

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

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Stage 3b of the
Proposed District Plan
submission related to
notified Walter Peak
Rural Visitor Zone

**REBUTTAL EVIDENCE OF ELIAS JACOBUS MATTHEE
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

PLANNING: WALTER PEAK RE-ZONING

11 June 2021

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1. INTRODUCTION

- 1.1 My full name is Elias Jacobus (EJ) Matthee. My qualifications and experience are set out in my section 42A report dated 4 March 2021 (**s42A**).
- 1.2 This statement of rebuttal evidence is provided for Queenstown Lakes District Council (**Council**, or **QLDC**).
- 1.3 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. The Council, as my employer, has authorised that I give this evidence on its behalf in accordance with my duties under the Code of Conduct.

2. SCOPE

- 2.1 My rebuttal evidence responds to certain aspects of the following evidence filed on behalf of Wayfare Group Limited (**Submitter 31024**) (**Wayfare**):
- (a) Mr David Bridgman (chartered accountant) - commercial and economic aspects of Walter Peak and the TSS Earnslaw operations;
 - (b) Mr Paul Norris (General Manager Wayfare Tourism) - tourism operations;
 - (c) Ms Katherine Black (tourism operations Wayfare) – tourism operational history and growth at the Walter Peak site;
 - (d) Ms Ailsa Cain (cultural heritage specialist) - cultural heritage of Walter Peak;
 - (e) Mr Stephen Skelton (landscape architect) – landscape;
 - (f) Mr Grant Meldrum (civil engineer) – natural hazards;
 - (g) Mr Ben Farrell (planner) – planning; and
 - (h) Mr Robert Schofield (planner) – planning peer review.

3. KEY ISSUES FOR DETERMINATION

3.1 In my section 42A report¹ I identified three key resource management issues that needed to be addressed before Council would be in a position to consider supporting a bespoke Walter Peak Tourism Zone (**Tourism Zone**) for the Walter Peak site (**site**). Those issues were broadly associated with:

- (a) **Issue 1: Landscape:** does the proposed Tourism Zone appropriately manage landscape values and give effect to the strategic direction in Chapters 3 and 6 of the Proposed District Plan (**PDP**)?
- (b) **Issue 2: Natural Hazards:** does the Tourism Zone appropriately manage risk from natural hazards in accordance with Chapter 28 of the PDP?
- (c) **Issue 3: Activity mix:** has residential development in a rural area been appropriately considered?

3.2 I have responded to the evidence filed by Wayfare with reference to these issues, and also address the overall appropriateness of the Tourism Zone sought by Wayfare.

Issue 1: Landscape

3.3 Wayfare seeks that the proposed Tourism Zone be listed as an Exception Zone in Chapter 3 of the PDP. The policy implications of being listed as an Exception Zone are outlined in my s42A report.²

3.4 If the proposed Tourism Zone is approved, all development anticipated by the zone will be considered against the provisions of the Tourism Zone alone, without requiring reference to Chapters 3 or 6. This is on the basis that the provisions of the Tourism Zone will have already accounted for s6(b) RMA landscape matters (re the ONL), and the Chapter 3 and 6 provisions relating to ONLs.

1 See paragraphs 3.9 to 3.28 of my s42A report.

2 See paragraphs 3.12 and 3.13 of my S42A report.

3.5 The concern, outlined in paragraph 3.17 of my s42A, was that the proposed Tourism Zone provisions do not regulate development in a way that *protects* the landscape values of the ONL in a manner that achieves the strategic directions in Chapter 3 of the PDP. After reviewing the evidence filed by Wayfare, I continue to hold that concern.

3.6 The reasons I remain of this view are as follows:

- (a) First, the provisions do not provide appropriate regulatory control over the spatial extent or form of built development across the site.
- (b) Mr Skelton, for Wayfare, acknowledges in his evidence that development should be located in certain parts or pockets across the site³ and / or that additional controls are required in relation to certain built aspects to ensure that the development can be appropriately absorbed into the landscape.⁴ The aspects that Mr Skelton considers require control include: location of development, earthworks and building coverage, biodiversity (planting), landscaping, and building design and appearance (ie. buildings are recessively clad and coloured). Despite this evidence, the proposed Tourism Zone provisions do not include this level of control, or include relevant standards that address these matters.
- (c) Further to the above, my understanding is that buildings are provided for as a controlled activity by the proposed Tourism Zone. I do not consider this activity status to be appropriate, or effective, if applied across the entire site. If development controls and standards are included which regulate the aspects identified by Mr Skelton, that could resolve this concern, but they would need to provide meaningful control over development within an ONL. In relation to the location of activities (ie. in parts or pockets of the site), in my view a controlled activity status should only be used where it is appropriate. For example, I support controlled activity development within the lower landscape sensitivity area, subject to appropriate controls, as set out in the notified

3 At paragraphs 36, 37 and 39 of his evidence in chief.

4 At paragraphs 33, 36, 37, 39, 41 and 42 of his evidence in chief.

Walter Peak Rural Visitor Zone mapping and the Decision Version Rural Visitor Zone (**RVZ**) provisions.

- (d) Third, and with reference again to the approach taken by the Decision Version RVZ, the siting of activities is considered important to protect ONL values. Ms Mellsop, in her rebuttal evidence at paragraph 4.3, states that the critical point is to ensure that any additional development is provided for only where there is capacity to absorb it. The RVZ seeks to focus development within lower landscape sensitivity areas, which is a method of ensuring that additional development is located where there is capacity to absorb it. The proposed Tourism Zone does not adopt this approach, instead providing for development across the entire site without recognising any differing level of sensitivity. Given the site is entirely within an ONL, and the proposal is for an Exception Zone, I consider the RVZ to adopt a more appropriate zoning approach.

3.7 As it currently stands, I do not consider that the provisions proposed by Wayfare achieve the required landscape threshold, set by Chapter 3, to qualify as an Exception Zone. Further work is required by Wayfare to develop a landscape management regime that provides effective, location-specific, regulation of development across the site.

3.8 I note that there appears to be a difference in opinion between myself and Mr Farrell about the need to meet the 'protect' direction in Chapter 3. This may be an issue that the Panel will have to resolve. In the meantime, I consider that the landscape management regime provided by the Decision Version RVZ, in conjunction with the revised sensitivity mapping supported by Ms Mellsop, is the most appropriate way to achieve the 'protect' direction required by Chapter 3.

Issue 2: Natural hazards

3.9 Mr Meldrum (for Wayfare) and Mr Bond (for Council) are in general agreement in relation to the hazards affecting the site, and the risk of those hazards. In particular, both agree on the 'high risk' of debris flow

to Zones A and C⁵ and the need to manage such risks for Zone B. They agree that controls should be imposed preventing the establishment of buildings or structures, for living purposes, within Zones A and C.

3.10 Mr Bond maintains his initial position⁶ that planning mechanisms are needed to manage the risk in all three of these zones. No such provisions are proposed by Wayfare.

3.11 I have, in Appendix A to this rebuttal statement, prepared draft provisions which I consider appropriate for inclusion in the PDP for this site. While I continue to support the Decision Version RVZ, these provisions could either be included in the Tourism Zone (if granted) or the RVZ (if retained by the Panel, as per my recommendation).

Issue 3: Activity Mix: has residential development in a rural area been appropriately considered?

3.12 Mr Bridgman has provided evidence for Wayfare in relation to the commercial and economic aspects of Walter Peak. Mr Bridgman's evidence, at paragraphs 50 and 156 – 161 explains the value residential development would add for Walter Peak in terms of diversifying the business base, offsetting infrastructure investment cost and helping to establish visitor accommodation and supporting other related retail activities. In addition, Mr Farrell, at paragraph 30(e) of his evidence, explains that rural living is necessary to support the quality, diversity, and resilience of the Tourism Zone and that such development / activity will have indiscernible adverse effects on the environment.

3.13 Ms Mellsop considers the potential effects of residential activity within the Tourism Zone at paragraph 4.15 of her rebuttal. Ms Mellsop considers that the spread of rural living or residential development (other than onsite staff accommodation ancillary to commercial recreation and visitor accommodation) has the "potential to degrade the naturalness, scenic and tranquillity/remoteness attributes of the landscape, as well as the shared and recognised recreational values of the zone and wider ONL". I share Ms Mellsop's concerns.

5 Refer Golder report appended to Mr Meldrum's evidence in chief.
6 Mr Bond's evidence in chief, paragraph 4.9.

- 3.14** Ms Mellsop also remains concerned about the spread of rural living and residential development, which is largely unconstrained by the proposed Tourism Zone due to the controlled activity status for buildings and permitted activity status for residential activity ancillary to other permitted activities. Mr Skelton does not appear to have specifically assessed the potential landscape effects of residential activity being provided for on the site, and as a result, the planning opinion of Mr Farrell, and specifically the proposed provisions, are not supported by landscape advice.
- 3.15** While I accept that there could be a place for a range of activities across the site, subject to them being properly located and designed, at this stage there is a lack of evidence demonstrating that wider provision for residential activity is appropriate. I therefore remain of the view that any rural living or residential activity should be limited to on-site staff accommodation ancillary to commercial recreation and visitor accommodation, as is provided by the RVZ provisions.

Appropriateness of the proposed Tourism Zone

- 3.16** I have considered all the economic, operational, cultural, and tourism evidence provided on behalf of Wayfare (Mr Bridgman, Mr Norris, Ms Black and Ms Cain). Collectively, their evidence presents the case that Walter Peak is a unique tourism resource and asset for the district, especially due to its location relative to Queenstown and the link to the TSS Earnslaw.
- 3.17** Mr Farrell discusses the cost and uncertainty associated with discretionary resource consent applications at his paragraphs 49 to 52, and provides a comparison of the RVZ framework and the Rural Zone in paragraph 53.
- 3.18** Paragraphs 8.3 to 8.7 of Ms Grace's s42A for the RVZ (18 March 2020) provide a comparison between the Rural Zone and RVZ provisions, demonstrating that the RVZ is more enabling of visitor industry activities than the rural zone, and also applies more targeted management of landscape matters. In reliance on that evidence, I disagree with Mr Farrell that the RVZ is more stringent and discouraging of development.

- 3.19** In relation to Mr Farrell's observations around cost and uncertainty, I note that the notified RVZ mapping proposes an area of approximately 23 hectares on the site that provides a controlled activity consent pathway. The remaining area of the site, that is subject to discretionary activity status (and non-complying status), is justified on landscape grounds. This area, and activity status, is the result of a detailed landscape assessment, as opposed to a blanket discretionary regime in the Rural Zone which Mr Farrell refers to at his paragraph 53.
- 3.20** While I do not dispute the significance of the Walter Peak tourism operation and the socio-economic importance of the on-site tourism operations to the district (and the historical significance of the TSS Earnslaw), I remain of the view that the Decision Version RVZ, with amendments to the landscape sensitivity mapping recommended by Ms Mellsop and the addition of natural hazard risk management mapping and provisions (as **attached** at Appendix A), is the most appropriate zone for the site.
- 3.21** The RVZ zone will enable tourism activities to grow and diversify on the site, while protecting the ONL values as required by Chapters 3 and 6 PDP. My opinion may alter if Wayfare were to significantly refine its provisions and include a bespoke landscape management regime for inclusion in its proposed Tourism Zone that will achieve protection of the landscape values of the ONL. There would be substantial changes required however, which would need to be supported by a more refined landscape assessment that recognises the sensitivity of certain parts of the site (ie. Von Hill and the more elevated, exposed parts of the site).



Elias Matthee

11 June 2021

APPENDIX A

Proposed hazard management provisions for inclusion in the Proposed District Plan for the Walter Peak site

Additional provisions recommended:

Underlined text to be included:

46.2.2.9 Ensure the ongoing management and maintenance of existing hazard mitigation measures, including management systems and evacuation plans, where new or relocated buildings within the Hazard Management Area identified on the District Plan web mapping application in the Walter Peak Rural Visitor Zone rely on those measures.

46.2.2.10 Avoid development for living purposes (including visitor accommodation) in the Natural Hazard Building Restriction Areas identified on the District Plan web mapping application in the Walter Peak Rural Visitor Zone.

46.4.7	<p>Construction of buildings</p> <p>46.4.7.1:</p> <p>The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.8 to 46.4.12 and <u>4.4.18</u>).</p>	C
46.4.11	<p>Construction of buildings</p> <p><u>46.4.11.3;</u> <u>In the Walter Peak Rural Visitor Zone, the construction or relocation of buildings or structures used for living purposes (including visitor accommodation) within an area identified on the District Plan web mapping application as a Hazard Management Area.</u></p>	D
<u>4.4.18</u>	<p><u>In the Walter Peak Rural Visitor Zone, the construction or relocation of buildings or structures used for living purposes (including visitor accommodation) within an area identified on the District Plan web mapping application as a Natural Hazard Building Restriction Area (NHBRA).</u></p>	NC