

Before the Hearings Panel

For the Proposed Queenstown Lakes District Plan

**Under the**

Resource Management Act 1991

**In the matter**

of a variation to Chapter 21 Rural Zone of the Proposed Queenstown Lakes District Plan, to introduce Priority Area Landscape Schedules 21.22 and 21.23

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**REBUTTAL EVIDENCE OF JEREMY EVERETT HEAD ON BEHALF OF QUEENSTOWN  
LAKES DISTRICT COUNCIL**

**29 September 2023**

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## **1. INTRODUCTION**

**1.1** My full name is Jeremy Everett Head. I am a Landscape Architect and Director of Jeremy Head Landscape Architect 2022 Ltd, Christchurch. I have held this position since 2022.

**1.2** My qualifications and experience are set out in my Evidence in Chief dated 11 August 2023 (EIC).

### **Code of Conduct**

**1.3** Although this is a Council Hearing, I confirm that I have prepared this evidence in accordance with the Code of Conduct for Expert Witnesses, contained in Part 7 of the Environment Court Practice Note 2023. The issues addressed in this statement of rebuttal evidence are within my area of expertise, except where I state that I am relying on the evidence or advice of another person. The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

### **Structure of Rebuttal Evidence and collaboration with Ms Bridget Gilbert**

**1.4** Care has been taken throughout the review of Submitter Evidence and drafting of Rebuttal Evidence to ensure that Ms Gilbert and I are taking a consistent approach. This has involved:

- (a) regular discussions to share observations and discuss our responses to points raised in Submitter Evidence;
- (b) ongoing review of each other's work;
- (c) comparing and contrasting to ensure that the wording/terminology is consistent;
- (d) a moderation process which included careful scrutiny of each other's draft Rebuttal Evidence and detailed review of a selection

of PAs to ensure a reasonable level of consistency of professional judgement.

### Scope of Rebuttal Evidence

**1.5** My Rebuttal evidence is structured to review landscape related Submitter Evidence for a total of 14 PA Schedules and make recommendations with respect to amendments to the PA Schedules appended to my Evidence in Chief on 11 August 2023.

**1.6** The 14 PA Schedules that my rebuttal evidence addresses are as follows:

21.22.4 Morven Hill PA ONF

21.22.7 Feehly Hill PA ONF

21.22.9 Kawarau River PA ONF

21.22.10 Mount Barker PA ONF

21.22.11 Mount Iron PA ONF

21.22.17 Victoria Flats PA ONL

21.22.18 Cardrona Valley PA ONL

21.22.19 Mount Alpha PA ONL

21.22.20 Roys Bay PA ONL

21.22.22 Dublin Bay PA ONL

21.22.24 Lake McKay Station and Environs PA ONL

21.23.1 Cardrona River Mount Barker Road PA RCL

21.23.2 Halliday Road Corbridge PA RCL

21.23.5 Maungawera Valley PA RCL

**1.7** I attach the following appendix to my Rebuttal Evidence:

(a) **Appendix 1:** PA Specific 'Rebuttal Version' of the PA Schedules (ordered by PA).

## Documents relied on

**1.8** The key documents that I have used or referred to in forming my view while preparing my Rebuttal Evidence are:

- (a) The documents referenced in my EiC at [1.27].
  
- (b) Landscape evidence prepared for submitters by the following experts:
  - i. James Bentley for Soho Ski Area Limited and Blackmans Creek Holdings No, 1 LP (OS 178).
  - ii. Stephen Brown for Queenstown Park Limited (OS 171).
  - iii. Ben Espie for Cardrona Distillery Limited (OS 185), Silverlight Studios Limited (OS 175) and Allenby Farms Limited (OS 141).
  - iv. Di Lucas for Upper Clutha Environmental Society (OS 67).
  - v. Steve Skelton for SYZ Investments Limited (OS 147) and Northlake Investments Limited (OS 126).
  - vi. Nikki Smetham for Hawthenden Trust (OS 3) and Office for Maori Crown Relations – Te Arawhiti (OS 57).
  - vii. Paul Smith for Second Star Limited (OS 48) and Cardrona Cattle Company (OS 94 and 233).
  
- (c) Planning evidence prepared for submitters by the following experts:
  - i. Scott Edgar for Cardrona Distillery Limited (OS 185) and Silverlight Studios Limited (OS 175).
  - ii. Morgan Shepherd for Northlake Investments Limited (OS 126), Mount Cardrona Station Limited (OS 124), Bell Group Limited (OS 190) and Michael and Bridget Davies (OS 6).
  - iii. Ian Greaves for Bike Wanaka (OS 73).
  - iv. Duncan White for Sunnyheights Limited (OS 42 and 235).

- v. Emily McDonald and Eleanor Linscott for Federated Farmers NZ (OS 98).
- vi. Brett Giddens for Gibbston valley Station Limited (OS 93) and Cardrona Cattle Company Limited (OS 94 and 233).
- vii. John Edmonds for Second Star Limited (OS 48).
- viii. Blair Devlin for McLintock Topp Family Trust (OS 76) and TPI 1 Limited (OS 78).
- ix. Rachel Pull for Te Rūnanga o Ngāi Tahu (OS 188).
- x. Tanya Stevens for Te Rūnanga o Ngāi Tahu (OS 188).
- xi. Monique King for Office for Maori Crown Relations – Te Arawhiti (OS 57).
- xii. Carey Vivian for Anderson Branch Creek Limited (OS 113 and 215).
- xiii. Chris Ferguson for Soho Ski Area Limited and Blackmans Creek Holdings No, 1 LP (OS 178).
- xiv. Ben Farrell for RealNZ (OS 166) and NZSki Limited (OS 165).

**1.9** The fact that I do not specifically refer to or address an aspect of the Submitter Evidence does not mean that I have not considered it, or the subject matter of that evidence, in forming my opinion regarding the landscape appropriateness of the amendment(s) sought.

**1.10** I use the following abbreviations throughout my evidence:

**ONF:** Outstanding Natural Feature

**ONL:** Outstanding Natural Landscape

**RCL:** Rural Character Landscape

**OS:** Original Submission

**PA:** Priority Area

**PDP:** Proposed District Plan

**QLDC or Council:** Queenstown Lakes District Council

**TTatM:** Te Tangi a te Manu

**UCESI:** Upper Clutha Environmental Society Incorporated

## 2. CAPACITY REVIEW

- 2.1** Several landscape and planning experts have expressed the view that a 'no landscape capacity' rating is inappropriate. This matter is addressed in detail in the Rebuttal Evidence of Ms Gilbert and Ms Evans, and I rely on that evidence.
- 2.2** In summary, following our review of the submitter evidence filed, Council's experts formed the view that the 'no landscape capacity' should be retained, but the 'very limited to no landscape capacity' rating should be amended to 'extremely limited landscape capacity'. Ms Gilbert addresses this in her Rebuttal Evidence at [6.7]: *"In my view, this amendment will reduce the risk outlined above with the term 'no landscape capacity' across the PA Schedules, without unduly diluting or diminishing the meaning and 'integrity' of the landscape capacity rating scales."*
- 2.3** Some of the land use activities listed in the PA schedules have therefore retained a 'no landscape capacity' rating. This is where there is a sufficient level of certainty that describing capacity for development at a level other than 'no' would not adequately protect the relevant landscape values.
- 2.4** In other instances, the 'no' landscape capacity rating for particular activities includes associated qualifiers, which is intended to recognise that a nuanced (ie. very carefully designed and sited) level of development may be appropriate within the PA.

2.5 **Table 1** below lists the land-uses where I consider that an **unqualified rating of ‘no landscape capacity’** is appropriate.

PRIORITY AREA	LAND USE WHERE AN UNQUALIFIED NO LANDSCAPE CAPACITY RATING APPLIES
21.22.4 Morven Hill PA ONF	Tourism related activities Urban expansions Intensive agriculture Transport infrastructure Commercial scale renewable energy Forestry Rural living
21.22.7 Feehly Hill PA ONF	Commercial recreational activities Visitor accommodation and tourism related activities Urban expansions Intensive agriculture Farm buildings Mineral extraction Transport infrastructure Renewable energy generation Forestry Rural living
21.22.9 Kawarau River PA ONF	Urban expansions Commercial scale renewable energy Forestry Rural living
21.22.10 Mount Barker PA ONF	Visitor accommodation and tourism related activities Urban expansions Intensive agriculture Mineral extraction Transport infrastructure Renewable energy generation Forestry Rural living
21.22.11 Mount Iron PA ONF	Commercial recreational activities Tourism related activities Urban expansions Intensive agriculture Farm buildings Mineral extraction Transport infrastructure Renewable energy generation Forestry Rural living



PRIORITY AREA	LAND USE WHERE AN UNQUALIFIED NO LANDSCAPE CAPACITY RATING APPLIES
21.22.17 Victoria Flats PA ONL	Urban expansions
21.22.18 Cardrona Valley PA ONL	Urban expansions Commercial scale renewable energy
21.22.19 Mount Alpha PA ONL	Urban expansions Commercial scale renewable energy
21.22.20 Roys Bay PA ONL	Visitor accommodation and tourism related activities Urban expansions Intensive agriculture Farm buildings Mineral extraction Renewable energy generation Forestry Rural living
21.22.22 Dublin Bay PA ONL	Urban expansions
21.22.24 Lake McKay & Environs PA ONL	Urban expansions Forestry
21.23.1 Cardrona River Mount Barker Road PA RCL	Urban expansions
21.23.2 Halliday Road Corbridge PA RCL	Urban expansions
21.23.5 Maungawera Valley PA RCL	Urban expansions

**2.1** Table 2 below lists the land-uses where I consider that a **qualified rating of 'no landscape capacity'** is appropriate (noting that the qualification comments are abridged in Table 2).

PRIORITY AREA	LAND USE WHERE A QUALIFIED NO LANDSCAPE CAPACITY RATING APPLIES
21.22.4 Morven Hill PA ONF	Rural living (excepting within existing approved residential building platforms)
21.22.7 Feehly Hill PA ONF	n/a

PRIORITY AREA	LAND USE WHERE A QUALIFIED NO LANDSCAPE CAPACITY RATING APPLIES
21.22.9 Kawarau River PA ONF	Visitor accommodation and tourism related activities (on the flat and low lying terraces and floodplains only, excepting glamping) Renewable energy generation (excepting very limited landscape capacity for discreetly located and small-scale renewable energy generation)
21.22.10 Mount Barker PA ONF	n/a
21.22.11 Mount Iron PA ONF	n/a
21.22.17 Victoria Flats PA ONL	Tourism related activities (on the terrace flats south of SH6 and where not visible from SH6). Rural living (excepting within the GCZ)
21.22.18 Cardrona Valley PA ONL	n/a
21.22.19 Mount Alpha PA ONL	Visitor accommodation (not on mountain ranges or upper Alpha fan) Intensive agriculture (not on mountain slopes) Renewable energy generation (excepting limited landscape capacity for discreetly located and small-scale renewable energy generation in the Waterfall Creek to Damper Bay area and on the southern moraine plateau) Rural living (not on mountain ranges or upper Alpha fan)
21.22.20 Roys Bay PA ONL	n/a
21.22.22 Dublin Bay PA ONL	Visitor accommodation (not on the south-western flanks of Mount Brown, the headland north of the Outlet and the land south of the Outlet (apart from at the motor camp). Forestry (applies to exotic forestry only)
21.22.24 Lake McKay & Environs PA ONL	n/a
21.23.1 Cardrona River Mount Barker Road PA RCL	Mineral extraction (no capacity for additional gravel extraction from the Ōrau (Cardrona) riverbed)
21.23.2 Halliday Road Corbridge PA RCL	n/a
21.23.5 Maungawera Valley PA RCL	n/a

**2.2** **Table 2** demonstrates that for several land uses, the PA Schedules signal that there may be tolerance for that type of activity or development within the PA. Noteworthy changes made between the s42A Version of the PA Schedules, and my Rebuttal Version of the PA Schedules (which are attached) are summarised below:

- (a) A change from an **unqualified ‘no landscape capacity’** rating to a **qualified ‘no landscape capacity’** rating for land-uses in PA ONL/Fs such as: visitor accommodation and tourism related activities, intensive agriculture, rural living and renewable energy generation.
- (b) A change from an **unqualified ‘no landscape capacity’** rating to a **qualified ‘no landscape capacity’** rating for land-uses in the Cardrona River Mount Barker Road PA RCL for mineral extraction.

**2.3** With respect to **Table 1**, I set out below an updated summary of the landscape reasons that underpin my **unqualified rating of ‘no landscape capacity’** for the PA Schedules that I have authored.

- (a) **Urban expansions** attract a rating of ‘no landscape capacity’ in all of the PA ONF/L and RCL Schedules, as in my view urban development and expansions of existing urban areas will materially compromise the ONF/L / RCL so that it will fail to qualify as an RMA s6(b) landscape in terms of ‘naturalness’ (see *Long Bay*<sup>1</sup> and *West Wind*<sup>2</sup>) and RMA s7 amenity landscape.
- (b) With respect to the **PA ONFs**, it is typically the small scale of the landform feature, its ‘landmark’ quality, the physical values of the PA (for example, narrow river corridors or confined roche moutonnée) and naturalness attributes and values which result in a heightened sensitivity to development change (of the type evaluated) that leads to an unqualified rating of ‘no landscape capacity’ for landuses such as: tourism related activities; urban

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<sup>1</sup> [2008] NZEnvC 78: [135].

<sup>2</sup> [2007] Decision W31/07: [157].

expansions; intensive agriculture; and commercial scale renewable energy. Further, in many instances, the elevated nature of the PA ONF, lack of any existing development and/or consistent landform and vegetation patterns, 'exposed' landscape character and the PAs visual contrast with its more developed surrounds also play an important role.

- (c) For 21.22.4 Morven Hill PA ONF, 21.22.7 Feehly Hill PA ONF, 21.22.9 Kawarau River PA ONF and 21.22.11 Mount Iron PA ONF, and 21.22.19 Mount Alpha PA ONL, the **close proximity of the PA ONF to existing urban development** is also an important factor in recommending an unqualified rating of 'no landscape capacity' for a range of land uses. This is because ONF/L land close to an existing urban area typically has a heightened landscape sensitivity to development change due to the size of the permanent viewing audience, the potential for a perception of (urban) development sprawl or 'creep' along with the important role that such areas serve in clearly distinguishing between the more natural landscape (or feature) and urban areas.
- (d) For the **PA ONF/Ls that are dominated by water**,<sup>3</sup> the physical constraints of the PA such as a steep-sided narrow river gorge and the zoning of the land-based parts of the PA (for example, the lake margins of 21.22.20 Roys Bay PA ONL and 21.22.22 Dublin Bay PA ONL are reserve land<sup>4</sup>), is of particular relevance along with the landscape sensitivity of the area. Or in other words there is simply 'little to no room' or no 'potential' for the land use, and an unqualified rating of 'no landscape capacity' is considered appropriate from a landscape perspective.
- (e) For the PA RCLs, an unqualified rating of 'no landscape capacity' is limited to urban expansions, and in one instance mineral extraction (21.23.1 Cardrona River Mount Barker Road PA RCL).

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<sup>3</sup> i.e. 21.22.9 Kawarau River PA ONF, 21.22.20 Roys Bay PA ONL and 21.22.22 Dublin Bay PA ONL.

<sup>4</sup> Where zoned Open Space and Recreation Zone, the PA schedules would not directly apply (but may be referred to).

### 3. PA SCHEDULE SPECIFIC COMMENTS

- 3.1** Attached to my rebuttal as **Appendix 1** is the Rebuttal Version of the PA Schedules that Helen Mellsop authored, and that I have amended in response to submissions and submitter evidence. I have annotated these to show text amendments that have been raised in submitter evidence that I support as either red underlined (text added) or ~~red strikethrough~~ (text deleted). I have included **comment boxes with red text** at the side of each PA Schedule detailing the relevant evidence and submitter reference.
- 3.2** Where I support the text change requested in submitter evidence, I am relying on my landscape evaluation of the relevant PA as explained in my evidence in chief. (In the interests of brevity, this explanation is not repeated in my rebuttal evidence.)
- 3.3** Where I do not support the change requested in submitter evidence, I have either provided a brief explanation in a **red text comment box**, linked to the relevant part of the PA Schedule text, in my rebuttal evidence, or both.
- 3.4** The following section of my Rebuttal Evidence addresses specific points raised in Submitter Evidence organised by PA, that cannot be adequately addressed through the marked up changes and comment boxes in the PA schedules. All PAs are included below, although several do not address points here, but rather in the schedules only.

#### 21.22.4 Morven Hill PA ONF

- 3.5** Mr Steve Skelton in his evidence for SYZ disagrees with the notified ‘no capacity’ rating for rural living<sup>5</sup>. He believes that there is ‘very limited’

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<sup>5</sup> SYZ did not specifically seek changes to the capacity rating for rural living in their original submission. However, SYZ did raise a concern over the perceived ‘absolute’ and ‘directive’ nature of a ‘no’ capacity rating. As such, I am of the view that the request to alter the capacity for rural living in the evidence of Mr Skelton is within scope.

capacity, with qualifiers, for rural living, limited to an area of land adjacent to SH6 within the vicinity of the existing wedge of rural living type development on the northwestern slope of Morven Hill.

**3.6** Currently this area includes one dwelling at 886 Lake Hayes-Arrow Junction Highway set amongst substantial tree plantings. Part of the access drive to a consented building platform (RM191216) at a higher elevation passes through this area. The remainder of the area described and illustrated by a map by Mr Skelton is largely open grassland with sporadic tree planting.

**3.7** Mr Blair Devlin, in his evidence for TP 1 Ltd and McLintock Topp Family Trust, also seeks that the capacity rating for rural living be increased from 'no capacity' to 'very limited capacity', with the same qualifiers as Mr Skelton. In summary, both Mr Devlin and Mr Skelton believe a 'natural' extension of the 'wedge' of rural living currently located above SH6 and Alec Robins Road, on the lower slopes of Morven Hill, is appropriate.

**3.8** Jenny Carter submitted<sup>6</sup> that landscape capacity in general be amended to recognise sub areas such as the lower slopes of Morven Hill as having (general) capacity. I previously responded to Ms Carter's original submission in my evidence, noting that: *"...it is my view that the general similarity in the landform attributes and values associated with the roche moutonnée landform means that it 'reads' as one 'landscape area'. The Response to Submissions Version of the Schedule 21.22 Preamble explains that the landscape attributes and values identified, relate to the priority area as a whole and should not be taken as prescribing the attributes and values of specific sites. Further, the Preamble to Schedule 21.22 explains that landscape capacity is evaluated at a PA level within the Schedule. A determination of capacity levels at a smaller scale (such as at a site-specific level) would form part of landscape assessments for resource consent and plan change applications."* I consider this response to be equally relevant to Messrs Devlin and Skelton's current requests.

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<sup>6</sup> OS 110.7 on behalf of Kincardine Angus Limited or Nominee.

**3.9** It is my view that the capacity rating for rural living for this PA, including the areas that Messrs Devlin and Skelton identify, should remain ‘no capacity’. Both of the subject areas are part of the distinct continuum and legibility of the roche moutonnée landform which extends from the summit of Morven Hill to the more developed areas below, which are zoned for living activity. The Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct Zone, encapsulate a different (more developed) and contrasting landscape character with the open and steeper slopes above them on Morven Hill. In my opinion, it is important to retain this contrast as it accentuates the positive attributes of each landscape character area.

#### **21.22.7 Feehly Hill PA ONF**

**3.10** There are no suggested amendments in submitters’ evidence for this schedule.

#### **21.22.9 Kawarau River PA ONF**

**3.11** Mr Stephen Brown in his evidence for Queenstown Park Ltd (QPL) disagrees with the notified ‘no capacity’ rating for visitor accommodation and tourism related activities in the schedule. He prefers this be amended to ‘some’ capacity with several qualifiers<sup>7</sup> (reflecting his view that there are “small pockets” that can cater for that level of development), which generally supports the original submission (OS 171.6).

**3.12** The change to ‘some’ was also sought in another submission<sup>8</sup>, with my response being: *“Relying on my knowledge of the area (including fieldwork), careful review of GIS mapping resources (including contours, building platforms, resource consents and aerial imagery), I consider that the notified capacity ratings are appropriately rated for the 21.22.9 PA/ONF given the high level of intactness, naturalness and landscape*

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<sup>7</sup> S Brown EIC [9.4] – [9.6].

<sup>8</sup> OS 68.1 Debbie MacColl on behalf of Barn Hill Corporate Trustee Ltd.

*values across the PA. Further, it is my opinion that increasing the capacity ratings to 'some' would fail to protect landscape values, and in particular, perceptual and associative values. The landscape attributes and values of the PA/ONF include highly natural, rocky/vegetated slopes with frequently occurring precipitous escarpments interspersed with highly legible/contrasting pastoral floodplains. Such landforms and their values, makes the PA highly sensitive to the types of development change itemised above, hence the notified capacity ratings. While there may be locations within the PA where activities might be appropriate at varying levels of capacity, that would need to be determined through a site specific landscape assessment (as signalled in the Response to Submissions Version of the Preamble to Schedule 21.22)."*

- 3.13** I have discussed Mr Brown's request with Ms Gilbert who is covering the Northern Remarkables PA ONL, which partly abuts the Kawarau River ONF to the south. Of note, the landscape capacity rating for visitor accommodation and tourism related activities in the Northern Remarkables PA is for 'some capacity' with qualifiers, and 'no capacity' on the mountain slopes and fans except for sensitively located and designed glamping activities, subject to robust site specific landscape assessment.
- 3.14** After considering Mr Brown's evidence, I consider that the capacity rating for visitor accommodation and tourism related activities can be amended, but only as far as a 'very limited' capacity and only on the river terraces. A 'no capacity' rating should be retained for all other parts of the PA, except for sensitively located and designed glamping activities. In my view this is appropriate and will provide for a discreet level of development so long as it is very carefully sited and designed.
- 3.15** I acknowledge that this would lead to a discrepancy with the equivalent rating for the adjacent Northern Remarkables PA, but have formed the view that while these two PAs sit beside each other, they are completely different landforms. One is a stable hard rock mountainous ONL



landform, the other a dynamic, lower-elevation river feature. The terraces of the ONF, which were formed by the river, contribute strongly to the legibility of riverine processes. In this regard, permanent built change may appear more incongruous than it would on the hard rock of the Northern Remarkables PA. Further, the Kawarau River PA covers a much smaller area than the Northern Remarkables with less opportunity for such development (being the terrace flats only). My amendments to the PA Schedule reflect this discussion.

- 3.16** At [9.12] Mr Brown requests that the capacity schedule at viii be amended to accommodate a 'limited capacity' for pedestrian and cycle bridges, so long as these structures are visually lightweight and are designed and located so that they are not visually prominent. OS 171.8 on behalf of QPL sought 'some' capacity for bridges (generally) which I did not accept. After careful consideration of Mr Brown's evidence, I believe it is appropriate to amend this capacity rating to 'limited' for these types of bridges, with several qualifiers, that will provide for recreational benefits without unduly affecting the landscape character and visual amenity of the Kawarau River PA.
- 3.17** At [9.16] – [9.18] Mr Brown addresses utilities and regionally significant infrastructure seeking additional limitations on locations within the ONF. After carefully re-reading the submission, I see that this matter was not raised other than with QPL supporting the notified capacity for utilities and regionally significant infrastructure. Further changes are considered to be outside of scope.
- 3.18** Mr Brett Giddens in his evidence for Gibbston Valley Station Ltd requests that the part of the PA mapping overlapping the Gibbston Valley Resort Zone (GVRZ) and Gibbston Character Zone (GCZ) be removed from the Queenstown District Council's PA mapping, as well as the ONL layer for various reasons. This has been addressed by Ms Evans, in her s42A report, and rebuttal at [5.10 – 5.19].

- 3.19** Turning to Mr Giddens concern re the GVRZ / PA mapping I have carefully reviewed the mapping shown on the Queenstown Lakes District Council web mapping application. The Kawarau River PA ONF overlaps the edge of the GVRZ at the top of the gorge. The PA schedules are not directly engaged for proposals within the GVRZ. I am of the opinion that the matter is best addressed by the planners at conferencing.
- 3.20** Ms Morgan Shepherd in her evidence for Kawarau Jet Services infers at [9.23(e)] that the Kawarau River PA ONF has a 'no capacity' rating for jetties. This is incorrect and the rating for the Kawarau River PA at viii is for 'Very limited' capacity as per the current schedule.

#### **21.22.10 Mount Barker PA ONF**

- 3.21** My response to submitter evidence has been fully addressed in the text changes and comment boxes in the schedule including from the following submitter:
- (a) UCESI (OS 67)

#### **21.22.11 Mount Iron PA ONF**

- 3.22** Mr Ian Greaves in his evidence for Bike Wanaka requests that the capacity rating for new public walking and cycling trails be increased from 'very limited to no capacity' to 'limited capacity'.
- 3.23** Mr Greaves is concerned that the capacity rating may restrict public access and recreation, which he asserts is widely valued by a large part of the community. I acknowledge that there were several original submission points relative to Mount Iron that expressed a preference for earthworks to be limited to repairs, maintenance and renewal of existing

walking-only trails and tracks<sup>9</sup>. Some submitters sought 'no capacity' for earthworks.<sup>10</sup>

**3.24** When reviewing the original submissions, combined with my own observations of the Mount Iron PA ONF, my response in the Submissions Summary table at OS 141.10 was: *"From my own observations of the PA, including walking up Mount Iron, in my opinion Mount Iron is well endowed with trails. Additional trails may trigger cumulative effects through further vegetation cover change as well as earthworks, and the new trails themselves."*

**3.25** Mr Greaves has helpfully appended a map of the existing tracks on Mount Iron to his evidence. This includes several track types including 4WD, the popular Mount Iron Walkway, 'other walks', mountain bike tracks and a less formal 'poled route'. Other than the poled route, all the other tracks are presumed to be formed to some level. The map clearly shows an extensive track network extending across the majority of the relatively flatter upper part of Mount Iron. In my opinion this appears to 'well endow' the Mount Iron PA with trails, and opportunity for upgrading existing trails.

**3.26** As such, I remain of the opinion, that there is 'very limited to no' capacity for earthworks to form additional trails or access tracks. At capacity levels greater than 'very limited to no', there is a risk that cumulative effects will be come into play through visible changes to vegetation cover required to form new trail corridors.

**3.27** I have made other responses to submitter evidence through the text changes and comment boxes in the schedule including from the following submitter:

(a) Allenby Farms Ltd (OS 141)

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<sup>9</sup> OS 25.4 Janice Hughes, OS 27.3 Rod and Anne Corbett, OS 39.2 John Palmer, OS 41.2 Dirk Van walt, OS 44.5 Brendon Fraher, OS 55.4 Brent Will, OS 58.1 Jon Sedon, OS 97.3 Mark Richter.

<sup>10</sup> OS 35.2 Andrew Bartholomew, OS 38.2 William Thomson, OS 54.2 Janet Bartholomew, OS 56.2 Megan Davies (Hidden Hills Residents Association) on behalf of Hidden Hills Residents Association, OS 58.2 Jon Sedon.

### 21.22.17 Victoria Flats PA ONL

**3.28** Mr Paul Smith, in his evidence for Cardrona Cattle Company, makes two requests:

- (a) that the outwash terrace part of the Victoria Flats PA (VF PA) be removed from the PA mapping and ONL layer; and
- (b) that the description of the outwash terrace area be amended in the PA schedule to better identify it as a sub-area with different attributes and values, compared to the remainder of the PA.

As discussed in Ms Evan’s evidence, mapping amendments are beyond the scope of the variation.

**3.29** Turning to Mr Smith’s second request<sup>11</sup>, I note that he has not provided a marked-up version of the schedule, but when reading through his evidence several points emerge. I have made some minor amendments to the PA schedule text in response to his evidence, with a view of further improving the description of the subject area. These include amendments to the “General Description of the Area” text, to outline the three ‘sub-areas’.

**3.30** At [51] Mr Smith requests that the three ‘sub-areas’ are repeated under each schedule heading, as sub headings with unique descriptions for each. In my view this would make the schedule overly long and unnecessarily detailed and would require some form of mapping or detailed description as to the spatial extent of each three sub area. In my view, the amended text is most appropriate and better fits with the ‘high-level’ nature of the scheduling.

**3.31** At [25] Mr Smith lists several land use activities (existing and consented) which underpins his argument that the majority of the outwash flats are substantially more modified relative to other parts of the VF PA. In my opinion, while each land use activity is not specified in detail (to keep the

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<sup>11</sup> In response to OS 94.7 by Brett Giddens on behalf of Cardrona Cattle Company Ltd.

schedules as concise as possible), these activities have been adequately encapsulated in the schedule wording at [13 a – d] for the high-level purposes of the scheduling.

**3.32** The methodology report is referred to by Mr Smith. Specifically pages 50 – 52 which includes detailed archaeological and heritage aspects. Mr Smith is critical that this information is not included in the PA schedule. Including this level of information would make the schedule unnecessarily long and would duplicate information from the methodology report appendices. In my view the PA wording has appropriately summarised this information.

**3.33** Remoteness and wildness are addressed by Mr Smith. He believes the schedule wording overstates remoteness and wildness given the presence of SH6 and existing and consented development. To clarify, the schedule states relative remoteness and wildness, which in my opinion is an apt description.

**3.34** Mr Smith requests that the capacity section better reflect existing development levels in this PA. In my opinion, this has occurred, and the capacity section includes several instances where ‘some’ and ‘limited’ capacity (the two most permissive in the schedules) are widely used.

#### **21.22.18 Cardrona Valley PA ONL**

**3.35** My response to submitter evidence has been fully addressed in the text changes and comment boxes in the schedule including from the following submitters:

- (a) Upper Clutha Environmental Society Incorporated (OS 67)
- (b) Cardrona Distillery Ltd (OS 185)
- (c) Soho Ski Area and Blackmans Creek Holdings No. 1 LP (OS 178)
- (d) RealNZ Ltd (OS 166)

### 21.22.19 Mount Alpha PA ONL

- 3.36** Nikki Smetham has provided evidence on behalf of Hawthenden Trust, concerning part of the Mount Alpha ONL (the upper Alpha Fan). Her view is that this area comprises attributes and values that are more consistent with an RCL than an ONL. She states at [18] that the inclusion of the fan is ‘not justified’ on the basis of sufficient outstandingness and naturalness.
- 3.37** To the extent that Ms Smetham’s evidence seeks a mapping change, to the ONL boundary, that is beyond the scope of the variation. Ms Evans has addressed this matter in her s42A report. I also note that this same relief was sought through the Topic 2 appeals and rejected by the Environment Court in [2019] NZEnvC 206. I have reviewed that decision<sup>12</sup> and support the conclusions reached by the Court.

### 21.22.20 Roys Bay PA ONL

- 3.38** My response to submitter evidence has been fully addressed in the text changes and comment boxes in the schedule including from the following submitter:

(a) UCESI (OS 67)

### 21.22.22 Dublin Bay PA ONL

- 3.39** Ms Morgan Shepherd (in her evidence for Northlake Investments Ltd (NIL)) asserts that the PA is mapped partly overlaying the Northlake Special Zone<sup>13</sup>. Mr Steve Skelton (in his evidence for Northlake Investments Ltd (NIL))<sup>14</sup> relies on the evidence of Ms Shepherd. Both provide maps to help illustrate their point.

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<sup>12</sup> Specifically [13 – 102].

<sup>13</sup> M Shepherd EiC [5.1] - [5.6].

<sup>14</sup> S Skelton EiC [17] - [20].

- 3.40** I have carefully reviewed the Submitter Evidence and the mapping shown on the Queenstown Lakes District Council web mapping application. I agree that there is a discrepancy as both Ms Shepherd and Mr Skelton assert. I discussed this matter with Mr Geoffrey Everitt (QLDC Policy Planner GIS Lead Planning and Development). After careful consideration, his response was that there is simply an error in the mapping at this location.
- 3.41** To clarify things for both submitters, and to provide some comfort, the PA schedules only apply to land that is Rural Zone. Northlake is an Operative District Plan Special Zone, and as such is not subject to the PA schedules and mapping. In terms of the practicalities of remedying the mapping anomaly, I understand from Council that this issue can be rectified when the special zones are reviewed and brought into the Proposed District Plan (PDP). This will be through a separate district plan review process.
- 3.42** Ms Rachael Pull (in her evidence for Te Rūnanga o Ngāi Tahu) considers the implications of future land use activity on the Hāwea / Wānaka Sticky Forest block if it is identified as a native reserve. I note that it is the northern half of the Sticky Forest block that is within the ONL PA and subject to this variation. This matter is addressed in detail in the rebuttal evidence of Ms Evans at [4.10 – 4.14].
- 3.43** Ms Pull is concerned that a ‘first in first served’ situation will disadvantage those seeking proposals ‘later’ within the PA. From a landscape perspective, this is theoretically correct. As a landscape changes over time, the baseline environment against which the effects of future proposals are assessed will also change. At some future point in time, it is possible that a change generated by a proposal may be assessed to trigger a tipping point where cumulative effects come into play, and the landscape can no longer accommodate further development without compromising landscape values.

- 3.44** Several parties<sup>15</sup> continue to express concerns regarding public access (particularly mountain biking) to Sticky Forest. Downplaying public access was sought in the original submissions and was included in the Response to Submissions Version of the PA Schedule. Several concerns relate to the public desire for ongoing mountain biking access, safety and liability issues, as public access is currently informal. Another concern raised was whether there would be a perceived or actual decrease in overall value of the PA if public access is revoked in the future - which may be seen as an adverse effect of future development of the site. Several tracked changes were provided in Submitter Evidence which was helpful.
- 3.45** After considering the Submitter Evidence, it is my opinion that including mention of public access within Sticky Forest is not necessary or helpful. However, mountain biking within the PA is retained in the schedule wording, which includes within Sticky Forest 'for now' but is less location specific. This is consistent with the 'high level' status of the PA assessment methodology. Further, I agree that public access is not a 'given' and could be revoked at any time. As such, retaining wording around public access to Sticky Forest is in my view risking the schedule wording becoming out-of-date and misleading.
- 3.46** I have made several marked up changes to the schedule wording which provide these submitters with further relief.
- 3.47** I have made other responses to submitter evidence through the text changes and comment boxes in the schedule including from the following submitter:
- (a) Sunnyheights Ltd (OS 42)

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<sup>15</sup> M King EIC [18] and [36] - [38]; R Pull [43] - [44]; N Smetham [56] - [60].



#### **21.22.24 Lake McKay Station & Environs PA ONL**

**3.48** My response to submitter evidence has been fully addressed in the text changes and comment boxes in the schedule including from the following submitter:

- (a) UCESI (OS 67)

#### **21.23.1 Cardrona River Mount Barker Road PA RCL**

**3.49** My response to submitter evidence has been fully addressed in the text changes and comment boxes in the schedule including from the following submitter:

- (a) UCESI (OS 67)

#### **21.23.2 Halliday Road Corbridge PA RCL**

**3.50** My response to submitter evidence has been fully addressed in the text changes and comment boxes in the schedule including from the following submitter:

- (a) Silverlight Studios Ltd (OS 175)

#### **21.23.5 Maungawera Valley PA RCL**

**3.51** My response to submitter evidence has been fully addressed in the text changes and comment boxes in the schedule including from the following submitters:

- (a) UCESI (OS 67)
- (b) Sunnyheights Ltd (OS 42)

**Jeremy Head**

**Date: 29 September 2023**