

52599

Summary of evidence – Elizabeth Stewart

1. Clarification

Paragraph 9.14 and 9.16 of my evidence referred to Policy 6.3.1.3. This is incorrect and should have referred to Policy 6.3.12, which reads as:

Recognise that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the site the subject of application.

Appendix G of my evidence should have included an assessment against Chapter 33 – Indigenous Biodiversity Objectives and Policies. Please now refer to **Appendix A** of this summary of evidence.

Appendix H, Preferred Option 1 table, under 'Effectiveness and Efficiency' should read as:

....The Rural Zone provisions apply in addition to the specific rules in the VASZ, including general standards and standards for buildings. ~~ONL assessment matters where RDA is required and landscape is a matter for discretion.~~

2. Trust Submission

The Trust seek that the areas identified on the attached plans (**Appendix B**) as UGVASZ Areas A & B retain their Rural zoning but that the proposed Upper Glenorchy Visitors Accommodation Sub-Zone ('the subzone') also apply as an 'overlay' to this land.

The proposed subzone will enable the establishment of the following:

Area A: A homestead, a manager's residential unit (both defined as residential units in the PDP) and a farm-stay/lodge type building (defined as VA in the PDP), with a total maximum building footprint of 2,000m², within a 7500m² area. The residential units can incorporate RVA and/or Homestays.

Area B: A maximum total building footprint of 400m² enabling cabin-in-the-woods buildings located in discrete cleared locations within the beech forest.

All of the above are restricted discretionary, other than RVA and/or Homestays within a residential unit (permitted). The maximum building height limit is 5.5m. Matters of discretion are limited to: location, external appearance, size and colour of buildings; visual prominence from both public places and private locations; associated earthworks, access, parking and landscaping; provision of water supply, sewage treatment and disposal, electricity and telecommunication services (where necessary); lighting; natural hazards (including tree windfall); indigenous vegetation clearance, restoration and enhancement; and traffic where the combined traffic movements for all activities excluding farming exceed 50 vehicle movements per day.

3. Section 32 Assessment

The Council's evidence does not include a s32 assessment of the proposed subzone. My assessment considers the extent to which the subzone is the most appropriate way to achieve the PDP objectives, including in comparison to other practical options.

The overall thrust of the objective and policy framework is to provide for rural diversification, including VA in locations and in a manner which protects, maintains and enhances landscape quality and character, rural amenity and natural resource values (some policies seek to protect, others to maintain and/or enhance). Development in ONLs is generally only considered appropriate where the landscape can absorb change and the development is reasonably difficult to see beyond the site boundary.

More specific policies seek to manage the effects of development in rural areas, including with respect to infrastructure, lighting, traffic and natural hazards.

My evidence and assessment establishes that the proposed subzone is the most appropriate method to achieve or implement the relevant objectives and policies.

I have undertaken a comparative cost benefit analysis of the proposed VASZ (Preferred Option 1) against the PDP alternative (Option 2 PDP Status Quo i.e. retain VA as a discretionary activity in the Rural Zone). Both options implement the PDP objectives and policies but in my opinion Option 1 does a 'better job' for the following principal reasons:

- it better implements Objective 3.2.1.1 by providing a generally more enabling consenting framework which facilitates the delivery of well designed and appropriately located visitor accommodation within the proposed subzone;
- it distinguishes discrete smaller parcels from the balance property which allows for a more focused and enabling framework, whilst still providing for the ability to decline an application should it be determined that it does not achieve the desired outcome of the PDP;
- the economic costs to the applicant could be reduced through the identification areas which are considered suitable for development.

I have concluded that overall, Option 1 is more effective and more efficient.

4. Council Rebuttal evidence

I respond the matters raised by Ms Bowbyes below.

Location and extent of subzone - the subzone will only apply to areas A and B as identified on the revised amended planning maps (to be prepared by QLDC) and as referred to in the proposed rules package. The proposed combined maximum building area is 2400m². Non-notification of VA is clearly not anticipated on the scale envisaged by Ms Bowbyes i.e. the whole 278 ha Trust site – it is less than 0.1% of the site in carefully selected locations where the development can be particularly well absorbed into existing landscape character such that the open pasture, surrounding mountains and broader ONL will very much dominate character, and the development will be reasonably difficult to see.

"Lengthy" matters of discretion – the Stage VA Variation proposes Low Density Residential, Medium Density Residential and Large Lot Residential VA sub-zones. VA is Restricted Discretionary. There are 6 matters of discretion compared with 8 for the UGVASZ. Lighting can be added under d. (other infrastructure), reducing the number of matters for the UBVASZ to 7, comparable to the other urban based VA Variation subzones.

Assessment (h) relating to a maximum number of vehicle movements is more appropriately a resource consent condition - in the urban based zones, permitted activity maximum vehicle movement 'thresholds' apply for RVA and Homestays (no heavy vehicles, buses or coaches,

maximum 8 vehicle movements per day). Clearly, the PDP uses this technique in the rules to determine activity status. What is proposed for the UGVASZ is entirely consistent with the VA Variation.

Assessment matter (c) earthworks, access, parking and landscape does not contain sufficient detail about how landscape character and rural amenity would be addressed – landscape character and rural amenity matters do not need to be addressed by the restricted discretionary assessment matters as the subzone has been identified on the basis that it can absorb an upper limit of 2400m² of appropriately designed building development without adversely affecting ONL values or rural amenity – that is the conclusion of the landscape [and planning] evidence. The restricted discretionary assessment matters only need to cover matters of building and site design ‘detail’ which will ensure appropriately designed development. In addition assessment matter (b) visual prominence from both public places and private locations, enables the detailed design to be assessed to ensure that it meets the “*reasonably difficult to see beyond the site boundary*” test in Policy 6.3.12.

The subzone does not propose any amendments to the PDP Rural Zone objectives and policies, nor the existing objectives and policies, which support the discretionary activity regime for VA - my evidence has established that the proposed subzone is appropriate to achieve PDP objectives and policies and overall is better than the VA discretionary activity regime. The objectives and policies do not need to be changed as there is no conflict with them.

The proposed subzone is bespoke and has not been designed to be used as a template for other rural areas – the proposed subzone approach and rules package is designed so that it can apply to other appropriate locations in the Rural Zone (with site specific modifications as appropriate), in the same way that the residential zones VA overlay applies to multiple locations.

Appendix A

Chapter 33 – Indigenous Biodiversity Objectives and Policies

33.2.1 Objective - Indigenous biodiversity is protected, maintained and enhanced

33.2.1.5 Undertake activities involving the clearance of indigenous vegetation in a manner that ensures the District's indigenous biodiversity is protected, maintained or enhanced.

33.2.1.6 Manage the adverse effects of activities on indigenous biodiversity by:

- a. avoiding adverse effects as far as practicable and, where total avoidance is not practicable, minimising adverse effects;**
- b. requiring remediation where adverse effects cannot be avoided;**
- c. requiring mitigation where adverse effects on the areas identified above cannot be avoided or remediated;**
- d. requiring any residual adverse effects on significant indigenous vegetation or indigenous fauna to be offset through protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity values, having particular regard to:
 - i. limits to biodiversity offsetting due the affected biodiversity being irreplaceable or vulnerable;**
 - ii. the ability of a proposed offset to demonstrate it can achieve no net loss or preferably a net gain;****
- iii. Schedule 33.8 – Framework for the use of Biodiversity Offsets;**
- e. enabling any residual adverse effects on other indigenous vegetation or indigenous fauna to be offset through protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity values having particular regard to:
 - i. the ability of a proposed offset to demonstrate it can achieve no net loss or preferably a net gain;**
 - ii. Schedule 33. 8 – Framework for the use of Biodiversity Offsets.****

It is anticipated that an ecological assessment will be undertaken at time of any future resource consent application in the UGVASZ. This will assess the ecological values including 'health' of the forested Area B. As noted in Mr Espie's evidence Area B has been unfenced and subject to stock browsing for many decades. It is old-growth forest with little in the way of regrowth, and it is understood its ecological health could be significantly improved by some ecological management measures. Mr Espie also notes that vegetation clearance could be kept to a minimum by use of helicopter access for installation of cabins (as is the case with DOC huts).

The UGVASZ location and rules package limits the buildable footprint within Area B to 400m² thereby minimising indigenous vegetation clearance effects. The matters of discretion include indigenous clearance, restoration and enhancement which provides scope for mitigation measures (e.g. partial clearance) and biodiversity offsets and further methods to limit clearance e.g. helicopter access, no vehicle access for visitors. With respect to the requirement to limit offsets where the affected biodiversity is irreplaceable or vulnerable, I note that Area B is not a Significant Natural Area.

I note that Rule 33.5.2 allows for the clearance of 500m² of indigenous vegetation where it is greater than 2.0m in height. The proposed rule package provides for 'indigenous vegetation clearance, restoration and enhancement' as a matter of discretion. As such, regardless of whether the permitted threshold is met, the proposal provides for a better outcome in terms of protecting indigenous vegetation.

33.2.1.8 Determine the significance of areas of indigenous vegetation and habitats of indigenous fauna by applying the following criteria:

a. Representativeness

Whether the area is an example of an indigenous vegetation type or habitat that is representative of that which formerly covered the Ecological District

OR

b. Rarity

Whether the area supports;

- i. indigenous vegetation and habitats within originally rare ecosystems;**
- ii. ii. indigenous species that are threatened, at risk, uncommon, nationally or within the ecological district;**
- iii. iii. indigenous vegetation or habitats of indigenous fauna that has been reduced to less than 10% of its former extent, regionally or within a relevant Land Environment or Ecological District;**

OR

c. Diversity and Pattern

Whether the area supports a highly diverse assemblage of indigenous vegetation and habitat types, and whether these have a high indigenous biodiversity value including:

- i. indigenous taxa;**
- ii. ecological changes over gradients;**

OR

d. Distinctiveness

Whether the area supports or provides habitats for indigenous species:

- i. at their distributional limit within Otago or nationally;**
- ii. ii. are endemic to the Otago region;**
- iii. iii. are distinctive, of restricted occurrence or have developed as a result of unique environmental factors;**

OR

e. Ecological Context

The relationship of the area with its surroundings, including whether the area proposed to be cleared:

- i. has important connectivity value allowing dispersal of indigenous fauna between different areas;*
- ii. has an important buffering function to protect values of an adjacent area or feature;*
- iii. is important for indigenous fauna during some part of their life cycle*

The ecological assessment undertaken as part of a future resource consent applicable will address the above.

33.2.3 Objective - Land use and development maintains indigenous biodiversity values.

Policies 33.2.3.1 Ensure the clearance of indigenous vegetation within the margins of water bodies does not reduce natural character and indigenous biodiversity values, or create erosion.

33.2.3.2 Encourage opportunities to remedy adverse effects through the retention, rehabilitation or protection of the same indigenous vegetation community elsewhere on the site.

33.2.3.3 Encourage the retention and enhancement of indigenous vegetation including in locations that have potential for regeneration, or provide stability, and particularly where productive values are low, or in riparian areas or gullies.

I anticipate that the ecological assessment included in the resource consent application will put forward a proposal (e.g. including stock and pest control, indigenous vegetation planting) which maintains and potentially enhances bio diversity values in accordance with Policy 33.2.1.6.

Appendix B
UGVASZ Areas A & B



Pt Section 25
Blk II Dart SD
Conservation Purposes

Lot 2 DP 23952
OT16A/426

Marginal Strip

Native Bush

Native Bush

Large Willow Trees,
Swampy Ground

Large Willow Trees,
Swampy Ground

Scattered
Matagouri

Scattered Matagouri

Key

UGVASZ Area A

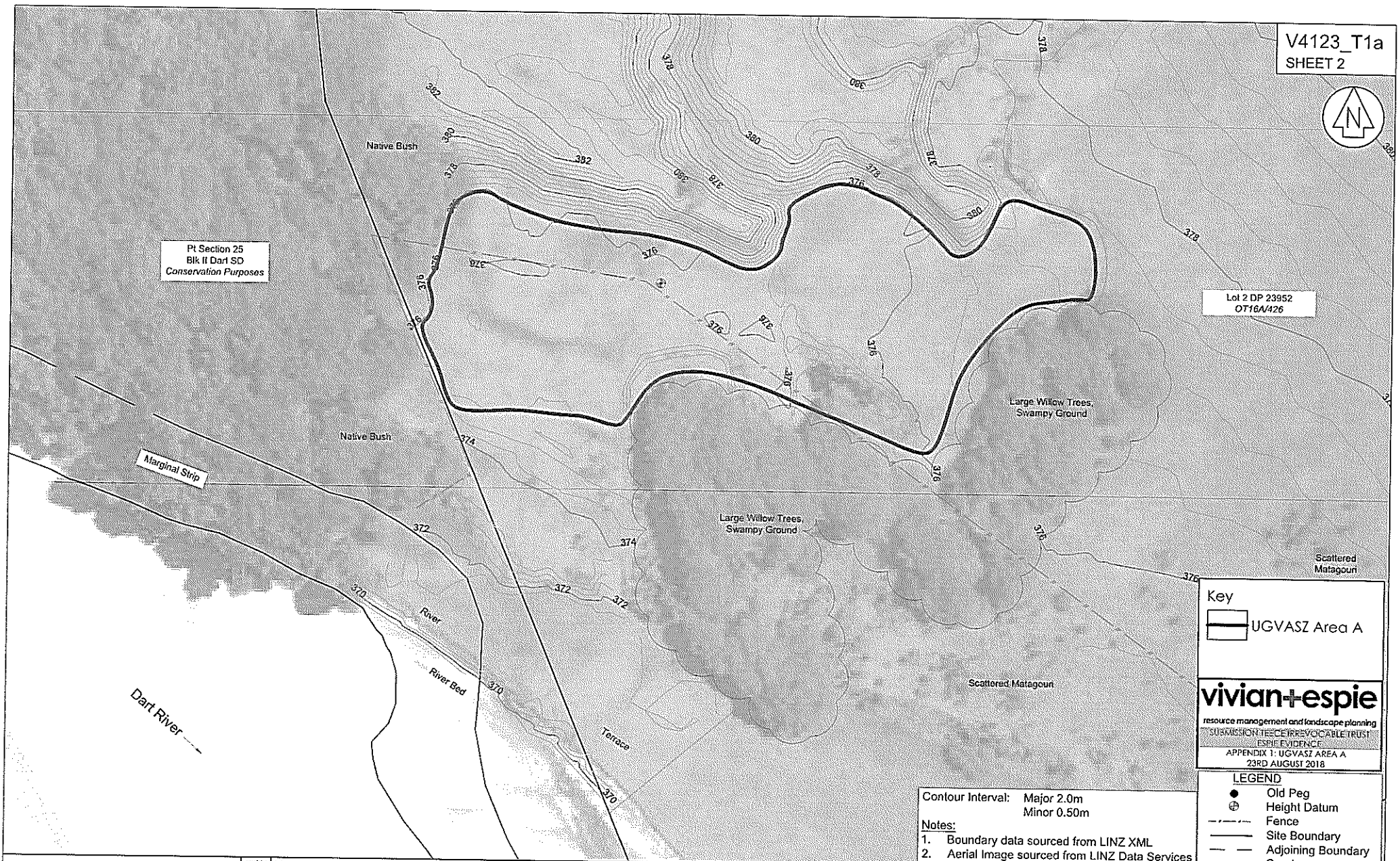
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resource management and landscape planning
SUSSTON TEECE IRREVOCABLE TRUST
ESPIE EVIDENCE
APPENDIX 1: UGVASZ AREA A
23RD AUGUST 2018

LEGEND

- Old Peg
- Height Datum
- Fence
- Site Boundary
- Adjoining Boundary
- Creek

Contour Interval: Major 2.0m
Minor 0.50m

- Notes:**
- Boundary data sourced from LINZ XML
 - Aerial Image sourced from LINZ Data Services



SOUTHERN LAND
SURVEYING | PLANNING | LAND DEVELOPMENT

REVISION	DESCRIPTION	DATE
A	ORIGINAL ISSUE	22/08/18

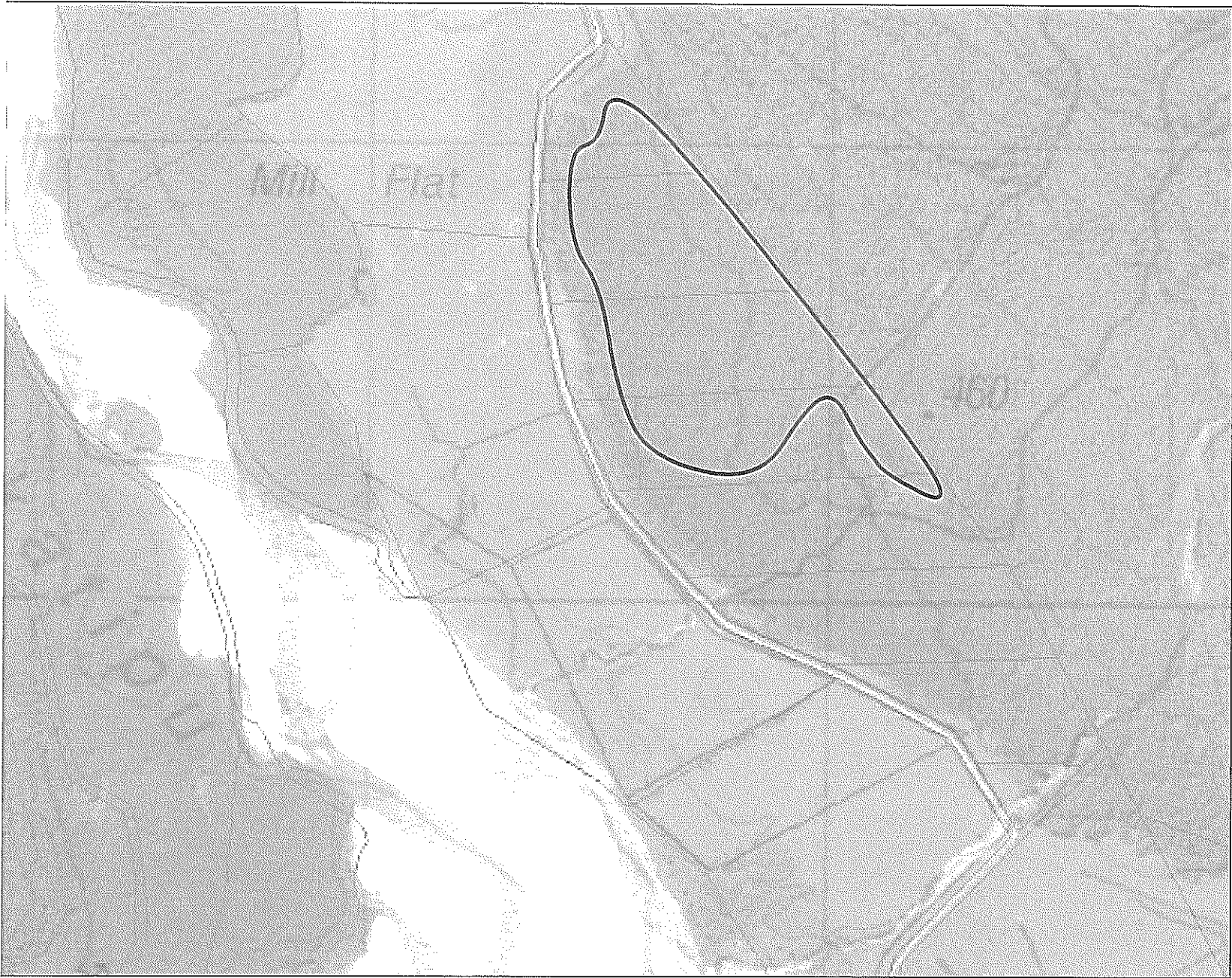
TOPOGRAPHIC SURVEY OF LOT 2 DP 23952
Glenorchy-Paradise Road

DRAWN FOR		SCALE	
Teece Irrevocable Trust No. 3		1:1000 @ A3	
MOUNT NICHOLAS 2000 LEVEL IN METERS OF GDA 1984		DRAWING REFERENCE	
V4123_T1		REVISION	
SURVEYED	DATE	CHECKED	DATE
GL	24/08/18	AJ	22/08/18
DRAWN	DATE	APPROVED	DATE
GL	22/08/18	AJ	22/08/18

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Key



UGVASZ Area B

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SUBMISSION TEECE IRREVOCABLE TRUST

ESPIE EVIDENCE

APPENDIX 2: UGVASZ AREA B

23RD AUGUST 2018