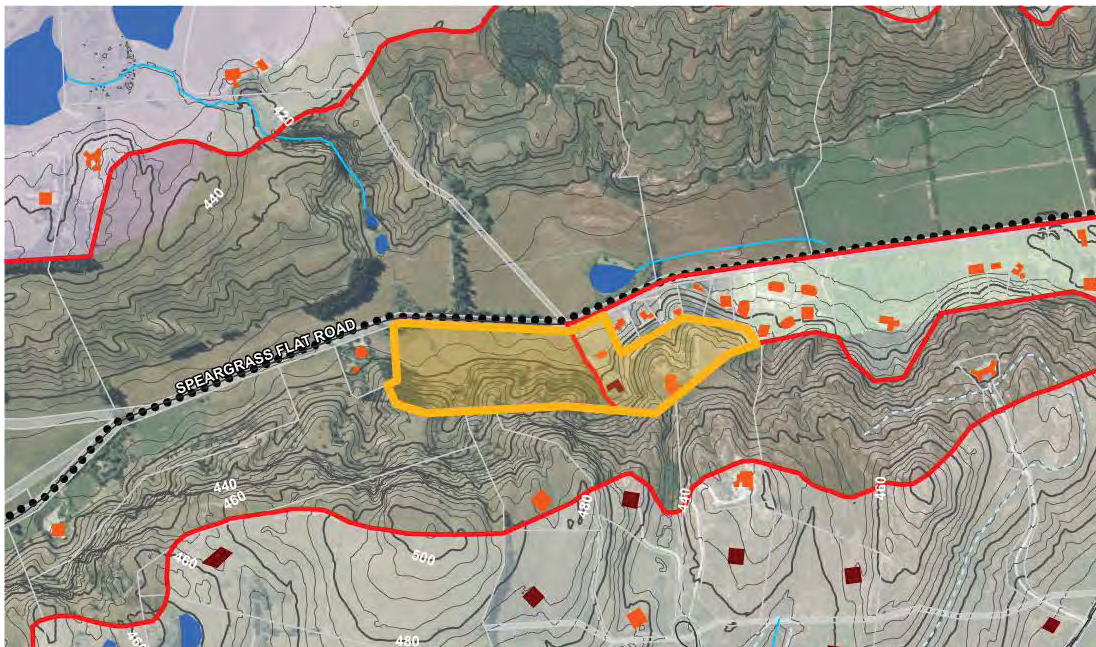


Figure 36: Extent of proposed Precinct extension shown in orange. (Refer **Annexure 5** for mapping legend.)

**33.4** Like the land to the west discussed in relation to the Wakatipu Equities and Speargrass Trust submissions, the proposed Precinct extension

area comprises a narrow irregularly shaped margin adjacent the road and the lower slopes of the steep escarpment and hill slopes that frame the south side of Speargrass Flat valley.

- 33.5** I note that the layout proposed by the submitter would appear to restrict built development to the lower lying portion of the property; however, by virtue of the very limited width of the flat land adjacent the road, it would inevitably infringe the 75m road setback that is required in the Precinct (in the manner that has occurred to the east).
- 33.6** In my opinion, additional rural residential development along the low-lying land on the south side of, and close to, Speargrass Flat Road is likely to exacerbate the perception of an almost continuous ribbon of rural residential development extending between Hawthorn Triangle and Lake Hayes rural residential. Such a patterning is at odds with a fundamental landscape principle that underpins the Variation; namely that rural residential development throughout the Basin is (by and large) confined to visually discreet nodes that are separated by spacious and open, 'more rural' areas.
- 33.7** For these reasons, I oppose the rezoning request from Amenity Zone to Precinct sought by the Taramea Trust.

#### **LCU 9 HAWTHORN TRIANGLE (High)**

#### **34. L MCFADGEN (2529)**

- 34.1** The McFadgen submission relates to flat land on the south eastern corner of the Domain Road-Speargrass Flat Road intersection (refer **Figure 37** below). A dwelling is located on the south eastern corner of the property. Mature protected trees line the north western (Speargrass Flat Road) boundary. The south western boundary is open to Domain Road. The south eastern and north eastern boundaries adjoin open pastoral land that is protected by consent notice (as a 'no build' area) under the provisions of the adjacent cluster subdivision development. Scattered exotic trees are configured along fence lines.

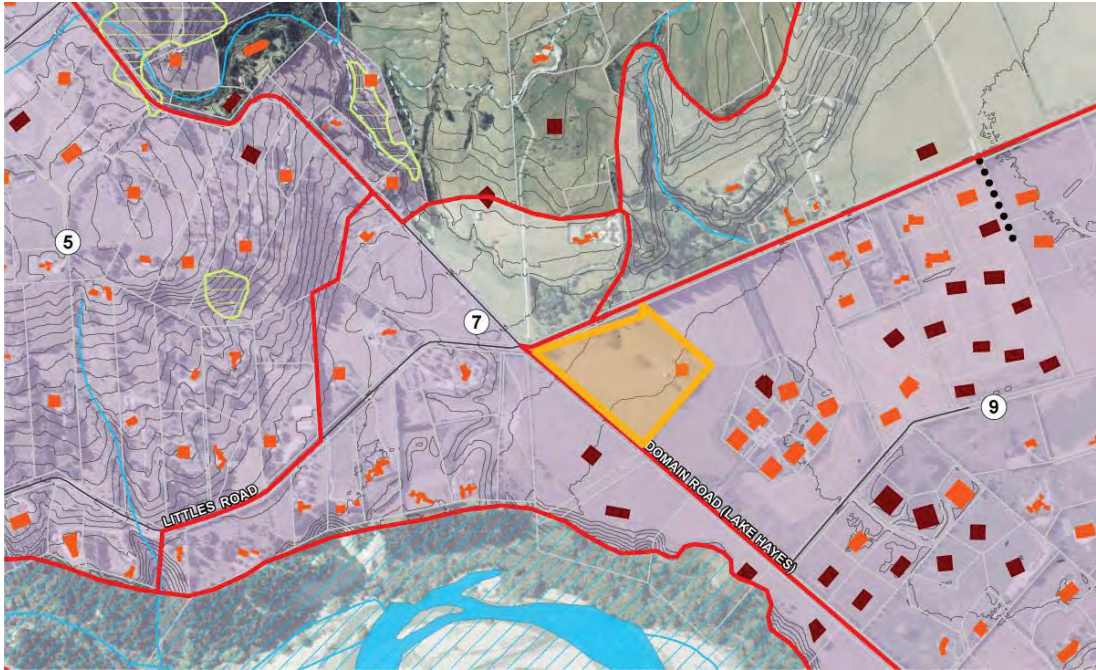


Figure 37: McFadgen submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

- 34.2** The submission requests the application of a discrete Precinct for their land (referred to as 'Precinct A') that provides for an average density down to 4,000m<sup>2</sup>. The subject land was notified as Precinct. The submitter expresses the view that the existing character, topography, and landscape character of their land means that it has the potential to absorb further lifestyle development while maintaining landscape and visual amenity values.
- 34.3** From a landscape perspective, there is nothing that sets this property apart from the balance of LCU 9 and such a change would effectively amount to a spot zoning on the submitter's land. Like the majority of the rest of Hawthorn Triangle, the property is relatively flat; however, I note that it has an open road frontage along its Domain Road boundary. To adopt an alternative density approach on this specific property is not warranted from a landscape perspective.
- 34.4** For these reasons, I oppose the zoning change requested in the McFadgen submission.



**35. R FERNER (2464)**

**35.1** The Ferner submission supports the identification of the WBLP over their land on the west side of Lower Shotover Road.

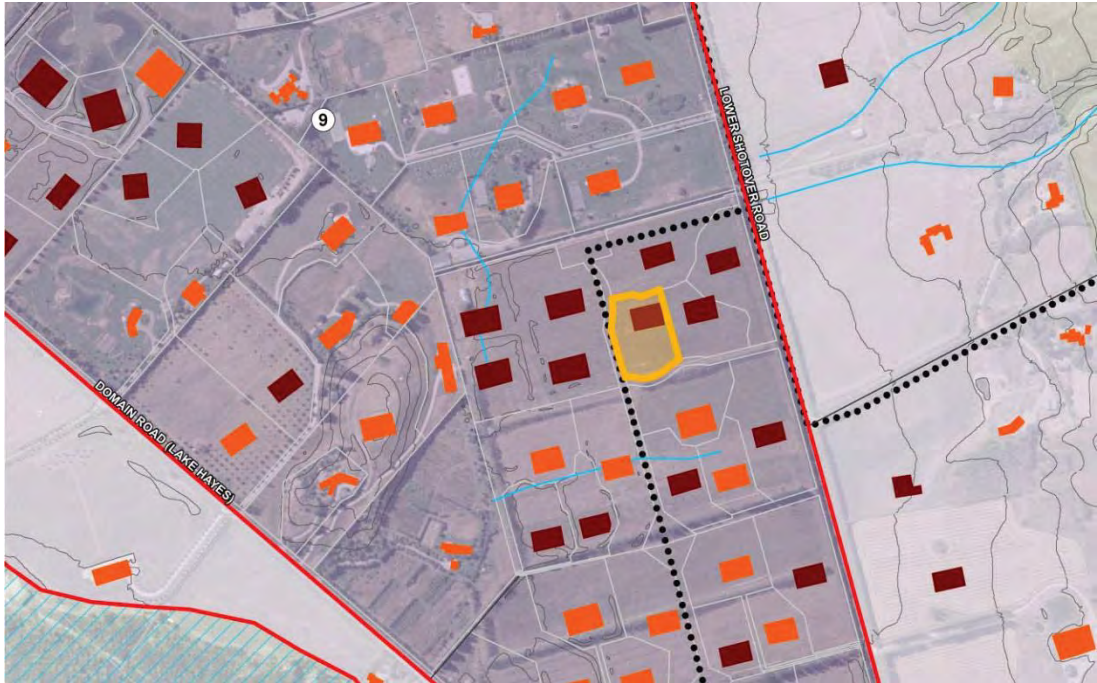


Figure 38: Ferner submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

**35.1** For the reasons outlined in the WB Study report that identify LCU 9 as being suited to absorb additional rural residential development, I support the Ferner submission.

**LCU 11 SLOPE HILL 'FOOTHILLS' (Low)**

**36. SHOTOVER TRUST (2437); L MCFADGEN (2296); D GALLAGHER (2248), MK GREENSLADE (2249); P&J MCLEOD (2298); R&S MCLEOD (2300); P SMITH (2500); E&M HARRIS (2535); M&C BURGESS (2591); CASSIDY TRUST (2144)**

**36.1** This group of submissions relate to the moderate to steep slopes that flank the west and north western sides of Slope Hill, which were previously notified as Rural Lifestyle and Rural in the Stage 1 PDP, and identified as Amenity Zone in Stage 2 (excepting the portion of the mapped submission area in **Figure 39** below that relates to LCU 9 Hawthorn Triangle).

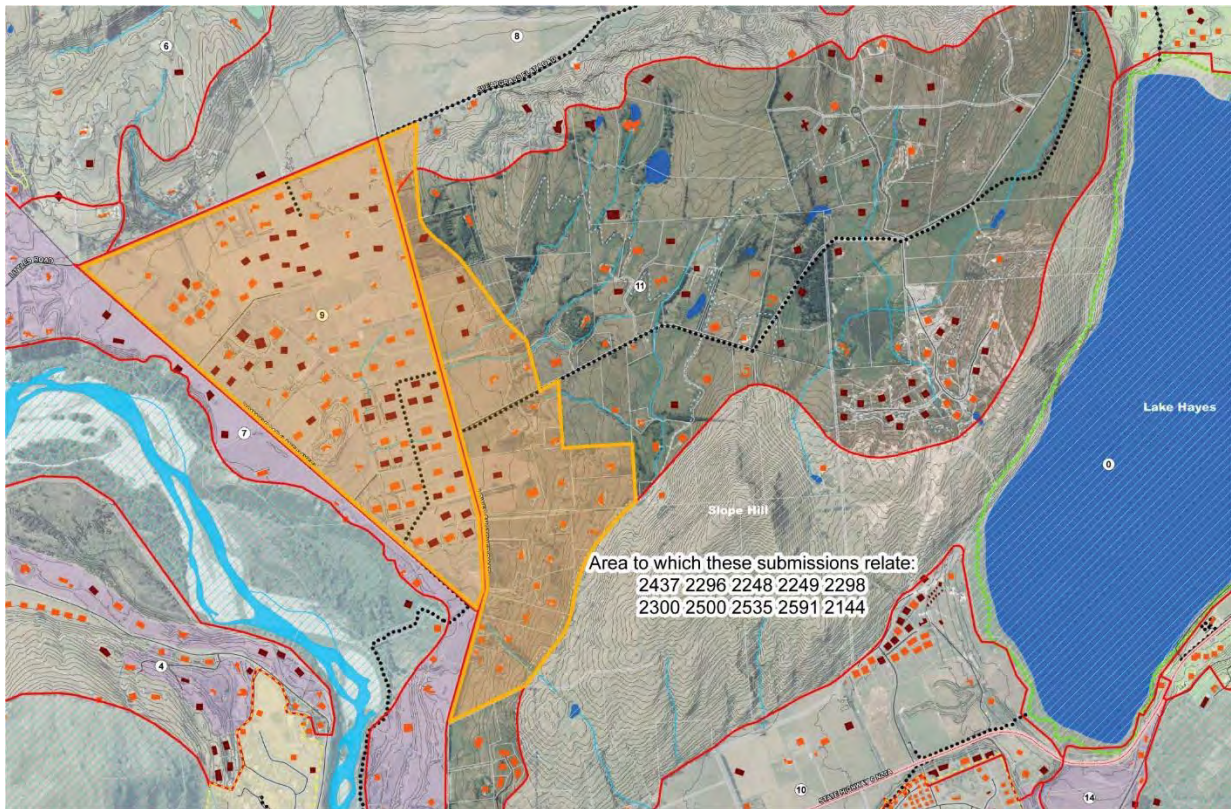


Figure 39: Location of submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

- 36.2** A number of key themes are echoed in these submissions:
- (a) The existing level of rural residential development throughout the area suggests it is most appropriately zoned Precinct.
  - (b) The characteristics of the area are such that additional rural residential development can be absorbed without detracting from landscape and visual amenity values.
  - (c) The identification of part of the area as Rural Lifestyle in the Stage 1 PDP points to the appropriateness of the area being identified as Precinct.
  - (d) The proposed Precinct boundary coinciding with Lower Shotover Road is arbitrary.
- 36.3** One submission also expresses concern that the Stage 2 Rural Amenity and Precinct regime is not supported by a landscape assessment. This is factually incorrect.

**36.4** It is acknowledged that a reasonable level of rural residential development has occurred over the years throughout the area, and that generally (and despite its elevation), such development is reasonably well integrated into the landscape. This is largely the consequence of vegetation patterning which serves to screen and filter views of buildings from the visual catchment to the west and north, and also contributes a relatively leafy and spacious 'green' impression to the area.

**36.5** The close proximity of the area to the Slope Hill ONF in combination with its elevation means that it reads as an important part of the ONF's context in views from the wider basin, making it highly sensitive to visual change.



Photograph 6: View from Tucker Beach LCU 4 eastwards to the elevated slopes on the east side of Lower Shotover Road. Slope Hill is visible to the right of view.

**36.6** This portion of LCU 11 also serves as a contrasting and highly attractive 'more rural' backdrop for the intensive rural residential patterning evident at Hawthorn Triangle (on the lower lying land immediately west), and forms part of the buffer between the more intensive rural residential areas in the 'Triangle' and at the northern end of Lake Hayes, thereby reinforcing a fundamental principle of the Variation to create 'nodes' of rural residential separated by more spacious 'undeveloped' areas to avoid the perception of (rural residential) development sprawl throughout the basin.

**36.7** Generally speaking, the level of existing and consented rural residential development throughout the area was considered in the WB Study to be at, or very near, the limits of the landscape's capability.

- 36.8** It is possible that in some specific locations, additional rural residential development may be acceptable within this area. However, on balance, in my view the sensitivity of the area to change as a consequence of its: elevation and visibility; close proximity and visual connection to Slope Hill ONF; distinctive and highly attractive leafy spacious green character; and role as a backdrop and buffer to the more intensive Hawthorn Triangle adjacent, warrants a cautious approach and hence the application of the Amenity Zone to the area.
- 36.9** With respect to those parts of the submission area where a Rural Lifestyle zoning was proposed through Stage 1, the landscape assessment that informed the WB Study was critical of the extent of the Rural Lifestyle zone, as its eastern (uphill) edge does not follow any legible geomorphological, vegetation, land use, or cadastral boundary. Rather it would appear that the extent of the Rural Lifestyle zone in Stage 1 approximated the extent of existing rural residential development throughout the area.
- 36.10** From a landscape perspective, relying simply on the existing pattern of rural residential development to inform the extent of future rural residential zonings is methodologically flawed, as it ignores other critical aspects of landscape character (such as landform and vegetation patterns, and visibility etc). Further, in this instance the relatively arbitrary extent of the Stage 1 Rural Lifestyle zone combined with the highly attractive views afforded from these elevated slopes would make the area highly vulnerable to development creep up the slopes. Such an outcome is likely to generate significant adverse landscape and visual effects for the reasons outlined above.
- 36.11** Further, the criticism in some submissions of Lower Shotover Road as an arbitrary boundary is not accepted. As explained in the discussion of LCU 1 rezoning submissions, the use of roads as a legible and defensible edge for a zone is an established landscape planning tool. For the reasons explained above, it is considered that the adoption of the Stage 1 Rural Lifestyle boundary for the extent of the Precinct in this location would be significantly more problematic than the proposed road boundary.

**36.12** Notwithstanding, in considering these submissions I have carefully considered whether it might be appropriate to extend the Precinct across the flat land to the east of Lower Shotover Road. However, in my opinion, the lack of a clear topographic definition between this area and the varied undulations of the neighbouring foothill slopes, together with the similarity in the vegetation and development patterns across these areas means that such a boundary would be tenuous at best and vulnerable to the pressures of development creep discussed above in relation to the Stage 1 Rural Lifestyle zoning.

**36.13** For these reasons, I oppose the rezoning requests outlined in the Shotover Trust, L McFadgen, D Gallagher, MK Greenslade, P&J McLeod, R&S McLeod, P Smith, E&M Harris and Cassidy Trust submissions.

**37. R&M WALES (2270); GW STALKER FAMILY TRUST (SPRINGBANK) (2553); SLOPEHILL JOINT VENTURE (2475)**

**37.1** These three submissions each request that the elevated and sloping land abutting or very near Slope Hill ONF is rezoned from Amenity Zone to Precinct. This land was notified with a Rural zoning in Stage 1.

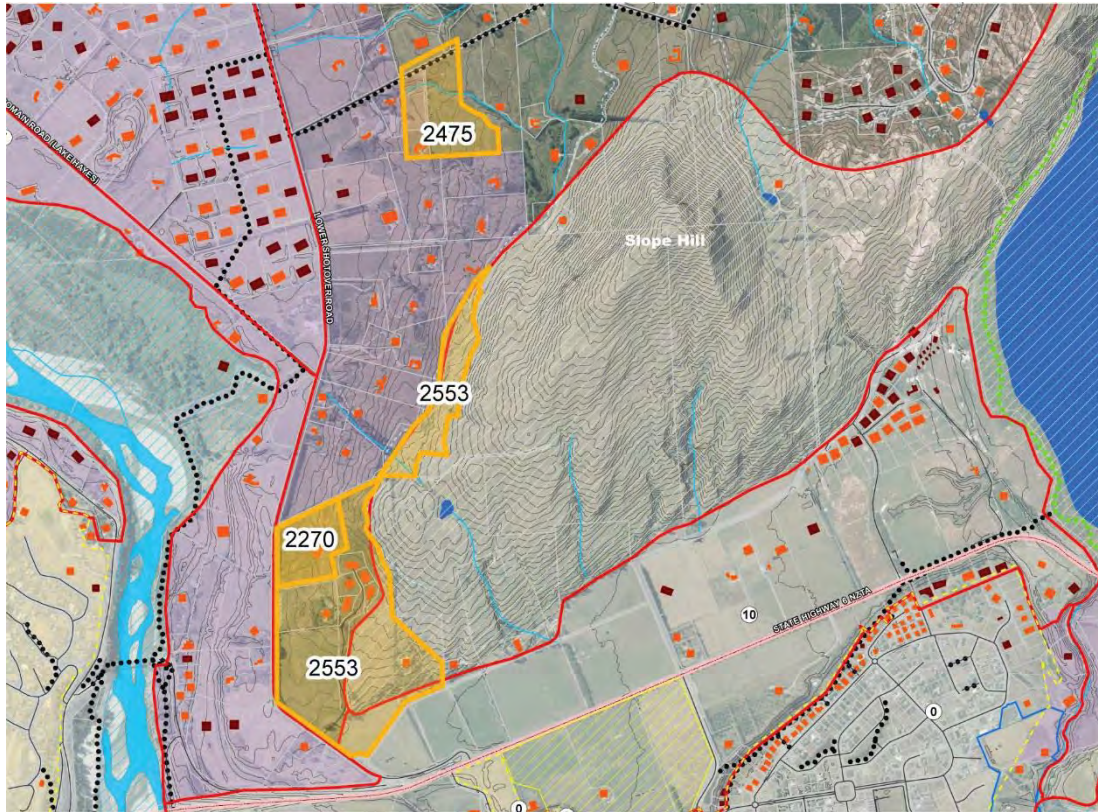


Figure 40: Location of submissions shown in orange. (Refer **Annexure 5** for mapping legend.)

- 37.2 Similar reasons are cited in support of the Precinct in these locations to those listed above in relation to the ‘Shotover Trust et al’ submissions.
- 37.3 The Slopehill Joint Venture and GW Stalker submissions propose a discrete new precinct for their land (‘Precinct B’), which provides for an average density of 1ha. The submissions express the view that the existing character, topography, and landscape character of their land means that it has the potential to absorb further lifestyle development while maintaining landscape and visual amenity values.
- 37.4 Submissions also request that the LCU 11 Description, in Schedule 24.8, is amended to reflect the ability of the submitters’ land to absorb additional development.
- 37.5 No detail is provided with respect to the suggested LCU Description amendments.

**37.6** For the same reasons discussed above in relation to the 'Shotover Trust et al' submissions, these properties are considered to be sensitive to landscape change and the application of the Amenity Zone to the area is considered to be appropriate from a landscape perspective.

**37.7** I also note that at least part of the land to which the GW Stalker Family Trust (Springbank) submission applies is prominent in the highly memorable view of Slope Hill ONF from SH6 in the vicinity of Frankton, as one approaches the Shotover Bridge, serving to increase the sensitivity of this part of the LCU to development change. See Photograph 7 below.



Photograph 7: View from SH6 looking eastwards to Slope Hill.

**37.8** Further, from a landscape perspective, there is nothing that sets these properties apart from the balance of LCU 11 and applying a new Precinct B regime would effectively amount to a spot zoning on the submitters' land.

**37.9** In coming to my conclusions in relation to these submissions, I have also considered Ms Mellso's evidence in relation to the Slope Hill ONF boundary submissions.

**37.10** For these reasons, I oppose the rezoning requests outlined in the R&M Wales, GW Stalker Family Trust (Springbank) and Slopehill Joint Venture submissions.

**38. D ANDREW (2049)**

**38.1** The D Andrew submission requests that the eastern end of the Slopehill Road catchment is rezoned from Amenity Zone to Precinct. The submission cites the existing level of rural residential development associated with the Threepwood and Oliver's Ridge subdivisions in support of the rezoning of this area.

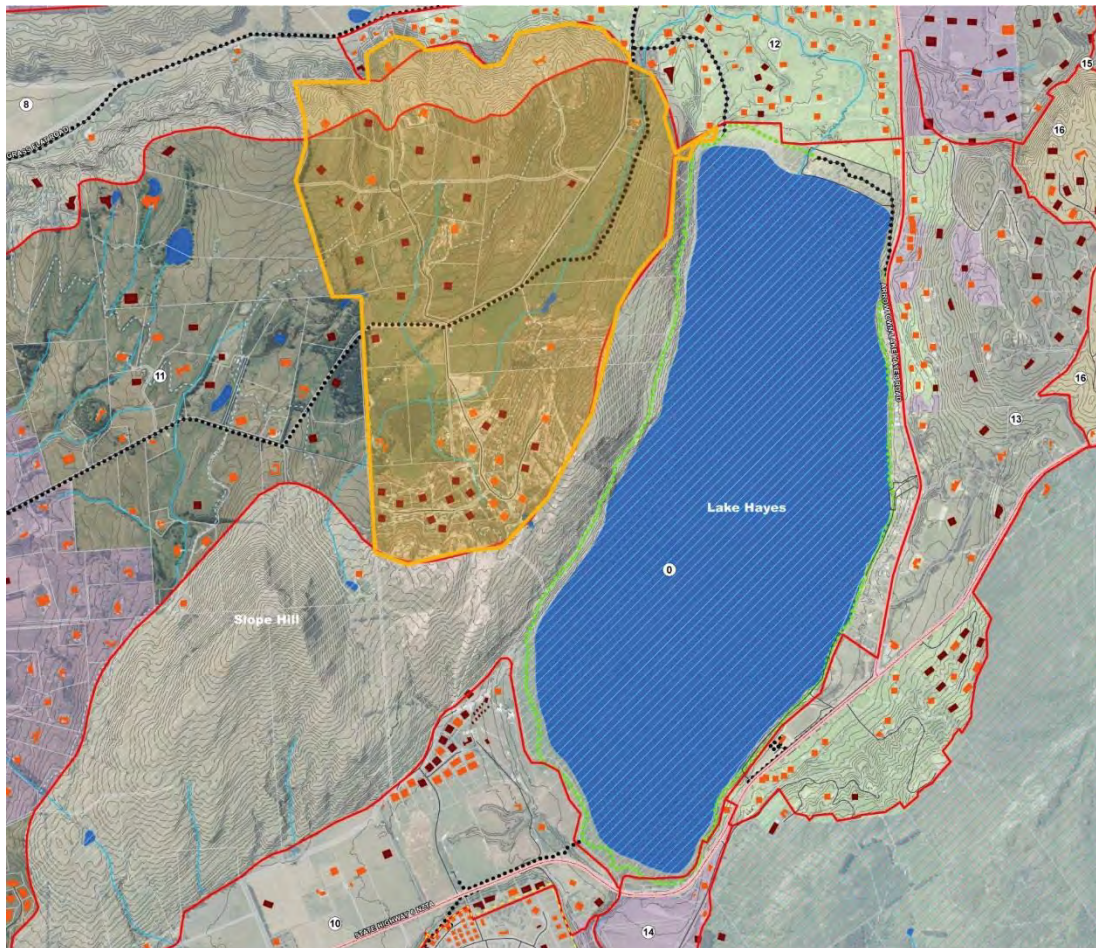


Figure 41: Andrew submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

**38.2** It is considered that, from a landscape perspective, the existing level of rural residential development consented throughout this part of the Basin is at, or very near, its limit.





Photograph 8: View of Threeewood development from the Queenstown Trail.

**38.3** The very limited level of rural residential development and resultant spacious and 'more rural' character throughout the lower slopes and stream flats of the catchment serve as a foil for the level of development on the surrounding slopes and ridges. Enabling additional rural residential development in these areas runs the risk of the perception of development sprawl extending westwards from the northern end of Lake Hayes throughout the Slope Hill foothills.

**38.4** For these reasons, I oppose the rezoning requested in the D Andrew submission.

**39. WAKATIPU EQUITIES LIMITED (2479)**

**39.1** As explained in the discussion of this submission under LCU 8 Speargrass Flat, the Wakatipu Equities Ltd submission seeks that land on the south side of Speargrass Flat Road which straddles LCU 8 Speargrass Flat and LCU 11 Slope Hills 'Foothills' is rezoned from Amenity Zone to Precinct (refer **Figure 24** mapping).

**39.2** For the reasons set out in my discussion of this submission under LCU 8 Speargrass Flat, I oppose the rezoning requested in the Wakatipu Equities submission.

**LCU 12 LAKE HAYES RURAL RESIDENTIAL (High)**

**40. JG FRENCH & ME BURT (2417)**

**40.1** The JG French & ME Burt submission seeks the rezoning of their land at 229 Arrowtown Lake Hayes Road from Rural Amenity to Precinct. An ONF was notified on this land, in Stage 1 and the area was also identified as Rural Residential in Stage 1.

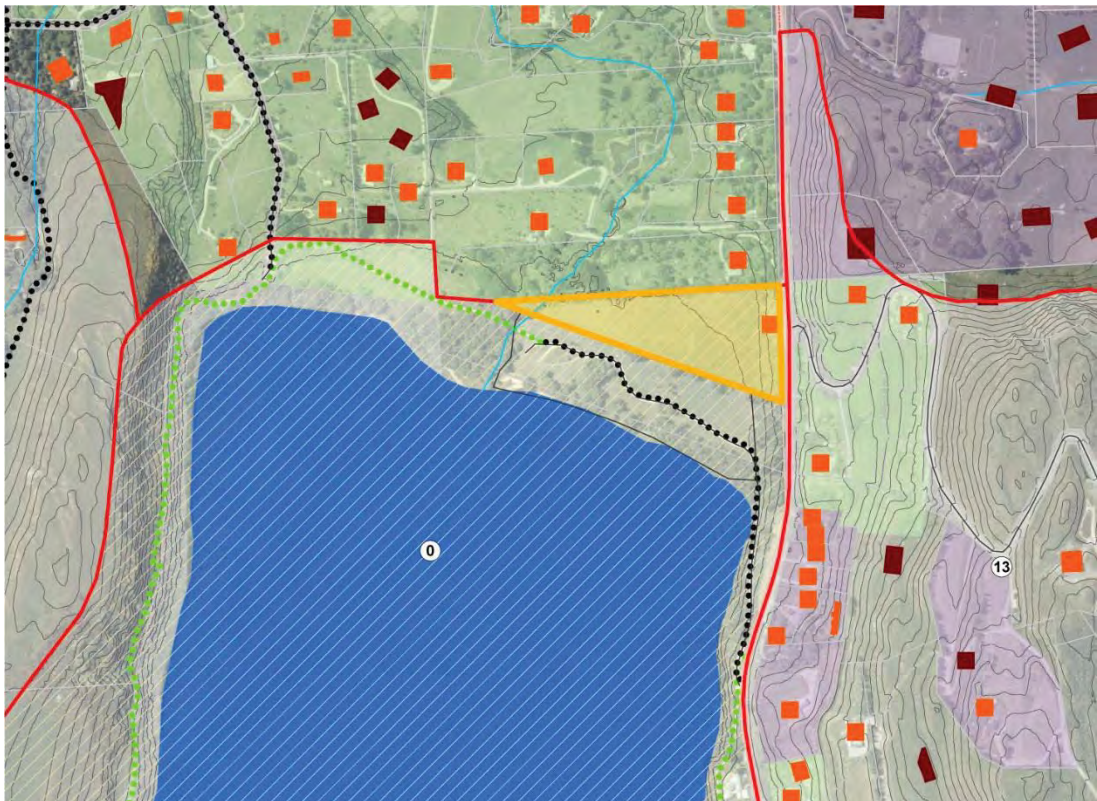


Figure 42: French & Burt submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

**40.2** The property was notified as being within the Lake Hayes ONF and for this reason, fell outside of the ‘study area’ for the WB Study. I expect the notification of this property as Amenity Zone in Stage 2 is a mapping error.

**40.3** To be consistent with the treatment of land that coincides with ONLs or ONFs within the balance of the Basin, the submitter’s land should in my view be zoned Rural. However, I understand there is no scope for

this change, as I understand the Stage 2 notified Rural Amenity Zone, 'replaces' the Stage 1 Rural zoning.

**40.4** Further, in my opinion it is highly likely that the application of the ONF over this land is also a mapping error as it is my understanding that the extent of the Lake Hayes ONF on the lake margins was intended to coincide with Reserve areas only (and not private land). Were the Panel minded to alter the extent of the ONF in this location such that it was removed from the submitter's land, I would not oppose the identification of the Precinct to this area as it forms a logical part of the established Lake Hayes rural residential enclave.

**41. MCGUINNESS PA LIMITED (2447); JUIE QT LIMITED (2488); UNITED ESTATES RANCH LIMITED (2126); PJ DENNISON & SJ GRANT (2301)**

**41.1** The McGuinness Pa, Juie QT Limited, United Estates Ranch Limited, and Dennison & Grant submissions appear to support the zoning of their land as Precinct; however, they also seek to enable subdivision at a density of 4,000m<sup>2</sup>.

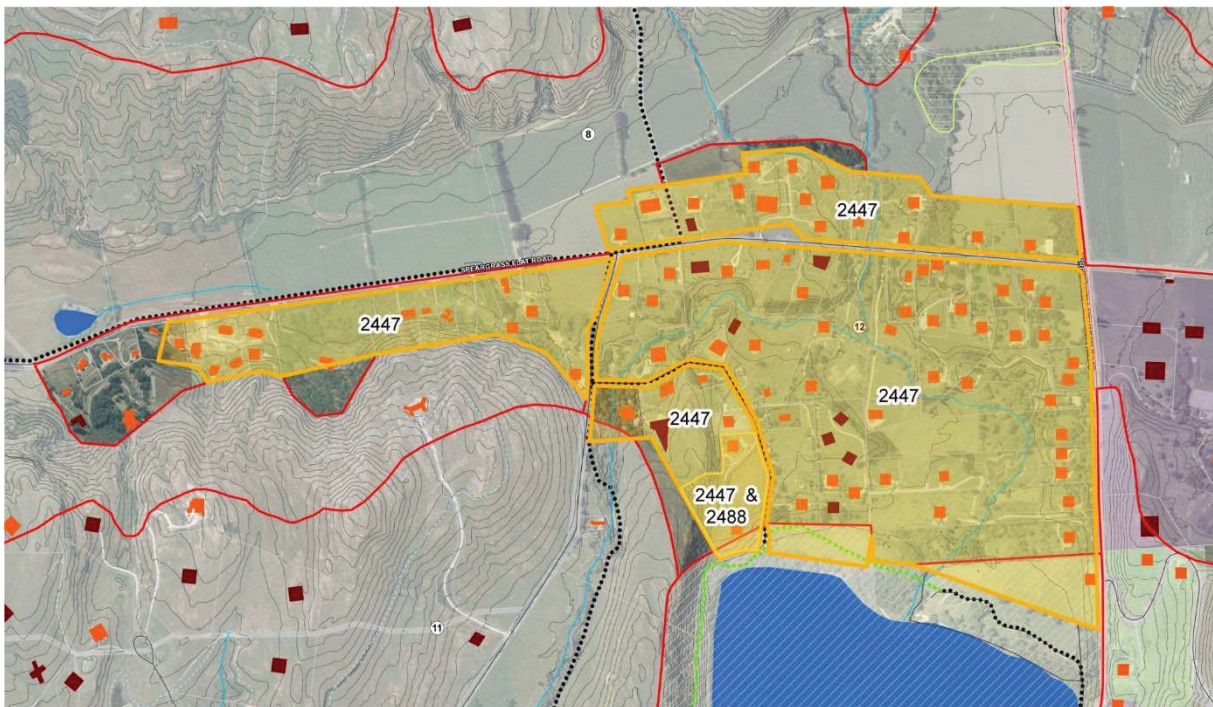


Figure 43: Location of submissions shown in orange. (Refer **Annexure 5** for mapping legend.)

**41.2** These submissions relate to either parts of, or all of, the LCU 12 west of Arrowtown Lake Hayes Road.

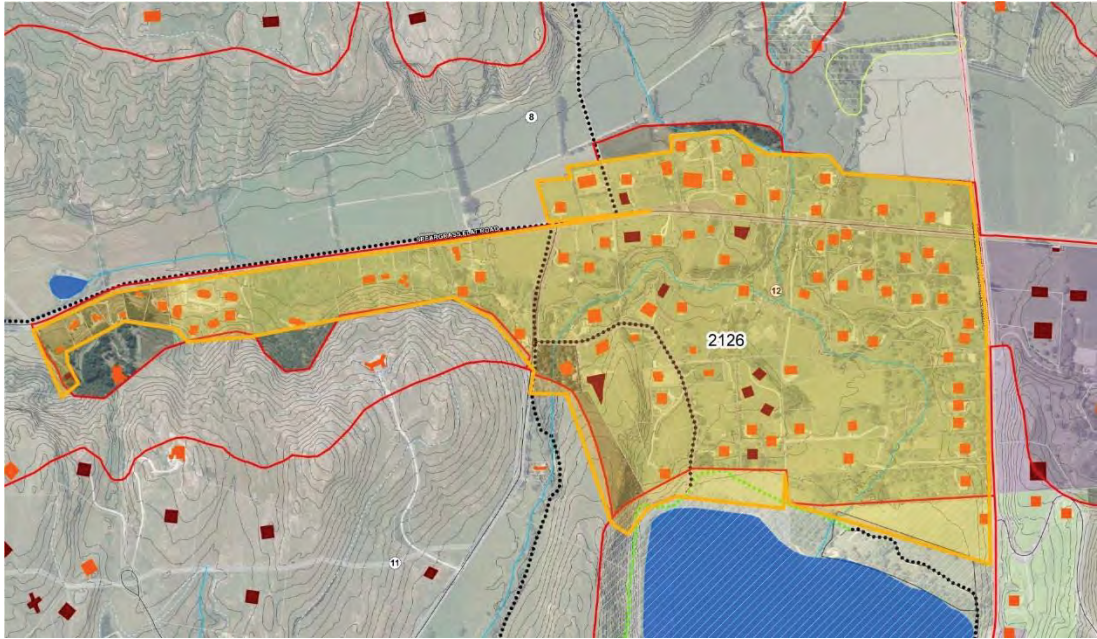


Figure 44: Location of submissions shown in orange. (Refer **Annexure 5** for mapping legend.)

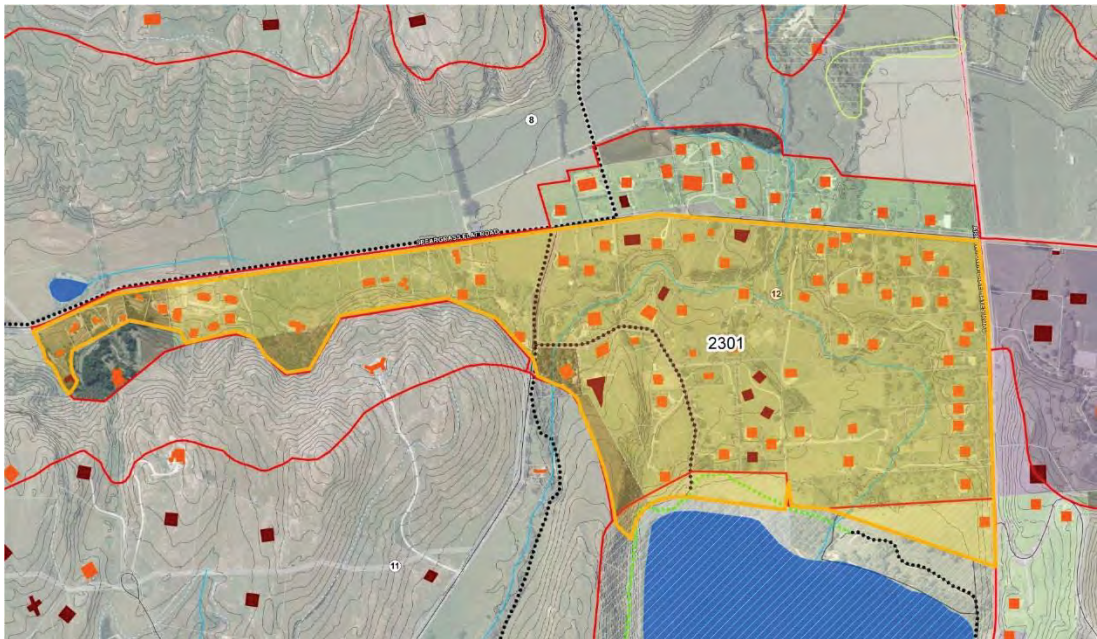


Figure 45 Location of submissions shown in orange. (Refer **Annexure 5** for mapping legend.)

**41.3** The submissions cite the existing level of rural residential development, the absorption capability of the landscape and the identification of parts of the unit (or sites) under the ODP and PDP Stage 1 as suited to development at that level (i.e. Rural Residential zoning enabling 4,000m<sup>2</sup> lot size) in support of their requests.

- 41.4** Like parts of LCU 11 (the elevated slopes on the eastern side of Lower Shotover Road) and LCU 13 (the elevated slopes on the south of SH6 and the elevated slopes on the eastern side of Arrowtown Lake Hayes Road), the Variation effectively ‘downzones’ much of LCU 12 Lake Hayes Rural Residential by introducing the 6,000m<sup>2</sup> minimum lot size and 1ha average lot size regime.
- 41.5** As alluded to previously, decisions to ‘down zone’ areas have been very carefully considered and have been applied to areas where the existing level of rural residential development is considered to be at, or very near, the landscape’s capacity.
- 41.6** In the case of the low-lying LCU 12 area, the existing relatively high level of rural residential development sits reasonably comfortably adjacent the Lake Hayes/Slope Hill ONF, largely as a consequence of the well-established vegetation framework, the careful positioning of buildings, and their (generally) sympathetic design.
- 41.7** Although the WB Study identified the LCU as having a **High** capability to absorb additional development as a result of the low-lying nature of the area, its established rural residential character, and the generally enclosed and screened nature of the unit (derived from the vegetation patterns), that rating was importantly caveated by the advice that the unit’s capability to successfully absorb additional development may well be limited by the existing building, vegetation, and lot patterns.
- 41.8** The western margins of the unit were interrogated as part of the Case Study work that followed the completion of the WB Study. In that exercise, it became apparent that:
- (a) Many of the consented developments rely on protected vegetation (both existing and new plantings) and (in some instances) ‘no build’ areas to ensure that the consented level of rural residential development is acceptable; and

- (b) Enabling rural residential development at a density of 4,000m<sup>2</sup> would inevitably compromise the existing vegetative framework and / or 'no build' areas, suggesting the potential for adverse landscape effects.

**41.9** In coming to these conclusions, I note that lot sizes within the well-established rural residential 'heart' of the unit (i.e. the area roughly bounded by Slopehill Road, Speargrass Flat Road, Arrowtown Lake Hayes Road and Lake Hayes itself), range from approximately 1,535m<sup>2</sup> to 4ha with an average lot size of 8,000 m<sup>2</sup>. There is a total of 33 lots over 8,000m<sup>2</sup> in size and only 7 lots that are 2ha or greater.

**41.10** This suggests an appreciably greater threat to the integrity of the existing vegetation framework (which is critical to the successful integration of the established rural residential development) associated with the creation of platforms and accessways under the 4,000m<sup>2</sup> density which is not considered to be appropriate from a landscape perspective.

**41.11** Further, the application of a 4,000m<sup>2</sup> average lot size to two specific sites within LCU 12 (as requested in the McGuiness Pa Limited and Juie QT Limited submissions) effectively amounts to a spot zoning. The similarity of these properties to the balance of the unit means that an alternate density approach on these specific properties is not warranted from a landscape perspective.

**41.12** For these reasons, I oppose the zoning changes requested in the McGuiness Pa Limited, Juie QT Limited, United Estates Ranch Limited and PJ Dennison & SJ Grant.

**42. LAKE HAYES LIMITED (2377)**

**42.1** The Lake Hayes Limited submission relates to the relatively recently subdivided block on the south eastern side of the Hogans Gully and Arrowtown Lake Hayes Road intersection (one dwelling per 2.1ha, reflecting the land's Rural Lifestyle zoning under the ODP).

- 42.2** This land was notified in Stage 2 as Precinct, which the submitter would appear to be supportive of (as an alternative to their primary relief which seeks the reinstatement of the Stage 1 PDP regime subject to their Stage 1 submission relief), including the proposed minimum and average lot sizes. In Stage 1, I understand Lake Hayes supported the continuation of the Rural Lifestyle zone on their land.

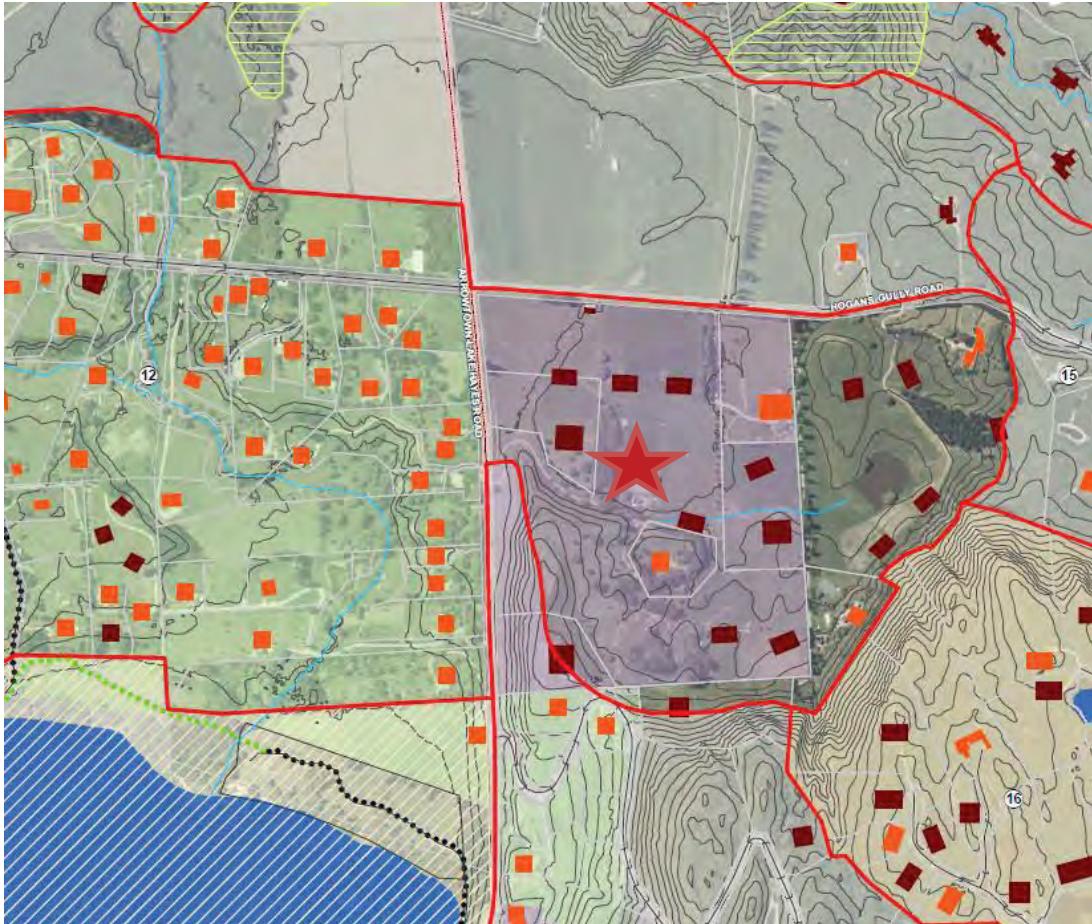


Figure 46 Approximate location of submission area depicted by red star. (Refer **Annexure 5** for mapping legend.)

- 42.3** For the reasons outlined in the WB Study report that identify LCU 12 as being suited to absorb additional rural residential development, I support the rezoning aspects of the Lake Hayes Limited submission that relate to Stage 2.

**LCU 13 LAKE HAYES SLOPES (Low)**

- 43. MORVEN RESIDENTS ASSOCIATION (2490); TJ & MA HARRISON (2163)  
AC ROBINS, AJ ROBINS & HJM CALLAGHAN (2104); LAKE HAYES**

**CELLAR (2378); JM MARTIN, CJ DOHERTY & KW FERGUS (2517); R MONK (2281); C BATCHELOR (2318); DD & JC DUNCAN (2319); LAKE HAYES INVESTMENTS LTD (2291); STONERIDGE ESTATE LTD (2314); RG DAYMAN (2315); TUI TRUSTEES (2015) LTD (2316); MANDEVILLE TRUST / S LECK (2317); WATERFALL PARK DEVELOPMENTS LIMITED (2389)**

**43.1** Submissions in relation to LCU13 fall into three groupings:

- (a) Submissions relating to the elevated slopes on the south east side of SH6 that were previously notified as Rural Residential in Stage 1 (at least in part) and replaced by the Amenity Zone in Stage 2: the Morven Residents Association and TJ & MA Harrison submissions - refer **Figure 47** below;

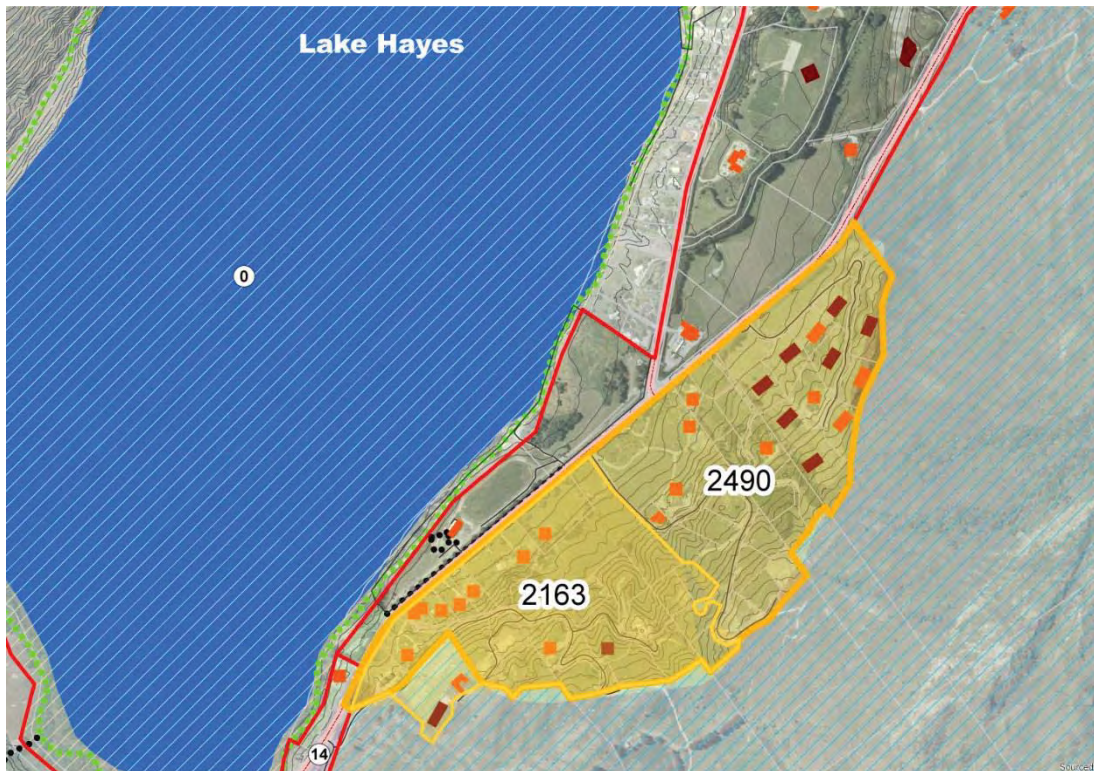


Figure 47: Location of submissions shown in orange. (Refer **Annexure 5** for mapping legend.)

- (b) Submissions relating to land on the elevated slopes east of Arrowtown Lake Hayes Road where pockets of Rural Residential and Rural Lifestyle zonings were identified in Stage 1, and were replaced by the Amenity Zone in Stage 2: the AC Robins, AJ Robins & HJM Callaghan, E&M Harris, Lake Hayes Cellar and JM Martin, CJ Doherty & KW Fergus submissions - refer **Figure 48** below; and



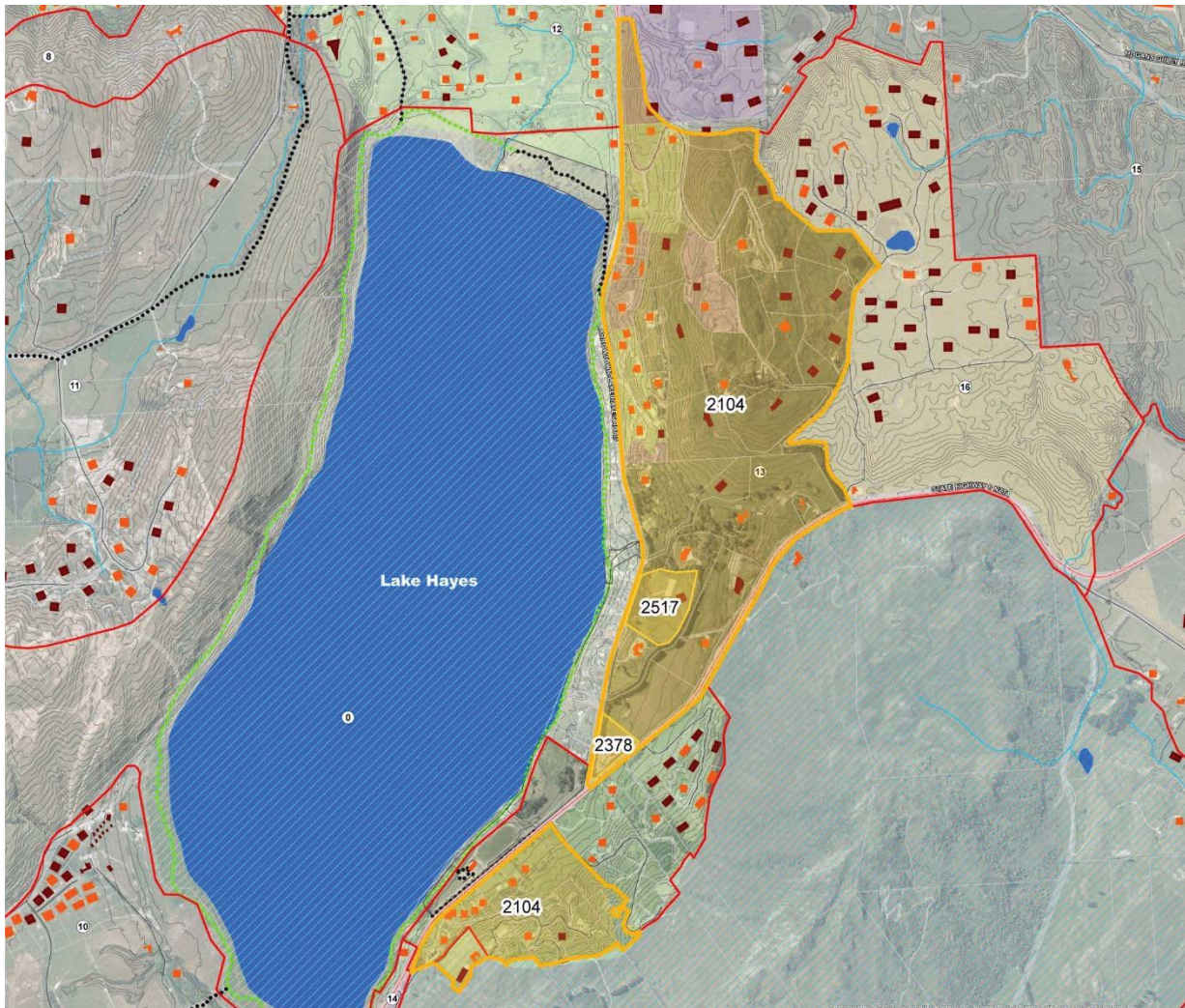


Figure 48: Location of submissions shown in orange. (Refer **Annexure 5** for mapping legend.)

- (c) Submissions relating to the entire LCU: the R Monk, C Batchelor, DD & JC Duncan, Lake Hayes Investments Ltd, Stoneridge Estate Ltd, RG Dayman, Tui Trustees (2015) Ltd, Mandeville Trust / S Leck and Waterfall Park Developments Limited submissions - refer **Figure 49** below.

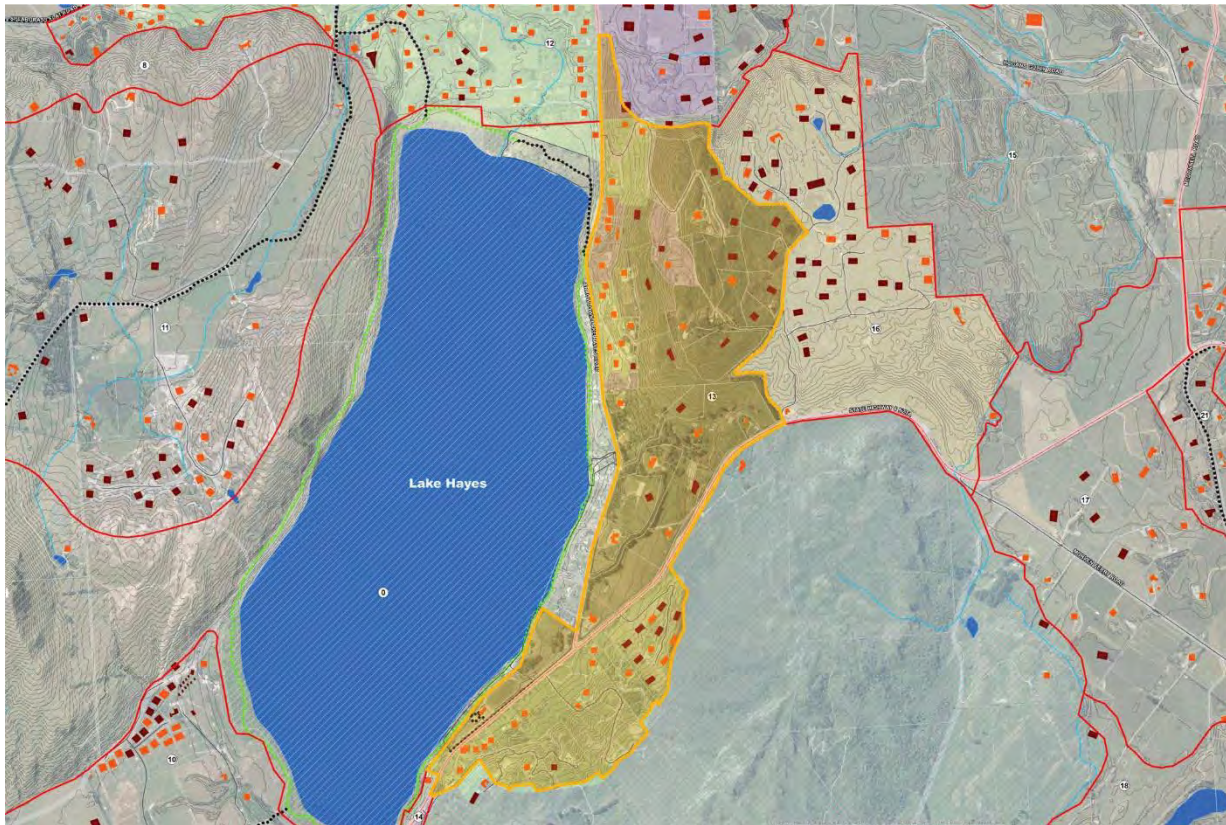


Figure 49: Extent of LCU 13 shown in orange. (Refer **Annexure 5** for mapping legend.)

- 43.2** With the exception of one, these submissions (referred to hereafter collectively as the **LCU 13 submissions**) oppose the Amenity Zone within LCU 13 (albeit to a varying spatial extent) and seek some sort of rural residential entitlement: either via the Precinct, or a modified version of that regime (for example, with a ‘Precinct A’ 4,000m<sup>2</sup> average lot size, or 1ha average lot size with no minimum lot size).
- 43.3** The Lake Hayes Cellar submission requests an alternative site-specific and bespoke precinct (the Lake Hayes Cellar Precinct on the Amisfield block). Comments with respect to this latter request are addressed in Mr Langman’s evidence.
- 43.4** Consequentially, some submissions also request that the LCU 13 Lake Hayes Slopes Description is amended to reflect the capability of the area to absorb additional development.

- 43.5** Reasons cited in support of these submissions include:
- (a) The established rural residential and rural lifestyle character of the area;
  - (b) The close proximity of the area to urban development along the west side of Arrowtown Lake Hayes Road (fronting the lake) and the Bendemeer Special Zone throughout the hills above the elevated slopes east of Arrowtown Lake Hayes Road;
  - (c) The identification of parts of LCU 13 as either Rural Residential or Rural Lifestyle under the Stage 1 PDP;
  - (d) The reticulated services that are available to much of the area. (I note the relevance of this issue to the merits of upzoning this area is addressed in Mr Langman's evidence); and
  - (e) The capability of the area to absorb existing and additional rural living without generating adverse effects on landscape and visual amenity values.
- 43.6** Clearly this is a part of the Basin landscape that has seen an appreciable level of rural residential development throughout the highly visible hill slopes that frame the southern and eastern sides of Lake Hayes. The area also functions as an important foreground in views of the Morven Hill ONL from the catchment to the west (including the Lake Hayes walkway/cycleway) and as part of the context of views of the Lake Hayes ONF from the surrounding area.
- 43.7** The WB Study found that generally, much of this development has been relatively unsympathetic and detracts from the landscape character and visual amenity of the area. It is acknowledged that this 'less than satisfactory' condition may improve over time as plantings associated with more recently consented development establish and serve to ground and filter views of built development (including

dwellings, retaining structures and accessways) from the surrounding area.

**43.8** Further, the LCU was considered to be sensitive to landscape change, resulting in a rating of **Low** with respect to its ability to absorb additional development. This is primarily the consequence of:

- (a) the elevated and highly visible nature of the area in views from key scenic routes (including Arrowtown Lake Hayes Road, SH6 and walkways/cycleways around Lake Hayes);
- (b) the moderate to steeply sloping topography of the unit that inevitably requires substantial landform modification to accommodate buildings and accessways;
- (c) the role of the LCU in views to the ONF and ONL in the immediate area (i.e. Morven Hill ONL and Lake Hayes ONF);
- (d) the very limited extent of vegetation throughout the unit (which can assist with integrating built development); and
- (e) the vulnerability of the area to a perception of development sprawl as a consequence of its visual prominence, combined with the close proximity of urban development.



Photograph 9: View of the existing development throughout the elevated slopes to the south east of SH6 (as seen from the Lake Hayes walkway/cycleway).



Photograph 10: View of development throughout the elevated slopes on the east side of Arrowtown Lake Hayes Road (as seen from the Lake Hayes walkway/cycleway).

- 43.9** The Stage 1 Rural Lifestyle and Rural Residential zonings that did apply to the elevated hill slopes on the east side of Arrowtown Lake Hayes Road are in my view arbitrary in their patterning. Given the vulnerability of the area to development creep (as discussed previously; for example, see LCU 11 comments), the Stage 1 approach does not represent a sound basis for the delineation of any future precinct within this portion of LCU 13.
- 43.10** Whilst the rural residential pattern throughout the elevated slopes to the south west of SH6 is more logical and defensible in that it is delineated by road and ONL boundaries, it is considered that the level of rural residential development in this enclave is approaching, or possibly already above, the landscape's capability.
- 43.11** I am aware that it is often considered appropriate to zone an area on the basis of the existing land use character. In the case of LCU 13 this points to some sort of rural living zoning. However, in this specific circumstance and within a s7 (c) Amenity Landscape context, enabling further rural residential development where such development has already detracted from the landscape character is not supported from a landscape perspective; i.e. evidence of landscape degradation that has already occurred, is not a valid reason to enable further potential degradation.
- 43.12** For these reasons, I oppose the zoning changes requested in the LCU 13 submissions (listed above).

**LCU 14 LAKE HAYES TERRACE (Moderate-High)**

**44. AK ROBINS, ANDERSON LLOYD TRUSTEE CO LTD & RB ROBINS (2398)**

**44.1** This submission supports the notified zoning of their land within LCU 14 as Precinct.

**44.2** The submission also requests the deletion of the 50m Landscape Feature setback within LCU 14 as a consequence of:

- (a) the requirement to Rule 24.5.7 which requires a minimum setback of 30m for buildings from waterbodies; and
- (b) the close proximity of urban development (Lake Hayes Estate) on the western side of Hayes Creek opposite the submitter's land.

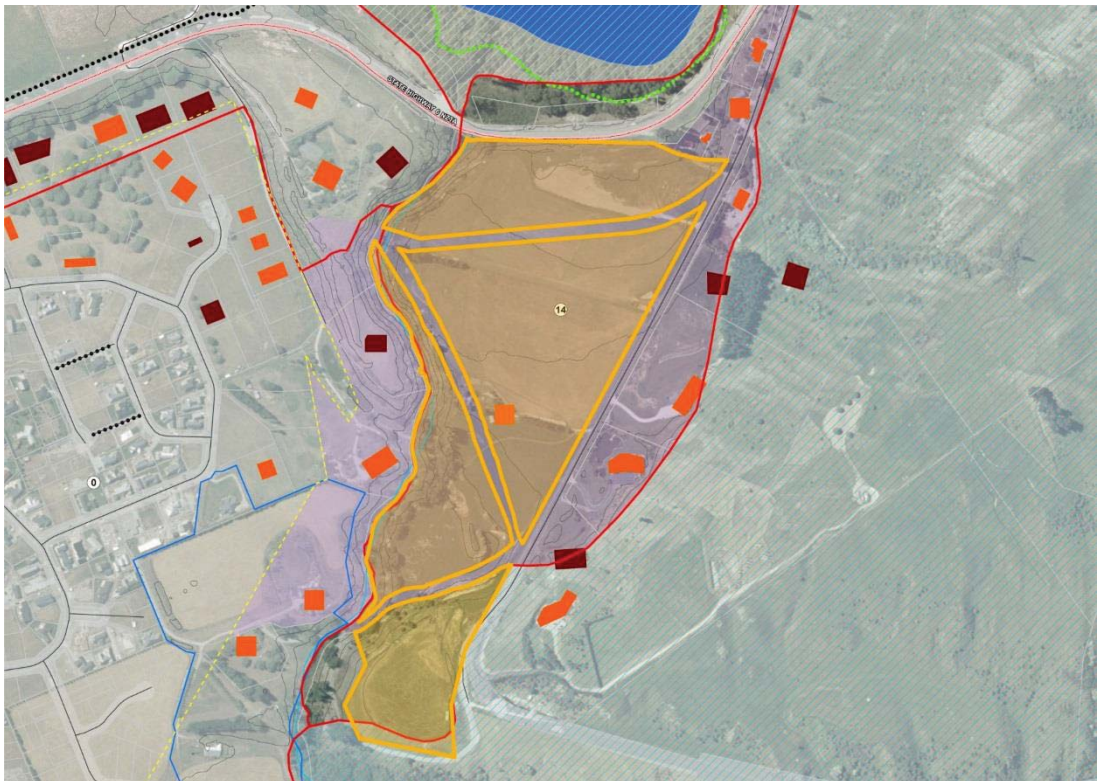


Figure 50: Location of submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

**44.3** I acknowledge that the context of the Landscape Feature line in this location is quite different to other circumstances within the Basin. The Landscape Feature line corresponds to the upper edge of the Hayes Creek 'cliff' edge and is opposite the Lake Hayes and Bridesdale urban

areas. Further, unlike the Shotover River where the Landscape Feature setback is also applied, Hayes Creek is not an ONF (or an ONL).

**44.4** I also note that the recently approved Bridesdale development applies an approximately 30m setback from the western side of Hayes Creek.

**44.5** For these reasons I do not oppose the deletion of the Landscape Feature line from the eastern edge of Hayes Creek as requested by the submitter.

**45. L M TOPP (2254)**

**45.1** This submission relates to a property at the south eastern end of Alec Robbins Road, adjacent Morven Hill.

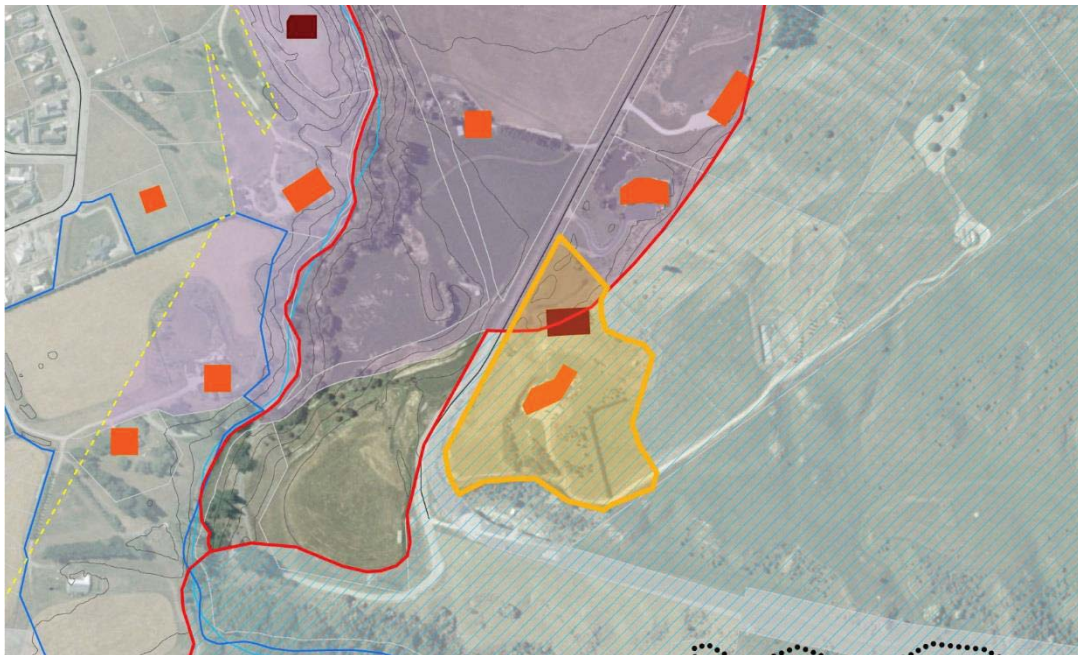


Figure 51: Location of the Topp submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

**45.2** The submission queries the location of the ONL boundary on the property, which is addressed in the evidence of Ms Mellsop. The submission would appear to be supportive of the Precinct and requests that the Precinct is also applied to the area depicted in red below (and a 4,000m<sup>2</sup> minimum lot size introduced). I note that the portion of the

submission area that coincides with the Morven Hill ONL is outside of the Variation mapping.



Figure 52: Extent of the requested Precinct area in the Topp submission depicted in red.



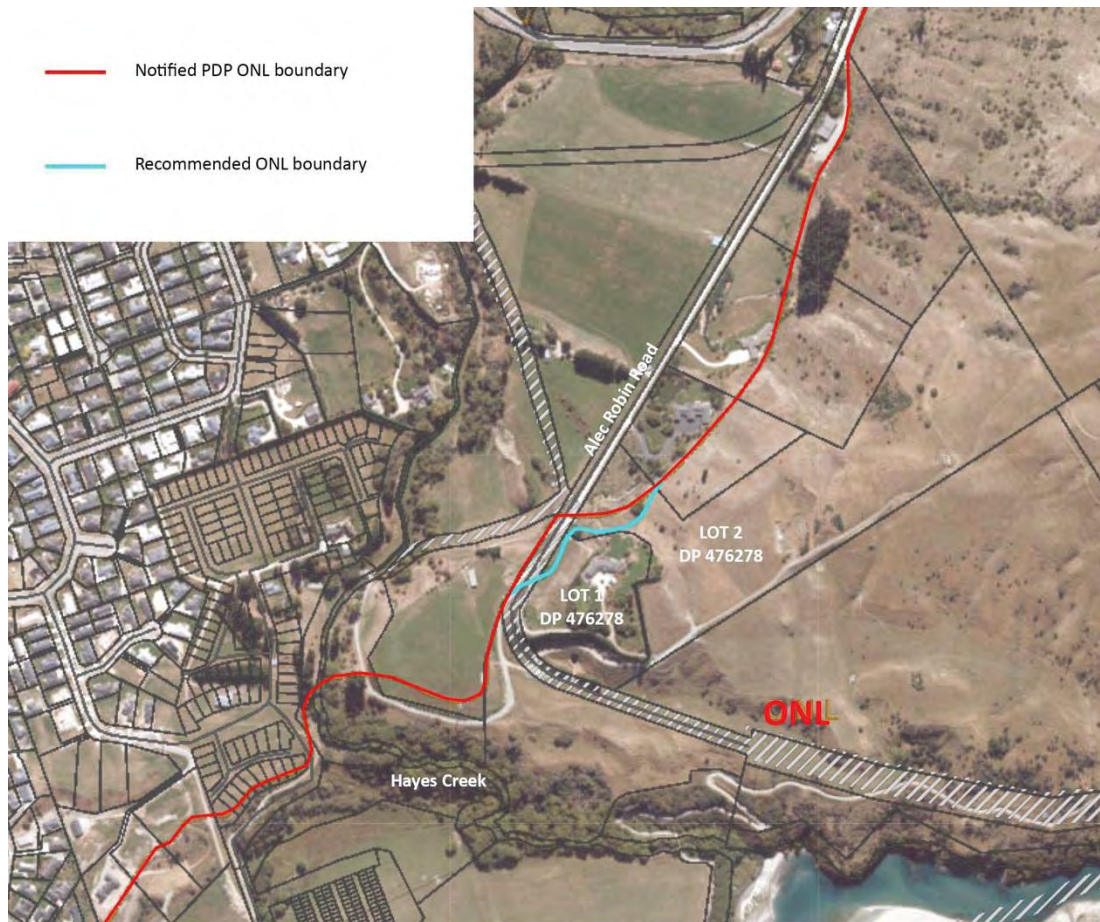


Figure 53: Recommended ONL boundary amendment as per H Mellsop Evidence in Chief.

- 45.3** The WB Study identified this LCU to have a **Moderate-High** capability to absorb additional development. The area comprises a (relatively) visually discreet and small-scale river terrace sandwiched between the Lake Hayes Estate urban development and Morven Hill ONL in which existing rural residential development is located adjacent the ONL.
- 45.4** Relying on the extent of the ONL boundary modification recommended in Ms Mellsop’s evidence (see **Figure 53** above), I consider it appropriate that the Precinct is applied to the northern margins of the property to coincide with the land outside of the ONL
- 45.5** For these reasons, I support the proposed rezoning requested in the Topp submission in part (and insofar as they correspond to the amendment to the ONL boundary set out in Ms Mellsop’s evidence).

**LCU 17 MORVEN FERRY (Moderate-Low)**

**46. WK ALLEN & FL ALLEN SUBMISSION (2482); KT DUNLOP & SA GREEN (2609)**

**46.1** The Allen and Dunlop / Green submissions oppose the zoning of their land in Stage 2 as Amenity Zone (49 & 53 Morven Ferry Road, 55 Morven Ferry Road respectively) and request that all the land that directly adjoins, and is accessed off, the triangle formed by Morven Ferry Road, SH6 and Arrow Junction Road, and sits outside an ONF, is zoned Rural Lifestyle (as per Stage 1) or for 'rural living'. The latter is presumed to be the Precinct.

**46.2** The submitter argues that the Amenity Zone fails to recognise the existing character and development within the 'Morven Ferry Triangle'.

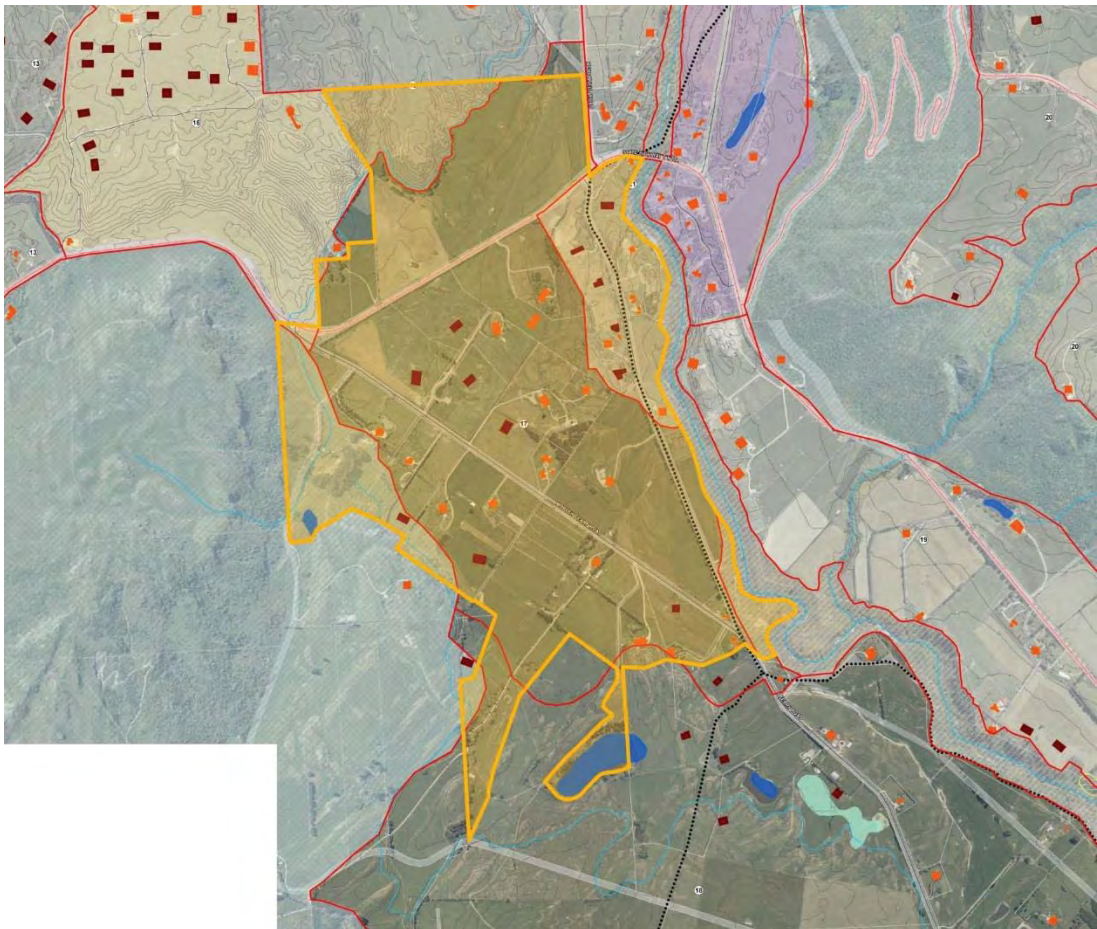


Figure 54: Allen submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

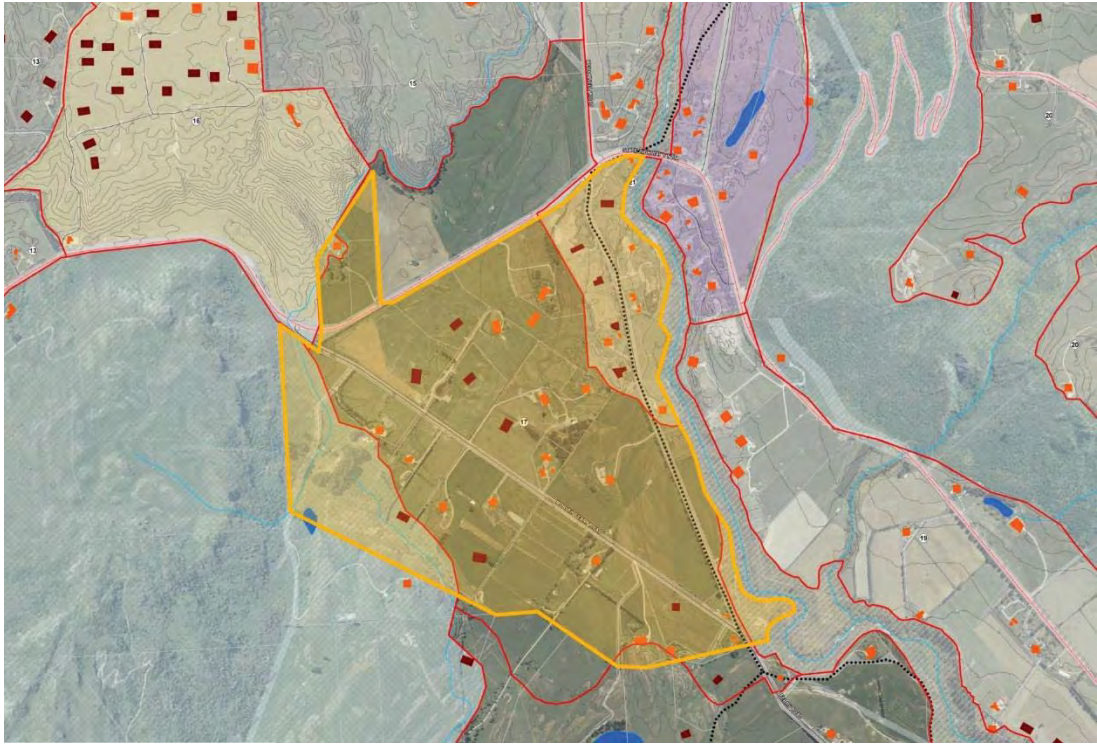


Figure 55: Dunlop & Green submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

- 46.3** The appropriateness (from a landscape perspective) of applying the Precinct to the part of the submission areas that coincides with LCU 18 and LCU 21 are discussed shortly.
- 46.4** The WB Study found that LCU 17 Morven Ferry had a **Moderate – Low** capability to absorb additional development. The area displays a mixed rural and rural residential character with vegetation providing a variable sense of containment throughout the generally flat topography.
- 46.5** The open character of much of the unit, the visibility of the northern portion of the unit from key scenic routes (SH6, McDonnell Road, Crown Range Road), and the visibility of the southern portion from the popular Queenstown Trail walkway/cycleway route, means that the area enjoys a reasonably high public profile.
- 46.6** I note that the unit forms part of the outlook in views from SH6, McDonnell Road, and the Zig Zag lookout (Crown Range Road - see WB Study Appendix 11 Sheet 2 [LINZ] Topographic Plan for location) to the surrounding ONLs (including the Crown Terrace Escarpment, Morven Hill and the flanking moraine foothill landscape to the north, and the wider mountain range setting).

- 46.7** In addition, the location of the unit on the ill-defined edge of the established rural residential node associated with Arrow Junction makes the area vulnerable to development creep.
- 46.8** An analysis of the lots that lie completely within LCU 17 identified that lot sizes range from approximately 4,000m<sup>2</sup> to 9.4ha, with the average lot size comprising 3.7ha.<sup>16</sup> This suggests a lot size patterning well above the typical rural residential lot sizes evident throughout the basin (i.e. 2ha and under, consistent with historic rural living type zonings that applied to the area under the ODP), and consequently, a landscape that is not dominated by rural residential land use.
- 46.9** On balance, it was considered that despite the benefits upzoning might enable in terms of the integration of defensible edges and reinforcing the rural residential node immediately to the east, and the moderating influence of the low-lying, easy topography and (fragmented) vegetation patterns, the high public profile of the area, together with its visual connection to the nearby ONL context weighed in favour of a Amenity Zone rather than Precinct.
- 46.10** In coming to these conclusions, I am also mindful of the comments set out in the RM160571 January 2017 Decision discussed shortly (Guthrie submission) with respect to the appropriateness of enabling rural residential development in this part of the basin.
- 46.11** For these reasons, I oppose the rezoning requests outlined in the Allen and Dunlop /Green submissions.

<sup>16</sup> It should be noted that this lot size analysis excludes the RM160571 subdivision.

**47. A WARD (2244)**

**47.1** The Ward submission relates to 123 Morven Ferry Road, a property that straddles LCU 17 Morven Ferry and LCU 18 Morven Eastern Foothills, which was notified as Amenity Zone. The submitter requests that:

- (a) The extent of the Precinct in the area be increased to include the land 100m beyond the 'Morven Ferry Triangle'; or
- (b) The submitter's land be rezoned from Amenity Zone to Precinct.

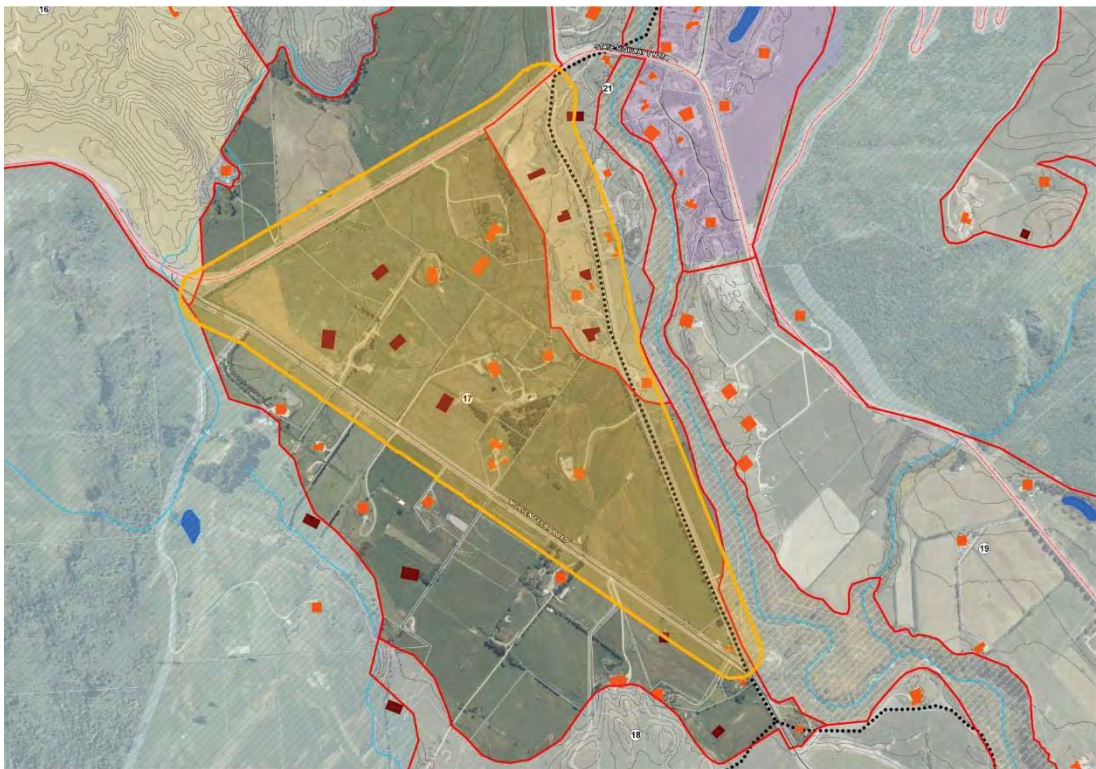


Figure 56: Location of Ward submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

**47.2** The appropriateness (from a landscape perspective) of applying the Precinct to the part of the Ward submission that coincides with LCU 21 (i.e. the north eastern margins of the submission area identified above) is discussed shortly under LCU 21 Arrow Junction.

**47.3** My response to the appropriateness of increasing the extent of the Precinct to the land 100m beyond the Morven Ferry Triangle is as discussed above in relation to the Allen and Dunlop /Green

submissions. In short, it is my opinion that the high visibility of the area, together with its visual connection to the nearby ONL context and the reasonably limited influence of rural residential development on the overall character (in comparison to other parts of the basin), weighed in favour of an Amenity Zone rather than Precinct.

**47.4** Further, adopting a Precinct boundary that is an arbitrary distance (i.e. 100m) from a road network, as suggested in this submission, is not consistent with best practice Precinct delineation methods within an amenity landscape setting (see discussion under LCU 1).

**47.5** As for many of the other site-specific submissions addressed in this evidence, the notion of introducing a rural residential precinct on the Ward land effectively amounts to a spot zoning. Given that there is nothing that sets this property apart from the balance of the unit, such an outcome is not supported from a landscape perspective.

**47.6** For these reasons, I oppose the rezoning requests outlined in the Ward submission.

**48. MC GUTHRIE (2412)**

**48.1** The Guthrie submission relates to land on the western side of Morven Ferry Road, adjacent to SH 6 intersection. The area was notified in Stage 2 as Amenity Zone, with part of the property identified as Morven Hill ONL on the Stage 1 plan maps.

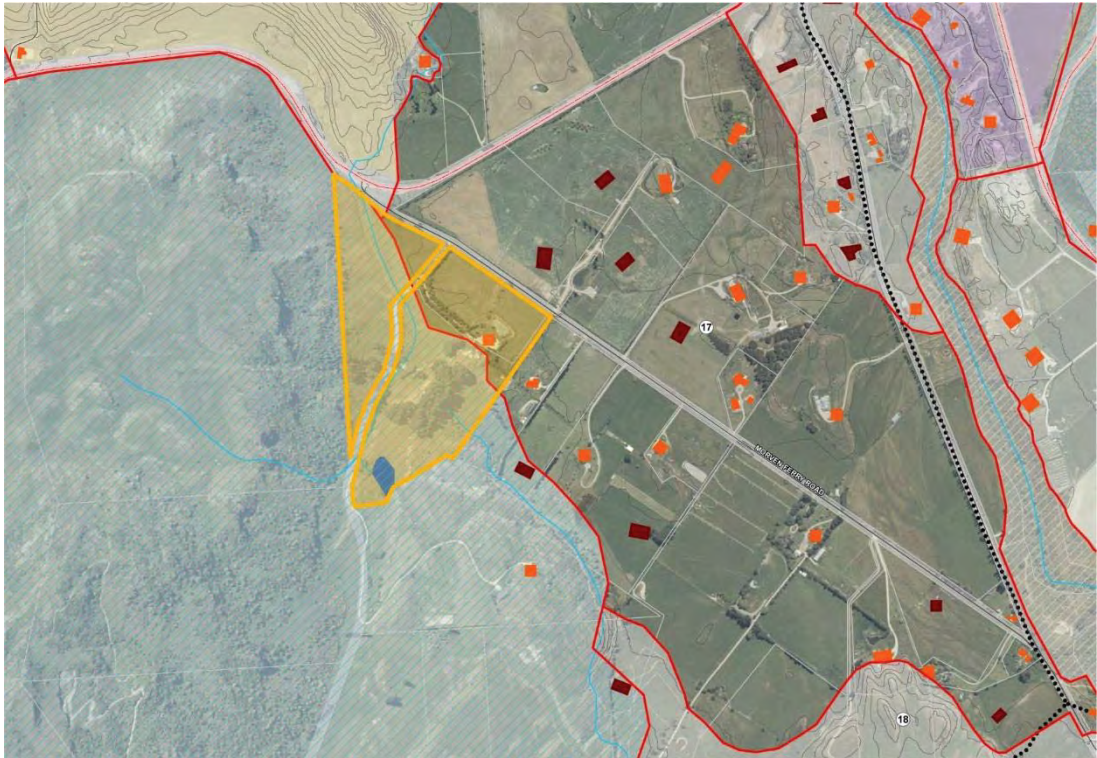


Figure 57: Location of Guthrie submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

- 48.2** The submitter requests that the land be rezoned Precinct and requests a change to the location of the ONL line. The latter is addressed in the evidence of Ms Mellsop, who recommends a change to the ONL boundary on this land as detailed below in **Figure 58**.

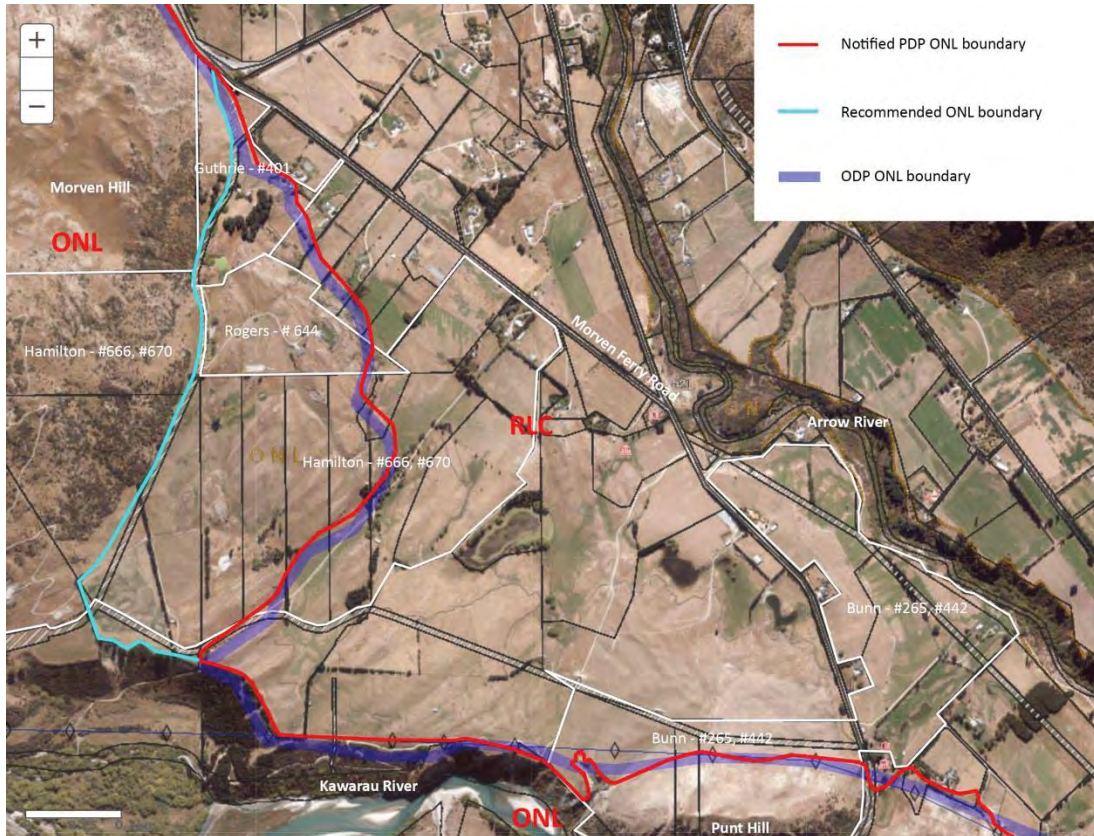


Figure 58: Recommended ONL boundary amendment as per H Mellsop Evidence in Chief.

**48.3** The submission provides no specific reasoning in support of their relief (nor landscape evidence); however, it is presumed that the recently consented five-lot rural residential subdivision on the property is considered to support the requested rezoning (RM160571 January 2017). A plan of the approved resource consent is reproduced below as **Figure 59**.



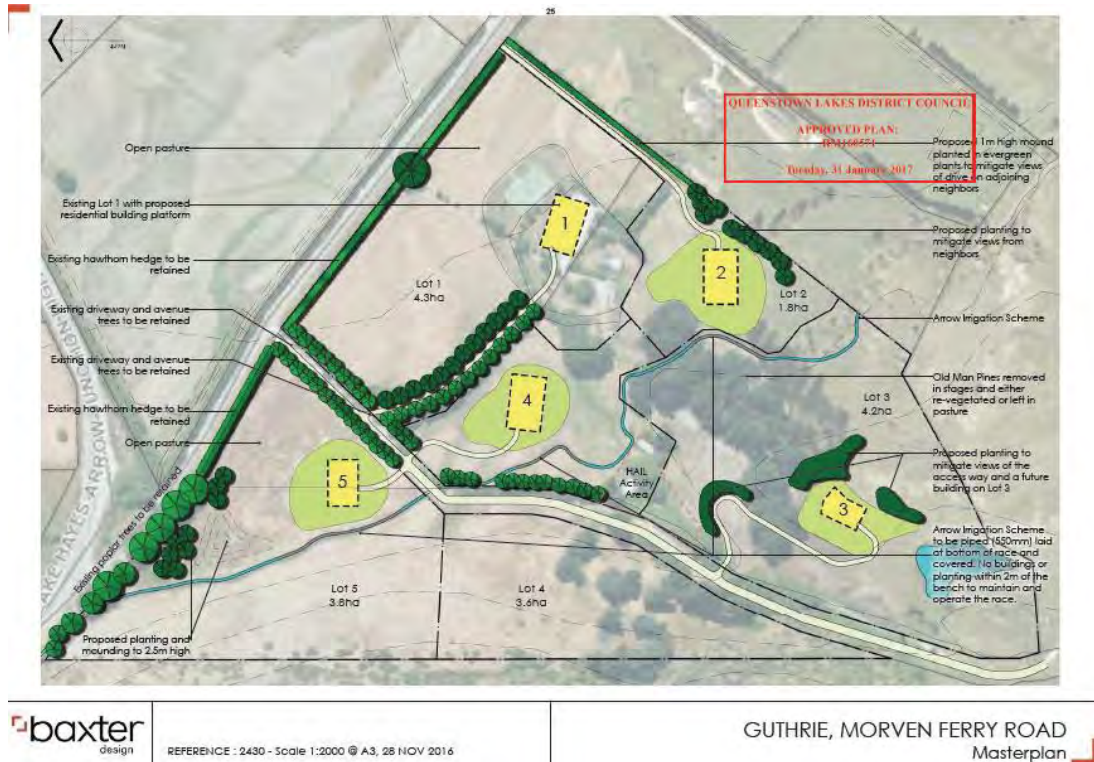


Figure 59: Approved subdivision on the Guthrie property (January 2017).

- 48.4** I note that the approved development is located outside of the Morven Hill ONL as recommended by Ms Mellisop.
- 48.5** For the same reasons outlined in the previous discussion of submissions relating to LCU 17, I do not consider it appropriate to apply the Precinct to the submitter’s land.
- 48.6** Further, I do not consider that the approved rural residential consent for the property amounts to a tacit endorsement of such a rezoning. It is my understanding from the RM 160571 Decision that the Commissioners found the application to be finely balanced (in favour of the applicant) and did not consider that the approved consent should form a cue for additional rural residential development in the area. The highlighted extracts from the Decision reproduced below reinforces this point.

Effects on Natural and pastoral Character

45. As identified by Mr Skelton, the density of housing introduced will be similar to that in the surrounding area, which is also characterised by dwellings surrounded by large areas of open pastoral space. We are satisfied that the proposal can be absorbed into the site without having any significant effects on the natural or pastoral character. In reaching this view, however, we are cognisant of the level of development in the wider Morven Ferry area. Whilst the development at present does not detract from the pastoral nature of the area, we consider that further development in the area has the potential to erode the remaining pastoral character of the area that presently assists in absorbing development and maintaining the pastoral nature of the area, particularly when viewed from Morven Ferry Road and the Crown Range Road. While we are satisfied that the present proposal is appropriate, we consider that it will result in an overall level of development in the area such that any further development is likely to lead to an over-domestication of the landscape.

Cumulative Effects

47. We have considered the landscape evidence of both Mr Denney and Mr Skelton, and we note that Mr Denney acknowledged that some development could be absorbed on the site. Having visited the site, we agree with Mr Todd's submission that removing one or two lots would not make any difference on the basis that the development is not highly visible outside the site. We agree with this view, and agree with Mr Skelton's evidence that the surrounding landscape, which includes large areas of open space with intermittent dwellings, can absorb the development proposed due largely to the retention of large areas of open space on this site, and the proposed locations of the building platforms. We do consider, however, that this proposal reaches but does not cross the capacity of the landscape's ability to absorb change, particularly taking into account the current level of built and consented development in the Morven Ferry area.

- 48.1 For these reasons, I oppose the rezoning requests outlined in the Guthrie submission.

**49. A HAMILTON (2261)**

**49.1** The Hamilton submission relates to land at 74 Morven Ferry Road.

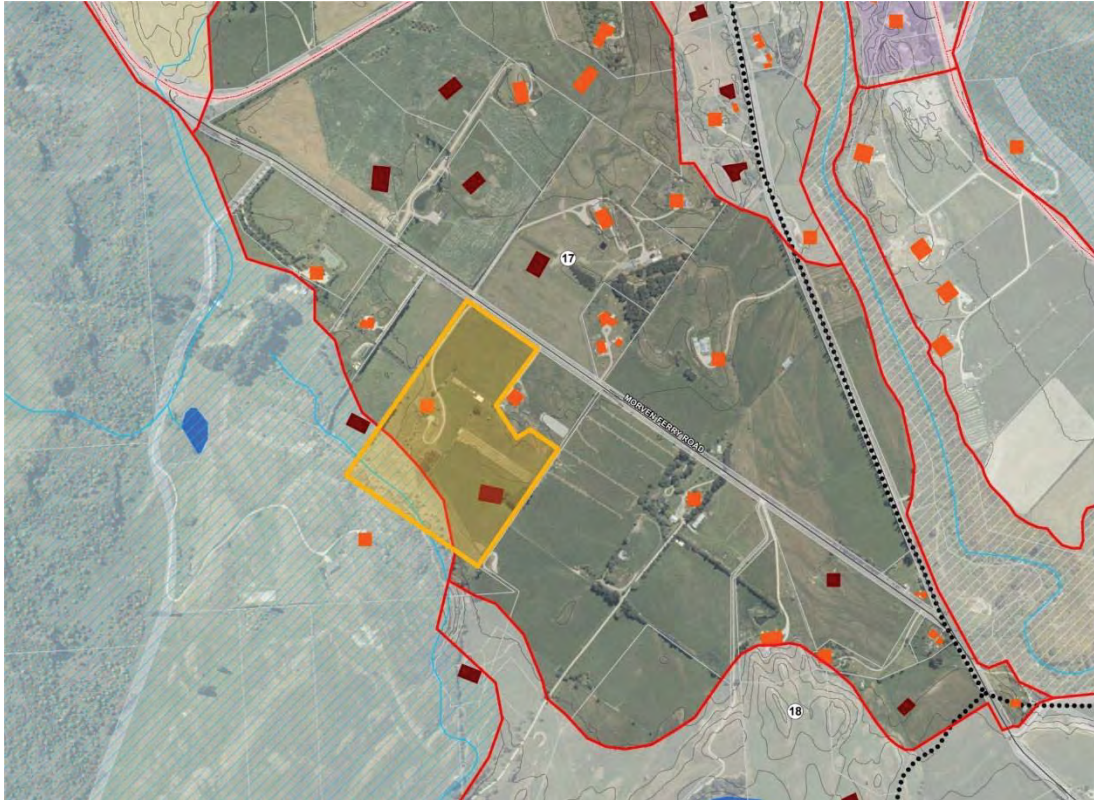


Figure 60: Approximate location of land to which the Hamilton submission relates shown in orange. (Refer **Annexure 5** for mapping legend).

**49.2** The land to which the Hamilton submission applies is identified as Amenity Zone in the Variation. The submitter requests the area is rezoned as Precinct and the Schedule 24.8 LCU 17 Description absorption capability rating amended from **Low** to **High**. The submitter also requests a change to the ONL boundary on this land which is addressed in the evidence of Ms Mellsop (refer Mc Guthrie submission evaluation at Section 48).

**49.3** For the same reasons outlined in the previous discussion of submissions relating to LCU 17, I do not consider it appropriate to apply the Precinct to the submitter's land. Accordingly, I do not agree that the absorption capability rating in the Schedule 24.8 LCU 17 Description should be changed from **Low** to **High**.

49.4 For these reasons, I oppose the rezoning request outlined in the Hamilton submission.

**LCU 18 MORVEN EASTERN FOOTHILLS (Low)**

**50. LAKE HAYES ESTATES PROPERTIES LIMITED (2525)**

50.1 The Lake Hayes Estate Properties submission relates to land along the southern edge of LCU 18 adjacent to the ONL associated with the Kawerau River.

50.2 The submission would appear to support the notified Precinct (at least in part) while requesting a discrete new precinct for their land ('Precinct B'), which provides for an average density of 1ha.

50.3 An existing dwelling and a consented platform are evident on the land to which the submission applies. Both of the lots within which these 'buildings' are located extend beyond the Amenity Zone into the ONL area to the south, with the smaller of these lots measuring approximately 4ha (using the QLDC GIS measuring tool).

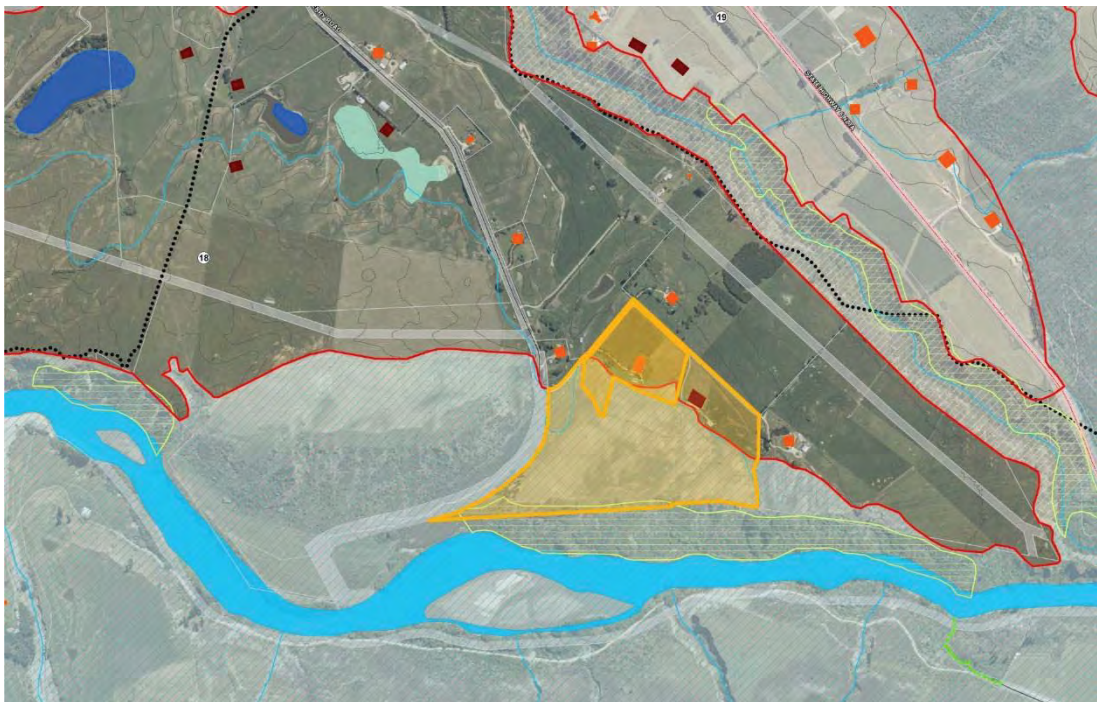


Figure 61: Extent of submission area shown in orange. (Refer **Annexure 5** for mapping legend)

- 50.4** The submission argues that the land has the potential to absorb additional rural residential development at this level (i.e. at an average density of 1/ha) without detracting from landscape and visual amenity values.
- 50.5** The WB Study found that LCU 18 Morven Eastern 'Foothills' has a **Low** capability to absorb additional development. This is primarily a consequence of:
- (a) the 'enclosure' of the unit on three sides by ONFLs;
  - (b) the role of the unit as a transition between the river/mountain ONL context to the south and the lower lying and 'more developed' river terrace to the north and west;
  - (c) the comparatively limited level of rural residential development evident within the unit and accordingly, the relatively 'undeveloped' and sleepy rural backwater character of the area; and
  - (d) the popular walkway/cycleway route that passes through the unit offering users a more remote and rural experience within the basin (and which has a distinctly rural feel in comparison to the balance of the route).
- 50.6** I also note that applying the Precinct to the submitter's land would result in an 'island' of Precinct and in so doing, effectively amount to a spot zoning.
- 50.7** Further, excepting the southern boundary of the Lake Hayes Estate Properties proposed Precinct B which aligns with the ONL (and is therefore considered to be defensible), the new precinct area relies on cadastral boundaries to define its western, northern, and eastern limits, making the Amenity Zone land adjacent vulnerable to development creep.

**50.8** Neither of these outcomes is supportable from a landscape perspective within the context of an Amenity Landscape setting.

**50.9** For these reasons, I oppose the rezoning requests outlined in the Lake Hayes Estate Properties submission.

**51. WK ALLEN & FL ALLEN SUBMISSION (2482); KT DUNLOP & SA GREEN (2609)**

**51.1** The Allen and Dunlop / Green submissions oppose the notified zoning of their land as Amenity Zone (49 & 53 Morven Ferry Road, 55 Morven Ferry Road respectively) and request that all the land that directly adjoins and is accessed off the triangle formed by Morven Ferry Road, SH6 and Arrow Junction Road and sits outside an ONF is zoned Rural Lifestyle (as per Stage 1) or for 'rural living'. The latter is presumed to be the Precinct.

**51.2** The extent of the submission areas is shown in **Figure 54** and **Figure 55** and includes some parts of LCU 18.

**51.3** For the reasons outlined above in relation to the Lake Hayes Properties submission, I oppose the rezoning requests associated with these submissions that relate to LCU 18.

**LCU 19 GIBBSTON HIGHWAY FLATS (Very Low)**

**52. GOLDCREST FARMING LIMITED (2607)**

**52.1** The Goldcrest Farming submission relates to all of the relatively flat pastoral terrace flanking SH6 that falls within LCU 19.

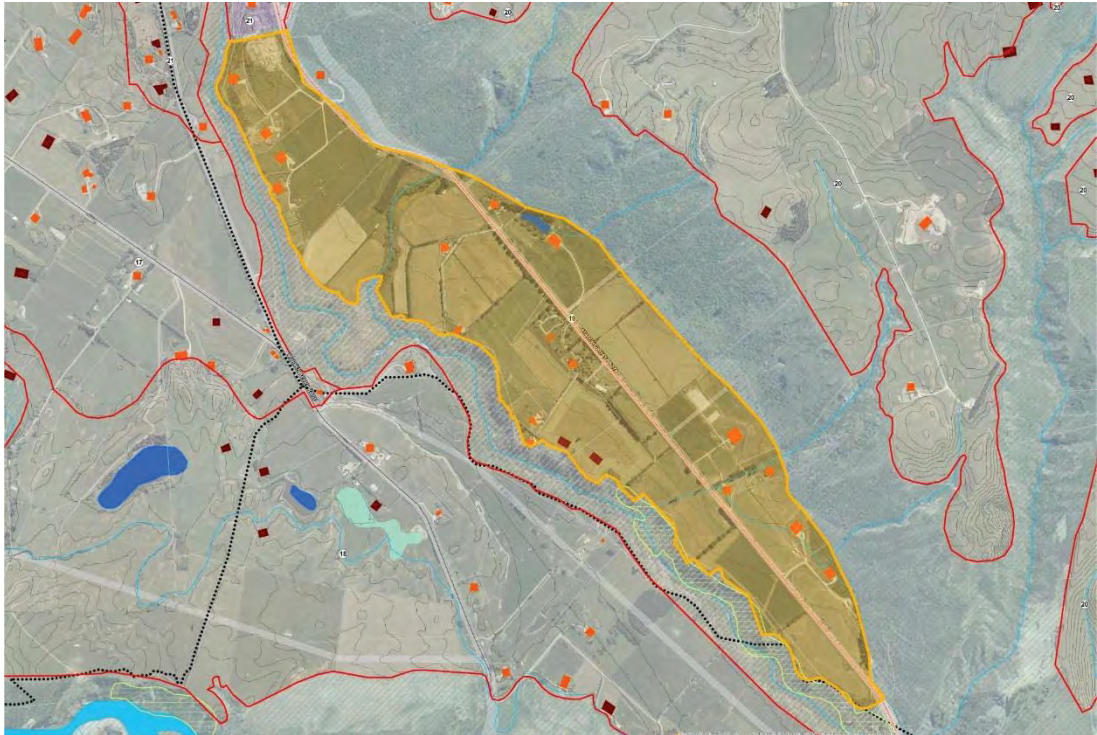


Figure 62: Location of Goldcrest Farming submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

**52.2** The submission would appear to support the Precinct (at least in part) and requests a discrete new precinct for their land ('Precinct B'), which provides for an average density of 1ha, arguing that the land has the potential to absorb additional rural residential development at this level without detracting from landscape and visual amenity values.

**52.3** The WB Study found that LCU 19 Gibbston Highway Flats was one of the three LCUs within the basin (of a total of twenty-five LCUs) that rated as having a **Very Low** capability to absorb visual change. This is primarily the consequence of:

- (a) the high visibility of the unit from SH6;
- (b) the very close proximity of the area to ONFs or ONLs on three sides (Arrow River and Crown Terrace escarpment);
- (c) the comparatively limited level of rural residential development evident within the unit and accordingly, the relatively 'undeveloped' and working rural character of the area; and

(d) perhaps most importantly, the strategic role of the LCU as a rural gateway to the Basin.

**52.4** These attributes make the unit highly sensitive to landscape change.

**52.5** Further, the high profile of the unit in combination with its rural gateway function means that additional rural residential development in the unit has the potential to compromise the perceived character of the wider Wakatipu Basin landscape.

**52.6** For these reasons, I oppose the rezoning request outlined in the Goldcrest Farming submission.

**LCU 21 ARROW JUNCTION RURAL RESIDENTIAL (High)**

**53. J HENKENHAF (2562)**

**53.1** The J Henkenhaf submission would appear to support the notified Precinct (at least in part) but requests that their property at 3 Whitechapel Road is rezoned to provide for an average density of 3,000m<sup>2</sup>, arguing that the land has the potential to absorb additional rural residential development at this level without detracting from landscape and visual amenity values.





Figure 63: Location of the Henkenhaf submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

- 53.2** The submitter's property comprises an inverted 'L' shaped property near the corner of Whitechapel Road and SH6. The land is generally flat and well vegetated, consistent with the character of other rural residential lots within the vicinity. The eastern side of the Arrow River coinciding with the established rural residential enclave was notified as Rural Lifestyle in the PDP Stage 1 (and was also Rural Lifestyle in the ODP) (1ha minimum lot size and 2ha average).
- 53.3** Using the QLDC GIS measuring tool, the submitter's land would appear to be approximately 6,600m<sup>2</sup>. It would also appear that the majority of lots in the established rural residential enclave on the east side of the Arrow River at Arrow Junction range in size from approximately 4,000m<sup>2</sup> to 7,000m<sup>2</sup>. On this basis it is fair to say that the site is typical of the existing local lot size patterning.
- 53.4** From a landscape perspective, there is nothing that sets this property apart from the balance of the established rural residential enclave on the east side of the Arrow River. To adopt an alternative density

approach on this specific property is not warranted from a landscape perspective and would effectively amount to a spot zoning on the submitter's land.

**53.5** That said, it is possible that a carefully located and designed additional dwelling may be acceptable on this property. Under the proposed Precinct regime, the submitter is able to apply for the development indicated in the submission as a non-complying activity and, assuming the effects of the development are minor, and it is in keeping with the relevant objectives and policies, consent may be granted.

**53.6** For these reasons, I oppose the rezoning request outlined in the J Henkenhaf submission.

**54. WK ALLEN & FL ALLEN SUBMISSION (2482); KT DUNLOP & SA GREEN (2609); A WARD (2244)**

**54.1** The Allen, Dunlop / Green and Ward submissions relate primarily to LCU 17, although part of their submission areas coincide with LCU 21. These submissions seek a Rural Lifestyle zoning (as per Stage 1) or for the area to be identified for 'rural living'. The latter is presumed to be the Precinct.

**54.2** The extent of the submission areas is shown in **Figure 54, Figure 55,** and **Figure 56** and I note that the extent of the submission areas that coincide with LCU 21 are identified as Precinct in the Variation.

**54.3** For the reasons outlined in the WB Study report that identify LCU 21 as being suited to absorb additional rural residential development, I do not oppose this aspect of these submissions.

**LCU 22 THE HILLS (Moderate)**

**55. TROJAN HELMET (2387)**

**55.1** The Trojan Helmet submission relates to The Hills golf course, which was notified as Amenity Zone. The submitter seeks the following relief:

- (a) The establishment of a bespoke resort zone for the land – “The Hills Resort Zone” (as a first preference);
- (b) The identification of the activity areas within the proposed (The Hills) Resort Zone Structure Plan as Precinct, with a minimum subdivision lot size of 2,000m<sup>2</sup>; or
- (c) As a least preferred alternative, amendments to the Amenity Zone provisions that introduce provisions akin to the ODP Rural General zone provisions for LCUs with a **Moderate** absorption capability rating (as is the case with LCU 22).

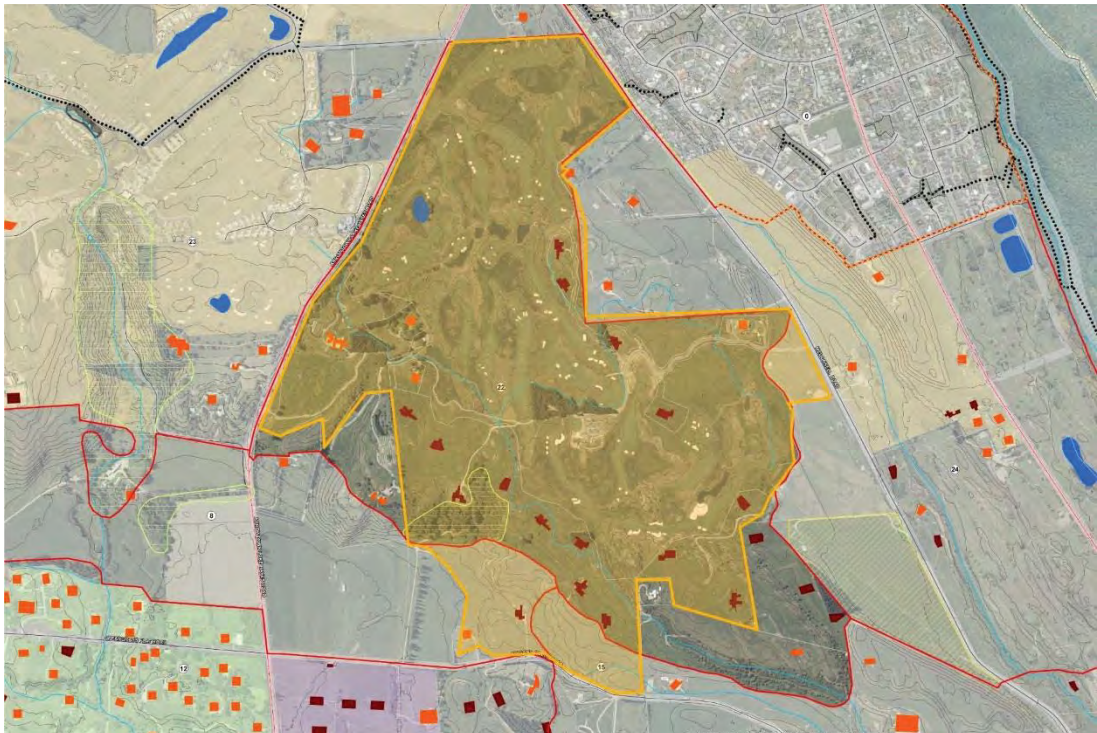


Figure 64: Location of Trojan Helmet submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

**The Hills Resort Zone**

- 55.2** The submission in relation to The Hills Resort Zone is supported by a Structure Plan (see **Figure 65** below), proposed provisions, a s32 analysis, and a range of technical reports, including a Master Planning Report (Site Landscape Architects, February 2018, which includes a Visibility Analysis and a Simulation of the area from Advance Terrace at the southern end of Arrowtown), and a Graphic Supplement for Landscape and Visual Amenity Assessment (Boffa Miskell, February 2018).
- 55.3** I note that the 'landscape material' provided in the submission falls, in my view, well short of the level of analysis that would typically be required to support a submission of this nature. Specifically, no explanation is provided as to what each of the visibility ratings mean or whether the findings (both individually and collectively) are acceptable (or not) from an expert landscape perspective. There is also no discussion provided in relation to landscape character effects.
- 55.4** It is, however, fair to say that the landscape material provides a reasonable understanding of the character of development envisaged by The Hills Resort Zone.
- 55.5** On the face of it, it would appear that the proposed resort may be able to be visually absorbed into the hummocky landscape associated with the golf course.
- 55.6** However, I am concerned that the density and character of such a development is a significant departure from more traditional rural residential development character within the Basin and the very carefully considered (and visually discreet) consented development on the property.
- 55.7** Like Millbrook, the proposed Hills Resort Zone will amount to an urban parkland landscape character. I consider that such an outcome adjacent to Arrowtown runs the risk of a perception of urban development sprawling across the Basin.

55.8 In addition, such an outcome would significantly undermine the WB Chapter strategy of ‘nodes’ of development interspersed with more open and undeveloped areas that is intended to assist with the management of cumulative adverse landscape and visual amenity effects in the basin.

55.9 In my opinion, this raises a fundamental issue with respect to the appropriateness of such a development outcome within the context of a rural s 7(c) Amenity Landscape setting.

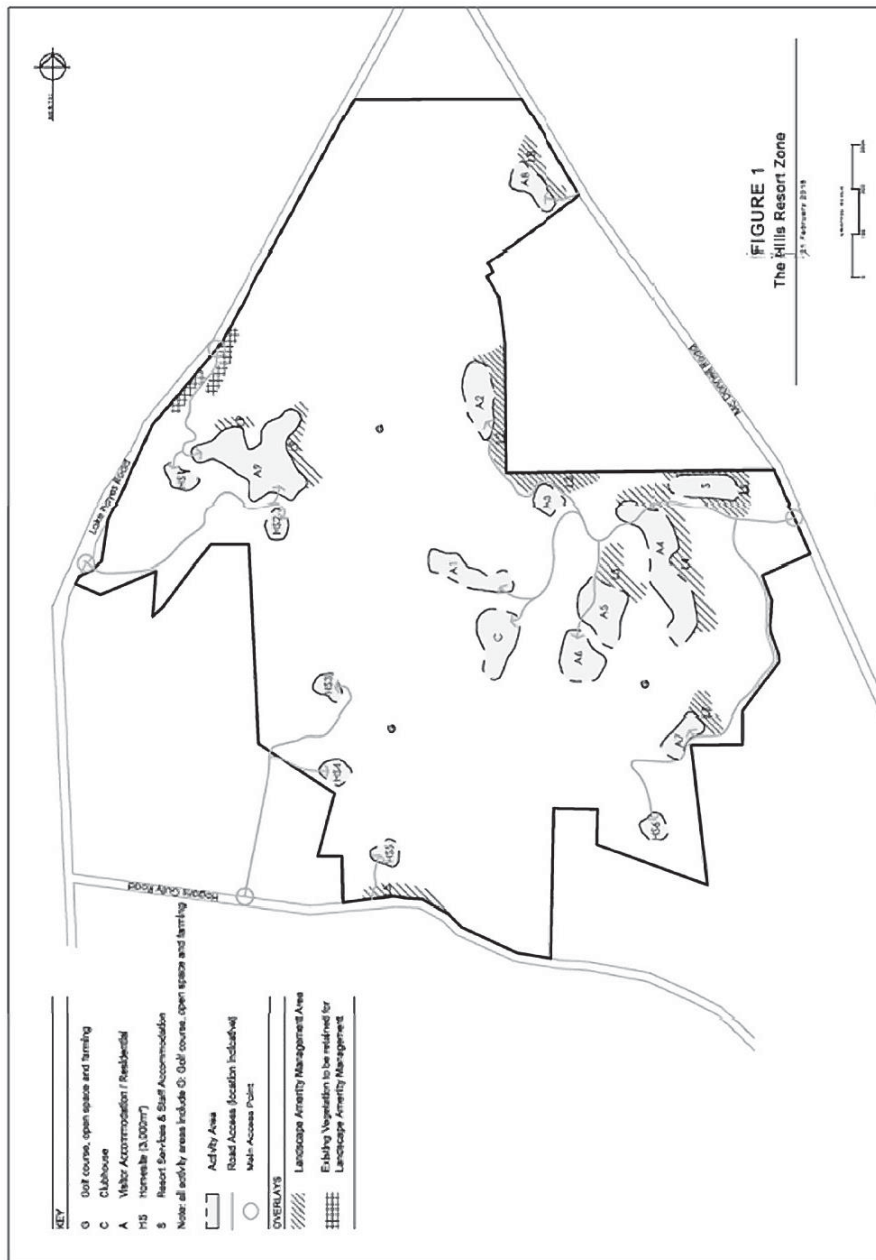


Figure 65: The Hills Resort Zone plan

### **Rezoning the 'activity areas' Precinct with a minimum subdivision lot size of 2,000m<sup>2</sup>**

- 55.10** I note that no specific landscape evaluation is provided in support of the request to rezone the 'activity areas' Precinct with a minimum subdivision lot size of 2,000m<sup>2</sup>.
- 55.11** In my opinion, this would amount to identifying fragmented and small-scale pockets of Precinct throughout some of the low-lying land throughout the golf course landscape.
- 55.12** Such an approach is at odds with the 'grain' of landscape assessment that underpins the identification of the Precinct throughout the basin and, in so doing, raises issues of methodological inconsistency.
- 55.13** By way of explanation, the WB Study sought to identify landscape character areas (or parts thereof) across the Basin that might be suited to absorb additional development (from a landscape perspective). That work was intended to inform the PDP and as such, was undertaken on a basin-wide scale, rather than on a site-by-site scale.
- 55.14** The similarity of The Hills 'activity areas' to other localised, low-lying 'hollows' on that property (and on other land within the Basin, for example, in LCU 15 Hogans Gully) means that there is very little that sets these areas apart from other WBRAZ areas within the site (and basin), suggesting that:
- (a) the proposed relief effectively amounts to a spot zoning; and
  - (b) were Council to accept the considerably more fine-grained Precinct mapping approach anticipated by this relief, it is my expectation that Council may face numerous other such requests in relation to localised low points on larger properties within the Basin.
- 55.15** Further, a key issue in the identification of 'new' additional precinct areas was the ability to integrate legible and defensible edges to limit

the potential for development creep. As explained earlier, this is considered to be of critical importance in a s7 (c) Amenity Landscape setting in which the risk of cumulative adverse landscape effects is considered to be high. A pattern of fragmented and small-scale pockets of Precinct is at odds with such an outcome, particularly where there are areas nearby that display similar landscape characteristics.

### **Amenity Zone with Rural General zone Discretionary planning regime of legacy plan**

**55.16** The landscape merits of applying the ODP discretionary regime have been discussed in Section 6 above.

**55.17** I also note that applying this regime to all LCUs with a Moderate rating (which I understand to be within the scope of the submission) would have the effect of enabling the ODP regime throughout LCU 15 Hogans Gully. I agree with Ms Mellsop's evidence that such an outcome would be inappropriate in that location also.

### **LCU 22 Description**

**55.18** For completeness, I generally disagree with the suggested amendments to the LCU 22 Description in notified Schedule 24.8 in the Trojan Helmet submission, with some minor exceptions as outlined below. I also note that the suggested amendments to the LCU Description are not supported by landscape evidence.

**55.19** For consistency with the other LCU Descriptions, I see no reason why the reference to large scale lots under 'Potential landscape opportunities...' should be deleted, as this is a factual issue (informed by the WB Study lot size analysis work).

**55.20** I agree with the suggested amendments to the description of the visibility of the LCU from the western edge of Arrowtown.

**55.21** I do not agree that the Arrow South Special Zone (not yet included in the PDP) needs to be specifically referenced in the description of views to LCU 22, as in many views from the elevated edge of Arrowtown it is

my expectation that intervening landform (and in places, buildings) will serve to screen views of the Special Zone (for example, see Site Context Photograph 5 in the Graphic Supplement for Landscape and Visual Amenity Assessment (Boffa Miskell, February 2018)).

- 55.22** I also consider that the swathe of golf courses that extend around the south west and south sides of Arrowtown do currently effectively function as a 'greenbelt'; and for this reason, I do not consider it appropriate to delete this reference.
- 55.23** It is my understanding that the level of development that has been consented on the property to date was the subject of very careful scrutiny. As with other LCUs that have been subject to such processes in the past, I consider it appropriate to signal this history to assist the appropriate (and transparent) management of such areas in the future.
- 55.24** I do not consider that the level of landscape assessment undertaken by myself (at a basin-wide level) or on behalf of the submitter, supports the assertion that the golf course is "potentially suited to accommodating a reasonably high level of development (e.g. Millbrook)".
- 55.25** Further, my LCU Description acknowledges the integration potential of the landform pattern and the relatively visually discreet nature of the unit (as a consequence of landform and vegetation patterns). I consider the reference that "well sited buildings can be absorbed due to the undulating landform and varied vegetation' is unnecessarily repetitive.
- 55.26** Given that the area is visible from locations other than Arrowtown and adjacent roads (for example, Tobins Track), I consider the narrowing-down of consideration of visual prominence effects to views from only those two places to be inappropriate.
- 55.27** The suggested amendment to the Visibility description is not opposed.
- 55.28** Overall, I oppose the Trojan Helmet submission excepting a number of relatively minor amendments to the LCU 22 Description as detailed in the evidence of Mr Barr and indicated above.



**56. DOYLE (2030)**

- 56.1** As explained earlier in the discussion of LCU 8 Speargrass Flat rezoning submissions, the Doyle submission seeks that the flat land to the north west of the Arrowtown Lake Hayes / Hogans Gully intersection is rezoned from Precinct to Amenity Zone, and LCU 22 The Hills to the north and east is rezoned from Amenity Zone to Precinct.
- 56.2** The submission argues that more rural residential development should be enabled throughout The Hills to complement the golf course and that the flat land adjacent to the intersection should be retained as 'rural' to protect the integrity of Arrowtown as a township. The submitter considers this area to be prominent from the road and to comprise the "last true rural land" before driving into Arrowtown.
- 56.3** Comments in relation to the low-lying flat land are addressed under my discussion of LCU 8 rezoning requests.
- 56.4** The application of the Precinct throughout all of LCU 22 is at odds with the above rezoning submission received by the largest landowner in the area (i.e. Trojan Helmet).
- 56.5** In my opinion, the application of the Precinct throughout the entire golf course land would undermine the green belt role of this landscape in relation to the south western edge of Arrowtown, and significantly undermine the pattern of distinct rural residential nodes separated by more open and spacious areas envisaged by the Variation and intended as a device to manage cumulative adverse effects.
- 56.6** Further, and as explained earlier, were the Precinct applied to LCU 22 The Hills, and the quadrant of land on the north western corner of the Arrowtown Lake Hayes Road/Hogans Gully intersection identified as Amenity Zone (as requested by the submitter), the latter would read as a fragmented 'left over' parcel of rural zoned land (between The Hills and the north Lake Hayes rural residential areas), making it highly vulnerable to development creep.

- 56.7 For these reasons, I oppose the rezoning of The Hills golf course to Precinct as requested in the Doyle submission.

**LCU 23 MILLBROOK (Moderate)**

**57. MILLBROOK COUNTRY CLUB SUBMISSIONS (2295 and 2605)**

- 57.1 The Millbrook Country Club submissions seek to:

- (a) Restrict the extent of the Precinct in LCU 6 on the lots to the west and south west of the Millbrook Resort Zone (**MRZ**) to land below the 440m contour, and the consequential identification of land above that contour as Amenity Zone;
- (b) Remove the Precinct from the upper slopes of the (recently subdivided) lots immediately south of Millbrook that coincide with the X Ray Trust land (see discussion of that submission under LCU 8 Speargrass Flat);
- (c) Amend the extent of the Precinct throughout the Donaldson land to the south of Millbrook such that the elevated portions of that property are Amenity Zone;
- (d) Support the removal of the Precinct from the steep slopes to the south of Millbrook as proposed in the QLDC submission (see discussion of that submission under LCU 8 above);
- (e) Amend the plan maps to exclude three slivers of land throughout the south western margins of Millbrook that have been incorrectly identified as Amenity Zone (and rezone them as MRZ);
- (f) Support the Amenity Zone of a number of properties to the northwest and north of Millbrook Resort that coincide with LCU 1 Malaghans Valley;

- (g) Support the Amenity Zone of the Middlerigg Lane properties ‘within’ the northern portion of Millbrook Resort. As these properties are the subject of landowner submissions discussed below, comments in relation to this aspect of the Millbrook Country Club submission are also addressed below; and
- (h) Support the Amenity Zone of a series of properties on the eastern side of Millbrook Resort (along Arrowtown Lake Hayes Road). As these properties are the subject of landowner submissions discussed below, comments in relation to this aspect of the Millbrook Country Club submission are also addressed below.

**57.2** Item (d) above is supported for the reasons set out under my discussion of the QLDC submission as part of the LCU 8 Speargrass Flat rezoning requests.

**57.3** With respect to item (e), I agree with the submitter that the plan maps should be amended to exclude the three slivers of land around the south eastern edges of Millbrook from the Amenity Zone, as they lie within the MRZ. Those slivers of land should be zoned Millbrook Resort Zone, as they were in Stage 1.

**57.4** In regard to item (f), for the reasons set out in the discussion of LCU 1 rezonings, I do not oppose the submitter’s request that the land to the northwest and north of Millbrook that coincides with LCU 1 Malaghans Valley is identified as Amenity Zone.

**57.5** With respect to items (a), (b), and (c) above, the submitter argues that the approach of integrating Landscape Protection areas throughout the elevated and more publicly visible areas within the Resort suggests that rural residential development above the 440m contour on the blocks to the south west is inappropriate (identified as ‘A’ in **Figure 66** below).

**57.6** Further, the recently consented development on the upper portion of the X Ray Trust land (previously referred to as ‘the Plateau’ and

identified as ‘B’ in **Figure 66** below) signals the maximum number of building platforms that are appropriate in that particular location.



Figure 66: Areas adjacent Millbrook where the submitter requests that rural residential development should be restricted. In Area A it is sought that rural residential development is limited to below the 440m contour. In Area B it is sought that no additional buildings should be allowed.

- 57.7** In relation to the Donaldson land (refer **Figure 67** below), the submitter argues that rural residential development on that land has the potential to be visible on the ridgeline and skyline from distant public views, and will detract from the visual amenity enjoyed within the adjacent resort area (and, in particular, in relation to views enjoyed from those dwellings to the surrounding mountain context).



Figure 67: The Donaldson land (shaded blue), which is surrounded by MRZ on three sides.

- 57.8** I agree that the Millbrook Landscape Protection areas (which are now included in the PDP and I understand are beyond appeal) have been developed to ensure that the extent of resort development is confined to the lower, and therefore, more visually discreet portions of the property.
- 57.9** However, I do not consider that the character of built development evident and anticipated at Millbrook is comparable to the development character envisaged by the WBLP. At Millbrook, approximately 265 dwellings are configured throughout a golf course landscape, typically in a clustered arrangement of standalone, terraced and semi-detached dwellings, with many being two-storey. I consider the character of development at Millbrook to epitomise an urban-type built form patterning (albeit a high quality and attractive one), set within a highly modified parkland setting.
- 57.10** In contrast, the development character anticipated by the Precinct comprises standalone, (largely) single-storey dwellings (potentially with small scale residential flats) at an average density of one lot per 1ha, with a wide range of landscape-driven assessment criteria that seek to ensure built development is well integrated into the landscape. The outcome of such a regime is, in my view, best described as a sympathetic rural residential development character.

- 57.11** For this reason, I do not consider it appropriate to simply ‘transfer’ the Landscape Protection strategy applied in the MRZ provisions to the adjacent Precinct land.
- 57.12** However, the consideration of (visual) amenity effects on neighbouring properties and public places is, in my opinion, a valid concern, particularly within the context of an Amenity Landscape setting.
- 57.13** The Landscape Feature 50m building setback extending along the northern portion of Millbrook’s west boundary, together with the restricted discretionary subdivision regime with assessment criteria that require the consideration of effects on the visual amenity of neighbouring properties and public places, will ensure that rural residential development throughout the elevated Wharehuanui Hills (including Blocks A and B, and the Donaldson block identified above), does not detract from the established character of Millbrook nor the visual amenity enjoyed from public places in the vicinity.
- 57.14** Whilst I do not think it is appropriate to go so far as to effectively identify areas on the Donaldson block where rural residential development is inappropriate, my review of recent consents within the Basin (as part of the Case Study work that followed the completion of the WB Study, and in preparing this statement of evidence) revealed that it is not uncommon for ‘no build’ areas to be integrated into approved subdivisions to maintain the sense of openness and spaciousness of the landscape, and to maintain visual amenity values in views from public places and neighbouring properties.
- 57.15** For these reasons, I consider it is appropriate that reference to the use of ‘no build areas’ be added to the list of matters to be considered in the subdivision assessment criteria to give a clear signal to plan users that such a development design device may well be appropriate to manage adverse landscape and visual effects.
- 57.16** In reviewing this submission, I have also considered whether it is appropriate to extend the Landscape Feature line further eastwards throughout the portion of LCU 6 to the immediate south of Millbrook.

- 57.17** In this location, the landform is more continuously undulating in character and effectively merges with the adjacent Millbrook landform pattern, with no clear hillside or escarpment feature evident along the north side of LCU 6 (refer **Figure 69** below). As such, the identification of a Landscape Feature 'line' on the mapping is not warranted in this location.
- 57.18** I have also considered whether it is necessary to restrict the extent of rural residential development in the neighbouring LCU 6 Wharehuanui Hills unit to the 440m contour as requested by Millbrook Country Club.
- 57.19** **Figure 68** overleaf shows the PDP Stage 1 Decisions Version of the MRZ Structure Plan for the western portion of Millbrook.
- 57.20** **Figure 69** shows the 440m contour as a yellow line.<sup>17</sup> Elevated land corresponds to areas that are progressively browner in tone.
- 57.21** This graphic demonstrates that virtually all of the south western portion of Millbrook Resort (referred to as the 'South Dalglish Area' in the MRZ) is above the 440m contour. This includes land where resort buildings are anticipated (and Landscape Protection areas and Golf Course Open Space), thus rendering an argument of visual prominence of development above the 440m contour on the neighbouring land somewhat curious.
- 57.22** Further, the majority of the 'elevated' MRZ land falls northwards towards Malaghans Valley whilst the LCU 6 'elevated' land falls south westwards back towards the Wharehuanui Hills elevated and undulating plateau, suggesting that the latter is more visually discreet.
- 57.23** I also note that residential development within the South Dalglish Area would appear to be located to optimise the containment of the higher landform that runs along the western edge of the area. In my opinion, the configuration of the MRZ layout, together with the proposed

<sup>17</sup> As explained earlier, it should be noted that the extent of the LCU 6 and the WBLP do not align perfectly along the edges of parts of the Wharehuanui Hill system as the notified Precinct boundary (and consequently, the Landscape Feature line) was determined by a more refined analysis of the landform patterning.

Landscape Feature setback (50m) in the adjacent portion of the Precinct, and the requirement for all subdivision to be a restricted discretionary activity (as a minimum) with landscape-driven assessment, will safeguard the visual amenity and landscape character of the neighbouring resort area, such that the (suggested) 440m contour line restriction is not considered necessary.

**57.24** With respect to the southern boundary of the South Dalgleish Area, earth mounding is proposed within the resort, presumably for (at least in part) amenity and privacy reasons in relation to both the golf course and residential areas. For similar reasons to those set out above, I consider a restriction of rural residential development to land that sits below the 440m contour unnecessary in this location.

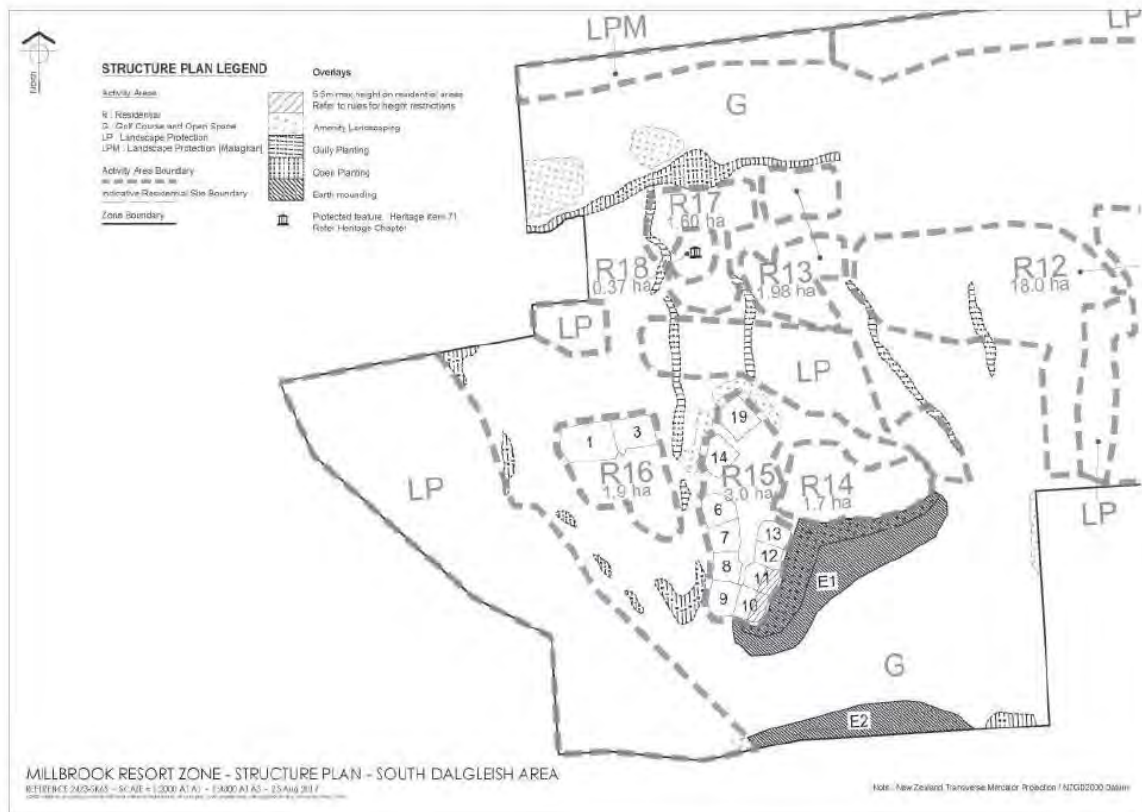


Figure 68: Millbrook Resort Structure Plan (South Dalgleish Area).



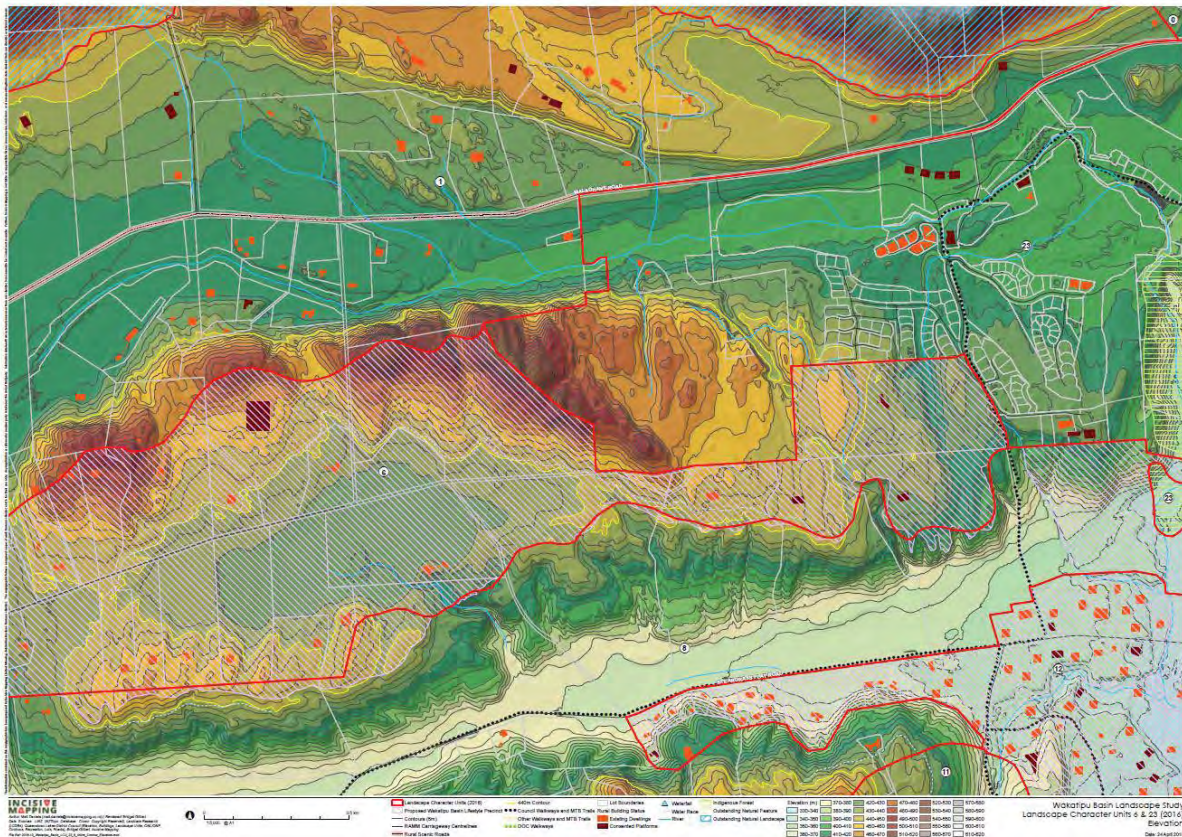


Figure 69: Elevation mapping of Millbrook and its context with the 440m contour line identified in yellow.

**57.25** For these reasons the following aspects of the Millbrook Country Club submission are not opposed from a landscape perspective:

- (a) Amendment to the mapping of the Precinct south of MRZ such that steep slopes are removed and the extent of the Precinct is restricted to the low-lying flat land north of the existing settlement at the north end of Lake Hayes as proposed in the QLDC submission #2239 (see discussion of that submission under LCU 8 above);
- (b) Amendment to the plan maps to exclude three slivers of land throughout the south western margins of Millbrook that have been incorrectly notified as Amenity Zone; and
- (c) Amenity Zone zoning of a number of properties to the northwest and north of Millbrook Resort that coincide with LCU 1 Malaghans Valley.

**57.26** The following aspect of the Millbrook Country Club submission is not opposed in part:

- (a) Identification of the Amenity Zone throughout a series of properties to the southwest of MRZ and adjacent the Waterfall Park Zone (addressed in the G Wills & T Burdon submission (2320) submission).

**57.27** For these reasons (and the reasons outlined in the discussion of submissions that relate to neighbouring land, discussed shortly), the following aspects of the Millbrook Country Club submission are opposed from a landscape perspective:

- (a) The restriction of the extent of the precinct in LCU 6 on the lots to the west and south west of MRZ to land below the 440m contour, and the consequential identification of land above that contour as Amenity Zone;
- (b) The removal of the Precinct (and subsequent rezoning to Amenity Zone) from the elevated portion of the (recently subdivided) lots immediately south of Millbrook that coincide with the X Ray Trust land;
- (c) Amending the extent of the Precinct throughout the Donaldson land to the south of Millbrook such that the elevated portions of that property are Amenity Zone;
- (d) Retention of the notified Amenity Zone in relation to the Middlerigg Lane properties 'within' the northern portion of MRZ (addressed in the JE Griffin (2580), PH Archibald (2501) submissions); and
- (e) Retention of the notified Amenity Zone in relation to a series of properties on the eastern side of MRZ (along Arrowtown Lake Hayes Road) that are effectively enclosed on three sides by Millbrook (addressed in the J Egerton & Cook Allan Gibson Trustee Company Limited (2419), M & K Campbell

(2413), Boundary Trust (2444) and Spruce Grove Trust (2512) submissions).

**58. JE GRIFFIN (2580), PH ARCHIBALD (2501)**

**58.1** The Griffin and Archibald submissions relate to two properties on Middlerigg Lane that, collectively, are surrounded by MRZ.

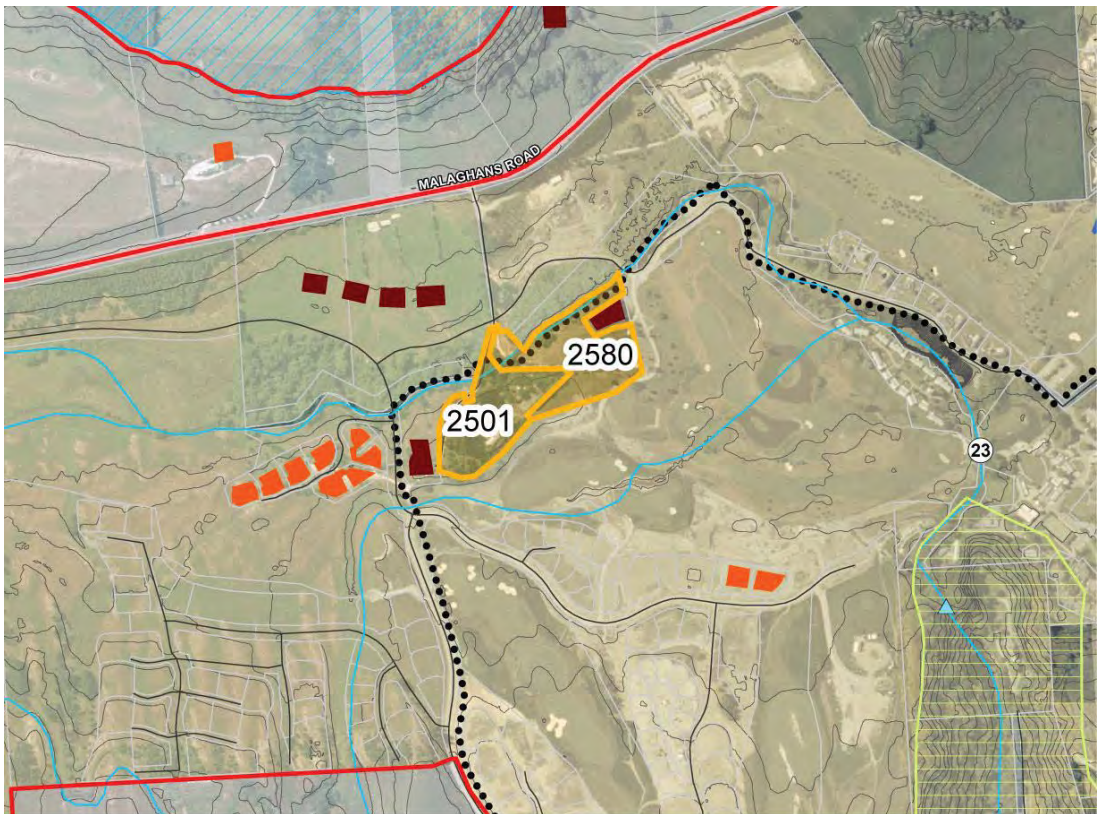


Figure 70: Location of submissions shown in orange. (Refer **Annexure 5** for mapping legend.) It should be noted that collectively these submission areas are surrounded on all sides by the MRZ.

**58.2** Each of these submissions would appear to support the Precinct in the WB Chapter, and seek inclusion within the MRZ<sup>18</sup> or within the Precinct, with a new 'Precinct A' notation applied that allows for subdivision to an average density of 4,000m<sup>2</sup>.

**58.3** These properties are approximately 1.5ha and 1.8ha in size (using the QLDC GIS measuring tool) and comprise relatively low-lying and

18 Referred to as the 'Millbrook Special Zone' in the submissions

visually discreet parcels that effectively read as part of the resort. The western (1.5ha) property is densely vegetated.

**58.4** Assuming no ‘constraints’ to development (which is highly unlikely, given the vegetation patterning in the area and potential for internal and external amenity effects), applying the Precinct 1ha average would yield no additional lots. (I note that were the average 4,000m<sup>2</sup> lot size applied here, and assuming the same lack of ‘constraints’, a maximum yield of five additional lots would be enabled.)

**58.5** In my opinion, either MRZ or Precinct are considered to be appropriate for these two properties. That said, I defer to Mr Langman with respect to the planning merits of including this area within the MRZ.

**58.6** For these reasons, I do not oppose the application of the Precinct or MRZ throughout the land to which the Griffin and Archibald submissions apply.

**59. J EGERTON & COOK ALLAN GIBSON TRUSTEE COMPANY LIMITED (2419), M & K CAMPBELL (2413), BOUNDARY TRUST (2444) AND SPRUCE GROVE TRUST (2512)**

**59.1** In the case of the Egerton & Cook Allan Gibson Trustee Company, Campbell, Boundary Trust and Spruce Grove Trust submissions, the submitters seek inclusion of a grouping of lots along the eastern side of Millbrook Resort within the MRZ.



Figure 71: Location of the area to which these submissions apply shown in orange. (Refer **Annexure 5** for mapping legend.)

- 59.2 This relatively small-scale and discrete area addressed in these submissions effectively reads as a ‘cut out’ in the resort along its Arrowtown Lake Hayes Road frontage.
- 59.3 Further, the land referred to in these submissions displays an established rural residential character. This is the consequence of the existing lifestyle development throughout the area in combination with the relatively small scale of the ‘cut out’ within the context of a large-scale resort landscape setting.
- 59.4 In my opinion, either MRZ or Precinct are considered to be appropriate for this area, as it is dominated by Millbrook Resort. That said, I again defer to Mr Langman with respect to the planning merits of including this area within the MRZ.
- 59.5 For these reasons, I do not oppose the application of the Precinct or MRZ to the land addressed in the Egerton & Cook Allan Gibson Trustee Company, Campbell, Boundary Trust and Spruce Grove Trust submissions.

**60. G WILLS & T BURDON SUBMISSION (2320)**

**60.1** The Wills & Burdon submission relates to a series of lots adjacent to the south western corner of MRZ and Arrowtown Lake Hayes Road. The north boundary of the land to which the submission applies adjoins a golf course area within Millbrook Resort. The western boundary adjoins the Waterfall Park Zone (**WPZ**) and the south boundary coincides with the character unit boundary delineating between LCU 23 Millbrook and LCU 8 Speargrass Flats. The land itself was notified as Amenity Zone.

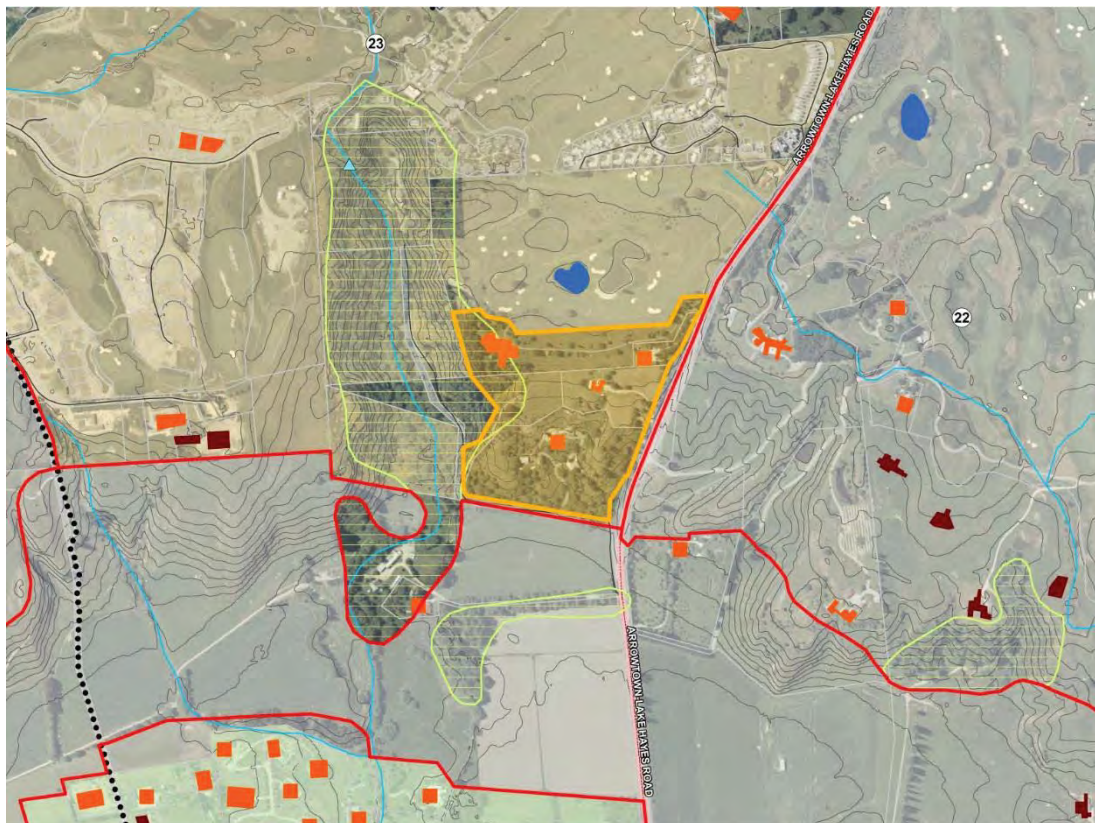


Figure 72: Location of the Wills & Burdon submission area shown in orange. (Refer **Annexure 5** for mapping legend.)

**60.2** The submission seeks upzoning of the area from Rural Amenity to Precinct with an average lot size of 4,000m<sup>2</sup>, arguing that this better reflects the existing pattern of subdivision and land use.

**60.3** The five lots within the area range in size from approximately 7,900m<sup>2</sup> to 4.4ha. Assuming no ‘constraints’ to development (which is highly

unlikely given the vegetation patterning in the area and potential for internal and external amenity effects), applying the Precinct 1ha average would yield a maximum of 4 additional lots. (I note that were the average 4,000m<sup>2</sup> lot size applied here, and assuming the same lack of 'constraints', a maximum yield of 17 additional lots would be enabled.)

**60.4** The WPZ adjacent the area (refer **Figure 73** below) provides for a range of development typologies (visitor, residential resort services) throughout the base of the valley adjacent to the submitter's land, effectively enclosed by a buffer of open space and passive recreation areas around the upper slopes of the valley sides.



Figure 73: Waterfall Park Zone

**60.5** The southernmost lot (347 Arrowtown Lake Hayes Road) encompasses the moderate to steep, vegetated slopes that fall southwards towards the Speargrass Flats and provide an important green backdrop to the established rural residential node at the north end of Lake Hayes and the low-lying flat land adjacent.

- 60.6** The balance of the submission area comprises steeper vegetated slopes that fall towards the WPZ, together with a portion of flatter, elevated land that is reasonably well screened from the surrounding area (including in views from Arrowtown Lake Hayes Road to the east) and would appear to have a visual connection with Millbrook Resort.
- 60.7** From a landscape perspective, it is appropriate to enable rural residential development throughout the elevated, visually discreet, flat land that coincides with 367, 395 and 397 Arrowtown Lake Hayes Road and displays a connection with the adjacent resort landscape.
- 60.8** It is not, however, considered appropriate to apply the Precinct to the steeper vegetated slopes along the western and southern sides of the area covered by this submission, as both of these areas are of visual importance in shaping the character of neighbouring landscapes (i.e. Speargrass Flats and Waterfall Park). Further rural residential development throughout these vegetated slopes has a high potential to generate adverse landscape effects in relation to landform and vegetation modification.
- 60.9** For these reasons, the G Wills & T Burdon submission is not opposed in part, with limited upzoning to Precinct of the area as depicted in the **Figure 74** mapping below.



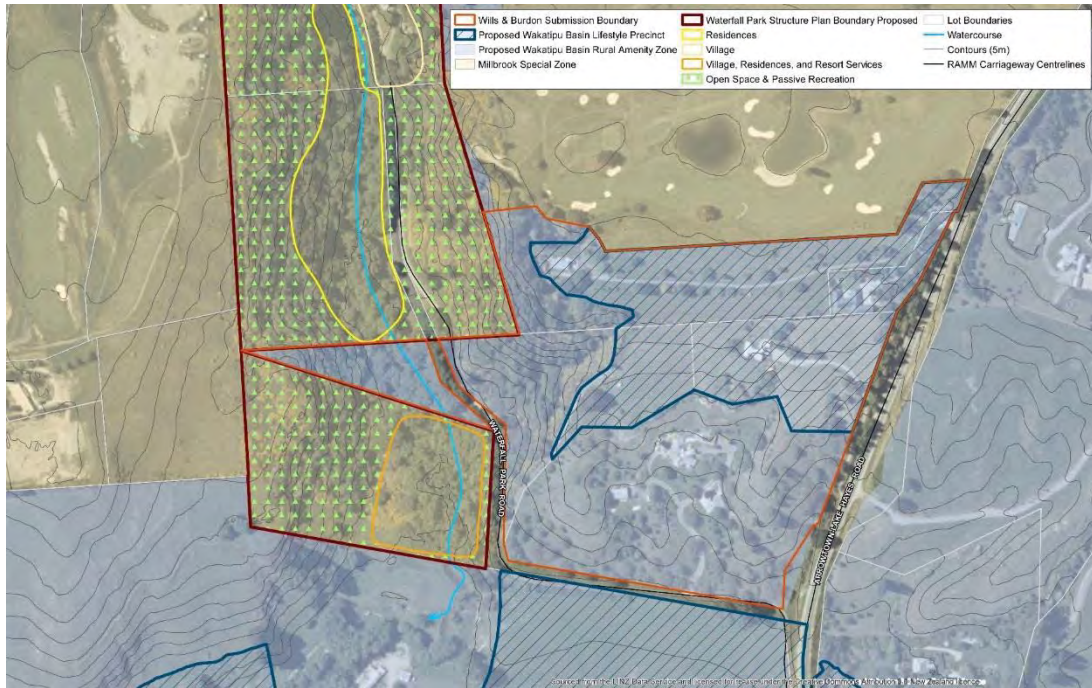


Figure 74: Recommended extent of Precinct on the land to which the Wills Burdon submission relates (shown in blue hatch).

## 61. WATERFALL PARK DEVELOPMENTS LIMITED (2388)

**61.1** The Waterfall Park Developments submission straddles LCU 8 and LCU 23. The submission has been fully described in Section 32 of this evidence. The extent of the submission area that relates to LCU 23 encompasses:

- (a) An irregularly shaped area at the southern end of WPZ (coinciding with the Ayrburn 'homestead') that was notified as Amenity Zone in the Variation. A new Ayrburn Zone or an extension of the WPZ is requested for this area. Also of relevance to this submission area is the earlier recommendation that the extent of the Precinct be amended in accordance with the QLDC submission (refer **Figure 30**, **Figure 31**, and **Figure 75** below);
- (b) The 'wedge' shaped area adjacent to the Wills Burdon submission area discussed above in Section 60 where WPZ is sought (refer **Figure 75** below); and

(c) Land covered by the Wills Burdon submission area where Precinct is sought (refer **Figure 75** below).

**61.2** Each of these areas were identified as Amenity Zone in the notified Variation.



Figure 75: Waterfall Park submission area. 'Irregularly shaped area' relates to the lighter blue coloured area with sloping red hatch in centre of "Rezone Ayrburn Zone" area. The 'wedge area' relates to the area annotated as "Rezone Waterfall Park Zone". The Wills Burdon submission area relates to the area with a blue horizontal hatch and annotated as "Rezone Wakatipu Basin Lifestyle Precinct".

**61.3** In my opinion, the spacious and well-vegetated character of the irregularly shaped area proposed as WPZ forms an important buffer to the urban village development at the southern end and very close to the boundary of the Stage 1 PDP WPZ. In my opinion, the retention of this area as Amenity Zone is important in managing the effects of the proposed urban development adjacent and avoiding the potential for urban development creep southwards.

**61.4** With respect to the 'wedge' area where WPZ is requested, the contained valley landscape character of this area is consistent with the valley landscape of the (existing) WPZ land to the north and south.

- 61.5** The 'wedge' effectively forms an artificial cut out in the existing WPZ pattern. From a landscape perspective, and assuming that a similar approach to development is adopted to that envisaged by the existing Stage 1 PDP WPZ whereby built development is confined to the valley floor with the valley sides zoned Open Space and Passive Recreation, there is no reason why this portion (i.e. the wedge) should not be zoned WPZ. However I defer to Mr Langman with respect to the planning merits of extending the WPZ in this location.
- 61.6** For these reasons I do not oppose the rezoning of part of the Waterfall Park submission area that coincides with LCU 23 as Precinct. The extent of rezoning to Precinct that is considered to be appropriate is shown in **Figure 73** above. I also do not oppose the extension of the WPZ over the 'wedge' area that coincides with the submission area.

**LCU 24 SOUTH ARROWTOWN (High)**

- 61.7** A number of rezoning requests have been received in relation to LCU 24. No landscape evidence is provided in this statement in this regard, as I understand the QLDC position derives from other planning considerations.

## **RURAL AMENITY ZONE AND PRECINCT TEXT PROVISIONS**

### **62. RURAL AMENITY ZONE MINIMUM LOT SIZE**

- 62.1** Several submissions<sup>19</sup> query the 80ha minimum lot size in the Amenity Zone, arguing that the landscape to which the Amenity Zone applies is capable of absorbing development at a higher density. Submissions also frequently express a preference for the ODP or PDP Stage 1 Rural Discretionary approach to be re-introduced.
- 62.2** Comments with respect to the appropriateness of the ODP and PDP Stage 1 Rural Discretionary approach have been addressed previously at Section 6.
- 62.3** From a landscape perspective, minimum lot sizes can create a tension with subdivision design best practice; and I have a sympathy with many of the submissions in this regard. Typically, landscape architectural inputs into a subdivision design seek to respond to the specific landscape circumstances of the site, with the appropriate location of building platforms and accessways together with planting and earthworks requirements dictating the appropriate lot arrangement rather than a prescribed, 'one size fits all' minimum lot size.
- 62.4** However, in my experience, it is not unusual for district plans to set minimum and / or average lot sizes to send a clear signal to plan users of the anticipated level of development within a zone. This is particularly the case in locations where there is a high level of development pressure and / or high landscape values. In my opinion (and relying on the evidence of Mr Langman with respect to the level of development pressure evident in the Basin), both of these circumstances apply throughout the land identified as Amenity Zone.
- 62.5** As explained previously, a fundamental principle underpinning the Variation is the strategy of enabling some additional rural residential development in distinct 'nodes' throughout the Basin (corresponding to

<sup>19</sup> Referencing the collective terminology for submissions set out in the evidence of Mr Barr: Brustad et al and 2321.

the Precinct), interspersed with more open, undeveloped and spacious areas to maintain the amenity values of the wider area.

**62.6** The proposed 80ha minimum lot size was deliberately selected to clearly signal that only an extremely limited level of additional development was considered to be appropriate in the WBRAZ to ensure the maintenance of the open, relatively undeveloped and spacious areas between the rural residential 'nodes'.

**62.7** The WB Study found that the LCUs that fall within the Amenity Zone have a varying sensitivity to additional rural residential development (ranging from **Moderate** to **Very Low**), suggesting that some parts of the proposed Amenity Zone may be suited to development at a density greater than 80ha.

**62.8** However, in my opinion, the importance of the collective configuration or pattern of the Amenity Zone throughout the Basin justifies the application of a consistent landscape planning approach across these portions of the basin for the following reasons:

- (a) the perception of the Basin as an Amenity Landscape;
- (b) the avoidance of the impression of development sprawl and cumulative adverse 'landscape' effects; and
- (c) the protection of landscape and visual amenity values associated with neighbouring ONFs and ONLs.

**62.9** It is possible that some additional rural residential development may be appropriate in some locations within the Amenity Zone.

**62.10** Under the proposed Amenity Zone regime, landowners are able to apply for development at a higher density than 80ha as a non-complying activity and, assuming the effects of the development are minor, and it is in keeping with the zone's objectives and policies, consent may be granted. Within the context of an Amenity Landscape (i.e. RMA s7(c)) landscape setting, I consider such a planning regime to be appropriate.

**62.11** I also note that submissions requesting: a reduction in the Amenity Zone minimum lot size to 4.5ha; and a 1ha regime as a controlled activity throughout the Amenity Zone with subdivisions at a density below 1ha administered as a restricted discretionary activity.

**62.12** For the reasons outlined above, I oppose these requests.

**62.13** On balancing these considerations, it is my opinion that the proposed minimum lot size of 80ha within the Amenity Zone is appropriate from a landscape perspective.

### **63. PRECINCT AVERAGE AND MINIMUM LOT SIZE**

**63.1** Numerous submissions<sup>20</sup> query the proposed 6,000m<sup>2</sup> minimum lot size and 1ha average lot size regime proposed for the Precinct. A range of alternate planning regimes are requested including:

- (a) Introducing a minimum lot size of 4,000m<sup>2</sup>;
- (b) Deleting the minimum lot size regime to enable greater flexibility in subdivision design and opting for an average lot size of 4,000m<sup>2</sup> (referred to in some submissions as the 'Precinct A' approach);
- (c) Opting for an average 1ha lot size with no minimum lot size to enable greater flexibility (referred to in some submissions as the 'Precinct B' approach); and
- (d) Describing the average lot size as a 'minimum average lot size' to signal that it may be appropriate to have larger lot sizes.

<sup>20</sup> Referencing the collective terminology for submissions set out in the evidence of Mr Barr: Brustad et al, Stoneridge Estate et al, 2126, 2314, 2301.

#### **4,000m<sup>2</sup> minimum lot size**

- 63.2** Several submissions<sup>21</sup> seek a 4,000m<sup>2</sup> minimum lot size within the Precinct, citing the WB Study in support and/or the capability of the landscape to absorb additional development at this level.
- 63.3** The WB Study was a collaborative study in which I contributed expert landscape advice to determine those areas of the Basin where additional development might be able to be absorbed without detracting from landscape and visual amenity values, and those areas where additional development is likely to be more problematic. I also identified the key landscape factors associated with each area to guide the development of assessment criteria, standards, and rules to assist the development of a landscape driven planning regime which was (and is) considered critical in an Amenity Landscape context.
- 63.4** It is my understanding that the 4,000m<sup>2</sup> minimum lot size for the Precinct referenced in the Planning Recommendations of the WB Study was derived from the ODP Rural Residential provisions and typical on-site servicing requirements, and was intended as a 'starting point' for the development of detailed provisions for the Precinct.
- 63.5** Given that the WB Study recommended a fundamental change to the plan structure in the basin, I think it is fair to say that the focus of that work was necessarily on the 'big picture' strategy as opposed to the detailed provisions.
- 63.6** Following completion of the WB Study, a further detailed case study exercise was undertaken. The purpose of the case study work was to test a range of minimum and average lot size regimes and verify which landscape-driven planning controls and assessment criteria were of importance in managing adverse landscape and visual effects of additional development.

<sup>21</sup> Referencing the collective terminology for submissions set out in the evidence of Mr Barr: Brustad et al and Stoneridge Estate et al.

- 63.7** The case study work focussed on four locations within the Basin:
- (a) Fitzpatrick Basin;
  - (b) Hawthorn Triangle;
  - (c) The northern end of Lake Hayes (land around the intersection of Speargrass Flat Road, Arrowtown Lake Hayes Road and Hogans Gully); and
  - (d) Arrow Junction.
- 63.8** The case study areas were deliberately selected to include a range of circumstances including 'greenfield' areas (e.g. the northern side of Hogans Gully and Speargrass Flat Road) and established rural residential enclaves (e.g. Hawthorn Triangle).
- 63.9** The case study work drew from field survey and interrogated detailed aerial mapping and contour information, together with approved resource consent plans and conditions (addressing such matters as protected or 'no build' areas, mitigation planting, building setbacks etc) to obtain a full understanding of the 'existing environment'.
- 63.10** From that work a number of key observations emerged:
- (a) Many of the recent consents on (previously) greenfield land required a minimum 75m setback from the road for buildings to manage 'landscape' effects;
  - (b) Consented development layouts favoured a relatively 'open' road frontage where there was no existing vegetation evident (and I note that the Decision version 6.3.26(a), 6.3.26(b) and 6.3.27 encourages this approach);
  - (c) A tendency for dwellings to be reasonably well spaced on sites. Whilst a few development layouts were clustered, this was not the prevailing pattern despite the ODP potentially enabling such an outcome by not stipulating a minimum or



average lot size. (It is my understanding that this patterning often derives from developer / market preferences as opposed to the management of adverse effects);

- (d) Careful consideration was given to the location of dwellings in relation to river cliffs, the edges of the Wharehuanui Hills and, more generally, visibility from the wider basin landscape;
- (e) Existing vegetation, new plantings, and (in some instances and to a far lesser degree) mounding play a role in integrating new development;
- (f) Rural residential lots are used almost entirely for domestic purposes (i.e. dwellings, garaging, garden sheds, pavilions, gardens, tennis courts, ornamental pools, swimming pools) rather than hobby farming type uses.

**63.11** A series of potential layouts were developed for a range of lot size regimes.

**63.12** I considered that from a landscape perspective the ODP Rural Lifestyle 2ha average regime was likely to be inappropriate due to the patterning of consented development at a density greater than 2ha, the apparent very limited demand for hobby farming type uses that such a lot size enables, and the apparent need through development pressure to optimise areas of the basin that are allocated for rural living (whilst maintaining landscape and visual amenity values).

**63.13** From that work, it became apparent that a 4,000m<sup>2</sup> minimum lot size alone was likely to encourage a dense patterning of dwellings that was likely to read as large lot suburban rather than rural living. It was my opinion that such an outcome was very unlikely to maintain the landscape and visual amenity values of the basin.

**63.14** An example of a potential layout assuming a 4,000m<sup>2</sup> minimum lot size on 'greenfield land' at the north end of Lake Hayes is depicted in **Figure 76** below.



**63.15** For the same area, a development layout was prepared that applied a minimum lot size of 6,000m<sup>2</sup> with an average lot size of 1ha, a 75m road setback, and assumed the application of landscape-driven assessment criteria.

**63.16** It was agreed that this regime provided for an appropriate landscape outcome with respect to the maintenance of landscape and visual amenity values.



Figure 77: Lake Hayes Case Study: 6,000m<sup>2</sup> Minimum Lot Size with 1ha Average Lot Size regime with 75m Road Setback.



Figure 78: Lake Hayes Case Study: 6,000m<sup>2</sup> Minimum Lot Size with 1ha Average Lot Size regime with 75m Road Setback in wider context.

**63.17** Potential and actual yields were also calculated to assist in an understanding of the likely influence of the landscape-driven assessment criteria and planning controls (e.g. road setback etc) on potential future subdivision layouts. On balance, it was found that the application of the landscape-driven assessment criteria and planning controls was likely to amount to an approximately 27% reduction in yield.

**63.18** For these reasons, the 4,000m<sup>2</sup> minimum lot size signalled in the WB Study was replaced with a considerably more nuanced and landscape-driven planning approach that entails:

- (a) a more spacious minimum lot size of 6,000m<sup>2</sup> combined with (and more importantly, as discussed shortly), an average lot size of 1ha;
- (b) the requirement for buildings to be set back 75m from road frontages;
- (c) the requirement for buildings to be set back 50m from identified Landscape Features (i.e. escarpment and river cliff edges); and

- (d) a range of focussed assessment criteria that guide the careful consideration of all aspects of rural residential development to secure the maintenance of landscape and visual amenity values.

**63.19** Importantly, these various controls and criteria work together to deliver an appropriate landscape outcome. In combination, the notified WB Chapter signals a relatively limited level of additional rural residential development within the Precinct, which is considered to be appropriate within an Amenity Landscape setting.

**63.20** I acknowledge that in some instances, a lot size smaller than 6,000m<sup>2</sup> may be appropriate. I expand on this matter in more detail shortly under my discussion of the requested deletion of the minimum lot size.

**63.21** In coming to my conclusions with respect to submissions requesting a minimum lot size of 4,000m<sup>2</sup>, I am also mindful of my earlier comments in relation to parts of LCU 12 Lake Hayes Rural Residential and LCU 13 Lake Hayes Slopes where the ODP has enabled rural residential development at a density of 4,000m<sup>2</sup>.

**63.22** For these reasons, I do not support a reduction in the WBLP minimum lot size from 6,000m<sup>2</sup> to 4,000m<sup>2</sup>.

#### **Deletion of minimum lot size and reliance on 4,000m<sup>2</sup> average lot size**

**63.23** Several submissions<sup>22</sup> seek the deletion of the minimum lot size and its replacement with a 4,000m<sup>2</sup> average lot size regime (referred to in some submissions as a new 'Precinct A'). Generally, these submissions relate to land that was originally notified as Rural Residential or Rural Lifestyle in Stage 1 of the PDP.

**63.24** Submissions cite the existing level of development, the capability of the landscape and a preference for an average lot size approach to avoid a cookie-cutter type outcome in support of their request.

<sup>22</sup> Referencing the collective terminology for submissions set out in the evidence of Mr Barr: Brustad et al, Stoneridge Estate et al, 2126, 2301.

- 63.25** I have a sympathy with concerns raised in respect to the cookie-cutter type approach that can emerge with a minimum lot size regime, and I discuss this in more detail shortly in relation to the 1ha average regime requested.
- 63.26** However, for the reasons outlined above in relation to a 4,000m<sup>2</sup> minimum lot size, I consider that an average lot size of 4,000m<sup>2</sup> is very unlikely to maintain the landscape and visual amenity values of the Basin; and for that reason, is inappropriate within the Precinct.
- 63.27** For these reasons, I oppose the introduction of an average lot size of 4,000m<sup>2</sup> in the Precinct generally, or in those areas that were previously notified as Rural Residential or Rural Lifestyle in the Stage 1 PDP.

#### **Deletion of minimum lot size and reliance on 1ha average lot size**

- 63.28** In a similar vein, several submissions<sup>23</sup> seek the deletion of the minimum lot size and its replacement with a 1ha average lot size. Generally, these submissions relate to land identified as Amenity Zone in the Variation.
- 63.29** Setting to one side the inappropriateness of such a density in the areas to which these submissions relate (as discussed previously under location-specific rezoning requests and the Amenity Zone lot sizes), as a landscape architect, I have a certain sympathy with the request to dispense with a minimum lot size and rely on simply an average lot size within the Precinct, as this approach allows a more site-specific and design-led development response.
- 63.30** For example, in some locations it may be appropriate to cluster buildings on smaller lots to optimise the integrating benefits of existing landform and vegetation patterns, and/or enable the retention of large undeveloped areas to promote a sense of openness and spaciousness and enable long range views (and for example, to support Decisions version 6.3.26 and 6.3.27).

<sup>23</sup> Referencing the collective terminology for submissions set out in the evidence of Mr Barr: Brustad et al, Stoneridge Estate et al, 2126.

- 63.31** On the face of it, a minimum lot size of 6,000m<sup>2</sup> may discourage such an outcome, which would be contrary to the intentions of maintaining (and enhancing) landscape and visual amenity values.
- 63.32** I also note that in many rural living areas in New Zealand, there is a growing trend for at least some smaller lots to be integrated into a subdivision layout to provide for residents seeking a 'rural lifestyle' without the maintenance obligations associated with a larger property. Enabling a more varied range of lot sizes would provide for a wider range of living styles.
- 63.33** However, I am also mindful of the potential for the progressive introduction of much smaller scaled lots to gradually erode the (minimum) average lot size resulting in the perception of a large lot suburban development character rather than a rural living type character. In my opinion, such an outcome would represent a significant adverse landscape effect.
- 63.34** On balancing these considerations, it is my view that the landscape sensitivity of the Basin, coupled with the development pressure, warrants the 'belt and braces' type approach envisaged by a minimum and average lot size regime.
- 63.35** In my experience, despite a minimum lot size of the scale of 6,000m<sup>2</sup> it is usually possible to configure building platforms to achieve a cluster pattern, and I do not consider that this matter should drive the deletion of a minimum lot size. I also note that to date there would appear to have been a very limited appetite for cluster subdivision within the Basin.
- 63.36** For these reasons, I oppose the deletion of reference to a 6,000m<sup>2</sup> minimum lot size within the WBLP.

## **Minimum average lot size**

**63.37** One submission<sup>24</sup> requests that the average lot size for the WBLP is termed the 'minimum average lot size' to signal that larger lot sizes may be appropriate.

**63.38** Within the context of an Amenity Landscape setting in which a sense of openness and spaciousness is of importance, as are views to the surrounding mountain, lake and river context, I agree with this suggestion, as it flags to plan users that in some circumstances larger lot sizes may well be appropriate to manage 'landscape' (and potentially other) effects.

**63.39** For this reason, I do not oppose the submission that seeks to change the reference to 'average lot sizes' to 'minimum average lot sizes'.

## **64. SUBDIVISION ACTIVITY STATUS**

**64.1** One submission<sup>25</sup> queries the logic of applying the same activity status for subdivision in the Amenity Zone and the Precinct, given the greater landscape sensitivity of the Amenity Zone; and requests that subdivision in the Precinct has a controlled activity status.

**64.2** Both the Precinct and Amenity Zone portions of the Basin fall within the umbrella of a s7(c) Amenity Landscape. Therefore, it is my opinion that both areas are deserving of a restricted discretionary activity status for subdivision (as a minimum) to ensure effects with respect to landscape and visual amenity values are given due consideration as part of any subdivision application.

**64.3** It is likely that within the Precinct, there are some locations where subdivision and additional buildings will be inappropriate. For example:

- (a) Where the site size, configuration and lie of the land is such that a building platform must be located in a prominent location that will detract from the landscape character and

<sup>24</sup> 2377.

<sup>25</sup> 2377.



visual amenity of the local area, or would detract from the foreground view of an ONL or ONF as viewed from public roads, despite the overall subdivision layout 'complying' with the density provisions;

- (b) Where the site conditions are such that an additional dwelling will inevitably necessitate the removal of vegetation features or the substantial modification of landform features that will detract from the landscape character of the local area; and
- (c) Where the proposed landscape treatment required to mitigate built development adversely affects openness where it is present, despite the overall subdivision layout 'complying' with the density provisions.

**64.4** In such circumstances, it is my view that Council needs to have the ability to decline a subdivision consent that will detract from landscape and visual amenity values. A controlled activity status for the Precinct would not allow Council to do so.

**64.5** For these reasons, I consider a restricted discretionary activity status for subdivision in the WBRAZ and WBLP is appropriate and oppose the submissions seeking otherwise. I do not consider it appropriate to make subdivision a controlled activity in the Precinct.

## **65. BUILDINGS ON APPROVED PLATFORMS**

**65.1** Numerous submissions<sup>26</sup> oppose the restricted discretionary status for buildings on approved platforms in the Amenity Zone and Precinct. Submitters argue that the 'key issues' have been addressed at subdivision stage and accordingly, buildings on an approved platform should be either a permitted activity (potentially subject to colour controls) or a controlled activity.

**65.2** I disagree. In my opinion, within the context of an Amenity Landscape setting that is surrounded by ONLs and ONFs, it is critical to carefully manage new development at both the subdivision and land use

<sup>26</sup> Referencing the collective terminology for submissions set out in the evidence of Mr Barr: Brustad et al, Stoneridge Estate et al, CIT, Ffiske et al.

consent stages to ensure the appropriate management of landscape and visual amenity values.

- 65.3** Whilst development controls and landscape framework planting strategies are often imposed at the subdivision stage and can go some way in managing effects, such controls are necessarily relatively high level and broad-brush, as they need to allow a degree of flexibility as landowners work through their detailed development design process.
- 65.4** In my experience, inappropriate buildings can materialise despite controls at the subdivision stage with respect to such matters as building colour, building height, footprint and even materials.
- 65.5** As a landscape architect, this is no surprise as the three key mitigation tools in (most)<sup>27</sup> developments are, in order of priority:
- (a) location;
  - (b) design (i.e. building and landscape design); and
  - (c) mitigation (e.g. planting and mounding).
- 65.6** Requiring a restricted discretionary consent for buildings on approved platforms acknowledges the crucial role that (building) design plays in managing effects, which I consider to be particularly relevant in an Amenity Landscape context.
- 65.7** By way of example, the western portion of Waiheke Island (near Auckland) is an example of a s7(c) Amenity Landscape context where a restricted discretionary status is applied to both subdivision and land use consents. In that instance, a detailed and comprehensive development strategy was developed at the subdivision stage for the area (encompassing Owhanake, Matiatia, Church Bay and Park Point) that identified building platforms, site-specific development controls (building heights, etc) and revegetation areas. Despite that level of detail, a restricted discretionary consent is required for any building on

<sup>27</sup> For example, in water-based development, mitigation planting measures are generally not practical.

an approved platform to ensure the appropriate management of landscape related effects.

- 65.8** In my experience, this enables the careful consideration of:
- (a) building design as a mitigation tool; and
  - (b) the relationship between the specific building design and its vegetated setting which is of importance, given the role that vegetation often plays in assisting the successful integration of rural residential development in such landscapes.
- 65.9** I note that throughout the western end of Waiheke, this is generally regarded to have resulted in an enduring favourable landscape outcome as evidenced in the *Matiatia Marina* decision where the Environment Court described the Matiatia Bay landscape (the water and its surrounds, including several large rural residential dwellings) as a “cultural or amenity landscape of high value”.<sup>28</sup>
- 65.10** In my opinion, the landscape sensitivity and values of the Wakatipu Basin as a whole, together with its very high value context (i.e. ONLs and ONFs), warrants this level of scrutiny and certainty for development with respect to landscape character and visual amenity outcomes.
- 65.11** As explained above under my discussion of the activity status for subdivision, it is likely that within the Precinct (and Amenity Zone) there are likely to be some locations where additional buildings are likely to be inappropriate despite the compliance of the overall subdivision layout with the density provisions.
- 65.12** In such circumstances, it is my view that Council needs to be able to decline a land use consent that will detract from landscape and visual amenity values. A controlled or permitted activity status for the buildings on lots complying with the density provisions would not allow Council to do so.

<sup>28</sup> Decision No [2015] NZEnvC 218, at paragraph [343].

- 65.13** Further, it is my understanding that at least some of the approved and unbuilt platforms within the Basin are likely to have been consented before the 'standard suite' of development controls that now typically apply to subdivisions in the Basin were widely used. This is expected to apply to portions of the Amenity Zone and Precinct that coincide with the ODP Rural Residential and Rural Lifestyle areas.
- 65.14** Requiring buildings on these platforms to undergo a restricted discretionary consent process will ensure that the final rural residential development outcome is appropriate.
- 65.15** In coming to my conclusions on this matter, I have given careful consideration to the PDP Stage 1 Decisions which identify buildings on approved platforms in ONLs and ONFs as a permitted activity. On the face of it, this suggests a potential inconsistency with the restricted discretionary strategy recommended in the Basin over most section 7(c) land.
- 65.16** However, I regard the (potential) development context of ONLs / ONFs and the Basin to be significantly different. Whereas the Basin explicitly provides for rural residential development, it is my understanding that the policy context for ONLs and ONFs is extremely restrictive in that regard, suggesting a very low risk to landscape character and visual amenity values associated with a permitted activity status for buildings on approved platforms.
- 65.17** For these reasons, from a landscape perspective I oppose a relaxation of the activity status of buildings on approved platforms from restricted discretionary to controlled or permitted activity status (potentially subject to colour controls or where the subdivision complies with the density provisions).

**66. EXOTIC VEGETATION RULE**

**66.1** A large number of submissions<sup>29</sup> query the introduction of controls in relation to the removal of exotic vegetation within the Precinct, arguing that it is:

- (a) unnecessary from an effects perspective; and/or
- (b) is likely to discourage landowners from removing wildings and pest species.

**66.2** I consider that exotic vegetation features make a significant positive contribution to the (amenity) landscape character of the Precinct areas (and the Basin as whole) and are a key aspect of the identity or 'sense of place' associated with the Wakatipu Basin. For example, the seasonal displays of autumn leaf colours and the pleasing aesthetic composition associated with the contrasting verticality of the Lombard poplars are all highly memorable and make an important contribution to the aesthetic, shared and recognised, memorability and transient values of the landscape.

**66.3** Further, many of these exotic plantings serve to assist the visual integration of existing built development in WBLP areas (including access ways and retaining structures) and in so doing, are critical to the appropriate management of landscape effects associated with existing development.

**66.4** As a consequence, I consider it important that the PDP provides for the appropriate management of exotic vegetation features. In my opinion, requiring the removal of exotic vegetation that is over 4 m in height as a restricted discretionary activity targets vegetation that is of a scale that may be of importance in shaping the character of the area and/or assisting the integration of built development.

<sup>29</sup> Referencing the collective terminology for submissions set out in the evidence of Mr Barr: Brustad et al, Ffiske et al.

**66.5** For these reasons, I oppose the deletion of the requirement for consent to remove exotic vegetation over 4m in height as a restricted discretionary activity in the Precinct.

**66.6** However, I do agree with submissions<sup>30</sup> expressing concern that as currently drafted, the exotic vegetation removal provisions may well discourage landowners from removing wilding and pest species which would be contrary to an optimal environmental outcome.

**66.7** For this reason, I consider that the exotic vegetation removal rule should be amended to make an exception for wilding and pest species.

## **67. BUILDING COVERAGE STANDARD**

**67.1** Several submissions<sup>31</sup> request that the building coverage standard is increased from 500m<sup>2</sup> to 1,000m<sup>2</sup>.

**67.2** In my experience, a building (or series of buildings) with a (combined) footprint of 1000m<sup>2</sup> is very substantial in scale and has a high potential to generate significant adverse 'landscape' effects, particularly in terms of visibility, dominance, vegetation clearance and landform modification.

**67.3** Conversely, a 500m<sup>2</sup> footprint, whilst large, is more likely to be absorbed successfully into the landscape. It is my understanding that many of the recently consented developments within the Basin are for houses of this scale, suggesting a tolerance for building footprints of this scale.

**67.4** It is acknowledged that in some circumstances a footprint larger than 500m<sup>2</sup> may be appropriate from a landscape perspective. The restricted discretionary activity status for non-compliance with this standard allows for landowners to gain consent for such an

<sup>30</sup> Referencing the collective terminology for submissions set out in the evidence of Mr Barr: Ffiske et al, 2190, 2301, and 2376.

<sup>31</sup> Referencing the collective terminology for submissions set out in the evidence of Mr Barr: Brustad et al, Stoneridge Estates et al

infringement whilst ensuring the maintenance of the wider visual amenity and landscape values.

**67.5** For these reasons, I oppose an increase in the building coverage standard within the WBLP from 500m<sup>2</sup> to 1,000m<sup>2</sup>.

## **68. BUILDING HEIGHT STANDARD**

**68.1** Several submissions<sup>32</sup> query the 6m maximum building height standard proposed in the Precinct and Amenity Zone, requesting that it is either deleted or increased to 8m.

**68.2** Submissions argue that a building height control is unnecessary to manage effects or that an 8m height would be appropriate (rather than the notified 6m height).

**68.3** The visibility of buildings is a key issue in the management of:

- (a) cumulative adverse effects;
- (b) the maintenance of visual amenity values; managing effects in relation to neighbouring s6(b) landscapes; and
- (c) the maintenance of the landscape character values associated with the Basin.

**68.4** Relying on field survey, discussions with QLDC planners and landscape experts involved on a day-to-day basis in processing consents in the Basin, and my review of several recent resource consents, it is my impression that:

- (a) successfully integrated built development tends to be approximately this height; and

<sup>32</sup> Referencing the collective terminology for submissions set out in the evidence of Mr Barr: Brustad et al, Stoneridge Estate et al, CIT and 2301.

(b) the majority of consents reviewed outside of the Stage 1 PDP Rural Residential and Rural Lifestyle zones limit buildings to 6m.

**68.5** I note that the 6m building height allows for a generous stud (potentially incorporating a mezzanine) with a 35 degree roof pitch that is popular throughout the Basin. It also allows for a two-storey dwelling using a mono pitch type structure.

**68.6** In contrast, an 8m building height signals two storey dwellings are appropriate everywhere throughout the Basin. In my opinion, this would appear to be at odds with the character of successfully integrated built development that has occurred to date which is characterised by predominantly single-storey buildings.

**68.7** I acknowledge that there are likely to be circumstances where buildings that are taller than 6m high can be successfully integrated into the landscape.

**68.8** In my opinion, the restricted discretionary activity status of non-compliance with this standard strikes a reasonable balance within an Amenity Landscape setting as it provides for greater building height, provided adverse landscape and visual effects are appropriately managed.

**68.9** For these reasons, I oppose the deletion of the 6m Building Height Standard or the increase in the Building height Standard to 8m.

## **69. ROAD SETBACK STANDARD**

**69.1** Several submissions<sup>33</sup> query the 75m Road Setback Standard proposed in the Precinct, requesting that it is either deleted or reduced to 20m (consistent with the Amenity Zone setback), or 10m.

<sup>33</sup> Referencing the collective terminology for submissions set out in the evidence of Mr Barr: Brustad et al, Ffiske et al, CIT, Bagrie et al, 2376



- 69.2** The application of a lesser setback (20m) in the 'more sensitive' Amenity Zone in comparison to a 75m setback in the 'less sensitive' parts of the basin in the Precinct is also mentioned.
- 69.3** I agree with many of the submissions comments, that such a setback is indeed quite an onerous requirement.
- 69.4** The application of a 75m road setback within the Precinct draws from my field survey of the Basin, discussions with QLDC consent planners and landscape experts involved on a day-to-day basis in processing consents in the basin, and my review of recent resource consents.
- 69.5** It is my understanding that over the years, there has been a growing concern that mitigation plantings (including protected existing vegetation features) and (to a lesser extent) buildings associated with rural residential development, are:
- (a) 'closing out' views of the surrounding mountain and *rôche moutonnée* context, in views from public places such as roads and walkways/cycleways, and from private dwellings; and
  - (b) reducing the impression of spaciousness and openness within the basin.
- 69.6** An example of such an outcome is evident along the roads around Hawthorn Triangle as depicted below in the view along Speargrass Flat Road (noting that the vegetation in this example is mature).



Photograph 11: Roadside vegetation serves to obstruct views to the surrounding mountain (ONL) context.

**69.7** This has led to a trend in more recent subdivisions on land with an open road frontage for buildings to be set back approximately 75m from the road, as this generally enables the successful management of the effects of buildings (in views from the road) without requiring mitigation planting close to the road, which would obstruct longer range views of the wider landscape setting. Such an arrangement also maintains a perception of openness and spaciousness in views from the road.

**69.8** Photograph 12 below illustrates the spatial outcome of a development within the Hawthorn Triangle in which a 75m road setback has been applied. This image displays the sense of spaciousness enabled by such a setback and the retention of the visual connection from the road to the surrounding mountain context.<sup>34</sup>

<sup>34</sup> It is acknowledged that the image is taken from Google Street View, and for this reason, corresponds to a vantage point that is above 'normal' eye level for walkers, cyclists and drivers.



Photograph 12: View of cluster development within Hawthorn Triangle with 75m road setback. *Source Google Street View.*

- 69.9** I consider that the visual connection between the Wakatipu Basin and its surrounding mountain context is critical to the identity and ‘sense of place’ associated with the basin landscape. Also of importance is the perception of openness and spaciousness which plays an important role in avoiding the impression of development sprawl.
- 69.10** Field survey of the proposed Precinct area reveals that much of the established rural residential development is set behind dense plantings (for example: Dalefield, Hawthorn Triangle, Arrow Junction and the northern end of Lake Hayes). In my opinion, this has the effect of heightening the importance of maintaining open views of the surrounding mountain context from the ‘balance’ of the proposed Precinct areas to avoid the ongoing erosion of such views and maintenance of an impression of spaciousness and openness wherever possible.
- 69.11** I accept that landowners can plant out such views as of right; however, I also consider that such a possibility should not drive the planning provisions.

- 69.12** In considering this matter, I have also given thought to whether it is appropriate to introduce a more nuanced approach whereby a reduced setback is applied to land with well-established, dense and continuous plantings along the road frontage (for example at Dalefield or the northern end of Lake Hayes) that serves to screen views of built development from the road, as the 'wider outlook' has already been 'compromised'.
- 69.13** In my opinion, such an approach is likely to be difficult to administer as it will require an evaluation of what comprises a 'well-established, dense and continuous planting'. Of greater concern, it may encourage dense road frontage plantings to enable a higher subdivision yield, which is counter to the aim of retaining long-range views and a sense of openness and spaciousness, and would be inconsistent with Decisions version Policies 6.3.26 and 6.3.27.
- 69.14** I note that non-compliance with this standard is a restricted discretionary activity with assessment criteria referencing the maintenance of views from public places to the surrounding ONL and ONF context and the maintenance of visual amenity from public places. (My emphasis added.)
- 69.15** In my opinion, the requirement to maintain views means that where there are no existing views from public places to the surrounding s6(b) mountain, lake and river context, or the public view is dominated by dense and largescale roadside plantings, an application in which the subdivision layout infringes the road setback rules is unlikely to be declined on that basis alone.
- 69.16** With respect to comments in relation to the variance in the road setback between the Precinct and Amenity Zone, I consider that the very limited level of development anticipated in the Amenity Zone suggests a minor change in the visual connection of these areas to the surrounding mountain context and the perception of spaciousness and openness, thereby warranting a more relaxed approach.

- 69.17** One submission<sup>35</sup> has queried the need for a 75m road setback on dead-end roads within the Precinct (for example: Alec Robbins Road and Mooney Road). As explained above, the intention of this standard is to protect public visual amenity values. I consider this should apply equally to local road users and visitors, and therefore do not consider it appropriate to relax the standard simply on the basis that it is not a high-use public route or ‘thoroughfare road’.
- 69.18** I also do not accept that the patterning of existing rural residential development at a distance closer than 75m to the road within a discrete area should necessarily provide a cue for the appropriate setback for future development. The Amenity Landscape context together with the high risk of cumulative adverse effects points to a cautious approach in this regard, with careful site-by-site consideration of any relaxation of this standard as allowed for by the restricted discretionary activity status regime.
- 69.19** On balancing these considerations, I oppose the deletion or reduction of the 75m Road Setback Standard.

## **70. LANDSCAPE FEATURE SETBACK**

- 70.1** Submissions have generally supported the 50m Landscape Feature Setback standard. Some submissions have, however, opposed the rule or requested that non-compliance with this standard should be a controlled activity rather than a restricted discretionary activity.<sup>36</sup>
- 70.2** The Landscape Feature Setback is applied to edges of the Precinct where built development has the potential to be prominent and encroach on the visual amenity and landscape character of a neighbouring ‘landscape’.
- 70.3** The importance of minimising the visibility of additional rural residential development in views from neighbouring, ‘more open’ and undeveloped portions of the basin, and from the wider basin more

<sup>35</sup> 2398

<sup>36</sup> Referencing the collective terminology for submissions set out in the evidence of Mr Barr: Ffiske et al

generally with respect to the maintenance of visual amenity and landscape character, has been previously discussed.

- 70.4** I disagree with applying a controlled activity status to development that does not comply with this standard, as this means that Council must consent an infringement of the standard. Whilst it is possible that in some instances an infringement of this standard may be acceptable from a landscape and visual effects perspective, I also expect that there will be circumstances where no infringement will be appropriate: for example, in portions of the edges of the Wharehuanui Hills, where the landform pattern 'behind' (or above) the escarpment edge is relatively open and comprises an even and gently rising slope.
- 70.5** In my opinion, it is important that QLDC retains the ability to reject inappropriate infringements of this standard via a restricted discretionary activity status to safeguard the visual amenity and landscape character of the basin.
- 70.6** For these reasons, I oppose a change in activity status from restricted discretionary to controlled activity for non-compliance with the 50m Landscape Feature Setback standard.

## **71. ASSESSMENT CRITERIA**

- 71.1** One submission<sup>37</sup> requests that the assessment criteria should be amended to reflect the visions of the two subzones (i.e. the Amenity Zone and the Precinct).
- 71.2** Given that both of these zones are considered to be located within a wider Amenity Landscape and the assessment criteria in the Variation are expressly landscape driven and have been specifically drafted to guide the appropriate management of subdivision use and development within a s7(c) landscape setting, I do not consider this distinction is necessary.

**71.3** For these reasons I oppose the introduction of specific assessment criteria for the Amenity Zone and Precinct.

## **72. LCU DESCRIPTIONS**

**72.1** A number of submissions<sup>38</sup> support the LCU Descriptions contained in Schedule 24.8. For the reasons outlined in the WB Study report I do not oppose these submissions.

**72.2** Several submissions<sup>39</sup> request that the LCU Descriptions are amended to reflect what they consider to be a high capability of the landscape (to which their submission applies) to absorb additional development.

**72.3** No landscape evidence is provided in support of these requests, or detail provided with respect to the suggested text amendments (excepting two submissions discussed below).

**72.4** On the basis of the previous rezoning request discussion, I have recommended only very modest areas around LCU 23 Millbrook are rezoned from Amenity Zone to Precinct. The LCU 23 Millbrook Description clearly acknowledges the existing level of development in this part of the Basin. Therefore, I do not consider that the LCU Descriptions (other than LCU22 and LCU 8 discussed below) require amendment.

**72.5** For the two submissions that have provided detailed comment on changes to the LCU Descriptions (i.e. Boxer Hills Trust: LCU8 Speargrass Flat, and Trojan Helmet: LCU 22 The Hills) I do not oppose some relatively minor amendments as set out in my discussion of the submitters' rezoning request. Those changes are reflected in the latest set of provisions appended to Mr Barr's evidence.

**72.6** One submission<sup>40</sup> requests that the LCU Descriptions are amended to acknowledge recently constructed or approved trails. I expect that the issue raised in this submission will be an ongoing one as the trail

<sup>38</sup> 2275, 2229, 2276, 2272

<sup>39</sup> Referencing the collective terminology for submissions set out in the evidence of Mr Barr: Stoneridge Estate et al, 2261, 2388.

<sup>40</sup> 2575

network is enhanced across the Basin and LCU Descriptions will inevitably 'be of out date' in terms of this aspect. I consider that the assessment criteria requiring the consideration of the effects of a subdivision or building on the walkway and cycleway network (given that these are public places), together with the requirement to consider how new development integrates with 'existing' trails will adequately address effects in relation to routes that are not specifically referenced in Schedule 24.8.

- 72.7** A number of submissions<sup>41</sup> are critical that Schedule 24.8 are 'observations' and not criteria against which an application can be assessed.
- 72.8** I consider that the detailed (landscape driven) assessment criteria included within the provisions provide plan users with clear guidance on the matters that are considered to be of importance in managing subdivision, use and development within the Basin. The LCU Descriptions are a tool that sit within the wider framework of assessment criteria and provide a useful starting point for evaluating an application both in terms of the potential 'breadth' of considerations that need to be taken into account (prominence, sense of place, views, recreation features etc), and the general character of the LCU. I expect that any future application would seek to establish that it was broadly in keeping with the character outlined in the LCU (and, ideally, would assist the enhancement of landscape character).
- 72.9** One submission<sup>42</sup> considers that the LCU Description is too broad or inaccurate to justify avoidance or discouragement of rural living opportunities. I do not accept this criticism as the Schedule 24.8 LCU Descriptions were derived from a comprehensive Basin wide landscape assessment.
- 72.10** The NZTA submission<sup>43</sup> requests that Schedule 24.8: 10 Ladies Mile is amended to acknowledge there are transportation infrastructure issues at the SH6 Shotover Bridge and the capacity to absorb development

41 Referencing the collective terminology for submissions set out in the evidence of Mr Barr: Bagrie et al

42 2584

43 2538



should be changed from **High** to **Low**. The Schedule 24.8 Descriptions are Landscape Character descriptions that apply a consistent range of 'headings' across the Basin and do not specifically reference 'Infrastructure'. For this reason, I consider it inappropriate to introduce the change requested in this submission.

**72.11** For these reasons, with the exception of relatively minor changes to the LCU8 Speargrass Flat and LCU 22 The Hills Description (as outlined in the discussion of the Boxer Hills Trust and Trojan Helmet submissions), I oppose amending the LCU Descriptions as requested in submissions.

### **73. LCU MAPPING**

**73.1** A number of submissions<sup>44</sup> request that LCUs 10, 16, and 23 are excluded from the Landscape Character Unit Map in Schedule 24.8 as they fall outside the Variation.

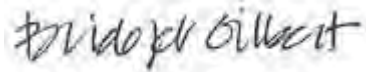
**73.2** This is a fair criticism and could potentially lead to confusion in the future for plan users. I consider that there are two potential solutions available to QLDC to remedy this issue:

- (a) Amend the Schedule 24.8 mapping to exclude reference to LCUs 10, 16 and 23; or
- (b) Add an advice note to Schedule 24.8 explaining that all, or the majority of LCUs 10, 16 and 23, are not addressed in Chapter 24.

**73.3** Given the potential confusion of 'missing numbers' in the LCU sequence, I consider that the second of these options is preferable.

44 2275, 2276

**73.4** For these reasons I do not oppose the submission seeking amendment to the Schedule 24.8 mapping and recommend that the Plan is modified to clarify that all, or the majority of LCUs 10, 16 and 23, are not addressed in Chapter 24.



**Bridget Mary Gilbert**

**28 May 2018**

## **ANNEXURE 1**

### **Wakatipu Basin Landscape Character**

1.1 Ms Pfluger’s evidence [to the Stage 1 PDP]<sup>1</sup> provides a helpful summary of the characteristics of the wider Wakatipu Basin landscape:

4.9 Both Dr Read and Mr. Baxter comment on the fact that the landscape character is ‘contained by significant mountains’, with Mr. Baxter referencing further the ‘sculptured landforms, such as the Roche Moutonees of Morven Hill, Slope Hill, Queenstown Hill etc.’ In my view, in general terms the key landscape characteristics of the Wakatipu Basin are related to its landform determined by its complex underlying geology, the current landuse/landcover forming the visible overlay and its location surrounded by mountain ranges. More specific characteristics are notable within discrete parts of the basin (for example Dalefield is characteristically different from land south of Ladies Mile), however they share higher level landscape characteristics. These generic characteristics include:

- The glacial carved basin, defined by prominent peaks and ridges of surrounding mountains. The distinctive formative processes provide sculpted basin-wide features, including roche moutonees, alluvial terracing, lakes and rivers. The basin setting has influenced drainage, soils, vegetation, land use and settlement.
- Open and expansive valley floors, where natural vegetation patterns relate only to parts of the ‘edges’ of the basin and the higher elevated areas where alpine and tussock vegetation dominate.
- Both the Shotover and Kawarau Rivers flow into Lake Wakatipu and demonstrate significant alluvial erosion and cutting through basement rock along their Wakatipu stretches.
- Within the basin, settlement patterns vary in size with Arrowtown and Queenstown being the principal areas. Locally quarried stone brings a noted harmony to much of the built environment drawing on the area’s mountainous setting.
- Farming (both arable and pasture) is limited to a few areas, with the predominance of life style and low-density living paramount. A mix of densities proliferates throughout the basin, all angled to capture views and aspect. Specific areas such as Dalefield retain higher densities of dwellings as opposed to parts of Speargrass Road for example, creating a difference within the basin character. New areas of development, such as Lake Hayes Estate and Shotover Country are further changing the urban built form outside of Queenstown and Arrowtown, creating new nodal communities.

<sup>1</sup> Proposed District Plan Proposed Plan Review (Chapters 21 and 22), Statement of Evidence of Yvonne Pfluger, 21 April 2016

- Shelterbelts and deciduous tree lines define land use boundaries within the basin. Species, despite being exotic, have become known to typify the area, promoting seasonal variation.
- The roading network is typically straight, dual-lane and sealed. Many roads are lined with hedges and trees, which are generally located on adjacent private properties. Views towards the surrounding peaks and ridges provide containment and internal basin features including the roches moutonees, lakes and rivers amplify the formative processes within this basin landscape.

Footnote 5: Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment; Read Landscapes, June 2014, page 5 and Evidence of Mr. Baxter, Wakatipu Basin Character, referencing Dr Read at paragraph 8.

1.2 Within the context of a study (i.e. the WB Study) that aims to identify those areas where no change should occur, areas that are capable of absorbing change, together with an indication of what appropriate change might ‘look like’, we would also add the following descriptors to the summary of the wider Basin’s landscape characteristics:

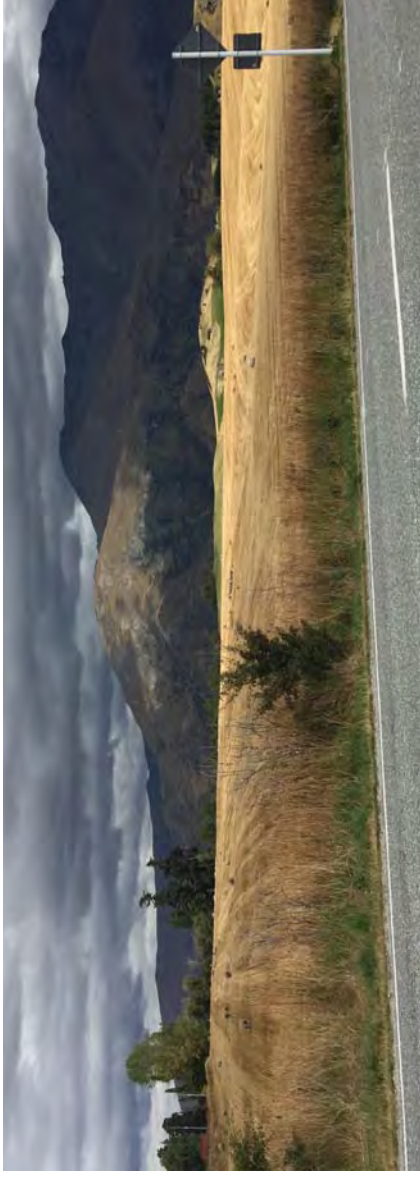
- a. Generally, successfully integrated rural residential development is characterised by:
    - a reasonably modest building scale;
    - visually recessive and/or natural stone materials;
    - substantial plantings around dwellings; and,
    - limited earthworks.
  - b. Where sizeable expanses of open land are evident – be they on valley floors, terraces or the more undeveloped elevated hill slopes, escarpments and roche moutonees – they play an important role as a ‘breathing space’ between the existing informal ‘nodes’ of the rural residential development (for example, Hawthorn Triangle, Arrowtown Junction and the north end of Lake Hayes) and as a spacious backdrop to the more intensively settled areas.
  - c. The entire Basin displays high recreational values as a consequence of the numerous popular walkways and cycleways throughout the area, and the scenic vehicular routes that criss-cross the area.
  - d. There is a strong visual connection between the majority of the Basin landscape and the surrounding dramatic mountain context, virtually all of which is identified as ONL.
- 1.3 Overall, (and as outlined earlier), it is our view that the wider Wakatipu Basin is best described as an Amenity Landscape. This is a consequence of its high recreational values, generally high aesthetic values (derived from both natural and man-made elements) and its almost unbroken connection with the ONL / ONF context throughout and surrounding the Basin.

## **ANNEXURE 2**

**LCU Photographs (ordered by their absorption capability rating)**



Photograph 1: LCU 19 Gibbston Highway Flats



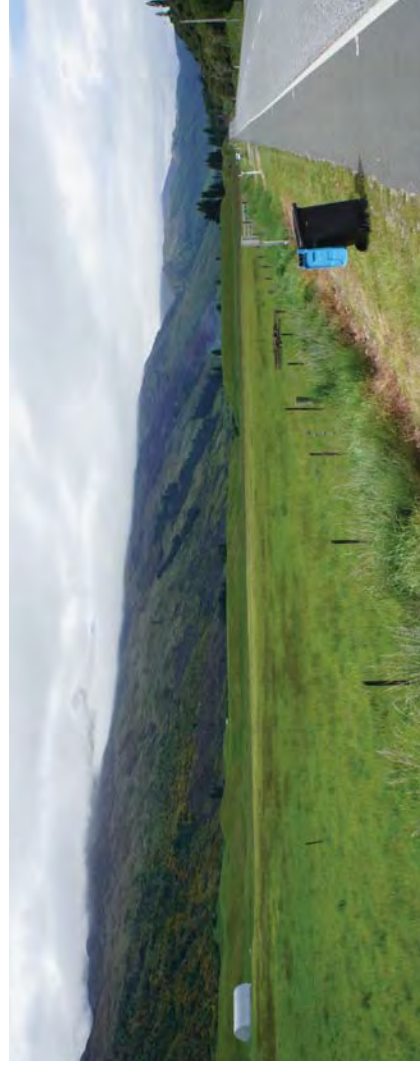
Photograph 2: LCU 20 Crown Terrace



Photograph 3: LCU 1 Malaghans Valley



Photograph 4: LCU 19 Gibbston Highway Flats



Photograph 5: LCU 1 Malaghans Valley



Photograph 6: LCU 20 Crown Terrace



Photograph 7: LCU 8 Speargrass Flat



Photograph 8: LCU 13 Lake Hayes Slopes



Photograph 9: LCU 3 Shotover River Terrace



Photograph 10: LCU 11 Slope Hill Foothills



Photograph 11: LCU 8 Speargrass Flat



Photograph 12: LCU 8 Speargrass Flat



Photograph 13: LCU 11 Slope Hill Foothills



Photograph 14: LCU 17 Morven Ferry



Photograph 15: LCU 17 Morven Ferry



Photograph 16: LCU 17 Morven Ferry





Photograph 17: LCU 2 Fitzpatrick Basin



Photograph 19: LCU 22 The Hills



Photograph 18: LCU 15 Hogans Gully



Photograph 20: LCU 22 The Hills



Photograph 21: LCU 15 Hogans Gully



Photograph 22: LCU 14 Lake Hayes Terrace



Photograph 23: LCU 14 Lake Hayes Terrace



Photograph 24: LCU 14 Lake Hayes Terrace



Photograph 25: LCU 5 Dalefield



Photograph 26: LCU 6 Wharehuanui Hills



Photograph 27: LCU 12 Lake Hayes Rural Residential



Photograph 28: LCU 9 Hawthorn Triangle



Photograph 29: LCU 9 Hawthorn Triangle



Photograph 30: LCU 6 Wharehuanui Hills



Photograph 31: LCU 12 Lake Hayes Rural Residential



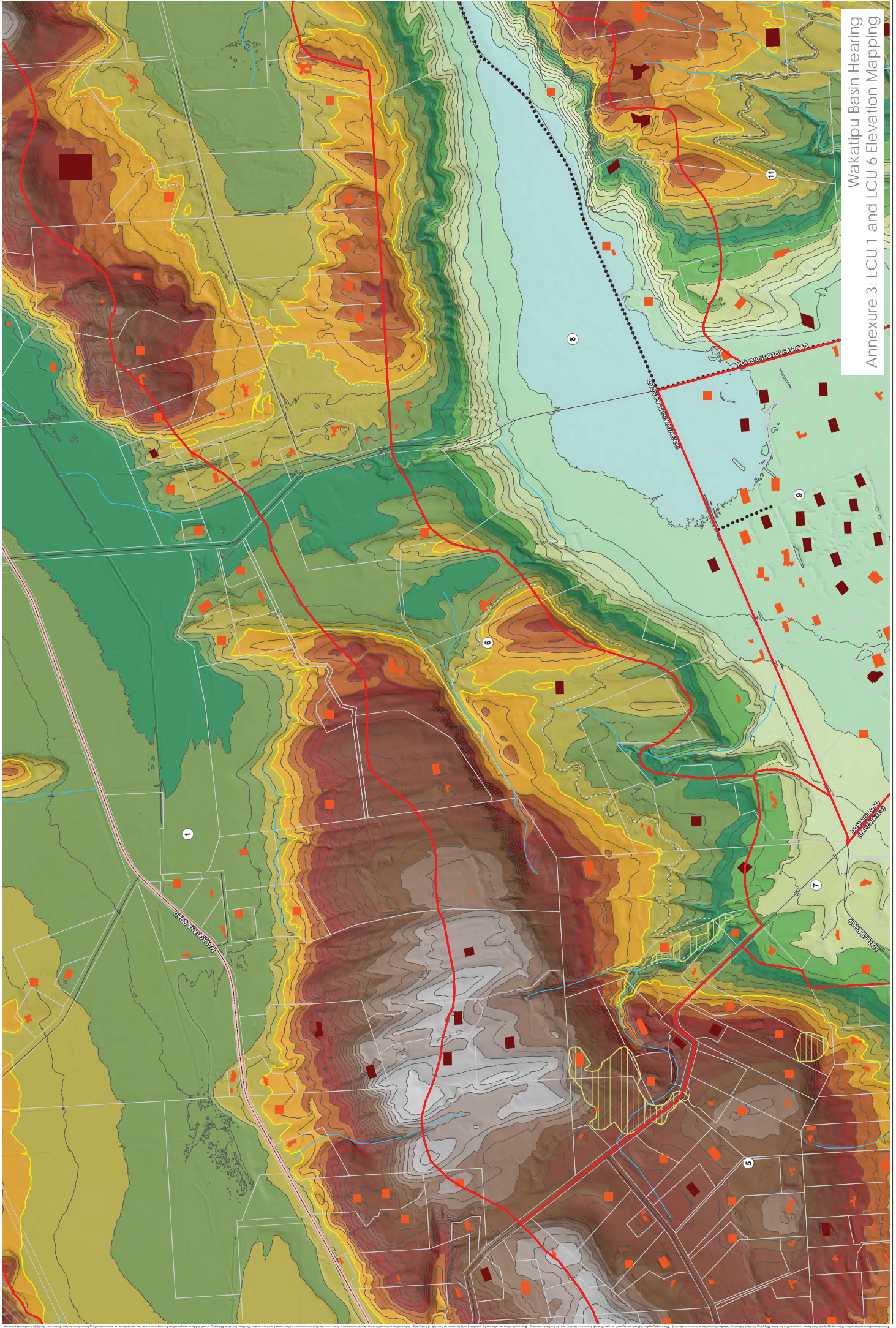
Photograph 32: LCU 21 Arrow Junction Rural Residential



Photograph 33: LCU 6 Wharehuanui Hills

## **ANNEXURE 3**

### **LCU 1 and LCU 6 Elevation Mapping**



# Annexure 3: LCU 1 and LCU 6 Elevation Mapping

**INCISIVE MAPPING**  
Author: [Name], [Address], [Phone], [Email]  
 Client: [Name], [Address], [Phone], [Email]  
 Date: 26 April 2016

**Wakatipu Basin Landscape Study  
 Landscape Character Units 6 (2016)  
 Elevation**

**Legend**

- ▭ Landscape Character Units (2016)
- 40m Contour
- Contour (5m)
- RMM Carriageway Centrelines
- Rural State Roads
- ▭ Lot Boundaries
- Council Walkways and MTB Trails
- Other Walkways and MTB Trails
- Existing Dwellings
- Consented Platforms
- ▲ Waterfall
- Water Race
- River
- ▭ Indigenous Forest
- ▭ Outstanding Natural Feature
- ▭ Outstanding Natural Landscape
- ▭ Consented Platforms

**Elevation (m)**

390-400	430-440	470-480	510-520
365-370	400-410	440-450	480-490
370-380	410-420	450-460	490-500
380-390	420-430	460-470	500-510

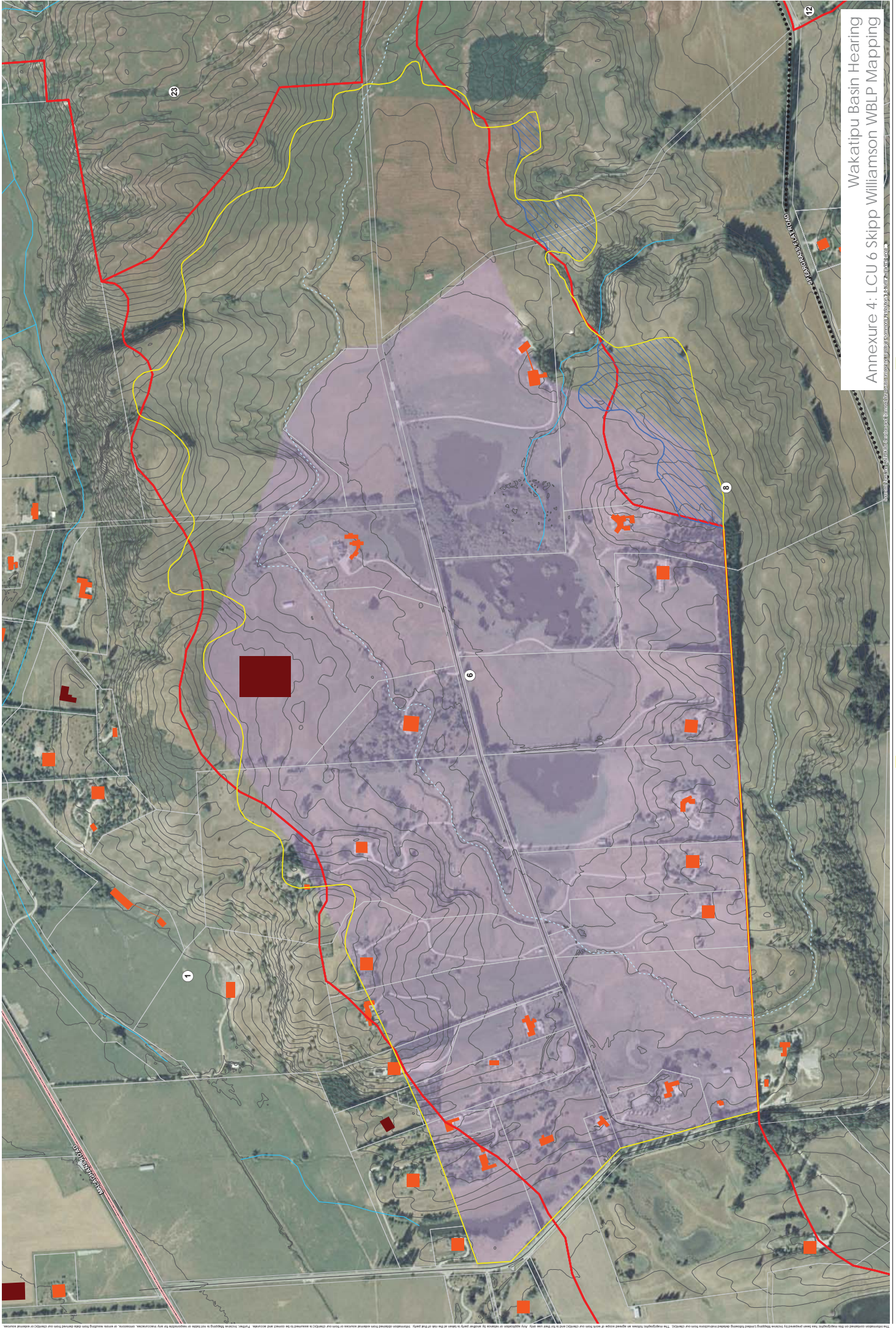
  

0 15,000 @ A1 0.5km

0 0.5km

**ANNEXURE 4**

**LCU 6 Skipp Williamson Mapping**



# Annexure 4: LCU 6 Skipp Williamson WBLP Mapping

Wakatipu Basin Landscape Study  
Landscape Character Units 6 (2016)  
Williamson Proposed Rural Lifestyle Zone (2015)

- Waterfall
- Water Race
- River
- Lot Boundaries
- Rural Lifestyle
- Rural Building Status
- Existing Dwellings
- Consented Platforms
- RAMM Cartographic Overlines
- Rural Scenic Roads
- Council Walkways and MTB Trails
- Other Walkways and MTB Trails
- DDC Walkways
- Williamson Proposed Rural Lifestyle Zone (Sep. 25, 2015)
- Williamson Proposed Building Restriction Areas (Sep. 25, 2015)
- Landscape Character Units (2016)
- Contours (5m)





























**INCISIVE MAPPING**  
Author: [Name], [Email] (inset@incisive.com)  
Reviewed: [Name], [Email]  
Approved: [Name], [Email]  
Project: [Name]  
Date: 30 April 2016

## **ANNEXURE 5**

### **Evidence in Chief Mapping Legend**



 Landscape Character Units (2016)	 Approved SHAs & Resource Consent Issued Rural Building Status
 Contours (5m)	 Existing Dwellings
 RAMM Carriageway Centrelines	 Consented Platforms
 Rural Scenic Roads	 Urban Growth Boundary
 Council Walkways and MTB Trails	 Waterfall
 Other Walkways and MTB Trails	 Water Race
 DOC Walkways	 River
 Lot Boundaries	 River (Wide Channel)
 Special Zones	 Lake / Pond
 Rural Lifestyle	 Swamp
 Rural Residential	 Indigenous Forest
 Road Zones	 Outstanding Natural Feature
 Approved SHAs	 Outstanding Natural Landscape