

Before the Queenstown Lakes District Council

Under the Resource Management Act 1991

In the matter of a submission under clause 6, Schedule 1 of the Resource Management Act 1991 on Stage 3B of the Queenstown Lakes Proposed District Plan

**Wayfare Group Limited (#31024)**

Submitter

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**Statement of Evidence of Robert Schofield**

28 May 2021

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## Introduction

1. My full name is Robert John Schofield.
2. I am a Partner of and Senior Planner at Boffa Miskell Limited, a national firm of consulting planners, ecologists, landscape architects and other environmental specialists. I hold the qualifications of BA (Hons) and Master of Regional and Resource Planning (Otago). I am a Fellow of the New Zealand Planning Institute, and a past President (1998-2000).
3. I have been a planning consultant based in Wellington for over 35 years, providing consultancy services for a wide range of clients around New Zealand, including local authorities, land developers, and the infrastructure and power sectors. My experience includes:
  - a. the development of district and regional plans for councils, as well as work on the preparation of plan changes for both councils and private clients;
  - b. preparing Notices of Requirement and/or resource consent applications for a wide range of development projects, including roading infrastructure projects, before council or Boards of Inquiry hearings under the Resource Management Act 1991 ("RMA"); and
  - c. analysing and advising on regional and district policies, including regional policy statements, for a range of clients, particularly energy and infrastructure providers.
4. I am an accredited RMA decision-maker (Chair endorsed) under the Ministry for the Environment's training, assessment and certification programme for RMA decision-makers. I have been appointed as a Commissioner (either sole or as part of a Panel) on a wide range of resource consent applications, proposed plan changes, and designations since 2000, and have been responsible for the preparation of the reports and/or decisions on those applications and plan changes.
5. In preparing this evidence, I have reviewed:
  - a. The evidence-in-chief of Mr Ben Farrell, consultant planner, prepared for Wayfare Group;
  - b. Council's s42A report prepared in respect of Topic 19 (Walter Peak rezoning);

- c. The evidence of Stephen Skelton, consultant landscape architect, prepared for the Wayfare Group;
  - d. The evidence of Helen Mellsop, landscape architect for the Council;
  - e. The operative and notified proposed District Plan provisions that apply to Walter Peak and environs;
  - f. The section 32 report and supporting technical assessments relating to Walter Peak;
  - g. The submission and amended submission by the Wayfare Group; and
6. I have previous understanding of the Walter Peak site, the Wayfare Group operations and structure and development at Walter Peak, becoming familiar with the history and background to the planning framework for the Walter Peak Station, including a site visit in November 2019.
7. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **Scope of Evidence**

8. I have been asked by Wayfare Group Limited (Wayfare Group or the Group) to prepare expert planning evidence in relation to its proposal to rezone an area of land owned at Walter Peak to Walter Peak Tourism Zone (WPTZ) under the Queenstown Lakes District Council Proposed District Plan (PDP).
9. My evidence is framed in the nature of a peer review of the proposed changes to the planning framework for Walter Peak, drawing on the planning evidence prepared by Ben Farrell, and based upon my involvement and knowledge of planning matters associated with Walter Peak, Wayfare Group, and the history and development of this land in the past, and including through the PDP process.

### **Executive Summary**

10. The Walter Peak site has a wide range of opportunities for increasing its tourism potential in a manner that would protect the landscape and ecological values through a quality built development within the site. Much of the Walter Peak site area has the capacity to absorb further development in a manner that would protect the area's scenic values.

11. In my opinion, the proposed planning framework under the PDP is unnecessarily restrictive, with the blanket coverage of Walter Peak as a ONL unreasonably coarse. The proposed WPTZ has been framed with an intention to capitalise on, and enhance, the current high quality visitor experience offered by enabling a development management framework that seeks complement the natural heritage and high country character of the development while recognising the environmental constraints within the site.

### **Background and history of Walter Peak planning**

12. Walter Peak has an extensive and long standing history of development as a tourism destination dating back to the 1970s, when initial proposals for the land included a vision to undertake major tourism development in the form of an integrated village centre, hotels, housing and golf course, designed by Arnold Palmer.
13. The current planning framework for Walter Peak has been in place since 1986 – first approved in the District Scheme pursuant to the Town and Country Planning Act 1977, which then became the Transitional District Plan under the RMA. The planning framework was carried over into the first District Plan prepared under the RMA, with the Council approving the Operative District Plan (**ODP**) in the mid-2000s. This was after the Environment Court's finding that Lake Wakatipu and the surrounding mountains, including the Walter Peak Rural Visitor Zone (**RVZ**), are an ONL. Since 1978, the land has been included as tourism zoning, being originally the Rural T (Tourist Development) Zone under the Lakes Queenstown Wakatipu Combined District Scheme (notified 1978 and made operative 1983).
14. In 1995, the notification of the (now Operative) Plan zoned the land Rural Visitor Zone which, similar to the previous Rural T Zone, provided a generally permissive regime for resort and tourism development. A range of activities including structure planning, parking and loading, buildings (including for residential and visitor accommodation) commercial and recreation activities, landscaping and visitor accommodation were all controlled activities (subject to standards), with a presumption of non-notification for processing consents.
15. Over these years, varying developments have been planned (some formally approved) and significant development, including through infrastructure, restoration and ecological enhancement has occurred on the site. This significant investment is set out in more detail in the evidence of Fiona Black.

16. Through the drafting of the PDP, it was proposed that Walter Peak be included as an RVZ, but the provisions associated with this Zone were significantly more restrictive than the operative Plan, including a landscape classification framework not previously used elsewhere in the PDP (Low Landscape Sensitivity Area, Moderate-High Landscape Sensitivity Area, High Landscape Sensitivity Area). The majority of the zone was came within the High classification, with buildings classified as non-complying activities.
17. Wayfare lodged a submission on the notified RVZ, seeking that the ODP RVZ provisions for the zone be carried over into the PDP or that the provisions of Chapter 46 be amended to have the same effect as the ODP provisions. Alternatively, Wayfare sought a bespoke Walter Peak Tourism Zone.
18. That relief has further been refined since lodgement of submissions, and includes a comprehensive bespoke WPTZ 'package' including objectives, policies, and rules to manage land use and development, supported by a s32AA assessment.
19. Given the extensive planning and development history of Walter Peak, I find it somewhat surprising that the Council has notified a significant policy change in direction for the land, in the absence of any specific concerns as to its current level of development and associated environmental effects and without consultation with Wayfare. As outlined in the evidence of Mr Skelton, the area around Beach Bay and inland behind the homestead is visually well contained, and there is considerable opportunity for further development and activities that would have little or minor adverse effects on the broader ONL.

#### **Support for revised WPTZ**

20. I generally support the intention of a specific WPTZ as set out in the evidence of Mr Farrell. My evidence focuses only on those matters of outstanding disagreement or on matters in which I consider there is scope for improvement or better clarity.
21. The relief sought by Wayfare, and as set out in the revised WPTZ is, in my opinion, consistent with an effects-based approach which recognises that the values that contribute to the ONL within which the site sits, can be protected through a bespoke management framework.
22. The proposed WPTZ is a more effective and efficient planning regime for the site than the RVZ, given it more specifically recognises the cultural, tourism, historic and evolved uses / development of the site, and provides a finer-grained planning framework within which to assess future development proposals.

23. A bespoke WPTZ better recognises the locational specific factors of Walter Peak and the need for visitor industry activities to be self-reliant by providing for infrastructure, services or facilities that are directly associated with, and ancillary to, visitor industry activities.
24. In my opinion, the revised WPTZ generally gives appropriate effect to the Otago Regional Policy Statement and the higher order provisions of the PDP, and the purpose of sustainable management, as explained in Mr Farrell's evidence, in particular at [23], [30], and [55].
25. I have reviewed Mr Farrell's section 32 reasoning as set out in his evidence from paras [33] – [54]. I agree with his conclusions in respect of the need for a more bespoke zoning that would provide a more appropriate, effects-based and certain planning regime for the site to:
- a. Provide greater certainty (and therefore efficiency) in terms of planning outcomes for the site;
  - b. Provide a framework that manages tourism use and development while protecting values that contribute to the ONL being outstanding and has provision for cumulative effects; and
  - c. Provides a planning regime for recognising the functional need in support of existing and future tourism activity at Walter Peak.
26. In particular, I agree with the proposed policy framework for Walter Peak, including:
- d. Amendments to the purpose statement and key objectives and policies to address protection of certain ONL values;
  - e. Better recognition of restoration and enhancement of conservation values; and
  - f. Protection of predominantly open spaces and natural character landscapes (where those exist).
27. I note that Mr Farrell considers that there may be areas for further refinement of specific standards and rules pertaining to the management of future building and development under the proposed WPTZ. I agree that any such further development could be of assistance to achieving the purpose of the WPTZ to provide a more enabling planning framework while protecting the wider values of the surrounding ONL.

**Robert Schofield**

**Dated this 28<sup>th</sup> day of May 2021**