

**Before the Panel of Hearing Commissioners  
For the Queenstown Lakes Proposed District Plan**

**In the Matter** of the Resource Management Act 1991  
**And**

**In the Matter** of the Queenstown Lakes Proposed District Plan - Stage 2  
**And**

**In the Matter** of Hearing Stream 14 - Wakatipu Basin

**Statement of Evidence of  
Nicola Jane Smetham  
for Boundary Trust and Spruce Grove  
Trust (Submitters 2512, 2513 and 2444)**

Dated: 13 June 2018

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## **INTRODUCTION**

### **Qualifications and Experience**

1. My name is Nicola Jane Smetham.
2. I am a Landscape Architect with a Bachelor of Landscape Architecture from Lincoln University. I am a registered member of the New Zealand Institute of Landscape Architects Inc. (NZILA), and a member of the Resource Management Law Association of New Zealand Inc. I am also Honorary Secretary for the NZILA Executive Committee.
3. I am currently employed as a senior landscape architect with Rough and Milne Landscape Architects Limited.
4. I have over 22 years experience as a landscape architect and for the last 12 years I have specialised in landscape assessment work. This has included undertaking landscape and visual effects assessment associated with a wide variety of development proposals throughout New Zealand. Work of relevance includes residential development in Queenstown Lakes District, Central Otago, Dunedin, Hurunui, Christchurch / Banks Peninsula and the Selwyn District. I presented evidence on behalf of Queenstown Park Limited (QPL) for the Proposed Queenstown Lakes District Plan review hearings (Stage 1), Chapter 6 Landscapes, Chapter 21 Rural and Planning Maps (13 and 31).

### **CODE OF CONDUCT**

5. Whilst I acknowledge that this is a Council Hearing, I confirm that I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court Practice Note dated 1 December 2014. I agree to comply with this Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

### **SCOPE OF EVIDENCE**

6. My evidence will deal with the following:
  - (a) Background and role;

- (b) A discussion of the relevant landscape issues;
  - (c) A response to submissions;
  - (d) A response to the S42a report; and
  - (e) My conclusions.
7. Throughout my evidence I refer to various plans and maps to illustrate my comments. These are bundled together and appended to my evidence as an A3 Graphic Appendix (numbered 1-7).

## **EXECUTIVE SUMMARY**

8. My evidence has considered the submissions seeking sites zoned Wakatipu Basin Rural Amenity Zone (WB RAZ) to be rezoned to Millbrook Resort Zone (MRZ). The Wakatipu Basin Land Use Planning Study (WB LUPS) requested by the Queenstown Lakes District Council (QLDC) identified Landscape Character Units (LCU) and assessed the development capability of land throughout the Wakatipu Basin. The WB LUPS provides an evidential rationale to and underpins the Proposed District Plan (PDP) Stage 2 zone boundaries and provisions.
9. The submitters request for rezoning is related to the inconsistency between the LCU boundaries outlined at Schedule 24.81 and the MRZ boundary outlined on the PDP Stage 2 Notification Map 13d. The MRZ boundary demonstrates a bias towards land ownership and land use and consequently lacks a robust and defensible boundary to development creep.
10. I have assessed the submitters' properties against the same criteria (being a range of biophysical, perceptual and associative attributes) used by the WB LUPS at a detailed site level and have come to the following conclusions.
11. The landscape and visual complexity of the submitters land within the LCU is such that it can absorb some landscape and visual change within the extent enabled by the MRZ.

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<sup>1</sup> Queenstown Lakes Proposed District Plan, Chapter 24, Wakatipu Basin.

12. Rezoning to incorporate the submitters sites will integrate legible and defensible boundaries to the MRZ to limit development creep and will not detract from neighbouring ONL or ONF areas.
13. The rezoning of the submitters sites as MRZ will enhance the landscape character and visual amenity values of the LCU.
14. The rezoning, subsequent subdivision and built development will read as contiguous with and a continuation of the established Millbrook character provided that proposed amendments to the MRZ provisions are adhered to and will result in an urban parkland character with informal nodes of rural residential development interspersed with swathes of more open and spacious green areas.
15. The rezoning and future development will not be contrary to what people expect to occur within the immediate environs of Millbrook.

## **BACKGROUND AND ROLE**

16. My evidence is presented on behalf of two submitters who own several parcels of land adjoining the Millbrook Resort Zone. I am aware that initial submissions by the parties I have prepared evidence on behalf of were lodged on Stage 1 and deferred. Subsequently the Wakatipu Basin Land Use Planning Study March 2017 (WB LUPS) has been undertaken and zoning changes notified under Stage 2. This resulted in rezoning of the submitters sites within the Wakatipu Basin Rural Amenity Zone (WB RAZ).
17. The submitters' land is legally described as:
  - (a) Submitter 2444 (Boundary Trust) – Lot 1 DP 27846 (29 Butel Road)
  - (b) Submitter 2512 (Spruce Grove Trust) – Part Lot 2 and Lot 3 DP 19667 (459 Arrowtown – Lake Hayes Road)
  - (c) Submitter 2513 (Spruce Grove Trust) - Section 11 SO 447314 (1124 Malaghans Road)
18. For the purpose of this evidence, the submitters' land is bundled into two 'sites'. Refer Appendices 1 and 2 and Figures 1 and 2 below, which show the submitters' sites outlined in green.



**Figure 1. Arrowtown-Lake Hayes site**

19. The site bounded by Arrowtown-Lake Hayes, Butel and Orchard Hill roads is referred to as the Arrowtown-Lake Hayes site throughout my evidence. The Arrowtown-Lake Hayes site collectively totals 10.35 ha and comprises five properties, which are all in separate ownership. Each property contains a dwelling accessed from the surrounding local roads, except Orchard Hill which is a private road within Millbrook. The submission relates to the entirety of the land outlined in Figure 1 above.



**Figure 2. Malaghans Road site**

20. The site fronting onto Malaghans Road is referred as the Malaghans Road site. Refer Figure 2 above. It is a single parcel of land totalling 9.1 ha. There

are no dwellings currently located on the site however an unrealised subdivision and land use consent permits four dwellings on separate lots and a further four lots held in common for access, utilities and open space purposes. The site is currently utilised as grazing.

21. Both submitters state that the land is not differentiated by topography or any other characteristic from the surrounding MRZ land to warrant a difference in zoning. To give effect to the MRZ the submitters are seeking the following amendments to Chapter 43:
- (a) Rezoning of their land to MRZ.
  - (b) The addition of further Residential Activity Areas R20 (Malaghans Road site) and R21 (Arrowtown-Lake Hayes Road site) within the MRZ Structure Plan in 43.7 and that R20 a - e and R21 a - b are included within Rule **43.4.11(a)** relating to Buildings being a restricted discretionary activity.
  - (c) That two new Activity Areas - R20 a - e and R21 a - b be included within Rule **43.5.2(c)** which will require a 7 m minimum setback for buildings from the Residential Activity Area boundary.
  - (d) The inclusion of the R20 a - e and R21 a - b within Rule **43.5.3** relating to Building Colours and Materials in Residential Activity Areas.
  - (e) An amendment to Rule **43.5.4** that in the R20 a - e and R21 a - b Activity Areas the average density shall be no more than 1 residential unit per 500 m<sup>2</sup>.
  - (f) The exclusion of the R20 and R21 Activity Areas from the overall site coverage for the MRZ in Rule **43.5.11**.
  - (g) The addition of a new Rule **43.5.14** with a Restricted Discretionary activity status requiring the Maximum Site Coverage for R20 a - e and R21 a - b shall not exceed 50% of each lot.
  - (h) The addition of a new Rule **43.5.15** with a Discretionary activity status to ensure that no part of any building within the R21a Activity Area is visible from Malaghans Road.

## LANDSCAPE ISSUES

### The Wakatipu Basin Land Use Planning Study (WB LUPS)

22. The PDP Stage 2 Wakatipu Basin zoning is based on the WB LUPS, which identifies landscape character units that are used to provide a spatial framework for considering a wide range of environmental, land use and development issues. Refer Appendix 3.
23. Landscape character is defined as the result of the action and interaction of natural and / or human factors. Natural factors include the influences of geology, soils, climate, flora and fauna. Human / cultural factors include the historical and current land-use, settlement, enclosure and other human interventions. Character is not just about the physical elements and features that make up a landscape, but also embraces the aesthetic, perceptual and experiential aspects of the landscape that make different places distinctive<sup>2</sup>. The way they interact together and are (commonly) perceived determines its character, albeit at a particular moment in time.
24. According to the WB LUPS the fundamental drivers of the landscape character of the Wakatipu Basin relate to landform and hydrological patterning. Noting the broad brush approach, the delineation of the landscape character units sought to use geomorphological boundaries (ridgelines, streams etc.) as first preference wherever practicable<sup>3</sup>. Where applicable ONL and ONFs also form the boundary of landscape units.
25. Following landform and indigenous vegetation, alternative methods are referred to and of these, the Special Zone boundaries were relied on because typically the Structure Plans included a landscape buffer between development within the Special Zones and the surrounding landscape. However, I question the effectiveness of the current landscape buffer adjoining the submitters' sites where it is established by a planted boundary and rules that require a 7 m building setback from the Residential Activity Area boundary. In effect, Activity Areas R1 and R5 coincide with the Zone

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<sup>2</sup> Guidelines for Landscape and Visual Impact Assessment, 3<sup>rd</sup> edition, Landscape Institute and Institute of Environmental Management and Assessment.

<sup>3</sup> WB Land Use Planning Study, Appendix G, Boundary Delineation of Landscape Character Units, 1.21

boundary so the landscape buffer is included within individual lots and therefore not particularly defensible.

26. Elsewhere local roads were relied on to delineate the boundary of landscape character units, noting that each method is progressively less robust with respect to containing development. The use of roads as LCU boundaries generally lacks consistency with the underlying landform and consequently is a less defensible boundary to development creep. However, in locations where roads are aligned along contours and / or coincide with a change in landform (topography) they can provide a defensible boundary.
27. The least defensible boundaries are those aligned with cadastral boundaries because they tend to be arbitrary where they are unrelated to topographical / geological features.
28. In accordance with the QLDC brief, the WB LUPS sought to identify the environmental characteristics and amenity values to be maintained and enhanced, and identify those areas able to absorb development without adversely affecting landscape and amenity values. The study was to determine whether there is capacity for further development in the Wakatipu Basin and if so, where it should be located and what form it should take.
29. The capacity of each LCU to absorb visual change was determined by an assessment against criteria including (amongst other things) proximity to key scenic routes, walkways and cycleways, visibility and prominence, views, enclosure/openness, complexity, coherence, naturalness and sense of place.
30. On this basis, the WB LUPS recommended zone boundaries by aligning zones with the clearly legible defensible boundaries of the LCU (where practicable) to limit and minimise the potential for development creep.
31. The MRZ boundaries coincide with the LCU along the Arrowtown-Lake Hayes Road to the east except where the zone boundary forms a square notch to exclude the Arrowtown-Lake Hayes Road submitters' site and Malaghans Road to the north where the zone boundary forms a triangular notch around the Malaghans Road submitters' site. The west and south boundaries correspond with the Millbrook Country Club Ltd (MCC) cadastral boundary.

32. The PDP clearly excludes the submitters' sites from the MRZ following cadastral boundaries around the submitters' sites. It indicates through the proposed WB RAZ zoning that the landscape cannot absorb any further subdivision or dwellings. In other words it is at capacity. I disagree.

**Landscape Character Units and Compatibility with Stage 2 PDP zoning - WB RAZ.**

33. The submitters' sites at Arrowtown-Lake Hayes Road and Malaghans Road, and the MRZ all lie within the Millbrook Landscape Character Unit (LCU). Each of the submitters' sites are surrounded on three boundaries by the Millbrook Resort Zone but are zoned WB RAZ. Refer Appendix 4.
34. The submitters sites are effectively two small blocks of land which appear as notches in the zone boundary and are often referred to as the 'missing teeth' to the Millbrook Resort Zone. Despite falling within the same landscape character unit the landscape outcome anticipated for the submitters' sites and the MRZ is completely different.
35. Put simply, at issue is the disconnect / incompatibility between the WB LUPS Landscape Character Unit identification and the proposed WB RAZ and MRZ boundaries and the subsequent outcomes anticipated by the DP. Refer Appendix 5 showing the Millbrook Structure Plan<sup>4</sup>.
36. The MRZ development adjoining the Arrowtown-Lake Hayes Road site consists of a number of activity areas including R1 allotments ranging just over 1,000 m<sup>2</sup>, R2 allotments below 200 m<sup>2</sup> and R3 allotments roughly around 800 m<sup>2</sup>.
37. Comparatively, under the WB RAZ a very low density of dwellings is anticipated with 1 dwelling per 80 hectares accepting that 1 dwelling is permitted per site as a RD activity. The Arrowtown-Lake Hayes site is comprised of lots that range between 4.42 – 0.7 ha each containing a dwelling. No further development is permitted under the WB RAZ zoning.
38. The MRZ development adjoining the Malaghans Road site consists of R5 allotments at approximately 800 m<sup>2</sup> along Malaghans Ridge to the east. Other development within Millbrook in proximity to the Malaghans Road site

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<sup>4</sup> Chapter 43, Structure Plans, Appendix 43.7

comprises R4 allotments up to 900 m<sup>2</sup> and R6 allotments around 1200 m<sup>2</sup> to the south.

39. The Malaghans Road site has an unrealised consent for four dwellings on separate lots (2548m<sup>2</sup>, 2258m<sup>2</sup>, 3047m<sup>2</sup> and 2980m<sup>2</sup>) and a further four lots held in common for access, utilities and open space purposes.
40. So although the submitters' sites and MRZ all lie within the same LCU the anticipated outcomes are widely different and lack any logic underpinned by landscape character and / or values.
41. In order to ascertain the validity of the WB LUPS conclusion that the landscape has reached its development capacity and subsequent zoning I have assessed the submitters' sites against the same criteria used by the WB LUPS.

### **Assessment of Submitters Sites**

#### ***Landform, Hydrology and Vegetation***

42. The LCU overlay is shown on an aerial and contour map attached to my evidence as Appendix 3. This map shows that the landform and in some instance the land cover and land use obviously continues beyond the LCU over the adjoining properties. As a consequence the LCU boundary appears arbitrary and lacks a defensible rationale.
43. The MRZ also follows somewhat arbitrary boundaries relating to property titles and land use rather than landscape character. I am not disputing that Millbrook displays a distinctive 'golf course – parkland' character but it is a character derived from land use, settlement pattern and a consistent architectural and landscape style rather than inherent landscape values.
44. The MRZ boundaries relate to title ownership and rely on land management to generate the Millbrook character. This means that in relation to internal boundaries the MRZ largely depends on landscape buffers to limit development creep.
45. This is particularly apparent where the R5 development along Malaghans Ridge adjoins the eastern side of Malaghans Road site. In my opinion the existing MRZ development pattern is such that it easily lends itself to extend in a similar fashion across the submitters sites, and furthermore would be

consistent with the continuous underlying landform character that occurs across the MRZ boundary into the adjoining sites.

46. I consider the bias / reliance on and weighting given to land ownership, use and landscape buffers as a method to determine zoning is particularly problematic when it is inconsistent with an obvious landscape feature that continues beyond the cadastral boundary. If the zone boundary was to continue to the nearest road this would result in a more defensible zone boundary.

### ***Key Scenic Routes***

47. The proximity of a unit to a key scenic vehicular route was considered an important factor in determining an areas development capability (from a landscape perspective).<sup>5</sup> Arrowtown-Lake Hayes and Malaghans roads are both identified as important scenic routes. Notwithstanding the fact that the roads are promulgated as 70 and 100 km / hour speed zones respectively and that from the road, views into Millbrook and the sites are no more than fleeting glimpses.
48. Arrowtown-Lake Hayes Road is for the most part a treed corridor traversing rolling topography with a relatively enclosed focussed north-south view-shaft. Nevertheless, in places dramatic vistas across Lake Hayes to the Remarkables are obtained. From other sections of the Arrowtown-Lake Hayes Road open pastoral views across the Speargrass Flat terrace are observed.
49. North of the Speargrass Flat terrace partial glimpses of the golf course setting and high density Millbrook development (R2 and R3 Activity Areas) are obtained at intervals through gaps in the roadside trees. The submitters' site appears similar in character to the adjoining MRZ. Where views are obtained through gaps in roadside trees an open pastoral foreground and glimpse of built structures can be seen. Views of rolling topography and clusters of amenity trees surrounding existing dwellings on the submitters' site are part of the outlook from Arrowtown-Lake Hayes Road.

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<sup>5</sup> WB LUPS Appendix J Page 5, Para 1.43

50. North of Butel Road a pastoral foreground and widely spaced trees afford views across Malaghans Valley to the mountainous backdrop behind Arrowtown.
51. Malaghans Road offers a pleasing rhythm of open and enclosed views as it traverses east-west along a pastoral valley floor interspersed with hedgerows, shelterbelts and rolling glacial landforms with distant views to the dramatic high peaks of the surrounding mountain ranges. In places Malaghans Road follows the transition in landform where the rising slopes of the Harris Mountain range (Coronet Peak and Brow Beak) adjoin the road to the north. In other places the road crosses the middle of the valley floor and / or follows the base of the glacial roche moutonee (Wharehuanui Hills) that encloses the southern side of the Malaghans Road valley floor.
52. According to the WB LUPS, Malaghans Road functions as an important 'breathing space' between urban areas. I agree.
53. The submitters' site is identified by the abrupt steep slopes of an isolated roche moutonee located on the southern side of the road beyond a pastoral frontage. It is clearly an important and memorable natural feature along Malaghans Road and part of the rural outlook with naturalised vegetation surrounding its base. The WB LUPS and other landscape studies identify this landform as an outstanding natural feature (ONF) although it is not acknowledged as such on the PDP planning map.
54. A major part of the MRZ boundary extends to the road boundaries along the same scenic routes. Furthermore the built development and golf course setting of Millbrook demonstrably contributes to the scenic outlook from these same roads. Given this, it is my opinion the location of the submitters' sites adjacent a key scenic route is not a justification to exclude these sites from the MRZ.

### ***Visibility and Prominence***

55. The Visibility / Prominence criterion identifies those parts of the Basins landscape that are of particular importance in shaping the visual character of the Basin as a whole. Views to ONL and ONF are critical to the visual amenity enjoyed in all the units. The WB LUPS recommends provisions to ensure the effects on views from public roads to the surrounding mountain context are given careful consideration.

56. The Arrowtown-Lake Hayes site is not highly visible or prominent – at least not in a way that is differentiated from Millbrook.
57. The Malaghans site clearly fits the above criteria because the roche moutonee is a recognisable feature that adds to the visual character of Malaghans Road. However, this glacial landform is a localised site feature that may be easily protected under a discretionary regime or rezoning.
58. It is my observation that the roche moutonee previously extended further to the east within the MRZ but has been altered to allow for the development of Malaghans Ridge (Activity Area 5) over the south facing slopes. This indicates that development over the same landform may similarly occur without adverse visual effects.
59. Methods such as landscape protection areas are employed by the MRZ to achieve maintain important visual character and access to views from Arrowtown-Lake Hayes Road and Malaghans Road and I anticipate the same to occur for the submitters' sites. In general, much of the balance of the submitters' sites are discrete and hidden from roadside views. Furthermore, the Activity Areas will be well setback from adjoining roads and retention of the natural topography and existing mature trees where practicable will ensure built development remains discrete.
60. I consider that both submitters' sites are well positioned in terms of visibility and prominence to meet provisions requiring maintenance of views in the event further development is enabled under rezoning to the MRZ.

### **Views**

61. Key views are identified from the Mt Betham environs and zig-zag lookout. Presumably this relates to the views from Feeley's Hill reserve walkway, which are of scenic importance and offer a panoramic view over Millbrook and its immediate surrounds. Tobins Track also offers an elevated, although distant view of the same.
62. Views from Feeleys Hill clearly show the Arrowtown-Lake Hayes Road site and the south-facing slopes of the roche moutonee within the Malaghans Road site. Under the MRZ the submitters' sites would read as an extension to the high density development within Millbrook. The identification of Activity Areas and the proposed provisions provide assurance that the

dominance of a landscape setting including areas of green open space consistent with the Millbrook character can be readily achieved.

### ***Enclosure / openness and complexity***

63. Sites that display a degree of enclosure and complexity are generally less sensitive to visual change. Both of the submitters' sites enjoy a high level of enclosure and complexity derived from the localised rolling topography associated with a glacial landform and the existing vegetation patterns. Development on the submitters' sites under the MRZ provisions would be consistent with the adjoining Millbrook landscape character particularly in terms of the ability to exploit the existing topography and the retention of mature vegetation.
64. I note that a restricted discretionary activity status will apply to the proposed built development on the submitters' sites within the MRZ, with Council's discretion restricted to the effects on building appearance, associated landscaping controls and the effects on visual and landscape amenity values of the area including coherence with surrounding buildings. This will encourage development to make use of the existing land form and vegetation.

### ***Coherence***

65. A strong sense of coherence is associated with Millbrook and contributes to an aesthetically pleasing outlook and strong visual character. The perception of coherence is provided by the highly modified golf course setting, planting and consistent architectural style. Obviously this is driven by the MRZ provisions and Millbrook Design Guidelines.
66. The same level of coherence can be readily achieved by development of the submitters' sites under the proposed provisions, where the Council has discretion as to the design and appearance of future buildings, including coherence with the surrounding buildings.
67. Rule 43.4.11 also recognises that the planting and landscape are key elements contributing to the Millbrook character and overall coherence. Therefore buildings on individual lots within the proposed Activity Areas will be subject to Council's discretion with respect to associated landscape controls. Although not part of the submission the Millbrook Guidelines offers some useful information as to the expected outcome with regard to

landscape and planting. I consider the proposed amendments will ensure the rezoning of the submitters sites will result in a coherent outcome that is also consistent with the Millbrook character.

### ***Naturalness***

68. Naturalness at the pristine end of the spectrum is not a significant factor attributed to the MRZ, which conveys a highly modified and contrived, park-like landscape setting for enclaves of residential development. Nevertheless natural elements dominate so in that sense it is an important factor contributing to MRZ character.
69. The Arrowtown-Lake Hayes site has a moderate level of naturalness associated with an agricultural land use. There are however obvious signs of domestication associated with clusters of exotic amenity trees, rural structures, houses, driveways and letterboxes.
70. The Malaghans Road site has a moderate to high level of naturalness largely contributed by the natural landform identified as an isolated roche moutonee. The balance of the site has a moderate naturalness associated with a pastoral land use although naturalness will inevitably be reduced by the consented development within this area. The Millbrook zone provisions will ensure that the roche moutonee feature and the pastoral open space foreground along Malaghans Road will remain intact and be protected from further development.
71. The rezoning of the submitters' sites and introduction of further buildings will reduce naturalness but the low built density will ensure that overall natural features will dominate.

### ***Identity or Sense of Place***

72. In terms of fitting the identity or sense of place of the MRZ, I consider that the Arrowtown-Lake Hayes site expresses a rural parkland character rather than a working rural character. The parkland character is conveyed by the clusters of exotic trees and comparatively small areas of lush pasture bounded by amenity planting. Five dwellings and a number of accessory buildings are located within this setting. I consider that the existing parkland character and close proximity of Millbrook's built development indicates that the submitters' site can be easily absorbed into the adjoining residential enclaves and add to the golf course setting.

73. The Malaghans Road site conveys a working rural character on the northern side of the roche moutonee but south of this feature the context is obviously and inescapably dominated by an outlook to the golf course and close proximity of built development within Millbrook. I consider the submitters' site development potential of the south slopes to be greater than that consented and that further development may be readily absorbed into the adjoining Millbrook residential enclaves and golf course setting.

#### ***Visual Absorption Capability Conclusion***

74. My assessment concludes that the submitters' sites both have a high capability to absorb landscape and visual change associated with additional built development, provided that activity areas covering the subject land are incorporated within the MRZ structure plan and the amended provisions are met.
75. My conclusion regarding the visual absorption capability differs from the WB LUPS largely due to a more detailed site scale assessment against the criteria rather than the broad brush approach undertaken by the study. I consider that my conclusion is consistent with the WB LUPS rationale and more particularly is consistent with the study's Appendix J findings - that hummocky moraine landforms tend to be the most suited to absorbing development.

#### ***Proposed Millbrook Resort Zone Provisions***

76. The submitters' propose additional activity areas be incorporated into the MRZ Structure Plan and provisions amended and inserted as listed above. These include new Residential Activity Areas (R20 and R21), and a Golf Course and Open Space (G) Activity Area. Insertion of rules relating to Buildings as a restricted discretionary activity and a requirement for a 7 m minimum setback for buildings within the Residential Activity Area boundary are proposed. Further rule amendments are included for Building Colours and Materials, and a new rule proposed to limit the visibility of buildings from Malaghans Road. I consider these to be broadly appropriate measures for the rezoning of the submitters sites, subject to some further refinement.
77. The question of density and consistency with the Millbrook character is however another matter. Both submitters requested changes to the MRZ provisions to allow an average density of 1 residential unit per 500 m<sup>2</sup> (Rule

43.5.4) and the insertion of a new Rule 43.5.14 that requires the maximum building coverage shall not exceed 50% of each lot as a Restricted Discretionary activity.

78. The use of density as a planning tool is acknowledged as a blunt instrument that will not necessarily result in an appropriate outcome particularly in relation to landscape and visual amenity. In order to determine what level of density will result in a Millbrook character on the submitters' sites I prepared indicative Structure Plan layouts based on a comprehensive development approach across each site. Given the multiple ownership of the Arrowtown-Lake Hayes site the layout provides landowners with the flexibility and ability to develop their own properties independently of each other. These indicative Structure Plans are appended to my evidence as Appendices 6 - 7. The Structure Plans demonstrate that as a rough guide the overall maximum % of the site covered by the Activity Areas to ensure a Millbrook character would be in the region of 30 - 35% but how the density achieved is as, if not more, important. For that reason a Structure Plan identifying activity areas and accompanied by provisions is considered to be a better way to ensure that the intended outcome will result.
79. As a result of my investigations the Activity Areas have been refined on Structure Plans 6 and 7 and are proposed to be incorporated within the MRZ – Structure Plan 43.7 and the MRZ provisions proposed to be amended according to Appendix 2 of Ms Leith's evidence.
80. I consider that if the above amended provisions are included within the MRZ provisions then the rezoning of the submitters sites will achieve an outcome that is consistent with the Millbrook character and will maintain the landscape values associated with the LCU and Millbrook zone.

## **RESPONSE TO SUBMISSIONS**

81. The Millbrook Country Club Ltd (MCC) seek that the inclusion of the submitters land into the MRZ be rejected.
82. MCC object to the inclusion of the submitters' sites and list reasons for their objection including the integration and compatibility of development with the Millbrook brand, operational issue and consistency with MRZ policies.

83. I find that the reasons listed by MCC are unfounded on a landscape basis for the reasons I have discussed above in my evidence. I consider they are not consistent with enabling the landscape character and visual amenity values of the LCU. I am satisfied that the proposed changes to the MRZ provisions will enable the integration of the submitters sites into the zone in a way that upholds the urban parkland character identified for the zone.
84. I also note that because these sites are located on the periphery of the MRZ it is unlikely they will require a high level of integration into the existing golf resort facilities and operational controls.

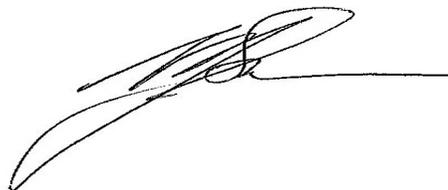
## **S42A REPORT**

85. I have read the S42a report and it is evident the proposed rezoning of the submitters' sites is supported in principle by the planning and landscape evidence. However, rightfully the planning evidence raises concern regarding the potential density of development on the sites that will result from the proposed provisions. I consider I have addressed these concerns above in my paragraphs 78 – 81 above.

## **CONCLUSION**

86. My evidence has examined the WB LUPS reasons underpinning the LCU boundaries and the subsequent zoning proposed by Stage 2 PDP. At issue is the lack of rationale and consistency between the LCU and MRZ boundaries in relation to the submitters' sites and the conclusion of the WB LUPS and subsequent WB RAZ zoning that there is no capacity for further development within the submitters' sites.
87. The justification for the zone boundaries appears to relate to property ownership and the fulfilment of conditions rather than the underlying LCU, although in my opinion even the LCU boundaries are somewhat arbitrary and lack a robust defence where they coincide with the cadastral boundaries. It is my view that rezoning of the submitters properties would result in a more defensible boundary to the MRZ.
88. My visual absorption capability assessment also concludes that the Millbrook LCU is able to absorb more development without adverse landscape and amenity effects on the surrounding Wakatipu Basin including the outlook to the surrounding ONL's and ONF's.

89. The environmental characteristics and amenity values to be maintained and enhanced for the MRZ are outlined in the WB LUPS as an attractive urban parkland character and landscape coherence<sup>6</sup>.
90. The MRZ relies on a parkland setting derived from the existing landform, a comprehensive design layout and management standards (i.e. land cover and quality) and the application of design guidelines to result in the Millbrook character. The landform similarity, underlying land cover, proximity to a more readily defensible boundary (surrounding roads), the MRZ context and wider Wakatipu Basin context indicate that the submitters' sites can achieve a consistent outcome and reflect the landscape values associated with Millbrook under the amended zone provisions recommended by my evidence.
91. Finally, the proposed re-zoning will not be contrary to what people might expect to occur within the immediate environs of Millbrook and the wider LCU unit.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

13 June 2018

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<sup>6</sup> WB Land Use Planning Study - Final Report. March 2017, Page 32

## **ANNEXURE A – REFER A3 GRAPHIC APPENDIX**

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Appendix 1	Arrowtown-Lake Hayes Site Aerial
Appendix 2	Malaghans Road Site Aerial
Appendix 3	23 Millbrook Landscape Character Unit
Appendix 4	Chapter 43 Millbrook Structure Plans 43.7
Appendix 5	Millbrook Proposed Structure Plan – Aerial overlay
Appendix 6	Arrowtown-Lake Hayes Site Indicative Structure Plan
Appendix 7	Malaghans Road Site Indicative Structure Plan

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**Graphic Appendix to Evidence of**

**Nicola Jane Smetham**

**for**

**Boundary Trust & Spruce Grove Trust**

**(Submitters 2512, 2513 & 2444)**

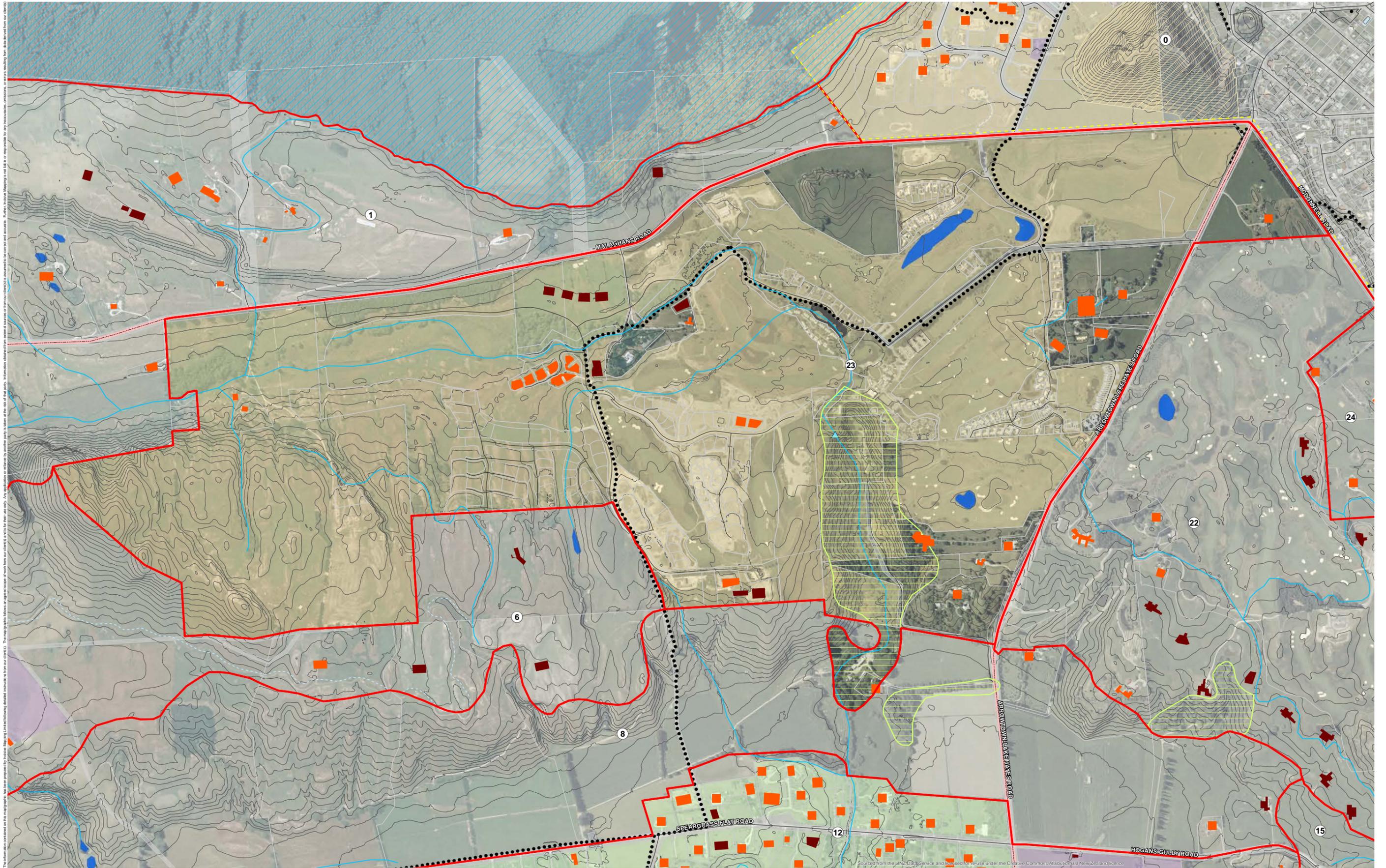




Malaghans Road

Malaghans Ridge

Streamside Lane



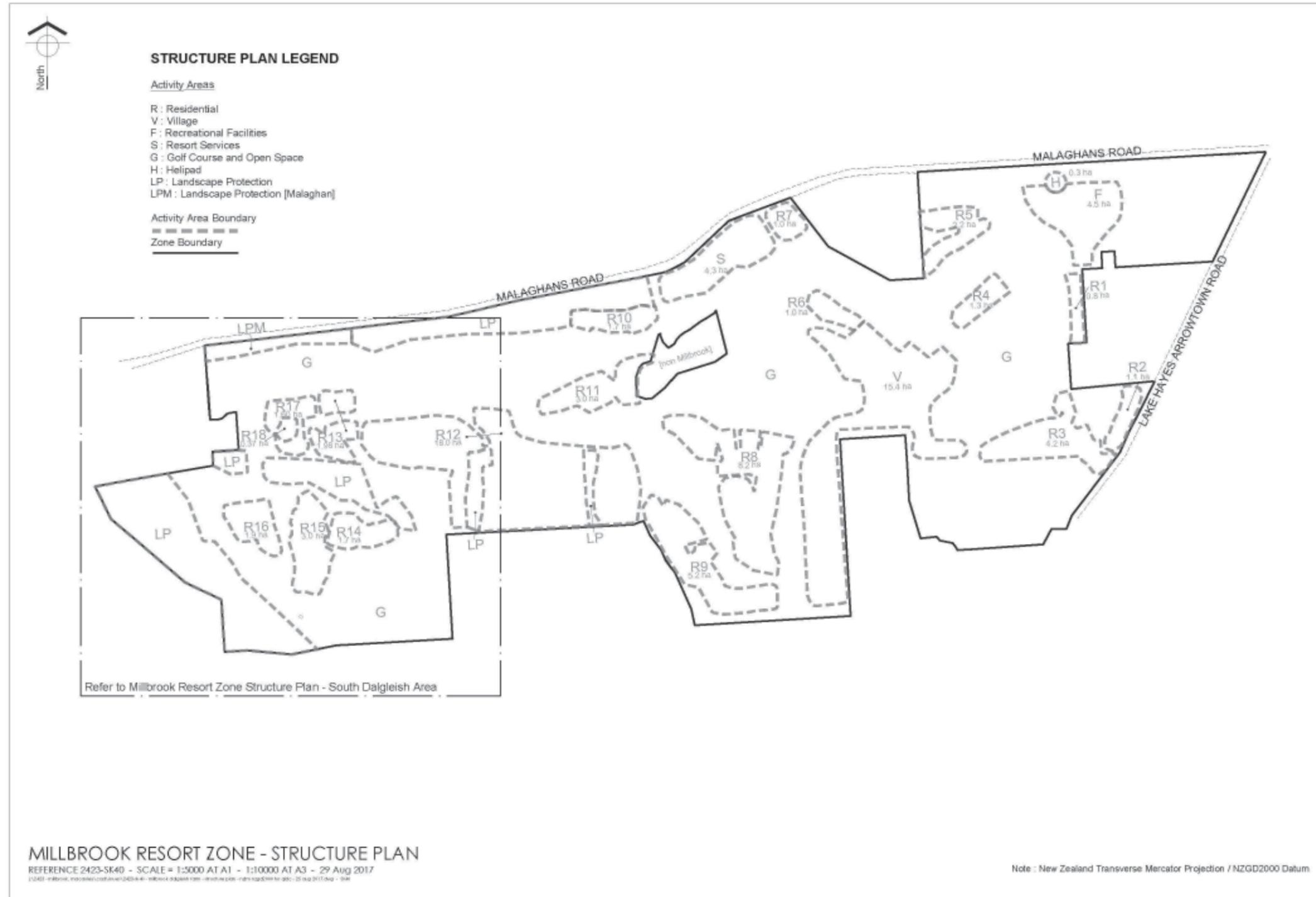
The information contained on this map/graphic has been prepared by Incisive Mapping Limited (showing detailed information from our clients). This map/graphic shows an aerial photograph of the area. Incisive Mapping is not liable or responsible for any inaccuracies, omissions, or errors resulting from data derived from our clients.

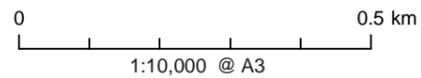
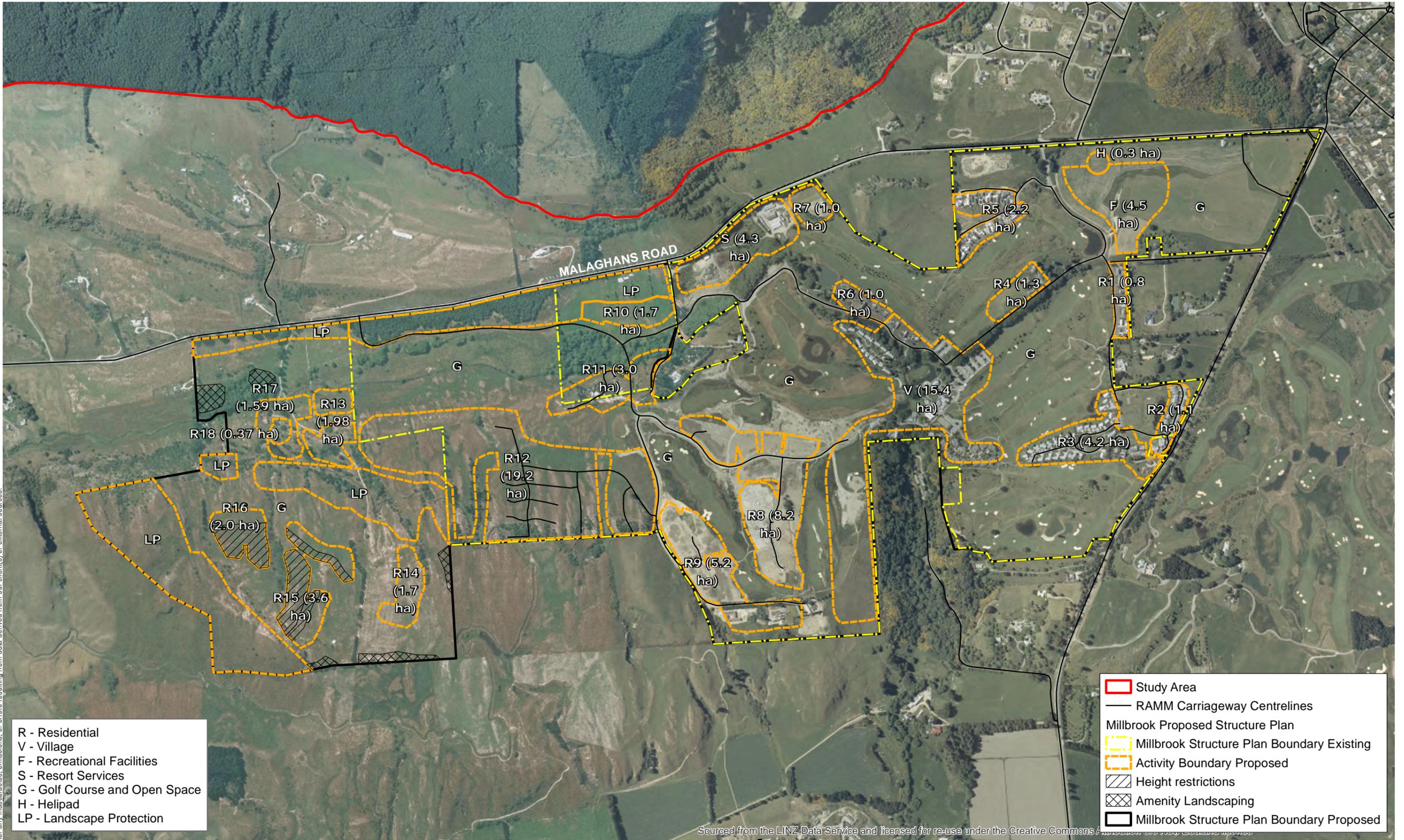
**INCISIVE MAPPING**  
 Author: Matt Daniels (matt.daniels@incisivemapping.co.nz) | Reviewed: Bridget Gilbert  
 Date Sources: LINZ/Eagle (Aerial), LINZ (NZTopo Database, Crown Copyright Reserved),  
 Landscape Research (Landscape Research, Queenstown Lakes District Council (Buildings, Streets, Landscape  
 Units, Zones, OVL/ONF, Contours, Recreation, Lots, Roads), Bridget Gilbert, Incisive Mapping  
 File Ref: 2016-13\_Wakatipu\_Basin\_Landscape\_Character\_Units\_2016\_Map\_Series\_A1\_RevB.mxd



- |                                  |                                 |                   |   |                       |                               |
|----------------------------------|---------------------------------|-------------------|---|-----------------------|-------------------------------|
| Landscape Character Units (2016) | Council Walkways and MTB Trails | Lot Boundaries    | Approved SHAs                           | Urban Growth Boundary | Lake / Pond                   |
| Contours (5m)                    | Other Walkways and MTB Trails   | Special Zones     | Approved SHAs & Resource Consent Issued | Waterfall             | Swamp                         |
| RAMP Carriageway Centrelines     | DOC Walkways                    | Rural Lifestyle   | Rural Building Status                   | Water Race            | Indigenous Forest             |
| Rural Scenic Roads               | Consented Platforms             | Rural Residential | Existing Dwellings                      | River                 | Outstanding Natural Feature   |
|                                  |                                 | Road Zones        |   | River (Wide Channel)  | Outstanding Natural Landscape |

Wakatipu Basin Landscape Study  
 Landscape Character Unit (2016)  
 23 Millbrook  
 Date: 16 December 2016







**LEGEND**

- Property Boundaries
- Activity Areas
- Boundary Setback
- Landscape Contour
- Existing Trees
- G** Golf Course & Open Space Activity Area

**Development Yield**

Total Site Area	10.64ha
Activity Area Total	4.78ha
Open Space Area	5.86ha
Percent of site covered by Activity Area= 45%	



**LEGEND**

- Property Boundary
- Activity Areas
- 75 metre Setback
- Contour Boundary
- Existing Contour
- Possible Planting

**Development Yield**

Total Site Area	9.20ha
Activity Area Total	4.73ha
Open Space Area	4.47ha

Percent of site covered by Activity Area= 51.5%