

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

UNDER THE Resource Management Act 1991 ("**Act**")

IN THE MATTER OF of a variation to Chapter 21 Rural Zone of the Proposed Queenstown Lakes District Plan, to introduce Priority Area Landscape Schedules 21.22 and 21.23

BETWEEN **VARIOUS SUBMITTERS**

QUEENSTOWN ADVENTURE PARK (#189)
OFFROAD ADVENTURES (#138)
NZSKI (#165)
REALNZ (#166)
TUCKER BEACH RESIDENTS SOCIETY (#90)

AND **QUEENSTOWN LAKES DISTRICT COUNCIL**

Planning Authority

SUMMARY OF PLANNING EVIDENCE OF BEN FARRELL

11 SEPTEMBER 2023

PROFESSIONAL DETAILS

Qualifications and experience

1. My full name is Ben Farrell. I am an independent planning consultant based in Queenstown. My qualifications and experience will be set out in my evidence in chief (EiC). I have worked as a planner across New Zealand and am familiar with the higher order planning instruments and strategic provisions of the QLDC PDP. I am familiar with the Queenstown Lakes District rural ONFL environment, in respect of both my capacity as a professional planner and as a resident.

SCOPE

2. I have been asked by the following submitters to provide planning evidence in response to the s42A Report on this matter:
 - (a) Queenstown Adventure Park Limited (#189)
 - (b) Off Road Adventures Limited (#138)
 - (c) NZSki Limited (#165)
 - (d) Realnz Limited (#166)
 - (e) Tucker Beach Residents Society (#90)
3. These submitters are interested in the following Landscape Schedules:
 - (a) 21.22.3: Shotover River Schedule
 - (b) 21.22.12: West Wakatipu Basin Schedule
 - (c) 21.22.13: Queenstown Bay and Environs
 - (d) 21.22.14: Northern Remarkables
 - (e) 21.22.18: Cardrona Valley Schedule
4. In preparing this evidence I have read or refer to the s.42A Report prepared by Ms Ruth Evans and the evidence of Bridget Gilbert and Jeremy Head. I have also reviewed the submissions of the abovementioned parties and spoken to numerous planners and lawyers involved in this process for other parties.
5. I acknowledge the panel's directions dated 15 and 25 August 2023. With all due respect to the panel:
 - (a) I have not been able to complete, by 12pm on the 11th September 2023, expert planning evidence that accords with the Environment Court Practice Note of 2023

- (b) Rather this evidence provides a summary of key points that will be included in my EiC, which I intend on filing with the panel as soon as possible.
6. My evidence focuses on identifying matters of fact and planning opinion. I am concerned, as a planning practitioner (with actual experience with many resource consent application processes in this District) with the efficiency and effectiveness of the consenting implications of the provisions proposed to be introduced in this matter.
7. My evidence identifies various issues and promotes some options for your consideration. I opine some of the options discussed below will be as effective and more efficient for all parties involved in this matter. I have not undertaken a detailed s.32AA assessment although I consider the options will be as effective and more efficient than the notified regime. I therefore consider they will be more appropriate than the provisions notified or recommended in the s.42A Report.
8. While not always specifically referenced in my evidence below, my opinions are informed by the provisions in the Partially Operative and Proposed Otago Regional Policy Statements, which I am reasonably familiar with.

KEY ASSUMPTIONS

9. I note I have assumed the following when preparing this evidence:
- (a) There are no 'Priority Areas' outside any ONFL, except for the Upper Clutha Rural Character Landscape. This accords with Strategic Provision 3.1B.5(e).
- (b) The PA Schedules will set precedent for all non-Priority Area's in the district.
- (c) The PA Schedules cannot be relied upon (discussed in my evidence below).
- (d) The methodologies applied to the PA Schedules do not take into account or apply all relevant and most up-to-date landscape assessment methodologies applicable to the district, at least in respect of cultural matters (for example Āpiti Hono Tātai Hono: Ngā Whenua o Ngāi Tahu ki Murihiku).
- (e) This statement of evidence will be complemented by my EiC, which will be completed as soon as possible.

EVIDENCE

Reference to Tourism Related Activities should simply be 'resort'

10. I understand from liaison with Ms Evans (and as stated as pars 10.10-10.11 of the s42A Report) that reference to 'tourism related activities' is intended have the same meaning as 'resort'.
11. If the intention is to be the same then all references to 'Tourism Related Activities' should simply be replaced with 'resort'. Otherwise it is very confusing for plan users, particularly those who undertake tourism related activities that are not resorts (of which there are many).
12. I also note that the more common understanding of the term "Tourism Related Activities' are the activities themselves – skiing, boat rides, guided use of trails etc. These commercial recreation activities are permitted to a certain scale¹ depending on their nature and scale, so clearly many priority areas will have capacity for these type of activities to continue.

Plan Architecture: Landscape Capacity Ratings should be the same as Schedule 24.8 ('Very Low', 'Low', 'Moderate', 'High', 'Very High')

13. Landscape Capacity is defined in s3.1B.5(b) of the PDP. This definition applies to Landscape Capacity Ratings already established in Schedule 24.8 as well as Landscape Capacity Ratings introduced through this PA variation.
14. The variation unhelpfully introduces verbose landscape capacity rating terms that are not the same as (or clearly consistent with) that already applied in Schedule 24.8. The terminology also is not consistent with SP 3.3.31 which refers to avoiding adverse effects when there is "little capacity to absorb change". Considerable time and effort have already been taken to establish landscape capacity ratings, with support of the Court.
15. There is no sound planning rationale for the PA Landscape Schedules to employ new terminology that is inconsistent with terminology used in Schedule 24.8.
16. The landscape capacity ratings should apply terminology already applied in the PDP framework, namely that used in Schedule 24.8. This being employment of the terms: '**Very Low**', '**Low**', '**Moderate**', '**High**', '**Very High**'.

The scale is setting us all up to fail

17. At paragraph 9.84 Ms Evans highlights that *"the role of the PA schedules is to provide guidance to inform the identification and assessment of landscape values and associated capacity, at a PA landscape scale. This does not equate to an avoidance policy direction or prohibited activity status, and no rules are being altered through the variation"*. Then at Par

¹ Rule 21.4.13

9.87 Ms Evans refers to Ms Gilbert saying "*Ms Gilbert goes on to explain that it is important that the capacity is evaluated at a high level rather than site specific level, as it is intended as guidance only. The recommended amendments to the preambles set this out, as well as specifying that site specific landscape assessments will be required for individual proposals, **and that this may identify a different capacity rating**".* ***(my emphasis)***

18. With all due respect to Ms Evans and Ms Gilbert (and QLDC), the framework is being set up to fail, because:
- (a) No proposals (resource consent applications) will be at PA scale, so the Landscape Capacity Ratings (set at a PA scale) offer no meaningful assistance to consequential consenting processes. In other words, the utility of the Landscape Capacity Ratings is questionable unless they can be relied on. If they cannot be relied on, then they do not achieve the intent of SO3.3.37(c) and SO3.3.38(c).
 - (b) The failure of the Capacity Ratings to providing meaningful assistance will create unreasonable and unnecessary costs and uncertainties on parties wanting to understand what Landscape Capacity actually means for a site, including those to be involved in future resource consent applications.
 - (c) By providing guidance on ratings, as opposed to actual ratings, the framework does not achieve its primary purpose of implementing SO3.3.37(c) and SO3.3.38(c).

Some specific concerns and relief sought in the Kimiākau / Shotover River Schedule 21.22.3

Urban expansion, visitor accommodation and tourism related activities, commercial recreation activities

19. The existing urban (in character) business activities operating at the Morning Star Reserve do not appear to have been suitably identified and provided for in the PA schedule.

Some specific concerns and relief sought in the Western Wakatipu Basin Schedule 21.22.12

Rural Living

20. There are many areas in the PA where new rural living within this PA will not be appropriate and some discrete locations within this PA where new rural living may be appropriate.

21. The s42A Report is recommended changing the landscape capacity rating for Rural living activities in the West Wakatipu Basin Schedule 21.22.12, from 'no landscape capacity' to the following:

Rural living – Very limited to no landscape capacity. Where such development is appropriate, it is likely to be: co located with existing development; sited to optimise the screening and/or filtering benefit of natural landscape elements; designed to be small scale and have a 'low-key' rural character; integrate landscape restoration and enhancement; and enhance public access (where appropriate).

22. The qualifier "*Where such development is appropriate, it is likely to be: co located with existing development; sited to optimise the screening and/or filtering benefit of natural landscape elements; designed to be small scale and have a 'low-key' rural character; integrate landscape restoration and enhancement; and enhance public access (where appropriate)*" is unhelpful because it cannot be relied on (i.e. it uses the term 'likely to be', which just creates unnecessarily ambiguity when applied in practice).
23. It would be more appropriate to replace the LCR with "Very Low". Alternatively, more assessment work should be undertaken to identify locations where new rural living activities may not be appropriate.

24. Commercial recreational activities

25. Commercial recreation is a permitted activity throughout all the PA, and there are numerous commercial recreation activities operating in this PA that do not appear to have been acknowledged in the PA landscape value descriptions.
26. There is no need or sufficient evidential basis to limit commercial recreation to 'small scale and low key'.

Visitor accommodation and tourism related activities

27. There is capacity for visitor accommodation and tourism related activities (including resort) within the PA outside (in addition) to the limited area identified in the S42A Report (including being limited to existing dwellings and consented platforms).

Some specific concerns and relief sought in the Cardrona Valley Schedule 21.22.18

28. The s42A Report has recommended changing a couple of references to Cardrona Alpine Resort with Cardrona Ski Area Sub Zone or "Cardrona Alpine Resort and the Soho Basin Ski Area". These changes may have some unintended consequences, because:
- (a) The Soho Basin Ski Area is part of the Cardrona Alpine Resort

- (b) Not all ski area related activities associated with the Cardrona Alpine Resort operate entirely within the Cardrona Ski Area Sub Zone (for example the main access road, lower park and ride and ticketing area, and future passenger lift systems) are all outside the subzone.

Ben Farrell
11 September 2023