

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL HEARING PANEL

IN THE MATTER of the Resource Management Act
1991

AND the renotification of two submissions
on Stage 1 of the Queenstown Lakes
Proposed District Plan concerning the
zoning of land at Arthur's Point by
Gertrude's Saddlery Limited and
Larchmont Developments Limited

**STATEMENT OF MATTHEW SEMPLE
FURTHER SUBMITTER 49**

Dated 26 January 2023

Introduction

1. My name is Matthew Semple. I own and live at the property at 13 Watties Track, Arthurs Point.
2. This evidence is to be read in conjunction with my Form 6 Further Submission.

Viewpoint study of the Impact of development on the ONL and ONF at 111 and 163 Atley Road

3. My submission raised a number of concerns with the rezoning proposal, including effects arising from the visibility of development.
4. Impacts of development of the site at 111 and 163 Atley Road from viewpoints within the Shotover River ONF and surrounding ONL are particularly important to me and my family.
5. Like many visitors and residents of Arthurs Point, I enjoy walks along trails near the Shotover River on both the true right and left banks. I also enjoy Shotover River floats or paddles usually starting from the Edith Cavill Bridge heading down stream and also traversing around the Shotover Loop below 111 and 163 Atley Road.
6. I have taken some photographs of views onto the site at 111 and 163 Atley Road that I consider are particularly important.
7. I fully agree with the Section 6 ONL and ONF values and attributes set out in the evidence provided by Stephen Brown for the Arthurs Point Outstanding Natural Landscape Society. I also consider that the Council has done a good job of articulating the values in the Landscape Schedule for the area.
8. Big Beach and the wider gravel margins of the river are publicly accessible (by way of Watties Track and over the DOC reserve, from Tuckers Beach Road, or direct from the river). These are well-used and frequented areas, particularly now that the river has been made publicly accessible for water users in the evenings.
9. Access to the Shotover River for recreational users was greatly expanded in October 2022 where QLDC issued a blanket permit to allow public and community access to the Shotover River on Wednesday and Friday evenings between 5:30 pm and 9:30 pm. It was a trial to begin with but it was such a success with the local and wider community that QLDC permanently granted the concession.

10. From our home at 13 Watties track, we look directly onto the river at the Shotover Loop and on Wednesdays and Fridays we regularly see many groups of people floating and paddling down the Shotover River as they pass immediately by the site. I expect that many hundreds of people have enjoyed the experience and expect many more will as the public become more aware of this new easily accessible recreational activity. People often stop on the river banks below 111 and 163 Atley Road to walk and look around and soak up the feeling of peace, wildness, and remoteness.
11. I don't feel that the level of public access and enjoyment of this area has been fully appreciated.
12. What further concerns me is that with the removal of the trees on the DOC reserve (as stated in the letter from DOC contained with the evidence of Mr Fairfax), the land will be stark and plainly obvious from this entire area and my property. Views to development on the site will be further opened up.
13. Once the landscape values on the Atley Road sites are degraded or gone, enjoyment of it will be taken from both the many people that currently enjoy it, and from future generations. Is this the legacy we want to leave behind?

Breach of Resource Consent at 163 Atley Road

14. I am concerned that as part of the site works that have commenced recently on the Atley Road properties, that there have been a number of planning and consent breaches.
15. The consent order RM980348 and Environment Court Decision C20/2001 for development at 163 Atley Road included the following conditions:
 - (a) A requirement that construction of the dwelling and accessway proceed in accordance with the application documents (and consent conditions);
 - (b) A requirement that no part of the dwelling is higher than 5.5m above the ground level existing at the time consent was granted; and
 - (c) A requirement that specified existing larch trees are retained and maintained in order to provide an "effective screen".
16. The application did not propose further clearance of vegetation at 163 Atley Road and from my reading, this was because it was intended that this vegetation remain for visual screening.

17. The trees on this property have been removed and it seems to me there has been a breach, unless the consent has been changed.
18. 163 Atley Road is very prominent and sits on top of a knoll overlooking Arthurs Point. Buildings and activity on the property can now be plainly seen from multiple vantage points all over Arthurs Point. Clearly the trees have been not been maintained as an “effective screen”.
19. There are multiple buildings on the site for which resource or building consent does not appear to have been granted.
20. My concern is that the landscape evidence for the submitter has taken into account the effects of these buildings as being justification for an expansion of the residential zone. It just doesn't seem a fair approach to take.
21. These matters have been put to the Council for clarification and to date I have seen no response to that. I believe that this should be clarified by the submitter.

Recent painting of existing water tanks

22. The trees at 111 and 163 Atley Road were removed in late 2022 exposing three water tanks on the higher parts of the site, which appear to all be in the Rural zone of the land. I have not found any consents for these tanks on the Council records.
23. The colour of the tanks were concrete grey. See attached appendix 2 Picture 1 showing a picture of the tanks on 15 October 22. The water tanks were painted bright white on or around 20 October 22. See Appendix 2 Picture 2 showing a picture of the tanks being painted. All three water tanks have now been completely painted bright white. See Appendix 2 Picture 3 showing all three were painted white by the 30 October 22.
24. Painting the tanks white has made them far more visually prominent and appears to be an attempt to make existing built form on the properties look more visible. Painting the tanks white is a breach of the permitted standards in the Rural Zone and this is another matter that has been put to the Council.

Visibility of proposed development at 111 and 163 Atley Road

25. With the removal of the trees an 'A' frame house is now clearly visible on the ridge line from my house at 13 Watties Track. I estimate the height of the

house to be in the region of 7-8m tall. I understand from the structure plan that this house will be located in the proposed Low Density Residential Zone.

26. This house is a very useful height gauge to show the form of development that will be visible from my house. See Appendix 3 Picture 1 showing a picture of the A Frame house taken from directly outside the front of the living room of my house at 13 Watties Track. It is directly in our view line.

Addressing the claims in Mr Fairfax's evidence

27. Mr Fairfax claims that he has tried to engage with local the community. Prior to early 2022 he made no attempt to approach or contact me in a any capacity to explain what he wanted to do with his land.
28. Mr Fairfax acquired the land at 111 and 163 Atley Road before adoption of the 2015 PDP Stage 1 commissioner recommendations and would have been fully aware and cognisant that the land was zoned Rural and with an RMA Section 6 landscape classification as ONL under the ODP. Indeed the 2015 notified PDP Stage 1 maps 39 and 31 clearly show the property at 111 and 163 Atley Road with a yellow wash clearly signifying that the landscape is classified as an ONL.
29. As an experienced developer Mr Fairfax must have been fully aware of the speculative nature of attempting to get the landscape classification removed from the land. He must have been aware that there would be a significantly high risk that community (and local council) would push back on his attempts to rezone the land from Rural to an urban zoning.
30. In my discussions with long-time Arthurs Point residents, it is clear no one was cognisant or aware of the attempt to use the 2015 PDP Stage 1 process to have the land rezoned. This is the very straightforward explanation why no-one objected to or supported it in a further submission under the process which has since found to be unlawful.

The importance of these hearings

31. To my mind there is little relevance in articulating Mr Fairfax's future development plans for the site at this hearing. This hearing is about:
 - (a) confirming the merits of the land retaining its RMA Section 6 landscape classification protections as a matter of national importance.

- (b) then following a decision on the Section 6 classification above, decide either to retain the existing Rural Zoning or re-zone it to another appropriate zone.
32. It is important that this landscape which is of national importance is protected so that it is not lost to future generations. Arthurs Point is under significant pressure from development within its high landscape areas. Once it is gone, it is never coming back.

Matthew Semple

26 January 2023