

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

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Streams 17
and 18 –
Stage 3 and 3b
Proposed District Plan

**REPLY OF MATTHEW STUART BENTLEY JONES
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

LANDSCAPE – REZONINGS

GENERAL INDUSTRIAL ZONE + SETTLEMENT ZONE + RURAL VISITOR ZONE

4 September 2020

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1. INTRODUCTION

1.1 My name is Matthew Stuart Bentley Jones. I prepared a statement of evidence in chief¹ (**EiC**) and two statements of rebuttal² in relation to the General Industrial Zone, Settlement Zone and Rural Visitor Zone filed in Hearing Stream's 17 and 18. My qualifications and experience are set out in my EiC.

1.2 I attended the hearing on 30th June – 2nd July 2020 and have been provided with reports of what has taken place at the hearing where relevant to my evidence.

1.3 This reply evidence covers the following issues:

General Industrial Zone rezonings

- (a) 3256 Upper Clutha Transport Limited;
- (b) 3349 Cardrona Cattle Company Limited.

Settlement Zone rezonings

- (a) 3196 Lake McKay Partnership Limited.

Rural Visitor Zone rezonings

- (a) 31022 Malaghans Investments Limited + 31015 Brett Mills (Kimiakau) (combined submission);
- (b) 31014 Heron Investments Limited;
- (c) 31021 Corbridge Estates Limited;
- (d) 31037 Gibbston Valley Station;
- (e) 31039 Cardrona Cattle Company Limited;
- (f) 31033 Matakauri Lodge Limited.

1.4 The following are attached to my reply evidence:

- (a) **Appendix A:** Church Road Topographic & Cross Section Plan for submitter 3256 Upper Clutha Transport Limited.
- (b) **Appendix B:** Structure Plan - Church Road Rural Industrial Zone for submitter 3256 Upper Clutha Transport Limited.

1 Dated 18 March 2020.

2 Dated 12 and 19th June 2020.

- (c) **Appendix C:** Difference between Existing Rural Residential & Proposed Settlement Zone Plan for submitter 3196 Lake McKay Partnership Limited.

GENERAL INDUSTRIAL ZONE - REZONINGS

2. UPPER CLUTHA TRANSPORT LIMITED (3256)

- 2.1 During the hearing the Panel requested that I provide comment on the following Chapter 6 policy – Policy 6.3.4.6 as to whether the Upper Clutha Transport rezoning proposal will:

“Avoid adverse effects on visual amenity from subdivision, use and development that:

- (a) *is **highly visible from public places** and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or*
- (b) ***forms the foreground** for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads...”* (emphasis added).

- 2.2 In particular, the Panel queried the relevance of public views from the Department of Conservation Upper Clutha River Track, and also whether the site, if rezoned as requested, would restrict or obstruct views of the ONL (Grandview Ranges). Following the hearing I revisited the site on 6th August 2020 and undertook an assessment of the proposal having particular regard to the direction of this policy and the location of the site.

- 2.3 I walked along the Upper Clutha River Track, which is essentially at the same relative contour level adjacent to the site. From this location, along this public track, I confirm, in relation to 6.3.4.6(a), that the site will be highly visible and that visual mitigation and a Building Restriction Area (**BRA**) would be required along the site’s northern, eastern and southern boundaries in order to avoid adverse effects on visual amenity resulting from potential future development.

- 2.4 Post-hearing, Mr Scott Edgar and Mr Ben Espie (on behalf of Upper Clutha Transport) and Mr Place and I (on behalf of QLDC) have

conversed with regard to potential landscape measures, mitigation and rules in order to *avoid adverse effects on visual amenity*.

2.5 The submitter supplied topographical maps and cross sections through the site³, 'Structure Plan' layout options⁴ and revisions to planning provisions which sought to address the potential effects from a landscape and visual perspective. The information provided assisted in understanding the nature of the site, any potential effects and subsequently the opportunities for mitigation.

2.6 In my opinion, the mitigation required includes building setbacks from the respective boundaries, BRAs, building height restrictions and landscape planting measures.

2.7 Having identified and assessed the level of visibility, and following review of the documentation provided, agreement with the submitters on the necessary mitigation measures could not be reached. In my opinion, from a landscape and visual perspective, the mitigation measures should include:

- (a) The BRA setback along the eastern boundary (extending from the southern boundary north to Activity Area 1 – AA1) should be widened to 40m (the submission originally proposed a setback 20m⁵). The setback should be measured from the ONF line where it is located within the boundary of the site or the site boundary, whichever is further west⁶;
- (b) To the west of this BRA setback, a 10m wide strip to be included (Activity Area 2 – AA2) with a maximum building height of 6m. This strip extends adjacent to Activity Area 3 (AA3) north to AA1. The 6m maximum height ensures a 'step' in building height to AA3, which has a maximum building height of 10m;

³ Refer **Appendix A** of this statement of evidence.

⁴ Refer **Appendix B** of this statement of evidence.

Please note that this Structure Plan appended does not represent agreement with the submitter or those matters which I outline within **paragraph 2.7**. It is purely a plan supplied by the submitter which illustrates what they sought to achieve and also shows the activity areas across the site.

⁵ As discussed in paragraphs 6.7 – 6.9 of my Statement of Rebuttal dated 12 June 2020.

⁶ I note that the Clutha River ONF boundary *may* be subject to a section 293 process to refine the boundary. I am advised by legal counsel that the Court has not yet made directions at the time of filing this reply evidence.

- (c) Along the eastern and northern boundaries (adjacent to AA1 within the northern part of the site) the BRA should be at least 20m wide;
- (d) A 20m BRA and 10m wide AA2 area to be provided along the southern boundary;
- (e) A 20m BRA is retained along the western boundary with Church Road; and
- (f) Comprehensive landscape planting treatment is provided within the BRA areas. This is to include vegetation that can grow to a height that will significantly screen future built form within the site when viewing from the north and east, and visual softening when viewing from the west.

2.8 The landscape planting treatment must significantly screen new buildings across the site, particularly when viewing from the east from the public track. As such, quantitative measures⁷ should be included in the plan provisions that will ensure this is achieved.

2.9 In conjunction with the landscape planting outlined above, the 'stepping' of building heights within the activity areas across the site, and the BRA setbacks from the boundaries create separation distance and will assist in avoiding adverse effects on visual amenity.

2.10 In my view, these measures will provide a landscape buffer and additional setback for future buildings away from the Clutha River ONF and public track, and surety to the level of screening to be provided. The landscape treatment along the respective edges (within the BRAs) is critical to the integration of future built form on this site. In my opinion, the plan provision should also state that the landscape treatment (within all BRAs) must be implemented prior to the commencement of any construction within the site. These measures will assist in avoiding potential adverse effects on visual amenity, in the context of the surrounding environment.

2.11 Turning to 6.3.4.6(b), any future development will sit in the foreground of the view to the Grandview Ranges ONL when looking northeast from Church Road. In my opinion, however, the potential development

⁷ Plant species, coverage, height etc.

anticipated by the requested rezoning, together with the bespoke provisions proposed for the site will ensure that any potential adverse effects on visual amenity are avoided.

- 2.12** The 20m BRA proposed⁸ along Church Road provides a building setback from the road and therefore restricts potential impeding elements, and consequently long views will be maintained to the ONL to the northeast. It is also noted that the existing established pine trees across the site currently screen views of the ONL. When these trees are felled, broad views will be afforded to the ONL.
- 2.13** Where the proposal may provide partial screening of the ONL (e.g. within Activity Area 3), this will only be for a short section when travelling along Church Road. Along Church Road there are many adjacent properties that are largely in pasture or have low lying elements which allow views across them to the ONL. The proposal will only provide partial screening for a short section. Additionally, due to the undulating topography of the site, views of the Clutha River ONF are not currently afforded from Church Road.
- 2.14** In conjunction with the mitigation measures outlined in paragraph 2.7 above, in my opinion, Rule 21.14.1 'Buildings' is sufficient in relation to building controls.
- 2.15** As outlined within paragraph 6.10 of my Rebuttal Evidence (dated 12 June 2020) and stated at the Hearing, in my opinion, the provisions within the Rural Industrial Sub Zone (**RISZ**) provide Council a greater level of control in relation to landscape and visual matters. The recommendations outlined above provide further measures to avoid adverse landscape and visual effects. Should the Panel be minded to grant GIZ relief, these recommendations should also be given full consideration to ensure future development meets the expectations of Chapters 3, 4 and 6 of the PDP.
- 2.16** Having reviewed the information received from the submitter and undertaken further assessment of the site and proposal, **subject to the**

8 As discussed in paragraph 6.8 of my Statement of Rebuttal dated 12 June 2020.

recommended additions to the provisions outlined above I remain **unopposed** to the rezoning relief sought.

3. **CARDRONA CATTLE COMPANY LTD (3349)**

- 3.1 During the Hearing, the Panel requested that Mr Milne (for Cardrona Cattle Company Limited (**CCCL**)) prepare visualisations illustrating the respective boundaries of the proposed 'development areas' when viewed from SH6, heading west from Cromwell. Mr Milne and I conversed and agreed on the locations of these representative viewpoints (refer sheets 5 – 7 within 'Further Exhibits for Hearing' dated 12 August 2020 to Mr Milne's evidence).
- 3.2 In my opinion, these viewpoints correctly illustrate that the site will be visible when travelling west along this stretch of State Highway 6, particularly when considering the level of future GIZ development anticipated by the requested rezoning. The 'straight' section of SH6 is approximately 800m long and offers direct views into the site, particularly 'development areas' 1 and 2 to the south of the prominent topographical feature, and areas 2 and 3 to the north of this feature. This is further reinforced by the additional Zone of Theoretical Visibility (**ZTV**) analysis Mr Milne included in his 'Further Exhibits for Hearing' as sheets 9 and 10 at 6m and 10m heights respectively.
- 3.3 After consideration of Mr Milne's 'Further Exhibits', I maintain my original assessment and remain **opposed** to the requested rezoning. In my opinion, from a landscape perspective, the proposed GIZ rezoning will inappropriately introduce urban elements, uncharacteristic to this landscape and will not protect the values of the ONL.

SETTLEMENT ZONE – REZONINGS

4. LAKE MCKAY PARTNERSHIP LIMITED (3196)

- 4.1 During the Hearing the Panel sought confirmation of the width of the 'blue strip' on the left (western) boundary of the site as illustrated in Appendix 1 of my EiC. This width varies along its extent between 37.1m and 50.8m. This is illustrated on the plan attached to this reply at **Appendix C**.
- 4.2 Another matter raised by the Panel during my questioning at the Hearing related to the identification of a defensible boundary along the northern edge of the site, particularly in reference to the proximity of the rural residential zoned land and development to the east.
- 4.3 In my opinion there are no landscape attributes that offer a definitive defensible boundary on the lower flats adjacent to Atkins Road. The Panel suggested that this would not preclude *urban creep* across the flats.
- 4.4 Following the Hearing, the submitter proposed that a zoning edge / boundary treatment be provided along the north-eastern and north-western boundaries of the site (on the lower flats adjacent to Atkins Road). This will provide a buffer / transition between the site and the rural zone beyond. These treatments include:
- (a) A minimum building setback of 6m from the north-eastern and north-western boundary of the site; and
 - (b) The requirement for visually permeable fencing (no higher than 1.2m) along these boundaries; and
 - (c) The requirement for landscape treatment along these boundaries, in order to achieve a soft landscape edge at the zone boundary.
- 4.5 These matters are outlined further within the Reply Statement of Ms Amy Bowbyes.

- 4.6 Finally, for this site, as a point of clarification for the Panel - Appendix 1 to my EiC illustrated the zoning extending over an area that appeared to encompass part of Atkins Road to the north. As outlined at the hearing, I confirm that the boundary illustrated on that plan correctly follows the site boundary.
- 4.7 Having undertaken the review of the amended provisions relating specifically to this site (as outlined above), I remain **unopposed** to the zoning relief sought in relation to landscape matters. The provisions will provide a softer buffer / transition and an appropriate edge treatment to the zone.

RURAL VISITOR ZONE - REZONINGS

5. 31022 MALAGHANS INVESTMENTS LIMITED + 31015 BRETT MILLS (KIMIKAU) (COMBINED SUBMISSION)

- 5.1 The legal submissions of Mr Gardner-Hopkins (Attachment 1B) illustrate the alignment of the escarpment edge meandering along (but not following) the western boundary of the site. In Mr Milne's opinion, the setback should be from the escarpment edge rather than from the zone boundary.
- 5.2 Having reviewed the alignment of the escarpment relative to the site boundary, I agree with Mr Milne. For large extents, the 10m setback from the escarpment edge will not affect or reduce the potential 'developable areas' associated with the areas assessed to be low sensitivity. Future built form will be setback and located within the site away from the escarpment edge, reducing any potential future adverse effects on landscape or visual amenity.
- 5.3 Through questioning at the Hearing, Mr Milne confirmed his assessment of the upper eastern slopes of the site as having a 'moderate-high' landscape sensitivity rating, predominantly due to the limited visibility of this part of the site. In his opinion it does not warrant 'non-complying' status. I do not agree with this assessment and for the reasons outlined at paragraph 3.3 of my rebuttal evidence (dated 19

June 2020), retain my opinion this area has a 'high' landscape sensitivity.

5.4 Although the matters of difference outlined above, and notwithstanding the matters raised within my previous statements of evidence and at the Hearing, I remain **unopposed** to the rezoning relief sought for the site.

6. HERON INVESTMENTS LTD (31014)

6.1 Since my appearance at the Hearing, the submitter has refined its proposal to include a 'Development Plan'⁹. The Development Plan includes the areas of landscape sensitivity, a 25m setback from the escarpment edge around the southern and western extents of the 'lower landscape sensitivity area'¹⁰, and a number of identified 'activity areas' (A – G).

6.2 Ms Grace (QLDC) and Mr Vivian (submitters' planning expert) have been in correspondence in relation to the refinement of the Development Plan for this site. Ms McKenzie (submitters' landscape architect) and I have been indirectly involved in these conversations and the refinement toward an appropriate outcome in relation to landscape matters.

6.3 Areas A – G are varied in their shape and size and largely follow the underlying topography. They are distributed across the low landscape sensitivity area on the upper terrace. Each area has a defined maximum building coverage which, in my opinion, provides more certainty to the location and potential distribution of buildings across the site. The individual clusters, as opposed to an uncontrolled distribution of the 6000m² maximum building coverage, will serve to maintain the landscape character and visual amenity values of the RCL.

6.4 For Area G (the 'balance' area of the lower landscape sensitivity), in my opinion, this area should be limited to a maximum of 1000m²

⁹ 'Development Plan Maungawera Rural Visitor Zone', dated 24-07-20, appended to the legal submissions of the submitter and presented at the Hearing.

¹⁰ Recommended at paragraph 3.10 of my Statement of Rebuttal dated 12 June 2020.

building coverage, inclusive of the existing buildings. This will limit the building coverage to 6000m² across the site and not allow inappropriate further distribution of buildings that will adversely affect landscape character or visual amenity values.

- 6.5** In my opinion, the Development Plan will result in an acceptable outcome in relation to landscape and visual effects.
- 6.6** In relation to visibility of the site, I concur with the assessment of Ms McKenzie in relation to the restricted views of the upper terrace when viewing from the south, east and west. The views are restricted of the upper terrace from these locations due to the topography (predominantly the undulation and escarpments) and the existing vegetation on the site.
- 6.7** However, when travelling south along State Highway 6 from Lake Hawea, the road (proximate to the site) is at a similar contour to the upper terrace. This stretch of road is approximately 400m long and for a section provides direct views toward the site (refer Figure 1 below). The existing shelter belt which extends along the northern boundary of the site currently provides a buffer and screening of the site. In my opinion, this shelterbelt should be maintained and included in the relevant planning provisions in order to provide a level of surety to mitigating any potential adverse visual amenity effects from future buildings (when viewing from the north). Ms Grace and I have discussed the mechanism for the implementation to 'maintain' this shelterbelt along the northern boundary and this is reflected in planning provisions appended to the Reply Statement of Ms Grace.

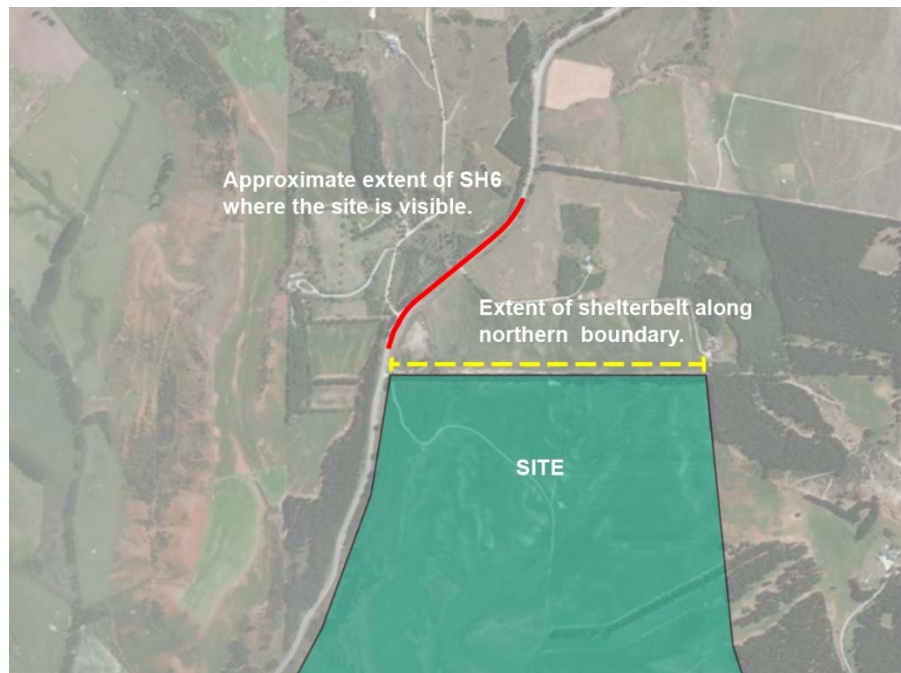


Figure 1: The section of State Highway 6 where the site is visible, north of the site. Source: <http://qldc.maps.arcgis.com>. Note, not to scale.

6.8 Having reviewed the Development Plan and the detail associated with the respective activity areas and planning provisions, I change the assessment conclusion reached at paragraph 3.12 of my rebuttal evidence and now **do not oppose** the rezoning relief sought for this site, **subject to** the addition of the maintaining the shelterbelt along the northern boundary of the site. The proposal will result in an acceptable outcome that will serve to maintain the landscape character and visual amenity values of the RCL.

7. CORBRIDGE ESTATES LIMITED (31021)

7.1 Mr Ben Espie (landscape expert for the submitter) presented an updated draft 'Structure Plan'¹¹ and 'Landscape Sensitivity Plan'¹² at the Hearing. These updated plans largely illustrate the areas of moderate-high landscape sensitivity I described at paragraph 4.9 of my rebuttal evidence¹³.

7.2 During the course of the hearing, the Panel requested Mr Espie remove the overlap between the High Landscape Sensitivity Area and potential

¹¹ Dated 5 August 2020.

¹² Dated 7 August 2020.

¹³ Dated 19 June 2020.

development within AA1 at the North of the site, proximate to the boundary. I agree with the Panel's request, and this has been removed by Mr Espie.

7.3 Although these areas of landscape sensitivity have been mapped, largely reflecting the areas I described, I remain of the opinion that the scale and intensity of the development anticipated through the structure plan will not maintain the landscape character or maintain or enhance visual amenity values of the RCL¹⁴.

7.4 As outlined within paragraphs 4.20, 4.24 and 4.30 of my rebuttal statement (dated 19 June 2020), I recommended that maximum building coverages for each of the respective activity areas be identified. This would identify and define the development potential (also related to building scale and form) within each of the activity areas to assist in understanding the development anticipated. These areas have not been identified by the submitter and therefore the scale and intensity is, in my opinion, inappropriate and incompatible with the landscape character of the site and surrounding area.

7.5 As such, I remain **opposed** to the relief sought for the Corbridge site. The proposal will not maintain the landscape character, and maintain or enhance the visual amenity values of the RCL.

8. GIBBSTON VALLEY STATION (31037)

8.1 At the Hearing the Panel asked that I consider the areas of lower sensitivity should the 'Primary Development Areas', illustrated in the evidence of Mr Milne¹⁵, be removed. The query related to whether there were any areas mapped as lower sensitivity that should be excluded.

8.2 Having reviewed the exhibits of Mr Milne, particularly Sheet 21 'Structure Plan'¹⁶, in my opinion, the yellow area of low sensitivity on top of the western ridge should be excluded. This is due to the visual

14 As outlined within paragraphs 4.18 – 4.29 of my rebuttal evidence dated 19 June 2020.

15 Refer Sheet 21 'Structure Plan' of 'Graphic Attachment to Landscape Evidence' appended to the evidence of Mr Milne, dated May 2020.

16 Ibid.

prominence and potential landscape effects associated with providing access up and along the escarpment and ridge to this location. There are no other areas that I consider should be excluded.

8.3 From a landscape perspective there are benefits to further refinement and identification of the development areas. It provides an additional level of surety to the appropriateness of the areas identified for development, and takes into account matters such as access as outlined above.

8.1 At the Panels request, Mr Milne filed a supplementary statement¹⁷ and viewpoint photograph¹⁸ in relation to the view of the site from the Crown Range Road. Mr Milne provides a description of the landscape attributes and features visible from this location and references his Evidence in Chief. He also provides a description of visible components of the proposal, the context within which they are set and the nature of the view from this location and confirms his assessment that *“the magnitude of change is likely to be low and adverse effects on visual amenity will be avoided”*¹⁹. I concur with these conclusions.

9. MATAKAURI LODGE LIMITED (31033)

9.1 During the Hearing, both myself and Ms Lucas (landscape expert for the submitter) were questioned in relation to the appropriate maximum building coverage, and in particular, whether it should be 2000m² or 2500m².

9.2 Since the hearing I have reviewed the submitter’s 2017 resource consent application, which Ms Lucas alluded to in her appearance in front of the Panel. After considering the landscape assessment and the associated peer review forming part of that application, I concur with the conclusions reached in relation to the building locations, their size, arrangement and form, materials and colours on the site, and the landscape measures proposed. That proposal however was a resource consent application which gave certainty to the specific elements listed above.

17 Addendum to Landscape and Visual Assessment Evidence, Mr Tony Milne dated 11 August 2020.

18 Single Exhibit to the Addendum, Viewpoint 6 Crown Range Road Lookout.

19 Refer paragraph 125 of Mr Milne’s Gibbston Valley Station Evidence in Chief.

9.3 Although I acknowledge best intentions, should the property remain under the current ownership, and the vision remain the same, the rezoning proposal does not provide the same level of certainty in relation to individual building details, location and coverage.

9.4 I therefore remain of the opinion that a 2000m² maximum building coverage is appropriate for the site (as outlined within paragraph 5.6 of my rebuttal evidence dated 12 June 2020), where development over 2000m² is a restricted discretionary activity. This measure, in conjunction with the provisions recommended in my rebuttal statement²⁰, will assist with protecting the values of the ONL.

A handwritten signature in black ink, appearing to read 'M Jones', with a stylized flourish extending downwards.

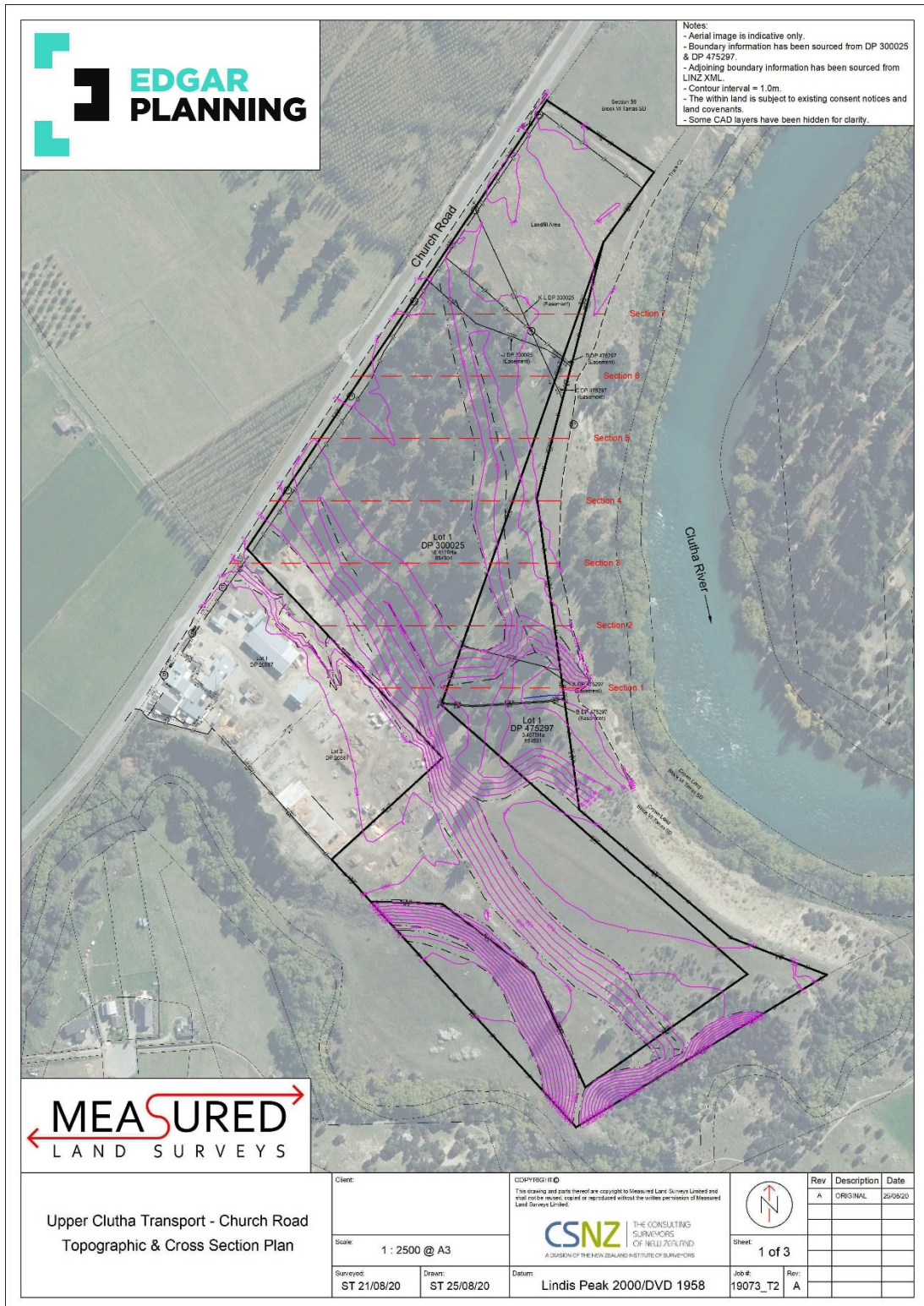
Matthew Jones

4 September 2020

20 Refer paragraph 5.7 of my Rebuttal Statement dated 19 June 2020.

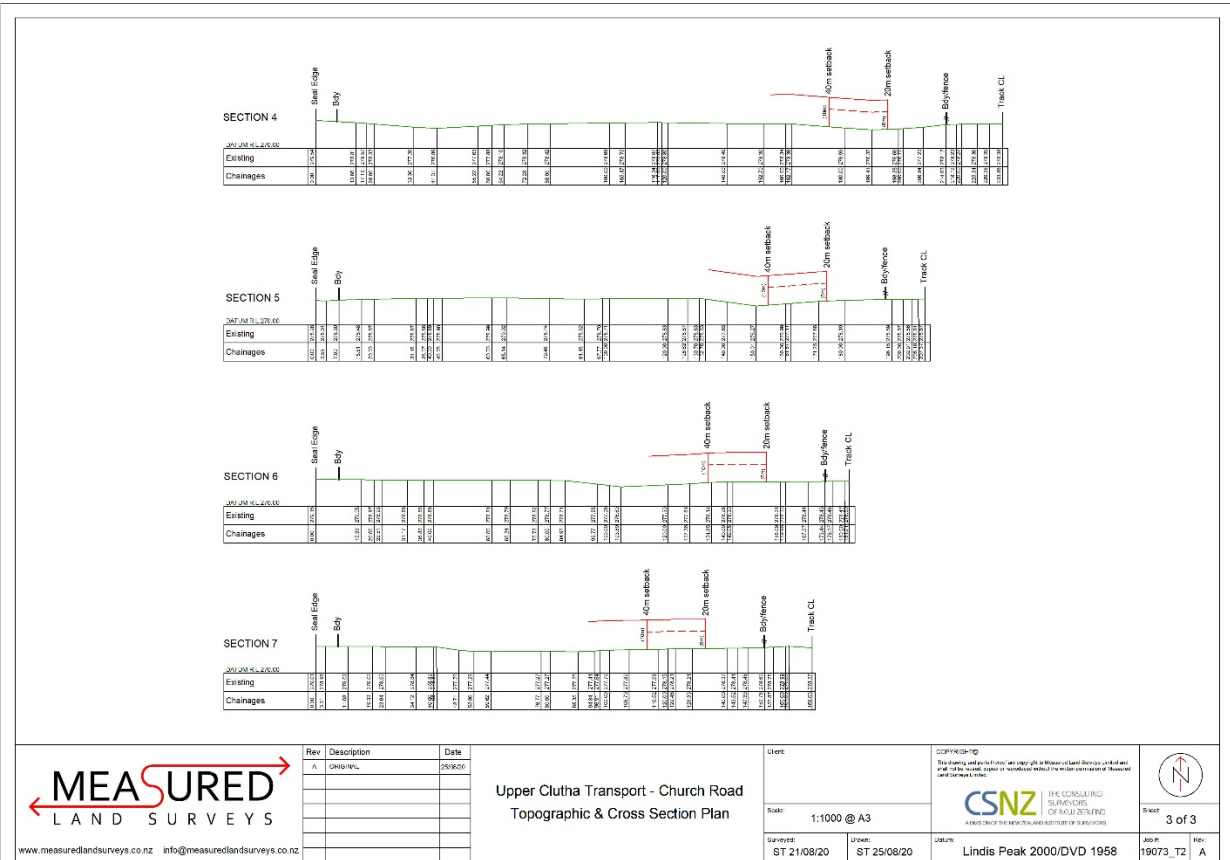
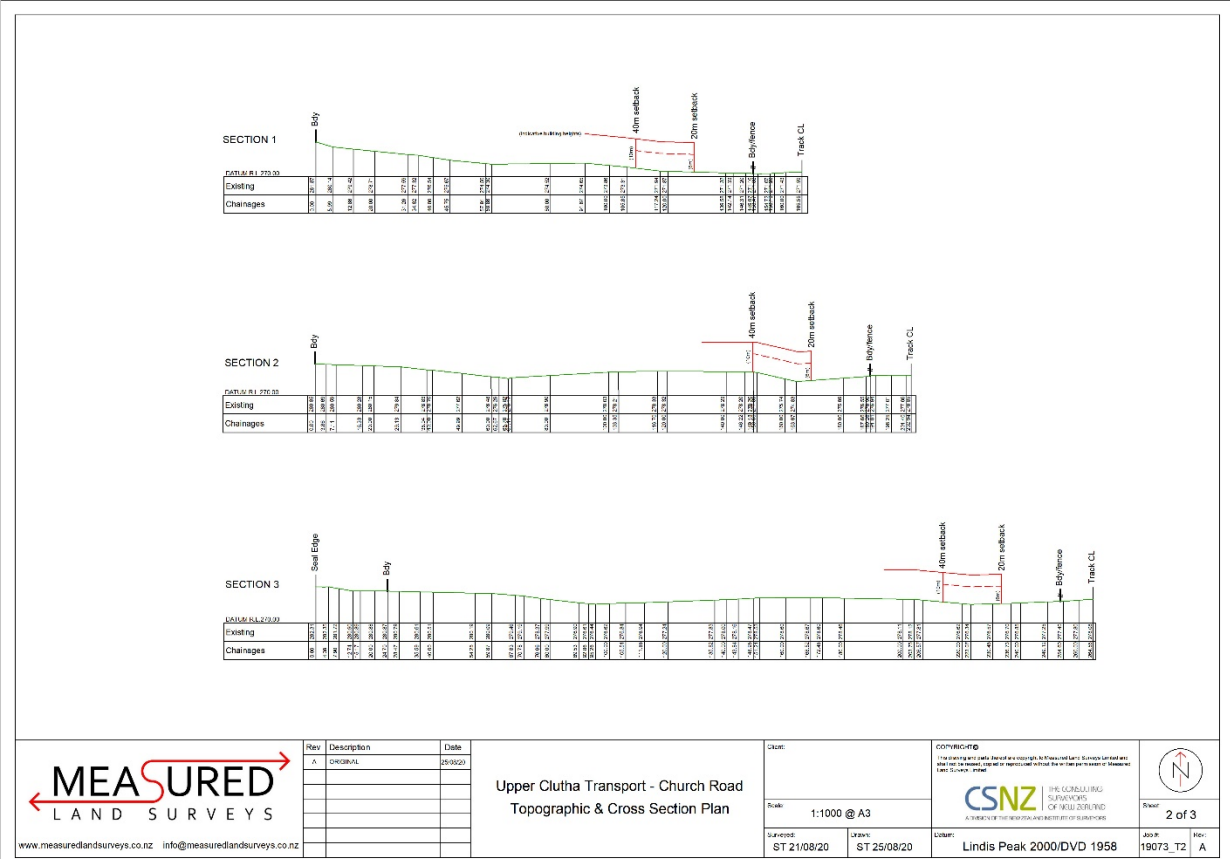
APPENDIX A

Upper Clutha Transport – Church Road Topographic & Cross Section Plan



Not to Scale.

Source: Scott Edgar via email to Luke Place (25/08/20).

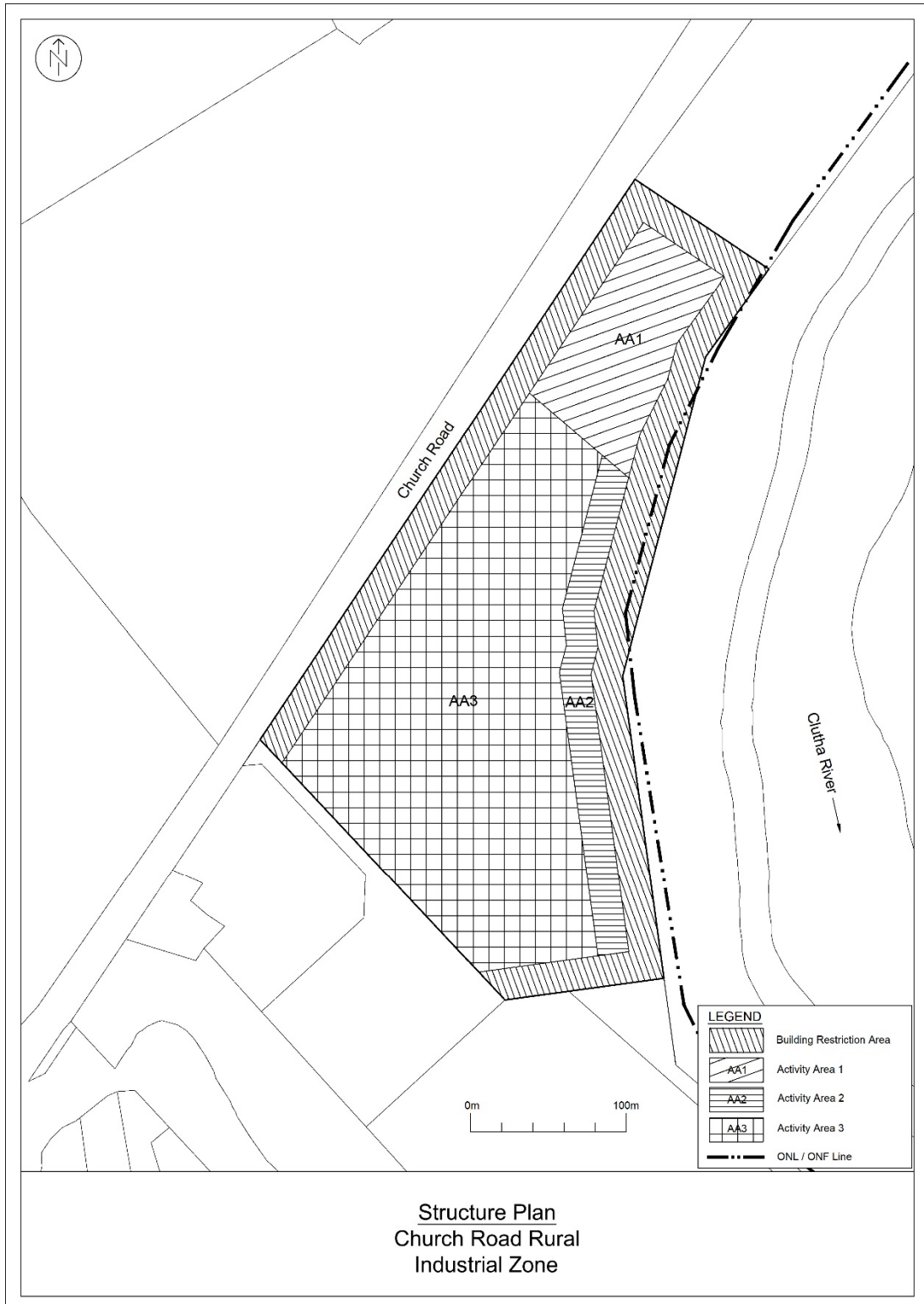


Not to Scale.

Source: Scott Edgar via email to Luke Place (25/08/20).

APPENDIX B

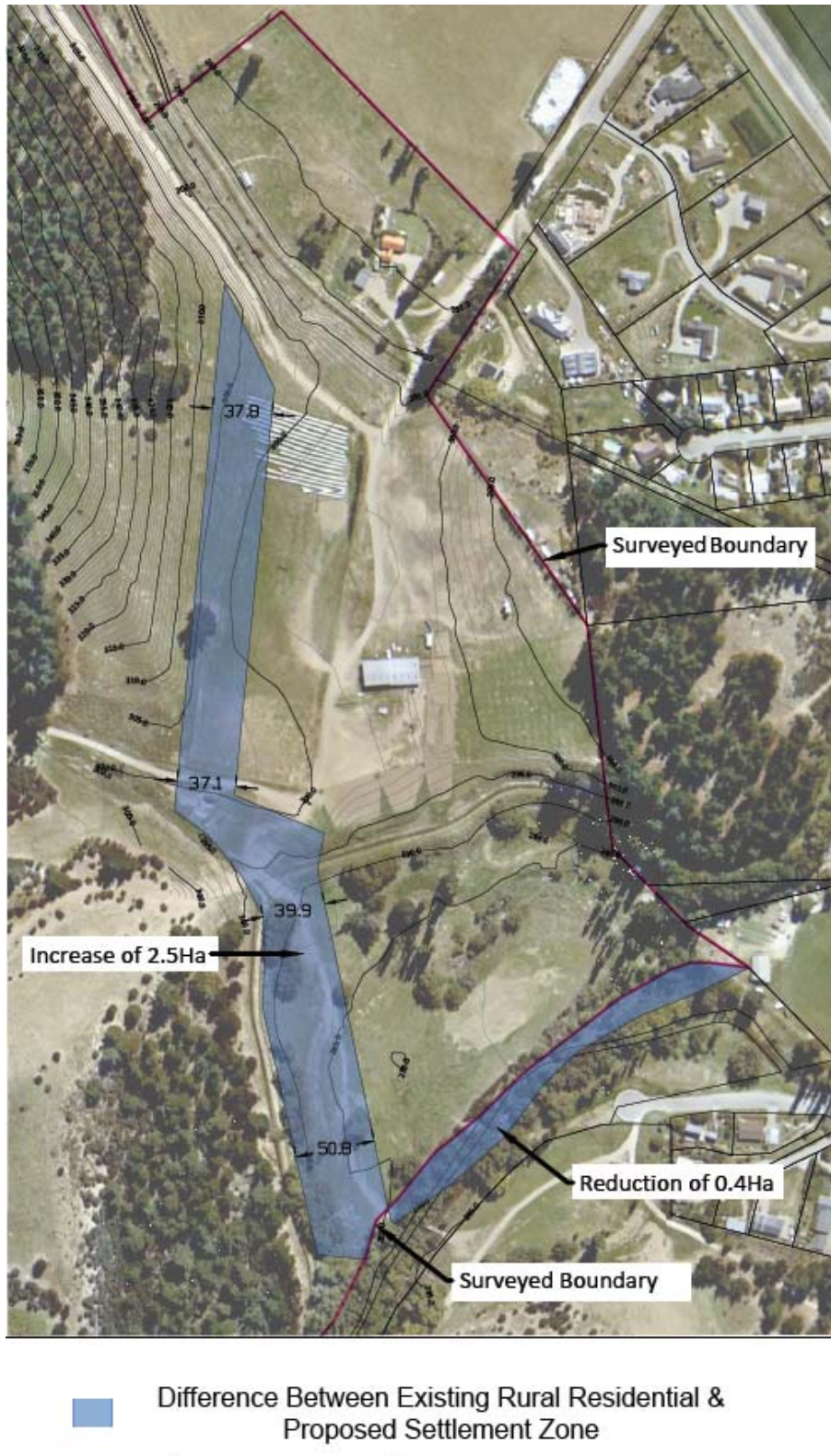
Structure Plan - Church Road Rural Industrial Zone



Source: Stuart Taylor (Measured Land Surveys) and Scott Edgar via email to Luke Place (03/09/20).

APPENDIX C

Difference between Existing Rural Residential & Proposed Settlement Zone Plan



Source: Dan Curley via email to Amy Bowbyes (09/07/20).