

**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 Streams 1 A
and 1 B – Introduction,
Strategic Direction and
Urban Development

**REPLY OF CRAIG ALAN BARR
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

LANDSCAPE CHAPTER

7 APRIL 2016

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1. INTRODUCTION

- 1.1 My name is Craig Barr. I prepared the section 42A report for the Landscape Chapter of the Proposed District Plan (**PDP**). My qualifications and evidence are listed in that s42A report dated 19 February 2016, although I have since become the Acting Policy Planning Manager at the Council.
- 1.2 I have reviewed the evidence filed by other expert witnesses on behalf of submitters, attended the hearing on the 7-10, 15 and 21 March 2016 and been provided with information from submitters and counsel at the hearing, including reports of what has taken place at the hearing each day.
- 1.3 I provided supplementary evidence on 30 March 2016 to provide feedback on specific matters requested by the Panel to do with conferencing undertaken between Mr Paetz for the Council and Queenstown Airport Corporation.
- 1.4 This reply evidence covers the following issues:
- (a) re-write of objectives;
 - (b) questions of scope associated with Policy with regard to the night-sky and landscape;
 - (c) issues relating to the Landscape Chapter.
- 1.5 Where I am recommending changes to the provisions as a consequence of the Hearing evidence, I have appended these as **Appendix 1 (Revised Chapter)**. I have attached a section 32AA evaluation in **Appendix 2**.

2. RE-WRITE OF OBJECTIVES

- 2.1 During the presentation of the Council's case, the Panel directed that I reconsider the drafting of the objectives in Landscape Chapter, to ensure the objectives are phrased as a goal or outcome. A working draft of the Landscape chapter was filed on 18 March 2016. I have incorporated the changes set out in that version of the chapter, into my recommended Landscape chapter in Appendix 1.

3. SCOPE: POLICY 6.3.1.7 NIGHT SKY

3.1 The recommended policy in the S42A report to do with lighting was:

6.3.1.87 ~~Ensure that the location and direction of lights does not cause glare to other properties, roads, and public places or avoids degradation of the night sky, landscape character and sense of remoteness where it is an important part of that character.~~

3.2 Submitters, including QAC, have questioned whether this requested change is within scope and the Chair queried whether the intent of the recommended change was at odds with the submission made by Real Journeys Ltd (621). I confirm my view that the requested changes are more effective because the policy as notified had too narrow a focus on the impacts of lighting and glare from a 'property to property' and localised amenity perspective. The recommended revised policy focused on the wider night-sky landscape impacts associated with development. An example I gave to the Panel was where a development could achieve mitigation during the day through the use of recessive colours, but could be prominent at night, and potentially from a distance due to lighting, especially if the development is located in an elevated location.¹

3.3 In terms of the question regarding scope, I consider that the recommended changes are within scope because this matter relates directly to the submission of Ros and Dennis Hughes (#340), who state in terms of infrastructure lighting in particular: "*we are concerned that the significance and status of the night skies as a natural feature of considerable import(sic) has not been adequately considered and that consequently policies about lighting are limited in scope. For example, they apply only to new development (subdivisions) and ignore the negative impacts of the vast existing lighting infrastructure*".

3.4 Submitter Grant Bisset (568) requests an objective and policies are contained within the Strategic Direction chapter to address light pollution in the night sky

¹ While not in this District, but potentially a cross boundary issue, is the 'Queensberry Hills Subdivision' accessed via Pukekohai Drive in the Central Otago District, approximately 5km from the boundary of the Queenstown lakes and Central Otago District, south of Luggate.

from urban and rural living development. The following requested policy is particularly relevant:

To avoid unnecessary night pollution in the night sky in the District, so as to not adversely affect the ability for astronomical, astrophysical and atmospheric research of people ability to view the night sky.

3.5 On this basis I consider the recommended changes presented in my s42A report to be within scope and the most appropriate approach. I therefore recommend that the policy is retained in the form set out in my s42A report. I have clarified in Appendix 1, the additional submissions that provide scope for the recommended wording.

4. LANDSCAPE CHAPTER: OVERALL SUMMARY COMMENT

4.1 Having considered the submissions and evidence, I maintain that the PDP Landscape Chapter with the recommended modifications set out in **Appendix 1** provides the most appropriate way to manage the District's landscapes and is preferred to the alternatives requested by submitters.

4.2 In particular, the identification of landscapes will provide significant benefits in terms of confident district plan administration, appropriate protection in the right places, and reduced transaction costs for the community.²

4.3 I also maintain that policy framework is well aligned with the assessment matters in Part 21.7 of the PDP³. It is my opinion that the broader style of the policies is appropriate because the assessment matters identify and provide a finer grained context to ascertain the valued components of a landscape, and allow for the assessment of the ability of a proposal to locate within it in terms of capacity for development.

5. MANAGING RURAL LIVING AND DEVELOPMENT OPPORTUNITIES

5.1 A number of submitters⁴ and their planning advisors consider that the Landscape chapter is too stringent and does not acknowledge the opportunity

² Refer to the s32 report: Landscape, Rural and Gibbston Character Zone.

³ The assessment matters are to be addressed in the Rural Hearing, commencing in May 2016.

⁴ Submitters: 0430, 0407, 1153, 0443, 0452, 1157, 0456, 1154, 0307, 1152, 0408, 1061, 0343, 1158, Ayrburn Estate and Others represented by Jeff Brown. 0571 Barnhill Trustee represented by Tim Williams.

for appropriate rural living and opportunities for other activities that rely on the rural resource.

5.2 In particular, Mr Brown for various submitters considers that the PDP should be amended to provide more guidance for users, particularly within the Rural Landscape areas. Mr Brown acknowledges the vision statement where it recognises the finite capacity for development, however considers that there needs to be recognition for rural areas that can absorb development, whether in new areas or infill within existing areas. I agree, and hold the opinion that the Landscape chapter, particularly with reference to the Rural Landscape areas, contemplates rural living and development activities. The matter at issue is the degree to which the Landscape chapter should enable development.

5.3 In this regard I do not go so far as Mr Brown where he recommends in Part 6.4 of his evidence to add:

The landscape character of the Wakatipu Basin has been affected by existing development, and will continue to be affected by consented development, to the extent that it displays a predominantly rural living character with some remaining pastoral areas, interspersed with undeveloped roche moutonees.

5.4 I consider that this statement reads as though 'the horse has bolted' in terms of subdivision and development, and the resource management response is to accept this. I consider that this statement would confuse plan users when contemplating and applying, in particular, the cumulative effects objectives and policies (6.3.2). In addition, Appendix 5 of my s42A report acknowledges and illustrates the high level of approved subdivision and development in the Wakatipu Basin.

5.5 I refer to and rely on Dr Read at paragraph 6.11 of her evidence,⁵ where she states that '*the ODP has not succeeded in appropriately managing adverse cumulative effects on the landscape across the District*'. This, coupled with the evidence of Mr Clinton Bird, Urban Designer⁶ who at paragraph 4.11 of his evidence opines that the genius loci of Queenstown and Wanaka is the natural landscape and that protecting the "*genius loci of these towns requires, among*

⁵ Attached as Appendix 4 to the Landscape S42A report.

⁶ Attached as Appendix 4 to the Strategic Direction and Urban Development S42A report.

other things, protecting their respective landscapes, natural character and visual amenity from the adverse effects of urban sprawl".

- 5.6** The importance of the District's landscapes as an intrinsic and economic resource to the region and nation cannot be underestimated. That the District's rural areas have a finite capacity needs to be recognised and for these reasons I do not support the evidence of Mr Brown and planning witnesses for other submitters (i.e. 541 et. al. Mr Tim Williams, 608 et. al Mr Chris Fergusson, 694 et al Mr Ben Farrell) where they seek more enabling provisions for rural living and development opportunities in Rural Areas.
- 5.7** Having considered these statements, and in particular that of Mr Brown, I do accept that more recognition of the opportunity for rural living and development has merit, but this must be tempered with the realisation of the finite capacity for rural living and development and the QLDC's important functions in respect of the tests set out in sections 6 and 7 of the RMA.
- 5.8** I also acknowledge that 96.97% of the District is an ONF/ONL⁷ and that this matter has been and will continue to be a factor associated with managing growth in the District, as indicated Parts 2.1 and 5.1 to 5.4 in Dr Philip McDermott's evidence (attached as Appendix 6 to the Strategic Direction and Urban Development s42A report).
- 5.9** On this basis I recommend the following changes to the values statement in Part 6.2 of the Landscape Chapter:

While acknowledging these rural areas have established ~~housing-rural living and development~~, there is limited capacity for sensitive and sympathetic housing and development in appropriate locations. a A substantial amount of subdivision and development has been approved in these areas and the landscape values of these areas are vulnerable to degradation from further subdivision and development.

- 5.10** I consider that the addition of this statement provides suitable recognition that rural living and development can be contemplated where the landscape has capacity to absorb rural living and development. This statement is applicable to the entire District, and should not be limited to only the Wakatipu Basin.

⁷ As identified in Schedule 3 of the Memorandum of Counsel to the Panels request for further information, dated 18 March 2016.

The map of the consented building platforms in the Upper Clutha Basin⁸ also illustrates that there has been a substantial amount of approved development in the Wanaka area. I reaffirm that landscape sensitivities and a management response is required across the entire District and not just the Wakatipu Basin. Further to this, I maintain my opinion that the recommended objectives and policies are suitably applicable across the District.

- 5.11** I do not agree with the opinion expressed by Mr D. Wells⁹ that there needs to be finer grained, bespoke policies to better manage development and landscape, and that the landscape chapter would be ineffective as a 'strategic' chapter. I consider that this type of management would result in unwieldy provisions, and the more finer grained a policy, the higher potential likelihood that an area within a landscape unit would not conform to the characterisation it has been given and the potential an area would be mismanaged. Given the proposed policy framework that I have recommended, I do not see a demonstrable need for a range of bespoke policy for specified areas. The landscape assessment matters in Part 21.7 and the policies in the Landscape chapter provide a suitable framework to identify the important qualities of a particular landscape, whether it is vulnerable to change or has capacity to absorb development, and accordingly assess the impacts of a proposal.
- 5.12** I also consider that this is one of the reasons the Visual Amenity Landscapes classification management regime has not been effective in managing subdivision and development as set out in paragraph 5.6 of Dr Read's evidence.
- 5.13** I accept that the objectives and policies are not 'fine grained' in so far that they are not specific to a particular geographic location, but I consider that the recommended objectives and provisions are appropriate in that they provide a synthesis of the landscape and its elements, including character and amenity values, that can then be identified and assessed through the Rural Zone assessment matters to help inform whether a proposal accords with the policies and meets the outcome sought in the objectives.
- 5.14** A 'knock-on' effect of adding the recommended statement outlined above into Part 6.2, and in recognition of the submissions that stress the provisions are too conservative (identified above) is that I also recommend a limited degree

⁸ Attached as Appendix 5 to the Landscape Chapter S42A report.

⁹ Submitter 0696.

of further enablement in a number of policies, as identified and evaluated in **Appendix 2**.

6. CONCLUSION

- 6.1 Overall, I consider that the objectives and provisions are appropriately balanced and will provide for the Council to exercise its functions in terms of managing the effects of subdivision and development on the landscape. I consider that the revised chapter as set out in **Appendix 1** is the most appropriate way to meet the purpose of the RMA.



Craig Barr
Acting Policy Planning Manager
7 April 2016