

**Robert Buxton for QLDC – Summary of Evidence, 21 July 2017
Queenstown Mapping – Hearing Stream 13**

1. I am the author of the Group 2: Rural evidence and rebuttal for Queenstown Lakes District Council (**QLDC**). I have considered 31 submissions seeking rezoning or mapping annotation changes. This summary follows the same order of submissions as assessed in my s42A report, although I do not include submissions in this summary that simply supported the PDP provisions.

Submissions Regarding Significant Natural Areas (SNAS), Landscapes (Outstanding Natural Landscapes (ONLS) and Outstanding Natural Features (ONFS))

2. **Lake Wakatipu Station Ltd's (702)** submission regarding reducing SNA C24A near Wye Creek appeared to be based on the consultation draft SNA boundaries and the boundary of the SNA in the PDP matches the submitter's request. The submissions can therefore be accepted but no amendment is required.
3. In the case of the ONL adjoining the entrance to the Remarkables skifield road (**N T McDonald (409) and Reavers NZ Ltd (710.2)**), the ONL boundary is recommended to be moved to align with the Environment Court decision C203/2004 on the McDonald land and to follow the fenceline that demarcates the change in landscape character between the cultivated valley and the more natural steeper alluvial fan slopes, and to exclude the dwelling and curtilage at 27 Kingston Road on the Reavers NZ Ltd land.
4. The request by **NZ Tungsten Mining Ltd (519)** to move the ONF for Mt Alfred, Glenorchy from the river flats of the Dart River is recommended to be accepted as the proposed realignment is logical and the river flat land is considered to be able to absorb the activities that could result in changing the river flat from ONF to ONL.
5. The request by **D & M Columb (624)** to shift the ONL boundary back to the location under the ODP is recommended to be rejected as the previous location did not exclude the submitter's land on Gorge Road and the boundary in the PDP was moved so as to include a Council reserve. The submitter has not provided evidence to dispute this recommendation.

Submissions regarding Rural Residential Zone

6. **Mount Christina Ltd's (764)** request to relocate and enlarge the Rural Residential (**RR**) zone at Camp Hill, Glenorchy has been recommended to be accepted in part. I consider that the existing 15ha RR zone which "rolls over" an escarpment facing the Glenorchy-Paradise Road is poorly located. Two options for amending the zone were considered. Option 1 is to shift the 15ha RR zone away from the escarpment and close to the foot of Camp Hill. Option 2 is to zone all of the submitter's site (approximately 28ha) as RR and include specific provisions within the zone to address primarily landscape concerns. My evidence in chief recommended option 1 as being the simplest. However, following evidence from the submitter I have recommended zoning the whole 28ha site as RR Camp Hill and to include specific provisions to restrict the maximum height to 5.5m, limit development to a maximum of 26 dwellings/allotments (based on a reasonable capacity expectation for a RR zone in a remote location, an existing resource consent for 26 dwellings and traffic effects), and require a setback of 20m from either the zone boundary or the top of the escarpment (where the escarpment is within the zone).
7. In and around Wilson Bay and Bob's Cove a number of submissions requested replacing the range of provisions (e.g. Rural, Rural Residential, Rural Residential Subzone, Rural Lifestyle, Visitor Accommodation Subzone, ONL classification, SNA, Building Restriction) with the RR zone in order to simplify the zoning and provide for greater development. I consider that the range of provisions recognise the special qualities of the bays and their backdrop and recommended rejecting the submissions. No further evidence has been provided by the submitters.
8. **Bob's Cove Development Ltd (712)** has also requested rezoning approximately 0.34ha of land adjoining the Bob's Cove development from Rural to RR. The land involves a land swap with the Department of Conservation (**DoC**) for land that is zoned RR beside the Glenorchy Road that contains mature native trees. The land in question is subject to resource consent and Reserves Act processes that are ongoing. Based on the small area of the land, which has a net site area of effectively only 0.24ha, and the recommendation by Mr Davis that the site contains regenerating vegetation that should be protected, I have recommended the rezoning be rejected.

Submissions regarding Visitor Accommodation Subzone

9. In response to submissions from **Christine Byrch (243) and Mark Scaife (811) and Matakauri Lodge Ltd (595)** I have recommended that the PDP Visitor Accommodation Subzone (**VASZ**) at Matakauri Lodge be retained. Dr Read considers that the site can absorb the additional development that the subzone provides. Ms Byrch's request to remove all the VASZ from the Rural Lifestyle and Rural Residential zones would also affect Cedar Lodge at Makarora (considered in Hearing stream 12) and Speargrass Lodge at Speargrass Road in the Wakatipu Basin (to be considered in the Wakatipu Basin hearing). No further evidence has been provided by the submitters, although it is noted that they have presented evidence to Hearing 02.

Submissions regarding land around Kingston Township

10. In response to the submission from **Kingston Lifestyle Family Trust (689)** to rezone their land that lies between the Kingston Township zone, Kingston Village Special Zone and the State Highway from Rural to a residential zone, I have recommended that the submission be rejected, but note that if traffic effects on the existing intersection with the State Highway can be addressed then there is merit in rezoning the site as Kingston Township when that zone is reviewed at a later stage. No evidence on traffic effects has been provided by the submitter.
11. In response to the submissions from **M & C Wilson (848) and Tim Taylor (826)** to rezone land on the opposite side of the State Highway to Large Lot Residential (**LLR**) or residential/commercial zoning, I have recommended that the submissions be rejected. The requested LLR zone (848) was not the appropriate zone for a 20ha block located away from the Kingston township, and the requested residential/commercial zone (826) would have split the township around the State Highway. The submissions provided little detail and no evidence has been provided by the submitter.

Submissions regarding Rural Lifestyle Zone

12. In response to submissions from **Noel Gutzewitz and J Boyd (328) and Barbara Kipke (431)** requesting rezoning their land from Rural to Rural Lifestyle zones with specific provisions for increased residential density, I have recommended that the submissions be rejected on the basis that the requests would create spot zones. No evidence has been provided by Ms Kipke. While evidence has been provided for submitters Gutzewitz and Boyd, I consider the site is not sufficiently

unique to warrant consideration of a spot zone and that the natural hazards on the site need to be assessed before considering rezoning.

Submissions regarding Gibbston Character Zone

13. The request by **The Station at Waitiri (331)** to rezone the plateau of a peninsula above a meander of the Kawarau River from Gibbston Character zone (**GCZ**) and Rural zone to Rural Lifestyle zone is recommended to be rejected. In my view the proposed zone could potentially double the residential development that has been consented under the GCZ, remove some of the more productive land and would erode the distinctive character of the Gibbston Valley. The submission provided little detail and no evidence has been provided by the submitter.
14. The request by **Gibbston Valley Station Ltd (827)** to introduce a subzone is recommended to be rejected as the proposed zone could significantly increase the visitor, residential and commercial development that has been consented under the GCZ and would erode the distinctive character of the Gibbston Valley which is rural and based around viticulture. The submission provided little detail and was amended by evidence provided by the submitter. The evidence included a structure plan and updated provisions, but it is still unclear in terms of what the subzone will provide for. For example, it was not certain what level of development would result from the overall subzone site coverage of 10% and how this may be spread between the Activity Areas. In addition, I do not agree with the evidence from the submitter that the consented development shows that the area can accommodate a significant increase in development without affecting the character of the GCZ.
15. On 19 July 2017 the submitter provided a revised structure plan and revised provisions. It appears, based on this material and legal submissions for the submitter, that the significant changes to the structure plan are:
 - (a) Activity Area AA2 has been reduced in size and has been pulled back from the Kawarau River;
 - (b) Activity Area AA3 has slightly increased in size by including what was AA7, and has been split into two;
 - (c) Activity Areas AA4 (the Vintners Village), AA5, AA6 and AA8 have been reduced in size; and
 - (d) Visitor accommodation is to be located in AA1 and AA2, residential activity in AA3, AA5 and AA6, and workers accommodation in AA8.

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16. Paragraph 43 of the Gibbston Valley legal submissions refers to rectifying the error of including Rural zoned land within the subzone. However, the structure plan still shows the boundary of the subzone to include Rural zone, as shown in Figure 1 of my rebuttal evidence.
17. The Gibbston Valley legal submissions state that my estimates of site coverage are overstated by an enormous amount. I note that the structure plan includes a table showing building coverage that identifies a total building coverage for the subzone of 5%, although this appears to be based on the subzone extending over the Rural zone, and if the subzone area was reduced (as noted above) the percentage would increase slightly.
18. However, I consider that assessing the intensity of development over the whole subzone does not give a useful indication of what the level of development would be within the Activity Areas. My estimated 33% site coverage referred to in my rebuttal evidence was based on the potential development (ie 10% of the subzone area which I estimated to be 108ha)¹ divided by the total area of the Activity Areas (which I estimated to be 32ha). Using the areas from the structure plan table (which are based on a more restrictive potential development regime compared to the previous version of the subzone), if the total "building cluster coverage" of 6.32ha is divided by the total area of AA1-6 and AA8 (26.13ha) the average coverage within the Activity Areas is 24%. I consider this level of development to be approaching an urbanised scale and Areas AA1, AA5 and AA6 (being 30%, 28% and 39% respectively) are at an urbanised level of development, which I consider would erode the distinctive character of the Gibbston Valley.
19. Paragraph 29 of the Gibbston Valley legal submissions refers to a landscape control based on the 380m contour. This control does not appear to be in the rules and such a rule would restrict development in AA8 to approximately the lower 25% of the area, which would have the effect of increasing the density by a factor of 4 (i.e the 12% building coverage notated on the structure plan would become approximately 48%).
20. Paragraph 41 of the Gibbston Valley legal submissions states that my reference to the 2008 resource consent evidence is inappropriate. I have referred to that evidence for two reasons. Firstly, the primary submission states that: "*In granting Resource Consent RM080864 (and other consents), the Council has assessed the property in relation to its potential to absorb a high level of residential,*

¹ Although my estimate was an underestimate compared to the figure shown on the latest structure plan, being 122ha, the evidence of Mr Giddens had referred to the subzone as being only 75ha.

commercial, viticultural and commercial recreational activity and found it can cater for change without significantly impacting on the landscape and environment". Secondly, evidence provided by the submitter included the natural hazards report for that resource consent. I therefore consider that it is appropriate for me to refer to evidence presented at the resource consent hearing that identified "conflicting statements" in the natural hazards report. This is one of the reasons why I consider the submitter should be providing an updated report on the natural hazards on the site.

21. Paragraph 32 of the Gibbston Valley legal submissions states that the Activity Areas have been aligned more closely to the 2008 resource consent in terms of what will be provided for. The figures for visitor accommodation and residential units referred to in that paragraph do not appear to match with the figures used by Mr Carr (his paragraph 31), the submitter's traffic expert. I also note that the amended provisions would result in a significant increase in residential development and decrease in visitor accommodation, which does not appear to align with the 2008 resource consent, given that the 2008 resource consent decision noted at paragraph 130 that high density permanent housing was not anticipated.
22. Overall, I consider that the changes proposed to the subzone, including the move away from visitor accommodation to residential activity within urban pods, further erodes the GCZ which is based around viticulture within a rural environment.

Submissions regarding Rural Visitor (RV) Zone/Farm Base Areas (FBAs)

23. A number of submissions (**Loch Linnhe Station (447)**, **Lake Wakatipu Station Ltd & Review Seventeen Ltd (478)**, **Te Anau Developments Ltd (607)**, and **AMRTA Land Ltd (677)**) have requested rezoning land within an ONL from Rural to the ODP RV zone. Loch Linnhe Station requested the sites identified in their submission be classified as FBAs, which I discuss at the end of this section, or if Farm Base Areas (**FBAs**) were not accepted, then the sites be rezoned as RV as a second preference. No evidence has been provided by AMRTA Land Ltd to support their submission to rezone the whole of the Woodbine Station as RV zone or alternatively Rural Lifestyle with a visitor accommodation overlay.
24. It is not clear how the ODP RV zone provides for new proposals, as the current wording of the RV zone objective refers to existing recreation and visitor facilities and their extension. The provisions of the RV zone are also very uncertain in terms of the development capacity that can be provided. Although it appears that

development is to be controlled through a structure plan, the activities and standards of the zone do not refer to the structure plan.

25. Evidence from the submitters includes assessments of the proposed zone against the Strategic provisions of the PDP. This is in reply to the Panel's Minute regarding requests to rezone land with an operative zone. I consider that the Strategic provisions can be summarised as directing that diversification of an ONL into tourism or residential activity should only occur at a scale and in a location where the landscape values (including the natural character of lakes and rivers and their margins) are sustained/not degraded. Apart from Te Anau Developments Ltd who have identified a proposal for a wedding venue/multi-purpose building, none of the submitters have provided sufficient detail such as a structure plan to assess the proposal's effects against the strategic direction.
26. Also in my view, none of the submitters have provided a package of RV zone provisions (including the zone objectives and policies) that will fit with the structure of the PDP. Although evidence for Loch Linnhe Station (447) has suggested inserting into the RV provisions controls over maximum footprint and height, and a requirement that no buildings at the Wye Creek site be visible from the State Highway, the RV provisions have not been amended to fit within the PDP. I still have concerns regarding natural hazards for Loch Linnhe Station (447) and traffic effects and the loss of productive flat land for Lake Wakatipu Station Ltd & Review Seventeen Ltd (478). I also have concerns regarding natural hazards and traffic effects for Te Anau Developments Ltd (607), although if these are addressed I consider that there would be merit in rezoning the north-western parcel of land in the Beach Bay Recreation Reserve to Rural Visitor by way of variation, to provide for the proposed wedding venue/multi-purpose building. In the meantime, confirmation of the Rural zone would allow for a fully discretionary consent for visitor accommodation activities. However, I maintain my recommendation to reject the rezoning of the south-eastern portion of the Beach Bay Recreation Reserve and the marginal strip.
27. In response to the submission by Loch Linnhe Station (447) seeking two FBAs (as included in Plan Change 13 (**PC13**) of the MacKenzie District Plan), I have concerns about the proposal as it introduces an additional framework into the PDP with little guidance as to how it might be applied. PC13 has been through 10 years of litigation and the provisions are only now being finalised and the identification of FBAs is still ongoing. I consider that FBAs have been developed for the specific issues in the MacKenzie Basin and the expansive views, with an

emphasis on clustering development (including farm buildings in highly visual areas), whereas the PDP includes clustering as an assessment matter in the Rural zone as it may not always be the better option.

Submissions regarding Special Zones

28. **Queenstown Park Ltd (806) and Remarkables Park Ltd (807)** have requested a specific Queenstown Park Special Zone (**QPSZ**) over the Queenstown Station (formerly Cone Peak Station) to provide for rural residential and visitor accommodation, a gondola linking Frankton Flats with the Remarkables skifield, walking/cycling tracks, commercial recreation and greater protection of the SNAs within the zone. I consider that the primary concern is the landscape effects on one of the most prominent ONLs in the District that extends from the Kawarau River, which is identified in the Otago Regional Plan - Water as having outstanding values and has a Water Conservation Order, through to the mountain tops. Based on the evidence of Ms Mellsop I consider that the proposal would not be appropriate.
29. Although there would be significant economic benefits of the proposal I consider the Rural zone provisions (as recommended in Council's right of reply to Hearing 11) do provide for consideration of a gondola (or passenger lift service) as a restricted discretionary activity while providing appropriate protection of the ONL. Also I consider that the Strategic chapters of the PDP can be summarised as directing that diversification of land classified as an ONL into tourism or residential activity should only occur at a scale and in a location where the landscape values (including the natural character of lakes and rivers and their margins) are sustained/not degraded. I consider the Rural zone to be the most appropriate for achieving the Strategic chapters and therefore the purpose of the RMA.
30. In terms of proposed rules, many of the activities are proposed to be controlled activities or restricted discretionary activities (with limited scope to decline), and these activities are to be exempt from notification consideration. However, I consider that given the importance of the landscape and the detailed understanding of effects that comes through the resource consent process, that there should be the ability to decline the proposal and that the general tests for notification should apply. I also have noted in my rebuttal evidence that I have concerns about the wording of the proposed rules, including the *vires* of Rules 44.4.7 and 44.4.8.

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31. I consider there is an element of environmental compensation in the proposal. It appears that by providing for activities that will have adverse effects on the ONL, other activities such as a public walking/cycling track and better protection of the SNA will be achieved. The submitter also appears to suggest that by undertaking non-farming activities on the more productive areas of the farm, this avoids the environmental damage that would occur if these productive areas were intensively farmed. I consider such environmental benefits should be able to be achieved without having to compromise nationally important landscape values.
32. I also consider the values of the Kawarau River have been rather glossed over. The effect of a gondola, access road, jetties and bridges on the character of the river have not in my view been fully considered. There also appears to be very little assessment of the location of the jetties and bridges in the QPSZ, in terms of the effects on the character of the river.

Submissions regarding Industrial Zone

33. Regarding the request by **Grant Hylton Hensman and others (361)** to rezone 63.24 hectares of land from Rural zone to Industrial B (an ODP zone) with specific provisions for Industrial B – Coneburn (**IBC**), although I recommend rejecting the submission I consider that there is merit in the requested rezoning. I consider the submitter still needs to address the following:
- (a) the proposed zone would need to be considerably reworked by the submitter to provide a package of Industrial B zone and IBC provisions (including the zone objectives and policies) that will fit with the structure of the PDP;
 - (b) redesign the zone to provide security for those industrial activities that are typically forced out of urban industrial zones, by excluding offices not ancillary to permitted activities and providing limits on retail, including a maximum number of food and beverage outlets;
 - (c) provide a complete natural hazards report (including the stability of the quarried land and the engineered landfill) that identifies any mitigation measures both within and outside the IBC;
 - (d) clearly identify the visual effects of the development including confirmation that the height standard ensures that development would not be visible from the State Highway in the vicinity of the zone; and
 - (e) address the potential for traffic congestion once a certain level of development is reached as identified by the submitter's traffic expert; and

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- (f) include provisions to ensure the infrastructure, landscaping and mitigation of hazards are addressed prior to the zone becoming operational, and to clearly identify that the infrastructure development will be undertaken and paid for by the developer, not by the Council.

Submissions regarding Queenstown Airport Mixed Use Zone

34. The request by **Middleton Family Trust (393)** to rezone the top of Queenstown Hill from Rural zone (including an ONL) to Airport Mixed Use zone was recommended to be rejected as it would have a significant effect on the surroundings and the operation of the existing airport. No information was provided in the submission on details of the proposed zone or the effects, and no evidence has been received.