

Before Queenstown Lakes District Council

In the matter of the Resource Management Act 1991

and **The Queenstown Lakes District Proposed District Plan –
Wakatipu Basin**

Legal Submissions for Robert Stewart

Robert J Stewart Submitter #1297

25 July 2018

Solicitor Acting:

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**anderson
lloyd.**

May it please the Panel:

Introduction

- 1 These submissions are presented on behalf of Mr Robert Stewart.
- 2 Mr Stewart owns land legally described as Lot 1 DP 16632 and Lot 3 DP 477149 (**the Stewart Property**). This land is situated opposite the corner of Littles Road and Arthurs Point Road, Queenstown at the bottom of the Coronet Peak Ski Area Access Road.
- 3 The Stewart Property is zoned Rural Visitor- Arthurs Point Special Zone in the Proposed District Plan (**PDP**) (Planning Map 29). Land immediately outside of this Zone and adjacent to the Property is within the "Outstanding Natural Landscape Classification" (**ONL**).
- 4 Mr Stewart's interests in this land are impacted upon by the submission of Shotover Hamlet Investments Group Limited (**SHIG**) (submitter #570). That submission seeks to amend the boundary of the ONL and RLC lines as notified over land adjacent to the Stewart Property. This will have a direct effect on the Stewart Property in terms of future increased development and adverse environmental effects associated with such development.
- 5 The ONL Lines as notified in the PDP in the vicinity of the Stewart Property are supported. The lines illustrated on Appendix 8 of the Operative District Plan (**ODP**) were the result of Environment Court decisions which sought to contain the District's landscapes of national significance that are internationally renowned and require protection from inappropriate development.
- 6 The identification of the District's Outstanding Natural Landscapes through these decisions has been carried out since 1999 and in some cases before the District experienced significant growth and demand for further development. Accordingly some of these lines are now out of date and should be amended.

Council's section 32 analysis and evidence

- 7 The Council's section 32 Evaluation Report for the Landscape chapter and Rural zone states that amendments to the lines identified in Appendix 8 of the Operative Plan are based upon the landscape reports of Read Landscapes Limited. Ms Mellsop refers to these reports as the Landscape Boundaries Report in her evidence.
- 8 The Landscape Boundaries Report specifically considers the Arthur's Point area and the landscape line produced in the Environment Court decision C3/2002. Dr Read confirms at page 51 of her report that the discontinuous line is 'highly

problematic' and that it is difficult to consider why the line was necessary. This conclusion is supported.

9 The Council's section 32 Report also states:

The district contains landscapes of national significance that are internationally renowned and require protection from inappropriate development. The identification of the District's outstanding natural landscapes and features is a significant advancement of the effective protection and management of the District's landscapes through this review.

10 The proposed boundary of the ONL in the Arthurs Point area now reflects the need to ensure protection of the outstanding characteristics of this area moving forward. The proposed boundaries are considered to meet the section 32 requirements of the Act.

11 The following comment from the Dr Read's report at page 51 is also supported:

The land at Arthurs Point located on the edge of the Rural General zone, is not distinct from the rest of the zone around it in terms of its geomorphology, its vegetative cover or its land use, save that it is the location of a number of dwellings. I do not consider that the presence of these dwellings, while reducing the naturalness of the landscape in the vicinity, have sufficient impact on the quality of the broader landscape to alter its classification from ONL to ORL.

12 Each of the provisions in the Landscapes Chapter are adequately considered in the Council's section 32 Report, and the boundaries of the landscape lines on the proposed planning maps in the vicinity of the Stewart Property are identified in accordance with those proposed provisions. These are therefore adequately justified as well.

13 Ms Mellsop agrees with Dr Read and we adopt her evidence in this respect.

14 Ms Mellsop also concurs with the analysis of the character and values of the Arthurs Point basin in paragraphs 7 to 18 of the Environment Court decision C03/2002. She states at paragraph 64 of her evidence:

In paragraphs 5.4.1 to 5.4.3 of the Landscape Boundaries Report, the discontinuous line drawn on the ODP landscape classification maps following Environment Court decision C3/2002 is discussed. The area between this line and the ODP Arthurs Point Rural Visitor Zone is the land that Shotover Hamlet Investments Limited seeks to be classified as RCL. I am in complete agreement with Dr Read's discussion of this issue in the Landscape Boundaries Report – I consider a discontinuous line is highly problematic from a landscape assessment perspective and would define an area that is too small to form a landscape in its own right. While the area has been domesticated by dwellings, driveways and rural living activities, it forms a small landscape unit within the wider ONL of the Arthurs Point basin.

Given that I consider the land at the western end of Littles Road to be within an ONL, I do not support the Rural Lifestyle zoning of this area sought by Mr Reid. Additional rural living development within this area is unlikely to maintain or enhance the character and values of the ONL.

Consequently I oppose the relief sought by Submitters #277, #526 and #570.

15 We also adopt the evidence of Mr Langman in respect of this matter. He considers the SHIG submission at paragraph 64 of his evidence and relies on Ms Mellsop's opinion. He rejects the relief sought by SHIG noting:

64.4 *Submitter 570 proposes that its site on the corner of Littles Road and Arthurs Point road should continue to be split zoned, with the open lower reaches of the landscape below the natural terrace in the north contained within the ONL and the northern extent of the site contained within the RCL in accordance with Environment Court decision C3/2002.59. This submission is opposed by Robert Stewart (FS1297)*

6.45 *The current ONL boundaries in Arthurs Point basin were considered by the Environment Court in C3/2002, including the imposition of the discontinuous line in the ODP, which is illustrated in Figure 67 below. In her evidence for QLDC, Ms Mellsop assesses the character and values analysis of Arthurs Point basin that was undertaken in C3/2002 and notes the problematic nature of the discontinuous line. Ms Mellsop disagrees with submitter 526 that the ONL boundary should exclude the northern flank of the Northridge landform. Her view is that the level of development that has occurred in this area since the Environment Court decision has not degraded the natural character to the extent that it no longer belongs in the ONL. I rely on Ms Mellsop's opinion on this matter and recommend that the relief sought by submitters 277, 526 and 570 be rejected.*

Conclusion

16 The SHIG submission is opposed in its entirety as it seeks to relocate the ONL line notified in the PDP.

17 The reasoning to move the ONL line based upon existing development and future rural development potential of the land is not a sound reason.

18 The line as it is currently placed in the PDP has been done so on the assessment of the landscape in light of relevant landscape assessment factors, as identified in the Council's section 32 Report and evidence.

19 The landscape assessment matters are consistent with the Environment Court decisions and the Regional Policy Statement (**RPS**) consent order for natural resources recently lodged with the Environment Court for approval (and tabled by Ms Scott at the beginning of this hearing).

20 The RPS consent order includes a new Schedule 3 providing criteria for the identification of outstanding natural features and landscapes of the region including; biophysical attributes (natural science factors, presence of water and vegetation), sensory attributes (legibility or expressiveness, aesthetic values and transient values) and associative attributes (values shared and recognised, cultural and spiritual values, historical and heritage associations).

21 The proposed line should not be amended further without substantial landscape justification to do so, and it is considered there is no such justification before the Panel. The section 32 evaluation and evidence produced by Council on the

placement of the ONL boundary in this area does not support the proposed relocation sought by SHIG.

Dated this 25th day of July 2018

A handwritten signature in black ink, appearing to read 'V. Robb', written over a horizontal line.

Vanessa Robb
Counsel for the Applicant