

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

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of re-notified Stage 1
submissions: Gertrude's
Saddlery Limited and
Larchmont
Developments Limited
at Arthurs Point

**REBUTTAL EVIDENCE OF RUTH CHRISTINE CAMERON EVANS
FOR QUEENSTOWN LAKES DISTRICT COUNCIL**

PLANNING

20 DECEMBER 2022

 **Simpson Grierson**
Barristers & Solicitors

S J Scott / R Mortiaux
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

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1. INTRODUCTION

1.1 My full name is Ruth Christine Cameron Evans. My qualifications and experience are set out in my Section 42A Report (**s42A**) dated 18 October 2022.

1.2 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note 2014 and I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

2. SCOPE

2.1 My rebuttal evidence responds to the following briefs of evidence filed for the submitters, Gertrude's Saddlery Limited (**Gertrude's Saddlery**) and Larchmont Developments Limited (**Larchmont Developments**) (together, the **submitters**) and further submitter Arthurs Point Outstanding Natural Landscape Society (**APONLS**):

- (a) Derek Foy for Gertrude's Saddlery and Larchmont Developments;
- (b) Jeffrey Brown for Gertrude's Saddlery and Larchmont Developments; and
- (c) Brett Giddens for APONLS.

2.2 I have read the following statements of evidence:

For the submitters:

- (a) Andrew Fairfax;
- (b) Kelvin Lloyd;
- (c) Paul Faulkner;
- (d) John McCartney;
- (e) Jason Bartlett;
- (f) Ben Espie;

- (g) Yvonne Pfluger; and
- (h) Dr Reece Hill;

For further submitter APONLS

- (i) Stephen Brown.

2.3 In preparing this evidence, I refer to and rely on the rebuttal evidence of the following expert witnesses for the Council:

- (a) Ms Helen Mellsop, Landscape Architecture; and
- (b) Mr Mike Smith, Traffic and Transportation.

2.4 I undertook a further site visit December 2022, following tree removal from part of the site. I viewed the site from Gorge Road, Atley Road, and Mathias Terrace.

2.5 My evidence has the following attachments:

- (a) Peer review of Dr Reece Hill's statement of evidence, prepared by Ian Lynn, Senior Researcher – Soils & Landscapes, Manaaki Whenua – Landcare Research; and
- (b) Drafting amendments to the provisions proposed by the submitters, should the Hearings Panel be of a view to accept the submitters' revised relief.

3. SUBMITTERS' REVISED RELIEF

3.1 The revised relief proposed by the submitters is described in their landscape and planning evidence, and also in the memorandum of counsel for the submitters dated 13 October 2022. In summary the refined relief consists of:

- (a) Lower Density Suburban Residential Zone (**LDSRZ**) over part of the northern portion of the site, adjoining the existing LDRZ;
- (b) Large Lot Residential B Zone (**LLRB**) over the balance of the site; and

(c) A structure plan and bespoke provisions for the part of the site proposed to be zoned LLRB.

3.2 The structure plan shows 17 building platforms on the proposed LLRB land and 10 lots are shown on the masterplan within the area proposed to be zoned LDRZ. The masterplan shows a total of 27 lots, although it is noted that all of the LDRZ lots are larger than the minimum 450m² and it is my understanding that the masterplan is conceptual only, with the structure plan not applying to the part sought to be zoned LDSRZ.

4. NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND 2022 (NPS-HPL)

4.1 A statement of evidence of Dr Reece Hill has been filed on behalf of the submitters in relation to the soil classification of the site. Mr Hill concludes¹ that the site is not Land Use Capability (**LUC**) 3 land.

4.2 Queenstown Lakes District Council (the **Council** or **QLDC**) engaged Ian Lynn, Senior Researcher – Soils & Landscapes at Manaaki Whenua – Landcare Research to undertake a peer review of Dr Hill's evidence. A copy of this peer review is attached at **Appendix 1**. Mr Lynn agrees with the findings of Dr Hill that the site is not LUC 3 land. Mr Lynn concludes that Dr Hill has correctly applied the LUC classification criteria and that he considers Dr Hill's evidence is a fair and accurate assessment of the available LUC data and a sound analysis of the detailed derived slope class map. I rely on, and adopt Mr Lynn's assessment.

4.3 I note that Mr Giddens in his planning evidence for APONLS does not consider that the desktop analysis and review of aerial photos constitutes 'more detailed mapping that uses the Land Use Capability classification'² as provided for in the 'LUC 1, 2 or 3 land' definition of the NPS-HPL. Dr Hill has used a detailed contour derived slope class map that shows that the dominant slopes on the site are greater than 15 degrees, and notes that a slope of 15 degrees or less is required to

1 Dr Hill evidence in chief paragraphs 65-67.

2 B Giddens evidence in chief paragraph 9.28.

be classified as LUC 3. Mr Lynn confirms that slopes greater than 15 degrees fall outside the acceptable slope criteria for LUC Class 3.³

- 4.4 Based on the findings of the two experts (Dr Hill and Mr Lynn) that the land is not LUC 3 (or 1 or 2), I consider that the NPS-HPL does not apply to the submitters' proposal. Consequently, I no longer consider that the NPS-HPL is a reason to reject the rezoning.

5. SUBMITTER EVIDENCE

Derek Foy (economic)

- 5.1 I acknowledge that Mr Foy has provided economic evidence however given he makes statements about matters that cross into planning, I have responded to them.
- 5.2 At his paragraph 41 Mr Foy states that the site is identified as Future Urban in the current QLDC Spatial Plan.⁴ I disagree with this statement, as there is nothing in the Spatial Plan that identifies the site as Future Urban. Map 7 shows Arthurs Point as a Local Centre, although at the scale the map is produced at, the submission site appears outside to be located outside the Local Centre notation. Regardless, I agree with Mr J Brown that there should not be a great deal of weight placed on this mapping,⁵ particularly if the spatial plan maps were based on the Hearing Panel's Stage 1 recommendation.
- 5.3 At paragraph 50 of his evidence, Mr Foy states that the entire site (i.e. the residential and the rural zoned parts of the site) was included in the capacity calculations for Arthurs Point for the Housing and Business Capacity Assessment (**HBA**) based on the site being zoned residential. Mr Foy states that the site makes up approximately 60% of capacity assessed for Arthurs Point in the HBA – and therefore if it is not developed there will be a shortfall of capacity in the medium term.
- 5.4 Council has confirmed that for the purpose of the HBA and with respect to zoning for the medium and long term capacity, the entire site was

3 Mr Lynn peer review page 2 dot point 6.

4 <https://www.qldc.govt.nz/your-council/council-documents/queenstown-lakes-spatial-plan>.

5 J Brown evidence in chief paragraph 3.3.

assumed to be LDSRZ as the HBA was based on the decisions version of the plan map at that time (which adopted the Hearings Panel recommendation to zone the site LDSRZ). Given that a larger area was assumed to be zoned by the HBA, I accept therefore that there may be a shortfall over the medium term capacity at Arthurs Point which this rezoning could contribute to. However from a district wide perspective, there is surplus capacity for the short and medium terms (1,040 and 1,880 dwellings respectively), and slight shortfall (30 dwellings) in the long term for the Wakatipu Ward Urban Environment.⁶

Mr Jeffrey Brown (planning)

- 5.5** I have addressed the NPS-HPL in section 4 above. I agree with Mr J Brown's conclusion at his paragraph 3.5 that the land is not highly productive for the purposes of the NPS-HPL and therefore that the NPS-HPL does not apply to the submitters' proposal.
- 5.6** Mr J Brown relies on the evidence of Mr Bartlett with respect to traffic effects of the proposed rezoning and concludes that no adverse traffic effects will arise.⁷ Mr Smith has reviewed and responded to the evidence of Mr Bartlett, which includes additional analysis of the traffic effects of the rezoning as well as a more detailed investigation of the proposed road design. As set out in his rebuttal evidence Mr Smith's concerns have been resolved from a traffic perspective, and consequently, I no longer consider traffic effects to be a reason to oppose the rezoning.
- 5.7** The key difference of opinion between myself and Mr J Brown is the landscape and visual amenity effects of the proposed rezoning. Our different views are informed by the different conclusions reached by the landscape experts' assessment of the proposal (Mr Espie, Ms Mellsop and Ms Pfluger).
- 5.8** The submitters' revised proposal includes an amended LDSRZ boundary. It is slightly different to the boundary recommended by

6 Housing Development Capacity Assessment 2021 Queenstown Lakes District 15 September 2021 – Final, Table 9.6: <https://www.qldc.govt.nz/media/ud5hiyug/queenstown-lakes-district-housing-development-capacity-assessment-2021-main-report.pdf>.

7 J Brown evidence paragraphs 6.3 and 6.4.

Ms Mellsop in her evidence in chief. Ms Mellsop is supportive of the revised boundary from a landscape perspective.⁸ Accepting her view on this, I agree with Mr J Brown with respect to the extent of LDSRZ over the site, and recommend that the LDSRZ boundary proposed by the submitters⁹ be accepted. Conversely, as Ms Mellsop does not support any LLRB over the site,¹⁰ I disagree with Mr Brown regarding the proposed LLRB zoning of the balance of the site due to the extent of adverse landscape and visual amenity effects raised by Ms Mellsop.

5.9 Setting aside this key difference in determining the most appropriate zoning for the site (ie. that the LLRB zone is not appropriate and the submission site is part of the ONL), I have undertaken a review of the proposed provisions attached at Attachment C to Mr J Brown's evidence in section 7 below, in order to assist the Panel on drafting matters, if the Panel was to recommend removal of the ONL, and a rezoning to LLRB, an extension of the UGB, and a structure plan over part of the site.

6. FURTHER SUBMITTER EVIDENCE

Brett Giddens (planning)

6.1 I have addressed Mr Giddens' comments at his paragraph 9.28 (relating to the NPS-HPL) in section 4 above.

6.2 Mr Giddens makes a number of observations on the provisions proposed by the submitters. I address the provisions in detail in section 7 below.

7. THE SUBMITTERS' PROPOSED PROVISIONS AND STRUCTURE PLAN

7.1 I have made a number of comments and recommended amendments to the provisions in the version attached at **Appendix 2**. I do this on the basis set out in paragraph 5.9 above. I have focused these edits on tightening up the provisions if the Panel agrees that overall LLRB is suitable, rather than undertaking a full redraft. My comments and

⁸ Ms Mellsop rebuttal evidence paragraph 3.3.

⁹ J Brown evidence Attachment C (page 48).

¹⁰ Ms Mellsop rebuttal evidence paragraphs 3.5 – 3.10.

recommended amendments are based on a potential finding from the Panel that the site is not part of the ONL (and that the ONL will be removed from the site), and also on the basis that the part of the site to be rezoned is adjacent to the Kimiākau Shotover River ONF. My understanding of the provisions as drafted by the submitters is that they are based on the site not being an ONL.

7.2 For the most part I share the concerns raised by Mr Giddens¹¹ with respect to how the proposed plan provisions will protect the landscape values of the site. For the same reasons he outlines,¹² I generally agree with Mr Giddens' comments on the proposed plan provisions in relation to the LLRB zone (if it is granted by the Hearings Panel), and his conclusion that the LLRB zone is not a good fit for the site.

7.3 Mr J Brown indicates the proposed site provisions (and structure plan) have been designed to take into account the evidence of Ms Pfluger and Mr Espie.¹³ It is therefore important that the structure plan and provisions are prepared in a way that responds to / reflects the views of these experts. I note that Ms Mellsop has identified a number of instances where this may not be the case, with respect to the location of building platforms¹⁴ and effects of earthworks required to form accesses.

7.4 I disagree with Mr J Brown's comment¹⁵ that the objective of Chapter 11 is appropriate and no new objective is required. There are three objectives in Chapter 11 – maintenance of high quality residential amenity values (Objective 11.2.1), predominantly residential land uses, with community and recreational activities where appropriate (Objective 11.2.2) and visitor accommodation, residential visitor accommodation and homestays in locations and at a scale, intensity and frequency that maintain residential character and amenity values of the zone (Objective 11.2.3). None of these objectives focus on the landscape outcomes that the provisions and structure plan are attempting to achieve, for example, avoiding adverse effects on the

11 For example, Mr Giddens evidence paragraphs 10.5, 10.7 – 10.28, 10.53 – 10.55.

12 For example, Mr Giddens evidence paragraphs 10.4 – 10.14, 10.19.

13 Mr J Brown evidence paragraph 4.3.

14 Ms Mellsop rebuttal evidence paragraph 3.6.

15 Mr J Brown evidence paragraph 4.10

values of the ONF (which the submitter has included in its proposed Policy 11.2.1.5).

- 7.5** That new objective should also set out the outcomes for the ONF with respect to land uses and activities following subdivision, and that location of development will take into account topography and revegetation opportunities. Proposed new Policy 11.2.1.5 would then sit with this new objective. I have included a potential new objective for consideration in Appendix 2. I have also drafted a new policy (11.2.4.2) to require that visibility of development from outside the zone is mitigated. This is intended to provide policy direction where the bespoke standards (e.g. for building height, and confining residential domestic elements to the building platforms) are not met.
- 7.6** I also share Mr Giddens' concerns that there is no certainty that the proposed Chapter 11 provisions will protect the values of the Kimiākau Shotover River ONF, as required by proposed Policy 27.3.XX.2.
- 7.7** Height requirements are specified for the structural planting areas plan in 'Information Requirement 1' of Rule 27.7.XX.1. Ms Mellsop has recommended that the percentage of plants that will reach 5 metres at maturity, be increased to 60% for the more sensitive slopes, and a requirement that at least 60% of these plants will be 2 metres high prior to building construction. This would also require a link back to the buildings standards in Chapter 11.
- 7.8** Given the various uncertainties with respect to how the provisions will achieve the proposed objectives and policies, I do not support controlled activity subdivision status for subdivision in the LLRB zoned part of the site and I share the concerns Mr Giddens has described in his paragraphs 10.5 and 10.54. If the hearings panel was of a view to recommend approval of the LLRB zoning and structure plan, I consider that a restricted discretionary activity status to be more appropriate, with matters of discretion that include mitigation of landscape and visual effects of development on the adjacent Kimiākau Shotover River ONF, and the ability to decline the resource consent should adverse effects not be appropriately mitigated.

- 7.9** I agree with Mr Giddens reservations set out in his paragraphs 10.37 and 10.38 with respect to the mechanics of how the trail will be established outside the site boundaries, identifying land ownership and consenting requirements as key issues. I consider that caution should therefore be exercised with respect to how this positive effect will be realised.
- 7.10** Ms Mellsop has recommended a number of amendments to the provisions¹⁶ in the event LLRB is granted at the site. I agree with these amendments, for the reasons she has outlined, and I have included these at **Appendix 2**.
- 7.11** With respect to Ms Mellsop's recommendation that the larger minimum lot size is more appropriate,¹⁷ I note that this aligns with Policy 11.2.1.1 (which the submitters have not sought to replace with a bespoke policy) and that requires larger allotment sizes in those parts of the zone that are subject to significant landscape and/or topographical constraints.
- 7.12** Ms Mellsop has also recommended that the setback standard (Rule 11.5.3 for internal boundaries) be retained for the LLRB zoning in this location.¹⁸ I note that there is nothing specific in the evidence of Mr Espie or Ms Pfluger that suggests this setback should be removed. I agree with Ms Mellsop that this setback should be retained. The rationale for removing the setback has not been assessed in Mr J Brown's evidence, and it is noted that his Attachment E refers to rules managing building bulk, including setbacks. I make the same observation with respect to the removal of Rule 11.5.4 for road setbacks. There is no evidence from the submitters as to why the road setback should be removed, and I recommend it is retained.
- 7.13** I have suggested an amendment to proposed Objective 27.3.XX, to move the text relating to how the objective is achieved into a new policy (Policy 27.3.XX.5). I have suggested amendments to proposed Policy 27.3.XX.1 to make it more directive – 'require' rather than 'enable' and more certain – 'in accordance' rather than 'consistent with'. I note that

¹⁶ Ms Mellsop rebuttal evidence paragraph 3.12

¹⁷ Ms Mellsop rebuttal evidence at 3.12(a).

¹⁸ Ms Mellsop rebuttal evidence at 3.12(c).

'in accordance' is the language used in proposed Policy 11.2.1.5 (renumbered as Policy 11.2.4.1).

7.14 I have included at 27.7.XX.1 Information Requirement 1(b)(iv), the requirement for either 30% or 60% of trees (depending on the slope) to reach an average height of 2m prior to building construction. Through consenting the subdivision, consent notices would be added to the new lots that restrict building construction starting until the trees have reached this height, in order to properly realise the intended visual mitigation purpose of the trees.

7.15 I have recommended a number of other amendments to the proposed provisions if the LLRB zoning is preferred by the Hearings Panel, and included reasons in the margin comments. These include:

- (a) Inclusion of the reference to land use in the submitters' proposed policy, to reflect that this is a zone policy;
- (b) Amended the reference to Shotover River ONF to Kimiākau Shotover River ONF to reflect the name of the notified Priority Area ONF;
- (c) Amended the references to building platforms in proposed standards 11.4.12 and 11.4.13 to be to 'approved' building platforms, to reflect that these will require consent through the subdivision process;
- (d) Amended 27.7.XX.1 Information requirement 1 (c) to refer to screen or 'integrate' rather than 'soften', based on a discussion with Ms Mellsop in relation to screen and soften being different requirements.



Ruth Evans

20 December 2022



12 December 2022

Alyson Hutton
Queenstown Lakes District Council
Level 1, 74 Shotover Street
Queenstown 9348

Dear Alyson

Peer review of Dr Reece Hill's statement of evidence for 111 and 163 Atley Road, Arthurs Point.

Summary

Dr Reece Hill's statement of evidence for 111 and 163 Atley Road, Arthurs Point is a fair and accurate assessment of the available regional Land Use Capability data and a sound analysis of the detailed derived slope class map and its implications with respect to the National Policy Statement for Highly Productive Land.

Background

Manaaki Whenua Landcare Research has been engaged by the Queenstown Lakes District Council to peer review the Statement of Evidence of Dr Reece Hill on behalf of Gertrude's Saddlery Limited and Larchmont Enterprises Limited at Arthurs Point.

The evidence was prepared for the subject site in relation to the application of the National Policy Statement for Highly Productive Land (NPS-HPL), the Land Use Capability (LUC) system definitions and classification and assessed against the National Policy Statement for Highly Productive Land.

The statement of evidence was based on a desktop analysis of available regional scale LUC map information, and interpretation of aerial photography and a slope class map derived from a detailed contour map.

Land identified as Land Use Capability Classes 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory (NZLRI) or by any more detailed mapping that uses the Land Use Capability classification is considered HPL. Dr Hill's evidence in my view undertakes an industry appropriate 'more detailed mapping exercise' than the current New Zealand Land Resource Inventory mapping resource.

Points of Agreement

The statement of evidence is a fair and reasonable assessment of the available regional LUC data and the NPS-HPL, and a sound analysis of the detailed derived slope class map prepared by Boffa Miskell and its implications with respect to the NPS-HPL.

The statement of evidence correctly applies the LUC Classification criteria and their use according to the 3rd Ed of the Land Use Capability Survey Handbook¹.

I agree that the LUC mapping system can be applied at multiple scales and highlights the limitations of using regional scale mapping at more detailed scales. At all scales LUC map units may include more than one LUC unit in association, (where they can individually be distinguished in a repeating pattern but are too small to map separately), or in a complex (where they cannot be distinguished in an obvious pattern).

The statement of evidence provides an assessment of LUC Class for the subject site using interpretation of available aerial photography and a detailed contour derived slope class map provided by Boffa Miskell.

In my opinion the interpretation of the available data is fair and accurate.

Summary of the points of agreement.

- The regional scale LUC map information available for the subject site is provided by the 1:50,000 scale New Zealand Land Resource Inventory, source: <https://iris.scinfo.org.nz/layer/48135-nzlri-south-island-edition-2-all-attributes/>
- The NZLRI LUC map information indicates that the LUC map unit for the site is 3s6+6e19, where LUC unit 3s6 is the dominant unit and 6e19 is the sub-dominant unit.
- Subdominant units can represent up to 40% of the map unit area.
- Aerial photograph interpretation confirms that LUC unit 3s6 is the dominant unit in the LUC map unit, with the balance of the map unit area being LUC Class 4 or greater based on slope criteria alone.
- Interpretation of a detailed (property scale) slope class map indicates that the slopes on the subject site are predominantly greater than 15 degrees.
- Slopes greater than 15 degrees fall outside the acceptable slope criteria for LUC Class 3 (Lynn et al 2021).
- As the slopes on the subject site are greater than the acceptable slope criteria for LUC Class 3, the subject site would not be classed as NPS highly productive land.
- The use of the NZLRI dominant LUC unit (3s6) fails to acknowledge the presence of other LUC Class land in the map unit and on the subject site.

Conclusion

I consider Dr Reece Hill's statement of evidence for 111 and 163 Atley Road, Arthurs Point to be a fair and accurate assessment of the available regional LUC data and a sound analysis of the detailed derived slope class map and its implications with respect to the National Policy Statement for Highly Productive Land.

¹ Lynn, IH, Manderson, AK, Harmsworth, GR, Eyles, GO, Douglas, GB, Mackay, AD, Newsome PJF. 2021. Land Use Capability Handbook - a New Zealand handbook for the classification of land 3rd Ed. (revised & reprinted) Hamilton, AgResearch; Lincoln, Landcare Research; Lower Hutt, GNS Science 163pp.

Kind regards,

Ian H Lynn

Senior Researcher – Soils & Landscapes
Manaaki Whenua - Landcare Research
DDI +64 3 321 975 / M +64 27 471 4323
lynni@landcareresearch.co.nz
PO Box 69040, Lincoln 7640

Appendix 2: Drafting amendments to the submitters' proposed provisions as attached to Mr J Brown's planning evidence

Key:

Black underlined text shows additions and black ~~strikethrough~~ text shows deletions as proposed set out in Mr J Brown's planning evidence for the submitters dated 15 November 2022.

Red underlined text shows additions and red ~~strikethrough~~ text shows amendments proposed through my rebuttal evidence (although not recommended as overall I do not recommend the LLR rezoning).

A. Modify Chapter 11 – Large Lot Residential as follows:

11.1 Zone Purpose

The Large Lot Residential Zone provides low density living opportunities within defined urban growth Boundaries. The zone also serves as a buffer between higher density residential areas and rural areas that are located outside of urban growth Boundaries.

The zone generally provides for a density of one residence every 2000m² to provide for a more efficient development pattern to utilise the Council's water and wastewater services while maintaining opportunities for a variety of housing options, landscaping and open space. Identified areas have a residential density of one residence every 4000m² reflecting landscape or topographical constraints such as around Mt Iron in Wanaka, and 2000m² at Arthurs Point.

The potential adverse effects of buildings are controlled by bulk and location, colour and lighting standards and in respect of the lower density (4,000m²) part of the zone, design and landscaping controls imposed at the time of subdivision.

...

11.2 Objectives and Policies

11.2.1 Objective - A high quality of residential amenity values are maintained within the Large Lot Residential Zone.

Policies

- 11.2.1.1 Maintain low density residential character and amenity through minimum allotment sizes that efficiently utilize the land resource and infrastructure (Area A), and require larger allotment sizes in those parts of the zone that are subject to significant landscape and/or topographical constraints (Area B).
- 11.2.1.2 Maintain or enhance residential character and high amenity values by controlling the scale, location and height of buildings and in addition within Area B by requiring landscaping, colour and vegetation controls.
- 11.2.1.3 Control lighting to avoid glare to other properties, roads, public places and views of the night sky.
- 11.2.1.4 Have regard to hazards and human safety, including fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and landscaping in Area B.

11.2.4 Objective – Implement a structure plan for the LLRB at Arthurs Point to ensure adverse effects on the values of the Kīmiākau Shotover River ONF are avoided.

11.2.4.51 Require subdivision, land use and development in accordance with a structure plan within the LLRB Zone at Arthurs Point to:

Commented [BA1]: To reflect the 4000m² standard LLRB minimum lot size applying at Arthurs Point as recommended by Ms Mellso in her rebuttal evidence dated 20 December 2022 paragraph 3.12(a)

Commented [BA2]: Recommend a new objective 11.2.4 be inserted specific to the Arthurs Point Structure Plan area to set out the outcome for this zone which is to avoid adverse effects on the ONF (and surrounding ONL), and locating development to take into account topography and revegetation opportunities. Policy 11.2.1.5 would then sit with this new objective.

Commented [BA3]: To reflect that this is a zone chapter

(a) avoid adverse effects on values of the Kimiākau Shotover River Shotover River Gorge ONF; and

(b) ensure development integrates with underlying topography and revegetation.

11.2.4.2 Require subdivision, land use and development to mitigate the visibility of buildings and development when viewed from outside the zone.

...

11.4 Rules – Activities

Table 1	Activities located in the Large Lot Residential Zone	Activity status
11.4.1	Residential Unit	P
...
<u>11.4.12</u>	Residential domestic elements outside of <u>approved Building Platforms shown on in the Arthurs Point LLRB Structure Plan.</u> For the purpose of this rule, residential domestic elements include clotheslines, play equipment, water tanks, external lighting, and carparking areas (but exclude boundary fencing and permitted planting). Discretion is restricted to: a. The location and scale of the residential domestic elements; b. Landscape and visual effects; c. Mitigation landscaping.	RD
<u>11.4.13</u>	Buildings outside of <u>approved Building Platforms shown on in the Arthurs Point LLRB Structure Plan.</u>	D

Commented [BA4]: Added to provide policy guidance for non-compliance with the bespoke standards

Commented [BA5]: To reflect that a building platform is obtained via a subdivision resource consent. The building platforms on the structure plan could be renamed 'house sites'.

Commented [BA6]: As above, to reflect that a building platform is obtained via a subdivision resource consent.

11.5 Rules - Standards for Activities

Table 2	Standards for Activities	Non-compliance status
11.5.1	Building Height	
	11.5.1.1 Except where limited by Rules 11.5.1.2 to 11.5.1.4, a maximum height limit of 8 metres.	NC
	11.5.1.2 A maximum height of 7 metres: a. on sites located between Beacon Point Road and the margins of Lake Wanaka; and b. on sites located between Studholme Road and Meadowstone Drive.	NC
	c. Above the RL of building platforms identified on the Arthurs Point LLRB Structure Plan	NC
	11.5.1.3 A maximum height of 6 metres: a. on sites located at Mt Iron West (as identified on the District Plan web mapping application)	NC
11.5.1.4 A maximum height of 5.5 metres above a floor level of 283 masl: a. on the site(s) located at the northern end of Beacon Point Road (as identified		

Commented [BA7]: Note there is no 11.5.1.5 in the version attached to Mr J Brown's evidence.

Table 2	Standards for Activities	Non-compliance status
	<p>on the District Plan web mapping application).</p> <p>11.5.1.5 A maximum height of 5.5 above the reduced level specified for each House Site on the Arthurs Point LLRB Structure Plan.</p>	NC
11.5.2	<p>Building Coverage</p> <p>11.5.2.1 The maximum building coverage shall be 15% of the net site area.</p> <p>11.5.2.2 The maximum building coverage at Mt Iron West (as identified on the District Plan web mapping application) shall be 500m² net site area.</p> <p>11.5.2.3 The maximum building coverage at LLRB Zone at Arthurs Point (as identified on the District Plan web mapping application) shall be 500m² net site area.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the effect on openness and spaciousness ;</p> <p>b. effects on views and outlook from neighbouring properties;</p> <p>c. visual dominance of buildings;</p> <p>d. landscaping.</p>
11.5.3	<p>Setback from internal boundaries</p> <p>11.5.3.1 Large Lot Residential Area A: the minimum setback of any building from internal boundaries shall be 4 metres.</p> <p>11.5.3.2 Large Lot Residential Area B: the minimum setback of any building from internal boundaries shall be 6 metres.</p> <p>Rule 11.5.3.2 does not apply to a building located within a building platform shown on the Arthurs Point LLRB Structure Plan.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the effect on openness and spaciousness ;</p> <p>b. effects on privacy, views and outlook from neighbouring properties;</p> <p>c. visual dominance of buildings;</p> <p>d. landscaping.</p>
11.5.4	<p>Setback from roads</p> <p>The minimum setback of any building from a road boundary shall be 10m.</p> <p>This rule does not apply within the Arthurs Point LLRB Zone.</p>	NC
11.5.5	<p>Setback of buildings from water bodies</p> <p>The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. any indigenous biodiversity</p>

Commented [BA8]: To reflect the height as recommended by Ms Mellsop in her rebuttal evidence dated 20 December 2022 paragraph 3.12(b). Reference to building platform changed to house site as per the above comment.

Commented [BA9]: Retention of the LLRB internal boundary setback recommended.

Ms Mellsop also recommends (paragraph 3.12(c)) that the standard setback be retained to reduce the prominence of dwellings and allow for planting.

Commented [BA10]: Retention of the LLRB road setback recommended.

Note that this amendment was not shown as strikethrough in the version attached to Mr J Brown's evidence.

Table 2	Standards for Activities	Non-compliance status
		<ul style="list-style-type: none"> values; b. visual amenity values; c. landscape character; d. open space including public access; e. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building.
11.5.6	<p>Building Length</p> <p>The length of any facade above the ground floor level shall not exceed 20m.</p>	<p>RD</p> <p>Discretion shall be restricted to:</p> <ul style="list-style-type: none"> a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties.
11.5.7	<p>Home Occupation</p> <p>Home occupation activities shall comply with the following:</p> <p>11.5.7.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity.</p> <p>11.5.7.2 The maximum number of vehicle trips shall be:</p> <ul style="list-style-type: none"> a. heavy vehicles: 2 per week; b. other vehicles: 10 per day. <p>11.5.7.3 Maximum net floor area of not more than 60m².</p> <p>11.5.7.4 Activities and the storage of materials shall be indoors.</p>	D
11.5.8	<p>Glare</p> <ul style="list-style-type: none"> a. All exterior lighting shall be directed away from the adjacent sites and roads and downward to limit effects on the night sky. b. No activity on any site shall result in greater 	D

Table 2	Standards for Activities	Non-compliance status
	than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.	
11.5.9	<p>Residential Density</p> <p>11.5.9.1 Large Lot Residential Area A: (a) a maximum of one residential unit per site; or (b) a maximum of one residential unit per 2000m² (total area).</p> <p>11.5.9.2 Large Lot Residential Area B: a maximum of one residential unit per 4000m² net site area, except in the Arthurs Point LLRB Zone.</p> <p>11.5.9.3 In addition to Rule 11.5.9.2, at Mt Iron West (as identified on the District Plan web mapping application), a maximum of four residential units.</p> <p>11.5.9.4 In the Arthurs Point LLRB Zone, a maximum of one residential unit per site.</p>	D
11.5.10	<p>Building Materials and Colours</p> <p>For sites within Large Lot Residential Area B:</p> <p>a. all exterior surfaces shall be coloured in the range of black, browns, greens or greys;</p> <p>b. pre-painted steel, and all roofs shall have a reflectance value not greater than 20%;</p> <p>c. surface finishes shall have a reflectance value of not greater than 30%.</p>	RD Discretion is restricted to: a. landscape and visual effects, including the extent to which the physical scale of the building(s) make a proposed building's materials and colours more or less visually prominent.
11.5.11	<p>Recession plane</p> <p>The following applies to all sites with a net site area less than 4000m².</p> <p>11.5.11.1 Northern boundary: 2.5m and 55 degrees.</p> <p>11.5.11.2 Western and eastern boundaries: 2.5m and 45 degrees.</p> <p>11.5.11.3 Southern boundary: 2.5m and 35 degrees.</p> <p>Exemptions:</p> <p>a. gable end roofs may penetrate the building recession plane by no more than one third of the gable height.</p> <p>b. recession planes do not apply to site boundaries fronting a road or a reserve.</p>	NC

Commented [BA11]: Deletion to reflect recommended retention of the 4000m² minimum lot size.

Commented [BA12]: Deletion to reflect recommended retention of the 4000m² minimum lot size.

Table 2	Standards for Activities	Non-compliance status
11.5.12	Building Restriction Area No building shall be located within a building restriction area as identified on the District Plan web mapping application.	NC
11.5.13

...

B. Modify Chapter 27 – Subdivision and Development as follows:

...

27.3 Location-specific objectives and policies

In addition to the district wide objectives and policies in Part 27.2, the following objectives and policies relate to subdivision in specific locations.

...

Arthurs Point Large Lot Residential B

27.3.XX **Objective – Subdivision and development that avoids adverse effects on the values of the Shotover River ONF and mitigates visibility of buildings from beyond the zone through appropriate siting and landscaping.**

Policies

27.3.XX.1 ~~Enable~~ Require that subdivision and development is in accordance with the Arthurs Point LLRB Zone which is consistent with the Arthurs Point LLRB Structure Plan located within Section 27.13.

27.3.XX.2 Require that structural planting areas shown on the Structure Plan are established prior to construction of residential units and are maintained to ensure the long-term effectiveness in protecting the values of the Shotover River ONF.

27.3.XX.3 Avoid buildings within the Building Restriction Areas shown on the Structure Plan and planning maps.

27.3.XX.4 Require the provision of walkway and cycleway access through the Zone and the adjoining Lower Density Suburban Residential Zone, and to adjacent public land in the location generally shown on the Structure Plan contained in Section 27.13.

27.3.XX.5 Require siting of buildings and landscaping to occur in a way that mitigates the visual effects of buildings from beyond the zone.

...

27.6 Rules – Standards for Minimum Lot Areas

27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, an average net site area less than the minimum specified.

Commented [BA13]: The reference to siting and landscaping is considered policy wording, this requirement has been moved to new policy 27.3.XX.5.

Commented [BA14]: More directive wording and removal of unnecessary text

Commented [BA15]: Recommended that the building restriction areas be shown on the planning maps as well as the structure plan.

Commented [BA16]: Relocated from the objective.

Zone		Minimum Lot Area
...		
Residential	High Density	450m ²

	Large Lot Residential A	1500m ² providing that the average lot size is not less than 2000m ² (total area)
	Large Lot Residential B	4000m ² except within the LLRB Zone at Arthurs Point where the minimum lot area is 2000m²

Commented [BA17]: To reflect advice of Ms Mellsop that 4000m² is more appropriate

27.7 Zone – Location Specific Rules

27.7.XX	<p>Arthurs Point Large Lot Residential B</p> <p>27.7.XX.1 Subdivision in the Arthurs Point LLRB Zone consistent in accordance with the Structure Plan provided that the road may vary from the location shown on the Structure Plan by +/- 20m.</p> <p>Control is reserved to:</p> <p>(a) The matters listed under Rule 27.7.1;</p> <p>(b) The content of a <i>Structural Planting Areas Plan</i> for the Structural Planting Areas shown on the Structure Plan;</p> <p>(c) The methods to ensure that the planting required by the <i>Structural Planting Areas Plan</i> will be established prior to the issue of Section 224(c) certification;</p> <p>(d) The methods to ensure that the <i>Structural Planting Areas Plan</i> will be complied with on an ongoing basis;</p> <p>(e) The methods to ensure public walking and cycling access through the Zone and to the adjoining Lower Density Suburban Residential Zone connecting to public land to the south; and</p> <p>(f) The methods to ensure the ongoing maintenance of any private roading.</p> <p>Information requirements:</p> <p>1. Any application for subdivision shall include a <i>Structural Planting Areas Plan</i> for the Structural Planting Areas shown on the Structure Plan. The purpose of the <i>Structural Planting Areas Plan</i> is to integrate built development with the landscape, enhance nature conservation values, and protect the landscape values of the adjacent Shotover River ONF. The <i>Structural Planting Areas Plan</i> shall:</p> <p>(a) Be prepared by a suitably qualified landscape architect;</p> <p>(b) Include details of planting including:</p> <p>i. The species to be used, based on achieving indigenous ecological restoration of the planting areas and visual integration of future development into the site and surrounding landscape. At least 3960 60% of plants used shall be of species that achieve</p>	GRD
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Commented [BA23]: Recommend restricted discretionary status, with matters of discretion that cover mitigation of landscape and visual amenity effects

Commented [BA18]: 'In accordance with' is more certain wording

Commented [BA19]: To reflect the 60% as recommended by Ms Mellsop in her rebuttal evidence dated 20 December 2022 paragraph 3.12(d)

	<p>more than 5m height at maturity on the southern, south-western and south-eastern slopes, and at least 30% of plants used shall be of species that achieve more than 5m height at maturity on the northern slopes;</p> <p>ii. Grades of plants to be used;</p> <p>iii. Spacings of plants to achieve at least one plant per 1.5m² on average over the total area of the Structural Planting Areas shown on the Structure Plan;</p> <p>iv. At least 60% of plants used on the southern, south-western and south-eastern slopes and at least 30% of plants used on the northern slopes shall be taller species that will reach an average height of 2m prior to building construction;</p> <p>(c) Identify locations of accesses to residential lots and any planting required to soften or screen or integrate these from views outside of the Zone;</p> <p>(d) Specify ongoing maintenance and monitoring requirements, including irrigation and methods to control animal and plant pest species on an ongoing basis.</p> <p><u>27.7.XX.2</u> Any subdivision which does not comply with Rule 27.7.XX.1</p>	NC
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Commented [BA20]: To reflect the recommendation of Ms Mellso in her rebuttal evidence dated 20 December 2022 paragraph 3.12(d)

Commented [BA21]: To reflect the recommended 60% as recommended by Ms Mellso in her rebuttal evidence dated 20 December 2022 paragraph 3.12(e)

Commented [BA22]: Screen and soften are different outcomes.
Discussed with Ms Mellso who (not withstanding her overall opposition to LLRB zoning of the site) suggested that screen and integrate is more appropriate.