

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS PANEL

UNDER the Resource Management Act 1991

IN THE MATTER of the review of parts of the Queenstown Lakes District Council's District Plan under the First Schedule of the Act

AND

IN THE MATTER of submissions and further submissions by **QUEENSTOWN PARK LIMITED AND REMARKABLES PARK LIMITED**

**MEMORANDUM OF COUNSEL FOR QUEENSTOWN PARK LIMITED, REMARKABLES
PARK LIMITED AND QUEENSTOWN LAKES DISTRICT COUNCIL**

HEARING STREAM 13 – QUEENSTOWN MAPPING

30 AUGUST 2017

**BROOKFIELDS
LAWYERS**

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MAY IT PLEASE THE PANEL:

1. As previously indicated, expert conferencing was initiated by the landscape experts in respect of the proposed Queenstown Park Special Zone. Planning conferencing did not occur due to Mr Serjeant's personal circumstances (a bereavement) and a subsequent illness.
2. We **attach** a Record of Conferencing (dated 24 August 2017) prepared and signed by Mr Brown, Ms Skidmore and Ms Mellsop.

DATED the 30th day of August 2017



J D Young

Counsel for Remarkables Park Limited and Queenstown Park Limited



S J Scott

Counsel for the Queenstown Lakes District Council

**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 Hearing Stream 13
– Queenstown
Mapping Annotations
and Rezoning
Requests

**RECORD OF CONFERENCING OF EXPERT LANDSCAPE WITNESSES IN
RELATION TO QUEENSTOWN PARK LIMITED AND
REMARKABLES PARK LIMITED SUBMISSION 806**

INTRODUCTION

- 1.1 This is a Joint Statement prepared following expert witness conferencing of landscape experts. The experts involved are:
- Rebecca Skidmore, for Queenstown Park Limited;
 - Stephen Brown, for Queenstown Park Limited;
 - Helen Mellso, for Queenstown Lakes District Council (QLDC).
- 1.2 Conferencing was conducted in Auckland on the 22nd August 2017 through a process managed between ourselves without facilitation. Robert Buxton, consultant planner for QLDC, attended the meeting and provided input and advice in relation to the proposed planning provisions. This statement records areas of agreement and disagreement in relation to the landscape and visual effects of the Queenstown Park Special Zone (QPSZ) proposed by Queenstown Park Limited and Remarkables Park Limited in Submission 806 to the QLDC Proposed District Plan (PDP). The statement also contains recommendations for changes to the QPSZ provisions that were agreed by some or all of the landscape experts.

2. RECOMMENDATIONS FOR CHANGES TO PROPOSED QPSZ PROVISIONS

- 2.1 In her rebuttal evidence, Helen raised the concern that there were no effective methods for ensuring that Objectives 44.2.1A and B and Policies 44.2.1.1 to 44.2.1.7 were achieved in Rural Residential (RR) Areas 2, 4, 5 and 6, as no Comprehensive Development Plans were required for these areas. The Right of Reply version of the Subdivision and Development Chapter 27 of the PDP includes 'open space and recreation' and 'ecological and natural values' in the list of matters of discretion for Rural Residential subdivision but does not include specific reference to landscape values or rural character. There is also the possibility that development could occur in the RR pods without any subdivision of the land. If this were to occur in RR 2, 4, 5 and 6, development would then be influenced only by proposed Rule 44.4.10.1 (buildings as a Controlled activity), the

building height and coverage standards and the limit of 90 dwellings across the zone.

2.2 Potential methods for better implementing the objectives and policies of the zone in the RR areas were discussed at the meeting but there was no agreement on the most appropriate method. Methods included:

- (a) requiring Comprehensive Development Plans for all activity areas, with the matters for discretion being more specific in relation to landscape outcomes;
- (b) ensuring subdivision consent occurs prior to rural residential development;
- (c) adding specific landscape-related matters of discretion for QPSZ to the matters for Rural Residential subdivision in Part 27.5.7 of the PDP.

2.3 There was agreement between us that the matters for discretion in relation to landscaping within RV3 (Rule 44.4.9.2) needed to be re-worded to ensure development was consistent with Policies 44.2.1.1 to 44.2.1.7.

2.4 There was no agreement between us on whether the size of gondola cabins should be controlled through the planning provisions. Stephen confirmed that 8-person cabins were proposed and would be shown on updated visual simulations from Build Media. We were uncertain whether cabins larger than 8-person were technically feasible on the proposed route. As a consequence we could not determine whether planning controls might be required to limit the size of cabins.

2.5 In relation to Rule 44.4.15, we agreed that either a clearer definition of 'glamping' was required or that the matters of control should be expanded to include location and scale of structures, access, infrastructure, servicing, associated earthworks and landscaping. Helen was of the opinion that the activity status for any glamping should be restricted discretionary rather than controlled.

2.6 We agreed that the matters of discretion for Commercial Recreation Activity Buildings at Rule 44.4.16 should include location.

- 2.7 We agreed that jetties and wharves in all the locations shown on the structure plan were unlikely to be appropriate from a landscape perspective. We recommend that jetties and wharves remain as restricted discretionary activities but that the locations be removed from the structure plan. The matters for discretion are agreed to be appropriate.
- 2.8 We noted that there are no specific planning provisions for the trail bridges shown on the structure plan.
- 2.9 We agreed that there is potential for mountain bike trails on the upper slopes to have adverse effects on landscape character and visual amenity if they are not sensitively designed and located. However we all acknowledge that mountain bike trails could be constructed as permitted activities under Rural zoning, as long as the earthworks did not exceed the standards in Chapter 22 of the Operative District Plan.

3. METHODOLOGY

- 3.1 In general there was agreement that the landscape assessment methodologies used by the experts were appropriate.
- 3.2 In relation to paragraph 4.19 of Helen's rebuttal evidence, Stephen and Helen agreed that naturalness is a cultural construct and that there is no clear boundary between perceived and intrinsic naturalness. Helen agrees that human modifications and physical changes to the natural elements, patterns and processes within a landscape should be taken into account when assessing effects on landscape character and values, regardless of whether those changes are visible.

4. MATTERS IN AGREEMENT

- 4.1 The descriptions of the site and context landscape in Stephen and Helen's evidence in chief are agreed to be accurate.

- 4.2 We agreed that the appropriate landscape classification is Outstanding Natural Landscape.
- 4.3 In relation to the northern and western faces of The Remarkables, it was agreed that the two faces had different landscape characteristics but that both share similar values as part of an outstanding natural landscape. Stephen is of the opinion that northern face has greater capacity to absorb development than the western face, while Helen considers that limited parts of both the northern and western faces have some capacity to absorb development.
- 4.4 It was agreed that, in relation to Section 6(a) of the Resource Management Act, the margins of the Kawarau River in the vicinity of the proposed zone include the immediate enclosing escarpments, the floodplains between the river and Lake Hayes Estate on the northern side and the floodplain at RV4.
- 4.5 With one exception, it was agreed that the level of visibility of the proposed gondola from the points shown in Table 1 of Stephen's evidence in chief is accurate. Helen considers that the potential visibility of the gondola structures from the Twin Rivers trail at Morven Hill is 'High', rather than the 'Moderate' shown in Table 1.
- 4.6 It was also agreed that the upper gondola turn station could be visible from the Crown Range zig zag lookout. Stephen considered the overall visibility of the gondola system from this viewpoint would be 'Low' to 'Very Low' from this location – largely merging with the patina of vegetation and terrain across the northern Remarkables. Helen considered that the visibility could be 'Low' or 'Moderate', depending upon the time of year and the upper station's level of contrast with tussock or snow.
- 4.7 We agreed that the gondola would be highly visible from the Remarkables skifield road, a private road that is frequented by the public. It was also agreed that the effects of the visible gondola on perceived naturalness and visual amenity would be influenced by the presence of the road and the visible Remarkables skifield facilities,

and by the fact that many people on the road would be travelling to use the facilities.

4.8 We agreed that residential and tourism development within the activity areas would be visible from the following places:

- RV3 – Lake Hayes Estate, Twin Rivers Trail, the QLDC reserves on the northern floodplains opposite RV3, the surface of the Kawarau River, parts of SH6 on Ladies Mile, the Eastern Arterial Route east of the airport runway, the Remarkables skifield road and the upper lookout on the Crown Range Road.
- RR2 – parts of Lake Hayes Estate, Twin Rivers trail, some farms on Morven Hill, the surface of the Kawarau River, the Remarkables skifield road and the upper lookout on the Crown Range Road.
- RV4, RR3-6 – Twin Rivers Trail, some farms on Morven Hill, the surface of the Kawarau River, and parts of Lake Hayes Estate (RR3 and RR5 only).

4.9 Stephen and Helen agreed that the extent of RR2 should be reduced on its western side in order to reduce any encroachment on the Rastus Burn stream corridor and to ensure legible visual separation of the activity area from RV3. Rebecca was of the opinion that the proposed extent of RR2 was appropriate.

4.10 Rebecca pointed out that the areas of the development pods set out in Table 1 of Helen's rebuttal evidence are incorrect. It is agreed by all witnesses that the correct areas are:

- RV3 (lower terrace) – 15.1 ha
- RV3 (upper terrace) – 12.4 ha
- RR2 – 9.12 ha
- RR3 – 11.05 ha
- RR4 – 3.57 ha
- RR5 – 14.3 ha
- RR6 – 6.89 ha
- RV4 – 2.12 ha

5. MATTERS WHERE THERE IS NOT AGREEMENT

- 5.1** The level of visibility (in the terms outlined in Table 1 of Stephen's evidence) of potential residential and tourist development from the locations identified in 4.8 above. The differences of opinion are set out in our respective evidence statements.
- 5.2** The effects of visible development enabled by the zone on views, visual amenity and perceived naturalness of the landscape. The differences of opinion are set out in our respective evidence statements.
- 5.3** The effect of viewing context and foreground on visual amenity and perceptions of naturalness. Stephen and Rebecca are of the opinion that the 'context' of an observer and visible development in the foreground of a view are important factors in people's perceptions of changes to a currently rural or natural landscape – although this is one of many factors that need to be taken into account when addressing landscape and visual effects. Helen considers that context is important in terms of the perception of wildness and remoteness, that foreground development can affect scenic values and that it can also enhance the visual absorption of apparently contiguous development. However she is of the opinion that viewing context has no appreciable relevance in people's perceptions of the naturalness of elevated or mountainous landscapes.
- 5.4** We are uncertain whether lighting is proposed for either the lower or upper sections of the gondola route. It was suggested that lighting may be limited to dim under-seat lighting in the cabins. Stephen is of the opinion that, while lighting could impact on people's sense of remoteness and on the dark sky, lighting of the lower gondola section along the Kawarau would have limited to, at most, moderate adverse visual effects. Stephen and Rebecca also consider that the visual effects of car headlights on the Remarkables skifield road would be significantly greater than those of any lighting on the upper gondola route. Helen is of the opinion that lighting could increase the visual prominence of the lower part of the gondola from SH6 and the Eastern Access Route, and make the upper gondola path visible from

many other parts of the basin. She considers that lighting would contribute to cumulative adverse effects on the natural character of the landscape. We also note that 'lighting' is a matter over which control is reserved for the activity of 'gondola passenger lift systems within the gondola corridor'.

5.5 We disagree on the magnitude of potential adverse effects on the character and values of the outstanding natural landscape, including its rural character. The differences of opinion are set out in our respective evidence statements.

5.6 We disagree on the magnitude of potential cumulative adverse effects on the natural character of the Kawarau River margins. The differences of opinion are set out in our respective evidence statements.

5.7 We disagree on whether development enabled by the zone would appear as urban development. While Stephen refers to pockets of urban development in his evidence, he considers that RV3 would be perceived as a small rural village rather than as an urban area. Rebecca is of the opinion that the low building coverage and design controls, together with the containment of the development areas within, and their relationship to, an expansive rural setting would ensure that development areas have a rural, rather than an urban, character. Helen considers that RV3 would be perceived as an urban or suburban node, unless there was very careful site and building design, together with significant landscaping that integrated development into its natural and rural context.

5.8 We disagree on whether development enabled by the QPSZ would be consistent with the objectives and policies of the PDP. The differences of opinion are set out in our respective evidence statements.

6. AGREED PRIMARY MATERIAL FOR ASSESSMENT

6.1 We agree that the site and landscape photographs included in or appended to our respective briefs of evidence, rebuttal evidence and

evidence summaries form part of the primary material for landscape assessment. An additional photograph from the Remarkables skifield road is attached to this statement (Annexure A). The updated visual simulations to be prepared by Build Media will also form part of the primary material.

- 6.2 We agree that the Sketch-Up indicative simulations of RV3 development attached to Stephen's evidence at Annexure H are useful as a design tool for developing and testing proposed zone provisions. However, we also agree that there are too many uncertainties and variables in the preparation of these indicative images for them to be useful in detailed assessment of the potential visual and landscape effects of the QPSZ.

Stephen Brown



Rebecca Skidmore



Helen Mellsop



24 Aug 2017

ANNEXURE A



Panoramic view from the lookout/chain bay above the 8km post on the Remarkables skifield road (panorama stitched from 3 photographs taken at 50mm lens equivalent at 11.00am on 03/08/17)