

Before the Hearings Panel  
For the Proposed Queenstown Lakes District Plan

Under the Resource Management Act 1991 (**RMA**)

In the matter of of a variation to Chapter 21 Rural Zone of the Proposed Queenstown Lakes District Plan, to introduce Priority Area Landscape Schedules 21.22 and 21.23

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**Summary of Evidence of Richard Michael Kemp**

17 October 2023

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## **1. SUMMARY OF PLANNING EVIDANCE**

1.1 My name is Richard Kemp. My qualifications, experience, and background to the current matter and Submission #186 are outlined in my Evidence in Chief (EIC).

## **2. OUTCOMES FROM JWS**

2.1 I participated in the joint planning conference on 3<sup>rd</sup> October 2023. I agree with a number of changes as represented in the JWS dated 6<sup>th</sup> October 2023, including in particular:

- a) The revised landscape capacity rating scheme, in particular the removal of the 'no capacity' rating across all landscape schedules. For the reasons set out in my evidence in chief at 6.3–6.8 and 6.12-6.15, and taking into account the purpose and direction of the schedules, I do not consider that a 'no capacity' approach is appropriate or justified in this context.
- b) I support the schedules being recognised as a tool that sits within the PDP, but a tool that sits at a broad-scale to inform more detailed assessment of future proposals.

## **3. REVISIONS TO PA OVERLAY AND ONL BOUNDARIES**

3.1 As set out in my evidence in chief, I defer to legal counsel for questions of scope in terms of whether this process provides scope for submitters to contest boundary lines of the PA overlay areas and / or ONL classifications, and / or any consequent urban growth and rezoning outcomes.

3.2 In relying on the evidence of Mr Skelton, I agree that where possible, landscape boundaries (and therefore PA overlay boundary lines) should be boundaries which are at according to landscape principles, rather than upholding default boundaries. I defer to Mr Skelton's summary in respect of the parts of the Submitters' Site which are not closely associated with the section 6b landscape values contained in the Western Whakatipu Basin ONL schedule.

3.3 I explain in my evidence, following the guidance of *Man O'War Station*, that decisions on ONL lines need to be made on landscape grounds, rather than by a reference to their planning implications. I explain that the existing ONL line and PA boundary in the location of the Submitter's site has not been made on landscape grounds, rather it simply follows the cadastral line. The mapped PA's and associated schedules should be a guide that describes actual landscape values and capacities against which assessments can be made, not those based on cadastral boundaries.

## **4. CAPACITY FOR URBAN EXPANSION**

4.1 The Western Whakatipu Basin schedule still does not recognise the potential landscape capacity for urban expansion on the lower parts of the Submitters' Site that has been identified in Mr Skelton's evidence as appropriate for some form of future urban development (including when considering the revised "*extremely limited or no*" descriptor).

4.2 I also submit if the schedule does not adequately recognise the identified capacity for urban expansion it predetermines the planning outcome for the land instead of providing adequate guidance for plan

changes and future consenting (as to where and how much capacity there actually is) to help with assessments against the District-Wide policies.

4.3 Overall, for the reasons outlined in my evidence, the preferred option is to amend the ONL and PA boundaries in relation to the Site to reflect landscape evidence. Secondly, I support Mr Skelton's recommendations for reflecting actual capacity for urban expansion on parts of the site to be appropriately recognised within the schedule text.

4.4 If the Panel determines mapping amendments are not within scope, I still support the landscape capacity rating for the Western Whakatipu PA to be updated to recognise the actual landscape capacity for urban expansion identified by Mr Skelton. While remaining within an ONL, given the specific identified capacity for urban expansion within the schedule, this will not be misaligned with the strategic direction of the PDP as identified landscape values of the PA will be protected/not compromised (SP 3.2.5.2; 6.3.2.7).

4.5 Furthermore, the relief sought to specifically recognise landscape capacity for urban expansion in the schedule identified by Mr Skelton will not be misaligned with the objectives and policies of Chapter 4 (Urban Development), given those provisions seek urban development on land within and adjacent to existing larger urban areas (4.2.1.2; as is the case on the Submitter's land); and seek to protect the values of ONL/Fs when considering urban growth (4.2.1.5; noting Mr Skelton's evidence which identifies urban expansion capacity within the Western Whakatipu PA). While Chapter 4 seeks urban development to be contained within defined Urban Growth Boundaries (4.2.1.3), these schedules are a high-level guidance tool and are intended to last for the life of the District Plan. Future plan changes within the life of the PDP may relocate the UGB and re-zone land as enabled through other objectives and policies in Chapter 4 (such as 4.2.1.4 seeking to ensure sufficient, feasible development capacity).

## 5. STATUTORY CONSIDERATIONS

5.1 I consider that the National Policy Statement on Urban Development 2020 (**NPS-UD**) is a relevant consideration as it needs to be considered by all planning decisions by any local authority that affect an urban environment<sup>1</sup>, including a decision on this plan variation.

5.2 The NPS-UD does not just apply to existing urban environments, but also to planning decisions that affect an urban environment. Proposals for new urban environments or future urban areas as extension, infill or addition of urban areas by definition will affect urban environments. Given the schedules specifically include a listed capacity for 'urban expansions' (including when assessing future plan changes), and the relief sought does, in part, seek an urban environment, the NPS-UD is a relevant consideration.

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<sup>1</sup> National Policy Statement on Urban Development 2020, Clause 1.3

- 5.3 While Ms Evans' considers the focus of the variation to be solely s6/s7 landscapes and implementing the strategic direction set out in Chapter 3 of the PDP (and that the NPS-UD has little relevance<sup>2</sup>), I have a different view. The NPS-UD is relevant to this plan variation as the schedules are tasked to provide guidance for Plan Change decision makers on how to implement the PDP's Strategic Direction objectives and policies. This is particularly relevant where s6/s7 landscapes adjoin existing urban areas.
- 5.4 For example, the schedules will assist Council in assessing a development proposals' alignment with SP 3.2.2.1(e) & SP 3.2.5.2 (which considers development in ONL/F to be inappropriate unless the identified values within the schedule are protected); SP 3.3.31 (avoid adverse effects on ONL/F landscape values where there is little capacity to absorb change) & SP 6.3.3.1 (development is inappropriate in ONL/F unless landscape values are protected and will be reasonably difficult to see).
- 5.5 Given the PA schedules specifically include listed capacity ratings for future urban expansions within the PA, then the objectives/policies of the NPS-UD should be considered - and this planning decision should be responsive to the proposed significant capacity for urban expansion. Mr Skelton has demonstrated there is landscape capacity for urban expansion on parts of the site, which would achieve additional housing capacity and align with the directives the NPS-UD. For these reasons, I support the amendment to the Schedule to provide for 'extremely limited to no' capacity for urban expansions, except where urban development will read as infill at the lower slopes of the PA adjacent too and north of Fernhill.
- 5.6 In summary, I consider the NPS-UD to be relevant given this is a planning decision that will affect a proposed urban area in the Western Whakatipu PA.

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<sup>2</sup> R Evans Rebuttal at Para 46