

**BEFORE INDEPENDENT COMMISSIONERS APPOINTED
BY THE QUEENSTOWN LAKES DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a submission by Gertrude's Saddlery Limited and Larchmont Developments Limited seeking rezoning of land at 111 and 163 Atley Road from Rural to both Lower Density Suburban Residential and Large Lot Residential

STATEMENT OF EVIDENCE OF BRETT JAMES GIDDENS

Dated 6 December 2022

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1. INTRODUCTION

Introduction and Qualifications

- 1.1 My name is Brett James Giddens. I am a Senior Planner and a Director of Town Planning Group (NZ) Limited, a resource management and planning consultancy established in 2006 that provides planning and resource development advice to private clients, local authorities and government agencies New Zealand-wide.
- 1.2 I hold a Bachelor of Science in Geology from the University of Canterbury, a Master of Applied Science in Environmental Management from Lincoln University, and have partially completed a Master of Resource & Environmental Planning from Massey University. I am an Associate of the New Zealand Planning Institute (eligible for full membership), a member of the New Zealand Resource Management Law Association, and a member of the Urban Design Forum of New Zealand.

Experience

- 1.3 I have 20 years' experience as a practicing planner in New Zealand, with a focus on statutory planning, environmental assessment, policy development and analysis, and consenting. I am regularly engaged as an expert planning witness before Council hearings and the Courts.
- 1.4 Prior to establishing Town Planning Group, I had been employed in planning and development for local authorities, as well as in private practice undertaking planning work throughout New Zealand. My work experience has included large scale plan changes, development planning and consenting, policy development, and consent processing for local authorities.
- 1.5 I have been working with the Queenstown Lakes District Plan since 2003 and I am very familiar with the current Operative and Proposed Plans, as well as its former versions. I have had involvement with the majority of the stages of the review of the District Plan.
- 1.6 I have been involved in proceedings relating to the subject matter since around 2018 when I was engaged by the Arthurs Point Outstanding Natural Landscape Society (**APONLS**) to provide planning evidence as part of the Environment Court and High Court proceedings relating to the ability of the APONLS to make a further submission on Stage 1 of the review of the District Plan.

Code of Conduct

- 1.7 I have read the Environment Court's Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I agree to comply with it. My

qualifications as an expert are set out above. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

2. SCOPE OF EVIDENCE

- 2.1 I have been asked by the APONLS to provide planning evidence with respect to the submissions made by Gertrude's Saddlery Ltd and Larchmont Developments Ltd (**the Submitters**) to rezone the land from Rural to an urban zoning under Stage 1 of the review of the Queenstown Lakes Proposed District Plan (**PDP**). The APONLS is a further submitter. My evidence is limited to matters within my expertise in resource management planning.
- 2.2 I have relied on the landscape evidence of Mr Stephen Brown¹ to inform my own opinions and evaluations. I consider the landscape effects arising from the Proposal to be the principal issue.
- 2.3 I have read the planning evidence of Ms Ruth Evans for the Council who has evaluated the technical reports relating to the range of other effects arising from the Proposal and I am in general agreement with her that transportation and the removal of highly productive land are relevant, additional issues.
- 2.4 I have read the submissions and further submissions made, the Council's section 42A report and supporting technical evidence, and the evidence prepared on behalf of the Submitters. I have also reviewed the relevant local, regional and national planning instruments in the context of evaluating the subject matter.
- 2.5 For the purposes of my evidence, I refer to both submitters' properties collectively (**the Site**) given the joint relief sought and the contiguous nature of both properties.
- 2.6 Part of the Site is already zoned Low Density Suburban Residential (**LDSR**) and no changes are proposed to the zoning of that part of the Site. Where I refer to the Site in my evidence, I am referring to that land within the properties that the Submitters are seeking to alter as part of the Proposal.²
- 2.7 I am familiar with the Site, the immediate and wider area. I have not been on the Site but have viewed it from a range of surrounding public and private viewpoints as part of the preparation of my evidence. I have viewed the Site numerous times prior to the

¹ Referred to hereafter as Mr (S) Brown to avoid confusion with references to the evidence of Mr Jeff Brown.

² For completeness I note that I have considered that portion of the submitter's property that is within the operative LDSR zone, and the anticipated levels of development within it, as part of my assessment in this evidence.

trees being removed, during the tree removal and more recently since the Site and the adjoining reserve land has been cleared of most of its vegetation.

3. EXECUTIVE SUMMARY

ONL/ONF Status

- 3.1 To comment on the most appropriate planning response for this Site, I consider it is essential to first understand whether or not the Site is properly overlaid with an Outstanding Natural Landscape (**ONL**) and/or Outstanding Natural Feature (**ONF**) annotation. The PDP and Partially Operative Otago Regional Policy Statement 2019 (**PO-ORPS**) provide direction as to how this evaluation is to be undertaken. Mr (S) Brown has undertaken the type of assessment envisaged by the planning documents and has concluded the Site is at least an ONL, and possibly part of the ONF.
- 3.2 In the PDP, it is largely irrelevant as to whether a site is ONL or ONF – the standard of protection is the same for both. What matters most is identification of the values that lead to the ONL/ONF status, because it is those values that are sought to be protected.

Level of Protection Required for ONLs/ONFs

- 3.3 Once an ONL/ONF is identified, the PDP directs how these should be treated.
- 3.4 From a planning perspective, it is my opinion that the policy and planning aspirations for areas of ONL/ONF cannot be met with the urban residential zonings proposed. I say this for predominantly the following reasons and in reliance on Mr (S) Brown's assessment of visual and landscape effects:
- (a) The planning and policy framework tolerates very little adverse effect on ONLs/ONFs – new subdivision, use and development is “inappropriate” in ONLs and ONFs unless the landscape values are protected (SO 3.2.5.2 and SO 3.2.,.5.3);
 - (b) While conifer clearance has not affected the value of the landscape/feature, it has highlighted the visibility of current development which, in turn:
 - (i) emphasises the degree of adverse effect additional development would have (even at a reduced scale from originally proposed); and
 - (ii) highlights how important a thorough cumulative effect assessment is. Mr (S) Brown's opinion is clear as to the adverse effect existing development has already had and that this ONL/ONF does not have capacity to absorb any more. This is particularly so when there

remains one area of urban zoning on the submitters properties which is yet to be developed.

- (c) Further development, even of a reduced scale, will create further adverse effects on the values of the landscape and these effects cannot be sustained without eroding (or least negatively affecting) the reasons for the ONL/ONF status attaching to the Site, the landscape within which it sits and the Shotover River.

3.5 I reach the view that the only form of zoning which will appropriately manage the Site and its landscape/feature values, is the Rural Zone. Of all the zones in the District Plan, only the Rural Zone pays sufficient reference to any ONL/ONF values present.

If the Site is not an ONL/ONF

3.6 I recognise the landscape witnesses for the Submitter have come to a different view on the status of the site as an ONL/ONF. I have therefore considered the appropriate planning outcome if the Commissioner's prefer the views of Mr Espie and Ms Pfluger.

3.7 Firstly, I note that even if the Site itself is not classified as ONL/ONF, it is part of (within) a wider ONL setting and it immediately adjoins an ONF. What happens in the Site therefore matters because of the potential to affect one or all of the surrounding ONLs and ONFs.

3.8 Ms Pfluger relies on a number of "assurances" to reach her view there is some capacity for development in this area. Mr Jeff Brown provides detail on the proposed planning framework. I consider there is a disconnect between what Ms Pfluger requires to be able to support the Proposal and what Mr Brown has put forward. I do not consider the provisions nominated are sufficient to deliver the results Ms Pfluger assumes will be delivered.

3.9 As such, it is my conclusion that even without an ONL/ONF classification the most appropriate planning regime remains Rural. The urban zonings proposed have little to no regard for the setting of this Site and they will adversely affect the values that currently exist – conifers or not and existing development or not.

4. BACKGROUND

Notified Stage 1 of the PDP

4.1 Stage 1 of the PDP was originally notified in August 2015. The Site was notified as Rural zone, located outside of the UGB and within the ONL. A copy of the notified planning map is contained in [Annexure A](#) and reproduced in [Figure 1](#) below.



Figure 1: Notified PDP Map 39a (Arthurs Point)

Further Submission

- 4.2 The APONLS made a further submission on the original submissions made by Gertrude and Larchmont; a copy is contained with the section 42A report.
- 4.3 APONLS opposed the relief sought by the submitters. The reasons provided for the opposition are set out in the further submission.

Landscape Priority Areas

- 4.4 On 30 June 2022, the Council notified a variation to Chapter 21 (Rural) of the PDP to introduce landscape schedules 21.22 and 21.23. These schedules set out the landscape values for twenty-nine Priority Area landscapes across the Wakatipu Basin and Upper Clutha.
- 4.5 The landscape schedules were informed by public feedback that was undertaken prior to the notification of the schedules. The feedback identified what people and communities throughout the district value in these ONLs and ONFs.
- 4.6 The APONLS and numerous other members of the Arthurs Point community provided feedback to the Council through the informal request for feedback that was made prior to the Council formulating the schedules for notification.

5. SITE & SURROUNDS

- 5.1 Ms Evans provides details of the Submitter's properties at paragraph [4.1] of her evidence, which I agree with. I also agree with the description of the Site and surrounding environment set out by Mr (S) Brown in his evidence.
- 5.2 The Site has undergone significant vegetation clearance in recent months. The Site has changed from being heavily wooded to being much more open. Since the vegetation clearance commenced, a number of access tracks have been formed through the site and water tanks painted white. Profile poles have been erected throughout the Site and adjoining LDSR zone portion of the property.
- 5.3 The site and surrounding area have been subject to a number of consents and decisions from the Court, as outlined by Mr (S) Brown.
- 5.4 Adding to this, a Certificate of Compliance (reference RM220018) was sought for the removal of the trees on part of the Site (excluding the Murphy property). The Council did not grant the application and instead sought further information on 25 February 2022 (which the applicant agreed to provide). At the time of writing this evidence, I understand the application has still not been granted and no further information has yet been provided.
- 5.5 Mr (S) Brown refers to the Environment Court decision C20/2001 relating to what is known as "the Castle" on the Murphy land which is included as part of the Site subject to the submission. Numerous comments have been made in the evidence for the submitter about this consent and the adverse effects that it will have once construction is complete.
- 5.6 This partially built structure is shown in Figure 2 below.



Figure 2: The Castle at 163 Atley Road (Source: QLDC GIS, December 2022)

5.7 From my reading of the evidence for the submitter, reliance is being placed on this consent having been exercised and therefore its ability to be fully implemented and bring about adverse effects is 'live'. However, it appears to me the trees that were to be protected (by way of consent condition)³ for screening of the buildings from outside of the Site have been removed as part of the vegetation clearance of the Site.

6. THE SUBMITTER'S PROPOSAL

6.1 I understand the relief now being sought is⁴:

- (a) inclusion of the LDSR zone over part of the Site, including the area of higher topography centrally located within the Site;
- (b) inclusion of the Large Lot Residential B (**LLR**) zone on the balance of the Site;
- (c) expansion of the UGB to the outer boundary of the Site (consistent with the initial relief sought);
- (d) removal of the ONL within the Site (consistent with the initial relief sought);
- (e) refinement of the boundary of the Shotover River Outstanding Natural Feature (**ONF**);
- (f) additions to the provisions of the LLR zone, namely the inclusion of a policy relating to a Structure Plan and some minor changes to the rules; and

³ Condition (i) and condition (xvi) of C20/2001

⁴ As set out in evidence of Mr Brown, Ms Pfluger and Mr Espie dated 15 November 2022.

- (g) inclusion of a Structure Plan in Chapter 27 of the PDP, along with a new objective and associated policies, and a controlled activity rule to enable subdivision and development within the Structure Plan area.

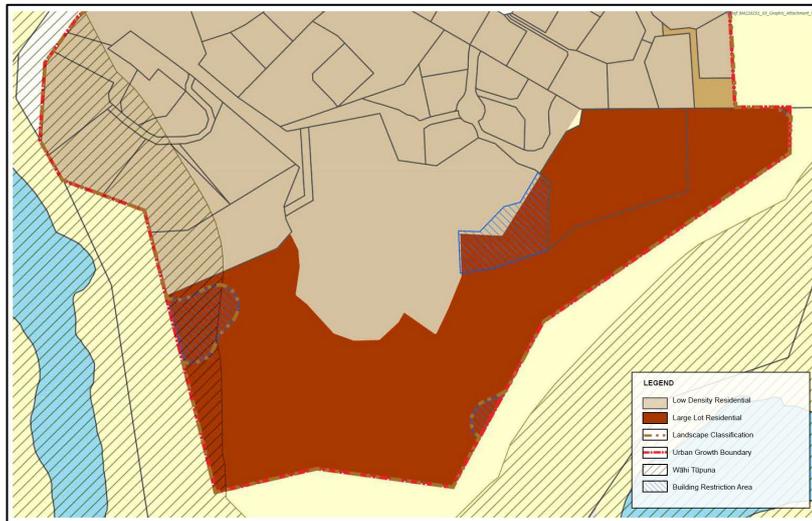


Figure 3: Proposed rezoning as set out in evidence of Mr Espie

- 6.2 Part of the Site is zoned LDSR and no changes are sought to this land.
- 6.3 The Proposal as it relates to the LLR zone is described more specifically in the evidence⁵ of Ms Evonne Pfluger.

7. KEY ISSUES

- 7.1 There are a number of key questions that I consider of primary relevance to the Commission in evaluating the Proposal:
 - (a) is the Site within the boundaries of an ONL and/or ONF?
 - (b) if it is within the boundaries of an ONL/ONF, what values make the Site so important and what is the most appropriate zone under the PDP to protect these values?
 - (c) if it is not within an ONL and/or ONF, what is the most appropriate zone under the PDP?
 - (d) does the submitter's Proposal achieve the statutory tests set out under the RMA?
- 7.2 I will return to these points at my conclusion in Part 11.

⁵ [17] of evidence of Ms Pfluger

8. LANDSCAPE CLASSIFICATION

8.1 In my opinion the first issue for the commissioner’s determination relates to the landscape classification. This provides the foundation for the consideration as to whether a rural or urban zoning is appropriate for the Site.

Planning Context

8.2 SO 3.2.5 is the lead objective in Chapter 3 of PDP – the retention of the District’s distinctive landscapes. This stems from Policy 3.2.3 of the PO-ORPS, which directs the identification of “areas and values of outstanding natural features, landscapes and seascapes, using the attributes in Schedule 3”⁶. This gives effect to section 6 of the RMA and the landscapes of national importance that need to be recognised and provided for.

8.3 SO 3.2.5.1 under the PDP requires that “the District’s Outstanding Natural Features and Outstanding Natural Landscapes and their landscape values and related landscape capacity are identified”.

8.4 In Chapter 3, **landscape capacity** in relation to an ONF or ONL, means the capacity of a landscape or feature to accommodate subdivision and development without compromising its identified landscape values.⁷

8.5 **Landscape values** in relation to any ONF, ONL or Rural Character Landscape (**RCL**) includes biophysical, sensory and associative attributes (and ‘values’ has a corresponding meaning).⁸

8.6 When it comes to the assessment of the landscape, its values and capacity, this is directed by SO 3.2.5.2 and SO 3.2.5.3:

“3.2.5.2 Within the Rural Zone, new subdivision, use and development is inappropriate on Outstanding Natural Features or in Outstanding Natural Landscapes unless:

a. where the landscape values of Priority Areas of Outstanding Natural Features and Outstanding Natural Landscapes are specified in Schedule 21.22, those values are protected; or

b. where the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are not specified in Schedule 21.22, the values identified according to SP 3.3.45 are protected.”

⁶ See page 121 of https://www.orc.govt.nz/media/9658/rps_partially-operative_2019_2021.pdf

⁷ 3.1B.5 (b) (i)

⁸ 3.1B.5 (c)

- 8.7 SO 3.2.5.3 requires that “In locations other than in the Rural Zone, the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development.” SO 3.2.5.3 is an important strategic objective that will remain relevant if it was determined that the Site should be zoned LDSR and LLR. Notably, the Proposal would need to give effect to SO 3.2.5.3 irrespective as to whether the Site was zoned Rural or not.
- 8.8 SP 3.3.29 gives effect to SO 3.2.5 and provides further direction:
- “3.3.29 For Outstanding Natural Features and Outstanding Natural Landscapes, identify landscape values and landscape capacity:
- a. for Priority Areas identified in Schedule 21.22, in accordance with the values identification framework in SP 3.3.36 – 3.3.38 and otherwise through the landscape assessment methodology in SP 3.3.45 and through best practice landscape assessment methodology; and
- b. outside of identified Priority Areas, in accordance with the landscape assessment methodology in SP 3.3.45 and through best practice landscape assessment methodology.”
- 8.9 SP 3.3.30 directs the *protection* of the values of ONFs and ONLs, and SP 3.3.31 requires the *avoidance* of adverse effects on the landscape values of the District’s ONFs and ONLs from residential subdivision, use and development where there is little capacity to absorb change.
- 8.10 Both limbs of SP 3.3.29 direct the reader to the same assessment methodology.
- 8.11 SP 3.3.45 sets out the landscape assessment methodology relevant to both limbs of SP 3.3.29 and is an important strategic policy in the context of these proceedings. SP 3.3.46 states that the methodology under SP 3.3.45 “is to be implemented when assessing: (a) a proposed plan change affecting the rural environment...”
- 8.12 The full text of these strategic policies is contained in my [Annexure B](#).
- 8.13 SP 3.3.44 sets out that where any or any part of an ONF, ONL or a Rural Character Landscape is not identified as a Priority Area in Schedule 21.22 or 21.23, this does not imply that the relevant area:
- a. is more or less important than the identified Priority Areas in terms of:*
- i. the landscape attributes and values, in the case of an Outstanding Natural Feature or Outstanding Natural Landscape;*
- ii. landscape character and visual amenity values, in the case of a Rural Character Landscape; or*

b. is more or less vulnerable to subdivision, use and development.

Commentary of Landscape Classification

8.14 The key difference between mine and Ms Evan's opinion, and that of Mr Brown, relates to the landscape classification:

- (a) Ms Evans and I consider that the majority of the site is located within an ONL, which includes the ONF of the Shotover River; whereas
- (b) Mr Brown considers the site is not an ONL and only a very small area is within a the ONF of the Shotover River.

8.15 For completeness I note that my views have not changed with the removal of the vegetation from the site. This has impacted the character of the area but conversely, it has enhanced the openness of the Site within the landscape. I agree with Mr (S) Brown that the Site remains an ONL with or without the trees.

8.16 Mr (S) Brown considers that the landscape does not have the ability to absorb the level of change that would result from the proposed rezoning⁹.

8.17 I also do not agree that the Site should be excluded from an ONL classification because it is too small to be a landscape in its own right.

Outstanding Natural Landscape

8.18 For the reasons set out in the evidence of Mr (S) Brown, I agree with him that the Site is located in an ONL.

8.19 I have relied on Mr (S) Brown's opinion in this regard, particularly because:

- (a) he has undertaken a first principles assessment of the values of the landscape in this location in forming his view on the landscape classification, which is the required response under both the PDP as outlined above;
- (b) his assessment of the values is generally consistent with the notified landscape schedules prepared by the Council's landscape experts that pertain to this location, which indicates to me a good level of consistency between the experts who have undertaken a values assessment and reached the conclusion that the landscapes do not have the capacity to absorb the urban development that will arise from the proposed rezoning;

⁹ [96 (b)] of evidence of Stephen Brown

- (c) he has recognised that the Shotover River ONF is a distinctive feature of a larger landscape, which is an ONL;
- (d) he has carefully considered the cumulative effects of existing development and zoning in this location and whether or to what extent this makes the landscape and its features less worthy of ONL/ONF status and/or other policy protection. On the other hand, the landscape evidence for the Submitters proceeds on the basis the 'horse has bolted'.

9. STATUTORY CONSIDERATIONS

9.1 I have read and agree with Ms Evan's identification of the relevant statutory documents set out in section 7 of her evidence. Ms Evan's identifies the relevant provisions of the RMA at her [7.1] relating to rezoning requests. I also agree with both Ms Evans and Mr Brown references to the guidance provided in *Colonial Vineyard Limited v Marlborough District Council* [2014] EnvC 55 and other relevant case law.¹⁰ I have also adopted this guidance for the purposes of my evidence.

Section 32 of the RMA

9.2 Section 32AA(1)(a) of the RMA requires a further evaluation in respect of the amendments sought to the existing Proposal since the section 32 evaluation was completed. In this context:

- (a) The 'existing proposal' is the Rural zone (**Option A**);
- (b) The 'amending proposal' is the urban rezoning of the land consisting of Lower Density Suburban Residential (**LDSR**) and Large Lot Residential (**LLR**) zone (**Option B**).

9.3 Section 32AA(1)(b) states that the further evaluation must be undertaken in accordance with sections 32(1) to (4), while section 32AA(c) requires that the level of detail must correspond to the scale and significance of the changes.

9.4 Under section 32(1)(a) the evaluation must examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA. Section 32(1)(b) requires an examination of whether the provisions of the proposal are the most appropriate way to achieve the objectives by identifying other reasonably practicable options for achieving the objectives, assessing the efficiency and effectiveness of the provisions in achieving the objectives, including the costs and

¹⁰ [7.2] of evidence of Ms Evans

benefits of the options, and the risks of acting or not acting, and summarising the reasons for deciding on the provisions.

- 9.5 Under section 32(1)(c) the evaluation is to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- 9.6 For 'amending proposals', section 32(3) requires that if the proposal (an amending proposal) will amend a change that is already proposed or that already exists, the examination under subsection (1)(b) must relate to:
- (a) the provisions and objectives of the amending proposal; and
 - (b) the objectives of the existing proposal to the extent that those objectives —
 - (i) are relevant to the objectives of the amending proposal; and
 - (ii) would remain if the amending proposal were to take effect.
- 9.7 Additionally, the overarching principles of section 32 must also be considered, namely:
- (a) Are the objectives the most appropriate to achieve the purpose of the RMA?
 - (b) Are the policies the most appropriate way to achieve the objectives?
 - (c) Will the policies be an effective and efficient way to achieve the objectives?
 - (d) Will there be a risk of acting or not acting if there is uncertain or insufficient information?

Part 2 of the RMA

- 9.8 Sections 74 and 75 of the RMA require District Plans to be prepared in accordance with Part 2 of the RMA. Section 31 (1) sets out the functions of the Council for the purpose of giving effect to the purpose of the RMA in this district.
- 9.9 As set out above, section 6 is a key consideration in the context of the relief sought to undertake urban development in what is an ONL, next to and partially within an ONF. Mr Brown considers that "no section 6 matters of national importance are directly engaged by the proposal¹¹" in reliance on the evidence of Mr Espie and Ms Pfluger; this is a fundamental matter of disagreement between us. I consider that the Proposal engages with section 6 because the Site is – at least – partially within and adjacent to the ONF of the Shotover River.

¹¹ [8.1] of evidence of Mr Jeff Brown

9.10 **Option A** would protect the ONL and ONF from inappropriate subdivision, use and development. **Option B** would offer no protection to the ONL and inadequate protection to the ONF, and not achieve section 6.

9.11 Section 7 sets out a number of matters which regard must be given, including:

(b) The efficient use and development of natural and physical resources:

(c) The maintenance and enhancement of amenity values:

(f) The maintenance and enhancement of the quality of the environment:

(g) Any finite characteristics of natural and physical resources:

9.12 **Option A** would achieve the outcomes in section 7 insofar that it relates to maintaining the status quo (and cannot really be an enhancement). **Option B** would not constitute an efficient use of the land resource by establishing a zone for urban land development and use, but would not maintain or enhance amenity values (rather it would have a significant adverse effect on amenity values, particularly those from views and experiences from Watties Track). The land as a resource for urban zoning (**Option B**) has finite characteristics but given the limited number of allotments arising from the urban zoning, the resource in my opinion is of limited value.

9.13 **Option A** would enable the Council to achieve its function in giving effect to the purpose of the RMA.

9.14 I do not consider either option has tension against section 8 of the RMA.

9.15 The purpose and principles in Part 2 of the RMA emphasise the requirement to sustainably manage the use, development and protection of the natural and physical resources for current and future generations. Section 5 of the RMA is better served by **Option A** as promoting sustainable management.

National Policy Statements

9.16 A District Plan must be prepared in accordance with, and give effect to any National Policy Statement (**NPS**). I agree with Ms Evans and Mr Brown that there are two NPSs of relevance:

(a) NPS for Highly Productive Land 2022 (**NPS-HPL**); and

(b) NPS for Urban Development 2020 (**NPS-UD**)¹².

¹² Updated May 2022

9.17 For completeness I note that I do not see any conflict with the Proposal against the NPS-Freshwater Management 2020. I agree with Ms Evans that there are no other relevant NPSs¹³ or regulations¹⁴.

NPS-UD

9.18 The NPS-UD is relevant to the Proposal insofar that the submitter is seeking to remove a rural zoning and replace it with an urban zoning.

9.19 If the Rural zoning is retained (**Option A**), then the NPS-UD would not be relevant to the consideration of the Proposal. I have read and agree with Ms Evan's assessment and rely on this for the purposes of my own evaluation.

9.20 Neither option assists housing affordability (Objective 2 of NPS-UD).

9.21 While the provision of some 27 lots for residential purposes is small in the context of the district, comparatively **Option B** would better achieve the NPS-UD than **Option A**. **Option B** would not add significantly to development capacity (Policy 8 of NPS-UD).

9.22 A risk with identifying the Site as urban zoning within an UGB is that the NPS-UD directs regional policy statements and district plans in Tier 2 environments (Queenstown) to be modified to increase the heights and densities of urban form. The risk here is that if this Site was rezoned urban, it could fall within these directives for future intensification (Policy 5).

9.23 I do not consider that **Option B** would offend the policies relating to urban form and connections, given that the Site adjoins an existing urban zoning at Arthurs Point. I share the concerns of Ms Evan's relating to access and traffic effects.

NPS-HPL

9.24 Ms Evans and Mr Brown have reached differing conclusions on whether the Proposal gives effects to the NPS-HPL. The objective of the NPS-HPL is that highly productive land (being a defined term) is protected for use in land-based primary production, both now and for future generations.

9.25 Ms Evans and I are in agreement that the Site is located on land that meets the definition for being classified as Highly Productive Land. Mr Brown however, relies on the evidence of Mr Reece Hill to exclude the land from the NPS-HPL on the basis it is not LUC 1, 2 or 3.

¹³ [7.28] of evidence of Ms Evans

¹⁴ [7.29 to 7.30] of evidence of Ms Evans

- 9.26 Ms Evans sets out how the NPS-HPL is to be applied at [7.13] and [7.14]. I agree with her that until the RPS is updated with soil mapping and those maps have been made operative, any land shown as LUC 1, 2 or 3 in the specified soil maps must be treated as Highly Productive Land under this NPS.
- 9.27 LUC 1, 2 and 3 land is defined by the NPS-HPL as land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory “or by any more detailed mapping that uses the Land Use Capability classification”. I assume it is the second part of the definition which Mr Hill has based his assessment on.
- 9.28 I do not consider that an assessment of the soil classifications simply based on a desktop analysis and review of aerial photographs (notably before the trees were removed) would constitute “more detailed mapping” that uses the Land Use Capability classification. In my opinion, the level of assessment is not dissimilar to the soil mapping that the NPS-HPL directs a reader to consider prior to any soil maps being made operative in the RPS.
- 9.29 I consider that **Option A** would better achieve (and give effect to) the NPS-HPL through the permitted activity rule framework for farming activity than **Option B** which would remove the soil resource from any use other than domestic plantings.

Regional Policy Statements

- 9.30 A District Plan must have regard to any proposed regional policy statement (section 74(2)(a)(i)) and must give effect to any regional policy statement (section 75(3)(c)).
- 9.31 There are two regional policy statements relevant to the rezoning. The Partially Operative Otago Regional Policy Statement (**PO-ORPS**) was made partially operative on 15 March 2021. A Proposed Otago Regional Policy Statement (**P-RPS**) was notified in 2021.
- 9.32 I understand that all PO-ORPS provisions of relevance to this proposal are operative and that the P-RPS has little relevance to the Proposal.
- 9.33 I agree with Mr Brown¹⁵ that – broadly the themes of the RPSs are given effect to by the higher order chapters of the PDP. Removal of an ONL however requires further consideration.
- 9.34 Objective 3.2 of the PO-ORPS requires that “Otago’s significant and highly-valued natural resources are identified and protected, or enhanced where degraded”. Policy

¹⁵ [9.1.] of evidence of Mr Jeff Brown

3.2.3 directs the identification of “areas and values of outstanding natural features, landscapes and seascapes, using the attributes in Schedule 3”. A copy of Schedule 3 is included in my [Annexure C](#).¹⁶

9.35 Policy 3.2.4 directs plans to “protect, enhance or restore outstanding natural features, landscapes and seascapes, by all of the following:

- (a) *In the coastal environment, avoiding adverse effects on the values (even if those values are not themselves outstanding) that contribute to the natural feature, landscape or seascape being outstanding;*
- (b) *Beyond the coastal environment, maintaining the values (even if those values are not themselves outstanding) that contribute to the natural feature, landscape or seascape being outstanding;*
- (c) *Avoiding, remedying or mitigating other adverse effects;*
- (d) *Encouraging enhancement of those areas and values that contribute to the significance of the natural feature, landscape or seascape.*

[my emphasis added].

District Plan

9.36 I refer to my evaluation and to my assessment in Part 10 of my evidence.

Effects on the Environment

9.37 Section 76 (3) requires consideration as to whether the provisions have regard to the actual or potential effects on the environment, including, in particular, any adverse effect.

9.38 As it relates to landscape effects, I agree with Mr (S) Brown that effects stemming from the Proposal will be significant¹⁷. I also share the concerns of Ms Evans on traffic effects (relying on the evidence of Mr Mike Smith for the Council) but have a lesser concern with the amended Proposal if it is capped at a capacity of the 27 lots proposed in evidence. I comment further on the effects of the Proposal in Part 10 of my evidence.

Queenstown Lakes Spatial Plan (July 2021)

9.39 I note in the evidence of Mr Brown that he has highlighted the Queenstown Lakes Spatial Plan (July 2021) as providing support for the Proposal. The Spatial Plan is a

¹⁶ See page 121 of https://www.orc.govt.nz/media/9658/rps_partially-operative_2019_2021.pdf

¹⁷ Paragraph 102 of evidence of Stephen Brown

non-statutory document that, in my opinion has little if any relevance to the assessment of the Proposal.

9.40 I do not consider that anything should be drawn from the Spatial Plan (either for or against the Proposal). I also agree with Ms Evans that there is nothing in the Spatial Plan that identifies this part of Arthurs Point as suitable for urban development.¹⁸

10. EVALUATION OF PROPOSED PROVISIONS

10.1 **Annexure D** includes my evaluation of the proposed provisions against the Chapters 3, 6 and 21 provisions (the key strategic chapters), and other relevant Chapters of the PDP¹⁹.

10.2 I outline below my further assessment including concerns that I have with the provisions and general framework of what is proposed, that in my opinion, highlight that the zoning and provisions are not effective, would not protect the landscape values, are uncertain, and would not represent the best option.

10.3 My evaluation and assessment below has been undertaken in accordance with section 32 of the RMA.

Proposed Plan Provisions

10.4 In my opinion, there is a disconnect between what the Proposal was designed to achieve (as set out in the submitter evidence) against what the adopted PDP zones direct as outcomes (through the objectives, policies, and rules).

10.5 The provisions are not efficient against the framework of the PDP. For instance, the amendments to Chapter 27 (Subdivision and Development) introduce a controlled activity subdivision process which includes a prescriptive (yet relatively superficial) planting regime designed to “protect the landscape values of the adjacent Shotover River”. Significant pressure is placed on this consenting pathway to achieve this outcome and in my opinion, it lacks any backbone as a controlled activity which cannot be denied or require approval of affected persons. Any such consent would need to be evaluated, processed and granted by the Council within 10 working days under the RMA (as a fast track application).

10.6 Residential buildings and activity in the LDSR and LLR can be undertaken as a permitted activity subject to the bulk and location standards being met. In the LLR zone, the proposed 500m² building platforms would contain the dwelling and other

¹⁸ [7.15] of evidence of Ms Evans

¹⁹ This table should be read alongside my assessment in Part 10 of this evidence.

buildings, swimming pools, tennis courts (defined as buildings)²⁰. Other residential domestic elements can be established/undertaken outside of the platforms as a restricted discretionary activity. This is what I consider as a very enabling framework.

10.7 As set out in the evidence of Mr (S) Brown, I agree with his comments about both the LDSR and LLR zone provisions having little regard to landscape values. Both zones are heavily geared towards providing for urban development and providing a high degree of residential amenity internal to the zones. Both zones are generally inwards facing (i.e. they are concerned with effects *within* the zones) rather than outwards facing (i.e. do not contain controls relating to effects that occur *outside* of the zone).

10.8 Ms Pfluger at her [17] states that, for the LLR, "...controls are proposed on future development, as a design-led response to the character and values of the Site, and adjacent Shotover River Gorge."

10.9 No new objective or changes to existing objectives are proposed in Chapter 11 and therefore the existing objectives are relied on. Objective 11.2.1 directs that "a high quality of residential amenity values are maintained within the Large Lot Residential Zone" and its associated policies are centred around maintaining and enhancing residential character and amenity. Policy 11.2.1.2 seeks to "maintain or enhance residential character and high amenity values by controlling the scale, location and height of buildings and in addition within Area B by requiring landscaping, colour and vegetation controls".

10.10 Proposed Policy 11.2.1.5 is set out as follows:

"Require subdivision and development in accordance with a structure plan within the LLRB Zone at Arthurs Point to avoid adverse effects on values of the Shotover River Gorge ONF and ensure development integrates with underlying topography and revegetation"

10.11 This policy relies squarely on the structure plan as the planning method to avoid adverse effects on values of the Shotover River ONF and to ensure development integrates with underlying topography and revegetation. I do not consider that the Structure Plan achieves that as a method.

10.12 I would have expected a policy that is more heavily geared towards protecting the values of the ONF and wider ONL, that gives effect to the higher order strategic objectives and policies of the PDP.

²⁰ [22] of evidence of Ms Pfluger

10.13 Objective 11.2.2 and its policies, for example, provide a relatively enabling framework for commercial and non residential activities, including restaurants. No consideration has been given to this.

10.14 Fundamentally I do not consider that the LDSR or LLR zone is a good fit as the method for providing for development in this location.

10.15 Even if the Commission found that the Site is not within an ONL, I would have reservations as to the appropriateness of both zones against the effect they would have on the values of the Shotover River ONF and rural landscape values of the surrounds.

10.16 For completeness, I agree with Mr Brown at his [4.5] where he outlines the reasons as to why the LDSR zone is not appropriate for the entire Site. In this regard I consider that the reasons he has outlined could also pertain to the placement of the LLR zone over the land.²¹

Landscape Plantings / Mitigation

10.17 From an examination of the provisions, I cannot see any that provide any degree of certainty surrounding the mitigation of landscape and visual amenity effects from development within the proposed zone, and none that will achieve the stated purpose of “protecting the landscape values of the adjacent Shotover River ONF”.²²

10.18 In discussing the design, Ms Pfluger states at her [19] that:

“In formulating the structure plan for the Site, BML have taken into account the need for buildings to be designed and located so that they do not compromise the character of the adjacent Shotover River ONF or impact adversely on the outlook from existing residences. The design ensures that buildings would be subservient to the surrounding natural landscape elements, with a sense of spaciousness maintained across the more visible parts of the Site due to the low density and the provision of extensive native planting areas that contribute to the landscape character and visual amenity values.”

[my emphasis added]

²¹ [4.5] In my view, and having discussed with Ms Pfluger and Mr Espie, the entire Site is not suited to the LDSRZ zoning because:

- the topography in many parts is steep and the Site would need to be significantly earth-worked to enable suitable roading widths and building sites for the residential density at or approaching that anticipated by the LDSRZ;
- the Site is visible from various external locations and the change resulting from the works required, and the development in accordance with the LDSRZ, would likely have adverse effects that are not able to be avoided or mitigated by methods including integrating buildings into the topography and by landscaping.

²² Proposed Rule 27.7.XX (1)

10.19 In my opinion, the zone was never intended to achieve these outcomes as set out through its objectives and policies. I consider that the proposed modifications to the zone also do not achieve these outcomes.

10.20 Ms Pfluger describes the proposed planting regime at her paragraph [28]:

“The planting proposed for the LLRZ consists of a mix of native plants consisting of species of varying height (see Table 1 for species composition). As part of the planting, trees, shrubs, and grasses will provide some ecological and visual diversity, while the aim is to achieve an overall homogenous appearance of the structural planting that settles the development into the landform and frames the built development.”

10.21 In my opinion, Ms Pfluger’s landscape mitigation is not an outcome that would necessarily arise from the implementation of the proposed plan provisions. The provisions do not provide any height specifications, nor do they require that vegetation should achieve any specified height prior to the building they are intended to mitigate is established.

10.22 Ms Pfluger states at [29] that she anticipates that the plants would provide a “screening function” for dwellings when viewed on outside of the Site and refers to the planting as “large scale mass planting”. To me, screening implies that the vegetation will have a dense coverage and be of a considerable height respective to the built form. A critical aspect to screening is when it will occur respective to the development, particularly in light of the fact that the Site has been cleared of its mature vegetation.

10.23 There is no consideration as to how long it would take to achieve the “large scale mass planting” to “create a context to soften the built form on the currently cleared site”.²³ This appears to be inadvertently explained by Ms Pfluger at [39]:

“Planting in the 3D model and visual simulations is shown at 5 years following planting with the following mix of heights based on the plant palette provided. At 5 years after planting 45% of the plants are shown at 3m, 45% at 4m and 10% at 5m height.”

10.24 In my experience advising clients with land in ONLs and other sensitive landscapes, if you need to heavily plant a Site to achieve effective mitigation for visual screening then it is usually a good indicator that the Site in its current state is unlikely to be appropriate for development.

10.25 I infer from Ms Pfluger at her [30] that she has relied on the wilding trees on the DOC land providing screening while she assumes that in the “long term” that they will be removed. This is highly uncertain given Mr Fairfax has confirmed in evidence he has

²³ [29] of evidence of Ms Pfluger

approval from DOC to start removing those trees and that this work has already commenced.

10.26 Ms Pfluger's reference to "a more detailed landscape plan" being submitted to the Council for approval as part of the subdivision is an outcome that does not have any certainty of occurring in the plan provisions. She also states that the "comprehensive planting plan would be implemented by individual lot owners prior to building, in accordance with registered consent conditions".²⁴

10.27 Proposed Rule 27.7.XX (1) (c) specifies information requirements on a consent applicant to "identify locations of accesses to residential lots and any planting required to soften or screen these from views outside of the Zone". There is a difference in effects between *softening* built form and *screening* built form.

10.28 In my opinion:

- (a) if the landscaping is intended to provide justification to the establishment of the zone, then the landscaping should be a requirement to implement as part of the subdivision prior to the construction of dwellings;
- (b) installing landscaping prior to building has no real merit in the mitigation of effects if there is no certainty in what will be planted, heights and coverage when viewed against the proposed building, activity and landform mitigation it is intended to screen; and
- (c) the significant reliance on landscaping to mitigate built form effects on what is currently a bare site indicates to me that the site is not appropriate for urban development (aside from whether or not it is an ONL).

10.29 More meaningful mitigation could have possibly included the staged removal of the pine and larch trees, with the planting of trees in replacement to maintain a higher level of visual mitigation. This is not an option available given the removal of the trees on the Site and the commencement of the removal of the trees on the adjoining DOC reserve.

Roading and earthworks effects

10.30 There has been very little regard given to the effects of earthworks and roading. The planning framework has been set up to defer assessment to the consenting process. There also appears to be little discussion on what roading widths are likely to be

²⁴ [31] of evidence of Ms Pfluger

required to service the proposed level of development in accordance with the transportation chapter 29 of the PDP.

10.31 There has also been no consideration of the effects of roading in the zone provisions. Proposed Rule 27.7.XX enables the road to vary from that shown on the Structure plan by +/- 20m, which in my opinion is significant and further increases the uncertainty surrounding the effects that will arise from the Proposal and the implementation of the proposed provisions.

10.32 The submitter evidence refers to the need for “significant” earthworks to remove the tree stumps from the ground. I understand that this same issue was raised in the processing of the application for a Certificate of Compliance for the tree removal and is part of the reason why that application was not certified by Council as permitted.

10.33 The timing of earthworks associated with the development of this land (subject to rezoning) is important because if they are undertaken as part of a subdivision process, the new ground levels are reset at the issue of title, meaning the ground levels that are seen on the Site at present will not be the ground levels on which buildings will be established. This creates uncertainty with what is presented. I note from the evidence of Ms Pfluger²⁵ that the 3D models were prepared based on “the existing terrain”, which I assume means the current ground levels.

Water tanks

10.34 All landscape architects agree that the knoll (or knob) is an important landscape feature on the Site and should be protected from development. Ms Pfluger notes at her [26] that two existing concrete water tanks on the southern side of the knob have already impacted on the landform.

10.35 My observation is that the visibility of these tanks has been enhanced by the recent painting of those tanks white in colour. I note that the planning provisions place a building restriction area over the knoll but do not exclude it from being used for additional water reservoirs²⁶.

Third party land

10.36 I have significant reservations regarding the references in the proposed policy, matters of control, and Structure Plan to the adjoining DOC reserve.

²⁵ [13] of evidence of Ms Pfluger

²⁶ [26] of evidence of Ms Pfluger

10.37 As I have set out above, much has been said in the evidence about the (alleged) positive effects arising from the trail but little has been said about the mechanics as to how this trail could be established and whether it is a guaranteed outcome arising from the Proposal (my view it is not).

10.38 My reservations as set out as follows:

- (a) The trail is shown on the Structure Plan as being located *outside* of the Site, and therefore outside of the scope of the Submitter's Proposal;
- (b) Aside from the fact any trail proposal would be outside the scope of the submitters request, it would be located on DOC reserve land and subject to a third party approval;
- (c) The Trail as shown on the Structure Plan would be located within an ONL, noting here that the site that incorporates the DOC reserve sits outside of the scope of these submissions and therefore will remain as notified ONL (or possibly come within the proposed ONF of the Shotover River);
- (d) The Trail would require resource consent for earthworks;
- (e) The Trail would be located in a Wāhi Tupuna and there has been no evidence provided that confirms any consultation with mana whenua has been undertaken; and
- (f) The submission from the Trails Trust indicates that a bridge would be required to connect the trail into the wider network. There is no consent in place for that bridge and no certainty that one would be granted.

10.39 Accordingly, I have given little regard to any effects (positive or negative) arising from the inclusion of a trail outside of the confines of the Site.

Rural zone inefficiencies

10.40 Mr Brown considers that it is "inevitable" that if the rezoning is not approved then development will be advanced by way of resource consent under the existing zone framework. I agree with him in respect of that part of the Site already zoned LDSR.

10.41 However, with regard to that part of the Site located in the Rural zone, I do not consider applications for residential use are inevitable. I note the Rural zone includes a number of permitted and controlled activities that would enable use of the land (subject to compliance with the standards under Table 6). This includes:

- (a) farming (21.4.1) – permitted

- (b) domestic livestock (21.4.8) – permitted
- (c) commercial recreation activities (21.4.13) – permitted
- (d) retail sales of farm, garden produce or wine grown – controlled
- (e) recreation (21.4.22) – permitted
- (f) informal airport (21.4.23) – permitted

10.42 If resource consent is applied for to establish residential activity on the Site under the Rural zoning, this would likely be a discretionary activity and would need to pass through all the 'usual' requirements under the RMA to gain approval. I note here that as an ONL, Policy 6.3.3.1 requires that development (including buildings, structures and physical changes to land) must be "reasonably difficult to see" from beyond the boundary of the site, otherwise such development would be deemed "inappropriate". Given the vegetation has been cleared from the Site and from the visual assessments undertaken by all the landscape architects who have provided evidence thus far in these proceedings, this appears to present a hurdle.

10.43 A consenting path under the Rural zoning would include much more detail to allow the effects of any development to be properly assessed, including consideration of the effects on the wider landscape, which are not a consideration if the Site was zoned LDSR and LLR.

Summary

10.44 While I have provided a more detailed evaluation of the Proposal against the PDP framework in my **Annexure D**, the above examples illustrate that in my view that the protection of landscape value cannot be achieved through the proposed LDSR and LLR zones because the nature and scale of development anticipated by the proposed zoning exceeds the landscape's capacity to absorb change and is inadequate in its methods to avoid remedy or mitigate its adverse effects.

10.45 In seeking to remove the ONL from the Site, the request has set a very high bar, one that I do not consider has been overcome.

10.46 Under the status quo (i.e. Rural Zone), residential activity, buildings and subdivision require a discretionary activity resource consent and applications will need to engage the full suite of policies in PDP Chapters 3, 6, 21 and 27. I consider that this will more effectively protect the landscape values of the ONL and ONF when compared to the proposed LDRZ and LLR zonings. The efficiencies gained through the rezoning to

enable urban development are limited to the landowner at the time, and do not outweigh the removal of the need to protect landscape values.

10.47 The Rural zone (Chapter 21) along with Landscapes and Rural Character (Chapter 6) are a more appropriate zone framework than the proposed urban zonings of Lower Density Suburban Residential (Chapter 7), Large Lot Residential (Chapter 11) and Urban Development (Chapter 3).

10.48 The Rural zone will more effectively protect the landscape values of the ONL and/or Shotover River ONF and gives better effect to SO 3.2.5 (the retention of the District's distinctive landscapes). The Proposal will not give effect to, or achieve, SO 3.2.5.

10.49 The benefits of the Proposal are limited and primarily focussed on the benefit to the Submitters in providing development opportunities on the Site, being a modest 27 lots²⁷, and the associated economic benefits. The trail network that is included as part of the Proposal relates to third party land of which the Submitter has no control of in this process and relates to activities that would require further consents to give effect to, including a bridge over the Shotover River. Even if that trail was established, the fact that the majority of the trail is not on the Site and can be established on other land (to achieve the same or similar outcome), has drawn me to the conclusion that it has limited benefit in the evaluation of the Proposal.

10.50 The introduction of some 27 lots for future residential development will have a benefit (albeit a very small benefit) in providing for additional housing in the district. I do not consider the type of housing on offer would be affordable and I note the Proposal makes no such claims either.

10.51 The costs of the Proposal are significant, primarily related to effects on the ONL and/or ONF, being matters of national importance under section 6 of the RMA.

10.52 In my opinion SO 3.2.5, and in particular SO 3.2.5.2 and SO 3.2.5.2 would not be achieved.

10.53 The Proposal does not introduce any new objectives into the LDSR or LLR zone chapters of the PDP, and relies on existing objectives and urban zoning frameworks that seek to maintain and enhance *residential* character and amenity, while affording little (if any) regard to landscape values outside of the zones. A new policy is proposed in Chapter 11 to connect development to the structure plan to be contained in Chapter

²⁷ [10] of evidence of Pfluger – “The rezoning seeks to achieve approximately ten lots of LDRZ and 17 lots within LLRZ which are specifically sited with individual design controls.”

27 and to “avoid adverse effects on the values of the Shotover River Gorge ONF”.

However, there are no methods that would effectively achieve this policy with certainty.

10.54 The Proposal seeks to introduce a new Objective 27.3.XX and suite of policies into the subdivision chapter relating to the implementation of the structure plan. These proposed provisions are deficient because the structure plan, activity rules and standards anticipate a nature and scale of development that will not achieve proposed Objective 27.3.XX (...avoiding adverse effects on the values of the Shotover River ONF and mitigating visibility of buildings from beyond the zone...) and its policies. The *enabling* function of proposed Policy 27.3.XX.1²⁸ is inappropriate within this landscape setting, as is the controlled activity status (which means an application cannot be declined, affected persons approvals are not required, and an application must be evaluated and approved by the Council within 10 working days given its qualification for fast tracking²⁹).

10.55 Notably, the proposed Objective (and its policies) in Chapter 27 fail to recognise and provide for the ONL and its values, and the objectives within the LDSR and LLR zone of which the submitter is relying on provide no protection (or recognition) of the values of ONLs and ONFs.

10.56 In terms of the effectiveness and efficiency of the provisions under section 32 of the RMA, they lack specificity, are highly uncertain in effect and are inadequate in providing methods to respond to the adverse effects of development on the Site. Comparatively, the proposed framework for the LLR zone and its structure plan is more enabling of subdivision and development than most other urban zones in the district, including the Low and High Density Residential Zones. They represent a poor planning outcome for the Site and landscape.

10.57 The risk of acting (i.e. accepting the Proposal) is hampered by a high uncertainty arising from the planning provisions. A number of key assurances that Ms Pfluger relies upon for the conclusions in her evidence are not echoed in proposed provisions, which one would expect to be certain and effective where a section 6 landscape of national importance is sought to be removed in exchange for a low yielding urban zoning of.

10.58 In my opinion, the retention of the Site as Rural zone within an ONL and outside of the UGB would be the most appropriate option and would achieve Part 2 of the RMA.

²⁸ “Enable subdivision within the Arthurs Point LLRB Zone which is consistent with the Arthurs Point LLRB Structure Plan located within Section 27.13”.

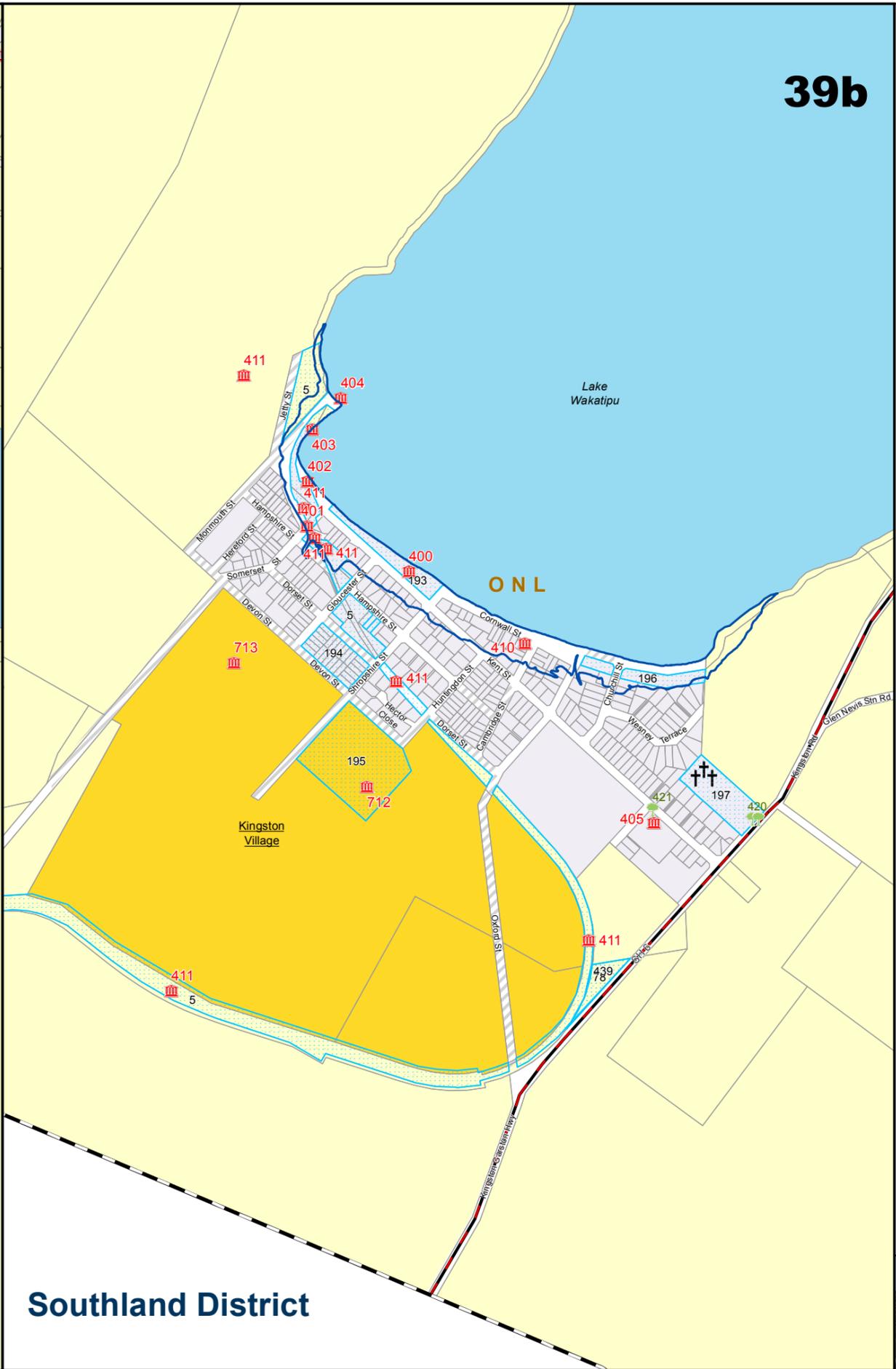
²⁹ Section 87AAC of the RMA

11. CONCLUDING COMMENTS

11.1 Circling back to the key questions I outlined in my Part 7, I have reached the conclusion that:

- (a) the Site is within an ONL of which the Shotover River ONF is part of;
- (b) the most appropriate zone under the PDP to protect the values of the ONL and ONF is the Rural zone and an urban zoning is not appropriate; and
- (c) the submitter's Proposal does not achieve the statutory tests set out under the RMA and the RMA is best served by retaining the Rural zoning over the Site (as notified), retaining the UGB in the location as notified and confirming the ONL over the Site.

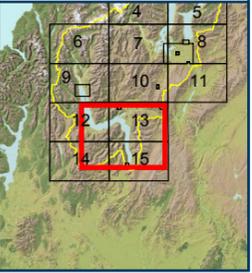
Brett Giddens
6 December 2022



- Legend**
- Open Cemetery
 - Historic Heritage Features
 - Protected Tree
 - Parcel/Road Boundary
 - Landscape Classification (ONF, ONL, RLC)
 - Urban Growth Boundary
 - State Highway
 - Territorial Authority Boundary
 - Unformed Roads
 - Designated Areas
 - Building Restriction
 - Low Density Residential
 - Rural
 - Water (zoned Rural unless otherwise shown)
 - Township (Operative)
 - Special Zones (Operative)
 - Historical Flood Zone (ie. Land Area below RL 312.8 AMSL)

Southland District

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PART 2**STRATEGIC DIRECTION 3**

(relevant to SO 3.2.5, 3.2.5.7)

3.3.40 For the Priority Areas listed in SP 3.3.39, according to SP 3.3.41, describe in Schedule 21.23 at an appropriate landscape scale:

- a. the landscape attributes (physical, sensory and associative);
- b. the landscape character and visual amenity values; and
- c. the related landscape capacity.

(relevant to SO 3.2.5, 3.2.5.7)

3.3.41 To achieve SP 3.3.40 for each Priority Area:

- a. identify and describe key public routes and viewpoints both within and in proximity to the Priority Areas (including waterbodies, roads, walkways and cycleways);
- b. identify the key physical, sensory and associative attributes that contribute to the landscape character and visual amenity values of the Priority Area;
- c. describe in accordance with SP 3.3.43, and then rate, those attributes;
- d. assess and record the relationship between the Priority Area and the wider Rural Character Landscape context;
- e. assess and record the relationship between the Priority Area and the Outstanding Natural Features within the Upper Clutha Basin;
- f. assess and record the relationship between the Priority Area and the Outstanding Natural Landscapes that frame the Upper Clutha Basin; and
- g. assess and record the related landscape capacity for subdivision, use and development activities including but not limited to:
 - i. commercial recreational activities;
 - ii. visitor accommodation and tourism related activities;
 - iii. urban expansions;
 - iv. intensive agriculture;
 - v. earthworks;
 - vi. farm buildings;
 - vii. mineral extraction;
 - viii. transport infrastructure;
 - ix. utilities and regionally significant infrastructure;
 - x. renewable energy generation;
 - xi. forestry;
 - xii. rural living.

(relevant to SO 3.2.5, 3.2.5.7)

3.3.42 The Council shall notify a proposed plan change to the District Plan by *30 June 2022* to implement SPs 3.3.36, 3.3.37, 3.3.39 and 3.3.40. *(relevant to SO 3.2.5, 3.2.5.1 and 3.2.5.7)*

Outstanding Natural Features, Outstanding Natural Landscapes and Rural Character Landscapes

3.3.43 In applying the Strategic Objectives and Strategic Policies for Outstanding Natural Features, Outstanding Natural Landscapes and Rural Character Landscapes, including the values identification frameworks in SP 3.3.37, 3.3.38, 3.3.40 and 3.3.41 and the landscape assessment methodology in SP 3.3.45, have regard to the following attributes:

- a. Physical attributes:

- i. geology, geomorphology and topography;
- ii. ecology;
- iii. vegetation cover (exotic and indigenous);
- iv. the presence of waterbodies including lakes, rivers, streams, wetlands, and their hydrology;
- v. land use (including settlements, buildings and structures; and
- b. Sensory (or experiential) attributes:
 - i. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;
 - ii. aesthetic values including memorability and naturalness;
 - iii. wild or scenic values;
 - iv. transient values including values at certain times of the day or year;
 - v. experiential attributes, including the sounds and smells associated with the landscape; and
- c. Associative attributes:
 - i. whether the attributes identified in (a) and (b) are shared and recognised;
 - ii. cultural and spiritual values for Tangata Whenua;
 - iii. historical and heritage associations; and
 - iv. recreational values.

(relevant to SO 3.2.1, 3.2.1.7, 3.2.1.8, 3.2.2, 3.2.2.1, 3.2.5, 3.2.5.1 – 3.2.5.7)

3.3.44 Where any or any part of an Outstanding Natural Feature, Outstanding Natural Landscape or a Rural Character Landscape is not identified as a Priority Area in Schedule 21.22 or 21.23, this does not imply that the relevant area:

- a. is more or less important than the identified Priority Areas in terms of:
 - i. the landscape attributes and values, in the case of an Outstanding Natural Feature or Outstanding Natural Landscape;
 - ii. landscape character and visual amenity values, in the case of a Rural Character Landscape; or
- b. is more or less vulnerable to subdivision, use and development.

(relevant to SO 3.2.1, 3.2.1.7, 3.2.1.8, 3.2.2, 3.2.2.1, 3.2.5, 3.2.5.1 – 3.2.5.7)

Landscape Assessment Methodology

3.3.45 Landscape assessments shall:

- a. for Outstanding Natural Features and Outstanding Natural Landscapes:
 - i. identify landscape attributes and values; and
 - ii. assess effects on those values and on related landscape capacity;
- b. for Rural Character Landscapes:
 - i. define a relevant landscape character area and its wider landscape context;
 - ii. identify the landscape character and visual amenity values of that landscape character area and within its wider landscape context; and
 - iii. assess effects on that character and those values and on related landscape capacity;
- c. in each case apply a consistent rating scale for attributes, values and effects.

Note: QLDC may, from time to time, promulgate and update guidelines that provide assistance in the application of best practice landscape assessment methodologies

by publication on the QLDC website. Access will be via this link [*URL link to be added*].

(*relevant to SO 3.2.1, 3.2.1.7, 3.2.1.8, 3.2.2, 3.2.2.1, 3.2.5, 3.2.5.1 – 3.2.5.7*)

3.3.46 The Landscape Assessment Methodology required by SP 3.3.45 is to be implemented when assessing:

- a. a proposed plan change affecting the rural environment;
- b. a resource consent application for the subdivision, use or development of land where:
 - i. the application is for a restricted discretionary, discretionary or non-complying activity; and
 - ii. the proposal is in relation to land within an Outstanding Natural Feature or Outstanding Natural Landscape or gives rise to landscape effects and is on land with Rural zoning; or
- c. a notice of requirement where the proposal is in relation to land within an Outstanding Natural Feature or Outstanding Natural Landscape or gives rise to landscape effects and is on land with Rural zoning; or
- d. a resource consent where the proposal (or part thereof) is in an Exception Zone in 3.1B.5 and gives rise to landscape effects on the receiving environment that includes an Outstanding Natural Feature or Outstanding Natural Landscape on land with Rural zoning outside that Exception Zone.

(*relevant to SO 3.2.1, 3.2.1.7, 3.2.1.8, 3.2.2, 3.2.2.1, 3.2.5, 3.2.5.1 – 3.2.5.7*)

Rural Zone Landscape Monitoring

3.3.47 The Council shall monitor the efficiency and effectiveness of the Rural Zone provisions and whether SO 3.2.5 is being achieved at intervals of not more than two and a half years, as follows:

- a. for those areas identified in Schedule 21.22 or 21.23, from [*insert date that any area is added to a schedule is made operative*]; and
- b. for those areas not identified in Schedule 21.22 or 21.23, from [*insert date determinative decision on Topic 2 issued*].

(*relevant to SO 3.2.1, 3.2.1.7, 3.2.1.8, 3.2.2, 3.2.2.1, 3.2.5, 3.2.5.1 – 3.2.5.7*)

3.3.48 Procedures for monitoring shall include:

- a. keeping records, including compiling photographs, gathering information and undertaking or commissioning research addressing resource consent decisions granted for restricted discretionary, discretionary and non-complying activities, including evaluation of the commentary in those decisions to assess the implementation of the relevant provisions of Chapters 3, 4, 6 and 21;
- b. for those areas identified in Schedule 21.22, whether subdivision, use and development has protected the identified landscape values, having regard to (d) below;
- c. for those areas identified in Schedule 21.23, whether subdivision, use and development has maintained the identified landscape character, and maintained or enhanced visual amenity values;
- d. where the following activities have been approved, evaluating whether SO 3.2.5 is being achieved and related landscape capacity has not been exceeded as it relates to the areas surrounding that development:
 - i. commercial recreational activities;
 - ii. visitor accommodation and tourism related activities;
 - iii. intensive agriculture;
 - iv. earthworks;

Schedule 3 Criteria for the identification of outstanding natural features, landscapes and seascapes, and highly valued natural features, landscapes and seascapes

The identification of natural features, landscapes and seascapes will have regard to the following criteria:

1. Biophysical attributes
 - a. Natural science factors, including geological, topographical, ecological and dynamic components
 - b. The presence of water including in seas, lakes, rivers and streams
 - c. Vegetation (native and exotic)
2. Sensory attributes
 - a. Legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes
 - b. Aesthetic values including memorability and naturalness
 - c. Transient values including presence of wildlife or other values at certain times of the day or year
 - d. Wild or scenic values
3. Associative attributes
 - a. Whether the values are shared and recognised
 - b. Cultural and spiritual values for Kāi Tahu, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features
 - c. Historical and heritage associations

Evaluation of the options in relation to the relevant “higher order” objectives and policies of the PDP

Table 1: Chapter 3 (Strategic Direction)

#	Provision	Assessment: Is the objective / policy achieved?	
		Option A: Rural zone	Option B: Urban zone (LDSR and LLR)
3.2 Strategic Objectives			
3.2.1	The development of a prosperous, resilient and equitable economy in the District.	Yes – the protection of the landscape values of ONLs and ONFs through the provisions of the Rural zone are a district-wide value and of national importance.	Yes – the provision of additional housing would contribute to the local economy, however the quantum of that would be relatively small (around 27 lots).
3.2.1.1	Not relevant	Not relevant	Not relevant
3.2.1.2			
3.2.1.3			
3.2.1.4			
3.2.1.5			
3.2.1.6			
3.2.1.7	Agricultural land uses are enabled provided those uses are consistent with: a. the protection of the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes; b. the maintenance of the landscape character of Rural Character Landscapes and the maintenance or enhancement of their visual amenity values; and c. the maintenance of significant nature conservation values.	Yes – the existing zone provisions enables agricultural land uses while including measures that will protect the landscape values of the ONL and Shotover River ONF. Mr Brown considers that there are limiting factors to the use of the Site for agricultural activity, however that approach does not acknowledge that the zone enables such activities. Also I note that no consideration has been given to whether the site could provide for viticultural activity.	No – the proposed zoning enables residential development and does not provide for or enable agricultural activities. The proposed zoning would prevent the Site from being enabled for agriculture.
3.2.1.8	Diversification of land use in rural areas beyond traditional activities, including farming, provided that: a. the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected; b. the landscape character of Rural Character Landscapes is maintained and their visual amenity values are maintained or enhanced; and c. significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained.	Yes – the Rural zone enables the diversification of land uses in rural areas, including commercial recreation and recreation activities.	No - the proposed zones would introduce urban zoning over rural land and not protect the landscape values of the ONL and ONF.
3.2.1.9	Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment.	Not relevant.	Neutral – the Council has not assessed the full extent of the proposed rezoning (with their assessment limited to a small extension of the LDSR zone). I do not expect that the urban rezoning would result in insurmountable issues with regard to infrastructural servicing.
3.2.2	Urban growth is managed in a strategic and integrated manner	Not relevant as the Rural zone is not an urban zone, and does not provide for urban development.	No – the urban expansion into the Site and ONL in the manner and scale proposed would not constitute growth that could be said to be managed in a strategic and integrated manner.
3.2.2.1	Urban development occurs in a logical manner so as to: a. promote a compact, well designed and integrated urban form; b. build on historical urban settlement patterns;	Neutral – while the zone does not enable urban development, retaining in the zone would protect the district’s rural landscapes from sporadic and sprawling development.	No – while urban expansion next to an existing urban zone could on the face of it be said to be ‘logical’, the proposal does not protect the district’s rural landscapes from sporadic and sprawling development, does not

	<p>c. achieve a built environment that provides desirable, healthy and safe places to live, work and play;</p> <p>d. minimise the natural hazard risk, taking into account the predicted effects of climate change;</p> <p>e. protect the District's rural landscapes from sporadic and sprawling urban development;</p> <p>f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;</p> <p>g. contain a high quality network of open spaces and community facilities; and</p> <p>h. be integrated with existing, and proposed infrastructure and appropriately manage effects on that infrastructure.</p>		<p>contribute to affordable housing (no methods are proposed for this), and would not constitute a "compact, well design and integrated urban form".</p>
3.2.3	A quality built environment taking into account the character of individual communities	Not relevant	No – built form in this location is inappropriate in terms of section 6 of the RMA and in a location that has no ability to absorb the proposed level of change.
3.2.3.1	Not relevant	Not relevant	Not relevant
3.2.3.2	Built form integrates well with its surrounding urban environment	Not relevant	No – the "surrounding urban environment" is limited to one side of the Site and the wider environment is Rural with significant landscape values. As set out in my evidence (reference), the lack of controls on built form means that it will not integrate with an urban environment and will give rise to significant adverse landscape effects.
3.2.4	The distinctive natural environments and ecosystems of the District are protected.	Yes – the Site is located in a distinctive natural environment. The Rural zone allows for the removal of wilding trees as a permitted activity providing they are for farming purposes. The PDP prohibits replanting of wilding species.	Neutral – the Proposal contains no provisions that would protect these values and the introduction of buildings and activities into this setting would constitute an adverse effect. The PDP prohibits replanting of wilding species.
3.2.4.1	Development and land uses that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity.	Neutral – the Rural zone permits farming activity.	No – the proposal is for urban development and will not achieve this policy.
3.2.4.2	The spread of wilding exotic vegetation is avoided.	Neutral – it is a prohibited activity to plant wilding trees and the zone does not require them to be removed or maintained.	Neutral – it is a prohibited activity to plant wilding trees and the zone does not require them to be removed or maintained.
3.2.4.3	The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved, or enhanced where possible, and protected from inappropriate subdivision, use and development.	Yes	No
3.2.4.4	Not relevant.		
3.2.4.5	Public access to the natural environment is maintained or enhanced.	No – no public access is currently available.	No – while the proposal includes trails for public access, no access is permissible to the third party DOC land and the actual benefit from the trails are non-existent.
3.2.5	The retention of the District's distinctive landscapes.	Yes – retaining the Rural zoning and ONL retains the distinctive landscape.	No – introducing urban development within an ONL and ONF will not retain the landscape.
3.2.5.1	The District's Outstanding Natural Features and Outstanding Natural Landscapes and their landscape values and related landscape capacity are identified.	Yes – the notified Rural zone land is located within an ONL and ONF. The landscape values and capacity have been identified by Mr (S) Brown and Ms Melhopt, in addition to the notified landscape schedules that relate specifically to the ONL and ONF.	Not relevant.
3.2.5.2	Within the Rural Zone, new subdivision, use and development is inappropriate on Outstanding Natural Features or in Outstanding Natural Landscapes unless:	Yes – this policy provides protection to the ONL and ONF from inappropriate development	Not relevant as this policy relates to the Rural zone.

	a. where the landscape values of Priority Areas of Outstanding Natural Features and Outstanding Natural Landscapes are specified in Schedule 21.22, those values are protected; or b. where the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are not specified in Schedule 21.22, the values identified according to SP 3.3.45 are protected.	and where the values in the landscape schedules and the values identified under SP 3.3.35 have not been protected.	
3.2.5.3	In locations other than in the Rural Zone, the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development.	Not relevant	No – urban development in an ONL and ONF in the manner proposed is in appropriate and would not result in the protection of the landscape values.
3.2.5.4 3.2.5.5 3.2.5.6 3.2.5.7	Not relevant	Not relevant – the Site is located within an ONL/ONF.	The submitter has not evaluated whether the Site is part of a Rural Character Landscape.
3.2.6	The District’s residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety.	Yes – retaining the land as Rural within an ONL will provide benefits to the community through the retention for an important landscape.	Yes – the urban zoning of the land would meet the economic needs of the submitter.
3.2.6.1	The accessibility needs of the District's residents and communities to places, services and facilities are met.	Not relevant.	No – the proposed urban zoning does not provide any community related facilities.
3.2.6.2 3.2.6.3	Not relevant		
3.2.7	The partnership between Council and Ngāi Tahu is nurtured.	Not relevant.	No – no evidence has been provided that Ngai Tahu has been consulted or engaged with regarding the rezoning and removal of the ONL.
3.2.7.1	Ngāi Tahu values, interests and customary resources, including taonga species and habitats, and wāhi tūpuna, are protected.	Yes – part of the Site is located in a Wāhi Tupuna and the retention of the land as Rural will protect those values.	Neutral – while a portion of the Site will be excluded from development, no evidence has been provided as to how that responds to cultural values.
3.2.7.2	The expression of kaitiakitanga is enabled by providing for meaningful collaboration with Ngāi Tahu in resource management decision making and implementation.	Not relevant.	No – Ngai Tahu has not been engaged with to collaborate on this process.
3.3 Strategic Policies			
Visitor Industry			
3.3.1	Not relevant		
3.3.2	In rural areas, provide for commercial recreation and tourism related activities that enable people to access and appreciate the District’s landscapes provided that those activities are located and designed and are of a nature that: a. protects the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes; and b. maintains the landscape character and maintains or enhances the visual amenity values of Rural Character Landscapes.	Yes – the Rural zone provides for commercial recreation activity (with limits on group sizes) and recreation activity as a permitted activity, and will protect the values of the ONL and ONF.	No – the proposed zoning would not remove the Site from being in a rural area. The zoning would not enable commercial recreation and tourism related activities.
Town Centres and other Commercial and Industrial Areas			
3.3.3 3.3.4 3.3.5 3.3.6 3.3.7 3.3.8 3.3.9 3.3.10 3.3.11 3.3.12	Not relevant.		

Climate Change			
3.3.13	Encourage economic activity to adapt to and recognise opportunities and risks associated with climate change	No	No
Urban Development			
3.3.14	Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Queenstown, Frankton, Jack's Point and Arrowtown), Wānaka and where required around other settlements	Not relevant.	Yes – if urban zoning is found as appropriate then an UGB will be provided around that zoning.
3.3.15	Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs.	No – the Rural zone is outside of an UGB.	Yes – the proposed zoning would enable urban development if it was located within an UGB.
3.3.16	Not relevant.		
Heritage			
3.3.17	Identify heritage items and ensure they are protected from inappropriate development.	Not relevant.	Not relevant.
Natural Environment			
3.3.18	Not relevant.		
3.3.19			
3.3.20	Manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity is safeguarded; and natural character is maintained or enhanced as far as practicable.	Yes – the Rural zoning will not adversely effect the natural character and nature conservation values of the Shotover River and its margins.	No – Mr Brown considers that the values would be enhanced through the Proposal and planting management, however I do not consider that the provisions have certainty that this will eventuate from the implementation of the urban zoning.
Rural Activities			
3.3.21	Enable continuation of existing farming activities and evolving forms of agricultural land use in rural areas except where those activities conflict with: a. protection of the landscape values of Outstanding Natural Features or Outstanding Natural Landscapes; or b. maintenance of the landscape character and maintenance or enhancement of the visual amenity values of Rural Character Landscapes.	Yes – the Rural zone enables farming.	No – the proposed zoning would remove the ability of the Site to be used for farming activities or any evolving agricultural use of the land.
3.3.22	Not relevant.		
3.3.23			
3.3.24			
3.3.25	That subdivision and / or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District.	Not relevant.	Not relevant.
3.3.26	Avoid the planting of identified exotic vegetation with the potential to spread and naturalise unless spread can be acceptably managed for the life of the planting.	Not relevant – no wilding tree planting proposed.	Not relevant – no wilding tree planting proposed.
3.3.27	Seek opportunities to provide public access to the natural environment at the time of plan change, subdivision or development	No	No – while the proposal includes public access, its implementation would be highly uncertain.
Outstanding Natural Features and Landscapes and Rural Character Landscape			
3.3.28	Identify the District's Outstanding Natural Features and Outstanding Natural Landscapes on the District Plan web mapping application.	Yes – the Site was notified within the Rural zone and ONL.	Not relevant as the submitter seeks that the ONL is removed from the site.
3.3.29	For Outstanding Natural Features and Outstanding Natural Landscapes, identify landscape values and landscape capacity: a. for Priority Areas identified in Schedule 21.22, in accordance with the values identification framework in SP 3.3.36 - 3.3.38 and otherwise through the landscape assessment methodology in SP 3.3.45 and through best practice landscape assessment methodology; and b. outside of identified Priority Areas, in accordance with the landscape assessment methodology in SP 3.3.45 and through best practice landscape assessment methodology.	Yes	No
3.3.30	Protect the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes.	Yes	No – The Site is within an ONL and ONF and its values have not been protected.

3.3.31	Avoid adverse effects on the landscape values of the District's Outstanding Natural Features and Outstanding Natural Landscapes from residential subdivision, use and development where there is little capacity to absorb change.	Yes	No – the Site is located in a landscape that has no ability to absorb change. Adverse effects on the landscape values of the ONL and ONL have not been avoided.
3.3.32 3.3.33 3.3.34 3.3.35	Not relevant		
Values Identification Framework for Priority Areas for Outstanding Natural Features and Outstanding Natural Landscapes			
3.3.36	Identify in Schedule 21.22 the following Rural Zone Priority Areas within the Outstanding Natural Features and Outstanding Natural Landscapes shown on maps held on [QLDC reference file]: a. parts of the Outstanding Natural Features of Peninsula Hill, Ferry Hill, Shotover River, Morven Hill, Lake Hayes, Slope Hill, Feehly Hill, Arrow River, Kawarau River, Mt Barker, and Mt Iron. b. parts of the Outstanding Natural Landscapes of West Wakatipu Basin, Queenstown Bay and environs, Northern Remarkables, Central Wakatipu Basin Coronet Area, East Wakatipu Basin and Crown Terrace Area, Victoria Flats, Cardrona Valley, Mount Alpha, Roys Bay, West Wanaka, Dublin Bay, Hāwea South and North Grandview, and Lake McKay Station and environs.	Yes – the values for the Priority Areas that relate to the site have been identified.	Yes – the values for the Priority Areas that relate to the site have been identified.
3.3.37	For the Priority Areas listed in SP 3.3.36, according to SP 3.3.38, describe in Schedule 21.22 at an appropriate landscape scale: a. the landscape attributes (physical, sensory and associative); b. the landscape values; and c. the related landscape capacity.	Yes – the values for the Priority Areas that relate to the site have been identified.	Yes – the values for the Priority Areas that relate to the site have been identified.
3.3.38	To achieve SP 3.3.37 for each Priority Area: a. identify the key physical, sensory and associative attributes that contribute to the values of the Feature or Landscape that are to be protected; b. describe in accordance with SP 3.3.43, and then rate, those attributes; and c. assess and record the related landscape capacity for subdivision, use and development activities including but not limited to: i. commercial recreational activities; ii. visitor accommodation and tourism related activities; iii. urban expansions; iv. intensive agriculture; v. earthworks; vi. farm buildings; vii. mineral extraction; viii. transport infrastructure; ix. utilities and regionally significant infrastructure; x. renewable energy generation; xi. forestry; xii. rural living.	Yes – the values for the Priority Areas that relate to the site have been identified.	Yes – the values for the Priority Areas that relate to the site have been identified.
3.3.39 3.3.40 3.3.41	Not relevant.		
3.3.42	The Council shall notify a proposed plan change to the District Plan by <i>30 June 2022</i> to implement SPs 3.3.36, 3.3.37, 3.3.39 and 3.3.40.	Not relevant	Not relevant
Outstanding Natural Features, Outstanding Natural Landscapes and Rural Character Landscapes			

3.3.43	<p>In applying the Strategic Objectives and Strategic Policies for Outstanding Natural Features, Outstanding Natural Landscapes and Rural Character Landscapes, including the values identification frameworks in SP 3.3.37, 3.3.38, 3.3.40 and 3.3.41 and the landscape assessment methodology in SP 3.3.45, have regard to the following attributes:</p> <p>a. Physical attributes</p> <ul style="list-style-type: none"> i. geology, geomorphology and topography; ii. ecology; iii. vegetation cover (exotic and indigenous); iv. the presence of waterbodies including lakes, rivers, streams, wetlands, and their hydrology; v. land use (including settlements, buildings and structures; and <p>b. Sensory (or experiential) attributes:</p> <ul style="list-style-type: none"> i. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes; ii. aesthetic values including memorability and naturalness; iii. wild or scenic values; iv. transient values including values at certain times of the day or year; v. experiential attributes, including the sounds and smells associated with the landscape; and <p>c. Associative attributes:</p> <ul style="list-style-type: none"> i. whether the attributes identified in (a) and (b) are shared and recognised; ii. cultural and spiritual values for Tangata Whenua; iii. historical and heritage associations; and iv. recreational values. 	Yes – the assessment achieves this policy by having regard to the criteria.	Yes – the assessment achieves this policy by having regard to the criteria.
3.3.44	<p>Where any or any part of an Outstanding Natural Feature, Outstanding Natural Landscape or a Rural Character Landscape is not identified as a Priority Area in Schedule 21.22 or 21.23, this does not imply that the relevant area:</p> <p>a. is more or less important than the identified Priority Areas in terms of:</p> <ul style="list-style-type: none"> i. the landscape attributes and values, in the case of an Outstanding Natural Feature or Outstanding Natural Landscape; ii. landscape character and visual amenity values, in the case of a Rural Character Landscape; or <p>b. is more or less vulnerable to subdivision, use and development.</p>	Yes – the assessment achieves this policy by having regard to the criteria.	Yes – the assessment achieves this policy by having regard to the criteria.
Landscape Assessment Methodology			
3.3.45	<p>Landscape assessments shall:</p> <p>a. for Outstanding Natural Features and Outstanding Natural Landscapes:</p> <ul style="list-style-type: none"> i. identify landscape attributes and values; and ii. assess effects on those values and on related landscape capacity; <p>b. for Rural Character Landscapes:</p> <ul style="list-style-type: none"> i. define a relevant landscape character area and its wider landscape context; ii. identify the landscape character and visual amenity values of that landscape character area and within its wider landscape context; and iii. assess effects on that character and those values and on related landscape capacity; <p>c. in each case apply a consistent rating scale for attributes, values and effects.</p>	Yes – the assessment achieves this policy by having regard to the criteria.	Yes – the assessment achieves this policy by having regard to the criteria.

3.3.46	The Landscape Assessment Methodology required by SP 3.3.45 is to be implemented when assessing: a. a proposed plan change affecting the rural environment; b. a resource consent application for the subdivision, use or development of land where: i. the application is for a restricted discretionary, discretionary or non-complying activity; and ii. the proposal is in relation to land within an Outstanding Natural Feature or Outstanding Natural Landscape or gives rise to landscape effects and is on land with Rural zoning; or c. a notice of requirement where the proposal is in relation to land within an Outstanding Natural Feature or Outstanding Natural Landscape or gives rise to landscape effects and is on land with Rural zoning; or d. a resource consent where the proposal (or part thereof) is in an Exception Zone in 3.1B.5 and gives rise to landscape effects on the receiving environment that includes an Outstanding Natural Feature or Outstanding Natural Landscape on land with Rural zoning outside that Exception Zone.	Yes.	Yes.
Rural Zone Landscape Monitoring			
3.3.47	Not relevant.		
3.3.48			
Cultural Environment			
3.3.49	Avoid significant adverse effects on wāhi tūpuna within the District	Yes – the Rural zone will have no adverse effects on Wāhi Tupuna.	Yes
3.3.50	Avoid remedy or mitigate other adverse effects on wāhi tūpuna within the District.	Yes – the Rural zone will have no adverse effects on Wāhi Tupuna.	Yes
3.3.51	Manage wāhi tūpuna within the District, including taonga species and habitats, in a culturally appropriate manner through early consultation and involvement of relevant iwi or hapū.	Yes – the Rural zone will have no adverse effects on Wāhi Tupuna.	Yes

Table 2: Chapter 4 (Urban Development)

#	Provision	Assessment: Is the objective / policy achieved?	
		Option A: Rural zone	Option B: Urban zone (LDSR and LLR)
4.2 Objectives & Policies			
4.2.1	Objective - Urban Growth Boundaries used as a tool to manage the growth of urban areas within distinct and defensible urban edges	Yes – retaining the Rural zone and UGB along the boundary of that zone and the LDSR zone will provide a defensible urban edge and protect the values of the ONL.	No – while the proposal has attempted to provide a transition from LDSR to LLR, in effect it still has the result of extending urban development into an ONL and the proposed relocated UGB will not appropriately manage growth or provide a defensible urban edge.
4.2.1.1	Define Urban Growth Boundaries, where required, to identify the areas that are available for the growth of urban settlements.	Yes – both options define an UGB.	Yes – both options define an UGB.
4.2.1.2	Focus urban development primarily on land within and adjacent to the existing larger urban areas and, to a lesser extent, within and adjacent to smaller urban areas, towns and rural settlements.	This option is not urban development.	Yes – the rezoning is adjacent to an urban area.
4.2.1.3	Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing towns and rural settlements, urban development is avoided outside of those boundaries.	N/A	N/A
4.2.1.4	Ensure Urban Growth Boundaries encompass, at a minimum, sufficient, feasible development capacity and urban development opportunities consistent with:	This option is not urban development.	Neutral – while this option achieves a number of the limbs, it does not avoid sporadic urban development in rural areas.

	<ul style="list-style-type: none"> a. the anticipated medium term demand for housing and business land within the District assuming a mix of housing densities and form; b. ensuring the ongoing availability of a competitive land supply for urban purposes; c. the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth; d. the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities; e. a compact and efficient urban form; f. avoiding sporadic urban development in rural areas; g. minimising the loss of the productive potential and soil resource of rural land; and h. a future development strategy for the District that is prepared in accordance with the National Policy Statement on Urban Development Capacity. 		
4.2.1.5	When locating Urban Growth Boundaries or extending towns and rural urban settlements through plan changes, protect the values of Outstanding Natural Features and Outstanding Natural Landscapes.	Yes	No – the extension of the UGB into the ONL will not protect the values of the ONL or ONF.
4.2.1.6	When locating Urban Growth Boundaries or extending towns and rural settlements through plan changes to provide for urban development, have particular regard to minimising significant adverse effects on the values of open rural landscapes.	Yes	No
4.2.1.7 4.2.1.8	Not relevant.		
4.2.2A	Objective - A compact, integrated and well designed urban form within the Urban Growth Boundaries that: (i) is coordinated with the efficient provision, use and operation of infrastructure and services; and (ii) is managed to ensure that the Queenstown Airport is not significantly compromised by the adverse effects of incompatible activities.	Not relevant.	Yes
4.2.2.B	Objective - Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects Outstanding Natural Landscapes and Outstanding Natural Features, and areas supporting significant indigenous flora and fauna. (From Policy 3.3.13, 3.3.17, 3.3.29)	Yes	No
4.2.2.1	Integrate urban development with existing or proposed infrastructure so that: <ul style="list-style-type: none"> a. Urban development is serviced by infrastructure of sufficient capacity; and b. reverse sensitivity effects of activities on regionally significant infrastructure are minimised; and c. in the case of the National Grid, reverse sensitivity effects avoided to the extent reasonably possible and the operation, maintenance, upgrading and development of the National Grid is not compromised. 	Not relevant.	Yes
4.2.2.2	Allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use having regard to: <ul style="list-style-type: none"> a. its topography; b. its ecological, heritage, cultural or landscape significance if any; c. any risk of natural hazards, taking into account the effects of climate change; d. connectivity and integration with existing urban development; e. convenient linkages with public transport; f. the need to provide a mix of housing densities and forms within a compact and integrated urban environment; g. the level of existing and future amenity that is sought (including consideration of any identified special character areas); 	Not relevant.	Neutral

	<ul style="list-style-type: none"> h. the need to make provision for the location and efficient operation of infrastructure and utilities, including regionally significant infrastructure; i. the need to provide open spaces and community facilities that are located and designed to be safe, desirable and accessible; j. the function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 Strategic Objectives 3.2.1.2 - 3.2.1.5 and associated policies; and k. the need to locate emergency services at strategic locations. 		
4.2.2.3	Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.	Not relevant.	No – the option does not respond to the character of the site.
4.2.2.4	Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks	Not relevant.	Neutral
4.2.2.5	Require larger scale development to be comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.	Not relevant.	Yes
4.2.2.6	Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.	Not relevant.	No
4.2.2.7	Explore and encourage innovative approaches to design to assist provision of quality affordable housing.	Not relevant.	No – the proposal does not provide for affordable housing.
4.2.2.8	In applying plan provisions, have regard to the extent to which the minimum site size, density, height, building coverage and other quality controls have a disproportionate adverse effect on housing affordability.	Not relevant.	Not considered.
4.2.2.9	Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting “Crime Prevention Through Environmental Design”.	Not relevant.	Not considered.
4.2.2.10	Ensure lighting standards for urban development avoid unnecessary adverse effects on views of the night sky.	Not relevant.	No – effects on wider environment in ONL.
4.2.2.11	Ensure that the location of building platforms in areas of low density development within Urban Growth Boundaries and the capacity of infrastructure servicing such development does not unnecessarily compromise opportunities for future urban development.	Not relevant.	No – platforms will constrain future development. The risk is if they are removed enabling further urban development.
Wakatipu Basin Specific Policies			
4.2.2.12	Not relevant.		
4.2.2.13	<p>Define the Urban Growth Boundaries for the balance of the Wakatipu Basin, as shown on the District Plan web mapping application that:</p> <ul style="list-style-type: none"> a. are based on existing urbanised areas; b. identify sufficient areas of urban development and the potential intensification of existing urban areas to provide for predicted visitor and resident population increases over the planning period; c. enable the logical and sequenced provision of infrastructure to and community facilities in new areas of urban development; d. protect the values of Outstanding Natural Features and Outstanding Natural Landscapes; e. avoid sprawling and sporadic urban development across the rural areas of the Wakatipu Basin. 	Yes	No
4.2.2.14	Not relevant.		
4.2.2.15			
4.2.2.16			
4.2.2.17			
4.2.2.18			
4.2.2.19			
4.2.2.20	Rural land outside of the Urban Growth Boundaries is not used for urban development until a change to the Plan	Yes	Yes

	amends the urban Growth boundary and zones additional land for urban development purposes.		
Upper Clutha Basin Specific Policies			
4.2.2.21	Not relevant.		
4.2.2.22			

Table 3: Chapter 6 (Landscapes and Rural Character)

#	Provision	Assessment: Is the objective / policy achieved?	
		Option A: Rural zone	Option B: Urban zone (LDSR and LLR)
6.3 Policies			
6.3.1	Rural Landscape Categorisation		
6.3.1.1	Categorise the Rural Zoned landscapes in the District as: a. Outstanding Natural Feature (ONF); b. Outstanding Natural Landscape (ONL); c. Rural Character Landscape (RCL)	Yes	Not relevant.
6.3.1.2	Not relevant.		
6.3.1.3			
6.3.1.4			
6.3.1.5			
6.3.2	Managing Activities in the Rural Zone, the Gibbston Character Zone, the Rural Residential Zone and the Rural Lifestyle Zone		
6.3.2.1	Avoid urban development and subdivision to urban densities in the rural zones.	Yes	Yes – insofar that the submitter is seeking that the zone is changed from rural to urban.
6.3.2.2	Ensure that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including of the sense of remoteness where it is an important part of that character.	Yes	No
6.3.2.3	Ensure the District's distinctive landscapes are not degraded by production forestry planting and harvesting activities.	Yes	No
6.3.2.4	Enable continuation of the contribution low-intensity pastoral farming in the Rural Zone and viticulture in the Gibbston Character Zone on large landholdings makes to the District's landscape character.	Yes	No
6.3.2.5	Not relevant.		
6.3.2.6	Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape values and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land.	Yes – subdivision is a discretionary activity so not anticipated in the zone, however through the resource consent process such outcomes could be expected.	No -
6.3.2.7	Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes in proximity to an Outstanding Natural Feature or Outstanding Natural Landscape does not compromise the landscape values of that Outstanding Natural Feature or Outstanding Natural Landscape	Yes	No – this policy is important as it introduces the issue arising from development “in proximity” to an ONF and ONL.
6.3.2.8	Encourage any landscaping to be ecologically viable and consistent with the established character of the area.	Not relevant.	Neutral.
6.3.3	Managing Activities on Outstanding Natural Features and in Outstanding Natural Landscapes		
6.3.3.1	Recognise that subdivision and development is inappropriate on Outstanding Natural Features or in Outstanding Natural Landscapes unless: a. landscape values are protected; and b. in the case of any subdivision or development, all buildings and other structures and all changes to landform	Yes	No – the landscape values of the ONL and ONF are not protected, and subdivision and development will not be reasonably difficult to see.

	or other physical changes to the appearance of land will be reasonably difficult to see from beyond the boundary of the site in question.		
6.3.3.2	Ensure that the protection of Outstanding Natural Features and Outstanding Natural Landscapes includes recognition of any values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenua, including tōpuni and wāhi tūpuna.	Yes	Yes
6.3.3.3	For farming activities within Outstanding Natural Features and Outstanding Natural Landscapes: a. Recognise that farming activities may modify the landscape; b. Enable those activities in a way that is consistent with protecting the values of Outstanding Natural Features and Outstanding Natural Landscapes.	Yes	No
6.3.3.4	The landscape values of Outstanding Natural Landscapes are a significant intrinsic, economic and recreational resource, such that new large scale renewable electricity generation or new large scale mineral extraction development proposals are not likely to be compatible with them.	Not relevant	Not relevant
6.3.3.5	Maintain the open landscape character of Outstanding Natural Features and Outstanding Natural Landscapes where it is open at present.	Yes	No – the implementation of the proposed urban zoning will decrease the openness of the ONL and ONF. The openness of the landscape has been enhanced from the recent removal of the wilding trees.
6.3.3.6 6.3.3.7	Not relevant.		
6.3.4	Managing Activities in Rural Character Landscapes		
6.3.4.1 to 6.3.4.11	Not relevant		
6.3.5	Managing Activities on Lakes and Rivers		
6.3.5.1 to 6.3.5.4	Not relevant.		