

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES
PROPOSED DISTRICT PLAN**

UNDER
the Resource Management Act 1991

IN THE MATTER OF
Stage 3b of the Proposed District
Plan

SUBMITTERS
Malaghans Investments Limited

**SUMMARY STATEMENT OF EVIDENCE OF TONY DOUGLAS MILNE
ON BEHALF OF MALAGHANS INVESTMENTS LIMITED**

DATED: 30 July 2020

INTRODUCTION

1. My full name is Tony Douglas Milne. My qualifications and experience are set out in my Evidence in Chief.
2. This Summary of Evidence sets out the key points within my Evidence in Chief. I have also read the rebuttal evidence of Mr Matthew Jones¹ on behalf of Queenstown Lakes District Council, and I have responded to his comments.

THE PROPOSAL

3. Malaghans Investments Limited is seeking rezoning of Lot 1 and 2 DP19171 within the Rural Visitor Zone (RVZ). The application site is currently zoned Rural within an Outstanding Natural Landscape (ONL) and the Skippers Heritage Overlay Area.
4. The proposed zone is located on Stapleton's Terrace, an elevated terrace which lies above and east of the Shotover River and Skippers Road. The site displays a high country rural character located on the river terrace landforms associated with the Shotover River Outstanding Natural Feature (ONF) and within the ONL (District Wide) which encompasses Skippers Canyon and its mountainous surrounds. Skippers Heritage Overlay Area extends over the site and surrounds.
5. The proposal includes a small number of bespoke provisions for the zone, including a 7m building height limit, a rural standard of roading and infrastructure, the removal of the building setback from zone boundaries, and additional provisions relating to building materials and colour to ensure built form appropriately takes into account the heritage values of Skippers.
6. An assessment of the site's landscape sensitivity has been undertaken, incorporating analysis of the site's character and values. The landscape sensitivity analysis identifies areas of lower landscape sensitivity which has informed the proposed Developable Area indicated on the Structure Plan within an area of low landscape sensitivity. This area is considered to be an appropriate location for potential future development within the proposed RVZ.
7. Since the lodgement of my evidence and the graphic attachment on 2 June 2020 the proposed Structure Plan has been refined to take into account comments from the property owners and comments from the evidence rebuttal prepared by Mr Jones². This includes a slight reduction in the size of the proposed Developable Area. These amendments are included in the updated Structure Plan dated 24 July 2020 Rev A.
8. The effects of the proposed rezoning have been considered in the context of the surrounding ONL, rural landscape character, and have also taken into account the Skippers Heritage Overlay. I consider that in context of the ONL, effects on the landscape values are largely avoided through implementation of development within areas of lower landscape sensitivity, as per Chapter 46³ of the PDP. In relation to landscape character and heritage values, I consider that the proposal has potential to complement the existing environment through use of heritage colours, textures and materials and in the context of rural settlement patterns throughout Skippers Canyon.
9. Effects on visual amenity have been considered in the context of Skippers Road, the Shotover River and the wider Skippers Canyon. For the most part, the proposed Developable Area is visually discrete and available views are intermittent and viewed against a vast and complex landscape. I consider that in the context of small enclaves of existing development within Skippers Canyon, and subject to the

¹ Second Rebuttal Evidence of Matthew Jones. Landscape Architecture – Rezoning – Rural Visitor Zone. 19 June 2020.

² Second Rebuttal Evidence of Matthew Jones. Landscape Architecture – Rezoning – Rural Visitor Zone. 19 June 2020.

³ Section 42A Report of Emily Suzanne Grace. Chapter 46 Rural Visitor Zone. 18 March 2020.

RVZ provisions and additional rules regarding height and use of heritage colours and materials, the proposal has potential to complement the visual amenity of the receiving environment.

LANDSCAPE MATTERS RAISED

10. In his rebuttal evidence⁴, Mr Jones refers to the proposed Structure Plan and provisions and states that he has changed the assessment conclusion reached in his Evidence in Chief and now does not oppose the rezoning relief sought for the site subject to the refinement of the sensitivity mapping and addition of the recommended provisions in relation to building height, setbacks, roading and infrastructure and building materials and colours. Matters raised are discussed in the following paragraphs.
11. At paragraph 3.3 of Mr Jones' rebuttal⁵, states that in general, he agrees with the area mapped as lower sensitivity. However, he considers the upper slopes along the east boundary to have high sensitivity, whereas I have mapped these areas as moderate-high sensitivity. While I understand his rationale, I consider that as the area has been excluded from the proposed Developable Area, and Rule 46.4.10 would recognise development within this area as a Discretionary Activity, the provisions do not enable development in this area.
12. At paragraph 3.4 of Mr Jones' rebuttal⁶, he states that he considers the areas identified as having 'moderate' slope to have a moderate-high landscape sensitivity rating. In the graphic attachment, 'moderate' slopes have been identified as having slopes between 21-33% (approximately 11 to 17 degrees). I do not consider these to be so steep as to warrant identification as moderate-high, particularly as they are not visually prominent within the context.
13. Unlike Mr Jones, and having travelled Skippers Road a number of times, I did not stop to try to gain views of the site from the carriageway of the road as I consider that a visual assessment of the site should be based on views experienced while travelling as a typical user of Skippers Road would experience.
14. Nonetheless, I have revisited the landscape sensitivity assessment and made some refinements to the boundary of the proposed Developable Area and landscape sensitivity rating with regard to Mr Jones' comments. This is reflected in the updated Structure Plan dated 24 July 2020 Rev A.
15. At paragraph 3.8 of Mr Jones' rebuttal⁷, he states that the 10m setback rule (46.5.1.1) should remain along all boundaries as the west boundary of the site aligns with the cliff edge which is a highly sensitive edge. While I do agree that the cliff has high sensitivity, the zone edge is largely defined by the property boundary which does not align with the escarpment edge and is setback greater than 10m from the escarpment edge in places. As a result, I consider that a setback from the zone boundary where it is already setback from the escarpment edge is unnecessary. I do however consider a setback from the escarpment edge to be appropriate.

STATUTORY FRAMEWORK

16. The policy framework relevant to landscape effects arising from the proposed subzone are found in PDP Chapter 3 – Strategic Direction, Chapter 6 – Landscapes, Chapter 21 – Rural Zone, Chapter 23 – Gibbston Character Zone and Chapter 46 – Rural Visitor Zone.

⁴ Second Rebuttal Evidence of Matthew Jones. Landscape Architecture – Rezoning – Rural Visitor Zone. 19 June 2020.

⁵ Second Rebuttal Evidence of Matthew Jones. Landscape Architecture – Rezoning – Rural Visitor Zone. 19 June 2020.

⁶ Second Rebuttal Evidence of Matthew Jones. Landscape Architecture – Rezoning – Rural Visitor Zone. 19 June 2020.

⁷ Second Rebuttal Evidence of Matthew Jones. Landscape Architecture – Rezoning – Rural Visitor Zone. 19 June 2020.

17. I am satisfied that the proposed RVZ will meet the objectives and policies anticipated by the Chapters 3 and 6.
18. Chapter 46 contains detailed provisions relating to the proposed Rural Visitor Zone. The purpose of the zone is to provide for visitor industry activities at a limited scale and in generally remote locations, including within ONLs where the effects of development can be absorbed without compromising the landscape values of the District.
19. Objective 46.2.1 and associated policies seek to locate visitor activities within appropriate locations that maintain the values of the ONL. Objective 46.2.2 and associated policies seek to locate buildings and development where landscape character and visual amenity values are maintained. I consider that the proposed Structure Plan and provisions will protect the landscape values of the ONL as well as landscape character and visual amenity, as a result I consider the proposed zone to be consistent with these objectives and policies.

CONCLUSION

20. The proposed Rural Visitor Zone will provide for appropriately located and scaled development within Skippers Canyon while maintaining the existing values of the ONL and the landscape character of the surrounding Rural Zone; with opportunities to complement heritage values and enhance visual amenity. Therefore, I consider that the proposed RVZ rezoning is appropriate for the site.