

Before the Queenstown Lakes District Council Hearing Panel

Under the Resource Management Act 1991

In the matter of the renotification of two submissions on Stage 1 of the Queenstown Lakes Proposed District Plan concerning the zoning of land at Arthur's Point by Gertrude's Saddlery Limited and Larchmont Developments Limited

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**Summary of Evidence of Jeffrey Brown**

1 February 2023

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**Submitters' solicitors:**

Maree Baker-Galloway | Rosie Hill  
Anderson Lloyd  
Level 2, 13 Camp Street, Queenstown 9300  
PO Box 201, Queenstown 9348

p + 64 3 450 0700  
maree.baker-galloway@al.nz | rosie.hill@al.nz

**anderson  
lloyd.**

- 1 My name is Jeffrey Brown. I have the qualifications and experience set out at paragraphs 1.1 and 1.2 of my evidence dated 15 November 2022. In this summary I address key points of my evidence, comment on aspects of the evidence submitted from the parties, and discuss the proposed provisions.
- 2 I have reviewed the competing evidence of the landscape witnesses. I prefer the assessments of Mr Espie and Ms Pfluger which find that the site is not part of the Shotover River Outstanding Natural Feature (**ONF**) and is not part of any Outstanding Natural Landscape (**ONL**); it is physically disconnected from ONLs in the vicinity (the Central Whakatipu Basin Coronet ONL and the Western Whakatipu Basin ONL) and does not form a “landscape” in its own right. As Mr Espie points out, the site shares the same values and characteristics as, and is a remnant part of, the rolling headland that accommodates the developed suburban area and associated zoning of central Arthurs Point.
- 3 I also concur with, and prefer, Mr Espie’s and Ms Pfluger’s opinions that:
  - the development enabled by the proposed zoning and provisions would protect the values of the adjacent ONF and wider ONLs; and
  - development will be visible from a relatively confined visual catchment and within this confined visual catchment, some adverse visual effects will arise but these will be in the context of the development already enabled by the existing (unbuilt) LDSRZ over the site, and the proposed provisions which will avoid or mitigate visual effects.
- 4 In paragraph 4.8 of my evidence I commented on the appropriateness of the LLRBZ and the structure plan as a planning method for this site. There are 18 structure plans in the Proposed District Plan (**PDP**), covering a range of urban, rural and resort contexts, and with varying degrees of complexity.
- 5 The existing LLRBZ at Mt Iron does not have a structure plan but has a site-specific objective and associated policies in Chapter 27 (subdivision). I set these out in **Attachment A**. Notably the objective refers to the *sensitive transition from urban to Rural zoned Mt Iron Outstanding Natural feature*, and the policies address mechanisms for minimising landscape effects of urban subdivision and development adjacent to Mt Iron, and encouraging enhancement of indigenous biodiversity.
- 6 Bespoke, site specific provisions for the LLRBZ, for urban development adjacent to an ONF, are therefore an established method in the PDP.
- 7 The proposed Arthurs Point Structure Plan and related provisions promote mechanisms for visual mitigation of built development by indigenous revegetation. To give certainty to this outcome, the rules require that the *Structural Planting*

*Areas Plan* is submitted with any application for subdivision (and would be amended, if appropriate, and approved through that subdivision consent process), and that the planting is to be completed prior to s224(c) certification, with ongoing maintenance obligations through consent notices.

- 8 This planning method is not unusual or even novel; it is well-established in this PDP. Examples (all agreed to – indeed crafted or co-crafted – by the Council planners and endorsed by the Environment Court) include the Jacks Point homesite areas (See Rule 27.7.5.4 which I set out in **Attachment B**), The Hills Resort Zone, and Hogans Gully Resort Zone.
- 9 I am therefore satisfied that the planning provisions, which adopt established zones and methods and adapt these to the site's individual characteristics, are appropriate and consistent with the "style" of provisions commonly used in the PDP.
- 10 I have recommended revisions to the provisions in response to Ms Evans' comments. Her suggested objective and policies (with some amendments to the policy to avoid repetition from the objective) are acceptable, notwithstanding my view that the existing Chapter 11 provisions are generic and complemented by the bespoke detail in the Chapter 27 objective and policies (in Attachment B).
- 11 My evidence weighs the merits of the zoning options (Option A: Rural Zone; Option B: LDRZ / LLRBZ with structure plan) under the relevant statutory tests. I need not comment on all of the tests here but will reiterate my conclusions on three of them:
  - (a) On effects on the environment: I consider that, overall, the effects of Option B are acceptable, and that both Option A and Option B meet the statutory test as to whether the provisions have regard to the actual or potential effects on the environment, including any adverse effect. This particularly applies to effects on landscape and visual amenity values, taking into account my preference for the findings of Mr Espie and Ms Pfluger;
  - (b) On Part 2 of the Act: Option B better achieves the purpose and principles of the Act than Option A because Option B can better provide for wellbeing, and can better contribute to sustaining the potential of the resources of the site for the reasonably foreseeable needs of the current as well as future generations;
  - (c) On Section 32:
    - (i) I consider that the Option B objectives – in the sense of both the overall purpose of the proposal and the specific objectives proposed (including Ms Evans' additional objective) – are appropriate to

achieve the purpose of the Act, under s32(1)(a), and that, overall, Option B is better than Option A in this regard;

- (ii) Overall the (settled) strategic objectives of the PDP's Chapter 3 – all of which are on equal footing – are better served by Option B than Option A, taking into account the range of resource management issues covered in these strategic objectives including the imperatives for a prosperous, resilient and equitable economy; managing urban growth; nature conservation values; public access to the natural environment; landscapes; and social, cultural and economic well-being;
- (iii) Option B is consistent with, and achieves, the urban development imperatives of Chapter 4 in that it provides a distinct and defensible urban edge, it contributes to ongoing availability of competitive land supply; it will integrate with the existing urban development at Arthurs Point; and it appropriately allocates land for activities taking into account the site's physical attributes;
- (iv) The Chapter 6 provisions for landscapes are not offended by Option B;
- (v) Taking into account the costs, benefits, efficiency and effectiveness, I consider that the proposed zonings, their configuration, structure plan and related provisions, with the new updates, are the most appropriate way to achieve the intended objectives.

12 My conclusion is that Option B, in the updated form presented for this hearing, is the better and most appropriate option for the zoning of the land. To reiterate paragraph 4.8 of my evidence, Option B strikes an appropriate balance between achieving a worthwhile residential yield, delivering broader community and associated benefits (including in the form of open space, ongoing revegetation and pest management, public access, and necessary infrastructure upgrades), while managing the effects on landscape values of the Site and the adjacent ONF.

**J A Brown**

**1 February 2023**

**LLRBZ at Mt Iron – Chapter 27 objectives and policies**

**Large Lot Residential B Zone at Mt Iron West**

**27.3.15 Objective - Subdivision and residential development within the Large Lot Residential B Zone at Mt Iron West provides for a sensitive transition from urban to the Rural Zoned Mt Iron Outstanding Natural feature.**

27.3.15.1 Minimise the landscape effects of urban subdivision and development adjacent to Mt Iron through:

- a. avoiding buildings within the Building Restriction Area as identified on the District Plan web mapping application;
- b. restricting the height of buildings to 6 metres and coverage of buildings within each allotment to 500m<sup>2</sup>;
- c. restricting residential activity to not more than four allotments; and
- d. retention of existing indigenous vegetation that contributes to Mt Iron's landscape values.

27.3.15.2 Encourage opportunities to enhance indigenous biodiversity including through retention of existing indigenous vegetation or habitat of indigenous fauna that contributes to the maintenance of indigenous biodiversity.

## Jacks Point Home Sites – relevant subdivision rules

## PART 5 SUBDIVISION &amp; DEVELOPMENT 27

	Zone and Location Specific Rules	Activity Status
	<p>consented operations from the airstrip on Lot 8 DP443832; and</p> <p>b. register a consent notice on any title the subject of subdivision that includes land that is located between the 55 dB Ldn contour and the airstrip preventing any ASAN from locating on that land.</p>	
	<p>27.7.5.4 Subdivision of land comprising any of Homesite Activity Areas HS<sub>38</sub> – HS<sub>56</sub></p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. Those matters listed under Rule 27.7.1;</li> <li>b. The content of the Vegetation Management Strategy;</li> <li>c. Indigenous biodiversity values;</li> <li>d. Ecological values;</li> <li>e. Landscape character and visual amenity values;</li> <li>f. The measures to ensure implementation of the Vegetation Management Strategy (including potential enforceability provisions); and</li> <li>g. The appropriateness of a legal instrument (s) registered on the titles to secure implementation of the Vegetation Management Strategy.</li> </ul> <p><u>Information requirements:</u></p> <p>The Vegetation Management Strategy submitted as part of this Rule shall be prepared by a suitably qualified and experienced person to provide a holistic approach to revegetation of the homesites and the surrounding area of the tablelands. The Vegetation Management Strategy shall include the following information:</p> <p>(a) A Vegetation Plan which includes:</p> <ul style="list-style-type: none"> <li>(i) A schedule of plant species numbers, and spacing, using locally appropriate eco-sourced native species;</li> <li>(ii) The boundaries of the area subject to the Vegetation Management Strategy and the location of Homesites HS<sub>38</sub> to HS<sub>56</sub>;</li> <li>(iii) Identification of existing indigenous vegetation communities, including grey shrubland and wetland species, and provides a coherent pattern of new planting, which integrates with the existing indigenous vegetation and reinforces the existing landform patterning;</li> </ul>	C

	Zone and Location Specific Rules	Activity Status
	<p>(iv) Any earthworks associated with the Vegetation Management Strategy; and</p> <p>(v) The location and alignment of access, roading, sites for future dwellings and any associated earthworks, and integration of these built elements into the landscape when viewed from neighbouring homesites, public walkways, the Lodge Activity Area, Lake Wakatipu and Jacks Point Zone residential activity areas.</p> <p>(b) Measures relating to the implementation of the Vegetation Plan, including:</p> <p>(i) Protection of indigenous vegetation from grazing stock, weeds and other pests;</p> <p>(ii) Irrigation methods, if required; and</p> <p>(iii) Staging and timing of planting.</p> <p>(c) A landscape assessment which:</p> <p>(i) Includes the rationale for the boundaries for the proposed Vegetation Plan;</p> <p>(ii) Demonstrates that the Vegetation Plan will result a coherent pattern of new planting, which integrates with the existing indigenous vegetation; establishes indigenous vegetation links within and between Homesites; and reinforces the existing landform patterning;</p> <p>(iii) Demonstrates that the proposed planting will result in an improvement in indigenous biodiversity values across these Homesites and the surrounding Tablelands Landscape Protection Area;</p> <p>(iv) Demonstrates that subdivision design elements, including vehicle access, have been integrated into the design of the proposed planting, taking into account views from:</p> <ul style="list-style-type: none"> <li>• neighbouring homesites;</li> <li>• public walkways;</li> <li>• the Lodge Activity Area;</li> <li>• Lake Wakatipu; and</li> <li>• Jacks Point Zone residential activity areas.</li> </ul> <p><u>Advice Note</u></p> <p>Noting that the purpose of the proposed planting is to assist the visual integration of development; and</p>	

	Zone and Location Specific Rules	Activity Status
	(v) Demonstrates that the Vegetation Plan will accommodate views from homesites to the surrounding mountains and lake.	
	<p>Subdivision of any land containing Homesite Activity Areas HS<sub>38</sub> -HS<sub>56</sub></p> <p>27.7.5.5 Subdivision of any land containing Homesite Activity Areas HS<sub>38</sub> – HS<sub>56</sub>, that does not:</p> <p>a. Include a Vegetation Management Strategy that satisfies the information requirements in Rule 27.7.5.4;</p> <p>or</p> <p>b. Include all of Homesite Activity Areas HS38 to HS56 and any land within the Activity Areas OSL or OSG that is located between these Homesites.</p> <p>27.7.5.6 Subdivision of any part of Activity Areas OSL or OSG located outside of the lot containing Homesite Activity Areas HS<sub>38</sub> – HS<sub>56</sub> that does not provide for the implementation of the Vegetation Management Strategy provided in accordance within Rule 27. 7.5.4 prior to the issue of s224c) certification.</p> <p>27.7.5.7 Subdivision of any land containing Homesite Activity Areas HS<sub>38</sub> - HS<sub>56</sub> that does not provide for the registration of a legal instrument on the relevant Record of Title which:</p> <p>For the lot containing the Homesite Activity Area:</p> <p>(i) requires implementation of the Vegetation Management Strategy in accordance with Rule 27.7.5.4, including any ongoing commitments associated with the implementation of the vegetation plan, as relevant to each lot containing a homesite, including areas of existing vegetation prior to the occupation of the residential unit;</p> <p>(ii) requires implementation of the measures detailed within provision 27.7.5.4 b.; and</p> <p>For those lot/s containing any part of Activity Areas OSL or OSG located outside of the lot containing Homesite Activity Areas HS<sub>38</sub> – HS<sub>56</sub></p> <p>(iii) requires any ongoing commitments associated with the implementation of the measures detailed within provision 27.7.5.4 b.</p>	NC
27.7.6	<p>Millbrook Resort Zone</p> <p>27.7.6.1 Any subdivision of the Millbrook Resort Zone that is inconsistent with the Millbrook Resort Zone Structure Plan contained in Section 27.13.</p>	D