

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2018-CHCH-00150

UNDER THE Resource Management Act 1991 (“**Act**”)
IN THE MATTER OF An appeal under Schedule 1, Clause 14(1), of the
 Act
BETWEEN **DARBY PLANNING LIMITED**
 Appellant
AND **QUEENSTOWN LAKES DISTRICT COUNCIL**
 Respondent

**NOTICE OF DR JOHN COSSENS’ WISH
TO BE PARTY TO THE PROCEEDINGS**

TO: The Registrar
 Environment Court
CHRISTCHURCH
 By email: Christine.McKee@justice.govt.nz

AND TO: The Appellant
 By email: maree.baker-galloway@al.nz

AND TO: The Respondent
 By email: dpappeals@qldc.govt.nz

1. I, John James Cossens, wish to be a party to *Darby Planning Limited v Queenstown Lakes District Council* ENV-2018-CHCH-00150 (“**Darby Appeal**”).
2. I did not make a submission on the subject matter of the proceedings, but I am a person who has an interest in the proceedings that is greater than the interest that the general public has. This is because:
 - (a) Aspects of the Darby Appeal relate to the planning provisions (policies, objectives and rules) under the Proposed District Plan (“**PDP**”) relating to subdivision in the rural zone.
 - (b) At the time the PDP was proposed, I did not think that I would be affected by the PDP provisions. However, in 2017 I applied to the QLDC for subdivision consent in the rural zone (RM170182). The council s42a report specifically referred to

and considered matters in the PDP, as did the commission decision. Aspects of the commission decision in relation to this consent application (RM170182) were appealed in October 2017 and remain under appeal. Council have indicated they now consider that some provisions in the PDP may be more relevant to our appeal as a result of decisions on submissions being notified on the 7th May 2018.

- (c) For these reasons I consider that I am a person who has an interest in the proceedings that is greater than the interest that the general public has.

3. Specific matters

- (a) I support matters raised within the Darby Appeal in relation to the 'reasons' for the appeal and specifically items:
- 11 - diversification of landscapes
 - 18 – opposition to council's preference for farming
 - 19 - more than minor thresholds
 - 20 - classification of ONL landscapes
 - 21 - detail of landscape classification
 - 23 - weighting of farming as a land use
 - 24 - diversity of rural land use
 - 29 - notifications
 - 30 - restricted discretionary regime

4. Reason

Aside from the wide ranging matters covered above, in particular, I support paragraph 20 of the Darby appeal which asserts the PDP is fundamentally flawed in how it has undertaken landscape mapping and that landscape assessment requires first principle landscape assessment methodologies.

There are three aspects to the council strategic approach to landscape assessment which were flawed from the outset and so carried through to any future reports, evidence and rebuttal.

1. Council s32 and s42 analysis supporting the PDP relied extensively upon the notion that protection of ALL rural

landscapes must be strengthened because rural subdivision will threaten the tourism and economic future of the region. The economic analysis upon which this idea was based (the Osborne report) is fundamentally flawed in that it was simply an opinion based analysis and presented no fact, research or single shred of evidence to support the assumption that tourist (international and domestic) numbers and satisfaction are affected by rural subdivision. Visitor numbers have increased significantly in the district in the past ten years parallel to an increase in rural subdivision. Under the economic theory presented by the council there would be expected an inverse relationship between visitor numbers and rural subdivision. There is no such correlation and indeed, rural subdivision has never been a driver of visitor dissatisfaction, rather it is crowding, congestion and traffic at key destinations and attractions which most impacts visitors. The council is 'barking up the wrong tree' when it comes to what impacts visitor satisfaction and should focus on more important matters.

2. The s32 and s42 reports also heavily relied on the Reid Landscape Reports and the Wakatipu Basin Study. However, both were not based on first principles nor best practice in landscape assessment as identified by the NZ Institute of Landscape Architects, the influential UK Institute of Environmental Management and Assessment (IEMA) and indeed by the NZ Environment Court (see *Long Bay, Maniototo, Upper Clutha Tracks Trust*). The council landscape reviews, reports and assessments are all very much 'objectivist' and focus on geomorphic analysis. But best practice landscape assessment demands an analysis of receiver/viewer (people's) sensitivity to visibility effects. For example, the sensitivity of a viewer will be different on different types of roads, speeds, distance and viewer behaviour. The council approach has been to use 'expert opinion' (a survey of one approach) to represent public perception of a possible visual effect. This as previously stated is a fundamentally flawed approach and has been widely criticized because it removes people from landscapes and yet the perceptions of people are what council consider will be most affected by rural subdivision. This is an entirely unsubstantiated claim with no evidence to support it.

3. The use of single expert opinion to respond to public submissions and also determine landscape mapping zones is also problematic because it introduces a bias formed by the expert witnesses' own philosophy, ideology and methodologies in determining and classifying landscapes. If the landscape witness approaches landscapes in a more singular objectivist geomorphic way then the outcome is very likely to be determined by physical features rather than in tandem with viewer sensitivities. If they have a more protectionist view of landscape then there is already an apparent bias. If they have not considered viewer sensitivity then the assessment is missing a critical part of the equation and cannot be relied upon. Fair to say, the fact that some 90% of public submissions on the PDP have been rejected by council experts can be put down to an objectivist approach focused mostly on geomorphic reasoning. Further, the Wakatipu Basin Study while talking about landscape 'sensitivities' made absolutely no mention of viewer sensitivity from key viewpoints and as such has reverted back to the unreliable and very subjective 'opinion' based approach.

5. Relief sought

- (a) That the relief sought by Darby Planning Limited is upheld.
- (b) That a new study determining landscape assessment and predicted effects in the Upper Clutha and Wakatipu Basin is commissioned based on best practice methodologies (i.e. NZILA, UK IEMA and environment court decisions) and that this landscape study is used to determine policy, objectives and rules in the PDP. That this landscape study (as is best practice) must consider both landscape sensitivity and people (i.e. viewer/receiver sensitivities) in determining environmental impact assessment and landscape decision making relative to the PDP.
- (c) That council use workshops of interested parties and submitters to help arrive at workable community led landscape mapping and strategies rather than relying on council appointed expert witnesses.
- (d) That the 'individual expert opinion' approach to considering submissions to the PDP is flawed, not without error and has

the potential for significant 'apparent' bias and should be replaced by a truly independent specialist committee.

6. I am not a trade competitor for the purposes of section 108B of the Act.
7. I am interested in all of the proceedings.
8. I agree to participate in mediation or other alternative dispute resolution processes.

My address for service is 964 Lake Hawea – Albert Town Rd, RD2, Wanaka, 9382. john@xlearning.nz

DATED at Wanaka this 2nd day of July 2018

A handwritten signature in black ink, appearing to read 'John Cossens', with a horizontal line extending to the right from the end of the signature.

Dr John Cossens