

Robert Buxton for QLDC – Supplementary Summary of Evidence regarding Queenstown Park Ltd (806) and Remarkables Park Ltd (807), 4 September 2017 Queenstown Mapping – Hearing Stream 13

1. I am the author of the Group 2: Rural evidence and rebuttal for Queenstown Lakes District Council (**QLDC**). This summary updates the summary of my evidence regarding submissions by Queenstown Park Ltd (806) and Remarkables Park Ltd (807) in response to the supplementary evidence of Mr David Serjeant, Ms Rebecca Skidmore, Mr Stephen Brown, and Mr Tim Johnson received on 29 August 2017 and the Record of Conferencing of Landscape Witnesses. Paragraphs 3-7 below originally appeared as paragraphs 28-32 in my summary dated 21 July 2017. From paragraph 8 on, I provide my response to the supplementary evidence and conferencing.
2. As noted in Mr Serjeant's supplementary evidence, although informal conferencing between Mr Serjeant and myself was planned for 22 August, this did not occur due to the circumstances outlined by Mr Serjeant. Also given the limited timeframes since receiving the supplementary evidence, this updated summary focuses on my general concerns.
3. Queenstown Park Ltd (806) and Remarkables Park Ltd (807) have requested a specific Queenstown Park Special Zone (**QPSZ**) over the Queenstown Station (formerly Cone Peak Station) to provide for rural residential and visitor accommodation, a gondola linking Frankton Flats with the Remarkables skifield, walking/cycling tracks, commercial recreation and greater protection of the SNAs within the zone. I consider that the primary concern is the landscape effects on one of the most prominent ONLs in the District that extends from the Kawarau River, which is identified in the Otago Regional Plan - Water as having outstanding values and has a Water Conservation Order, through to the mountain tops. Based on the evidence of Ms Mellsop I consider that the proposal would not be appropriate.
4. Although there would be significant economic benefits of the proposal I consider the Rural zone provisions (as recommended in Council's right of reply to Hearing 11) do provide for consideration of a gondola (or passenger lift service) as a restricted discretionary activity while providing appropriate protection of the ONL. Also I consider that the Strategic chapters of the PDP can be summarised as directing that diversification of land classified as an ONL into tourism or residential activity should only occur at a scale and in a location where the landscape values (including the natural character of lakes and rivers and their margins) are

sustained/not degraded. I consider the Rural zone to be the most appropriate for achieving the Strategic chapters and therefore the purpose of the RMA.

5. In terms of proposed rules, many of the activities are proposed to be controlled activities or restricted discretionary activities (with limited scope to decline), and these activities are to be exempt from notification consideration. However, I consider that given the importance of the landscape and the detailed understanding of effects that comes through the resource consent process, that there should be the ability to decline the proposal and that the general tests for notification should apply. I also have noted in my rebuttal evidence that I have concerns about the wording of the proposed rules, including the *vires* of Rules 44.4.7 and 44.4.8.
6. I consider there is an element of environmental compensation in the proposal. It appears that by providing for activities that will have adverse effects on the ONL, other activities such as a public walking/cycling track and better protection of the SNA will be achieved. The submitter also appears to suggest that by undertaking non-farming activities on the more productive areas of the farm, this avoids the environmental damage that would occur if these productive areas were intensively farmed. I consider such environmental benefits should be able to be achieved without having to compromise nationally important landscape values.
7. I consider the values of the Kowarau River have been rather glossed over. The effect of a gondola, access road, jetties and bridges on the character of the river have not in my view been fully considered by QPL's experts. There also appears to be very little assessment of the location of the jetties and bridges in the QPSZ, in terms of the effects on the character of the Kowarau River.
8. As discussed at the hearing on 25 July, I note that the term "environmental compensation" used in paragraph 6 above is not quite the right term, given that "public walking/cycling tracks" could be better described as community benefits, and could create adverse environmental effects.
9. In terms of the proposed QPSZ purpose, objectives and policies, I note that in the latest wording there is still little emphasis on the ONL and no mention of the values of the Kowarau River. I also am concerned about the inclusion of Policy 44.2.3.2 as the term "non-farming" is very wide and the policy refers to enabling such activities. It is not clear why this policy is specific to the submitter's land and I would be concerned if this policy was to be applied in any zone that contained SNAs or were beside a water body. Having considered the latest version of the

provisions I note that although Activities 44.4.19 to 44.4.21 provide non-complying activity status for forestry, factory farming and industrial activity, I see that all other activities not provided for in the activity table are covered by Rule 44.4.1 as discretionary activities, for example “premises licenced for the sale of liquor” that are not within RVAAs or RRAAs. I consider that this general rule, along with new Policy 44.2.3.2 would not be appropriate within an ONL, and the default status should be non-complying, which would reflect the Rural zone.

10. I consider the changes to the suggested rules result in a set of proposed provisions that are complex and confusing. The rules referring to a Trail Plan (Rules 44.4.7 and 44.4.8) have been deleted and part of these provisions have been inserted into the second part of a rather complex Rule 44.4.9.2, using wording that appears to be based on the Comprehensive Development Plan rules in reply Chapter 41 (Jacks Point Zone). However, the first part of Rule 44.4.9.2 (which did appear to be based on the Jacks Point Zone wording) now refers to a new Rule 44.4.8 for Comprehensive Development Activities. I am not certain of the *vires* of Rule 44.4.9.2, given that it refers to “in accordance with a resource consent having been granted under Rule 44.4.8”. I am also not certain about the *vires* of amended Rules 44.4.10.3, 44.4.9.3, 44.4.9.4, 44.4.10.4 and 44.4.10.5 and Standards 44.5.4 (for Rural Visitor Activity Area 4) and 44.5.5.3 for similar reasons. The issue of *vires* will need to be addressed by counsel in the Council’s right of reply.
11. It is not clear in Rule 44.4.8 whether Comprehensive Development Activities are limited to the activities listed in (a) to (d). I would consider they are not, particularly given the matters of discretion which include “distribution of additional height” and “location of any proposed commercial and community activity”. I am also unsure what “distribution of additional height” is referring to, but assume it relates to Standards 44.5.4 (for Rural Visitor Activity Area 4) and 44.5.5.3 noted in paragraph 10 above.
12. I do not see the need for new Rule 44.4.8A as I would consider any amendment or replacement of a Comprehensive Development Activity consent would be covered by Rule 44.4.8. However, to remove any uncertainty, I consider the rule should be amended to read “Comprehensive Development Activities (and amendments to approved Comprehensive Development Activity consents) for Rural Visitor Activity Areas and Rural Residential Activity Area 3”.
13. I also note that the first part of Rule 44.4.9.2 has inserted words “(excluding buildings)” which would mean that a building in the RVAAs under Rule 44.4.9.1

could be built as a controlled activity without being accompanied by any Comprehensive Development applications. The same concern would apply to buildings within RR3 under Rule 44.4.10.1A.

14. I note that amended Standard 44.5.9 which refers to gondolas outside the gondola corridor cannot apply to the rule, as Rule 44.4.12 is limited to “gondola passenger lift systems within the corridor”.
15. Some of my other concerns regarding the rules listed in paragraph 3.24 of my Supplementary Rebuttal evidence do not appear to have been addressed, particularly points a, c, e and h. In terms of earthworks, which was a concern raised in the Record of Conferencing of Landscape Witnesses (paragraph 29) regarding mountain bike trails, I note the Landscape witnesses referred to the earthworks rules in the ODP as applying. Given that I can see no reason why earthworks in the proposed QPSZ should be treated any differently to earthworks within any other ONL, I consider that the earthworks rules and standards within the QPSZ (noting that Standard 44.5.6 does not have an associated rule in Table 1) should be deleted. I understand that Earthworks can be dealt with under the ODP until such time as any new earthworks chapter in the PDP becomes operative. I also note that Rule 44.4.3 regarding commercial recreation activity does not have any associated standards, unlike the Rural zone, and given the concerns of the Landscape witnesses regarding mountain bike trails I consider the standards from the Rural zone should be applied.
16. Regarding the listing of objectives and policies within the matters of discretion in Rules 44.4.8, 44.4.9.2, 44.4.10.3 and 44.4.17, although I understand the intent in terms of assessing such activities, I consider the objectives and policies referenced are not specific enough to enable clear understanding of what the matters of discretion would be, or on what basis a decision-maker might impose conditions or alternatively, decline to grant consent.
17. Mr Serjeant at paragraph 3.3 of his supplementary evidence has provided a useful overview of the provisions and how they inter-relate. I consider it would be useful for Mr Serjeant to clearly outline the possible permutations of development that could occur, based on the restrictions that ensure elements of the development occur or do not occur, and the policy backing for those restrictions. For example, it would be useful to understand what could potentially be developed:
 - (a) without a gondola. It appears that commercial and community activities would be a non-complying activity but residential and visitor accommodation are still provided for;

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- (b) without creating a public trail under the Trail Plan. It appears that all commercial, community, residential or visitor accommodation would be a non-complying activity if not in accordance with a Trail Plan, but it is not clear that a trail is required to be constructed;
 - (c) without upgrading the Boyd Road/State Highway intersection. It appears that residential and visitor accommodation is a non-complying activity, but commercial and community activities are still provided for;
 - (d) without extending the public trail to RVAA4. It appears that more than 6 dwellings in RRAA3, 4, 5 and 6 would be a non-complying activity, but that 20 dwellings could be built at RRAA2;
 - (e) without reducing the stocking rate above 600masl or limiting grazing in the SNA, noting existing use rights would apply. There does not appear to be any restriction on other activities; and
 - (f) whether the provisions restrict the remainder of the farm from being intensified.

18. Although Mr Serjeant (at paragraphs 4.1 and 4.2) correctly notes that the Water Conservation Order (**WCO**) does not contain provisions for making waterbodies ONF, the Otago Regional Plan - Water does include (in table "Schedule 1A – Schedule of natural values") a reference to the "outstanding characteristics" of the Kawarau WCO under the column titled "Outstanding natural feature or landscape". However, I consider the important issue is that all the WCO characteristics of the Kawarau River including "wild and scenic characteristics", "natural characteristics", and "recreational purpose" are taken into account when assessing the proposed zone. As noted above in paragraph 8, I consider the values of the Kawarau River appear to be given little emphasis by QPL, including views from the river. I also note that the effects of the access road appear to be downplayed. Ms Skidmore states at paragraph 4.2 of her supplementary evidence "As the gondola will provide a primary transport connection to the zone, traffic generation and requirements for parking will be limited", whereas Mr Penny (paragraph 49 of his evidence in chief) refers to 2,000 vehicle movements per day and an afternoon peak exiting demand of 130 vehicle movements per hour.

19. Regarding Mr Serjeant's comments about public interest (paragraphs 5.1 and 5.2), I consider that the effects of a development such as this cannot be fully understood until the scrutiny of resource consent application is undertaken. Given that both myself and Ms Mellsop consider that the developments enabled by the zone may have significant effects, I consider if the zoning was to be provided, a public process for assessing those effects is warranted. While I accept that there

has been a very low level of interest in QPL's zoning submission, I consider the lack of detail, including a very limited plan with no key to identify the items shown on the plan, did not assist in understanding the submission or the effects.

20. My concerns which were referred to by Mr Serjeant (his paragraphs 6.1 – 6.5) as “creating a precedent” are two-fold. First in terms of the structure of the PDP, I raise the concern that although zoning a complete station can provide elements of integrated management for a station, it would not lead to efficient or effective preparation of a plan if every station was to have its own zone in order to achieve integrated management. Regarding my concern about locating the Activity Areas within the ONL, which I do consider to consist of a nationally significant river (as reflected by the WCO) connected to a nationally significant alpine landscape (given that the Remarkables are generally considered to be a key focus within the wider landscape of Queenstown), this is not a precedent matter. Rather, my concern is that the protection of ONLs from what I consider to be inappropriate development is set at a rather low level.
21. I do not agree with the statements in Mr Young's legal submission (paragraph 14.7) that “*if tourism based development cannot occur here it is difficult to see where it could occur*” and “*Council should not sterilize large tracts of private land*”. I consider the Rural Zone and ONL is not sterilising of development. As I stated in paragraph 3.7 of my rebuttal evidence, “*the Strategic chapters can be summarised as directing that diversification of property classified as an ONL into tourism or residential activity should only occur at a scale and in a location where the landscape values (including the natural character of lakes and rivers and their margins) are sustained/not degraded*”. I consider the scale and location of the Activity Areas will not sustain the landscape values.
22. Regarding the request by Mr Young to remove the Building Restriction Area from the submitter's site (section 7 of his legal submission), I note that this does not appear to have been included in the original submission. The BRA alignment has been carried over from the ODP, and appears to be associated with the wastewater treatment Designation 46, so is not an error as such. Although further investigation is required into the purpose of the BRA, I consider that it appears that the BRA should be removed from QPL's land if there is the scope to remove it.
23. Overall I continue to recommend that the rezoning should be rejected.