

Before the Hearings Panel
For the Proposed Queenstown Lakes District Plan

Under the Resource Management Act 1991

In the matter of a variation to Chapter 21 Rural Zone of the Proposed Queenstown Lakes District Plan, to introduce landscape schedules 21.22 and 21.23.

**REPLY EVIDENCE OF BRIDGET MARY GILBERT ON BEHALF OF QUEENSTOWN
LAKES DISTRICT COUNCIL**

15 December 2023

**SIMPSON
GRIERSON**

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1. INTRODUCTION

1.1 My full name is Bridget Mary Gilbert. I am a Landscape Architect and Director of Bridget Gilbert Landscape Architecture Ltd, Auckland. I have held this position since 2005.

1.2 My qualifications and experience are set out in my Evidence in Chief dated 11 August 2023 (EiC).

Code of Conduct

1.3 I confirm that I have prepared this reply evidence in accordance with the Code of Conduct for Expert Witnesses Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023. The issues addressed in this statement of evidence are within my area of expertise except where I state that I am relying on the evidence or advice of another person. The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

Structure of reply evidence and collaboration with Mr Jeremy Head

1.4 I note that care has been taken throughout my review of submitter evidence presented during the hearing, my review of the Panel's questions to the Council, and my drafting of reply evidence to ensure that Mr Jeremy Head and I are taking a consistent approach. This has involved:

- a) regular discussions to share observations and discuss our responses to points raised by submitters, and the Panel, including in submitter evidence; and
- b) ongoing review of each other's work, including any amendments that are proposed to be made to the Reply Version of the PA Schedules.

Scope of reply evidence

1.5 My reply evidence is structured to address the following matters:

- a) The specific questions raised by the Panel that engage landscape matters; and
- b) Other matters raised during the hearing that engage landscape considerations.

1.6 Appendix 2 to the Council's reply legal submissions comprises my **Reply Version** of the 15 PA Schedules that I authored (track changed). These Reply Version schedules incorporate the recommendations set out in this evidence, which relate to:

- a) The referencing of Ski Area Sub Zone landscape elements in the landscape capacity section of the PA Schedules (where relevant).
- b) Substituting the 'barely discernible' terminology with 'reasonably difficult to see', where relevant.
- c) Ensuring a consistent approach across the PA Schedules to the description of landscape capacity for tracks and trails for recreational use.
- d) Moving the 'pest information' to the end of the landscape capacity section of the PA Schedules.

1.7 My reply evidence also recommends a number of refinements to the Schedule 21.22 and 21.23 Preambles, which have been incorporated into the reply version of the Preambles that are attached to the Council's reply legal submissions.

1.8 These refinements include: clarifying that the references to 'other distinctive vegetation types' and 'Important land use features and patterns' does not refer to landscape attributes or values that need to be protected; and that these references are not intended to 'lock in' existing land uses.

2. RESPONSE TO POTENTIAL MAPPING ISSUES

- 2.1** I have reviewed the Council's response to the list of potential mapping issues, which is attached to the Council's reply legal submissions at Appendix 1. From a landscape perspective, I consider that the corrections that the Council is intending to make amount to minor corrections to the PA mapping, and that they will not impact on the proposed content of the PA Schedules in any way.
- 2.2** In terms of where the Council is **not** proposing to make any changes, for example where the PA boundaries align with the PDP landscape classification lines and there is no obvious 'error' or issue, I observe that the proposed relief sought (changes to the boundaries to remove land from a PA) could lead to pressure to change the associated ONF, ONL or RCL boundaries.
- 2.3** From a landscape policy perspective removal of land from an ONF, ONL or RCL would mean that a less directive policy framework is in play, which provides less of a barrier to proposals to rezone land or seek resource consent. This, in turn, could result in proposals that are not required to protect ONF/L values (for example) in the same way as if the land was within ONF/L, and could lead to resulting adverse effects on landscape values.
- 2.4** From my involvement in the District, effects on the ONF/L garner a significant degree of community interest, and I would expect that in most cases there would be competing views on the appropriateness of development (particularly where urban expansion is sought on the fringes of existing residential areas, or where any proposed modification is large scale and/or prominent).

3. RESPONSE TO PANEL QUESTIONS

Panel issue 2(c): What is the purpose of the summary of landscape values; for example, is this intended to be a summary of the positive values that are sought to be protected (as opposed to neutral or negative attributes/values)?

3.1 As described in the Preambles, the purpose of the PA Schedules is to assist with the identification of landscape values and related landscape capacity, to inform the assessment of proposals and provide guidance with respect to the landscape related policy outcomes in the PDP (i.e. they are a tool to assist plan users). This purpose, and more generally the Preamble text, is generally consistent with the approach taken in Schedule 24.8.

3.2 The 'summary of values' is simply a section that summarises the preceding 'main body' of each PA Schedule, with a rating of the three dimensions of landscape attributes and values (i.e. physical, associative, perceptual attributes and values). In this regard, the summary section is deliberately prefaced to say: *"These various combined physical, associative, and perceptual attributes and values described above for PA XXXX can be summarised as follows"*, to signal the relevance of the main body of the PA Schedule.

3.3 With respect to the references to neutral and negative landscape attributes and values, the following refinements are recommended to the PA Schedule structure and Preambles to assist plan users:

a) Relocation of the pest plant and animal information from the 'Physical Attributes and Values' section of the PA Schedules to the end of the 'Landscape Capacity' section of each PA Schedule. In my opinion this amendment will:

i. avoid confusion that these attributes are landscape elements that are deserving of protection; and

- ii. locate this information near the 'landscape capacity' part of the PA Schedule where there is typically repeated mention of landscape restoration (which often involves the management of pests), suggesting a more logical structural fit.

b) Amending the PA Schedule 21.22 and 21.23 Preambles to explain:

The reference to 'Other distinctive vegetation types' and the 'Important land use and patterns and features' in the PA Schedules do not relate to attributes or landscape values that need to be protected. Rather these are attributes that influence landscape values and landscape capacity. Reference to these existing attributes is not intended to 'lock in' existing land uses.

c) In my opinion, this additional text will:

- i. avoid confusion that these attributes are a landscape element that are deserving of protection; and
- ii. avoid an impression of the PA Schedules locking in existing land-uses.

Panel issue 2(c): Comment on the suggestion to reframe this summary as key landscape values (in response to the "exemplar" review by Espie/Smetham), which may imply that a threshold has been set?

3.4 As discussed in paragraph 5.6 of my rebuttal evidence, I remain of the opinion that reference to key landscape values in the summary section of the PA Schedules is inappropriate.

3.5 Further, I note that the changes recommended to the Preambles with respect to referencing the 'Other distinctive vegetation types' and the 'Important land use patterns and features' outlined above, will avoid the interpretation that these aspects of each PA are landscape elements that need to be protected, which is also of benefit in this regard.

Panel issue 2(c): Comment on the suggestion to remove the word “Important” from the headings, as this appears to be confusing, especially for lay submitters trying to distinguish the values sought to be protected from those attributes and/or values that may be negative (noting that this word was removed for mana whenua features and their locations; and mana whenua associations and experience).

3.6 In my opinion, the term ‘Important’ should remain in the PA Schedules subheadings as the information in the PA Schedules is a synthesis of much larger expert analysis across a range of disciplines.

3.7 Again, it is my expectation that the changes recommended above in relation to ‘pests’, ‘other vegetation types’ and ‘Important land-use patterns and features’ will assist plan users to understand the values that are sought to be protected from those attributes and/or values that may be ‘negative’ or ‘neutral’.

3.8 For completeness, I note that the word ‘Important’ was removed from the subheadings: ‘mana whenua features and their locations’ and ‘mana whenua associations and experience’ at the request of Aukaha in their review of the PA Schedules prior to notification of the Variation.

Panel issue 2(c): Should the schedules be more proactive in directing positive landscape management (Di Lucas) and possibly identifying threats (Nikki Smetham) to achieving appropriate landscape change? e.g., management of wilding pines and other weed/pest vegetation (bracken fern) and encouragement of revegetation with native vegetation.

3.9 In considering this question I note that the PA Schedules are not intended to change any zones, objectives, policies or rules in the PDP.

3.10 I consider that the repeated reference to landscape restoration and enhancement, where relevant in the landscape capacity qualifying

comments along with the pest information, speaks to the encouragement of positive landscape change.

- 3.11** I also note that references to bracken fernland as an early successional stage of native regeneration has been included in the 'Important ecological features and vegetation types' section of a PA Schedule where relevant (e.g. 21.22.21 West Wanaka PA ONL).
- 3.12** With respect to the identification of threats to the landscape being addressed in the PA Schedules, I understand this to be a matter for the PDP to address through policy and rules, rather than through any schedule of landscape values (although to a degree the landscape capacity ratings and definitions will provide some guidance on this matter).
- 3.13** For these reasons, I consider that the information contained in the PA Schedules is appropriate.

Panel issue 2(e): The appropriateness of including words that suggest a policy "test" or threshold in the LS, such as "reasonably difficult to see", and the introduction of an arguably higher threshold than the relevant policies, such as "barely discernible" and "rare exception" – in particular, the alternative wording suggested by Queenstown Park Limited and the suggestion by Mr Kruger that "extremely difficult to see" is the generally accepted terminology. Is this internally consistent with the tests directed by the policies in Chapters 3 and 6?

- 3.14** Having carefully considered this issue, I consider that the proposed terminology used in 21.22.21 West Wanaka PA ONL - of "barely discernible" - could lead to some confusion for plan users, and that it should be amended to "reasonably difficult to see".
- 3.15** The "reasonably difficult to see" terminology is used in PDP in Policy 6.3.3.1(b) for ONFs and ONLs, and it also appears in the Operative District Plan (ODP) District Wide Issues: 3(a) (iii) and 5 (a) (iii).

3.16 In my opinion, the long-established use of this terminology means that it is generally well-understood by plan users.

3.17 I discuss the merits of “rare exception” below under my discussion of the definition for the ‘extremely limited or no’ landscape capacity rating.

Panel issue 2(i): Should there be consistency in reference within the schedules to “small and community scale renewable energy generation” (issue highlighted in Mr Freeman’s evidence for Treescape)?

3.18 Mr Freeman has suggested that the landscape capacity qualifying comments in relation to Renewable Energy Generation (**REG**) are amended to explain that a community-scale scheme means a scheme that supplies 100 or less residential dwellings.

3.19 In my opinion this suggests a level of certainty for a defined scale of REG development that the landscape assessment underpinning the PA Schedules cannot provide. In my experience, the appropriateness or otherwise of REG will depend on the type of REG infrastructure that is proposed¹ and where it is located. Collectively, this will inform whether a ‘community scheme of this scale’ is appropriate with respect to landscape effects.

Panel issue 5: Tracks and Trails. Trails, mountain bike tracks and walking tracks were inconsistently addressed in the PAs. Tracks or trails are sometimes located with earthworks and sometimes with transport infrastructure. These don’t appear a natural fit. Can they be consistently addressed across the relevant PAs, possibly acknowledging the unique effects and capacity associated with these activities. QTMC, UCTT and Bike Wanaka have offered some suggestions, but these are not consistent in their treatment or wording.

¹ For example: wind turbines; a small hydro; or roof mounted solar panels.

- 3.20** I agree that there is benefit in addressing tracks and trails in a consistent manner across the PA Schedules. I also consider that the references to tracks and trails as being for recreational use, would assist to provide clarity for plan users.
- 3.21** The Council consenting team have advised that it is typically the earthworks component of this particular land use that triggers a consent requirement in the Rural Zone. For this reason, it is recommended that the landscape capacity for tracks and trails for recreational use is included under the 'earthworks' land use heading, and removed from the 'transport infrastructure' heading (in those instances where it is mentioned under both land use typologies). This is proposed to avoid confusion.
- 3.22** I note that for three of the PAs² there is a different landscape capacity rating for tracks and trails referenced under 'earthworks', to that referenced under 'transport infrastructure'. Given the important role that tracks and trails for recreational use play in enabling the public to experience the rural landscapes of the district, I have applied the 'higher' (or less restrictive) landscape capacity rating in my reply version of the relevant PA Schedules.

Panel issue 6: Surface of lakes and rivers. A number of PAs include the surface of lakes and rivers, but little if any regard has been made to the unique range of activities and associated capacity on these ONL and ONFs. Is this an issue?

- 3.23** I consider that the PA Schedules address the surface of lakes and rivers in an appropriate way.
- 3.24** Where relevant, the main body of the PA Schedules reference the more 'permanent' existing activities occurring on the surface of rivers or lakes, such as: moorings, jetties, lake structures and commercial boating; along

² 21.22.8 Arrow River PA ONF, 21.22.12 Western Whakatipu Basin PA ONL, 21.22.14 Northern Remarkables PA ONL.

with describing the more temporary uses such as: swimming, kayaking, paddle boarding, fishing etc.

- 3.25** The PDP manages land use activities that have an element of permanence such as moorings, jetties, commercial boating. (I understand that temporary or transitory uses such as swimming and kayaking are permitted activities, as a form of recreation / recreational activity). The landscape capacity for more permanent land uses, or activities which generate increased effects, are addressed under 'Commercial recreation activities' or 'Jetties, Boatsheds, Lake Structures and Moorings'.

Panel issue 10: Were the capacity assessments undertaken while being cognisant of any consented but unimplemented resource consents (e.g. film studios at Stevenson Road); and existing but unconsented features in the environment (e.g. moorings within lakes)?

- 3.26** As outlined in my evidence in chief at paragraph 5.15, existing and consented development and activities that influence landscape values within a specific PA are acknowledged in the PA Schedules. This includes the consented but unbuilt environment.³

- 3.27** With respect to existing but unconsented land uses and activities in the environment (such as moorings within lakes), determining which activities and developments are not consented would be an enormous task. In my opinion, this would be most appropriately identified and addressed as part of an application.

- 3.28** However, in recognition of concerns raised by Kāi Tahu ki Otago (Kā Rūnaka) in particular, Footnote 5 in the Preambles signals to plan users that the identification of an attribute in the PA Schedules is not confirmation or otherwise as to whether the attribute has been legally established.

³ For example, the consented but unbuilt film studio development within 21.23.2 Halliday Road PA RCL and the consented and unbuilt development at Parkins Bay, within 21.22.21 West Wanaka PA ONL.

Panel issue 15: How did the capacity rating change (what submission point triggered the amendment) for the 21.22.9 PA ONF Kawarau River? As highlighted by Mr Farrell for the Tucker Beach Residents.

3.29 Having reviewed the Summary Statements and hearing recording, it is my understanding that Mr Farrell's query relates to changes in the landscape capacity rating for rural living across the section 42A, and rebuttal versions of: 21.22.2 Ferry Hill PA ONF; 21.22.3 Kimiākau (Shotover River) PA ONF; and 21.22.12 Western Whakatipu Basin PA ONL.

3.30 The landscape capacity rating changes were the result of an 'in principle' change across the capacity 'header' terminology in these versions of the PA Schedules.⁴ However, there were no changes made to the associated 'definition' (or descriptor) of landscape capacity across these versions of the PA Schedules, so the meaning of the landscape capacity rating remains unchanged.

4. OTHER MATTERS

Ski Area Sub Zones

4.1 I have reviewed the PA Schedules that I have authored, where the Ski Area Subzone (**SASZ**) is relevant. I can confirm that reference to SASZ attributes and activities is only referenced in the main body (or attributes and values) section of the PA Schedule.

4.2 Further, I have reviewed the landscape capacity section of the relevant PA Schedules and confirm that the landscape capacity comments have been amended to ensure that they only relate to land uses outside the SASZ.

4.3 Where a land use activity triggers a need for a restricted discretionary activity consent outside the SASZ (for example, Passenger Lift Systems in

⁴ For example, 21.22.3 Kimiākau (Shotover River) PA ONF rural living: the change from the s42A terminology of 'very limited to no' landscape capacity to the Rebuttal version terminology of 'extremely limited' landscape capacity.

the Rural Zone), I confirm that the relevant qualifying comments in the landscape capacity rating section for Passenger Lift Systems, align reasonably well with the landscape related matters of discretion in PDP Rule 21.4.27.

Definition of 'extremely limited or no' landscape capacity rating

- 4.4** The terminology of 'some', 'limited', 'very limited', 'extremely limited' and 'extremely limited or no' is agreed between the planning and landscape experts.⁵ I also note that the wording of the definitions for the first four landscape capacity ratings are agreed by the planning and landscape experts.⁶
- 4.5** The only area of disagreement relates to the appropriate definition for the 'extremely limited or no' landscape capacity rating.
- 4.6** Having reviewed the submitter evidence and hearing recordings, I am of the opinion that the definition tabled by Council at the start of the hearing is the most appropriate, subject to some refinement (which I explain below).
- 4.7** To assist with my explanation for the refinement, I set out below the agreed rating scales and definitions for the first four ratings, along with the versions of the 'extremely limited or no' landscape capacity rating that are currently before the Panel.

Agreed landscape capacity rating terminology and definitions:

Some landscape capacity: typically this corresponds to a situation in which a careful or measured amount of sensitively located and designed development of this type is unlikely to materially compromise the identified landscape values.

Limited landscape capacity: typically this corresponds to a situation in which the landscape is near its capacity to accommodate development of this type without material compromise of its identified landscape values and where only a small amount of sensitively located and designed development is unlikely to materially compromise the identified landscape values.

⁵ Planning and Landscape JWS, dated 3 October 2023, pages 2 and 3.

⁶ Ibid.

Very limited landscape capacity: typically this corresponds to a situation in which the landscape is very close to its capacity to accommodate development of this type without material compromise of its identified landscape values, and where only a very small amount of sensitively located and designed development is likely to be appropriate.

Extremely limited landscape capacity: typically this corresponds to a situation in which the landscape is extremely close to its capacity to accommodate development of this type without material compromise of its identified landscape values, and where only an extremely small amount of very sensitively located and designed development is likely to be appropriate.

Remaining area of disagreement on the definition

Planning and Landscape JWS, dated 3 October version (**JWS version**)⁷

Extremely limited or no landscape capacity: there are extremely limited or no opportunities for development of this type. Typically this corresponds to a situation where development of this type is likely to materially compromise the identified landscape values. However, there may be exceptions where occasional, unique or discrete development protects identified landscape values.

Council version at the start of the hearing⁸ (**Council/UCESI version**):

Extremely limited or no landscape capacity: typically this corresponds to a situation where, other than rare exceptions, development of this type is likely to materially compromise the identified landscape values.

4.8 Having reflected on the discussion during the hearing, in my opinion, the Council/UCESI version is more preferable than the JWS version. This is for the following reasons:

- a) The use of the term ‘occasional’ suggests a temporal aspect, which is unlikely to be relevant for almost all of the land uses addressed in the landscape capacity section of the PA Schedules.
- b) The term ‘unique’ is unhelpfully ambiguous, as a development proposal may be described as ‘unique’ yet detract from landscape values. Put another way, this terminology is not necessarily a characteristic of appropriate development from a landscape perspective.
- c) With respect to the term ‘discrete’, while this is often a characteristic of appropriate development in sensitive locations, it tends to focus attention on visual considerations rather than

⁷ Which is preferred by some submitter evidence during the hearing.

⁸ Which is preferred by UCESI.

assessing the full suite of landscape effects, which is at odds with landscape assessment best practice.

- d) The structure and wording of the JWS version definition aligns poorly with the other four (agreed) rating definitions.

- 4.9** However, having further considered the matters raised by submitters, and the exchanges with the Panel, I consider that the Council/UCESI version would benefit from some refinement to align with the structure and wording of the other four (agreed) landscape capacity rating definitions (**reply version**):

Extremely limited or no landscape capacity: typically this corresponds to a situation in which the landscape is extremely close to, or at, capacity to accommodate development of this type where, other than rare exceptions, without material compromise of its identified landscape values, and where only an extremely small amount of extremely sensitively located and designed development, is likely to be appropriate. development of this type is likely to materially compromise the identified landscape values.

- 4.10** In my view, the structure and wording of the reply version definition better aligns with the other (agreed) landscape capacity rating definitions. It also avoids using the term ‘rare exceptions’, which introduces an unqualified quantification that is not evident in the other (agreed) rating definitions.

- 4.11** For completeness, I do not consider that this change to the definition means that the rating for land-uses where this rating is currently applied needs to be revisited. This is because the reply version and the JWS version definitions of ‘extremely limited or no’ landscape capacity apply to the extreme lowest end of the landscape capacity spectrum, where there is either “extremely limited or no opportunities for such development” (JWS version) or the landscape is “extremely close to or at capacity” for such development (reply version).

Landscape Capacity rating for Rural Industry near Luggate

- 4.12** The Panel has asked whether the scale and character of the ‘rural industry’ development that has been consented to date in 21.23.4 Church

Road Shortcut Road PA RCL suggests that the landscape capacity rating for rural industry might need to be adjusted.

4.13 My Summary Statement version of 21.23.4⁹ is worded as follows:

***Rural Industrial Activity – very limited** landscape capacity for rural industry that is: co-located with existing rural industry development; avoids the impression of development sprawl; protects ONF/L values; maintains the quality of views and aesthetic values; and complements the existing character of Luggate.*

4.14 I consider the landscape capacity rating of ‘very limited’ to be appropriate for this PA, when read in combination with the qualifying comments which serve to:

- a) physically limit such capacity to places where it is co-located with existing rural industry development and avoids the impression of development sprawl; and
- b) require such development to protect ONF/L values, maintain the quality of views and aesthetic values and complement the existing character of Luggate.

4.15 Put another way, it is my view that the existing level and character of consented built development along the eastern side of Church Road has altered the landscape character of the immediate area such that it displays an overtly rural industry or commercial character. In my opinion, there is a landscape capacity to absorb additional rural industry development in this location, subject to satisfying the qualifying comments outlined above.

21.23.3 Kimiākau (Shotover River): Shotover Jet development

4.16 During Day 5 of the Hearing, the Panel asked whether I had considered the Shotover Jet development (and activity) in the drafting of the 21.23.3 Kimiākau (Shotover River) PA Schedule.

⁹ Dated 13 October 2023.

- 4.17** The existing jetboating activity on the river and associated ‘industrial commercial activities and facilities beneath Edith Cavell Bridge’ are referenced in the main body of this PA Schedule. This is important, as it acknowledges the existing Shotover Jet development and activity as an existing part of the ONF.
- 4.18** Bearing in mind the broad scope of the definition of commercial recreational activity in Chapter 2, I expect that new development at Morningstar Reserve (associated with the Shotover Jet operation) is likely to trigger consideration of the commercial recreational activity and/or earthworks sections of the landscape capacity section of the PA Schedule.
- 4.19** The landscape capacity for commercial recreational activity in this PA is rated as ‘some’, with specific acknowledgement in the qualifying comments that ‘larger scale commercial recreation is anticipated in connection with the Shotover Jet development’. The landscape capacity for earthworks associated with recreational use in the PA is rated as ‘very limited’.

Bridget Gilbert

Date: 15 December 2023