

Before the Queenstown Lakes District Council Hearing Panel

Under the Resource Management Act 1991

In the matter of the renotification of two submissions on Stage 1 of the Queenstown Lakes Proposed District Plan concerning the zoning of land at Arthur's Point by Gertrude's Saddlery Limited and Larchmont Developments Limited

Summary of Evidence of Benjamin Espie

26 January 2023

Submitter's solicitors:

Maree Baker-Galloway | Rosie Hill
Anderson Lloyd
Level 2, 13 Camp Street, Queenstown 9300
PO Box 201, Queenstown 9348

p + 64 3 450 0700
maree.baker-galloway@al.nz | rosie.hill@al.nz

**anderson
lloyd.**

Summary of evidence

- 1 My full name is Benjamin Espie. I have the qualifications and experience set out at paragraphs 1 - 3 of my statement of evidence dated 14 November 2022. In this Statement, I provide a summary of the key points of my evidence.
- 2 The settlement of Arthur's Point consists of suburban and commercial land uses and sits between Queenstown and the Wakatipu Basin. The existing settlement patterns reflect the ODP zoning. The site sits at the southern end of Central Arthur's Point, which itself occupies a rolling terrace (Mathias Terrace) that sits on an elevated headland, bounded on the west, south and east by the Shotover River in its gorge.
- 3 The site is a remnant area of rural zoning that contains a number of dwellings and accessory buildings as well and a network of vehicle tracks and, until recently, was covered in a forest of self-seeded Douglas fir and larch.

Landscape identification

- 4 The site is not part of the Shotover River ONF (as identified by this evidence and agreed by Ms Mellsop, and Ms Pfluger in this hearing, and by Dr Read in the first instance hearing). I do not agree with Ms Mellsop that there is a Shotover River 'corridor' that extends past this agreed ONF boundary (i.e. beyond the agreed edges of the gorge) and into the Site, such that the proposed rezoning affects the values of the ONF.
- 5 I come to the conclusion in my evidence that the Site is also not part of the broader ONLs which surround the Arthurs Point urban areas. I have come to this opinion by following the methodology for area-based landscape assessment and identification of ONLs as set out in the NZILA Landscape Assessment Guidelines¹ and as set out in the Topic 2 Joint Witness Statement regarding landscape methodology including the identification of ONLs². In essence the methodology involves:
 - (a) Examination of physical associative and perceptual attributes at a broad scale;
 - (b) Identification of separate landscapes and features based on the assessed attributes;
 - (c) Consideration of the extent of each landscape and feature and their boundaries;

¹ 'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines'. Tuia Pita Ora New Zealand Institute of Landscape Architects, July 2022.

² ENV-2018-331-000019, Joint Witness Statement Arising from Expert Conferencing, Topic 2: Landscape Methodology and Subtopics 2, 3, 5, 6, 7, 8 and 10, 29 January 2019.

- (d) More detailed examination of the attributes of each landscape and feature and consideration of the landscape values that stem from these attributes. Examination of the degree of naturalness of each landscape and feature.
- 6 The methodology described above is an iterative one; not simply one step after another. In relation to this hearing, the most relevant issue is perhaps the identification of the extent of landscapes and their boundaries. On this point, I take guidance from the following methodological points:
- (a) *“Determine the spatial extent from each landscape’s own character and attributes—the sense that you are in a particular landscape as opposed to another”³*
 - (b) *“The extent and boundary should derive from the values and attributes of the natural feature or landscape”⁴*
 - (c) *Typically, ‘landscapes’ display characteristics such that they are distinctive from adjacent landscapes and can be identified and mapped. However, in some circumstances the attributes are more subtle and/or common to more than one area, making it more difficult to define the spatial extent of a landscape. In such circumstances it may be appropriate to focus on whether the landscape can be meaningfully perceived as ‘a whole’⁵.*
- 7 As part of an overall assessment following the above methodology, it becomes clear that the attributes and values of the subject site (as described in my primary evidence) are not in common with the ONL landscapes that surround Arthur’s Point. Additionally, an observer within the site does not have the sense that they are within those surrounding ONL landscapes. They are separate from it.
- 8 As well as not sharing attributes and values with the broader ONLs, the site is disconnected and separate from both the Central Whakatipu Basin Coronet ONL and the Western Whakatipu Basin ONL. This is evidenced by the Shotover River Gorge ONF that bounds the Site to the south and the urban area of Arthur’s Point that bounds the Site to the north. While urban Arthur’s Point is nested in a wider ONL context, that does not lead to the automatic presumption that the Site is part of, or contributes to, that ONL context. While I come to this conclusion principally based upon an assessment of landscape attributes and values (as set out in paragraph 5 above), this is further supported by the QLDC notified variation identifying priority area landscapes. While I accept that the variation mapping has limited weighting due to its early stage in the process of Schedule 1, it further demonstrates that the wider Central and Western Whakatipu Basin ONLs are disconnected

³ ‘Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines’. Tuia Pita Ora New Zealand Institute of Landscape Architects, July 2022, paragraph 5.16.

⁴ Ibid, paragraph 8.24.

⁵ ENV-2018-331-000019, Joint Witness Statement Arising from Expert Conferencing, Topic 2: Landscape Methodology and Subtopics 2, 3, 5, 6, 7, 8 and 10, 29 January 2019, paragraph 1,2(a).

from the Site both geographically, visually, and in terms of the identification of the values of those ONLs compared to the Site.

- 9 The relief sought by the GSL and LEL submissions is to confirm the landscape classification of the Site as not ONL or ONF (save for the two small insets), to extend the operative LDSRZ that covers the rest of the Mathias Terrace further into the Site, and rezone the balance of the Site as LLRBZ with a bespoke structure plan for subdivision and development, and include the entire Site within the Arthurs Point UGB. I support that relief.

Visual effects and visibility

- 10 Part of my visual effects assessment has included considering visual simulations and modelling of the rezoning proposal as presented in the graphic attachments to my evidence. These demonstrate the siting of built form and also proposed planting after 5 years of growth, based upon the identified planting palette. As is explained by Ms Pfluger, the visual simulations depict the potential maximum building envelope, i.e. they depict the full extent of 500m² building platforms being built to a flat 7m height plane on the LLRBZ portion of the Site.
- 11 In relation to effects on views and visual amenity, the development enabled by the requested relief will be visible from a relatively confined visual catchment. Within this confined visual catchment, some adverse visual effects will be caused by development that would be enabled by the requested relief, although in many instances urban development is already observable. In relation to viewing locations such as the Shotover River and the developed LDSRZ to the north of the site, effects will be of a very low degree. From parts of Gorge Road, Arthur's Point West and the Wattie's Track area, visual amenity will be adversely affected in that views will be more influenced by development and occupation and therefore less natural and rural than currently. The only viewpoints that I consider to be affected to a moderate-high degree, are some particular ones on Wattie's Track. Wattie's track is a relatively infrequently used public place, servicing a small number of lots.
- 12 The operative LDSRZ boundary in relation to the Site is illogical in terms of landscape planning, which is a point that Ms Mellsop and I agree on. In terms of landscape attributes, character and values, the requested relief will bring about a logical and appropriate pattern of land uses and elements. The Shotover Gorge ONF will be preserved; the suburban area will have a logical and appropriate boundary that relates to landform; and the broader adjoining mountainous ONL will have its important qualities and values preserved. I consider that the proposed LDSRZ extension into the Site and the zoning configuration supported by Ms Mellsop (depicted on Appendix D of her evidence in chief) would continue to reinforce an illogical landscape boundary, not based upon landscape attributes or values.
- 13 I consider that positive effects would also result from the relief sought by the GSL and LEL submissions in terms of protecting the highest and most sensitive parts of the Site as a BRA (including over a portion of operative LDSRZ) and requiring extensive indigenous revegetation over the proposed Structural Planting Areas.

Response to rebuttal and further submitter evidence

- 14 Since the circulation of my evidence, I have read evidence prepared by Mr Stephen Brown and rebuttal evidence prepared by Ms Helen Mellsop. I give some response comments below that I consider may be helpful to the Commissioners.
- 15 With reference to Appendices 6 and 7 of my evidence, Mr Brown opines that the subject site should be considered part of the Western Whakatipu Basin ONL. In order for the site to be part of the Western Whakatipu Basin ONL, that ONL would need to jump over the Shotover Gorge to take in the small area of the terrace on which the site sits. In my opinion, this is illogical and inappropriate, particularly when we consider the QLDC's notified Schedule 21.22.12 that describes the Western Whakatipu Basin ONL as comprising the mountain slopes of Ben Lomond, Bowen Peak and Queenstown Hill. The land on which the site sits is not part of that landscape; the site does not share its attributes or values. The QLDC's notified maps show the site as not being part of the Western Whakatipu Basin ONL nor part of any ONL; these maps show the site as disconnected from the ONLs and I agree. One map (my Appendix 6) shows the site as being part of the Shotover River ONF, although all landscape witnesses agree that this is not the case (as is shown on the QLDC notified map that forms my Appendix 7).
- 16 Mr Brown appears to take issue with a residential zone (even a LLRZ) abutting an ONF or an ONL. In my opinion, it is very common in this district (and others) for residential zones to abut ONFs or ONLs. This is already the case in much of Arthur's Point and in many areas of Queenstown. In addition to Arthur's Point, settlements such as Cardrona, Glenorchy, Kingston and Makarora take the form of areas of residential zoning surrounded by rural ONL/ONF land; and the residential zones adjoining Frankton Arm abut ONLs. I do not consider this in any way problematic. A distinct edge between a developed area and a high-natural-character ONL/F is often an attractive result, particularly when that edge follows a landform line such as a change in gradient (i.e. the agreed ONF boundary as shown on my Appendix and Appendix D of Ms Mellsop's evidence in chief). This ONF boundary is often approximately 20m outside the subject site's boundary, meaning that the intervening DOC Reserve provides an additional buffer to the ONF river gorge corridor, in conjunction with the site-specific proposals of setbacks and mitigation planting.
- 17 I do not consider that the presence of Douglas fir / larch forest is, or was, positive in terms of natural character and I take support from the PDP in this. PDP Chapter 34 makes it clear that exotic trees with high capacity for wilding spread are adverse in relation to biodiversity and landscapes generally. The planting of both larch and Douglas fir is a prohibited activity. Their removal and replacement with indigenous vegetation will contribute to enhancing natural character.
- 18 In relation to views and visibility, Mr Brown does not appear to take account of the existing but undeveloped LDSRZ that extends south from the developed Mathias Terrace area up to the crest of the hill within the site. Even in the absence of the GSL/LEL relief, this existing zoning is practically certain to be developed since it provides elevated, north-facing house sites. These are depicted in blue in the images of Appendix 1 of my evidence and in the additional graphic document prepared by Boffa Miskell. These are an important part of the context within which the proposed relief must

be considered. Additionally, while there are certainly views to the site from some surrounding locations, in a broad sense, the Arthur's Point area is quite contained visually. It is considerably less visible than many other developed or zoned areas around the Wakatipu.

- 19 In her rebuttal evidence, Ms Mellsop gives some additional comments regarding potential visual effects. She comments (her paragraph 3.6) that platforms on Lots 34 and 35 are “*high on the southern slopes of the knoll*” and that “*buildings on a number of the LLRB platforms would break the skyline when viewed from public and private places*”. With reference to the plans of Appendix 1 to my evidence, the Lot 34 and 35 platforms have relative levels 436.5 and 442 respectively. The existing Murphy buildings are at 445 or 446. Lots 13 and 14 that are within the existing LDSRZ are at around 440 to 448. The GSL/LEL relief deliberately leaves the upper parts of the hill within the site undeveloped, with a proposed BRA over it, and as a potential reserve. It also proposes a BRA over part of the existing LDSRZ (the upper part of proposed Lot 14), thereby adding to the maintenance of the crest of the hill as open space. I consider that these design aspects are appropriate, maintaining the crest of the hill as locally important in terms of amenity.
- 20 Ms Mellsop's comments regarding skyline breaches may be due to a misinterpretation of the digital model images of my Appendix 1. The digital model images do not include distant backdrop topography, as can be seen by comparing the two images on Figure 8, for example. With reference to the images of Appendix 1, only from Viewpoints 6 and 7 do building envelopes enabled by the GSL/LEL relief break the skyline, with an additional potential very slight breach by one building from Viewpoint 10. Again, in the Appendix 1 images, these envelopes represent a 500m² area on each lot with a 7m height plane. In reality, a much more visually recessive outcome would actually eventuate. As can be seen in the relevant images, in some views buildings provided for by existing undisputed LDSRZ breach the skyline in any event.
- 21 Ms Mellsop makes the points (her paragraphs 3.14 and 3.15) that the notified Priority Areas are not necessarily complete or separate landscapes in their own right and that ONFs can be nested within larger ONLs. I agree with those points but in the case of the part of the subject site that is not already zoned LDSRZ, this is a roughly 6ha piece of rural land, containing various modifications, that is entirely separated (both physically and in terms of character) from the rugged mountain slopes that form the ONL on the opposite side of the Shotover Gorge and from the ONL slopes to the north of Arthur's Point that take in Mount Dewar and Coronet Peak. It is not a cohesive part of any broader ONL.

Revisions to proposal

- 22 As a consequence of reviewing Council's rebuttal evidence, some amendments have been accepted by GSL/LEL in the proposed rezoning relief. This includes incorporating a 2m average planting height of taller species prior to building, specifying density of planting, and some minor amendments to platform locations to provide larger setbacks and to better integrate structural planting with the interface of the ONF.

- 23 The minor platform movements that are now proposed will not increase visibility in relation to the modelled design shown in my Appendix 1. Conversely, these will ensure that structural planting mitigation in relation to the Gorge ONF is consistent and logical.
- 24 In her rebuttal evidence (paragraph 3.12), Ms Mellsop suggests some bespoke provisions that might be incorporated into the relief. In relation to these:
- (a) I do not support the suggested increase from 30% to 60% of taller plant species on the zone's southern, southeastern and southwestern slopes. The planting has been proposed in its current form to integrate future development into the broader scene, to visually soften development and to increase natural character. It is not intended to screen development or to make it invisible. To do so would be unrealistic, illogical and unnecessary in my opinion.
 - (b) I do not support the suggested reduction in density to a minimum lot size of 4000m². The detailed work that has resulted in the proposed structure plan for the Site, means that a specific and prescribed outcome will be ensured in terms of layout and vegetation. This has enabled detailed assessment of effects and is preferable to a blanket minimum lot size in my opinion.
 - (c) I do not support the suggested decrease of allowable building height from 7m to 5.5m since I consider that this will considerably reduce the practicality of constructing buildings on the relevant building platforms. Again, in terms of effects, I consider this to be unnecessary.
- 25 Overall, nothing in Mr Brown's evidence or Ms Mellsop's rebuttal, leads me to alter any of the conclusions set out in my evidence. I consider that the zoning sought by the GSL/LEL relief sits relatively comfortably in relation to the guiding landscape-related objectives and policies of the PDP. In relation to the principles of landscape planning and in formulating a District Plan that will be in effect for at least the next decade (and most likely considerably more than that), I do not consider that the PDP should identify the site as part of an ONL, nor retain the ODP rural zoning.

Benjamin Espie

26 January 2023