

**BEFORE HEARING COMMISSIONERS
IN QUEENSTOWN**

UNDER THE Resource Management Act 1991 (“**Act**”)
IN THE MATTER OF a variation to the Proposed District Plan: Priority
Area Landscape Schedules

BETWEEN **CARDRONA CATTLE COMPANY LIMITED**
Submitter

AND **QUEENSTOWN LAKES DISTRICT COUNCIL**
Planning authority

STATEMENT OF EVIDENCE OF PAUL SMITH

*Before a Hearing Panel: Chairperson Jane Taylor (Chair),
Peter Kensington and Councillor Quentin Smith*

INTRODUCTION

Background, Qualifications and Experience

1. My full name is Paul Andrew Smith. I am a Senior Landscape Architect employed by Rough Milne Mitchell Landscape Architects (**RMM**), which is a Christchurch-based landscape architect consultancy that was established in 2010.
2. I hold a Bachelor of Landscape Architecture (Hons) degree from Lincoln University and am a Registered Member of the New Zealand Institute of Landscape Architects Inc.
3. I have been practising as a landscape architect, primarily in the field of landscape planning, since 2012. I was employed by Vivian and Espie Limited, a specialist resource management and landscape planning consultancy based in Queenstown from 2012 – 2017 and then by Beca Limited, as a landscape architect, specialising as a landscape planner from 2017-2019. Since 2019, I have been employed by RMM in the same role.

4. The majority of my work involves advising clients regarding the protection of landscapes and amenity that the Resource Management Act 1991 (**RMA**) and District Plans require. I also produce Landscape and Visual Amenity Effects Assessment reports for Resource Consent Application, Plan Changes and Submissions on District Plan Reviews, and provide evidence for local Council Hearings and Environment Court Hearings.
5. Whilst working for Vivian and Espie and RMM I have worked on projects individually and part of a broader team on and within the general vicinity of the Victoria Flats, projects associated with the Queenstown Lakes District's Proposed District Plan (**PDP**), submissions on other Proposed District Plan's, and plan changes, with the following projects being of most relevance:
 - (a) General Industrial Zoning on Victoria Flats, via Stage 3b of the Proposed District Plan Review.
 - (b) Storage Facility on Victoria Flats (RM220327).
 - (c) QLDC Topic 30 – Landscape Character Unit 11 Description.
 - (d) 37 Bluff Lane, Gibbston Valley (RM160217).
6. I am familiar with the Victoria Flats area as I resided in Queenstown and travelled through this area for recreation and work purposes between 2012 and 2017 and continue to holiday and work on projects in this area.

Expert Witness Code of Conduct

7. I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's 2023 Practice Note. While this is not an Environment Court hearing, I have read and agree to comply with that 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.

Purpose and Scope of Evidence

8. My evidence addresses the extent and the description of what is called the Victoria Flat's Priority Area ONL Schedule (**VF-PA**).

9. It is my opinion that the outwash terrace, including the majority of the Submitter's land is not located within an ONL and therefore having an 'ONL priority area' over it is nonsensical. There are parts of the land and wider PA that is within an ONL and I will comment on that further in my evidence.
10. Fundamentally, I consider that the extent of the VF-PA should be re-examined from a substantive perspective because the Amended VF-PA Description outlines that the outwash terrace, comprising approximately one-third of the VF-PA has been substantially modified to the point that the landscape attributes and values are of a low-moderate degree.
11. I further understand that planning evidence will be presented on behalf of the Submitter surrounding the issues with this land being included in the PA.
12. I will leave the question of scope to a legal and / or planning perspective.
13. My evidence is accompanied by a Graphic Attachment (**GA**) which includes plans that assists with my analysis and review of the extent and description of the VF-PA.

Methodology

14. The methodology and terminology used in my evidence has been informed by the Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines¹.
15. In preparing this Brief of Evidence I have read:
 - (a) PDP Chapters 3, 6, 21, and 23,
 - (b) The S32 Report and the Methodology Statement and its Appendices included in Appendix C.
 - (c) The notified version of the VF-PA Description,
 - (d) Ms Ruth Evans S42A Report.
 - (e) Ms Bridget Gilbert's Evidence in Chief.

¹ 'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines'. Tuia Pita Ora New Zealand Institute of Landscape Architects, July 2022.

- (f) Mr Jeremy Head's Evidence in Chief.
 - (g) Mr Head's Appendix 1(f) - The amended 21.22.17 PA ONL Victoria Flats Schedule of Landscape Values.
 - (h) Parts of the Topic 2 – Environment Court Decision.
16. In the preparation of this evidence and prior to the Hearing I have undertaken a site visit to confirm my understanding of the site and its surrounding context. As mentioned, I am familiar with Victoria Flats and its surrounds as I have worked on numerous projects in the area and continue to be an infrequent road user of this stretch of State Highway 6 (**SH6**).

THE EXTENT OF THE VICTORIA FLATS OUTSTANDING NATURAL LANDSCAPE PRIORITY AREA

Mapping Process

17. Ms Gilbert's evidence, Paragraphs 3.4 – 3.9 describes how the process worked in identifying the extent of the PA's.
18. It is noteworthy, that the PA's were originally mapped as 'Development Pressure Areas' as to identify areas within broader ONF/L and RCL where development pressures are anticipated to occur during the life of the PDP. Therefore, the PA's and their accompanied Schedule of Landscape Values would assist with protecting² or maintaining³ the landscape values of these areas, by creating a 'starting point' when assessing future proposals within these areas.
19. For reference, I agree that it could be said that there are development pressures on the Victoria Flats.
20. However, Ms Gilbert's evidence does not clearly explain the process in how the Development Pressure Area Maps became maps identifying ONF/L and RCL areas. Nor does her evidence explain why during the earlier stages of identifying PA's, like the Victoria Flats could not be split into separate ONL and RCL areas; or why areas like Victoria Flats which are not an ONL under the PDP (because they are in an exclusion zone such as the Gibbston Character Zone) were still included at these earlier stages.

² Resource Management Act Section 6b

³ Resource Management Act Section 7c

21. I have been advised by the planner for the Submitter, Mr Brett Giddens, that there has been no section 32 assessment changing the valley floor of Victoria Flats to an ONL, or any technical assessment of its landscape values in the sense of it being changed from a landscape under the Gibbston Character Zone to an ONL.
22. These gaps in information are of importance because it is evident that the development pressures are primarily on the outwash terrace, as illustrated on **GA Sheet 5**, which as described below does not have landscape attributes or values that contribute to an ONL.

Analysis of the Outwash Terrace

23. Firstly, it is worthwhile outlining the size of the terrace within the overall PA and the extent of development that has or can occur at the start of my evidence. This is because it is the main reason why the outwash terrace should be excluded from the VF-PA, and why the description of landscape attributes and values should be updated.
24. Also, I understand that the PA exercise under this variation does not alter the underlying zone. This is important as the Council has taken the approach in this instance to place a PA over land zoned Gibbston Character, as opposed to Rural like it has done throughout most of the other PAs.
25. The outwash terrace, as illustrated on **GA Sheets 5** is approximately 226ha in area, which equates to 30%, or nearly one-third of the 775ha VF-PA. Due to this, I do not consider that the terrace should be described as small.⁴ Below is a more comprehensive break down of the amount of land that has or may be developed on the outwash terrace, which is illustrated on **GA Sheets 6**, noting that the missing / lack of information primarily relates to the GCZ and 13.d:
- (a) GCZ – 122ha. Current development includes:
- (i) RM110712 and RM171009 – Rock Supplies NZ to undertake quarrying activities and operate a concrete batching plant.

⁴ 21.22.17 PA ONL Victoria Flats: Schedule of Landscape Values. Paragraph 35.

- (ii) RM150413 – A consented dwelling within Lot 4, DP27395, immediately north of SH6 and west of the Rock Supplies property.
 - (iii) RM130583 – Two building platforms with Sec 3 SO 24743, immediately north of SH6 and west of the Lot 4, DP27395.
 - (iv) RM060342 - The remnant, but still consented four-wheel drive tracks. The consent authorised up to 50 quad bikes, 30 motor bikes, 10 jeeps, two off-road vehicles and five 4WD vehicles, along with a base building on the site.
 - (v) RM120375 – establishment of a residential building platform and the relocation of a residential dwelling on the Submitter's site.
 - (vi) RM210935 – landscaping bulk storage and supply operation on the Submitter's site.
 - (vii) RM220327 – was granted for the construction of buildings and operation of a storage facility, with associated water tanks, earthworks, access and parking, staff facilities, club room and manager's residence on the Submitter's site.
 - (viii) RM230475 – Controlled Activity Resource Consent Application (yet to be granted) for a wine making and storing facility, wine tasting room for visitors, including outdoor dining and tasting, toilet and bathroom facilities, kitchen and various dining/entertaining spaces. Also, for a farm building for the storage of equipment and vehicles for the wider use of the property.
- (b) In addition to the above, development within the GCZ is much more permissive than the 'Rural Zone'. For example, commercial recreation activities are permitted, visitor accommodation is anticipated, intensive agriculture that includes viticulture

underpins the purpose of the zone, and farm buildings and wineries up to 10m tall and 500m² in area are controlled activities.

- (c) QLDC Landfill Designation 76 is approximately 105ha in area. I agree that the landfill and buffer designation comprises a large 85ha part of the outwash terrace. However, the landfill itself is based over 33ha of land, with the buffer area be 52ha in area overlapping the Wakatipu Clay Target Club, Victoria Flats Road and the remnant four-wheel drive tracks. Also, from a mapping perspective, this designation borders both GCZ areas on the terrace, and appears to be the reason, or one of the reasons, why this area is not within the GCZ.
- (d) Commercial recreation facilities – 35ha. Including:
- (i) RM220401 - Oxbow Adventure Co: An adventure consulting company providing clay bird shooting, short track jet boat racing rides and off-road 4WD activities.
 - (ii) RM120089 - Wakatipu Clay Target Club: A gun club where the shooting of clay birds and other forms of target practice take place as authorised via.
- (e) The Queenstown Trail has also been approved (RM200735) within the Victoria Flats, including a bridge over the Kawarau River directly southeast of the landfill. Refer to **GA Sheet 6**.
- (f) The remaining flat land on the terrace includes a 17.7ha area located between SH6 and the Victoria Flats Road and the 6.5ha area between the landfill, Victoria Flats Road, and the storage facility. This land is used for low intensity grazing, includes some of the four-wheel drive tracks, a farm shed and firwood storage yard (consent unknown).
26. Regarding the above, only 24.2ha or 11% of the outwash terrace does not contain development, is yet to be developed via an approved resource consent or is not anticipated to change via the GCZ policy provisions. This is a small area of land, when considering approximately 202ha or 89% of the outwash terrace has been or is anticipated to change through approved resource consents or the GCZ policy provisions.

Landscape Values of the Outwash Terrace

27. The VF-PA has been separated into two sub-areas consisting of 1) the outwash terrace and 2) the Kawarau River gorge, and the surrounding mountains.
28. For reasons outlined below, if the Victoria Flats land zoned GVZ is not excluded for scope or jurisdictional reasons, and it is found that it is within an ONL, I consider that the two sub-areas should be separated into three sub-areas. However, more notably is that the Amended VF-PA description separates the outwash terrace description from the mountains and the Kawarau River gorge, and that the description of the physical, associative, and perceptual values of the outwash terrace are of a “**low-moderate degree**”.⁵ This description outlines that the terrace does not have a ‘high score’ which is repeated in other dimensions, nor does it have a single over-riding reason that contributes it to being an ONL.⁶
29. Additionally, the TTatM Guidelines paragraph 8.17 mentions that ‘Outstandingness’ should generally be obvious, especially once the reasons have been articulated, which in this case they are not.
30. Also, paragraph 8.11 mentions that whilst there is no arbitrary threshold of sufficient naturalness for an ONL, two Environment Court Decisions have suggested that a threshold may fall somewhere within the ‘moderate-high’ range on the seven-point scale. Again, in this case, all landscape values (physical, associative, and perceptual) are markedly lower than this.
31. The matter of this landscape being an ONL has previously been traversed in Commissioner Decisions and Environment Court Decision C180-99. Notably:
- (a) Environment Court Decision C180-99 states that “*The Kawarau Valley east of the Kawarau Bridge is not an Outstanding Natural Landscape. Viticulture may be turning it into a outstanding landscape (but not a natural one).*”⁷

⁵ Victoria Flats Priority Area, Summary of Landscape Values (d) – low-moderate physical, associative and perceptual values.

⁶ ‘Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines’. Tuia Pita Ora New Zealand Institute of Landscape Architects, July 2022. Paragraph 5.30.

⁷ Paragraph 107.

(b) Also, the Commissioner’s Decision for RM060059 concludes that *“It would be a major anomaly to classify land in the Gibbston Character Zone as being part of an Outstanding Natural Landscape because to do so would bring in to consideration diametrically different and to some extent conflicting considerations”*

32. Based on the above analysis and updated VF-PA description, I consider that the outwash terrace is large enough and is / is anticipated to be substantially modified that it does not display the landscape attributes and values that contribute it to forming part of an ONL. Therefore, I consider that it is inappropriate for the outwash terrace to be an RMA s6b landscape that would require its low-moderate degree of landscape values to be protected.

Methodology

33. Topic 2 – Environment Court Decision confirmed the extent of the PA’s. As such, Ms Gilbert, Mr Head and Ms Evans have considered that any changes to these areas to be out of scope and that this part of the process is limited to the description of the PA’s, as outlined in the background description in the methodology.⁸

34. My concern is that there has been no process to identify much of the PA as an ONL.

35. From experience, the mapping, description and justification of a landscape being identified as an ONL is an iterative process which occurs simultaneously, rather than step by step. Therefore, I find this strongly worded limitation does not align with the process of identifying ONL’s as outlined in the TTatM Guidelines⁹. This is because it does not provide scope for when the description / justification of a PA (which came second) demonstrates that a meaningful portion of a PA does not have landscape attributes and values that contribute to the ONL. Which, as discussed above is the case for the outwash terrace within the VF-PA.

36. I understand that there are practical time pressures in preparing these schedules as they form part of the Proposed District Plan (**PDP**) (an

⁸ Methodology - Paragraph 1.6 and 1.7.

⁹ Paragraphs 8.15 – 8.26.

ongoing process that started in 2015), and that the Court does not want to relitigate the extent of every PA.

37. However, after a quick review, no other ONF/L PA description has approximately one-third of the overall PA containing a 'sub-area' that has been substantially modified to the point that its physical, associative, and perceptual values (not just one or two overarching values) are of a **low-moderate degree**. Therefore, I strongly consider that altering the mapping of the VF-PA would be the most appropriate outcome. Simply put, to have a schedule outlining ONL values for land that is not an ONL is fraught with issues.
38. Ms Gilbert in her paragraphs 5.6 – 5.9 addresses the submissions requesting areas to be excluded from PA's due to the level of modification that has occurred. In doing so, she uses the developed outwash terrace within the VF-PA as an example of a modified area that can form part of an ONL, whilst briefly mentioning the level of development that has and can take place.
39. I concur with Ms Gilbert that farming activities may not modify an ONL enough to warrant it not being an ONL. However, for the reasons outlined above, I consider that the outwash terrace is substantially modified more so than an agricultural landscape.
40. Also, I concur with Ms Gilbert that the examples used regarding aquaculture and Waiheke Island on why these large landscapes remain an ONL even though they contain some development or have had their land use substantially modified. This is because these landscapes have at least one over-riding reason that contributes them to being an ONL and regarding Waiheke Island, this landscape is relatively consistent and coherent and based on landform may be a single sub-area. For these reasons I consider that the examples are not relevant to the VF-PA and do not justify the outwash terrace forming part of the ONL.
41. Overall, I consider that the methodology¹⁰ should be updated to more appropriately align with the TTatM Guidelines, or at least a change in scope is provided to accommodate this unique situation.

¹⁰ Methodology - Paragraph 1.6 and 1.7.

DESCRIPTION OF THE VICTORIA FLATS PRIORITY AREA

42. As I understand it, the Hearings Panel may concur that the outwash terrace does not form part of the ONL, but may still concur with Ms Evans' S42A report, and that altering the extent of the VF-PA is out of scope. If this is the case and for the reasons outlined below, I consider that the VF-PA description should be updated.
43. When reviewing the landscape description of the VF-PA I found that it has not been as well formulated as it could be. Nor has the language used been consistent enough so a reader can easily understand the different 'sub-areas' within the PA, the way in which the landscape attributes and values differ between these 'sub-areas', and how this information informs the high-level capacity ratings.
44. For example, when describing the level of modification on the outwash terrace, Paragraph 29 uses the term "partial modification", whereas Paragraph 35 uses the term "substantially modified". I consider that these terms are nearing opposite ends of such a spectrum, which lacks consistency and can create confusion.
45. This landscape description, even though supposedly 'high-level' is very important as there are significant differences in the landscape attributes and values that stem from the outwash terrace, the Kawarau River Priority Area (**KR-PA**) and the surrounding mountains. Also, it will be very important to be clear on what landscape attributes and values require protecting under s6b of the RMA if the outwash terrace is included as part of the ONL.
46. Furthermore, even though these descriptions and landscape capacity ratings are at a high level, they will by default be the starting point for any assessment of landscape and visual effects for any future development. Therefore, it is imperative that they are accurate. Otherwise, they may effectively preclude any further development, when that is not the most appropriate outcome.

The Extent of the VF-PA Sub Areas

47. Firstly, I understand that the PA's and their descriptions were not to be divided into Landscape Character Units. However, in this instance the VF-

PA description recognises the differences between the mountains, river gorge and outwash terrace and has used 'sub-areas' to assist in describing the landscape attributes and values of these different areas. In principle, I agree with this approach, noting that the two current sub-areas highlight the boundary between the ONL and the part of the PA that is not an ONL.

48. The 'General Description of the Area' states that there are two sub-areas consisting of 1) the outwash terrace and 2) the Kowarau River gorge, all of the surrounding mountains and the knolls.
49. I disagree that the river gorge and all of the surrounding mountains and the knolls are a single sub-area. This is because:
 - (a) The outwash terrace physically separates the Kowarau River from Mt Mason's steep mountain slopes south and west of the terrace. Therefore, even though they are formed by the same glacial processes, these mountains are not perceived as being directly related to the Kowarau River gorge.
 - (b) The Kowarau River is contained within its own ONF PA and therefore has distinct landscape attributes and values that differ from the surrounding mountains and knolls, even within the VF-PA.
 - (c) The landscape description of the Kowarau River's attributes and values throughout the VF-PA are mostly separate from the mountains and knolls. Therefore, the current description is not consistent and highlights the above variances.
50. I recommend that the description of the sub-areas is divided into three areas consisting of the surrounding mountains and knolls, the Kowarau River gorge and the outwash terrace.
51. It is also recommended that where possible, under each heading the descriptions are ordered in this same way. This is because the summary of landscape values of the VF-PA primarily stem from the mountains, knolls and the river, rather than the outwash terrace, and therefore should be prioritised.

Physical Attributes and Values - Land Use Patterns and Features

52. The KR-PA Land Use Patterns and Features description is not included or referred to, which is inconsistent with the other descriptions. Importantly, #11a in the recommended version mentions the Gibbston Character Zone (**GCZ**) on the Victoria 'flats' and the GCZ's distinct character provided for by the zone framework. Also, #12 describes the vegetation on the river scarps and slopes which slightly differs from the mountains.
53. The general description of the Amended VF-PA now includes the GCZ, as the description has been updated from 'surrounds' to 'comprises'. The subsequent landscape attributes and values descriptions, overlooks a range of key aspects of the GCZ, namely the level of permitted development that may occur within this zone, including farm buildings and wineries up to 10m high and 500m² in area as controlled activities, and commercial recreation activities being a permitted activity.
54. I agree that the landfill has influenced the nature of development that has occurred. However much like the KW-PA, the level of development provided for by this zoning, which differs from the 'Rural Zone' should be more appropriately described.
55. The VF-PA Land Use Patterns and Features description of the terrace, with the inclusion of 13.d is useful. However, this description does not emphasis how developed the terrace is and how much development is provided for by the GCZ, as discussed in above.
56. Due to this, I recommend that this description is updated to reflect the above quantitative information including the urban development that has been consented, and that this more detailed description is more accurately considered in the Landscape Capacity description.

Physical Attributes and Values - Archaeological and Heritage Features and their Locations

57. Similar to the above, there is a lack of clarity regarding the location of the described features in relation to the sub-areas.
58. I have read the Methodology Report Appendices, with a focus on the Victoria Flats description on pages 50 – 52. The level of information included in this report is not clearly articulated in the VF-PA description.

This is because the location of the identified features cannot be pinned down to an exact part of the VF-PA, with some of these features also being within the Kawarau River PA.

59. Whilst I know this information is online, three of the four specific sites mentioned are not mapped on QLDC's PDP GIS Mapping system, and the website¹¹ which the information is on requires a paid subscription, therefore is not readily available to the public.
60. Based on the above, I recommend that the location of these features is more accurately described and / or mapped so someone reading the VF-PA Landscape Description is accurately informed of these features.

Associated Values

61. The description of the associated attributes and values does not mention the unique smell associated with the landfill, which is commonly experienced when travelling between the Nevis Bluff and the Victoria Bridge along SH6.
62. Whilst the landfill is not seen from the highway, this smell along with the movement of rubbish trucks, is a reminder of the landfills location on the Victoria Flats, and that these flats contain such development. Therefore, it is recommended that this associated value is included in the landscape description, as it may bear weight on the Landscape Capacity description.

Perceptual Values – Naturalness

63. I concur that the mountains and knolls have a high level of naturalness. However, I am of the opinion that this description would assist a reader if it primarily focused on the important attributes that contribute to this high degree. Whereas the current description only focuses on the landscape attributes that detract from the naturalness of these hills.
64. Also, for the reasons previously outlined, I concur that the outwash terrace has a low-moderate degree of naturalness. However, I disagree that its naturalness as perceived from SH6 is high. I am of the opinion that it is of a moderate or moderate-high degree at most. This is due to:

¹¹ <https://nzarchaeology.org/archsite>

- (a) The oxbow and quarry developments, including accessways and screening earth mounds that can be seen.
 - (b) The soon to be upgraded Victoria Flats Road (RM220327) and its associated use highlighting the development on the terrace.
 - (c) The modifications to landform / landcover by the four-wheel drive tracks.
65. Due to this, it is recommended that this description is updated to accurately describe the important attributes that contribute to the naturalness of the mountains, and perceived naturalness of the outwash terrace.

Perceptual Values – Remoteness and Wildness

66. The description of the VF-PA refers to this area having a sense of remoteness¹². By definition, I do not consider that the Victoria Flats are 'remote' as they are traversed by SH6, which is highly trafficked being the most used road¹³, of the three main roads providing access to Queenstown. When previously on the flats, south of the landfill, I have considered that this area has a sense of remoteness. However, this will be reduced by the consented activities and future development that is provided for by the GCZ.
67. Regarding 'wildness'¹⁴, this description appears to consider the landscape, in particular the outwash terrace on face value. Again, I consider that this description does not take into consideration the GCZ, and amount of development that has and can take place.
68. Due to the above, I recommend that this description is updated, and any mention of these terms is more directed to those parts of this PA that have these attributes and values.

¹² Collins Dictionary – 'Remote' located far away; distant; far from society, or civilisation; out-of-the-way.

¹³<https://nzta.maps.arcgis.com/apps/webappviewer/index.html?id=95fad5204ad243c39d84c37701f614b0>

¹⁴ Oxford Dictionary – 'the character of being uncultivated, undomesticated, or inhospitable.

Summary of Landscape Values

69. I am of the opinion that the summary description will require updating following the above-mentioned updates, so that the updated formatting and language used is consistent.
70. Also, the summary description should refer to, or more appropriately align with the KR-PA summary description, which outlines that the high-level physical, associative and perceptual values are of a **very high degree**. Whereas, the VF-PA description rates these as **moderate or moderate-high**.

Landscape Capacity

71. Similar to the above, the Landscape Capacity description will require updating following the updating of the description of Physical, Associative and Perceptual attributes and values. Notably:
- (a) As set out in the planning evidence of Mr Giddens, the capacity statements fail to consider what can be undertaken in the zone. While this may be more straightforward when it comes to the more regulated Rural Zone, this is not the case with regard to the GCZ and underpins the issue I have raised in my evidence that a large area of the PA is not ONL and should be excluded.
 - (b) These descriptions should provide clarity by focusing on all sub-areas. Rather than simply focusing on the sub-area that can absorb development, and by default excluding the sub-areas that may not be able to absorb development.
 - (c) That urban development has recently been consented (RM220327) within part of the GCZ on the Victoria Flats. Importantly, the Commissioner Decision¹⁵ explains that under Policy 6.3.2.1, the avoidance of urban development is not applicable within the GCZ. As mentioned, 122ha of the 226ha outwash terrace is within the GCZ.

¹⁵ Paragraph 61

CONCLUSION

72. In summary, I consider that the outwash terrace, as illustrated on **GA Sheet 5** should be excluded from VF-PA.
73. This land is mostly located within the GCZ and is not an ONL. It is large enough (approximately one-third of the PA) to form its own landscape, a view that in my opinion is supported by the PDP providing it a separate zone and planning framework to the Rural Zone, and that its landscape attributes and values are of a **low-moderate degree**, therefore it would be inappropriate for them to be an RMA s6b landscape and be protected.
74. I agree with Mr Giddens that there is a fundamental issue in locating this land in the PA. From a landscape perspective, doing so overlooks what the GCZ provides for in terms of landform modification, built form and activities, which is notably very different than the Rural Zone.
75. I understand that the Hearings Panel may consider such an exclusion to be out of scope. If this is the case, I consider that the description of the VF-PA Schedule is updated so it is well formatted, consistent language is used, the way in which the landscape attributes and values differ between the 'sub-areas', it is clear on what landscape attributes and values require protecting under s6b of the RMA, and how this information informs the high-level landscape capacity ratings.
76. Lastly, I have not re-drafted the VF-PA description, which was a task that was requested by the Hearings Panel. This is because the Hearings Panel will need to determine whether the outwash terrace is within the VF-PA or not, as this will substantially alter the description of the PA. I note that I am available to undertake this following this decision.



8 September 2023
Paul Smith