

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)

Summary of Planning Evidence of Brett James Giddens

19 October 2023



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SUMMARY

- 1 My name is Brett Giddens. My background, planning experience and confirmation of my adherence to the Code of Conduct is outlined in paragraphs [2] to [6] of my Evidence in Chief (**EIC**) for the Arthurs Point Outstanding Natural Landscape Society (**APONLS or Society**)¹. I have also been asked to present on behalf of Mr Tom Dery of the Society who was unable to be present to the panel.
- 2 The Society has a particular interest in the Shotover River Landscape Priority Area, and the corresponding schedule.
- 3 Landscape issues in Arthurs Point have been well traversed recently in the Council's decision (**Arthurs Point decision**) dated 13 July 2023 on the renotified rezoning request by Gurtrude Saddlery under Stage 1 of the PDP review.
- 4 The planning and landscape evidence that has been presented on behalf of the Society for this Variation included the landscape and planning evidence that had been provided as part of that rezoning process. While these are separate processes, much of the evidence on landscape values remains relevant, as are the findings on the ONF/L.

KEY ISSUES

- 5 The Society generally supports the schedule for the Shotover River PA. They participated in the initial consultation on the schedules providing detailed community feedback on key values and attributes of this locale.
- 6 Section 6 (b) of the RMA directs, as a matter of national importance, "the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development". The RMA treats both features and landscape inclusively in requiring their protection. Echoing this as it relates to the Shotover Loop, a key finding from the Arthurs Point decision at [102] was that:

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.

- 7 It is further stated at [87] of the decision that:

[the site visits] reinforced to [the Panel] experientially and perceptually the distinctiveness of the Shotover Loop feature and the awesomeness of the natural processes that, over eons, have formed this ONF within its wider ONL setting, including inescapably the [Gurtrude Saddlery] land.

¹ Dated 11 September 2023.

8 Mr Stephen Brown gave landscape evidence for the Society. The Panel acknowledged at [63] that he carried out a comprehensive analysis of the landscape attributes and values of the Kimiākau Shotover River ONF and the Western Whakatipu Basin ONL. I have reproduced his findings below:

64. Mr S Brown's conclusions (as relevant to the preliminary question) are summarised as follows:⁵⁹

- (a) The Shotover River does not exist as a feature in its own right: it is intrinsically linked to the gorge, schistose slopes and knolls, and wider alpine landscape that surround and visually frame it. The landform of the river corridor is critical to both its physical character and human perception of its value, and therefore to the combined "*spectacle and drama of its incised, down-cut fairway and dynamic water channel*".⁶⁰ Accordingly, the Shotover River ONF is a distinctive feature of a larger landscape, which is an ONL.
- (b) The area around the river is still dominated by natural landscape elements, patterns and processes, notwithstanding the presence of housing, roading and tourism ventures around its margins. As such, the integration of development with the natural landforms of Arthur's Point is critical to the retention of the core values of this locality.
- (c) The Western Whakatipu Basin ONL retains sufficient naturalness in the vicinity of Arthur's Point to remain intact as an ONL, while the Kimiākau Shotover river ONF consistently displays relatively high levels of intactness and integrity.

9 The Arthurs Point decision specifically considered the question: **Does it matter whether the site is an ONL or ONF for the purposes of the evaluation?** The decision concluded it did not matter.² I consider the same conclusion applies here.

10 The Society is supportive of the initial position of the Council's experts which proposed the amendment to the text of the Shotover River PA schedule to cover both the ONF and ONL (**ONF/L**). This change was initially considered in the section 42A report at [14.5]:

...this change [from ONF to ONF/L] improves overall efficiency and effectiveness of implementing the PDP and achieving the purpose of the RMA because it aligns with ONL mapping recently decided by the Council in this location. It is more efficient and effective to include the ONL within the Kimiākau (Shotover River) schedule as opposed to developing a new schedule or leaving the mapping as is and creating a mis match with the landscape classification lines.

11 I support this rationale.

12 A key issue for the Society is that the landscape in this location is correctly recorded and acknowledged as a section 6 landscape, and that the corresponding schedule reflects the pertinent values of the ONF and ONL, which include the properties at 111 and 163 Atley Road. My understanding is that the notified mapping and schedules achieve this.

² Paragraphs [40] and [41].

MAPPING ERROR

- 13 I understand from reading the Council's legal submissions that there is a mapping error with the Shotover River PA that they intend to use Clause 16 of the RMA to address (as a minor error). This error relates to the PA covering a portion of the land at 111 Atley Road which is operative Lower Density Suburban Residential Zone. This is shown in the image below:

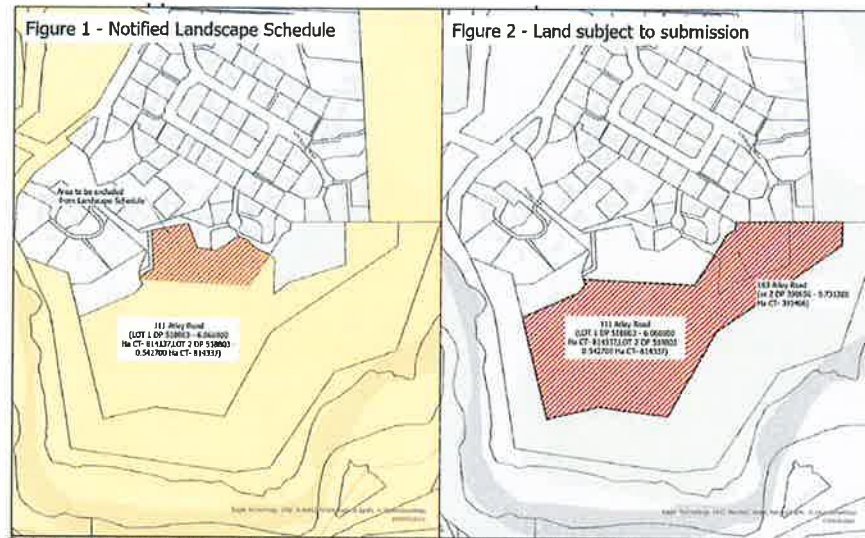


Figure 1: Mapping error identified in QLDC submission (#207)

- 14 I am concerned however that there has been a further error made in the mapping.
- 15 At paragraph [8] of the JWS between Ms Gilbert and Mr Espie relating to the Shotover River PA, it is stated that:

The experts agree that the PA mapping attached to Ms Gilbert's EIC Figure 1 and Appendix 3 is the correct mapping. The PA mapping excludes the Gertrude Saddlery site from the 21.22.3 Kimiakau (Shotover River) PA ONF.

- 16 I understand that "the Gertrude Saddlery site" referred to here is that land shown as 111 and 163 Atley Road, being the land that was subject to the Council's decision at Arthurs Point confirming it is within a s6 landscape as an ONF/L.
- 17 Ms Gilbert's Figure 1 and Appendix 3 from her EIC are reproduced below³:

³ Note that both maps are the same.



Figure 2: Zoomed in version of what is titled "Notified PA Mapping" from Appendix 3 of Ms Gilbert's EIC.

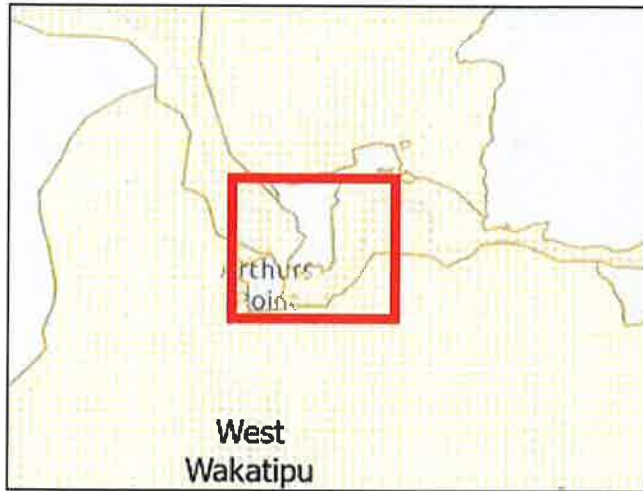
- 18 This is the plan I consider erroneous.
- 19 My Figure 3 below shows the notified Shotover River PA (in blue) from the Council ARC GIS system.



Figure 3: Shotover River PA (in blue) as Notified [Source: QLDC ARC GIS]

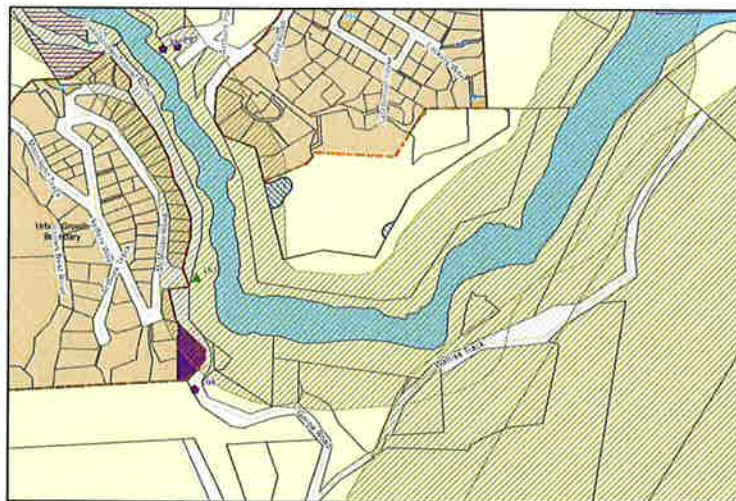
- 20 When you examine the shape of the Shotover River Loop on both plans, it is clear that the extents differ.
- 21 The notified PA clearly identifies the entirety of the land at 111 and 163 Atley Road within the PA, whereas Ms Gilbert's EIC map does not.

- 22 The most recent plan that has been provided to the Panel by the Council was on day one of the hearing – referred to as “Map 001 Queenstown”. This plan replicates the notified mapping that I have reproduced in my [Figure 3](#), and is what I understand to be the correct mapping.



[Figure 4](#): Mapping provided by QLDC to Panel 16 October 2023

- 23 For completeness, I have reproduced below the current zoning map for Arthurs Point so the Shotover Loop can be seen against its zoning.



[Figure 5](#): PDP Zoning – note that part of the Gertrude property is zoned Rural with the northern extent Lower Density Suburban Residential.

- 24 My concern is that the witness conferencing between Mr Espie and Ms Gilbert has been undertaken based on the erroneous plan, leading to an erroneous JWS that incorrectly excludes 111 and 163 Atley Road from the PA.

25 If this is relief supported by the Council, this is not a minor change in the context of Clause 16 and has gone much further to now be material. It would be removing land that is ONL/F Rural Zone Chapter 21 from the PA mapping.

26 I can only assume that this is an error. The mapping I refer to above is from Ms Gilbert's EIC. Ms Gilbert at her [5.1] of her EIC states that:

The only mapping amendment that I support relates to the naming of 21.22.3 Kimiākau (Shotover River) PA.

27 And at her [5.4]:

...I recommended that the naming of 21.22.3 Kimiākau (Shotover River) PA is changed from 'PA ONF' to 'PA ONF/L' in the PA mapping and PA Schedule 21.22.3.

28 These comments do not correlate with her change to the mapping extents.

29 The evidence from the Society is that:

29.1 the land encompassing 111 and 163 Atley Road (excluding that land zoned Lower Density Suburban Residential) is entirely within a s6 landscape, including an ONF and ONL;

29.2 this land is also part of the notified PA which was formed considering significant public feedback, which has been largely accepted and ultimately shaped the schedule; and

29.3 the change to the name of the schedule to "ONF/L" as set out in the EIC of Ms Evans and Ms Gilbert is supported to provide some clarity to the schedule and to correctly identify its landscapes.

30 This leads to an interesting issue insofar that the Council's legal position sets out that the Panel is not able to amend the notified PA mapping.

31 My opinion is that the PA mapping can be amended as it formed part of the notified Variation, where it relates to amending the PA mapping to correct errors where non Rural Zone Chapter 21 land (that is not and ONF/L) has been included in the PAs (such as the GCZ and GVRZ). I have set my reasons for this out on other evidence before the Panel⁴.

⁴ Refer Giddens EIC for Cardrona Cattle Company Ltd.

RELATIONSHIP TO THE GURTRUDE SADDLERY APPEAL

- 32 In regard to the current appeal by Gurtrude Saddlery on the Arthurs Point decision, Ms Evan's states at [5.24] of her rebuttal that:

Whether the appeal process will be successful in altering the landscape category for the subject land or not is a matter for the Environment Court. If the appeal is successful in this way, it will also be for the Environment Court to determine whether a subsequent change to the Kimiākau Shotover River ONF schedule (and mapping) is possible.

- 33 I consider that the underlined statement is incorrect. The landscape schedule matter is not before the Environment Court to consider and the only way it could be brought there is by a party making an appeal on that matter against the yet-to-be-determined Council decision.

- 34 A similar statement is made at [8.12] of her rebuttal:

With respect to mapping at Arthurs Point, this change [back to ONF] improves overall efficiency and effectiveness of implementing the PDP and achieving the purpose of the RMA because it reflects that there is now an appeal on the Council's decision in this area. It is more efficient for the PDP landscape mapping and any potential consequential changes to the PA mapping and schedules to be determined in that separate process.

- 35 I caution the Panel on accepting this stance on the active appeal. This statement effectively forces the Society to make an appeal on a yet-to-be-made Council decision in order to properly have its submission considered. This is simply not how the process works.

- 36 I am happy to answer any questions.

Brett Giddens

19 October 2023