

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act  
1991

**AND**

**IN THE MATTER** of the Proposed District Plan  
Proposed Plan Review (Chapters  
21 and 22)

---

**STATEMENT OF EVIDENCE OF RICHARD TYLER**

21 April 2016

Darby Planning LP (#608),  
Soho Ski Area Limited (#610),  
Treble Cone Investments (#613)  
Lake Hayes Ltd (#763)  
Lake Hayes Cellar Ltd (#767)  
Mount Christina Limited (#764)

---

---

**ANDERSON LLOYD**  
LAWYERS  
QUEENSTOWN

Solicitor: M Baker-Galloway R E Hill  
(maree.baker-  
galloway@andersonlloyd.co.nz/rosie.hill@and  
ersonlloyd.co.nz)

Level 2,  
13 Camp Street,  
PO Box 201,  
QUEENSTOWN 9348  
DX ZP95010  
Tel 03 450 0700  
Fax 03 450 0799

## 1. **Qualifications and Experience**

- 1.1 My name is Richard Tyler. My qualifications include a Bachelor in Landscape Architecture with Honours at Lincoln University and I am registered with the New Zealand Institute of Landscape Architecture. I have 17 years' experience in the industry having worked for several design and planning consultancies throughout New Zealand.
- 1.2 I am design manager / landscape architect for Darby Partners Limited in Queenstown. My expertise includes landscape architecture, urban design and masterplanning. Darby Partners Limited provides management and consultancy services to the various land entities as listed.
- 1.3 During my time at Darby Partners I have been involved in the masterplanning and consenting process for the land entities as listed including the Jacks Point Zone, Mt Christina, Lake Hayes, Soho Ski Area, and Treble Cone.
- 1.4 In preparing this evidence I have reviewed:
- (a) The reports and statements of evidence of other experts giving evidence relevant to my area of expertise, including:
    - (i) Original and further submissions lodged on behalf of the submitters on the front page of this evidence;
    - (ii) Section 42A reports – Rural Chapters 21 and 22;
    - (iii) Section 32 reports associated with Chapters 21 and 22;
    - (iv) Relevant submissions and further submissions of other submitters;
    - (v) Evidence of Dr M Read hearing topic 02.
- 1.5 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.

## 2. SCOPE OF EVIDENCE

- 2.1 I have been asked to prepare evidence on Chapter 21 Rural, Chapter 22 Rural Residential and Rural Lifestyle of the Proposed District Plan ("PDP") on behalf of the submitters named on the front cover page of this evidence. For each of the above clients I provided input to the initial assessment of the notified provisions, the preparation of submissions and further submissions.

## 3. EXECUTIVE SUMMARY

The key conclusions in my evidence are:

- 3.1 The Objectives and Policies of the PDP fail to recognise the Cultural Landscape Overlay that exists in the rural parts of the Wakatipu Basin. It focuses heavily on farming and productive value which is not necessarily the only sustainable outcome for the land.
- 3.2 Land based masterplanning can lead to many positive environmental, social and economic benefits for the region which should be promoted in the PDP through the Objectives and Policies.
- 3.3 The submitters land as listed above include productive land which has the potential for a range of other opportunities including environmental restoration, ecological enhancement, tourism, recreation and living.
- 3.4 By allowing a minimum of 1Ha lot sizes, rather than the 2Ha average lot size with a 1Ha minimum, the Rural Living overlay zone would allow efficiencies in design while retaining the open space and rural landscape qualities that the zone intends to retain.
- 3.5 Visitor accommodation and subdivision in the Ski Area Subzone will foster a sustainable alternative to the existing transport / commute model within the ski areas.

## 4. OVERVIEW OF INTERESTS IN THE RURAL AND RURAL LIVING ZONES

- 4.1 This section will provide a summary of the submitters' respective interests in the Rural Zone ("RZ") and the Rural Residential ("RRZ")/ Rural Lifestyle Zones ("RLZ"). The list below includes both submitters

as well as land interests related to the Darby Partners group in the Rural Zone, that have not submitted.

4.2 Maps identifying the locations of these areas are attached at Appendix "A".

4.3 *Ski Area Sub Zones (Treble Cone and Soho)*

- (a) The Soho Ski Area is located within the Cardrona Ski Area Sub Zone (SASZ) of the operative and Proposed Queenstown Lakes District Plans.
- (b) It comprises part of the Glencoe pastoral leasehold land, from which Soho Ski Area Ltd holds a Recreation Permit to undertake ski area activities and part of an adjoining freehold land parcel known as the Blackmans Creek land.
- (c) The Soho Ski Area is located on the south facing slopes of the ridgeline generally bordering with the Cardrona Ski Area to the north. Vegetation cover is high country tussockland with high scenic, ecological and recreational values. Historically it was grazed and more recently been retired from grazing by the lessee.
- (d) The Blackmans Creek Land Holding is located on the western side of the Cardrona Valley and adjoins the Soho Ski Area at the ridgeline to the Cardrona Valley. This block of land, being freehold ownership is currently grazed with a mixture of high country pastoral land at higher elevation and modified pasture and tussockland at a lower elevation.
- (e) The Soho Ski Area has long been associated with heli-skiing, it has recently obtained resource consents for the construction of a chair lift within the Soho Basin, a groomer shed in the Willow Basin and staff access to the area from Cardrona Valley Road over an adjoining parcel, known as the Blackmans Creek freehold land.
- (f) The Ski Area is currently being utilised for Snow Cat Skiing, started in 2015 and ongoing through the winter of 2016. There are opportunities to grow this business with potential for ski-in ski-out accommodation and other supporting activities.
- (g) TC own and operate the Treble Cone Ski Area. The ski area is located within Ski Area Sub Zone (SASZ) of the operative and

Proposed Queenstown Lakes District Plans. The Treble Cone SASZ is located on east facing slopes below Treble Cone approximately 23 km from Wanaka Township. The land holding comprises the main ski area and a smaller parcel containing the Treble Cone Ski field access road. Both are leases from the Crown under s.83 of the Land Act.

- (h) The site has been modified from its natural state to accommodate ski area activities, with successful vegetation reinstatement to enable a predominant cover of native tussock grassland. It is part of a wider area that has high scenic, ecological and recreational values.

#### 4.4 *Glendhu Bay Resort*

- (a) The proposed Glendhu Bay Resort land holding, 180Ha in size is located approximately 450m west of the Glendhu Bay Motor Camp on both sides of the Wanaka – Mt Aspiring Road, to the shore of Lake Wanaka. It is surrounded by and historically was part of the Glendhu Station.
- (b) The long standing land use has been farming, with the land a mixture of exotic pasture and native shrubland. The current zoning is Rural General.
- (c) The development is currently consented for a golf course, visitor accommodation and 50 visitor accommodation residences set into Kanuka shrubland. There is extensive ecological enhancements proposed for the land including over 30Ha of revegetation to enhance and re-establish the natural character and biodiversity of the area. Overall this will provide a more long term sustainable use of the land than is currently offered by way of farming.

#### 4.5 *Mount Christina*

- (a) The Mount Christina site is located below the north-western flanks of Camp Hill, to the South of the Earnslaw Burn and on the Glenorchy – Paradise Road. It is a short distance from the boundary of the Aspiring National Park directly to the north.
- (b) The site is currently farmed and was historically part of the Earnslaw Station.

- (c) The site is currently consented for 26 Rural Living Lots. Each site will hold share in a large grazing block accessed to the front of each site to complement the rural setting and provide for rural living and recreational opportunities. The proposed homesites will not be visible from the Glenorchy – Paradise Road.

#### 4.6 *Amisfield Bistro and Cellar*

- (a) The Amisfield site is located on the north eastern side of the intersection of State Highway 6 and Arrowtown Lake Hayes Road. The address of the land owned by Lake Hayes Cellar is 10 Arrowtown Lake Hayes Road. Immediately to the north of this land is a further property located at 16 Arrowtown Lake Hayes Road and this land together with the Lake Hayes Cellar land defines the scope of the submission.
- (b) The site contains the established Amisfield Bistro and Cellar Door as well as an area of vineyards and fields to the north. The vineyards offer a visual outlook for the Bistro building but due to site constraints are not large enough to offer efficient productive value for the wine industry.

#### 4.7 *Wyuna Preserve*

- (a) Wyuna Preserve is located on the northern side of the Glenorchy – Queenstown Road, to the east of the Glenorchy Airstrip and extends approximately 3km to the south. The development site lies on the gently undulating flanks of the western extent of the Richardson mountains.
- (b) The land was historically part of the Wyuna Station with high country farming as the main landuse. More recently 30 Rural Preserve Homesites have been developed with large areas of land covered by regenerating bracken and shrubland. Each new lot owner is required to undertake a prescribed area of revegetation planting with design guidelines for homesite development.
- (c) Three of the lots were purchased and developed to form the 'AroHa Wellness Retreat'. The retreat specialises in permaculture featuring self-sufficient organic food production in an alpine environment, and includes a small productive farmlet and production gardens.

#### 4.8 *Lakes Hayes Ltd*

- (a) Lake Hayes Ltd owns land at 270 Arrowtown Lake Hayes Road, located on the south-eastern corner of Arrowtown Lakes Hayes Road and Hogans Gully Road.
- (b) The site is located at the bottom of a broad valley that extends along Speargrass Flat and a part of Hogans Gully Road. Towards the southern part of the site the topography rises through a series of rolling hills.
- (c) The existing land use is farming – predominantly horses with other livestock on the land surrounding the existing dwelling. There are several mature stands of exotic trees scattered throughout the site which add to the established character of the site.
- (d) Consent exists to utilise the current Rural Lifestyle zone to enable 12 farm lots ranging in size from 1.2 – 3.8Ha in size at a 2Ha average Lot size. There is a 100m setback from Hogans Gully Road and 75m setback from Lake Hayes – Arrowtown Road for any proposed dwelling as a consent condition.

### 5. **APPROACH TO LAND USE AND DEVELOPMENT**

- 5.1 To summarise, the potential value and use of these rural areas is not limited to farming. These sites have the potential for a diverse range of land uses, including viticulture, visitor accommodation, residential, tourism, commercial, recreation and other activities.
- 5.2 Farming as promoted under the PDP Objectives and Policies for the Rural Zone is inconsistent with the actual and potential use of the greater part of the Wakatipu Basin. The area is developing over time with the cultural overlay including human settlement patterns which can be seen as a positive intervention to the landscape. If the productive potential of this land were optimised then this may have an adverse effect on the region and limit the potential for other sustainable land uses.
- 5.3 Appropriate, well-designed, and master planned outcomes can in many instances provide for the most efficient and effective use of the land resource. In this sense a range of land uses could be promoted in this

area while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.

- 5.4 Darby Partners has a long standing history of delivering well considered land based projects from conception to delivery through a landscape planning methodology that includes the following steps:
- (a) Resource study – Expert reporting on the landscape resource being geology / soils, ecology, hydrology, visual landscape. Verifying existing landuse, infrastructure, tenure / zoning.
  - (b) Analysis of landscape resource, landscape character and visibility mapping.
  - (c) Assessment mapping including areas capable of absorbing change, ecology, access and recreation.
  - (d) Guidelines – Landscape management recommendations including public access and recreational opportunities.
  - (e) Strategy – Preparation of Land Use and Landscape Management Strategy.
  - (f) Detailed masterplanning, conception and site delivery.
- 5.5 This approach places high regard on landscape values and ecology and ensures that sustainable land use is achieved. In more sensitive landscape sites dwellings are sited to ensure that the natural landscape predominates. Ecological protection / enhancement and other mechanisms ensure benefits that would not necessarily be achieved if the land was only farmed or maximised for its productive use.
- 5.6 An example is Jacks Point - previously zoned as rural land in the future will be one of the region's largest satellite towns with a range of housing types, recreation and employment opportunities. The landscape has been transformed from rural farmland with vast areas of native planting and enhancement, both in the public and private realm. Through the use of architectural guidelines an architectural character unique to Jacks Point is being created which will form part of the cultural landscape of the region.



## 6. DEVELOPMENT POTENTIAL AND DESIGN APPROACHES

### *Lake Hayes Limited;*

- 6.1 A description of the Lake Hayes Ltd site has been provided above in section 4.
- 6.2 Amendment of the PDP along the lines sought is intended to allow for the site to be developed to its full potential and to achieve the most efficient and effective use of this resource.
- 6.3 From a design perspective, I support the current Rural Lifestyle zoning in part for the Lake Hayes Ltd site, and support the minor changes sought in the submission in the hope that they facilitate the ability to develop the site to its full potential, and potentially to density of 1 dwelling/ha. The currently notified density of a 2 hectare average and 1 hectare minimum for the RLZ does not adequately provide for the optimal use of the land resource.
- 6.4 A 1 Ha lot is the widely recognised size whereby owners can hold livestock for personal use and maintain a sense of privacy from neighbours. By changing the rule to require a minimum size of 1Ha will enable a more optimum layout to be designed with a wider range of property sizes and affordability to be developed. With appropriate landscape treatment and road setbacks the open space and rural values of the landscape can be retained.
- 6.5 I refer Marion Read's evidence on the Rural Zone, section 10.3 *"It is my general observation that 2ha enables the keeping of animals and other productive land uses which are characteristic of the broader rural landscape and which **cannot be sustained on smaller lots**. Such an area ensures a sense of spaciousness and the maintenance of some other aspects of rural amenity such as quietness."* I tend to disagree with Marion in that it is widely accepted that horses and other livestock can be kept on a small paddock of 1Ha in size.
- 6.6 Any additional extension of the setback requirements from roads as proposed in the PDP, for the RRZ and RLZ are not necessary in my opinion. Lake Hayes Limited further submitted on submissions which sought to increase the setback requirements, including Dalefield Trustee and John Borrell. In my opinion the notified setback requirement of 10m will ensure the general amenity values as perceived from public places

such as roads are maintained, but also leave options open for an efficient use of a site in design terms. Any increases to that standard will restrict efficient use of land and are not justified in terms of landscape protection as well as inhibiting quality master planning and design outcomes on a case by case basis.

- 6.7 Our suggested changes to Rural rules 21.5.15, 21.5.19 and 22.5.1 are intended to both facilitate schist stone as a material that can be exempted from meeting LRV rules and to provide a more generic term for other materials that could be accommodated under the rule. When viewed in the central Otago landscape schist has a timeless and enduring quality that should be accommodated and supported under the District Plan. It is a material with a long associated tradition of use for building in central Otago and regarded as being a material that contributes to a high quality finish.
- 6.8 The reduction in height of buildings from 8m (notified) to 7m as sought by John Borrell is not supported, as such a reduction would unnecessarily restrict good planning and design. 8m allows for building design of an appropriate scale for the rural landscape – for example a two story high stud gable building reminiscent of a rural farm building. The amount of open space required by density restrictions in the rural zone offers enough mitigation against larger built form in the landscape.
- 6.9 Mandatory assessment by an urban design panel in all rural and rural living zones is unnecessary (as supported by the submission of NZIA and Architecture, and Women Southern). Urban design is the process of giving form, shape, and character to groups of buildings, to whole neighbourhoods, and the city, and does not seem an appropriate qualitative assessment for the rural landscape.

*Amisfield Bistro and Cellar*

- 6.10 A description of the Amisfield site has been provided above in section 4.
- 6.11 The existing Amisfield Bistro currently attracts over 70,000 visitors per annum, the majority being overseas tourists and is globally recognised as a destination dining experience showcasing the best of the regions wine and food. It employs around 40 full time equivalent staff per year. The site is often used and donated for charity events supporting fund raising for regional causes and the Arts. It is part of a growing arts and culture Trail in the wider region showcasing some of New Zealand's

most acclaimed painters and sculptures. The corner location makes for a picturesque entrance to Lake Hayes with the Bistro building being showcased as an example of quintessential regional architecture.

- 6.12 With recent rural residential development and increasing traffic intensity and noise the current rural zone is no longer appropriate for the site. The proposed Rural Residential zoning with a commercial overlay will accommodate existing and potential use of the Bistro while recognising the rural character of the site and the wider environment.
- 6.13 It will allow Amisfield to undertake conferences and corporate events, weddings and functions, exhibitions, and retail sales of regionally produced food and wine. Such uses would be an efficient use of the current investment in the site, and an appropriate and highly attractive use of the land. The merits of the proposed commercial overlay will be addressed in more detail in the "mapping" part of this district plan review process, but as it is also relevant to rural provisions, I am addressing in part here as well.
- 6.14 NZTA are seeking a setback of 20m from the State Highway. This would inhibit efficient use of the site and lead to unnecessary restrictions to sound design outcomes.
- 6.15 The submission seeking to rezone the site to Rural Lifestyle are not supported<sup>1</sup>. A Rural Lifestyle zoning would not be appropriate for this site as it does not recognise the current use of the land resource, nor provide for future potential use of the land. A Rural Residential zone in this location would link the existing Rural Residential Zone to the south and the Low Density Residential to the north, and offer a localised living hub supported by the existing Amisfield Bistro with proposed commercial overlay.

#### *Mount Christina*

- 6.16 A description of the Mt Christina site has been provided above in section 4.
- 6.17 The purpose of the submission to the PDP is to realign the shape and area of the rural land to match with the topography of the site. The zone

---

<sup>1</sup> Submission of John Martin #565

boundary was originally intended to follow the topography of the plateau but this was incorrectly translated in the District Plan map.

- 6.18 Our submission seeks to simply correct this error to enable a more efficient and sustainable use of the land.

*Ski Area Subzones (SASZs)*

- 6.19 A description of the SASZs has been provided above in section 4.
- 6.20 SASZs have immense potential to develop and improve year-round commercial recreation, hospitality, accommodation and a more integrated means of access/passenger transport from the valley floor. The PDP should recognise and enable such potential where that can be appropriately managed in terms of adverse effects on natural resource values including in outstanding natural features and landscapes, and indigenous and ecological values.
- 6.21 I refer the Section 42A Report (Rural Chapter) Paragraph 14.3 page 54 which states: *“The provisions accept the continuation and growth of skiing and vehicle testing, on the basis the adverse effects on the District’s landscapes and indigenous biodiversity in the wider context are minor.”* The ski area subzone primarily should support a range of activities and recreational opportunities to grow and develop the industry internationally while recognising the importance of the environment and landscape values of the high country.
- 6.22 Our submission proposes to promote landscape and ecological benefits through the use of Ecological Management Plans or other similar mechanisms through the consenting process. At Soho Ski Area the objective of the EMP is to ‘set operational standards to minimise the impacts on the environment from works undertaken, and to ensure that vegetation cover uplifted to allow earthworks to take place is restored as near as possible to its original state across the project site’. During construction works ecological monitoring is undertaken to ensure that the plan is carried out and that the construction team are following best practise methodology for the alpine zone. A similar process has been used successfully at Treble Cone, Remarkables, Coronet Peak and Soho Ski Area and continues to ensure that the recreational, ecological and landscape values of the high country are retained.

- 6.23 A key benefit of the Soho Ecological Management Plan is that it sets out a direct collaboration between the design team, ecological monitor and construction team. The intentions to protect and enhance ecology values is made clear from the start, so that all team members are aware of their responsibilities. This collaboration is the most important part of the process to ensure objectives of the EMP are carried out on the ground.
- 6.24 'Sustainable development' should seek to promote both live-work and live-play scenarios without reliance on vehicle use. On this basis opportunity exists to enable Visitor Accommodation to support commercial and recreational activity within the ski area subzones. It is anticipated that lodges / units could be held either by the ski area or in private ownership to enable time share or holiday rental if required.
- 6.25 Providing further accommodation on the ski fields will reduce reliance on transport options to the valley floor. This in combination with development of access lifts or Gondola systems has the opportunity to improve sustainability of ski area transport by replacing the current reliance on daily commuting. It will also promote the Ski Industry overseas and foster long term goals to develop sustainable eco-tourism in the region and New Zealand.
- 6.26 I also refer the Section 42A Report (Rural Chapter) Paragraph 14.36 page 60 which states: *"In summary, I support in part the submission of Treble Cone to add policies associated with transportation, and a rule that provides for the opportunity for visitor accommodation and worker accommodation. I do not support residential activity or subdivision for residential activity. I consider that enabling residential activity and subdivision in the Ski Area Sub Zones **could have the potential to impinge on the viability of these areas.**"* I disagree with this statement in that subdivision in the SASZ would **promote** viability of the ski areas by allowing private investment on separate land holdings, while reducing transport costs of workers, fostering tourism and recreation opportunities and assist economic growth of the industry.

## 7. CONCLUSION

- 7.1 The Rural Zone should recognise the cultural landscape overlay of the Wakatipu Basin and provide for a range of opportunities based on sound landscape based planning.

- 7.2 A minimum 1Ha Average lot size will provide for a more efficient use of the land resource in the Rural Lifestyle Zone.
- 7.3 Subdivision in the SASZ in combination with Visitor Accommodation and mechanisms such as Management Plans will provide opportunities for the ski areas to grow and foster sustainable development and promote ecotourism for the region while protecting the landscape and ecological values of the high country.
- 7.4 Schist is a material which should be allowed in the rural zone as a traditional material with a long standing tradition in the district.
- 7.5 A Rural Residential zone with a commercial overlay for the existing Bistro will consolidate zoning to the existing use and provide for supporting rural living and accommodation opportunities.

Richard Tyler

Dated this 21<sup>st</sup> day of April 2016