

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 **Gibbston Valley Station Ltd**
(Submitter #93)

Planning Evidence of Brett James Giddens

12 September 2023



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INTRODUCTION

- 1 My full name is Brett James Giddens.
- 2 I am the Managing Director of Town Planning Group (NZ) Limited, a resource management and planning consultancy established in 2006 that provides planning and resource development advice to private clients, local authorities and government agencies New Zealand-wide.
- 3 I hold a Bachelor of Science in Geology from the University of Canterbury, a Master of Applied Science in Environmental Management from Lincoln University, and have partially completed a Master of Resource & Environmental Planning from Massey University. I am an Associate of the New Zealand Planning Institute, a member of the New Zealand Resource Management Law Association, and a member of the Urban Design Forum of New Zealand.
- 4 I have over 20 years' experience as a practicing planner in New Zealand, with a focus on statutory planning, environmental assessment, policy development and analysis, and consenting. I am regularly engaged as an expert planning witness before Council hearings and the Courts. I have been involved in numerous district and regional plan change processes throughout New Zealand.
- 5 I have a working knowledge of the Queenstown Lakes Proposed District Plan (**PDP**) and have worked extensively in the district through my planning career. I have been involved in the plan formulation processes relating to the former Operative District Plan as well Stages 1, 2 and 3 of the PDP (and its variations).

CODE OF CONDUCT

- 6 Although this is not an Environment Court hearing, I note that in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have complied with it in preparing my evidence. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

- 7 I have been asked by Gibbston Valley Station Ltd (**Submitter**) to provide planning evidence with respect to the variation to the PDP relating to the location of the Kawarau River Landscape Priority Area (**KR-LPA**) and Schedule 21.22.9.

- 8 My planning evidence is relatively confined to the issue relating to the location of the mapping outside of the Rural zone, into land zoned Gibbston Valley Resort (**GVRZ**) and Gibbston Character Zone (**GCZ**).
- 9 A copy of the submission is contained in my **Annexure A**.
- 10 I have read the evidence provided by the Council¹ in support of the variation.
- 11 The primary issue of the Submitter is that the notified mapping has erroneously extended over zones that are not within the ambit of the strategic policies that direct the LPA and schedules. Examples of this is shown in Figure 1 below.

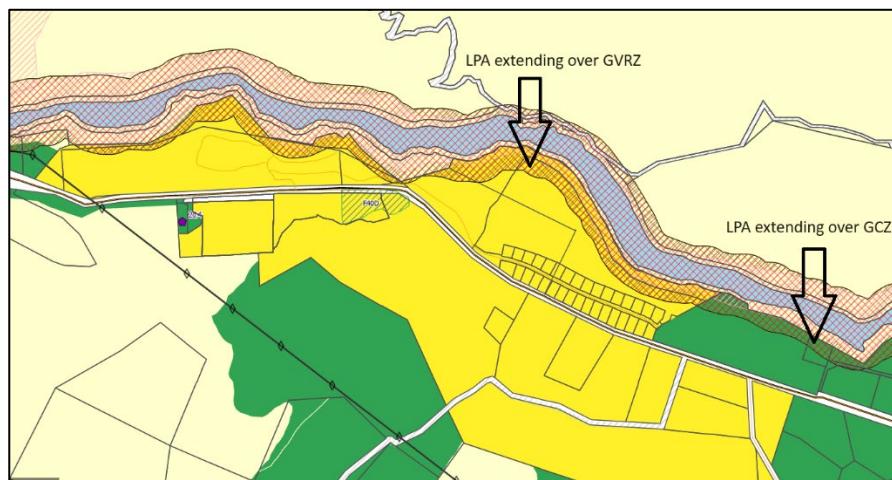


Figure 1: Examples of where the KR-LPA overlaps the GVRZ and GCZ

EVIDENCE

- 12 I have provided planning evidence on behalf of the Cardrona Cattle Company Ltd relating to a similar issue under the Variation. To avoid duplication, I refer and rely on this evidence.
- 13 With regard to this evidence, I note:
- 13.1 The Council is bound by what it notified, which was a variation to the Rural Zone of the PDP;
 - 13.2 The policies that direct the Variation and LPA relate to land zoned Rural and do not relate to the other zones under the heading of "rural environments" under Part 4 of the PDP.
- 14 The Council notified schedule and mapping, and in my opinion, has scope to amend them, particularly in light of errors such as this.
- 15 Including non-Rural zone land in the schedules will create perverse planning outcomes and difficulties for the application of the schedules in practice (which I consider is evidenced through the

explanations provided in the section 42A report from [9.42]). After reading that explanation, I do not have any confidence that the proposed landscape schedules “make clearer” what aspects of these landscapes are to be protected, maintained or enhanced, rather it would create a complicated, costly and unnecessary planning framework.

- 16 The Submitter has gone through a very detailed rezoning process of its land under Stage 1 of the PDP, including a thorough evaluation of the landscape.
- 17 Neither the GCZ or GVRZ are within ONLs or ONFs under the PDP. To include mapping and schedules specifying ONL and ONF values and capacity statements is erroneous.
- 18 The Gibbston Valley Resort Zone is a “resort” as defined under the PDP. It is developing and will be further developed in accordance with those zone provisions.
- 19 In my opinion, the LPAs and schedules should be amended. This would mean that:
 - 19.1 the notified mapping of the KR-LPA would need to exclude land zoned GCZ and GVRZ; and
 - 19.2 the schedules would need to reflect that land within the LPA that is zoned Rural.
- 20 In doing so, the Variation would fully, and correctly, give effect to the strategic policies it is intended to achieve.

Dated: 12 September 2023



Brett James Giddens

Annexure A – Submission of Gibbston Valley Station Ltd

Submission on Variation to Proposed District Plan

Form 5 - Clause 6 of Schedule 1, Resource Management Act 1991

To: **Queenstown Lakes District Council** (“**Council**”)

Name of Submitter: **Gibbston Valley Station Ltd** (“**Submitter**”)

Introduction

1. This is a submission on proposed variation to Chapter 21 Rural Zone of the Queenstown Lakes Proposed District Plan (“**PDP**”) to introduce landscape schedules 21.22 and 21.23 (“**Variation**”).

2. The Council has explained the purpose of the Variation as follows:

Queenstown Lakes District Council is proposing a variation to Chapter 21 Rural Zone of the Proposed District Plan (PDP), to introduce landscape schedules that set out the landscape values for 29 Priority Area landscapes within the Queenstown Lakes District. These schedules aim to identify which aspects of these landscapes are to be protected, maintained, or enhanced.

...

Landscape schedules will be used to assess applications for resource consent for development on properties within the identified areas. The schedules will detail a landscape’s values and make it easier to understand how a proposal for development might affect those values. There are no changes to the rules for development as part of this proposal. The schedules are intended to make assessments more efficient.

3. The submitter owns the land adjacent to the Kawarau River at Gibbston, and the Submitters land is zoned Gibbston Valley Resort Zone and Gibbston Character Zone in the PDP, as generally identified in **Appendix A**.

Specific provisions of the variation that the submission relates to

4. The submitter has an interest in the entire Variation, at least in respect of the methodology behind its development, and the identification of the values in respect of the particular landscape and features in question.

5. The submitter opposes:

- (a) all aspects of the Variation;
- (b) in particular, all aspects of Proposed Schedule 21.22 Outstanding Natural Features and Outstanding Natural Landscapes; and
- (c) Landscape Schedule 21.22.9 Kawarau River which directly affects the submitter’s property.

No trade competition

6. The submitter could not gain an advantage in trade competition through this submission.

Reasons for the Submission

7. The Schedules are intended to apply to the Rural Zone only, as directed by PDP Strategic Policy 3.3.36 and subsequently, the Schedules are located within the PDP Chapter 21 Rural Zone.

8. Policy 3.3.36 is (underlined for emphasis):

Identify in Schedule 21.22 the following Rural Zone Priority Areas within the Outstanding Natural Features and Outstanding Natural Landscapes shown on maps held on [QLDC reference file]:

- a. *parts of the Outstanding Natural Features of Peninsula Hill, Ferry Hill, Shotover River, Morven Hill, Lake Hayes, Slope Hill, Feehly Hill, Arrow River, Kawarau River, Mt Barker, and Mt Iron.*
- b. *parts of the Outstanding Natural Landscapes of West Wakatipu Basin, Queenstown Bay and environs, Northern Remarkables, Central Wakatipu Basin Coronet Area, East Wakatipu Basin and Crown Terrace Area, Victoria Flats, Cardrona Valley, Mount Alpha, Roys Bay, West Wanaka, Dublin Bay, Hāwea South and North Grandview, and Lake McKay Station and environs.*
9. The Kawarau River PA is referred to as an Outstanding Natural Feature (“**ONF**”) however, the PDP maps do not identify the Kawarau River as an ONF and it has not been distinguished from the wider ONL. The values identification framework and this variation had the opportunity to define the Kawarau River ONF from the ONL but has not done so. The extent of the PA is not a proper interpretation of the Kawarau River ONF boundary (i.e. compared to the Clutha River).
10. The extent of the Kawarau River PA as identified on the PDP maps shows the Kawarau River PA within the Gibbston Valley Resort Zone and the Gibbston Character Zone.
11. The Gibbston Valley Resort Zone and the Gibbston Character Zone are not an ONF, and nor are they the Rural Zone.
12. The s32 report has not addressed these issues, and is deficient for that reason, as well as for other more fundamental reasons as to the methodology by which the Variation was developed.

Relief sought

13. The submitter requests the following decision:
- (a) *Primary relief:* reject, refuse, or otherwise decline the Variation.
- (b) *In the alternative:* if the Variation is to be adopted, to amend, vary or otherwise modify the Variation and its schedules (including the Schedule for the Kawarau River 21.22.9 to address the concerns, issues, and other matters raised in this submission (including any necessary additional or consequential relief), in particular:

- (i) remove the Kawarau River PA from land zoned Gibbston Valley Resort Zone and Gibbston Character Zone; and
 - (ii) clarify that the extent of the PA is not a proxy for an ONL or ONF boundary.
14. Granting the relief sought (and, to a greater extent, the primary relief sought) will:
- (a) achieve the sustainable management purpose of the RMA and otherwise meet the requirements of Part 2;
 - (b) better enable the social, economic and cultural well-being of the community;
 - (c) better meet the reasonably foreseeable needs of future generations;
 - (d) allow the s32 and other deficiencies in the methodology used to develop the Variation to be remedied;
 - (e) represent the most appropriate means of exercising QLDC's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

Submitter wishes to heard

15. The submitter wishes to be heard.

DATED 26 August 2022



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Appendix A

Land owned by Gibbston Valley Station, located adjacent to the Kawarau River and zoned either Gibbston Valley Resort Zone or Gibbston Character Zone.

