

Before the Hearings Panel
Appointed by the Queenstown Lakes District Council

Under the Resource Management Act 1991

In the matter of: Priority Area Landscape Schedules Variation to the
Queenstown Lakes Proposed District Plan

and **Arthurs Point Outstanding Natural Landscape
Society Incorporated** (Submitter #122)

Planning Evidence of Brett James Giddens

12 September 2023



TOWNPLANNING
GROUP

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INTRODUCTION

- 1 My full name is Brett James Giddens.
- 2 I am the Managing 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.
- 3 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, a member of the New Zealand Resource Management Law Association, and a member of the Urban Design Forum of New Zealand.
- 4 I have over 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. I have been involved in numerous district and regional plan change processes throughout New Zealand.
- 5 I have a working knowledge of the Queenstown Lakes Proposed District Plan (**PDP**) and have worked extensively in the district through my planning career. I have been involved in the plan formulation processes relating to the former Operative District Plan as well Stages 1, 2 and 3 of the PDP (and its variations).

CODE OF CONDUCT

- 6 Although this is not an Environment Court hearing, I note that in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have complied with it in preparing my evidence. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

- 7 I have been asked by the Arthurs Point Outstanding Natural Landscape Society Incorporated (**Submitter**) to provide planning evidence with respect to the variation to the PDP relating to the

Shotover River Landscape Priority Area and West Wakatipu Basin Landscape Priority Area, and the corresponding schedules.

- 8 A copy of the submission is contained in my **Annexure A**.
- 9 I have read the evidence provided by the Council¹ in support of the variation.

BACKGROUND

- 10 The Council has recently considered a rezoning request to change land within the Landscape Priority Areas from Rural to Urban zoning. Through this process, I provided planning evidence on behalf of the Submitter, relying on expert landscape evidence from Mr Stephen Brown that, among other matters, contained a detailed assessment of the character and values of this section 6 landscape.
- 11 This land subject to that rezoning request is located at 111 and 163 Atley Road, shown in Figure 1 below in the context of the decision's updated zoning map.

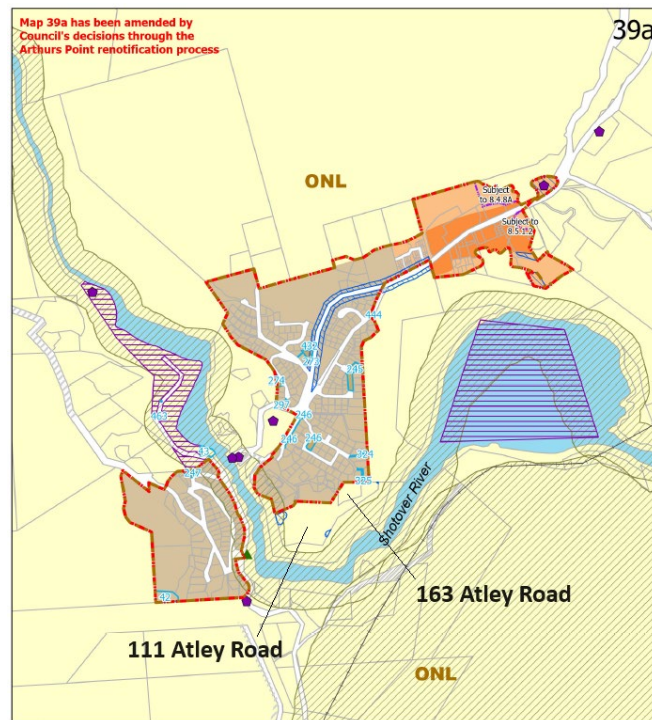


Figure 1: Planning Map 39 showing ONL location

- 12 Coupled with this, the Council, through its Independent Commissioners, evaluated the landscape evidence and arrived at a recommendation to reject the urban rezoning of the land and retain it as Rural zone, within a section 6 landscape of national importance (within an ONL and partly within the ONF of the Shotover River).

- 13 Key findings² from that decision include:
- 13.1 The land (111 and 163 Atley Road) forms part of a continuous and coherent ONL, related closely to and containing the adjacent Kimiākau Shotover River ONF.
 - 13.2 The land is highly sensitive to the effects of development due to its visual prominence as part of a distinctive river-loop landform that is widely, even internationally, renowned and strongly associated with the identity of Arthurs Point.
 - 13.3 The adverse effects arising from any of the rezoning alternatives identified by the Council, submitters, or further submitters, including effects on the values of the ONL, would be generally substantial and in all cases unacceptable.
 - 13.4 [In addition to the above point], such rezoning proposals would also not be consistent with the strategic objectives of Chapter 3, as well as s.6(b) of the RMA to the extent that they are not supportable.
- 14 I understand that the decision has since been appealed to the Environment Court.

EVIDENCE

- 15 I rely on the landscape evidence presented by Mr Brown dated 6 December 2022 with respect of the values and character of the ONL/F in this location.
- 16 I have included his evidence as **Annexure B** and his plan set as **Annexure C**.
- 17 Mr Brown's evidence on the subject site and its wider setting are set out from his paragraph [22]. From paragraph [28] he discusses the Kimiākau (Shotover River) ONF, and from paragraph [33] the Western Whakatipu Basin ONL.
- 18 I have also undertaken a planning evaluation associated with the rezoning proposal and have included a copy of my evidence dated 6 December 2022 as **Annexure D** and my further evidence as **Annexure E**.
- 19 A copy of the decision from the Independent Commissioners is contained in **Annexure F**.

RECENT ACTIVITIES

- 20 Following the issue of the decision from the Council on the rezoning, further tree removal, earthworks and tracking commenced on administered by the Department of Conservation and other land which has further modified parts the landform while concurrently exposing the open landform visually from a range of vantage points around Arthurs Point.

² Paragraph [102] of Decision

- 21 I have been advised by the Council that no consents were sought or obtained for these activities.
- 22 I understand there is also still the question marks surrounding the lawfulness of a number of buildings on 111 and 163 Atley Road and the further removal of trees that were to be retained to screen views of development at 163 Atley Road from Arthurs Point.
- 23 I have been advised by the Council that these matters are subject to investigations by the Council enforcement and legal team relating to breaches of the District Plan and that those investigations are ongoing.

SCHEDULES AND CAPACITY STATEMENTS

- 24 I have read the updated landscape schedule 21.22.3 relating to the Kimiākau (Shotover River) ONF/L contained in the landscape evidence of Ms Bridget Gilbert.
- 25 I support the further clarification to the heading of the landscape schedule to reflect the recent decision on the landscape values. I note that section 6 (b) of the RMA does not separate ONLs and ONFs in regard to the protection that is required to be afforded to them from inappropriate subdivision, use, and development.
- 26 On the basis of the evidence of Mr Brown and the findings from the independent hearing panel that the Shotover Loop is within an ONL/F and needs to be protected, I agree that there is no capacity for urban expansion in this location. I also consider that the landscape capacity statement for Rural Living should be depicted as "no landscape capacity":

~~Rural living – Very limited to no landscape capacity for development that is clustered with existing development; located to optimise the screening and/or filtering benefit of natural landscape elements; designed to be small scale and have a 'low-key' rural character; integrate landscape restoration and enhancement (where appropriate); and enhance public access (where appropriate).~~

- 27 What is evident now as a result of the earthworks currently under investigation by the Council is that earthworks and tracking has the potential for significant adverse landscape effects. I suggest that the capacity statement for transport infrastructure be updated as follows:

Transport infrastructure – no landscape capacity for trails around the Shotover Loop and very limited landscape capacity for trails elsewhere that are: located to integrate with existing networks; designed to be of a sympathetic appearance and character; and integrate landscape restoration and enhancement; and protect the area's ONF values. No landscape capacity for other transport infrastructure.

- 28 I support Ms Gilbert's recommendation that there is no landscape capacity for other transport infrastructure, which notably in this landscape setting could include a bridge over the Shotover River.

Dated: 12 September 2023

A handwritten signature in black ink, appearing to be the initials 'B' and 'G' written in a cursive style.

Brett James Giddens