

Under	The Resource Management Act 1991 (RMA)
In the matter of	Plan Change 29 to the Mackenzie District Plan and Variation 1 to Plan Change 23 of the Mackenzie District Plan
In relation to	The submission of Queenstown Commercial Parapenters Ltd

SUMMARY OF EVIDENCE OF MARK WILLIAM GEDDES

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INTRODUCTION

1. Kia koutou.
2. My name is Mark Geddes. I am a planner and director at Perspective Consulting Ltd and I am here to speak to my evidence in relation to the Queenstown Commercial Parapenters Ltd submission on Plan Change 29 and Variation 1 of Plan Change 23.
3. Accompanying me today is Mr. Jamie McMurtrie from Queenstown Commercial Parapenters Ltd.

SCOPE OF COMMENTS

4. We have met with the reporting officer, and have come to an agreement in relation to several matters and therefore, these comments focus only on the three matters that remain in contention.
5. Firstly, though I would just like to introduce the submitter and summarise the submission.

INTRODUCTION TO THE SUBMITTER

6. The submitter is an experienced commercial recreation provider with operations in New Zealand and Australia. They have sought resource consent to establish a ropes course in the Open Space Zone (OSZ) at Lakeside Drive, Lake Tekapo. The application has been publicly notified and is, at the time of writing, waiting for a hearing.

SUMMARY OF SUBMISSION

7. The submission supports the OSZ classification of commercial recreation activities as a restricted discretionary activity. However, some of other provisions of the OSZ are inconsistent with this approach and therefore create an unnecessary and inappropriate impediment for these activities.
8. Accordingly, the submission sought to make several discrete amendments to the OSZ and the Natural Character Chapter to ensure that commercial recreational activities have an appropriate consenting pathway relative to their potential adverse effects.

REMAINING MATTERS IN CONTENTION

9. While my evidence agrees with some of the amendments recommended by the reporting officer, there remains three main matters in contention.

First Matter in Contention

10. The first is whether the introduction section should acknowledge that compatible commercial recreational activities are anticipated in the zone.

11. Presently the second sentence of the introduction states that:

“Use of these areas is generally informal in nature”.

11. While this introductory statement is not an objective or policy and is general rather than specific, I consider that it has the potential to create confusion as to the activities anticipated in the zone as it is inconsistent with:

- a. Policy OSZ-P2 that provides for commercial recreation activities which are of a nature and scale (that as Ms White has now agreed) and are complementary to the recreation focus of the zone.
- b. Rule OSZ-R6 that provides for commercial recreation activities as a restricted discretionary activity.

12. Accordingly, I have recommended a small amendment to the introduction which states:

“it may also include compatible commercial recreation activities”

Second Matter in Contention

12. The second matter in contention is whether Policy OSZ-P4 is appropriate in referring to ‘protecting uninterrupted views from urban areas’.

13. Ms. Hill’s legal submission in **Appendix 2** of my evidence summarises the legal position on view protection and finds that no one has the right to a view and that endeavouring to protect views broadly is problematic.

14. My evidence is that the normal planning practice is to protect view shafts, which are spatially defined and relate to view from public areas, rather than views from private areas.

15. Protecting uninterrupted views *from* private urban areas is problematic in that it is difficult to define what constitutes an uninterrupted view and what structures or buildings would be considered to interrupt a view. For example, neighbours could suggest that any new structures are unsuitable based on the fact that they could be perceived to interrupt their views.

Potentially, if a structure is visible, it could be said to interrupt the view, no matter how small that structure is, how far away it is or how it was designed. That would be an unfortunate situation given that the intention of the OSZ is to enable recreation activities and associated structures.

16. I also consider that there would have to be a strong evidential basis to support the protection of broad private views from urban areas, which would need to include a detailed landscape assessment. However, to my knowledge this has not been provided.
17. With these matters in mind, I recommend that reference to uninterrupted views in Policy OSZ-P4 is deleted.

Third Matter in Contention

18. The third matter in contention is whether structures (less than 10m²) should be exempt from:
 - a. Standards OSZ-S2 (in relation to setback of structures from boundaries);
 - b. Rule NATC-R1 (in relation to setback of structures from surface water bodies)
19. My evidence in relation to this matter is that:
 - a. Small structures should be exempt from these standards.
 - b. Some examples of small structures that should be exempt are:
 - i. Fences and gates delineating a boundary of a park
 - ii. Bench seats, picnic tables, exercise equipment, signs and BBQs.
 - c. These are all structures that are expected in this zone and are likely to have less than minor adverse effects.
 - d. It would be inefficient to require resource consent for these activities with such low adverse effects and that are expected in the zone, when the benefits obtained from requiring consent for those activities would also be very low.
 - e. The cost of applying for resource consent would be in excess of \$10,000 - \$20,000 to consent this type of structure, considering planning consultant costs, landscape architect costs and Council fees and charges
20. These costs are not considered in the Council's s32 report nor are they compared to the possible scale of adverse effects resulting from these activities as required under subsection 76(3) RMA.

21. It is also worth noting that most of the OSZ is owned and administered by Mackenzie District Council, which means that they will have control in relation to structures in the OSZ. As such, it is unlikely that a resource consent process is going to add value, or create a more efficient and effective outcome.
22. I also do not agree with the reporting officer that there is no functional or operational need for recreation structures to locate within setbacks. For example:
- a. The function of a small bridge located in the setback of a waterway is to allow people to walk over the water body
 - b. The function of a seat in proximity to water body is to provide views of that water body.
 - c. The function of a fence within a boundary setback is to define the boundary of a property and restrict access.
 - d. The function of a sign at the boundary of a park is to provide users with information before entering the site.
23. Accordingly, I recommend that Standards OSZ-S2 and Rule NATC-R1 provide an exemption for recreation structures.

CLOSING

24. I am happy to answer any questions.