

Before the Hearings Panel

In the Matter of the Resource Management Act 1991

And

In the Matter of the Proposed Queenstown Lakes District Plan – Stage 3B

Brief of Evidence of **Emma Louise Ryder** for Arthurs Point Land Trustee Limited (submitter 31042)

Dated: 29 May 2020

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INTRODUCTION

Qualifications and Experience

1. My full name is Emma Louise Ryder.
2. I hold the qualifications of Bachelor of Urban Planning (Honours) from The University of Auckland. I am currently a Graduate member of the New Zealand Planning Institute.
3. I hold the position of Planner at John Edmonds and Associates. I have been in this position since September 2019.
4. Prior to this I held the position of Consultant Planner at Hill Young Cooper Ltd from August 2017.

Code of Conduct

5. While this matter is not before the Environment Court, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence.
6. The key documents I have referred to in drafting this brief are:
 - (a) The Section 42A Report (**s42A**) prepared by Ms E J Turner (18 March 2020) and associated expert landscape evidence prepared for the Council by Ms H J Mellsop;
 - (b) Landscape Assessment prepared by H J Mellsop for Queenstown Lakes District Council, dated June 2019; and
 - (c) Chapter 46 Rural Visitor Zone Section 32 evaluation (**s32**).

SCOPE OF EVIDENCE

7. I have been engaged by Arthurs Point Land Trustee Limited (**APLT**) to provide evidence on the Proposed Queenstown Lakes District Plan – Stage 3B (**PDP**).
8. The following evidence covers APLT's submission and further submission points that relate to the notified zoning of APLT's property. In particular, APLT owns the land at 182 Arthurs Point Road (comprising Lot 1 DP 300462, Lot 2 DP 300462, Lot 3 DP 300462, Lot 2 DP 24233 and Lot 1 DP 384465) (**Site**) which has been partially notified as Medium Density Residential Zone (**MDRZ**) with either a Visitor

Accommodation sub-zone (**VASZ**) or Building Restriction Area (**BRA**) overlay. References to the 'Site' in this evidence refer to that portion of the Site which is zoned MDRZ VAS under the notified Stage 3B PDP.

9. APLT opposes the MDRZ VAS/BRA zoning of the Site and the surrounding area and instead seeks the rezoning of the Site to High Density Residential (**HDR**).
10. The evidence is provided in the following parts:
 - (a) Executive Summary;
 - (b) Notified Version;
 - (c) APLT Relief Sought in Submissions;
 - (d) Resource Consent Applications;
 - (e) Landscape Evidence for the Site;
 - (f) Summary of s42A Report;
 - (g) Response to Section 42A;
 - (h) Conclusion.

EXECUTIVE SUMMARY

11. This evidence has been prepared to address the appropriate zoning and building restriction areas within the Site (described above).
12. The evidence sets out the unique situation that applies to the Site, both in terms of the consented development, proposed development and the zoning and character of the surrounding area.
13. I consider that the HDRZ is the most appropriate zone for the Site.
 - (a) I support the rezoning of those parts of the Site that were notified as MDRZ with VASZ to HDRZ as recommended in the s42a report.
 - (b) The areas of the site that are zoned MDRZ should be zoned HDRZ to reflect the predominantly high-density character (including residential and visitor accommodation activities), and changing the zoning of the land to reflect this character is consistent with strategic direction in the PDP.
14. I consider that the BRA on the mid-terrace should cover the western end on the mid-terrace only and that the BRA at the north of the Site should be removed, as

the landscape evidence finds that these areas have the capacity to absorb development and this development can be managed through design controls in the PDP. Further, the BRA was placed on areas of 'moderate landscape sensitivity', as identified by Ms Mellsop (Landscape specialist), in accordance with policy 46.2.2.1 in the notified RVZ chapter.

15. I conclude that it is appropriate for the visitor accommodation activity status for HDRZ at Arthurs Point North to be amended to a controlled activity status (from restricted discretionary) given the existing and anticipated activity for the area.
16. I consider that the maximum building height on sloping sites in the HDRZ in Arthurs Point should be 12m given the topography of the area.

NOTIFIED VERSION

17. Under the notified zoning, the Site was zoned Medium Density Residential Zone (**MDRZ**) with a Visitor Accommodation sub-zone (**VASZ**) or Building Restriction Area (**BRA**) overlay.
18. The notified zoning of the Site includes two BRA. One is located over the knoll of land at the northern corner of the Site within Lot 2 DP 300462 and the other at the terrace edge over Lot 3 DP 376799 and Lot 1 DP 20925.
19. The notified zoning included a VASZ over all parts of the Site that were zoned MDRZ and which did not have the BRA overlay.
20. The notified zoning is depicted in Figure 1 below.

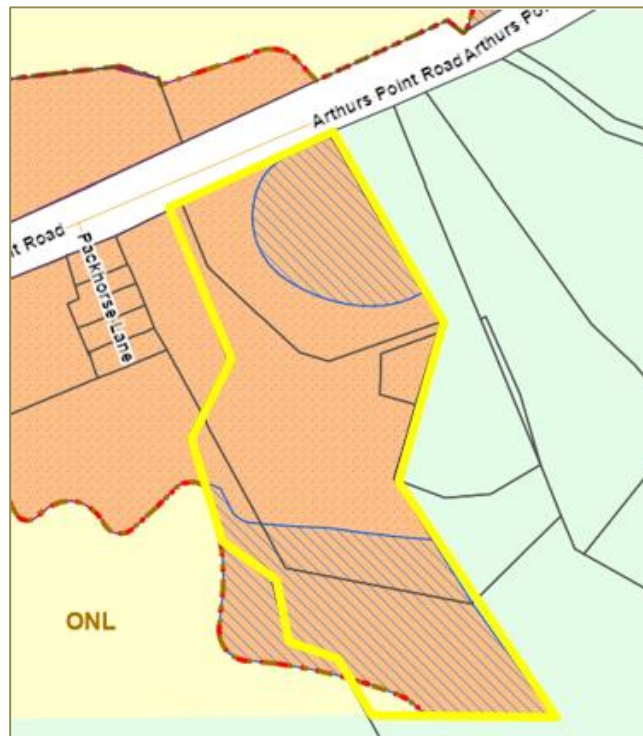


Figure 1: Notified zoning of the subject Site

APLT RELIEF SOUGHT IN SUBMISSIONS

21. APLT sought:
- (a) To remove the BRA from the subject Site and replace it with a BRA that accurately represents the terrace edge at the western end of the mid-terrace only.
 - (b) To rezone the Site to HDRZ and refer to that land as the Arthurs Point Terrace precinct or neighbourhood.
 - (c) To rezone the balance of the neighbourhood currently proposed as MDRZ in the Arthurs Point community to HDRZ and refer to that land as the Arthurs Point Terrace precinct or neighbourhood.
 - (d) To include new objectives and policies in the HDRZ chapter seeking specific outcomes for Arthurs Point Terrace. Specifically:
 - (i) 9.2.9 Objective – Arthurs Point Terrace

Enhance and develop the amenity, character and unique streetscape qualities of the Arthurs Point Terrace Neighbourhood.

 - (A) Policy 9.2.9.1

To provide a range of residential and visitor accommodation options within the neighbourhood that positively contribute to the amenity and character of the area.

(B) Policy 9.2.9.2

To promote a distinct streetscape for the neighbourhood that is based upon a shared and integrated public realm.

(C) Policy 9.2.9.3

To develop a high-density residential neighbourhood that is characterised by 4 – 5 level buildings, and where the effects of additional building height is offset by topography.

(D) Policy 9.2.9.4

Encourage buildings to be located to address the street, with carparking generally located behind or between buildings.

(E) Policy 9.2.9.5

Ensure that the design of buildings contribute positively to the visual quality of the environment through the use of connection to the street, interesting built forms, landscaping, and response to site context.

- (e) To include a 12m maximum building height for sloping sites within the Arthurs Point Terrace by amending Rule 9.5.3.4 as follows (additions shown in underline):

9.5.3.4 Maximum building height of 10m.

9.5.3.4a Except sites within the Arthurs Point Terrace where a maximum building height of 12m applies.

- (f) To change the activity status of visitor accommodation in the HDRZ of Arthurs Point from a restricted discretionary activity to a controlled activity.

RESOURCE CONSENT APPLICATIONS

22. The consenting history of the site is relevant to this evidence as it provides an insight to the type of development that is anticipated (and approved) on the site as well as a technical assessment and analysis carried out on the site. The site has a number of previous and current (but not implemented) resource consents, as well as resource consent applications currently lodged (but not yet granted) with Queenstown Lakes District Council (QLDC).
23. The previous and current consents are considered to be relevant to this evidence as they provide an understanding to the practical use, consented baseline of the Site and demonstrate the ability for the Site to absorb change.

Previous Resource Consent – 2007

24. Resource consent (RM070900) was granted 22 May 2008 to establish a mixed-use development including residential, visitor accommodation, commercial recreation and retail activity on the upper terrace of the site, which included 22 residential apartments contained within two buildings. The apartment buildings were to be located on the slope of the site between the upper and mid-terrace where BRA 2 is now overlaid on the site. This consent was not implemented. As this consent has been granted by QLDC, it is considered to provide evidence of accepted form and type of development for the Site.



Figure 2: Figure 1 – Elevations of Building of RM070900

Current Resource Consent – 2018

25. Resource consent (RM180858) was granted 10 December 2018, for construction of a 12m high, 106 room hotel with ancillary centralised facilities and 80 serviced apartments to be used for visitor accommodation purposes with associated earthworks and landscaping. This was located on the upper terrace of the site.

This consent has not yet been implemented. This consent was granted in the last two years and is considered to reflect an appropriate development on the site. This demonstrates that the site is deemed to be appropriate for high density development.



Figure 3: Figure 2 – South Western Renders of RM180858

Lodged Resource Consent – 2019

26. Resource consent (RM191333) was lodged with QLDC in December 2019 under the ODP Rural Visitor zoning to construct 297 visitor accommodation units (where 111 may also be used for residential activities) and ancillary non-residential / commercial activities. The application also includes associated earthworks and landscaping. This application is Stage 1 of 2 for development of the Site and applies to the upper terrace and part of the mid-terrace of the site. This application applies to the same area of land that was approved consent under RM180858. At this time, the consent is being processed by Council.

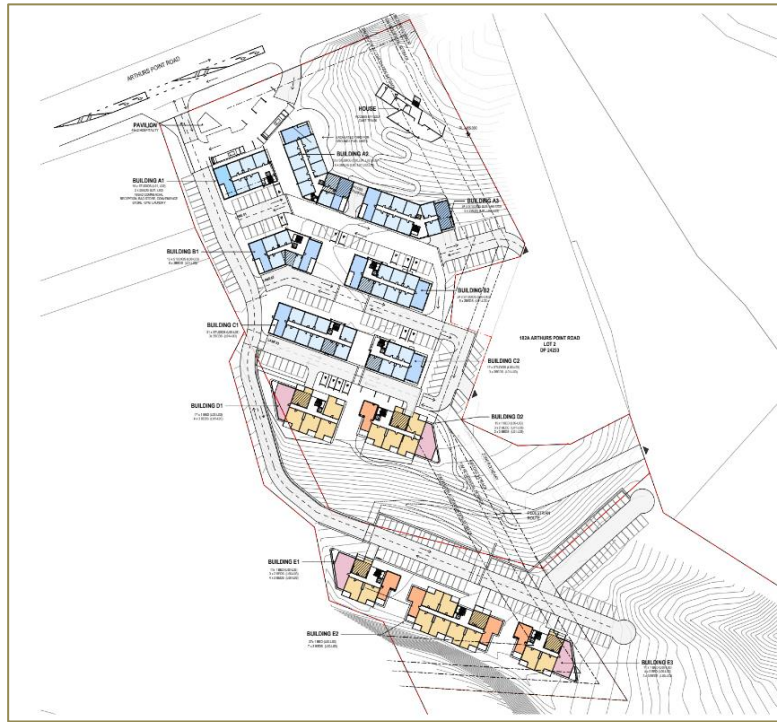


Figure 4: Site Plan and layout of RM191333

Lodged Resource Consent – 2020

27. Resource consent (RM200384) was lodged with QLDC in May 2020 to construct 35 residential units in the form of terraced houses, and for associated earthworks and landscaping. This application is Stage 2 of 2 for development of the Site and applies to the mid-terrace of the site.



Figure 5: Site Layout Plan of RM200384



Figure 6: Elevations of RM200384

LANDSCAPE EVIDENCE FOR THE SITE

28. In this section I review and provide comment on the landscape evidence prepared throughout the PDP Stage 3B process as it relates to this evidence.

Landscape Assessment – Helen Mellsop, June, 2019 – s32 Report

29. The areas identified as BRA within the Site (BRA 2 and BRA 3) were identified as having ‘Moderate landscape sensitivity’ (shown in pink hatch on Figure 6 of the landscape assessment and reproduced in this evidence as Figure 7). Ms Mellsop’s landscape assessment (June 2019) which states the following:

“The areas shown as pink hatch in Figure 6 in Appendix B have some limited capacity to absorb sensitively designed low density visitor facility development. In order to be successfully absorbed I consider that visitor facility development in these areas would need to be subject to the following controls:

- *Maximum building height of 8m;*
- *Limits on building coverage to ensure an low overall density of development;*
- *Use of recessive external building materials similar to those required for buildings in the PDP Rural Zone;*

- *Appropriate indigenous landscaping that is of sufficient height and density to effectively integrate development (including earthworks) and mitigate potential adverse effects on the naturalness of the landscape.”¹*



Figure 7: From Helen Mellsop's Landscape Assessment (June, 2019) - Landscape sensitivity of Arthurs Point RV Zone

30. Therefore, what Ms Mellsop has said is that development is appropriate on the areas identified with pink hatching (which later became BRA) as long as they meet certain design controls.
31. Ms Mellsop's assessment states that development in these areas would need to be subject to design controls – as detailed above. This assessment does not state that development should not occur within these areas, but rather makes recommendations on what would be an appropriate form of development and the type of landscaping that would be required to mitigate any potential effects on the landscape.
32. In addition to the above, Ms Mellsop makes the following comment with regard to the area identified as BRA 3 on the submitters site:

“There are two other areas within the RV Zone that have moderate capacity to absorb sensitively designed and low density development. These are the west side of the small hill that encloses the settlement [BRA 3], which is within the same visual catchment as existing development.”

33. Therefore, Ms Mellsop says that development is appropriate on BRA 3.

¹ Section 3.2.7 – Recommendations

34. Based on the comments in Ms Mellsoy's landscape assessment, I consider that both BRA 3 has the capacity to absorb development and should not be identified as BRA. BRA 2 should be reduced to the western end on the mid-terrace only.

Section 32 Report

35. Ms Mellsoy's Landscape Assessment as discussed above informed the Council's s32 report.
36. Para. 1.4 of the s32 report states that Section 12 RVZ of the ODP has been used as a baseline for the review of the zone with a key change being the identification of areas of moderate – high and high landscape sensitivity on the Planning Maps, and rules restricting buildings within these areas (point 1.4(b)).
37. Comparing the areas identified in the Ms Mellsoy's landscape assessment as moderate landscape sensitivity areas to the notified PDP Stage 3B maps, it is evident that the BRAs were applied to the areas identified as moderate landscape sensitivity areas in the landscape assessment. Considering this and the above statement in the s32 report, it is considered that the BRAs were applied seeking to achieve the relevant policy, as stated below, in the RVZ.
38. The notified version of the RVZ includes Policy 46.2.2.1 which is to:

“Protect the landscape values of the Rural Visitor Zone and the surrounding Rural Zone Outstanding Natural Landscapes by:

a. providing for and consolidating buildings within the Rural Visitor Zone in areas that are not identified on the District Plan maps as a High Landscape Sensitivity Area, nor within an area of Moderate – High Landscape Sensitivity;

b. ensuring that buildings within areas identified on the District Plan maps as Moderate – High Landscape Sensitivity are located and designed, and adverse effects are mitigated to ensure landscape values are maintained or enhanced; and c. avoiding buildings within areas identified on the District Plan maps as High Landscape Sensitivity Areas.”

39. The BRA areas do not have the VASZ. It is considered that the BRA overlay cannot be overlaid on these areas of the Site because the BRA overlay stemmed from a RVZ policy which is no longer relevant to this Site. Therefore, the BRA is no longer justified.
40. The Strategic Direction and Landscape chapters of the PDP do not state that moderate sensitivity landscapes should not contain development. There are objectives and policies which relate to the protection of ONLs and ONFs, and also

those areas that cannot absorb further change, however in this case, it is considered that the BRA can absorb change/ development. Therefore, reducing BRA2 and removing the BRA 3 is not considered to be contrary to the statutory provisions.

Landscape Evidence – To support s42A report

41. Ms Mellsop begins her assessment of Arthur's Point by noting that she is *'unaware of the rationale for the BRAs in the Arthurs Point area, as this is not discussed in the Section 32 report²'* and goes on to note that they correspond to the moderate landscape sensitivity areas detailed in her landscape assessment. It is clear from this statement that Ms Mellsop was not suggesting in her evidence that the areas of moderate landscape sensitivity should become BRAs and that the rationale for so doing is unclear to her.
42. In para. 7.18 – 7.20, Ms Mellsop refers to her June 2019 Landscape Assessment where she recommended that the area covered by notified BRA 2 had some capacity to absorb development that is recessive and well-integrated by vegetation³. Ms Mellsop agreed with APTL's submission and recommended revised BRAs that accurately respond to the topography (as evidenced by the 0.5m LiDar contours in QLDC's GIS system). It is noted that this included a BRA that is outside of the scope of this evidence (being on the lower terrace outside of the Stage 3B area). This evidence, as it related to BRA 2, was accepted in para. 3.18 of the s42a report.
43. Without BRAs these parts of the site would be subject to the building height, coverage, external appearance, and landscaping rules in the HDRZ chapter (if relief granted). In addition, the Residential Zone Design Guide would be applicable to development within those areas as part of the Stage 3 variation to the HDRZ chapter, however BRA applies the non-complying activity status to development. Because there will be adequate design controls, Ms Mellsop says that development is appropriate.
44. BRA 3 is not specifically referred to in the Section 42A Report or Ms Mellsop's Landscape Evidence. This evidence seeks to remove this BRA.

SUMMARY OF SECTION 42A REPORT

45. In this section I provide a summary of the key points made in the s42a report as they relate to my evidence.

² Para. 7.1

³ Para.3.2.6, p17

46. Ms Turner recommends naming the Stage 3B area 'Arthurs Point North' and to amend the objectives and policies in the HDRZ chapter to refer to Arthurs Point North. Ms Turner recommends amending the objectives and policies to specifically include Arthurs Point North as this is important to improve clarity of where the HDRZ is appropriate to apply. Ms Turner considers that "Arthurs Point North" is a more appropriate name for the area (as opposed to "Arthurs Point Terraces" sought in the APPL submission) so it is clear that is not the lower terraces of Arthurs Point, which are not part of the Stage 3b review of the PDP⁴.
47. Ms Turner recommends rezoning those parts of the Site with the VASZ to HDRZ, excluding those parts covered by a BRA which have retained the MDRZ. Ms Turner states this is due to these parts of the site being relatively flat and having the ability to absorb greater densities than the notified zoning⁵.
48. Ms Turner recommends a modified BRA 2 which more accurately reflects the terrace edge. This recommendation is based on Ms Mellsop's evidence⁶.
49. Ms Turner recommends including a new policy as sought in the submission by APLT. The new policy states:
- Policy 9.2.2.3 Promote a distinct streetscape for the Arthurs Point North neighbourhood that is based upon a shared and integrated public realm.*
50. She considers the policy will give more strength to the consideration of the Design Guide and the assessment of RD developments⁷.
51. Ms Turner considers that the remainder of the new Objectives and Policies proposed by the submission are covered by equivalent objectives and policies in the PDP⁸ and considers it is more efficient and effective to have plan provisions apply to the whole zone, rather than many bespoke provisions for different areas of the same zone⁹.
52. Ms Turner considers a non-complying activity status to be appropriate for buildings within the BRA so that applications can then be assessed through the resource consent process. She considers that the non-complying activity status is appropriate as buildings in the BRA should be allowed to be considered¹⁰.

⁴ Para. 12.4

⁵ Para. 4.26-4.28; 4.33

⁶ Para. 3.16-3.18

⁷ Para. 10.4

⁸ Para. 10.3

⁹ Para. 10.1

¹⁰ Para. 3.13

53. Ms Turner does not recommend changing the activity status of visitor accommodation in the HDRZ of Arthurs Point from restricted discretionary activity status to controlled activity status on the basis that amending the provision would make it more similar to Business Mixed Use Zone (BMUZ)¹¹.
54. Ms Turner does not recommend changing the height of buildings on sloping sites in the HDRZ in Arthurs Point. The reasons being that areas outside of the flat area have been identified as having greater landscape sensitivity and if additional lots were to be rezoned HDRZ, she considers that this rule would be important to manage the effects of built development on the ONL¹².

RESPONSE TO SECTION 42A REPORT

55. In this section I provide a response to Ms Turner's s42A report, drawing on the relief sought by APTL, previous landscape assessment of the Site and the planning outcomes I consider to be appropriate.
56. APLT accepts most of Ms Turner's recommendations, with exceptions relating to the BRA, visitor accommodation activity status and maximum building height.

Rezoning

57. I agree with Ms Turner's recommendation to rezone the majority of the Site HDRZ. I consider that the remainder of the Site also should be rezoned HDRZ.
58. I support the proposed rezoning of the Site to HDRZ for the following reasons:
- (a) There is very little flat land in close proximity to the town centre that is suitable for high density residential activity.
 - (b) High density zoning of this land would allow a greater range of housing densities and options.
 - (c) The Site is anticipated (and consented – as explained further in para. 21-26 above) to contain a higher density of development.
 - (d) Arthurs Point North (APN) is nestled into the lower slopes of Mt. Dewar immediately to the north with the Shotover River canyon to the south. Increased height limits can be tolerated within these topographical features.

¹¹ Para 10.9

¹² Para. 10.7

- (e) Arthurs Point already contains a predominantly high-density character (including residential and visitor accommodation activities), and changing the zoning of the land to reflect this character is consistent with Objective 3.2.3 (Chapter 3 – Strategic Direction) which states:

A quality-built environment taking into account the character of individual communities.

- (f) HDRZ is consistent with Policy 3.2.1.1 (Chapter 3 – Strategic Direction) of the Proposed District Plan which states:

The significant socioeconomic benefits of well-designed and appropriately located visitor industry facilities and services are realised across the District.

59. The areas of the Site that were identified by Ms Mellsop to have moderate landscape sensitivity (which subsequently became BRA 2 and 3 and which Ms Turner therefore proposes to retain as MDRZ) would be subject to the development controls in the HDRZ and the design requirements of the Residential Zone Design Guide.
60. The development controls in the HDRZ and the Residential Zone Design Guide will ensure sensitively designed development is achieved, through the design controls, including building design and location, materials, landscaping and planting. For instance, in the HDRZ, to exceed the building height limit is a discretionary activity and to exceed building coverage is a non-complying activity. The rules, activity status and assessment criteria are considered to provide the appropriate controls to ensure sensitively designed development appropriate for the Site.
61. On that basis, I consider that HDRZ is appropriate across the Site.

Objectives and Policies

62. I support the inclusion of this Policy 9.2.2.3 in the HDRZ Chapter as it will ensure the enhancement of streetscape on Arthurs Point Road. I support the inclusion of a qualifier into the policy, being *Arthurs Point North*, so that the policy has a clear location to which the policy is applicable.
63. I also support the inclusion of the objectives and policies detailed in the submission because these will provide identification of the area within the PDP and support the implementation of the Residential Design Guide. The policies will also provide recognition that visitor accommodation is enabled at Arthurs Point Terrace.

Building Restriction Areas

64. In Ms Mellsop's evidence (Figure 1, reproduced in this evidence as Figure 8), she numbers the notified BRAs. I refer to the BRAs using the same numbering in this evidence.

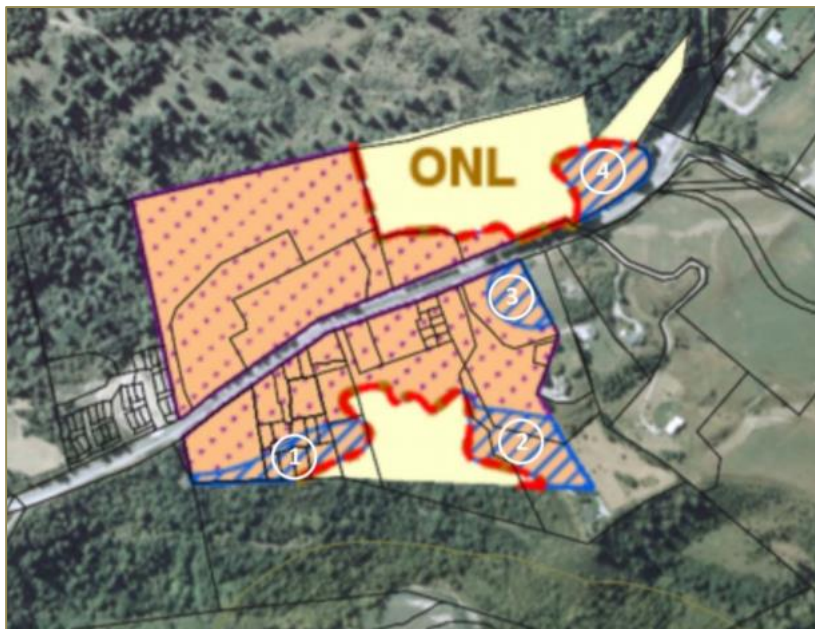


Figure 8: From Council's Section 42A Report - Notified plan map annotated with numbering for each BRA as identified as Figure 1 of Ms Mellsop's evidence.

65. With regard to landscape matters, Ms Turner's evidence relies heavily on the landscape assessment and report prepared by Ms Mellsop. Ms Mellsop subsequently amends BRA 2 to represent the terrace edge as the western end on the mid-terrace. This amendment is supported by Ms Turner in the section 42A report and is represented below at Figure 9 (which is extracted from the section 42A report).



Figure 9: Section 42A Report - Recommended mapping (zoning and overlays)

66. In accordance with APLT's submission, I do not support this recommendation, but rather I support a BRA that accurately represents the terrace edge at the western end of the mid-terrace only. I consider that this would accurately represent the terrace edge and better provide for development on the Site. I also consider that certain structures should be appropriate and consentable within the BRA, such as retaining structures or landscaping features which are required to support development of the Site.
67. I also support the removal of BRA 3 as shown on [Figure 8](#) above for the following reasons:
- (a) Given the evidence of Ms Mellsoy, and my conclusion that the HDRZ is appropriate to ensure sensitive development, there is no landscape justification for the BRAs to apply to the Site except in accordance with a reduced BRA 2.
 - (b) The BRA makes any buildings within these areas a non-complying activity, no matter the underlying zoning. This makes the ability to develop on the site more onerous.
 - (c) For any development on the whole Site, if the land owner proposes a building within the BRA (even if only a small part of this area), the whole resource consent would fall to a non-complying activity in accordance with the PDP interpretations, which states where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

As such, if there is any development within the BRA the whole resource consent application would be assessed as a non-complying activity, no matter the size or type of building in the BRA.

- (d) The landowner wants to develop the site. The BRA has social and economic impacts on the landowner as it makes it a non-complying activity to develop those parts of the Site and reduces development capacity of the Site.
- (e) I relation to BRA 2 which is located on the terrace edge.
 - (i) The BRA, if not reduced to the west edge of the terrace only, it will restrict the ability to develop the lower part of the site. Due to the topography of the site, retaining structures would be required to support accesses to the mid-terrace and to ensure stability of the site. Therefore, a retaining structure would trigger a non-complying activity status and make the whole development non-complying.
 - (ii) The area identified as BRA 2 is steep and is unlikely to be viable for large buildings, however this should not restrict all ability to construct buildings within this area, remembering the definition of a 'building' in the District Plan encompasses most structures greater than 2m in height or/ and 5m² in area. In addition, buildings will need to meet the design controls in the PDP provisions.
- (f) In relation to BRA 3 which is located at the northern corner of the site.
 - (i) Ms Turner and Ms Mellsop do not address BRA 3, other than Ms Mellsop identifying it as an area of moderate landscape sensitivity. Ms Mellsop however states in her evidence that she is unaware of the rationale for the BRAs generally.
 - (ii) I consider BRA 3 to be unnecessary given the ability to sensitively develop the site as HDRZ.
 - (iii) In addition, the Council have recommended that adjacent parts of the Site be zoned HDRZ as a result of the submissions received, and that the land opposite BRA 3 is also zoned HDRZ.

68. Ms Turner responds to the submission by Arthurs Point Outstanding Natural Landscape Society Inc¹³. with regard to development on the urban side of an ONL boundary. It is noted that this is relevant as the BRAs are adjacent to the ONL and while the BRAs have not been applied solely because of their proximity to the

¹³ 31041

ONL, the Ms Turner states that given the area, more compact development is appropriate and that under stage 3 of the PDP review, the HDRZ will be required to achieve the intent of the Residential Zone Design Guide.

69. I agree with this comment but consider that the intent of the Residential Zone Design Guide is sufficient to manage development, without the need for BRAs over the Site. Further to this, in Ms Mellsop's Landscape Assessment (appended to the s32 report and her evidence), it was considered that it may be appropriate to build on a BRA if the building design was appropriate. Therefore, the non-complying activity status is not appropriate.

Building Height

70. Ms Turner states¹⁴:

"I consider that while the ODP RVZ height was more permissive, this height was not suitable for the landscape context which has been reviewed as part of Stage 3b.

...

If the Panel was to recommend that additional lots be rezoned to HDRZ, I consider this rule is important to manage the effect of built development on the ONL, therefore achieving the outcomes sought through the Strategic Objectives in Chapters 3, 4 and 6."

71. Under the ODP the RVZ height limit was 12m for visitor accommodation activities. Given this and the existing high-density character of Arthurs Point, I consider that a 12m height limit would be appropriate for development within the sloping parts of the Site. Given the topography of the Arthurs Point area, whereby the topography is terraced, I consider that development would be stepped across the flat land up to the sloped areas or down sloped areas. This would provide a stepping of buildings within the area and reduce any potential effects on the landscape from the height of buildings.

Visitor Accommodation Activity Status

72. I consider that a controlled activity status (a change from RD) for visitor accommodation activities within the Arthurs Point North area is appropriate. This is to provide for the existing and anticipated visitor accommodation activities that are occurring (and anticipated to occur) with Arthurs Point.
73. Arthurs Point is characterised by predominantly high-density character (including residential and visitor accommodation activities). Given this, the location of the Site

¹⁴ Para. 10.7

to central Queenstown and the anticipated activities within the area, this activity status is considered to be appropriate.

74. Ms Turner does not support APLT's submission for controlled activity status for Visitor Accommodation activities within the Arthurs Point North area on the basis that amending the provision would make it more similar to Business Mixed Use Zone (BMUZ).
75. I do not consider that changing the activity status would make it more similar to the BMUZ. While VA activity in the BMUZ carries a controlled activity status, the BMUZ as a whole anticipates activities such as service-based activities, commercial and retail activities whereas HDRZ does not. Given this, the matters of control for a VA activity in the HDRZ would be different and the standards for the development to meet will remain the HDRZ standards for building controls.
76. Providing a controlled activity status for visitor accommodation activity is appropriate for Arthurs Point. Ms Turner states: ¹⁵

"...to achieve these strategic objectives for the Arthurs Point North area, recognition should be given that Arthurs Point North is not a homogenous area in terms of character or issues, and that the different levels of development are appropriate for different areas to manage the effects on landscape values, as well as social and economic wellbeing."

77. In considering this statement, the character of Arthurs Point is not homogenous and while the Site is to be zoned for high density residential development, the scale of this development should not determine the use for this Site, given the existing and anticipated character of Arthurs Point which is a mix of visitor accommodation and residential.
78. The 'residential' amenity has already been altered given the existing character of the area. Given this, the zoning should be to protect and provide for the residential/VA environment in Arthurs Point.
79. To summarise my response to the s42A report:
- (a) The rezoning of the Site from MDRZ with VASZ as notified to HDRZ is supported.
 - (b) Those parts of the Site that remain MDRZ should also be rezoned to HDRZ.
 - (c) The amendment to BRA 2 should be made so that the BRA only covers the western end on the mid-terrace.

¹⁵ Para. 4.24

- (d) BRA 3 should be removed from the Site, as this area has the capacity to absorb development and that development can be managed through design controls in the PDP.
- (e) The maximum building height on sloping sites in the HDRZ in Arthurs Point should be 12m given the topography of the Arthurs Point area which will allow buildings to be stepped, therefore reducing building dominance effects on the landscape.
- (f) I consider applying a controlled activity status to visitor accommodation in the HDRZ at Arthurs Point is appropriate given the existing and anticipated character of Arthurs Point.

CONCLUSION

- 80. For the reasons identified, I consider that the HDRZ is the most appropriate zone for the Site.
- 81. BRA 2 should be changed so that the BRA covers only the western end on the mid-terrace as sought in APLT's submission. This would more accurately represent the terrace edge and better provide for development on the Site. BRA 3 should be removed from the site, as this area has the capacity to absorb development and that development can be managed through design controls in the PDP.
- 82. The HDRZ should include visitor accommodation activity in Arthurs Point North as a controlled activity status given the existing and anticipated character of the area.
- 83. The maximum building height on sloping sites in the HDRZ in Arthurs Point should be 12m given the topography of the area.
- 84. APLT relief sought should be granted.



Emma Louise Ryder

29th May 2020