

Before the Hearings Panel
For the Proposed Queenstown Lakes District Plan

Under the

Resource Management Act 1991

In the matter

of a variation to Chapter 21 Rural Zone of the Proposed Queenstown Lakes District Plan, to introduce landscape schedules 21.22 and 21.23.

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

15 December 2023

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1. INTRODUCTION

1.1 My full name is Jeremy Everett Head. I am a Landscape Architect and Director of Jeremy Head Landscape Architect 2022 Ltd, Christchurch. I have been in this position since 5 September 2022.

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

Code of Conduct

1.3 Although this is a Council Hearing, I confirm that I have prepared this reply evidence in accordance with the Code of Conduct for Expert Witnesses, contained in Part 9 of the Environment Court Practice Note 2023. The issues addressed in this statement of evidence are within my area of expertise, except where I state that I am relying on the evidence or advice of another person. The data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

Structure of reply evidence and collaboration with Ms Bridget Gilbert

1.4 I note that care has been taken throughout my review of submitter evidence presented during the hearing, my review of the Panel's questions to the Council, and my drafting of reply evidence to ensure that Ms Bridget Gilbert and I are taking a consistent approach. This has involved:

- a) regular discussions to share observations and discuss our responses to points raised by submitters, and the Panel, including in submitter evidence; and

- b) ongoing review of each other's work, including any amendments that are proposed to be made to the Reply Version of the PA Schedules.

Scope of reply evidence

1.5 My reply evidence is structured to address the following matters:

- a) The specific questions raised by the Panel that engage landscape matters; and
- b) Other matters raised during the hearing that engage landscape considerations.

1.6 Appendix 2 to the Council's reply legal submissions comprises my **Reply Version** of the 14 PA Schedules that Helen Mellsop authored, and I have subsequently amended in response to submissions and expert witness conferencing. These Reply Version schedules incorporate the recommendations set out in this evidence.

1.7 I have been involved in the review of earlier iterations of Ms Gilbert's Reply evidence, particularly with regards to the response to the common themes, of which I have provided input into. I have carefully read Ms Gilbert's final Reply evidence and adopt it in full.

2. LANDSCAPE EFFECTS OF CLAUSE 16 MAPPING CHANGES

2.1 I agree with Ms Gilbert that the proposed mapping corrections, attached to Ms Evans reply evidence and that the Council are intending to make, amount to minor corrections to the PA mapping, which will not change the proposed content of the PA Schedules.

2.2 I also agree with the reasoning provided by Ms Gilbert in her Reply evidence at paragraphs 2.2 to 2.3 with regards to the implications of non-minor mapping changes to ONL/Fs and RCLs.

3. PANEL QUESTIONS

Panel issue 2(e): The appropriateness of including words that suggest a policy “test” or threshold in the LS, such as “reasonably difficult to see”, and the introduction of an arguably higher threshold than the relevant policies, such as “barely discernible” and “rare exception” – in particular, the alternative wording suggested by Queenstown Park Limited and the suggestion by Mr Kruger that “extremely difficult to see” is the generally accepted terminology. Is this internally consistent with the tests directed by the policies in Chapters 3 and 6?

3.1 Having carefully considered this query, and Ms Gilbert’s reply evidence, I consider that the terminology used in 21.22.4 Morven Hill PA ONF, 21.22.22 Dublin Bay PA ONL and 21.22.24 Lake McKay Station and Environs PA ONL - of “barely discernible” – could lead to some confusion for plan users, and that it should be amended to “reasonably difficult to see”.

3.2 This is for the same reasons as given in Ms Gilbert’s paragraphs 3.15 to 3.17.

Panel issue 5: Tracks and Trails. Trails, mountain bike tracks and walking tracks were inconsistently addressed in the PAs. Tracks or trails are sometimes located with earthworks and sometimes with transport infrastructure. These don’t appear a natural fit. Can they be consistently addressed across the relevant PAs, possibly acknowledging the unique effects and capacity associated with these activities. QTMC, UCTT and Bike Wanaka have offered some suggestions, but these are not consistent in their treatment or wording.

3.3 I agree with Ms Gilbert’s Reply evidence at paragraph 3.20 regarding consistency of terms.

3.4 In the fourteen PA Schedules that I have reviewed, reference to tracks and trails has been captured in (v) earthworks. However, the terminology has varied throughout. I have made amendments throughout ‘my’ PA Schedules at (v) earthworks to reference tracks and trails consistently.

Surface of lakes and rivers. A number of PAs include the surface of lakes and rivers, but little if any regard has been made to the unique range of activities and associated capacity on these ONL and ONFs. Is this an issue?¹

3.5 I agree with Ms Gilbert that the PA Schedules address the more 'permanent' existing activities occurring on the surface of rivers or lakes, such as: moorings, jetties, lake structures and commercial boating in an appropriate way. In addition, other more temporary uses such as swimming, kayaking, paddle boarding, fishing etc are similarly well addressed.

4. OTHER MATTERS

Ski Area Sub Zones²

4.1 I have reviewed the 21.22.18 Cardrona Valley PA ONL Schedule, where the Ski Area Subzone (**SASZ**) is relevant. I confirm that reference to SASZ attributes and activities is referenced several times in the main body (or attributes and values) section for this PA Schedule.

4.2 Further, I have reviewed the landscape capacity section of the 21.22.18 Cardrona Valley PA ONL Schedule and confirm that the landscape capacity comments have been amended to ensure that they only relate to land uses outside the SASZ.

'Hybrid PAs'³

4.3 There is an overlap between the 21.22.9 Kawarau River PA ONF and the 21.22.17 Victoria Flats PA ONL. I agree with how overlapping PAs are considered when reading the PA Schedules as it is addressed in the reply evidence of Ms Ruth Evans at paragraphs [7.1] to [7.4].

1 Panel Issue 6.
2 Panel Issue 2(d).
3 Panel Issue 7.

5. SPECIFIC COMMENTS ON PA SCHEDULE TEXT

- 5.1 Attached to the Council's reply legal submissions as Appendix 2 is the Reply Version of the PA Schedules that Helen Mellsop authored, and that I have amended in response to submissions, submitter evidence and joint witness conferencing.
- 5.2 I have annotated these to show text amendments that have been raised in submitter evidence presented at the hearing that I support as either purple underlined (text added) or ~~purple strikethrough~~ (text deleted). I have included comment boxes with purple text at the side of each PA Schedule detailing the relevant evidence and submitter reference.
- 5.3 Where I support the text change requested in submitter evidence, I am relying on my landscape evaluation of the relevant PA as explained in my evidence in chief and rebuttal evidence. (In the interests of brevity, this explanation is not repeated in my reply evidence.)
- 5.4 The following section of my reply evidence addresses specific points raised in Submitter Evidence organised by PA, that cannot be adequately addressed through the marked up changes and comment boxes in the PA schedules.

21.22.4 Morven Hill PA ONF

Panel issue 14: The Morven Hill "wedge" reference in schedule 21.22.4 PA ONF Morven Hill (paragraph 11) – is this referencing the area of development adjacent SH6 only, or Alec Robins Road, or both?

- 5.5 Mr Blair Devlin in his evidence for McLintock Topp Family Trust and TPI 1 Ltd requests that a change be made to the schedule wording, at his paragraph [11], to say "...adjacent to Alec Robins Road" ... rather than "...adjacent to SH6".

- 5.6** From listening to the Day 4 hearing transcript, I note that there was some discussion around this point, including input from Mr Ben Espie (landscape expert for the submitter). I understand that the consensus reached was that it would be preferable if reference was made to both Alec Robins Road and SH6 in the PA Schedule.
- 5.7** I have carefully considered this change and agree that it is preferable that the PA Schedule wording refer to both areas of rural living adjacent to SH6 and Alec Robins Road, as both areas influence the landscape character of the area, albeit one more than the other due to the scale differences.
- 5.8** There was discussion in the hearing regarding the appropriateness of the term 'wedge' - referring to the shape of rural living adjacent SH6. I agree that 'wedge' is not especially apt as a descriptor and have replaced the term with 'area' in the PA Schedule.

21.22.11 Mount Iron PA ONF

- 5.9** Mr Ian Greaves in his evidence for Bike Wanaka requests that a 'limited' capacity rating for new mountain bike trails be included under (v) Earthworks for the Mount Iron PA.
- 5.10** I agree with Mr Greaves and am of the opinion that relatively narrow 'Grade 3' mountain bike tracks, providing for 'single file' riding will have a reduced impact on vegetation removal and reduced levels of earthworks compared with 2 m – 2.5 m wide Grade 1 and 2 tracks and trails suited for broader / all abilities recreational use.
- 5.11** I have made several marked-up changes to the wording in the landscape capacity section of the Reply PA Schedule, which reflects the amendment proposed by Mr Greaves. I consider that a 'limited' landscape capacity with qualifiers for additional mountain bike tracks in the Mount Iron PA will be acceptable and will protect the area's ONF values.

- 5.12** I have made several marked-up changes to the wording in the landscape capacity section of the Reply PA Schedule at: 'General Description of the Area' and paragraphs [8] and [19], which reflects the clause 16 mapping amendment that is recommended for the northern end of the PA where the mapped PA currently extends beyond, rather than to/inside the mapped ONF.
- 5.13** Ms Megan Davies raised an issue regarding an inconsistency in my recommendations for two original submissions. The first, hers, regarding submission #56.1 (Hidden Hills Residents Association) and the second, submission #25.2 from Ms Janice Hughes.
- 5.14** Ms Davies's submission #56.1 sought '**no** capacity' for visitor accommodation. Ms Hughes's submission #25.2 sought '**no** capacity' for visitor accommodation other than within existing buildings. Both submitters sought '**no**' capacity for tourism-related activities which was already included in the notified PA Schedule. That rating has been subsequently amended to '**extremely limited or no** capacity' following joint witness conferencing. My recommendation for submission #56.1 was 'reject' while my recommendation for submission #25.2 was 'accept'.
- 5.15** The difference between the two submissions was that #56.1 sought full removal of any capacity for visitor accommodation while #25.2 sought a minor reduction. This minor reduction sought no provision for visitor accommodation within 'existing building platforms'. However, existing building platforms are considered in the PA Schedules to include consented but unbuilt buildings, and therefore forms part of the existing baseline environment. To summarise, I considered that submission #25.2 sought what was provided for in the notified PA Schedule and was therefore 'accepted'. Submission #56.1 sought '**no**' capacity for visitor accommodation. I was and still am of the view that the '**very limited**' capacity rating included in the notified Mount Iron PA schedule would provide for a very small tolerance for such development which I consider

to be appropriate. As such, I recommended that submission #56.1 be 'rejected'.

21.23.2 Halliday Road Corbridge PA RCL

5.16 In their 7 November 2023 synopsis of legal submissions on behalf of various submitters and further submitters, on page 34; Anderson Lloyd notes: *"Given the consented development on the Silverlight Studios site the landscape character and visual amenity values of the site and wider Priority Area are likely to change reasonably significantly over time as the various elements of the Silverlight Studios consents are implemented."*

5.17 I agree and consider the amendments to the rebuttal version of the PA Schedule in response to submitter evidence, and further amendments following conferencing (as included in the JWS version of the PA schedule) adequately address landscape change following consented development over time.

5.18 This is supported by the 8 November 2023 evidence of by Mr Scott Edgar on behalf of Silverlight Studios Ltd, who states at [13]: *"I consider that the language used in the amended [summary statement version] schedule is appropriate in that it acknowledges the fact that substantial development has been consented within the PA but that is yet to be implemented."*

Jeremy Head

Date: 15 December 2023