

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

**UNDER THE** Resource Management Act 1991 (“**Act**”)  
**IN THE MATTER OF** Stage 3b Proposed District Plan – Wāhi tūpuna  
**BETWEEN** **GIBBSTON VALLEY STATION** (Submitter  
#31037)  
**AND BETWEEN** **MALAGHANS INVESTMENTS LIMITED**  
(Submitter #31022)  
**AND** **QUEENSTOWN LAKES DISTRICT COUNCIL**  
Planning Authority

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**LEGAL SUBMISSIONS ON BEHALF OF GIBBSTON VALLEY STATION LTD  
& MALAGHANS INVESTMENTS LTD: T18 – RURAL VISITOR ZONE**

**27 JULY 2020**

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**MAY IT PLEASE THE COURT:****Introduction**

1. These submissions are made on behalf of the following submitters (“**Submitters**”):
  - (a) Gibbston Valley Station (Submitter #31037) (“**GVS**”); and
  - (b) Malaghans Investments Limited (#31022) (“**Malaghans Investments**”).
2. The GVS site is partly Gibbston Character Zone, as well as Rural Zone; while the Malaghans Investments’ “**Skippers**” site is zoned Rural Zone.
3. Both Submitters seek for their land (and neighbouring land, in the case of Malaghans Investments) to be rezoned to Rural Visitor Zone (“**RVZ**”).
4. These submissions address:
  - (a) jurisdiction for the changes sought to the RVZ;
  - (b) the key outstanding drafting matters / amendments sought by the Submitters.
5. It is not intended to summarise the evidence – all witnesses that have filed evidence in advance are intended attend the hearing, and produce 2-page summaries addressing key and/ or outstanding matters.
6. It was also intended for the owner of the Malaghans Investments to attend and provide 2-page lay evidence. However, it transpires that the owner (Mr Giddens) has a little more to say than anticipated, with his lay evidence running to 4-sides. He also wishes to include a report and a letter that he has received on matters raised in the Council’s reply evidence. Leave is sought through these submissions to adduce that evidence, which accompanies these submissions. I address that matter first.

**Application for leave**

7. Leave is respectfully sought to:

- (a) file lay-evidence of the owner of Malaghans Investments, of 4 sides, out of time (the understanding being that lay evidence of more than 2 pages would ideally have been filed together with the expert evidence); and
  - (b) adduce, as attachments to that evidence:
    - (i) a geotechnical report, addressing natural hazard risks for the Skippers site; and
    - (ii) a letter from a traffic engineer, addressing vehicle access issues for the Skippers site.
8. The grounds for the application are that:
- (a) The application is made in good time, the week before Malaghans Investments is due to be heard, so there is some opportunity for the Panel to consider the evidence before the hearing.
  - (b) The evidence is relevant, credible, and cogent:
    - (i) While Mr Giddens' evidence is primarily contextual, it also records the position of Malaghans Investments on a number of matters that will assist the Panel in narrowing the issues. It is noted that while Mr Giddens is an expert planner, his evidence for Malaghans Investments does not trespass into opinion evidence "in his own cause". The position of Malaghans Investments has no doubt been informed by Mr Giddens' expertise and experience, but in terms of planning matters, Malaghans Investments relies on the evidence of Mr Farrell.
    - (ii) The attachments, while not briefs of evidence, comprise a report and a letter – which Mr Giddens can attest to the validity of (in the sense they are by or from who they purport to be from, unchanged).
    - (iii) The Panel has a wide discretion to receive anything into evidence that it considers relevant, and the matters of

natural hazards and access to the Skippers site are matters in issue.

- (iv) It is not uncommon for a report or letter to be tabled, and taken into account; particularly where they respond to matters raised in the course of a hearings process (natural hazards in the council's evidence in reply, in particular; and traffic in the course of the Panel's questions of other witnesses).
- (v) The Council will have the ability, in reply/ closing, to address any matters arising out of the evidence to be adduced.
- (vi) Accordingly, there is not anticipated to be any prejudice arising.

9. For completeness, updated structure plans for Skippers (in colour and black and white) and GVS (in black and white) also accompany these submissions. It is understood that black and white plans are preferred for inclusion in the PDP. It is not anticipated that leave will be required for these "updating" matters, but it is also sought for completeness if necessary.

#### **Jurisdiction for changes**

10. In respect of jurisdiction for changes to the RVZ if applied to each of the GVS and Skippers land, including site specific changes:
- (a) Ms Scott's submission, at [8.12] that there is scope for any changes between the existing zoning provisions and the RVZ provisions is supported.
  - (b) The relevant submissions also provide jurisdiction, within the scope of those submissions.
  - (c) In respect of GVS:
    - (i) its submission supported the RVZ, subject to inclusion of the GVS site as RVZ and:

... any consequential amendments to facilitate the Site being subject to Chapter 46 – Rural Visitor Zone and not its previous underlying zoning; and

any refinements to the provisions of Chapter 46 to better achieve the purpose of sustainable management.

(ii) the relief sought specifically included:

[to] adopt Chapter 46 – Rural Visitor Zone, with appropriate amendments as sought in or to otherwise address the issues raised in this Submission; and

(any other additional or consequential relief to the PDP, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission.

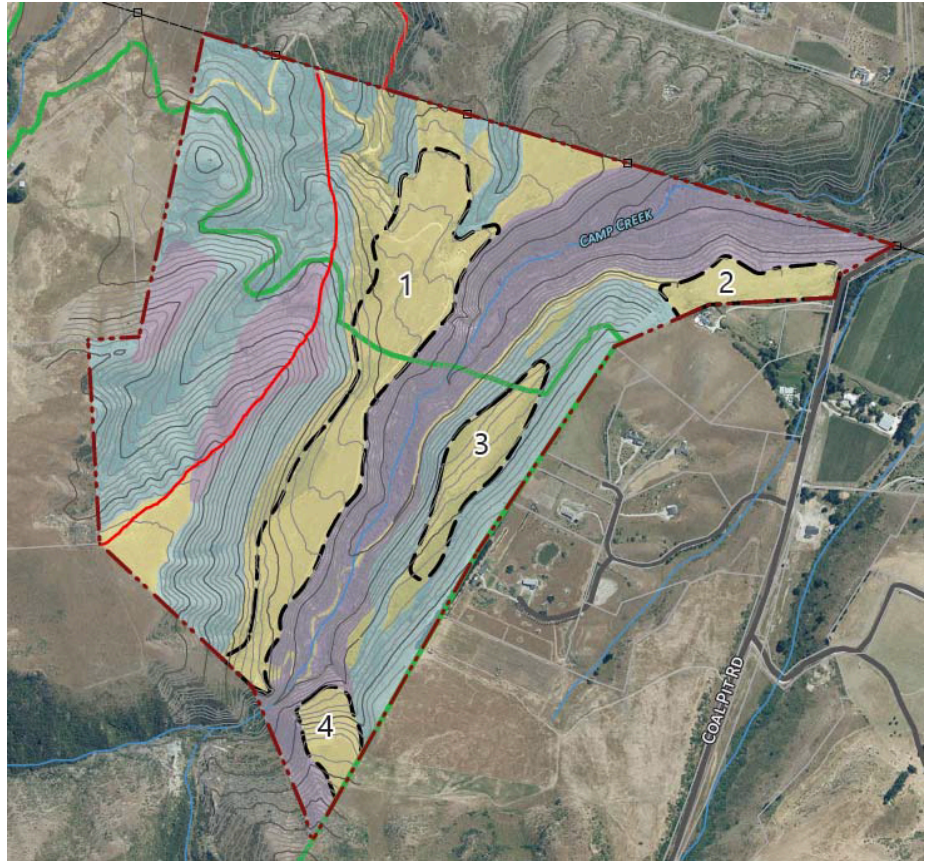
- (d) The Malaghans Investments submission was on similar terms, but also included a specific request to increase the permissible building height from 6m to 8m.
- (e) Jurisdiction for a decision-maker may also rise out of submissions by other persons, other than the person seeking the specific change for their land.
- (f) With any new or particular proposed zone, there must, independent of any specific submissions on the zone provisions, be some scope for improving the drafting for clarity, or to otherwise implement strategic policy direction or, more fundamentally, achieve the purpose of the RMA. It must be a matter of degree, and fairness, as to whether any such refinement goes beyond the bounds of any submission, or what is permissible in absence of a specific submission. There must also be the ability for a decision maker to impose an additional restriction, in order to ensure that effects are appropriately addressed.

- 11. In my submission, the amendments to the RVZ by the Submitters (either generally, or to their own specific sites) are all with jurisdiction of the Panel to make. An unduly technical approach should not be taken, in any event, in the circumstances of a “plan review” (particularly when proceeding by way of multiple plan changes).

12. Both GVS and Malaghans Investments have taken care to propose the minimal number of changes possible to the RVZ. This is not because of jurisdictional concerns, but because the Submitters generally consider the RVZ and its provisions (as most recently proposed by the Council/ its witnesses) to be the most appropriate planning response for their sites. Only a relatively small number of “tweaks” are required to make the provisions work better, either for all RVZ sites, or in an even smaller number of instances to better reflect the sites specific characteristics and evidence for the GVS, or Skippers site.
13. These submissions attach a clear highlighted mark-up of the amendments sought by the Submitters, and briefly address the key changes sought. They start by confirming the appropriateness of the RVZ generally for each site.

### **Zoning**

14. In respect of both sites, there appears to be little – or no – fundamental opposition (or evidential basis) to refuse the RVZ zoning request.
15. This is particularly the case in respect of the GVS site. The only opposition appears to be to the extent of the site, with Ms Grace recommending that an area to the west be excluded from the rezoning, as follows:



16. That is not opposed by GVS. The original western boundary of the proposed RVZ boundary was a cadastral one, and it makes some sense to instead, for that boundary, follow the ridgeline.
17. In respect of the Skippers site, Ms Grace recommends excluding an area to the east, shown as follows:



18. This not necessarily opposed by Malaghans Investments, provided that the relief seeking the removal of the 10m setback of buildings from the Zone boundary is granted. Given the location of the site, it is both unnecessary to have a 10m setback and would unreasonably reduce the area available for the type of visitor accommodation development that the zone seeks to enable. There is also something of a “perverse” outcome if the rezoning is drawn back to where the Council proposes. This is because, if the land proposed to be removed from the RVZ remains within it, then, as an area of higher landscape sensitivity, development within that area under the RVZ will be non-complying. In contrast, under the Rural Zone, the same development would be discretionary. Accordingly, on balance, Malaghans Investments considers it more appropriate to retain the original extent of the rezoning sought.
19. The one potential “impediment” to the rezoning of the Skippers’ site to RVZ identified by Ms Grace was a lack of evidence as to “an assessment of risk from natural hazards on the site”. It is, however, no longer necessary to debate whether or not such an assessment should be required before rezoning – or if natural hazards can be appropriately managed through the RVZ provisions, including if amended. This is because Malaghans Investments has, in light of the natural hazards “impediment” identified by Ms Grace, addressed that issue through the obtaining of an independent report on natural hazards. This report is part of the additional evidence sought to be adduced. The Hazards Report concludes:

Based on the information received and observations on site it is my opinion that there is a very low risk of landslide on the properties or the upslope land. The most recent land forming has been by way of erosion and deposition, but this also appears to be stable on the sites and provides a low risk to future development.

Given the level of development anticipated under Rural Visitor zoning there are no natural hazard concerns provided that issues of runoff and earthworks are given consideration at the time of that development.

### **Specific amendments**

#### **Structure Plan & subdivision**

20. Ms Grace’s opposition to the adoption of structure plans appears to be two-fold (only):
- (a) The first is if a structure plan simply replicates the landscape sensitivity areas within a RVZ, which are already to be shown on



the planning maps. This makes some sense. Unnecessary duplication is to be avoided. However, if a structure plan includes additional requirements or constraints, then it may serve a useful purpose. In respect of the GVS RVZ, while the “development areas” shown on the proposed RVZ largely align with the low landscape sensitivity areas, they are more confining, taking into account some of the physical constraints of the site as well. It is considered appropriate to set the expectations of where development should occur in the zone through such a structure plan.

- (b) The second is an “unintended consequence” that a structure plan would result in subdivision that is consistent with the structure plan being controlled (under Rule 27.7.1). As a first point in response, this may not be an “unintended consequence”. One of the (well known) consequences of having a structure plan incorporated into the PDP is that subdivision consistent with it will be controlled. That is entirely appropriate where a structure plan has been adopted through a PDP process, and identifies the key “organizational” or “layout” anticipated for development in that area.<sup>1</sup> Why should subdivision in accordance with that form be declined, if that form is appropriate (and that has been assessed and determined through the PDP process)? It is also important to understand that controlled activity status does not equate to subdivision being “uncontrolled”. Matters for control include, for example, “subdivision design and consequential effects on “lot layout, sizes and dimensions”. While there may be a debate as to the extent to which conditions can be imposed to modify a controlled activity consent, it is incorrect to say that there can be no conditions imposed that might, for example, reduce the number of lots, because of lot size requirements.
- (c) In other words, the Panel can have confidence that controlled activity status for subdivision will not result in adverse consequences.

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<sup>1</sup> Having gone through the appropriate section 32 assessment and been determined as a planning response or method that is “most appropriate” and meeting the other plan-change requirements.

21. Despite Ms Grace' apparent general opposition to structure plans, she does not appear to have an issue with the GVS structure plan. As indicated above, the GVS structure plan proposed goes further than just replicating the landscape sensitivity analysis that is required for the zone and to be shown on the planning maps in any event.
22. In respect of the Skippers structure plan, the latest version includes indicative roading / access locations, as well as a development area (although it is accepted that the latter does align with the landscape areas of low sensitivity areas). The escarpment location is shown for context which will help in assessing the extent of visibility for future consents. It also shows the location of existing dwellings and buildings, being key features on the site
23. If structure plans are accepted as an appropriate mechanism for some, but not necessarily all RVZ areas, then it does make some sense to have explicit support for them in the zone provisions. It is for that reason that

- (a) the following addition is sought to 46.1 Zone Purpose:

Schedule 46.7 includes a schedule of Structure Plans to guide future land use development within some of the Rural Visitor Zones. Development in accordance with each Structure Plan is specifically provided for.

- (b) New Policy 46.2.2.8 is sought:

Development that is in general accordance with a Structure Plan in 46.7 is enabled.

- (c) It is proposed to implement this new policy through a new rule (46.5.10) that provides, where a structure plan applies to a RVZ, for development to be located in general accordance with that structure plan – otherwise non-complying status will apply.

The following amendments are also sought to the Subdivision Chapter. They are not contingent on whether or not structure plans are recognised as a mechanism in the RVZ, but provide better policy direction for the consideration of subdivisions that are proposed within the RVZs:

New objective:

27.3.15 Subdivision that provides for visitor accommodation, residential visitor accommodation, worker

accommodation, commercial recreation, recreation, and activities ancillary to these uses.

New policies:

- 27.3.15.1 Enable subdivision that provides for visitor accommodation, residential visitor accommodation, worker accommodation, commercial recreation, recreation, and activities ancillary to these uses.
- 27.3.15.2 Avoid subdivision and development in High Landscape Sensitivity Areas as shown on the Structure Plan for the Skippers Rural Visitor Zone.
- 27.2.15.3 Provide for a rural standard of infrastructure, including access, and the need to consider alternative forms of servicing to meet the needs of the intended land uses acknowledging the remoteness and practical constraints as an alternative to adherence to the Council's Code of Practice for subdivision and development.

### **Extent of built form**

- 24. As proposed, the RVZ only imposed a restriction on the maximum ground GFA of individual buildings of 500m<sup>2</sup>, beyond which an RDA consent would be required.
- 25. The Council now proposes, at least in specified RVZs (including GVS, and, presumably Skippers if approved), that any more than a maximum ground GFA of 500m<sup>2</sup> across all buildings requires an RDA consent. The key reason for this appears to enable effects arising from "density" to be taken into account. The Submitters accept that this is a legitimate matter to be addressed. However, while they do not formally oppose the 500m<sup>2</sup> standard, they consider it to be somewhat arbitrary. Across any RVZ, more greater than 500m<sup>2</sup> ground floor GFA can be expected. For a lodge or similar development one or two buildings only would exceed that trigger. Accordingly, the standard effectively turns a buildings in the low and low-moderate landscape sensitivity areas from controlled to RDA. In some respects, it might be more "honest" to simply have all buildings in the low and low-moderate sensitivity areas provided for as RDA; although the Submitters do acknowledge some small benefit from being able to get some initial development away as a controlled activity if that made commercial sense to them. They do agree that a low level of build form/ density, is appropriate for controlled activity, and supported by the landscape assessments/ evidence.

26. A critical requirement of the Submitters support (or acceptance) of RDA status above a 500m<sup>2</sup> threshold, however is the non-notification (including no limited notification or requirements for affected party approval) of such applications under Rule 46.2.
27. Non-notification of applications for buildings within the low and low-moderate landscape sensitivity areas of a RVZ is appropriate – given the assessment undertaken to identify the areas as being of low and low-moderate sensitivity as part of the zoning. The Council is more than equipped in that context to assess any particular proposal, as an RDA, without notification. It was also the basis on which the zone was notified, and in that regard:
- (a) it is understood that there were no submissions seeking removal of that non-notified status; and
  - (b) in respect of both the GVS and Skippers rezoning requests, no neighbours submitted in opposition.
28. Efficiency in process is important (and is often a criticism of RMA processes). Having appropriate non-notification provisions in the PDP will assist in achieving that important outcome. By way of a recent example, a notified resource consent application that attracted less than half a dozen submissions, and without any credible opposition being put forward (or any submitter attending the hearing), cost the applicant (from notification):
- (a) \$79,567.48 including GST, for the Council's processing costs; and
  - (b) \$73,810.35 including GST, for the applicant's own team; so
  - (c) in other words, amounting to process costs of over \$150,000.
29. Wider anecdotal evidence suggests this level of costs (or more) are not uncommon.
30. For these reasons, the Submitters strongly support retention of the non-notification rule for buildings in the low and low-moderate sensitivity areas, as originally proposed (and continues to be the case).

31. If this rule were removed, then the Submitters would have very significant concerns about all buildings over a total zone ground floor GFA of 500m<sup>2</sup> being RDA (rather than seeking a greater trigger for RDA status).
32. Finally, in respect of Rule 46.1.3, the Council has (as identified above) proposed “Density of development” as a matter reserved for discretion. It is unclear whether this was just intended to relate to landscape and visual effects – or other matters that might arise from density, such as traffic generation. For clarity, and to ensure that traffic generation, access, safety, and other related matters can be taken into account later, the Submitters propose to specifically include “Traffic effects” as a matter for discretion.
33. The Submitters also accept “Natural hazards”, as a sensible additional matter to reserve for discretion. For Skippers, in light of the natural hazards risk assessment report now obtained, the inclusion of natural hazards as a matter reserved for discretion is not a necessary for, or justification for, allowing the RVZ rezoning at that location.

### **Building Height**

34. Each of the Submitters has provided landscape evidence to support an increase in the maximum height of buildings as provided in the Rule 46.5.1.3 and 46.5.1.4, as follows (the Skippers rule being sought, rather than being a recommendation of a Council witness being supported as is the case with GVS):

#### Building Height

46.5.1.1: The maximum height of buildings shall be 6m.

46.5.1.2: Within the Water Transport Infrastructure overlay identified on the District Plan maps the maximum height of buildings shall be 4m.

46.5.1.3: Within the ~~Height Exception~~ Development Areas identified on the Structure Plan in 46.7 for ~~District Plan maps~~ in the Gibbston Valley Rural Visitor Zone, the maximum height of buildings shall be 7m.

46.5.1.4: Within the Development Area identified on the District Plan maps in the Skippers Rural Visitor Zone the maximum height of buildings shall be 7m.

### **Commercial recreational activities – non notification**

35. Both Submitters seek for commercial recreational activities to be non-notified with the RVZs, or at least, within each of their RVZ sites (if the rezoning is approved).
36. Commercial recreational activities are likely to be feature in most RVZs (and are certainly anticipated in each of the Submitters' proposed RVZs). They are likely to be activities such as guided bike and walking tours, off road vehicles, hunting/fishing trips. Given the nature of the sites (eg remote) there seems little need in requiring a notification assessment to be undertaken for such commercial recreational activities. It is simply likely to impose another additional cost on development, without any corresponding benefit.

### **Servicing**

37. The Submitters are concerned that when it comes to consenting, processing officers might seek undue adherence to all the usual codes of practice for urban subdivision and development; resulting in “over-engineering” of services or requirements for services that are more “urban” in nature and are inappropriate for a rural environment, even a rural visitor one.
38. Accordingly, the following new policy is sought:

#### **New Policy 46.2.2.7**

Provide for roading and infrastructure to be of a rural standard, character and appearance, and provide solutions for roading and infrastructure that recognises the remoteness of the location and avoids urban forms, such as curb and channelling and street lighting, as an alternative to adherence to the Council's urban guidelines for subdivision and development.

39. This is to be implemented through new rule 46.5.9, which provides the following standards, the exceedende of which will trigger Discretionary consent status:

#### **Roading**

- (a) All roading and car parking shall be gravel or chip seal with swale edging;
- (b) Kerb and channel is not permitted; and
- (c) Carriageway width shall be kept to a minimum standard in order to retain rural amenity.

### **Owner – limited occupation of visitor accommodation buildings**

40. Both Malaghans Investments and GVS seek the inclusion of a new Rule 46.4.4A, providing for the following activity as a permitted activity:

Within visitor accommodation buildings in the Gibbston Valley and Skippers Rural Visitor Zone, residential activity up to 180 nights per year.

41. This rule was accepted by the Council, and approved by the Court in respect of certain Activity Areas of the Gibbston Resort Zone. The rationale has again been explained by Mr Hunt, as follows:

A likely model of funding is one where investors can own a visitor accommodation unit, but have it managed for visitor accommodation through the Gibbston Valley Management Company. In addition to a return on their investment, it would be attractive to investors if they could, for a reduced fee, stay in their own units for reasonable lengths of time during the year. Many owners are likely to come from Auckland, Australia, and potentially the west coast of the USA. They are likely to want the option, on occasion, to spend extended periods of time in their unit – but not permanently reside there. (If they were looking for semi-permanent accommodation, then other options outside a unit in a Resort Zone would be much more attractive, including financially.) In summary, having such an opportunity, from the owners' perspective, would appeal to them for their requirements for a regular holiday home to enjoy what Gibbston and the Queenstown region has to offer.

42. Mr Giddens addresses the issue in respect of Skippers as follows:

Given my familiarity with the Gibbston Valley Resort Zone and what I call the "180-day rule" for use of the residential use of a visitor accommodation unit, this would be my preference as it provides a workable balance between visitor accommodation and residential activity.

Practically this allowance is a perfect fit for Skippers as it will [enable] a person to reside in Skippers throughout the warmer months of the year or spread their stay to cover the ski season. Having the allowance of a person to reside in a visitor accommodation unit part time is entirely reasonable particularly considering that a unit will still remain for visitor accommodation.

43. Elsewhere, the Council has accepted that an owner could technically stay in their own unit for up to 90 days at a time, without that use becoming "residential". It would be possible to "game" the system by having an owner check-out for a night at the end of that period, and then check back in on the following day, or possibly even book for back to back 90 day periods. The Submitters however do not wish to adopt such a system. They would far prefer to have a clear rule to enable the owners' use in the manner sought under their proposed "180-day rule". It is also difficult to see how

there would be adverse effects beyond those generated by visitors arising from such a situation.

44. In this context, it is also helpful to recall that the primary use is to be visitor accommodation. Units will be designed and consented with that primary purpose in mind. Allowing a limited exception for owners to stay in their own units for extended periods of time (but less than allowed under the 180-day rule), which will not be taken up by all owners, and not for every year, will not undermine that primary purpose.

#### **Skippers – other matters**

45. Minor amendments are sought to Policy 46.2.2.2 in respect of building and heritage colours. Malaghns Investments also seeks recognition in Policy 46.2.2.6 of “air based transport” as an alternative to vehicle and water access. That provides appropriate support for the proposed rule in respect of informal airports.

#### **Conclusions**

46. As will be evident the Submitters have:
- (a) addressed, in evidence, any issues that might be an impediment to the rezoning of their sites to RVZ (in respect of GVS, there is no opposition from the Council, and in respect of Skippers, the natural hazard opposition has now been addressed) ; and
  - (b) whittled down the amendments sought to the RVZ provisions, to a small number of changes that are both supported by evidence and common sense.
47. Accordingly, it is respectfully requested that the rezonings sought be allowed, together with the minor refinements to the RVZ provisions as sought by the Submitters. A consolidated version of the changes sought to the RVZ provisions is **attached** to these submissions.

**DATED** 27 July 2020



**J D K Gardner-Hopkins**, Counsel for the Submitters



**Attachments:**

1. **Lay evidence of Mr Giddens.**
  - A. **Images – Camp Glenrochy**
  - B. **Updated Structure Plans (Colour and B&W)**
  - C. **Hazards Report**
  - D. **Traffic Letter**
2. **B&W Structure Plan – Gibbston Valley RVZ**
3. **Consolidated changes sought**

**Attachment 1: Lay evidence of Mr Giddens (and its attachments)**

# Statement of Brett Giddens on behalf of Malaghans Investments Limited

## Introduction

1. My name is Brett Giddens. I am the sole director and shareholder of Malaghans Investments Ltd, the owner of 1352 Skippers Road.
2. I am a qualified and experienced planner. I have however engaged independent experts to advise me on planning, legal, landscape, transport and geotechnical matters relating to my submission. I am of course however very familiar with the PDP process (including Stage 3) and also the Rural Visitor Zone through the advice I have provided clients of my consultancy firm. I am not presenting in my role as an impartial expert and this evidence should not be taken as such.

## Background

3. I have owned my property in Skippers Canyon for almost 2 years now. It is my family's remote piece of paradise away from the rat race and only a 35-minute drive from the door of my house on Malaghans Road to the door of 1352 Skippers Road. It is located about 50 minutes from central Queenstown and around 6 to 7 minutes from helicopter from Queenstown Airport. The property is not in "Skippers" itself, it located about 15 minutes' drive from the historic township.
4. My submission also includes the property owned by my neighbour, Mr Brett Mills. Mr Mills independently lodged a very similar submission to mine and we both considered that it made sense to present jointly given our common interests and that we share the same values in how we foresee the zone applying to Skippers.
5. To the best of my knowledge there is no specific accommodation for visitors in Skippers, other than Mr Mills and I both allowing our houses to be used by family and friends. I understand that the closest accommodation is in Arthurs Point. Skippers is a destination that is widely used by commercial operators (rafting, sightseeing, hunting, 4x4 driving, etc) and in the past has included a bungee jumping of the pipeline and also from a hot air balloon. These are factors that attracted me to rezoning the property to Rural Visitor.
6. My vision for my property is to establish a rustic, rural lodge with cabins that people can stay in and use as a base for their stay in Skippers and explore the wider area. I liken this to a much smaller version of Camp Glenorchy; a sustainable, eco-friendly accommodation facility (see examples in **[A]**). It is likely that most larger building materials (such as trusts and wall panels) would need to be brought in by helicopter, which will inevitably lead to the establishment of smaller buildings and cabins to make any development cost effective.

## Landscape

7. The landscape in the Skippers Canyon is certainly outstanding. The landscape is something to me that is important to be maintained as it is a fundamental part of the charm of the area.
8. Mr Mills and I had a recent discussion about how we would like to see the area develop and an important issue to us both is ensuring that we maintain the sense of remoteness with any development that occurs in the zone. A key matter – to us – is ensuring that views of built form from Skippers Road and key vantage points are minimised. While views would be fleeting and very limited, we both feel we would be more comfortable with making amendments. I asked Mr Milne to further refine the

developable area on the structure plan to reflect our aspirations. This has resulted in a reduction of the developable area for the proposed zone – see [B].

9. I listened to the recording of Mr Jones' questioning on 2 July 2020 regarding the visibility of the zone and I would like to clarify some matters:
- There are numerous areas where you can pull to the side of the road on the journey into Skippers and gain fantastic views of the landscape and river canyon. In the location of the zone, there is only one vantage point where you can easily pull over. From this location, views to my property are towards the higher slopes and face above the road (identified by Mr Milne as having high landscape sensitivity and excluded from the development area) and not the lower slopes and flatter terrace. It is not usual for a person to get out of their car on the road as Mr Jones did and certainly not in a location where you could gain views of my property.
  - On other locations of the road past this view point, the road is narrow or so low down towards the river that it is not possible to view the "developable area" identified by Mr Milne, with the exception of my house which is perched on an outcrop high above the river.
  - In my own experience when a passenger driving to my property from the Skippers Saddle, you are attracted to views of the river and majestic canyon on this drive, and not towards my property.

### **Residential and Visitor Accommodation Activity**

10. Prior to the Covid-19 outbreak, my property was leased to Go Orange as the base for their commercial rafting operation but the tourism climate has put an end to that for the foreseeable future. What this did make clear to me is that the property is desirable as a base for commercial recreation activity.
11. Ms Grace takes issue with my request to have some allowance for residential activity within the zone. The properties are already used for residential activity and I cannot see how there would be any adverse effects from having greater provision for residential activity in this location. I support Mr Farrell's assessment in this regard.
12. Given my familiarity with the Gibbston Valley Resort Zone and what I call the "180-day rule" for use the residential use of a visitor accommodation unit, this would be my preference as it provides a workable balance between visitor accommodation and residential activity.
13. Practically this allowance is a perfect for Skippers as it will enjoy a person to reside in Skippers throughout the warmer months of the year or spread their stay to cover the ski season. Having the allowance of a person to reside in a visitor accommodation unit part time is entirely reasonable particular considering that a unit will still remain for visitor accommodation.

### **Access**

14. Access to Skippers is not conventional; this is part of the charm of the area. The road has been greatly improved in recent years and now includes a considerable number of passing bays and layover spaces. Furthermore the service is graded throughout the year to facilitate the continued use of the road from tourism operators and visitors. The QLDC has a resource consent application currently lodged for gravel extraction to maintain Skippers Road for a 25 year consent term.

15. There are numerous means for visitors to access Skippers without having to drive the road themselves. I would not expect that most visitors would drive to facilities within the rural visitor zone. While some would, there are a range of options in addition to personal vehicles:
  - a. Private commercial vehicles, including 4X4 and buses (such as Nomad Safaris)
  - b. Cycle
  - c. Helicopter
  - d. Jet boat
16. When I have visitors stay with me, I make a point of driving them into Skippers. The drive is an experience in itself as allows the passenger to take in the most of the stunning scenery.
17. The road is also used by cyclists and numerous guests have ridden in to stay at my property. This is actually a much quicker option than driving and a transport mode that I foresee greatly increasing.
18. To establish a viable and interesting visitor accommodation business in Skippers, there would need to be integration with a range of transport modes. The trip into Skippers is of course part of the attraction to the location and there is a great opportunity for this to be expanded on as part of the establishment of the RVZ. I would hope to see the focus of a Skippers experience would be to encourage visitors to use other forms of transport in and out (which in turn benefits those operators as well as the accommodation provider).
19. Nomad Safaris and other operators go into Skippers daily – these range from trips over a couple of hours to half and full day trips. Having a rural visitor zone that provides for accommodation will create opportunities. These types of operators would benefit from being able to diversify their operations – for example, a trip could include overnight accommodation to break up the journey. It could also include integrating with other operators (i.e. driving in with Nomads or other 4X4 operators, helicopter or jet boat out). I foresee people using the RVZ facilities as a base for hunting, tramping and fishing trips.
20. The flexibility in transportation options, whatever the purpose of the trip, is positive in terms of the visitor experience and will add greatly to the viability of the zone and existing businesses.
21. With the recent approval of the Mahu Whenua Traverse between Coronet Peak and Treble Cone (RM190840), Skippers is the most ideally located spot to link in with that network, providing alternative accommodation. This would be a very easily accessible link by helicopter.
22. After hearing the questioning of Ms Grace regarding road access to Skippers, I asked traffic engineer Mr Jason Bartlett to provide comment on the matter. A copy of his report is appended as **[C]** which ultimately concludes that the proposed rezone of the site to Rural Visitor Zone will not have a noticeable effect on the operation or safety of Skippers Road or the surrounding transport network. I support Mr Bartlett's findings and suggested provisions from a practical perspective.

### **Infrastructure**

23. I am happy with Mr Farrell's recommendations on the provisions relating to infrastructure. It is very important to have a framework that enables alternative infrastructural servicing in remote locations. Adhering to the Council's code of practice simply would be very onerous in this environment. While that standard is

important for an urban context, it has little relevance to such a remote location and I would not want to see urban forms in Skippers.

### **Hazards**

24. I commissioned a site-specific hazard assessment on the zone from geotechnical engineer Mr Grant Meldrum. His report is appended to my brief as **[D]**. As an aside it was always intended that this matter would be clarified however logistically it was difficult with the interruption caused by the Covid-19 lockdown.
25. Mr Meldrum has concluded that the risk of landslide and instability hazard to the developable area is low. Any matters associated with the control of run-off would logistically be dealt with at the time of resource consent.

### **Conclusion**

26. I want other people to experience what myself and my family experience when we stay in Skippers. It truly is an amazing place.
27. I am happy to answer any questions from the commission.

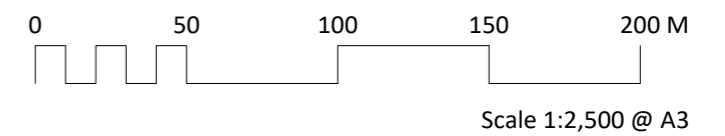
**Brett Giddens**  
24 July 2020





LEGEND

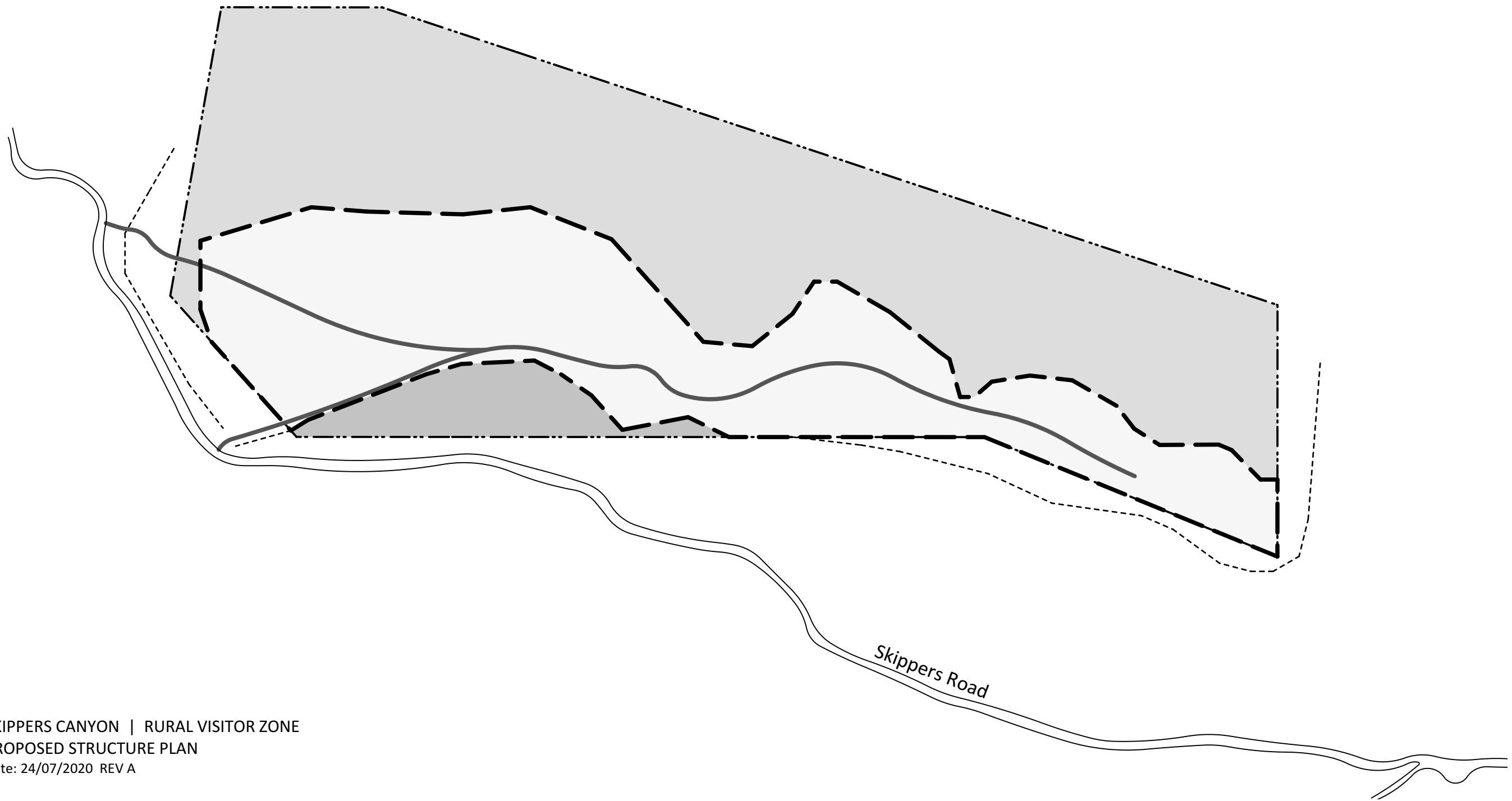
- - - Site Boundary
- Moderate-High Sensitivity
- High Sensitivity
- Areas of Lower Sensitivity
- Developable Area
- Indicative Site Access
- - - Escarpment Edge



Structure Plan



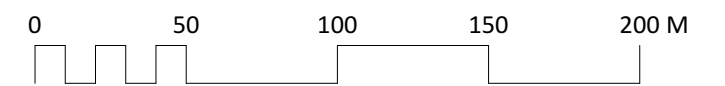




SKIPPERS CANYON | RURAL VISITOR ZONE  
 PROPOSED STRUCTURE PLAN  
 Date: 24/07/2020 REV A

**LEGEND**

- |                  |                            |                  |                        |
|------------------|----------------------------|------------------|------------------------|
| Site Boundary    | Moderate-High Sensitivity  | Developable Area | Indicative Site Access |
| High Sensitivity | Areas of Lower Sensitivity | Escarpment Edge  |                        |



Scale 1:2,500 @ A3

## TC 001

<b>Date</b>	24 July 2020	<b>Project</b>	Landslide Hazard Review
<b>Address</b>	1352 and 1354 Skippers Road	<b>Author</b>	Grant Meldrum
<b>Client</b>	Malaghans Investments Ltd	<b>Client</b>	Brett Giddens
		<b>Recipient</b>	

## Re: Assessment of Landslide Hazard at 1352 and 1354 Skippers Road

---

*This report has been prepared solely for the Malaghans Investments Ltd and is to be used only for assistance with submissions on natural hazard provisions for the subject properties as they relate to the Proposed District Plan. No use by any other party or for any other purpose is permitted without the prior written permission of GDM Consultants.*

### Introduction

GDM Consultants have been instructed by Malaghans Investments Limited to prepare a report outlining opinions regarding the hazard of landslip affecting proposed developments on the properties are 1350 and 1352 Skippers Road in the Queenstown Lakes District. The purpose of the report is to assist in presenting submissions to QLDC regarding the proposed district plan responding to concerns raised to date. In particular, Mr Robert Bond has presented evidence to the Hearings Panel on concerns with natural hazards at various locations including those covered by this report. The following is extracted from Mr Bond's evidence.

#### **SKIPPERS**

##### **4. BRETT MILLS - 1354 SKIPPERS ROAD (31015)**

**4.1** *The submitter has sought a rezoning of the site located at 1354 Skippers Road from Rural Zone to RVZ.*

**4.2** *It is my opinion that the site is likely to be affected by natural hazards. The key hazard identified is landslide risk.*

**4.3** *Based on available information I have formulated a qualitative risk assessment in terms of risks posed to property as recommended in the Australian geomechanics Volume 42 March 2007 version of the Practice Note Guidelines for Landslide Management.*

**4.4** *My assessment of the site is that parts of the site may be affected by landslides and that the qualitative level of risk is Moderate.*

**4.5** *It is my opinion that the identification of a moderate level of risk requires further investigation to refine the level of risk that exists across the site*

*for development anticipated by the RVZ. I recommend a detailed geotechnical assessment be completed to identify low-risk areas for development is undertaken prior to re-zoning being considered. I therefore oppose this rezoning.*

**5. MALAGHANS INVESTMENTS LTD – 1352 AND 1354 SKIPPERS ROAD (31022)**

**5.1** *The submitter has sought a rezoning of the site located at 1352 and 1354 Skippers Road from Rural Zone to RVZ.*

**5.2** *It is my opinion that the site is likely to be affected by natural hazards. The key hazard identified is landslide risk.*

**5.3** *Based on available information I have formulated a qualitative risk assessment in terms of risks posed to property as recommended in the Australian geomechanics Volume 42 March 2007 version of the Practice Note Guidelines for Landslide Management.*

**5.4** *My assessment of the site is that parts of the site may be affected by landslides and that the qualitative level of risk is Moderate.*

**5.5** *It is my opinion that the identification of a moderate level of risk requires further investigation to refine the level of risk that exists across the site for development anticipated by the RVZ. I recommend a detailed geotechnical assessment be completed to identify low-risk areas for development is undertaken prior to re-zoning being considered. I therefore oppose this rezoning.*

In the preparation of this report I have undertaken a desktop review of publicly available geological and geotechnical information and visited the site to observe the natural topography and geomorphology of the sites.

**Property information and physical setting**

Basic property information is set out in table 1 below

1352 Skippers Road	Lot 2 DP19171 Blk XI Shotover SD Area = 7.89 ha
1354 Skippers Road	Lot 1 DP19171 Blk XI Shotover SD Area = 4.05 ha

Table 1 – Basic property information

The two sites are on the eastern banks of the Shotover River between the confluence of Deep Creek and Maori Head. They are to the eastern side of Skippers Road and extend to the lower slopes of a ridge between Deep Creek and the Shotover River. Buildings on 1354 Skippers Rd are on the locally named Stapleton’s Terrace. The topographic plan below shows these features.



Figure 1 – Subject Area – [www.topomap.co.nz](http://www.topomap.co.nz)

A topographic drone survey of 1352 Skippers Rd has been provided Clark Fortune McDonald and Associates and a copy is appended to this report.

The majority of both sites are moderately steep hill slopes of between 1 in 4.5 and 1 in 1.5. The steeper slopes are at the higher elevations. There are buildings established on both sites and these have been constructed on isolated terraces above the incised banks of the Shotover River.

The land is largely covered in grass with matagouri and rose-hip sporadically over much of the steeper parts of the properties. There is also isolated bracken and blackberry. Below the site the steep slopes to the Shotover River are covered in scrub. The marked-up Google Earth image below shows the main topographic features of the site.

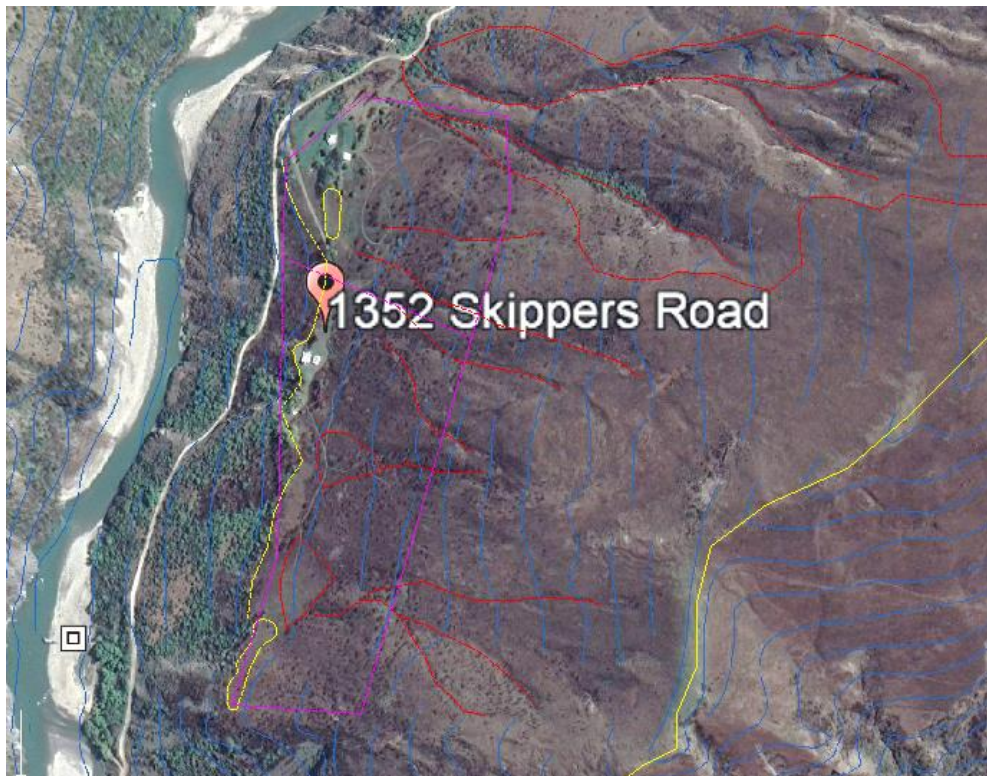


Figure 2 – Topographic Features

Along the eastern boundary of 1352 there have been sections of cutoff drain constructed to control runoff towards the ephemeral gullies. The southwestern corner contains a constructed pond that has now been drained.

To the north of 1354 there are several large active gullies. Near the southern boundary of this site, close to the buildings a pond has been constructed – although it holds little water.

## **Geology of the area**

The underlying formations of this part of Otago are described by Turnbull as:

***Rakaia Terrane IIB*** - Aspiring lithographic association (schist) – Pelitic schist, variably segregated, veined and foliated (Yai); includes extensive green schist bands and thinner horizons (Yag)

The surficial deposits on the lower slopes of the site (terraces) is described as:

Outwash (Q4a) and contemporaneous fan gravels (Q4a) from the Pleistocene Epoch ~50,000 years ago.

These materials are various from deposition of alluvial material from the Shotover River prior to its more recent incisions and from alluvial materials washed off the steeper slopes in recent times.

## Geomorphology

Most landscape forming of the region is associated with both glacial events and erosion episodes. This has resulted in steep valleys with dendritic erosion forming gullies and alluvial outwash fans. There are also shallow translational landslips throughout the area and these have been indicated on various geological maps (most particularly the GNS QMap 1:250,000 series Wakatipu map that has been used to identify areas of potential natural hazards by local and regional authorities).

Glacier ice may not have reached this part of the Shotover Valley except in the largest of the Pleistocene events (the Waimean) and at that time the river path was along the Deep Creek Valley and over the saddle to Coronet Creek (Eight Mile Creek) and then to the Arrow River.

At the subject site this large glaciation has provided conditions for the deposition of alluvial material on the terrace features and for the carving of the valley sides. Following glacial retreat, the current path of the Shotover was opened and the loss of toe support on many slopes initiated translation landslip of the foliated schist bedrock. The hill above the sites is of low height and does not have a great volume of material to drive further landslip. It is surmised that the height has been reducing due to erosion of the eastern face into the Deep Creek valley.

The terrace features (where buildings have been constructed on the sites and further to the north at Stapletons Terrace) are the result of material deposition from the Shotover River. This material would have been laid as river gravels (silt to boulder sized) on bedrock before recent incision.

The hill slopes above the property do have hummocky features that are typical of the upper sections of schist translational slips. These tend to be very slow-moving slips and, in these cases, do not exhibit any fresh headscarp features. These slips are considered to be largely stable.

The more significant mechanism of terrain forming is via erosion. Shallow gullies are present in several locations on the site and two of these terminate in small alluvial fans on the terrace features. All the gullies on the site are currently stable and do not exhibit more than isolated and small-scale erosion. A review of the available historical aerial photographs confirms that these gullies have been stable since at least 1954 (refer Appendix B).

To the north of the site there are several active gulley features that are moving large volumes of material. These do not have associated fans as they terminate above the Shotover River which transports the material further downstream. These gullies will continue to erode upslope till they intersect the ridge line.

## Discussion

### *Natural Hazards*

Parts of the site have natural hazards identified in the QLDC District Planning Maps. The figure below is extracted from the QLDC GIS system and shows the potential landslide hazard.



Figure 3 – Natural Hazard Mapping (QLDC)

The identification of these areas as potential natural hazards is taken from Turnbull (2000) and must be read in context of that mapping. The geological mapping undertaken by Turnbull et al was at region wide detail and defining boundaries of features at this scale was not the intended purpose. However, that was the available information on which the local authorities were able to identify potential hazards. The figure above shows the boundary with question marks indicating that the boundary locations are not exact.

Despite the inaccuracy of the mapping I do agree that there has been historic land movement on the upper slopes above the properties. These are indicated by “hummocky” areas that can be seen in the photograph below. As stated in the preceding sections there has been no recent movement of the slip material and all recent soil movement has been the result of rainfall runoff creating gullies and small alluvial fans. Even this recent transport of soils has been largely “completed” with very few areas of exposed soil due to runoff action. The drainage paths and gullies show no significant change in the last 70 years (refer to aerial photographs in Appendix B).



Hummocky land indicating historic slip movement

Figure 4 – View of properties taken from Skippers Rd – south of the site

It is my opinion that the potential for further landslip on the site is negligible. This is due to the relatively stable current landform and the fact that the south-eastern side of the ridge above the properties has more active gully erosion patterns and this will tend to reduce the height of the ridge with time which will reduce the gravity drivers for any further mass movement. I suspect that this could be the mechanism that has resulted in the slope becoming stable with respect to landslip.

Not identified on the hazards register is the erosion potential that has been evident in the past and is still a current land forming process in many parts of the Skippers catchment. This mechanism has resulted in the several shallow gullies over the properties and two small fan deposits. The slopes are currently well vegetated with grass and this indicates that there has been no significant erosion in the recent history of the site (also supported by the aerial imagery in Appendix B). The catchments for these gullies are small and the runoff will be ephemeral in nature. As with the land slip mechanism the lowering of the ridge line will reduce the catchment to these gullies and therefore reduce the risk of further erosion.

I believe that the current landform is relatively stable and will stay that way unless there is some other mechanism to trigger further movements of soils and rock. On a local level this could be from earthworks associated with development on the site and on a global level from the undermining of the sides of the valley due to erosion by the Shotover River. This erosion would need to be substantial and would likely take centuries or longer to occur.

### *Development on the site*

Currently being assessed as part of the proposed District Plan review is the designating of these sites as rural visitor zone (RVZ). The intention of this zoning is to allow for a moderate level of sympathetic development for use by visitors to the region. The size and height of buildings is limited, and landscape values are of prime importance for these areas. I make no comments regarding the landscape values and confine comments to the potential effects of development on the stability of the landscape.

With any development there will be some disturbance of the surface of the land. This may be for provision of temporary or permanent access, for provision of services and for construction of building platforms.

The proposed RVZ Structure Plan attached in Appendix A shows three different levels of “sensitivity” on the properties. The area defined as “Areas of Lower Sensitivity” is also identified as the “Developable Area”. This area is on the lower slopes of the properties and include the two small alluvial fans as well as the moderately sloping land and terrace in the western part of the sites.

It is my opinion that the identified developable area has a low risk of land movement by land slip or by erosion/deposition in its current state. In undertaking any development there will need to be control of runoff catered for and there may be a need to retain cut batters. There should be specific input from a person qualified in civil/geotechnical engineering or engineering geology at the time of any development so that the effects of that development can have regard to runoff and potential erosion. This is of most significance in areas of



earthworks that result in cuts into the natural ground. Reducing potential for runoff affecting these areas by way of cutoff drains and control of runoff discharge are anticipated as the likely methods that would be applied.

From an engineering perspective I consider that the area within 1352 and 1354 Skippers Road identified as “Developable Area” are suitable for modest development of the sort anticipated by Rural Visitor zoning. Prior to undertaking that development, a suitably qualified and experienced person should provide input to design of mitigation measures to reduce the impact on the land surface.

## Conclusion

Based on the information received and observations on site it is my opinion that there is a very low risk of landslide on the properties or the upslope land. The most recent land forming has been by way of erosion and deposition, but this also appears to be stable on the sites and provides a low risk to future development.

Given the level of development anticipated under Rural Visitor zoning there are no natural hazard concerns provided that issues of runoff and earthworks are given consideration at the time of that development.

A handwritten signature in blue ink, appearing to read 'Grant Meldrum', written over a light blue grid background.

Grant Meldrum  
BE(Civil), CMEngNZ, IntPE(NZ), APEC Engineer  
**gdm consultants**

## References

*Turnbull, I.M. (compiler) 2000: Geology of the Wakatipu area: scale 1:250,000. Lower Hutt: Institute of Geological & Nuclear Sciences. Institute of Geological & Nuclear Sciences 1:250,000 geological map 18. 72 p. + 1 folded map*

Appendix A – Clark Fortune McDonald and Associates  
Topographic Plan & Rough and Milne RVZ Structure  
Plan

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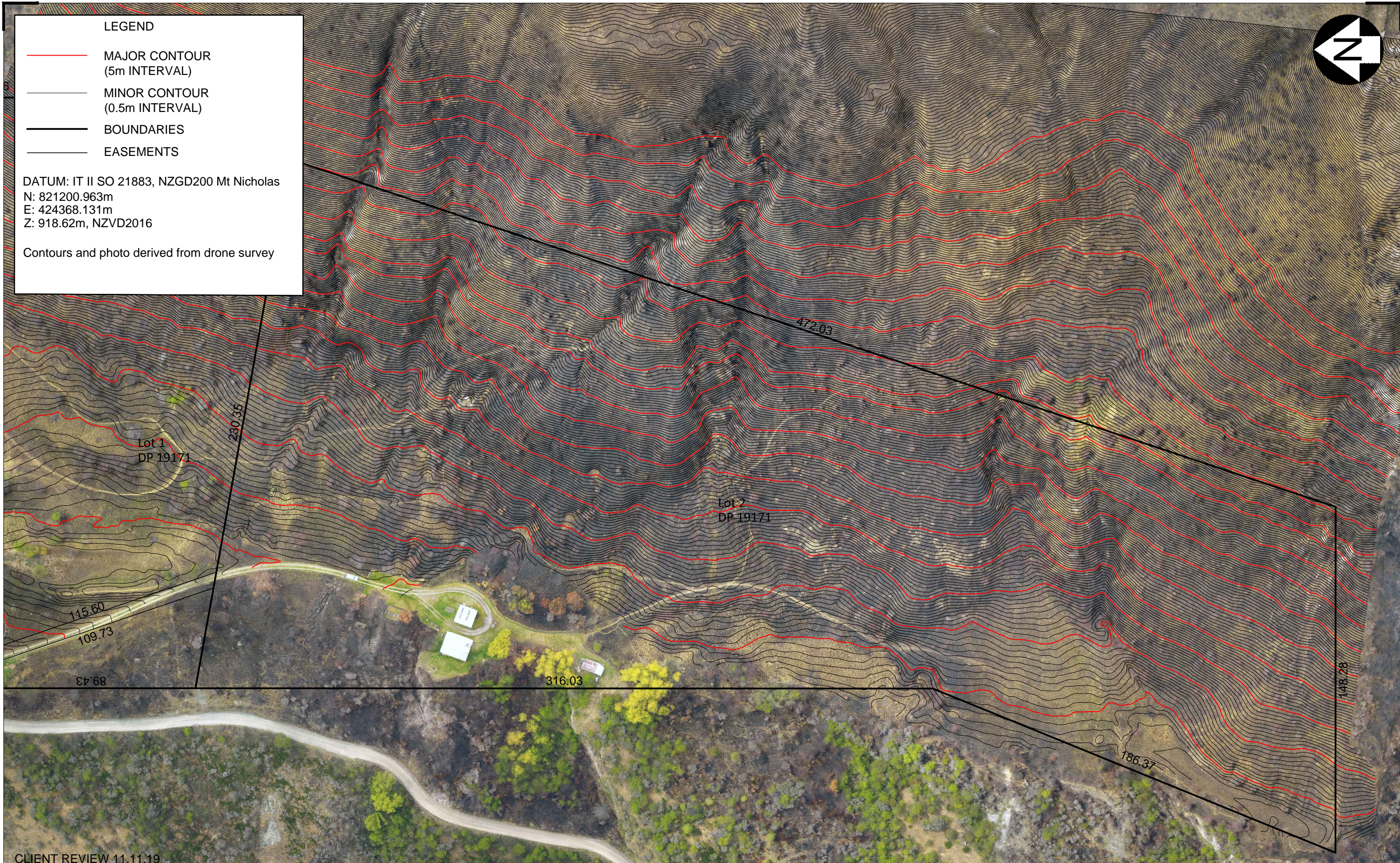


**LEGEND**

- MAJOR CONTOUR (5m INTERVAL)
- MINOR CONTOUR (0.5m INTERVAL)
- BOUNDARIES
- EASEMENTS

DATUM: IT II SO 21883, NZGD200 Mt Nicholas  
 N: 821200.963m  
 E: 424368.131m  
 Z: 918.62m, NZVD2016

Contours and photo derived from drone survey



CLIENT REVIEW 11.11.19

**Clark Fortune McDonald & Associates**  
 Licensed Cadastral Surveyors - Land Development - Planning Consultants  
 309 Lower Shotover Road, P.O.Box 553 Queenstown  
 Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz

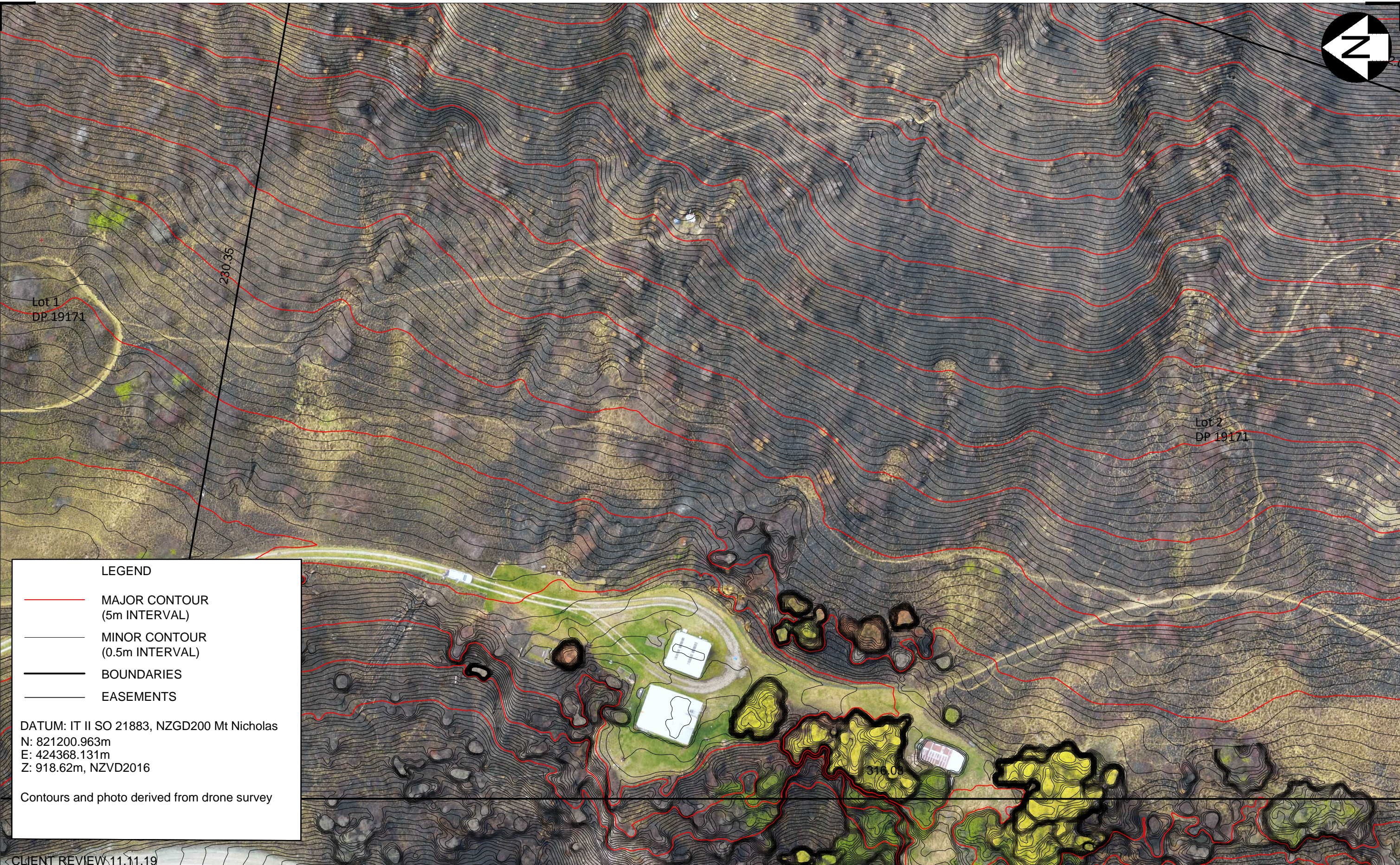
Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
 Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By

**Lot 2 DP 19171**  
**1352 Skippers Road**  
**Topographic Plan**

Client	Surveyed	Signed	Date	Job No.	Drawing No.
TOWN PLANNING GROUP	BR		19.10.19	14132	01
	Drawn	Signed	Date	Scale	
	LJM		11.11.19	1:750 @ A1 1:1500 @ A3	
	Designed	Signed	Date	Datum & Level	Rev.
				NZGD2000 / NZVD	-

Notes:  
 - All dimensions shown are in meters unless shown otherwise.  
 - Any person using Clark Fortune McDonald drawings and other data accepts the risk of:  
 - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions.  
 - Ensuring the information is the most recent issue.  
 - Copyright on this drawing is reserved.



Lot 1  
DP 19171

Lot 2  
DP 19171

230.35

310.00

**LEGEND**

- MAJOR CONTOUR (5m INTERVAL)
- MINOR CONTOUR (0.5m INTERVAL)
- BOUNDARIES
- EASEMENTS

DATUM: IT II SO 21883, NZGD200 Mt Nicholas  
 N: 821200.963m  
 E: 424368.131m  
 Z: 918.62m, NZVD2016

Contours and photo derived from drone survey

CLIENT REVIEW 11.11.19

 **Clark Fortune McDonald & Associates**  
 Licensed Cadastral Surveyors - Land Development - Planning Consultants  
 309 Lower Shotover Road, P.O.Box 553 Queenstown  
 Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz

Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
 Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By

**Lot 2 DP 19171**  
**1352 Skippers Road**  
**Topographic Plan**

Client	Surveyed	Signed	Date	Job No.	Drawing No.
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	Drawn	Signed	Date	Scale	
	BR		11.11.19	1:375 @ A1	
	Designed	Signed	Date	Datum & Level	Rev.
				NZGD2000 / NZVD	-

Notes:  
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 - Ensuring the information is the most recent issue.  
 - Copyright on this drawing is reserved.



Lot 2  
DP 19171

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**LEGEND**

- MAJOR CONTOUR  
(5m INTERVAL)
- MINOR CONTOUR  
(0.5m INTERVAL)
- BOUNDARIES
- EASEMENTS

DATUM: IT II SO 21883, NZGD200 Mt Nicholas  
N: 821200.963m  
E: 424368.131m  
Z: 918.62m, NZVD2016

Contours and photo derived from drone survey

CLIENT REVIEW 11.11.19

 **Clark Fortune McDonald & Associates**  
 Licensed Cadastral Surveyors - Land Development - Planning Consultants  
 309 Lower Shotover Road, P.O.Box 553 Queenstown  
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Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
 Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By

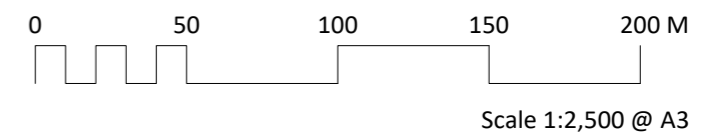
# Lot 2 DP 19171 1352 Skippers Road Topographic Plan

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Notes:	Designed	Signed	Date	Datum & Level	Rev.
All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.				NZGD2000 / NZVD	-



LEGEND

- Site Boundary
- Moderate-High Sensitivity
- High Sensitivity
- Areas of Lower Sensitivity
- Developable Area
- Indicative Site Access
- Escarpment Edge



Structure Plan



## Appendix B – Historic Aerial Photographs 1954 to 2001

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Source: The Local Government Geospatial Alliance (LGGA) website –  
<http://retrolens.nz/>



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**31 March 1954**





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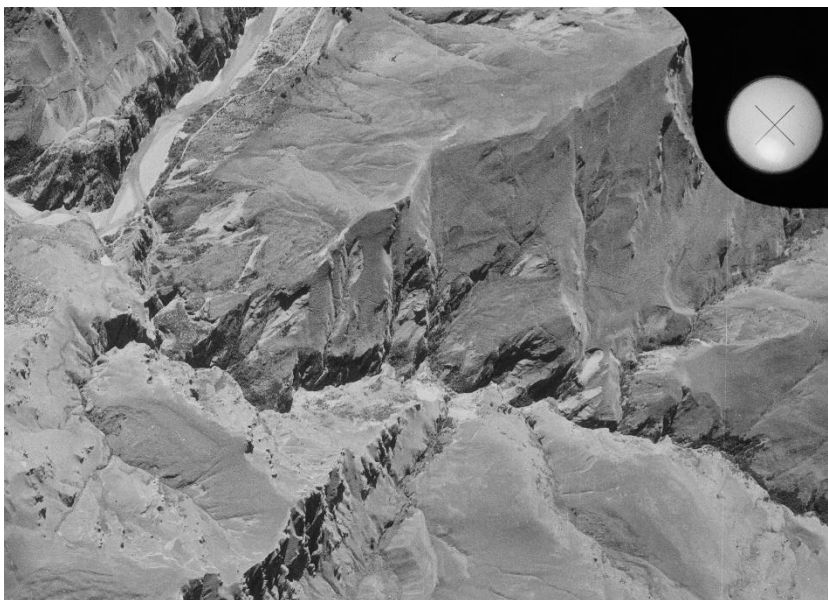
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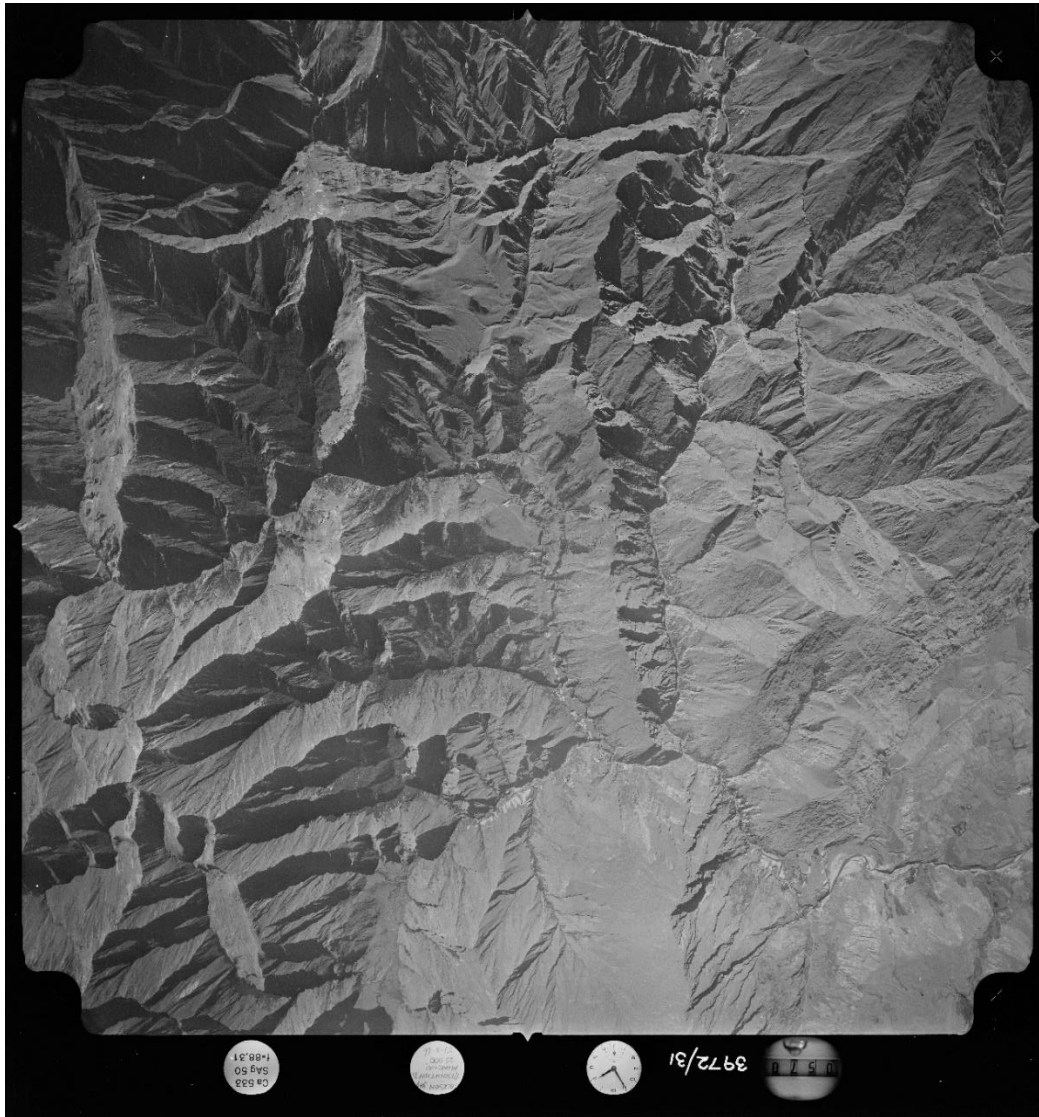


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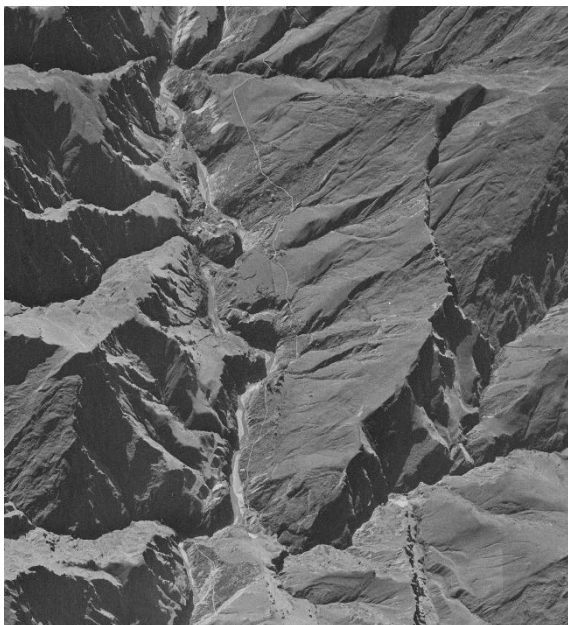
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**18 February 1959**

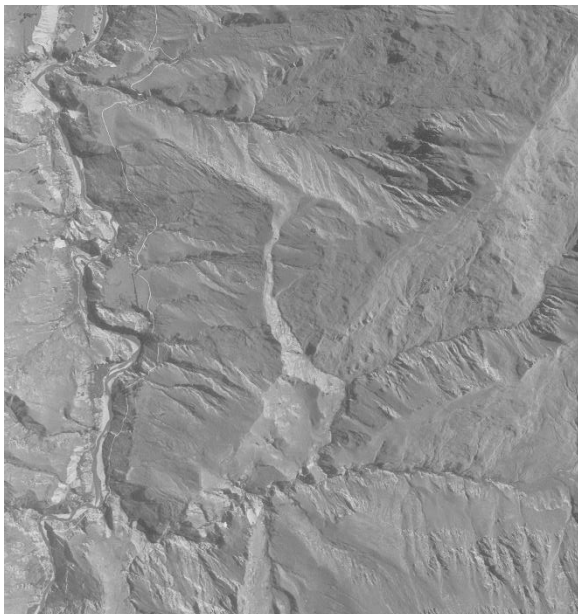


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**27 April 1966**

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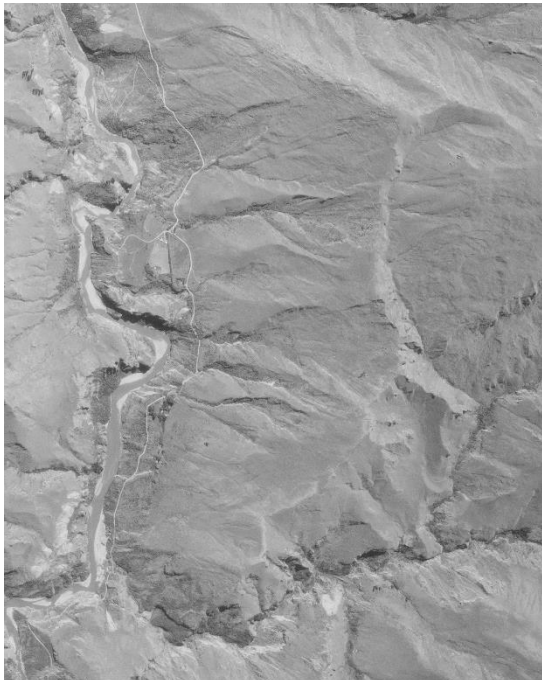
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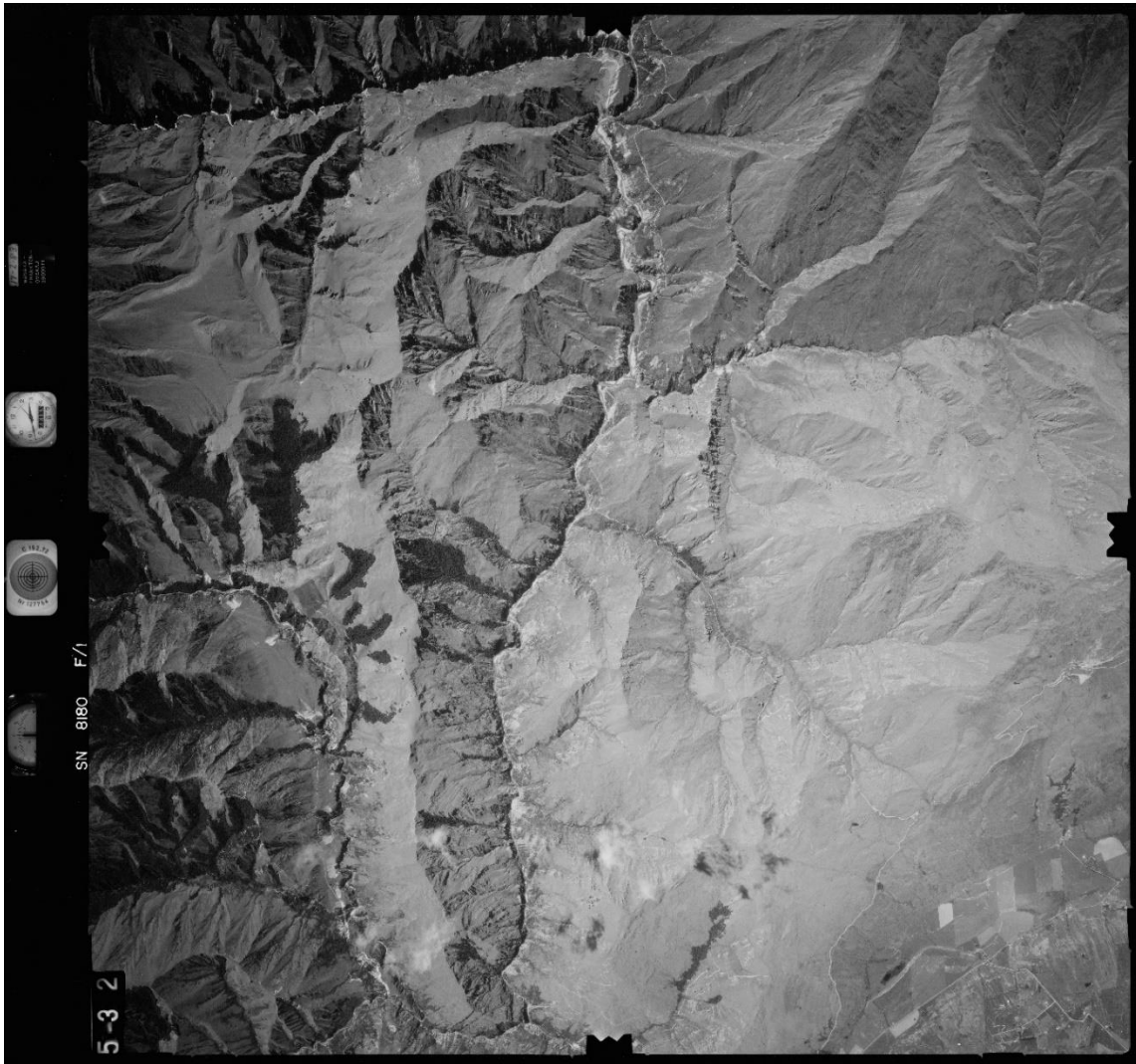
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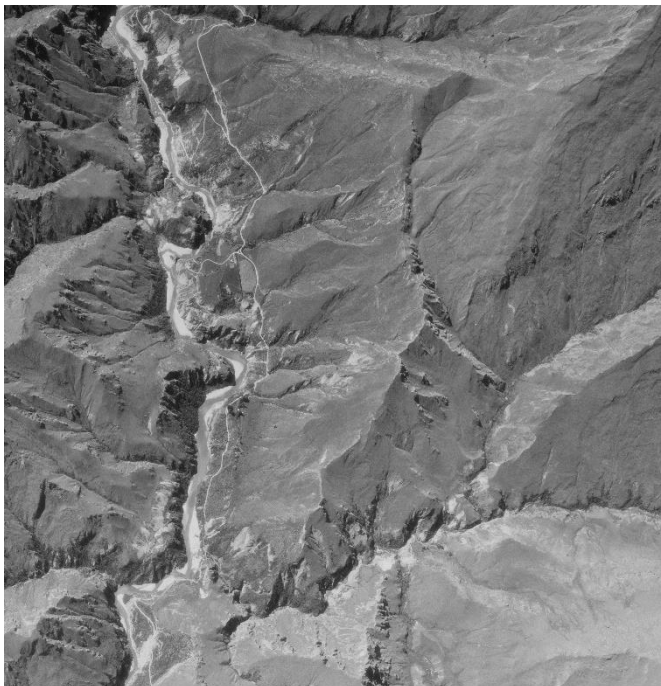
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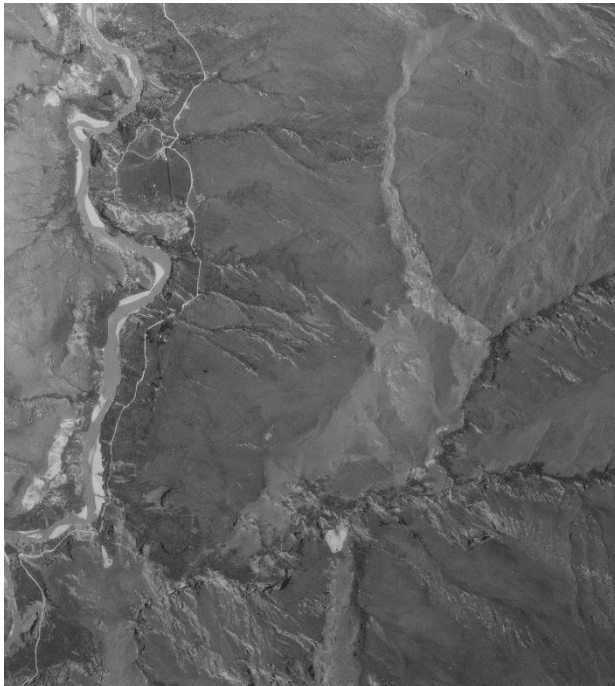
**12 March 1983**



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**17 February 1983**

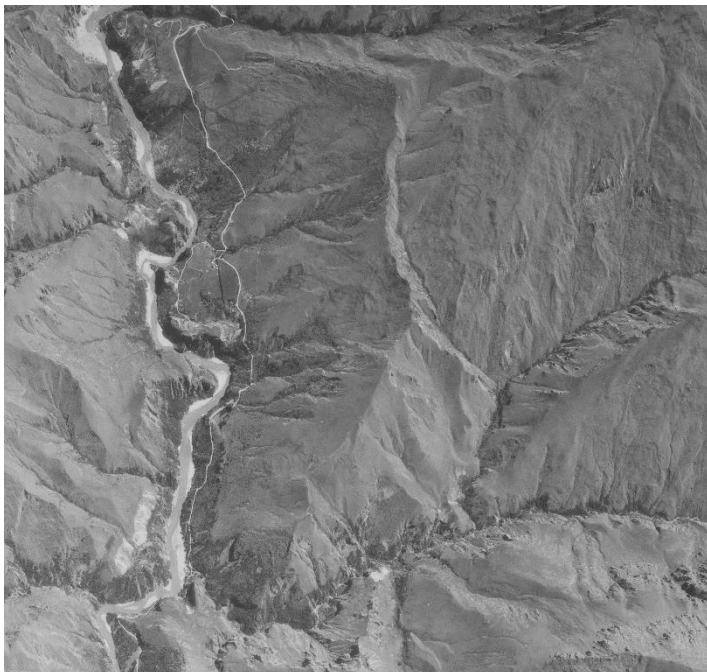


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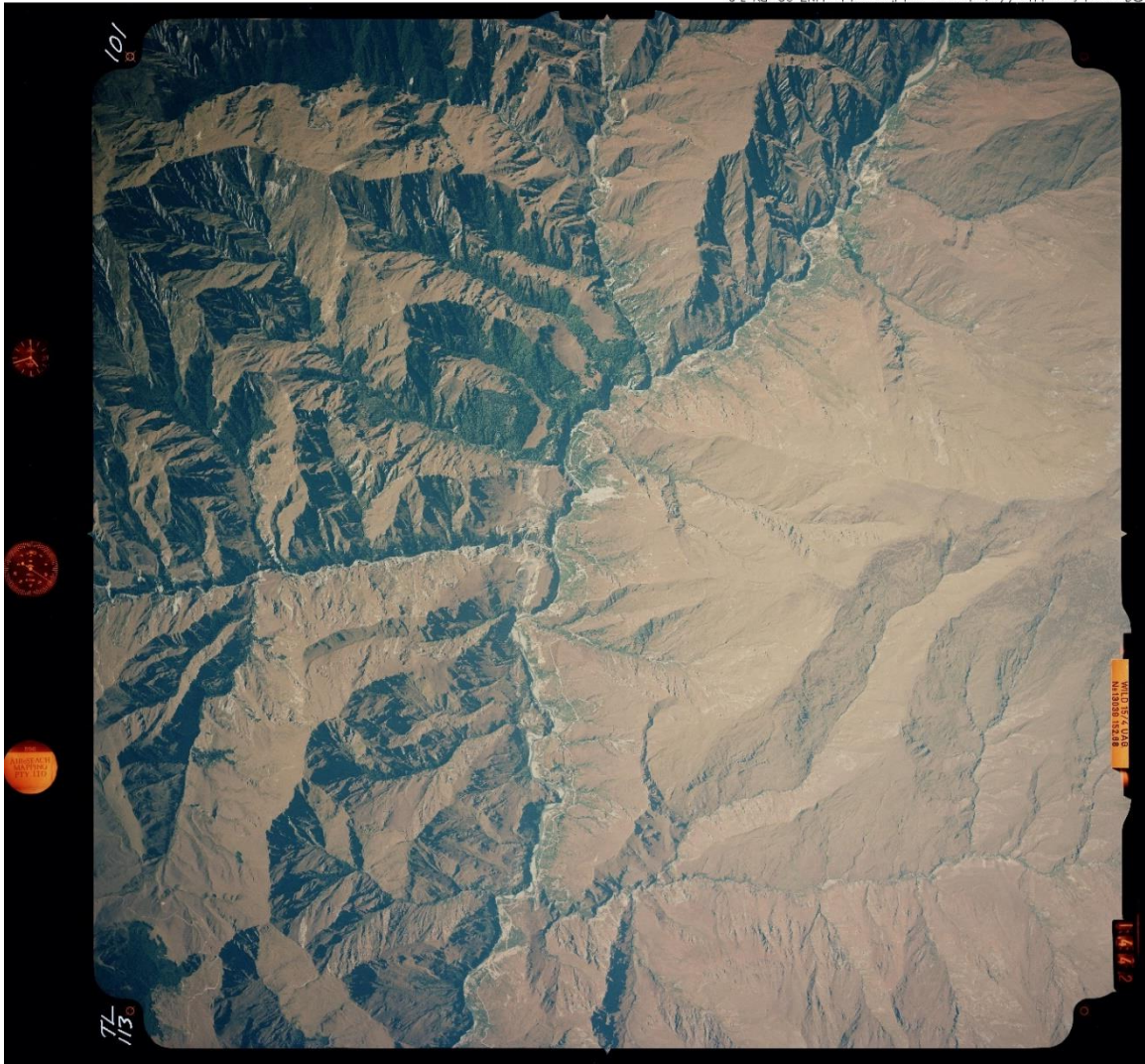


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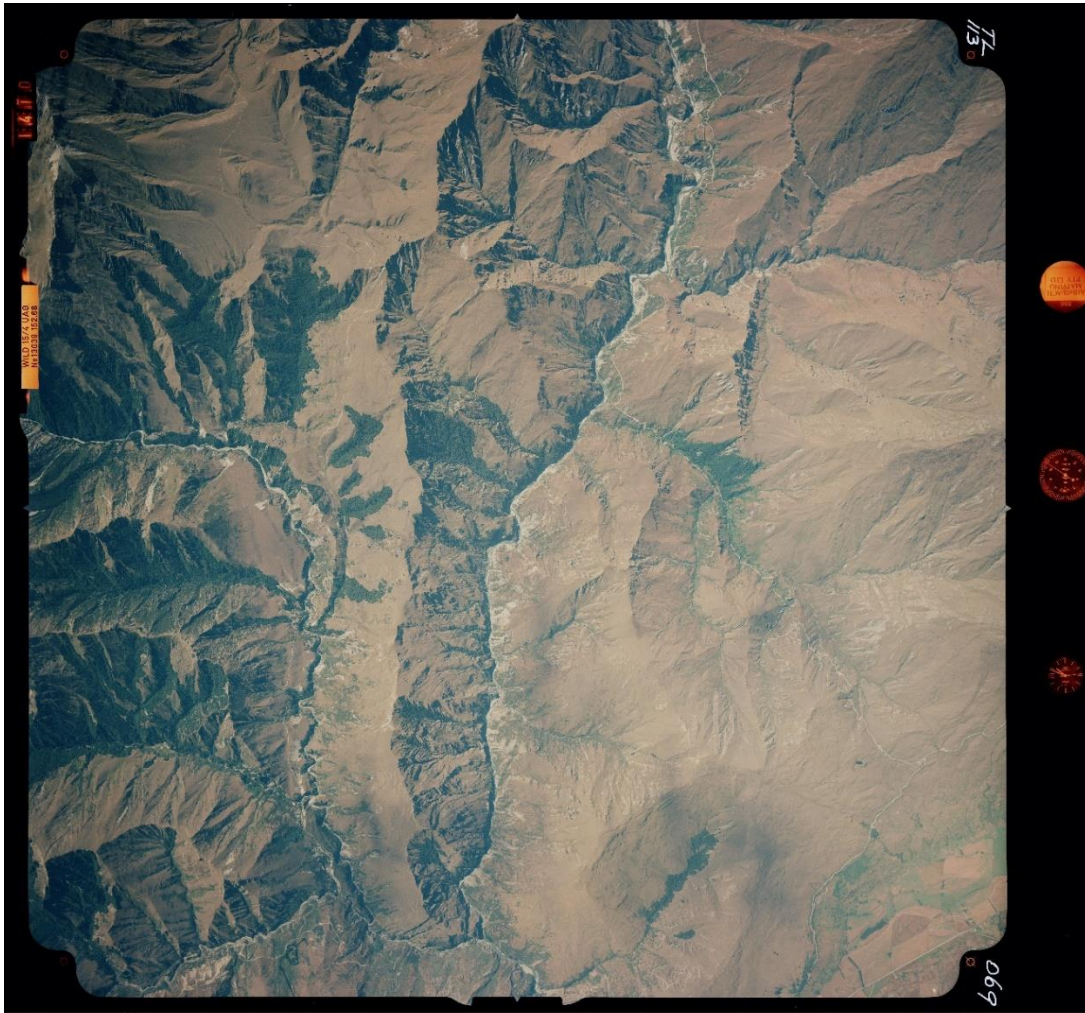


**16 December 1988**

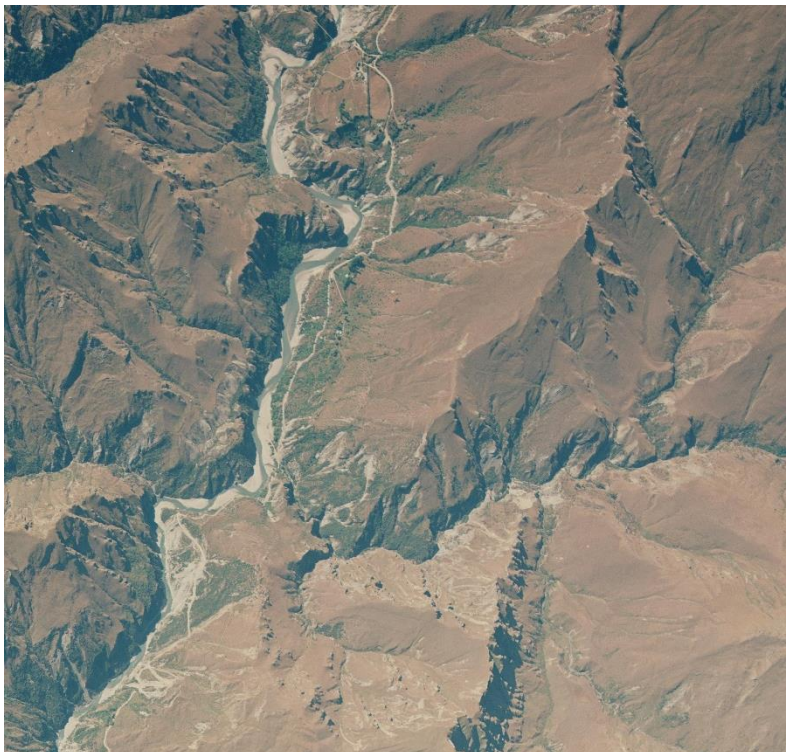
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**19 February 2001**



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**19 February 2001**

23 July 2020

Malaghans Investments Ltd  
C/- Brett Giddens  
PO Box 2559  
Queenstown, 9348

Dear Brett,

## Skippers Rural Visitor Zone Submission

The purpose of this letter is to provide a transport assessment relation to your Submission requesting rezoning of land at Skippers. I understand that this land is at 1352 & 1354 Skippers Road and is in the area known as Stapletons Terrace in Skippers Canyon.

### 1 Site

The site is currently zoned Rural General under the QLDC Operative District Plan (ODP). The submission from Malaghans Investments Ltd seeks that this zone is changed to Rural Visitor Zone (RVZ) under the QLDC Proposed District Plan (PDP).

Each property within the site contains a house and a number of ancillary buildings. I understand that both houses are utilised as residential dwellings.

### 2 Site Access

The site is accessed via Skippers Road. This road is a Council maintained local road with an unsealed (gravel) carriageway surface. The road operates under an 80km/hr speed limit posted on Malaghans Road and applied over Coronet Peak Road and Skippers Road.

The conditions of Skippers Road are that of a back country road through mountainous terrain. The road generally has a narrow single lane carriageway width with multiple passing bays where they are possible. In locations passing is only possible with oncoming vehicles slowing and moving on to the verge to allow oncoming vehicles to pass. The general alignment is best described as tight with small radius horizontal curves with constantly changing vertical gradient. These are all elements signposted at the start of the road (Skippers Saddle) using a mixture of standard warning style road signage in a single gateway style sign.

The operating speed of Skippers Road is determined through the overall alignment, roadside features and surfacing. It is possible that some, straighter, portions could have an operating speed approaching 50km/hr. However, some portions of alignment with tight alignment and limited forward sight distances will have an operating speed of 20km/hr or less. The operating speed is will vary depending on the road features, I expect the average operating speed of the road to be less than 40km/hr.

QLDC traffic flow estimate suggest that the Skippers Road has a traffic flow at Skippers Saddle of approximately 254 vehicle per day (vpd) with the traffic flow reducing at the site to approximately 216vpd<sup>1</sup>. Skippers Road is considered a low volume local road.

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<sup>1</sup> From Mobile Roads 2019 estimated traffic flows.

Skippers Road provides access to the historic gold mining and farming areas, although the level of this type of development in skippers is very low and will have a minimal contribution to the overall traffic volume. The Skippers area and Canyon are well known tourist destinations with high scenic and heritage values. This contributes to the majority of the traffic volume on Skippers Road. This includes tourists to well known attractions such as The Pipeline, Skippers Bridge, Skippers homestead and school, Skippers cemetery and Bullendale. Traffic is likely to be predominantly tourists including self-drive tours and a number of organised tourist operators including:

- 4wd adventures (Nomad Safaris & Off-road Adventures),
- Jetboat trips (Canyon Jet),
- Rafting (Go Orange),
- Heritage and walking tours, and
- Mountain bike shuttles (Zoot, Skippers Pack Track & Pack Track and Sack).

### **3 Rural Visitor Zone (Chapter 46)**

The PDP Chapter 46, Rural Visitor Zone (RVZ) allows to for the development of tourist type activities on a smaller scale. With respect to transport the predominant elements that limit effects as a result of the proposed zone are set out in the Zone Rules and Standards:

- 46.4.2 allows visitor accommodation as a permitted activity although this is somewhat limited under 46.5.2 which limits the floor area for buildings in the zone to less than 500m<sup>2</sup>, being Restricted Discretionary for development greater this limit. This essentially limits the built form to the equivalent of a large house although allowing for the existing buildings on the site there will be very little opportunity for further built area on the site without obtaining further consent. The maximum built area may be used for a small visitor accommodation such as a 4 room cabin or similar. This effectively limits the traffic that may be generated by such activities.
- 46.4.3 & 46.4.4 allows commercial recreation activities and on-site staff accommodation or recreation and recreational activities as permitted activities. Again, these are limited to some extent due to the maximum build area (46.5.2 limited to 500m<sup>2</sup>) and/or 46.5.6 which limits any activities to not more that 30 persons in one group. To exceed this limit would be Restricted Discretionary. This limit means that should participants/staff be travelling together they may be transported in a small bus similar to that used by current commercial operators (8m maximum length) or multiple vans/4wd vehicles. This effectively limits the size of vehicles which are likely to access the site.

### **4 Traffic Effects**

When considering the existing houses on the site, it is unlikely that the built area of the site can be increased without using the existing house(s) for visitor accommodation or recreational activity. This means that the any change in activity would offset the existing traffic generation from the existing residential dwelling activities. The 2 existing residential dwellings would have a similar traffic generation as a 4 room visitor accommodation building (500m<sup>2</sup>). A permitted visitor accommodation under the requested RVZ provisions is unlikely to result in a noticeable change in the traffic generation of the site.

As commercial recreation activities the RVZ allow for groups at the site. As organised activities, like similar activities in the region, these are expected to include group travel from Queenstown. It is possible that the permitted maximum of 30 persons (customers and staff)

may increase the use of Skippers Road by larger vehicles such as vans or possible small buses. In reality this scenario would result in similar vehicle types which already operated on Skippers Road by other tourist operations such as Go Orange and Canyon Jet.

Overall, I consider that development that is enabled by the provisions of the requested RVZ will not have a noticeable change to the type and/or volume of vehicles using Skippers Road.

## 5 Zone Provisions, Rural Visitor Zone

The assessment undertaken assumes that any proposed development of the site would be considered as a permitted or controlled activity. I note that I have also provided evidence regarding the RVZ for Matakauri Lodge Limited<sup>2</sup>. In this evidence I suggested that the notified version of Chapter 46 is amended. These amendments do not have an effect on the permitted development under the provisions but do provide guidance when assessing activities which have a restricted discretionary status due to breaching the zone standards. This will mean that traffic effects are considered as part of any consent for a restricted discretionary activity.

The amendments I suggest were:

- *46.3.1 District Wide* – That Chapter **29 Transport** is added to the table of District Wide chapters.
- *46.4.6 The construction, relocation or exterior alteration of buildings* – That the matters for Control, part f is amended as: **f. Design and layout of site access, on-site parking, manoeuvring and traffic generation.**
- *46.5.2 Building Size* – That a new matter for Discretion is added: **e. Traffic generation.**

I understand that these amendments have been adopted by Ms Grace's rebuttal planning evidence.

## 6 Travel Alternatives

I note that the plan provisions also include allowances for air and/or water travel. I understand that the site is capable of supporting helicopter landing/take off and that the zone provisions permit up to 15 return movements per week. It is possible that the site may be accessible from other transport modes, including jet boat, other than vehicular travel. This means that Skippers Road may not be the primary transport route for visitors to the site.

## 7 Summary

The submission of Malaghans Investments Ltd to the QLDC Proposed District Plan requests that land at 1352 & 1354 Skippers Road is to be rezoned as Rural Visitor Zone.

In this assessment I have considered development of the site with respect to the permitted development under the requested zone provisions (Chapter 46). Any development or activities at the site would be limited by two specific provisions being:

- 46.5.2 which limits the maximum floor area of the zone to 500m<sup>2</sup>, and
- 46.5.6 which limits any activities to not more than 30 persons in a group.

These provisions effectively limit the traffic generation and vehicle types likely to access the site. Given the current on-site residential activity the traffic generation is unlikely to create a

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<sup>2</sup> Refer Submission of Matakauri Lodge Limited, 31033, Statement of evidence of Jason Bartlett dated 29 May 2020.

noticeable increase in traffic on Skippers Road. The zone provisions may mean that larger vehicles are used to transport groups to the site if commercial recreation activities are advanced. The limit of 30 persons may result in the use of small buses and vans accessing the site, this is a similar to vehicle types already operating on Skippers Road for other tourism activities.

Alternative transport options are available for the site which can reduce the dependence on vehicular travel on Skippers Road. Use of alternative travel modes has the potential to reduce transport effects on Skippers Road.

In other evidence I have suggested changes to the planning provisions for the proposed zone. This would mean that traffic effects are considered as a matter of discretion should any development proposal breach the zone rules or standards.

Overall, I consider that the proposed rezone of the site to Rural Visitor Zone will not have a noticeable effect on the operation or safety of Skippers Road or the surrounding transport network.

Should you require any further information please contact me.

Yours sincerely,

A handwritten signature in blue ink, appearing to be "Jason Bartlett", written over a large, light blue oval scribble.

**Jason Bartlett**

CEng MICE, MEngNZ  
Traffic Engineer

**Attachment 2: B&W Structure Plan – Gibbston Valley RVZ**

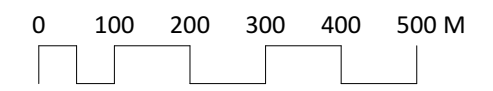




GIBBSTON VALLEY STATION  
 RURAL VISITOR ZONE  
 PROPOSED STRUCTURE PLAN  
 Date: 24/07/2020

**LEGEND**

- |                       |                     |                                   |                             |
|-----------------------|---------------------|-----------------------------------|-----------------------------|
| --- Site Boundary     | — Existing Roads    | □ Lower Sensitivity               | — Proposed Zone Access Road |
| — Parcel Boundaries   | - - - Creeks/Rivers | ■ Moderate-High Sensitivity Areas | □ Primary Developable Areas |
| — Existing Powerlines | - - - GCZ Boundary  | ■ High Sensitivity Areas          |                             |



Scale 1:10,000 @ A3

**Attachment 3: Consolidated changes sought**

## Chapter 46

Changes for Gibbston Valley Station (Brett Giddens) are in blue.

Changes for Malaghans Investments (Ben Farrell) are in yellow.

Combined changes are in green.

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### 46.1 Zone Purpose – add new paragraph:

Schedule 46.7 includes a schedule of Structure Plans to guide future land use development within some of the Rural Visitor Zones. Development in accordance with each Structure Plan is specifically provided for.

### Policy 46.2.2.2 – amend policy

Land use and development, in particular buildings, shall protect, maintain or enhance the landscape character and visual amenity values of the Rural Visitor Zone and surrounding rural areas ~~landscapes Outstanding Natural Landscapes~~ by:

- a. controlling the colour, scale, design, and height of buildings and associated infrastructure, vegetation and landscape elements; and
- b. in the immediate vicinity of the Homestead Area at Walter Peak, ~~and~~ the Homestead Area at Arcadia, ~~and within the Rural Visitor Zone at Skippers~~ provide for a range of external building colours that are not as recessive as required generally for rural environments, but are sympathetic to existing development; ~~and~~
- c. ~~Within the Rural Visitor Zone at Skippers encourage the incorporation of heritage colours, texture and materials as part of the overall design palette for buildings and structures.~~

### Policy 46.2.2.6 – amend policy

Ensure development can be appropriately serviced through:

- a. the method, capacity and design of wastewater treatment and disposal;
- b. adequate and potable provision of water;
- c. adequate firefighting water and regard taken in the design of development to fire risk from vegetation, both existing and proposed vegetation; and
- d. provision of safe vehicle access or alternative water ~~or air~~ based transport and associated infrastructure.

### New Policy 46.2.2.7

Provide for roading and infrastructure to be of a rural standard, character and appearance, and provide solutions for roading and infrastructure that recognises the remoteness of the location and avoids urban forms, such as curb and channelling and street lighting, as an alternative to adherence to the Council's urban guidelines for subdivision and development.

## New Policy 46.2.2.8

Development that is in general accordance with a Structure Plan in 46.7 is enabled.

### 46.1 Rules – Activities

	Table 46.4 – Activities	Activity Status
46.4.6	<p>The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.7 to 46.4.11)</p> <p>Control is reserved to:</p> <p>d. The compatibility of the building with landscape character and visual amenity values of the building density, design and location with landscape, cultural and heritage, and visual amenity values;</p> <p>e. Landform modification, landscaping and planting;</p> <p>f. Lighting;</p> <p>g. Servicing including water supply, fire-fighting, stormwater and wastewater;</p> <p>h. Natural Hazards; and</p> <p>i. The location of car parking Design and layout of site access, on site location of related car parking, manoeuvring and traffic generation.</p> <p>x. For x and y RVZ only, where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road or subject site any adverse effects on that infrastructure.</p>	C
46.4.4A	Within visitor accommodation buildings in the Gibbston Valley and Skippers Rural Visitor Zone, residential activity up to 180 nights per year.	P
46.4.13	Residential activity except as provided for in Rules 46.4.2, and 46.4.3 and 46.4.4A	NC

### Rules - Standards

	Table 46.5 – Standards	Non-compliance status
46.5.1	<p>Building Height</p> <p>46.5.1.1: The maximum height of buildings shall be 6m.</p> <p>46.5.1.2: Within the Water Transport Infrastructure overlay identified on the District Plan maps the maximum height of buildings shall be 4m.</p> <p>46.5.1.3: Within the Height Exception Development Areas identified on the Structure Plan in 46.7 District Plan maps in for the Gibbston Valley Rural Visitor Zone, the maximum height of buildings shall be 7m.</p>	<p>NC</p> <p>NC</p> <p>NC</p>

	Table 46.5 – Standards	Non-compliance status
	<p><b>46.5.1.4:</b> Within the Development Areas identified on the Structure Plan in 46.7 for the Skippers Rural Visitor Zone, the maximum height of buildings shall be 7m.</p>	NC
46.5.2	<p>Building Size</p> <p><b>46.5.2.1</b> The maximum ground floor area of any building shall be 500m<sup>2</sup>.</p> <p><b>46.5.2.1</b> In the Gibbston Valley Rural Visitor Zone &lt;x, y and z Rural Visitor Zones&gt; the total maximum ground floor area across the zoned area, excluding any areas identified as Moderate – High and High Landscape Sensitivity, shall be 500m<sup>2</sup>.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>Effects on Landscape character</li> <li>Visual amenity values; and</li> <li>Nature, scale and external appearance;</li> <li>Density of development;</li> <li>Traffic Effects</li> </ol>
46.5.5	<p>Setback of Buildings</p> <p>46.5.5.1: Buildings shall be set back a minimum of 10 metres from the Zone boundary.</p> <p>46.5.5.2: Rule 46.5.5.1 shall not apply to those structures or buildings identified in Rule 46.4.8 located within the Walter Peak Water Transport Infrastructure overlay.</p> <p><b>46.5.5.3:</b> Rule 46.5.5.1 shall not apply to the Development Area identified on the Structure Plan for Skippers contained in 46.7.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>Nature and scale;</li> <li>Reverse Sensitivity effects; and</li> <li>Functional need for buildings to be located within the setback.</li> </ol>
46.5.9	<p><b>Roading</b></p> <p>(a) All roading and car parking shall be gravel or chip seal with swale edging;</p> <p>(b) Kerb and channel is not permitted; and</p> <p>(c) Carriageway width shall be kept to a minimum standard in order to retain rural amenity.</p>	D

	Table 46.5 – Standards	Non-compliance status
46.5.10	<p><u>Structure Plan</u></p> <p><u>Where a Structure Plan applies to a Rural Visitor Zone, development shall be located in general accordance with that Structure Plan.</u></p>	<u>NC</u>

#### 46.6 Non-Notification of Applications

Any application for resource consent for controlled or restricted discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified, with the exception of the following:

- a. Rule 46.4.8 Water Transport Infrastructure at Walter Peak.
- b. Rule 46.5.4 setback of buildings from waterbodies.
- ~~c. Rule 46.5.5 setback of buildings from the Zone boundary.~~
- ~~d. Rule 46.5.6 commercial recreational activities.~~
- ~~x. For x and y RVZ only, Rule 46.4.6 The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.7 to 46.4.11)~~

#### 46.7 Structure Plans

##### 46.7.1 Gibbston Valley Rural Visitor Zone

[Insert Structure Plan]

##### 46.7.2 Skippers Rural Visitor Zone

[Insert Structure Plan]

## Variation to Subdivision and Development Chapter 27:

Amend Chapter 27 by inserting the following into Section 27.3 Location – Specific objectives and policies:

### Gibbston Valley Rural Visitor Zone

27.3.14 Objective – Subdivision that provides for visitor accommodation, residential visitor accommodation, worker accommodation, commercial recreation, recreation, and activities ancillary to these uses.

#### Policies

27.3.14.1 Enable subdivision that provides for visitor accommodation, residential visitor accommodation, worker accommodation, commercial recreation, recreation, and activities ancillary to these uses.

27.2.14.2 Avoiding subdivision and development in High Landscape Sensitivity Areas as shown on the Structure Plan for the Gibbston Valley Rural Visitor Zone.

27.2.14.3 Provide for a rural standard of infrastructure, including access, and the need to consider alternative forms of servicing to meet the needs of the intended land uses acknowledging the remoteness and practical constraints as an alternative to adherence to the Council's urban guidelines for subdivision and development.

Amend Chapter 27 by inserting the following into Section 27.3 Location – Specific objectives and policies:

### Skippers Rural Visitor Zone

27.3.15 Objective – Subdivision that provides for visitor accommodation, residential visitor accommodation, worker accommodation, commercial recreation, recreation, and activities ancillary to these uses.

#### Policies

27.3.15.1 Enable subdivision that provides for visitor accommodation, residential visitor accommodation, worker accommodation, commercial recreation, recreation, and activities ancillary to these uses.

27.2.15.2 Avoiding subdivision and development in High Landscape Sensitivity Areas as shown on the Structure Plan for the Skippers Rural Visitor Zone.

27.2.15.3 Provide for a rural standard of infrastructure, including access, and the need to consider alternative forms of servicing to meet the needs of the intended land uses acknowledging

the remoteness and practical constraints as an alternative to adherence to the Council's urban guidelines for subdivision and development.