

**BEFORE THE QUEENSTOWN-LAKES DISTRICT COUCIL**

**IN THE MATTER** of a hearing on submissions to the Proposed Queenstown Lakes District Plan pursuant to clause 8B of the First Schedule to the Resource Management Act 1991

**ON BEHALF OF** **ROBERT STEWART**  
Submitter (31038)

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**EVIDENCE OF BENJAMIN ESPIE  
(LANDSCAPE ARCHITECT)**

**29<sup>th</sup> MAY 2020**

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## 1. INTRODUCTION

- 1.1 My name is Benjamin Espie. I reside in Queenstown. I hold the qualifications of Bachelor of Landscape Architecture (with honours) from Lincoln University and Bachelor of Arts from Canterbury University. I am a member of the Southern Branch of the New Zealand Institute of Landscape Architects and was the Chairman of that branch between 2007 and 2016. Since November 2004 I have been a director of Vivian and Espie Limited, a specialist resource management and landscape planning consultancy based in Queenstown. Between March 2001 and November 2004, I was employed as Principal of Landscape Architecture by Civic Corporation Limited, a resource management consultancy company contracted to the Queenstown Lakes District Council (**QLDC**).
- 1.2 The majority of my work involves advising clients regarding the protection of landscapes and amenity that the Resource Management Act 1991 provides and regarding the landscape provisions of various district and regional plans. I also produce assessment reports and evidence in relation to proposed development. The primary objective of these assessments and evidence is to ascertain the effects of proposed development in relation to landscape character and visual amenity.
- 1.3 Much of my experience has involved providing landscape and amenity assessments relating to resource consent applications and plan changes both on behalf of District Councils and private clients. I have compiled many assessment reports and briefs of Environment Court evidence relating to the landscape and amenity related aspects of proposed regimes of District Plan provisions in the rural areas of a number of districts. I have provided Environment Court evidence in relation to the landscape categorisation and District Plan zoning of various parts of the Wakatipu Basin, including the Arthurs Point area and in relation to many resource consent applications relating to this area.
- 1.4 I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note of November 2014 and agree to comply with it. This evidence is within my area of expertise, except where I state that I am relying on information I have been given by another person. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed herein.

1.5 In preparing this evidence I have reviewed the relevant parts of a Section 42a report prepared by Ms Emma Turner on behalf of the QLDC (**Ms Turner's Report**), a statement of evidence prepared by Ms Helen Mellsop dated 18 March 2020 (**Ms Mellsop's evidence**) and a Rural Visitor Review Report prepared by Ms Mellsop dated June 2019 (**Ms Mellsop's Review Report**). I have reviewed the original submission (31017) and also the further submissions by Robert Stewart and APONLSI. I have also considered Part 2 Strategy (Chapters 3 to 6) of the decisions version of the Proposed District Plan (**PDP**) and the associated interim decisions of the Environment Court that relate to this part of the PDP<sup>1</sup>.

## 2. SCOPE OF EVIDENCE

2.1 The purpose of this evidence is to assist the Hearings Panel on matters within my expertise of landscape architecture and landscape planning in relation to Submission 31017 on the Proposed District Plan. In relation to this submission, I have been asked by the submitter to prepare evidence in relation to the landscape and visual effects of the proposed area Medium Density Residential Zone Visitor Accommodation Sub Zone (**MDRZ VASZ**) in the area of Arthurs Point North<sup>2</sup>.

## 3. EXECUTIVE SUMMARY

3.1 The relief that is sought proposes to extend MDRZ VASZ uphill in the southwestern part of the subject site when compared to the notified PDP and the recommendation of Ms Turner. The relief also involves the proposed zone edge being the Outstanding Natural Landscape (**ONL**) Boundary and the Urban Growth Boundary.

3.2 In relation to both landscape character and visual amenity, I consider that the relief sought will create a logical and attractive edge to the Arthurs Point North Urban area, and is appropriate.

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<sup>1</sup> Environment Court decisions [2019] NZEnvC 160, 205 and 206.

<sup>2</sup> By "Arthurs Point North", I refer to the part of Arthurs Point east of the eastern Atley Road / Arthurs Point Road intersection, i.e. east of the PDP Low Density Suburban Residential Zone.

## 4. THE SUBJECT SITE AND THE OPERATIVE DISTRICT PLAN ZONING

4.1 The land subject to the submission (the site) is shown on Appendices 1 and 2 to this report. In very brief terms, moving from east to west (with particular reference to Appendix 2), it comprises:

- Steep, rugged slopes above the bottom part of Skippers Road. These slopes are the toe of Mt Dewar and have recently been cleared of dense wilding trees. An incised, unnamed creek drains from the upper parts of Mount Dewar through this part of the site to the car-park at the bottom of Skippers Road, where it is culverted under Malaghans Road. The gully of this creek as it passes through the site is densely vegetated.
- At the bottom of this creek and to the immediate south of its gully is an enclosed basin-like area that accommodates the historic buildings of the Bordeaux Store. These buildings have been renovated by the submitter and incorporated into a four-dwelling residential complex that is used by the family of the submitter. Informal exotic garden and park-like vegetation established by the submitter characterises this small basin.
- A steep and rounded bluff/headland of proud landform sits to the west of the Bordeaux Store basin. This headland separates the Bordeaux Store basin from the flat terrace land to the west that accommodates the built development of Arthurs Point North. This headland has been partially cleared of vegetation and has a semi-open unkempt character. Some rough vehicle tracks traverse it. A continuation of this landform sits to the south of Arthurs Point Road, with the road itself occupying an incised gorge. From the west, within the Arthurs Point North settlement (for example, in the vicinity of the Swiss Belresort – the photograph point of Appendix 7), this headland landform (i.e. the parts to the north and south of the road combined), form a visual endpoint or topographical book-end to the developed area of Arthurs Point North.
- To the west of the headland, beside Arthurs Point Road, is an area of flat verdant paddock, which accommodates some remnant pear trees of an old orchard. A hawthorn hedge (within the road reserve) marks the road edge of the site.

- Above the flat paddock land, undulating slopes rise up to the headland (to the northeast and towards Mount Dewar (to the north and northwest). These slopes accommodate some rough vehicle tracks and relatively dense wilding tree vegetation (Douglas fir and Sycamore). These slopes continue to the west of the subject site.

**4.2** The ODP zoning of the subject site is shown on Appendix 3 to this evidence. Practically the entire site is zoned RVZ, providing for dense residential and visitor accommodation development of up to 12m in building height. This zoning provides for a very considerable change to the use and character of the site, with the built development of Arthurs Point North extending over the steep mountain slopes of the site, including the headland described above and including development fronting Skippers Road.

**4.3** The ODP does not map the ONL in the vicinity of Arthurs Point, however, I am aware of a number of resource consent application processes regarding Mt Dewar Station (the large farming property to the immediate north of the ODP Arthurs Point RVZ) in which all the Rural General Zone land north of the Arthurs Point RVZ was considered by all involved landscape experts to be within the ONL, and this is reflected in the decisions relating to those resource consent applications. Effectively, the line that separates the ODP RVZ from the Rural General Zone (as can be seen on Appendix 3) is the ODP ONL line. This is a geometric cadastral line rather than a line that relates to topography or landscape.

## **5. THE NOTIFIED PDP ZONING AND THE COUNCIL STAFF RECOMMENDATIONS**

**5.1** Ms Mellsop's Review Report was prepared before the notification of Stage 3 of the PDP and it informed the QLDC's Section 32 analysis.

**5.2** The notified PDP situation in relation to the subject site is shown on Appendix 4 to this evidence. In this situation, the western flat paddock part of the site is zoned MDRZ VASZ. The MDRZ VASZ also extends partially up the toe of the slopes above these paddocks, to the line of an existing vehicle track. The Bordeaux Store basin part of the site is zoned MDRZ but with a Building Restriction Area (**BRA**) over it. For the remainder of the site, the Rural Zone ONL is extended downslope to meet the flat paddock area and the Bordeaux Store basin.

- 5.3 In this notified situation, the outcome would be very different to that of the ODP. All of the site except the flat paddocks and small sloping area within the MDRZ VASZ would effectively remain in its current state as it can be seen today; no development would be enabled outside this southwestern corner of the site.
- 5.4 It is relevant that existing resource consent RM180844 provides for subdivision on the site to the immediate west of the subject site, as shown on Appendices 1 to 6 (**the Arthurs Point Woods Ltd site**). The individual lots of this subdivision that adjoin the subject site are between 610m<sup>2</sup> and 780m<sup>2</sup> in area. Under the notified PDP, this site is MDRZ VASZ, as shown on Appendix 4. I understand that this would allow these existing lots to be further subdivided, potentially down to a 250m<sup>2</sup> minimum lot size. The edge of the MDRZ VASZ under this notified situation is formed by the cadastral boundary of the southwestern end of the subject site; running at right angles to Arthurs Point Road, up the mountain slope. In my opinion, this would create a very abrupt and geometric-looking end to the Arthurs Point North built area.
- 5.5 Ms Turner's report makes a recommendation regarding the subject site as shown on Appendix 5. In comparison to the notified situation, Ms Turner's recommendation zones the flat paddock land as High Density Residential Zone (**HDR**), and this continues to the west of the submission site. In this recommendation, the edge of the MDRZ VASZ remains as per the notified situation.

## **6. THE RELIEF PROPOSED BY THE SUBMISSION AND ITS EFFECTS IN RELATION TO LANDSCAPE CHARACTER AND VISUAL AMENITY**

- 6.1 The relief proposed by the submission is shown on Appendix 6 to this evidence. In comparison to the recommendation of Ms Turner, the proposed relief adopts the recommendations in relation to the MDR BRA in the Bordeaux Store basin part of the site and in relation to the HDR in the flat paddocks part of the site. It differs from the recommendation in that it proposes that the area of MDRZ VASZ extends further uphill so as to include the south and south-west facing slopes that are part of the topographical enclosure of Arthurs Point North, and so as to exclude the rounded bluff/headland of proud landform that is part of the topographical book-end to Arthurs Point North, as described in paragraph 4.1 above.

6.2 The headland that I refer to (as is shown on Appendix 2), is referred to in Ms Mellsop's Review report as follows:

*"The flat terrace within the [ODP RVZ] zone already has an urban character. The enclosed nature of this area (by the Mt Dewar slopes, the change in level down to suburban Arthurs Point and the river and **the hill to the east**" and its limited visibility from public places means that it has the ability to absorb additional development".*

*"I also consider that RV-zoned land east of **the small hill that encloses Arthurs Point settlement** has limited capacity to absorb visitor facility development. It is within a separate visual catchment, which is strongly rural in character, and is also elevated on the slopes of Mt Dewar"<sup>3</sup>.*

(my emphasis in bold)

6.3 I agree with Ms Mellsop's comment in her Review Report<sup>4</sup>, that if we were to ignore all existing zoning and development when drawing a line between an area suitable for development and an area not suitable for development, we would most likely draw that line along the toe of the Mt Dewar slopes, such that the flat terrace land of Arthurs Point North would be suitable for development and the sloping land that is part of the toe of Mt Dewar would not. However, when considering landscape character in relation to zoning and landscape categorisation, we must take account of all biophysical, sensory and associative attributes of the landscape, including the patterns and elements of human modification. We cannot ignore the fact that the Arthurs Point Woods Ltd site has a consented subdivision on it (and it may be subdivided further). For this reason, the notified situation and the recommendation of Ms Turner, zone the Arthurs Point Woods Ltd site as MDRZ VASZ (as shown on Appendices 4 and 5). It is within this context that we must consider the most appropriate zoning configuration for the subject site.

### ***Landscape character***

6.4 In relation to landscape character, I consider that the effects of the proposed relief would be as follows (in comparison to the solution recommended by Ms Turner);

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<sup>3</sup> Helen Mellsop, QLDC Rural Visitor Zone Review, Landscape Assessment, May 2019, Section 3.2.6.

<sup>4</sup> Ibid.

- The flat paddock land, both within the site and also continuing to the west, that is on the same elevation as Arthurs Point Road, would accommodate particularly dense built development (70% building coverage and a 12m building height standard). This aspect of the proposed relief would be the same under Ms Turner's recommendation.
- The south and south-west facing slopes that are above the flat paddock land but below the crest of the enclosing bluff/headland landform, would accommodate less dense built development (maximum 45% building coverage and an 8m building height standard). The development area within the subject site would tie in seamlessly with the Arthurs Point Woods Ltd site to the immediate west.
- The bluff/headland part of the subject site that forms the topographical enclosure in relation to the eastern end of Arthurs Point North would remain in its current state; Rural Zone and ONL and therefore undeveloped. It may be that vegetation is managed over time to provide increased natural character and amenity for the benefit of occupants of the other parts of the site but this would essentially be a status quo situation.
- The other parts of the submission site (the slopes above Skippers Road and the Bordeaux Store basin) will remain in their current state; no increased development will be enabled.

**6.5** As summarised previously, the essential difference between the relief sought by the submission and Ms Turner's recommendation is that under the proposed relief, MDRZ development would be enabled further up the south and south-west facing slopes that are above the flat HDRZ land in a way that continues the pattern of the Arthurs Point Woods Ltd site, that avoids the headland landform that forms the topographical end to Arthurs Point North, and that brings a rounded and landform-related eastern edge to the development area of Arthurs Point North.

**6.6** With reference to the Photograph of Appendix 7, I consider that these south and south-west facing slopes within the site that are proposed by the sought relief to be MDRZ VASZ, are perceived as being part of the contained landform unit that is characterised by the development of Arthurs Point North. This is particularly the case if we take into account the consented development on the Arthurs Point Woods Ltd site. The unit of which these slopes are a part is dominated by built development. These slopes within the site are not perceived as being part of the broad, vast mountainous ONL landscape that extends away to the north and east. They are

seen as the immediate backdrop to built development. I therefore consider that there is considerable logic to drawing the boundary of the ONL as is shown on Appendix 6. This would mean that the landscape unit that is perceived as being dominated and characterised by built development is managed so as to enable urban residential and visitor accommodation activity within the bounds of the HDR and MDRZ VASZ provisions; and the broad surrounding mountainous ONL landscape (that is distinct from the Arthurs Point North landscape unit) is managed so as to as to maintain its natural character.

- 6.7** Overall, I consider that in relation to landscape character the relief that is proposed will appropriately maintain the qualities of the ONL, will not adversely affect landscape character and will bring about a logical and attractive eastern terminus to Arthurs Point North.

### ***Visual amenity***

- 6.8** The relevant south and south-west facing slopes within the site that are proposed to be MDRZ VASZ, are only visible to a small viewing catchment, being the Arthurs Point North area itself, from approximately Bullendale Drive and eastwards to the site itself. An indicative view is given by the photograph of Appendix 7 to this evidence.
- 6.9** With reference to the Appendix 7 photograph, the foreground on both sides of the road in this view would be taken up by dense and potentially high built form under both the notified situation (potentially 8m high buildings) and Ms Turner's recommended situation (potentially 12m high buildings). The outcome of both these situations would be that the Arthurs Point North area becomes a dense visitor activity / residential activity urban area. It is within this context that the visual effects of the proposed relief must be considered.
- 6.10** Regarding an observer in the Arthurs Point North area, I consider that development enabled by either the notified situation or Ms Turner's recommended situation would very largely, if not entirely, screen any visibility of the south and south-west facing slopes within the site. The visual amenity of an observer will be dominated by the urban development around them. There would be recognition that this small urban area sits in a setting of surrounding mountain slopes, but the south and south-west facing slopes within the site would not be visible themselves. Maintaining this part of the subject site as unbuilt, would have very little (if any) benefit in relation to visual amenity.

- 6.11** Depending upon exactly how the ultimate development of the flatter land on the north side of Arthurs Point Road is configured (i.e. the MDRZ VASZ of the notified situation or the HDR of Ms Turner's recommended situation), there may be some visibility between buildings to some parts of the south and south-west facing slopes within the site for observers within the Arthurs Point North area. In this instance, if the proposed relief proceeds, these slopes would accommodate built development rather than being open space. This built development would tie in seamlessly with the development on the Arthurs Point Woods Ltd site to the immediate west. I do not see that this additional development enabled by the proposed relief would diminish the visual amenity that an observer would otherwise experience. In any event, an observer on Arthurs Point Road traveling east (for example), will have the visual experience of being within an urban area up to the point that they are adjacent to the headland landform, which will be an open, undeveloped piece of natural landform acting as a book-end to the urban area. The same will be true for a westbound road user; they will pass the treed, enclosed and minimally visible area of the Bordeau Store basin, pass the open natural landform of the headland (which is mirrored on the opposite side of the road) and will then enter the urban area at a logical starting point. There may be some visibility (between other dense foreground buildings) of built form spreading up the south and south-west facing slopes of the subject site, but this will tie in logically with neighbouring built form and will be seen by an observer that is within a dense and busy urban area.
- 6.12** There is some visibility to the Arthurs Point Woods Ltd site and the relevant part of the subject site from a short stretch of Littles Road at distances of approximately 850m and more, as illustrated in Photograph 5 of Ms Mellsop's Review Report. In these views, the upper part of the Arthurs Point Woods Ltd site (which is MDRZ VASZ under both the notified and recommended situations) is the most visible part of Arthurs Point. Parts of the south and south-west facing slopes within the site that are sought to be rezoned are also visible, but to a lesser degree as they are partially hidden by the headland landform. Under the notified and recommended situations, the edge of the MDR VASZ (i.e. the eastern boundary of the Arthurs Point Woods site) would read as a line going straight up the hill slope. Under the relief sought, the edge of the MDR VASZ would read as a varied line that responds to landform. However, given the distance, viewing angle and the breadth of views, I consider that the visual difference between the two situations is of minor consequence.

- 6.13** Overall, in relation to views and visual amenity, I consider that the proposed relief will create a more visually logical end to the MDR VASZ and will round off the eastern edge of Arthurs Point North. However, I consider that this will be difficult to recognise visually due to built development within the notified (and recommended) zoning configurations.

## **7. THE FURTHER SUBMISSION BY APONLSI**

- 7.1** The further submission by APONLSI opposes the submission by Robert Stewart. Obviously, the APONLSI further submission is in response to the relief sought by the original submission and this relief has now been considerably amended as is set out in this evidence. The motivation for the APONLSI further submission is to ensure appropriate management of the ONL around Arthurs Point. I agree with that motivation and, for the reasons set out in this evidence, I consider that the relief that is now sought will ensure that the characteristics of the ONL are protected and that an appropriate and logical edge is identified between the development zoning of Arthurs Point North and the surrounding ONL.

## **8. CONCLUSIONS**

- 8.1** Pursuant to the ODP the subject site is zoned RVZ. Dense development is provided for over practically the entire site.
- 8.2** The notified PDP zones the southwestern corner of the site as MDRZ VASZ, taking in flat paddock land adjacent to Arthurs Point Road and also a sloping area above the flat paddocks. The recommendation of Ms Turner alters this slightly in that the flat paddock land would be zoned HDR.
- 8.3** The sought relief proposes that the area of MDRZ VASZ extends further uphill so as to include the south and south-west facing slopes that are part of the topographical enclosure of Arthurs Point North, and so as to exclude the rounded bluff/headland of proud landform that is part of the topographical book-end to Arthurs Point North.
- 8.4** In relation to landscape character, I consider that:

- the south and south-west facing slopes within the site that are proposed by the sought relief to be MDRZ VASZ, are perceived as being part of the contained landform unit that is characterised by the development of Arthurs Point North. This unit is dominated by built development and is not perceived as being part of the broad, vast mountainous ONL landscape that extends away to the north and east. I therefore support the ONL boundary line as is shown on Appendix 6.
  - The sought relief would mean that the broad surrounding mountainous ONL landscape (that is distinct from Arthurs Point North) is managed so as to as to maintain its natural character, while Arthurs Point north itself (including the area of south and southwest facing slopes within the site) is managed to provide residential and/or visitor accommodation at urban density. It would also mean that a logical, attractive, landform-related eastern edge is created for the Arthurs Point North area. I consider that this outcome is appropriate.
- 8.5** The notified PDP and/or Ms Turner's recommendation propose that the southwestern corner of the site is zoned as MDRZ VASZ / HDR. In relation to views and visual amenity, I consider that once that part of the site is developed in accordance with those zones, the south and southwest facing slopes of the subject site that have been described will be very difficult or impossible to see. Built form on these slopes will be visible to some degree behind and through other dense built development. I consider that this will not degrade views or visual amenity. An observer in the Arthurs Point North area will have the visual experience of being in a small but dense urban area that has a logical and legible end point at the topographically prominent headland landform that sits within the subject site.
- 8.6** Overall, in relation to landscape character and visual amenity, I consider that the relief that is sought is appropriate.

## ATTACHED APPENDICES

- 1 AERIAL PHOTOGRAPH OF THE SITE
- 2 THE TOPOGRAPHY AND LANDFORM OF THE SITE
- 3 OPERATIVE DISTRICT PLAN ZONING
- 4 NOTIFIED PROPOSED DISTRICT PLAN ZONING

- 5 THE RECOMMENDED ZONING OF MS TURNER
- 6 THE PROPOSED RELIEF
- 7 PHOTOGRAPH FROM ARTHURS POINT ROAD

**Ben Espie**

**vivian+espie**

**29<sup>th</sup> May 2020**



ARTHURS POINT WOODS  
LIMITED SUBVISION

SKIPPERS ROAD

MALAGHANS ROAD

LITTLES ROAD

ARTHURS POINT ROAD

SWISS BELRESORT

APPENDIX 7  
PHOTO POINT

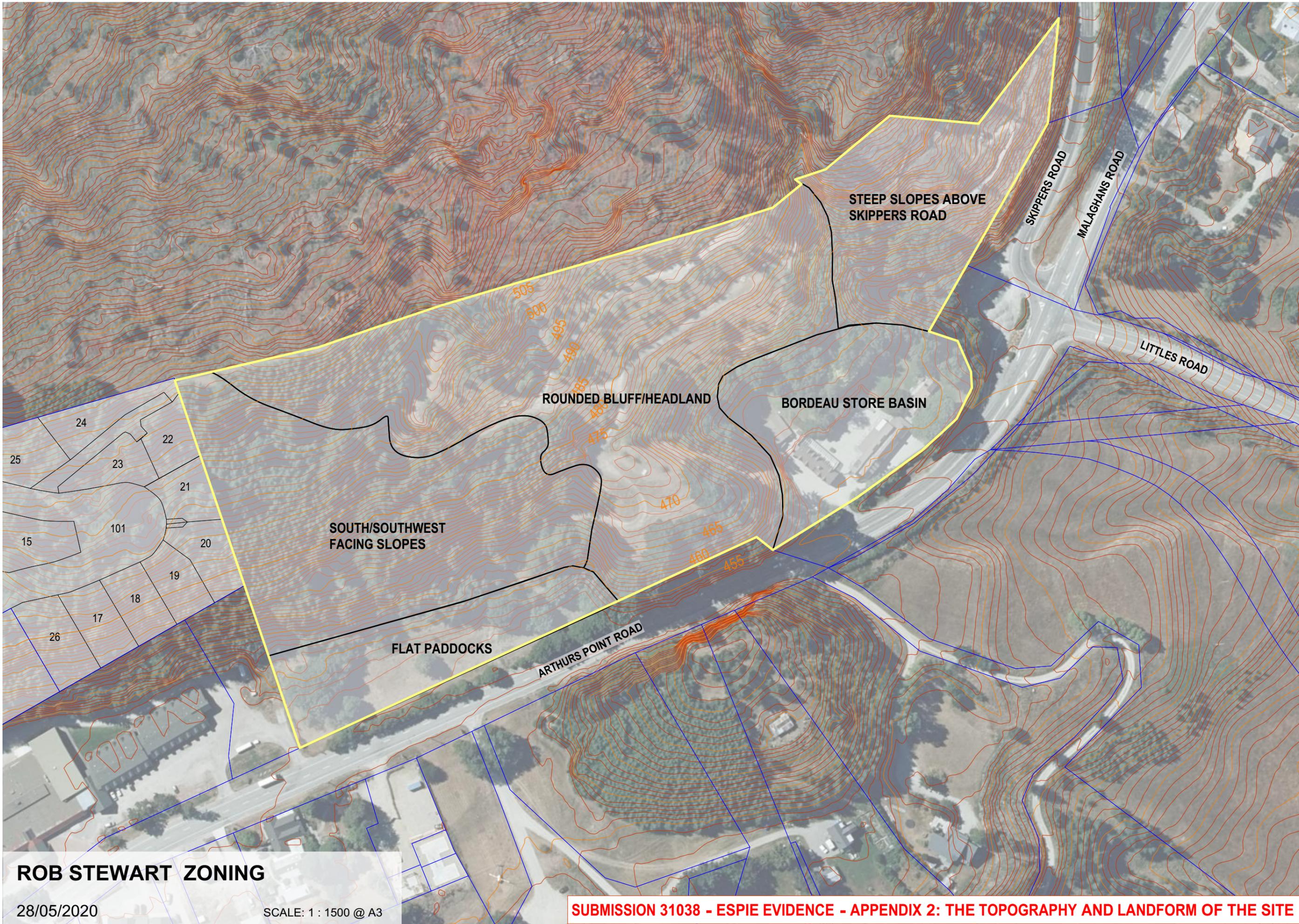


**ROB STEWART ZONING**

28/05/2020

SCALE: 1 : 1500 @ A3

**SUBMISSION 31038 - ESPIE EVIDENCE - APPENDIX 1: AERIAL PHOTOGRAPH OF THE SITE**

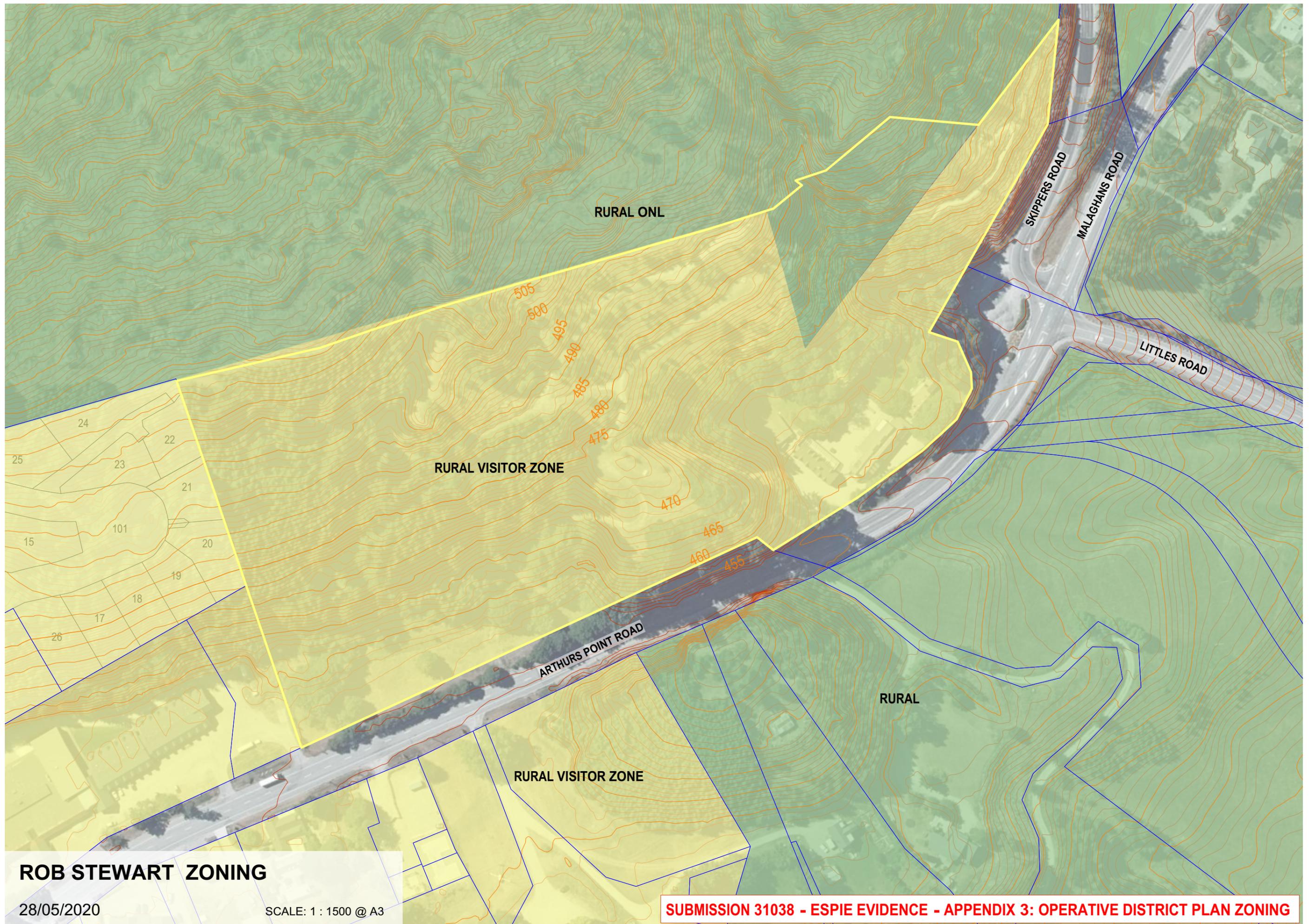


**ROB STEWART ZONING**

28/05/2020

SCALE: 1 : 1500 @ A3

**SUBMISSION 31038 - ESPIE EVIDENCE - APPENDIX 2: THE TOPOGRAPHY AND LANDFORM OF THE SITE**

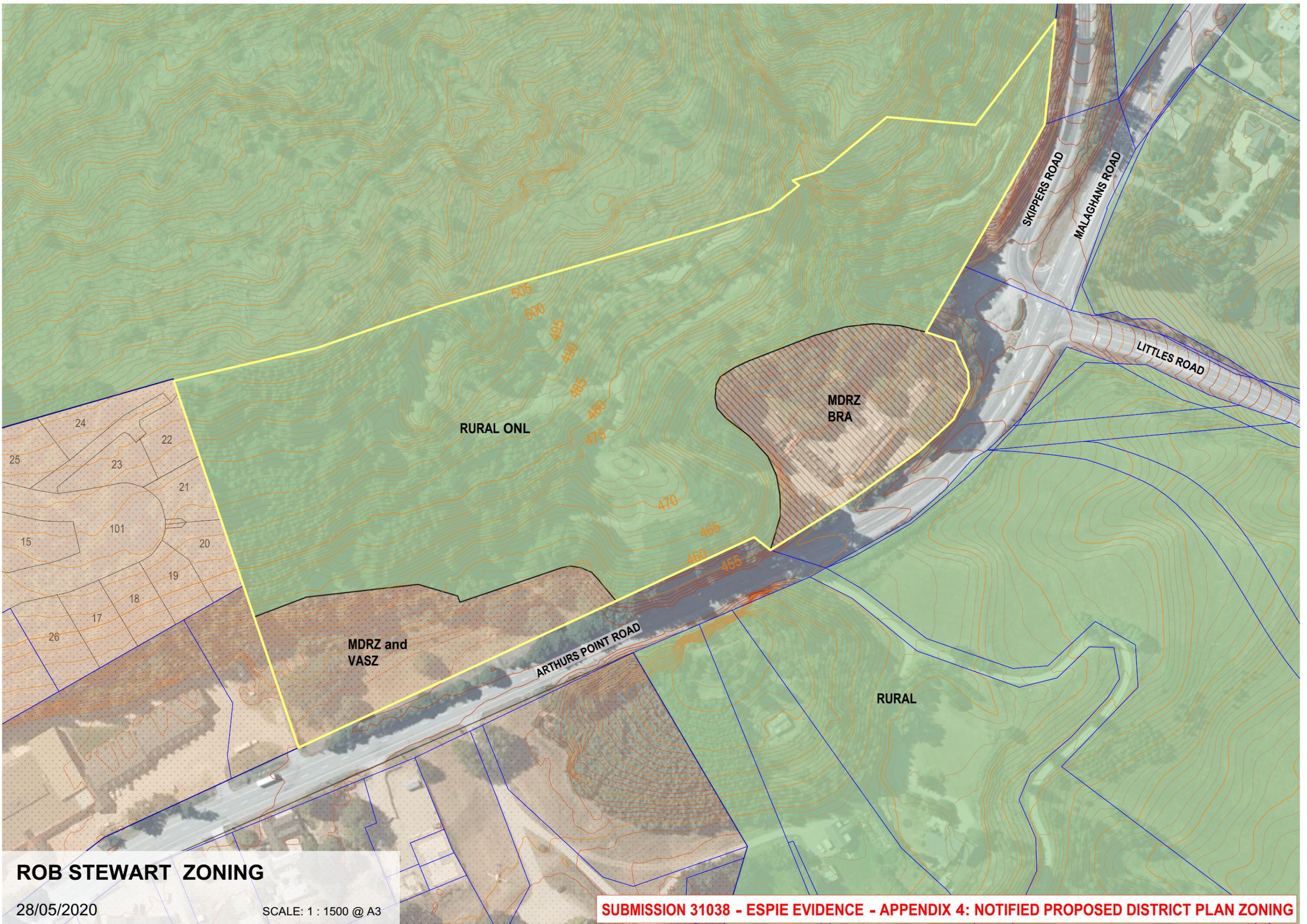


**ROB STEWART ZONING**

28/05/2020

SCALE: 1 : 1500 @ A3

**SUBMISSION 31038 - ESPIE EVIDENCE - APPENDIX 3: OPERATIVE DISTRICT PLAN ZONING**

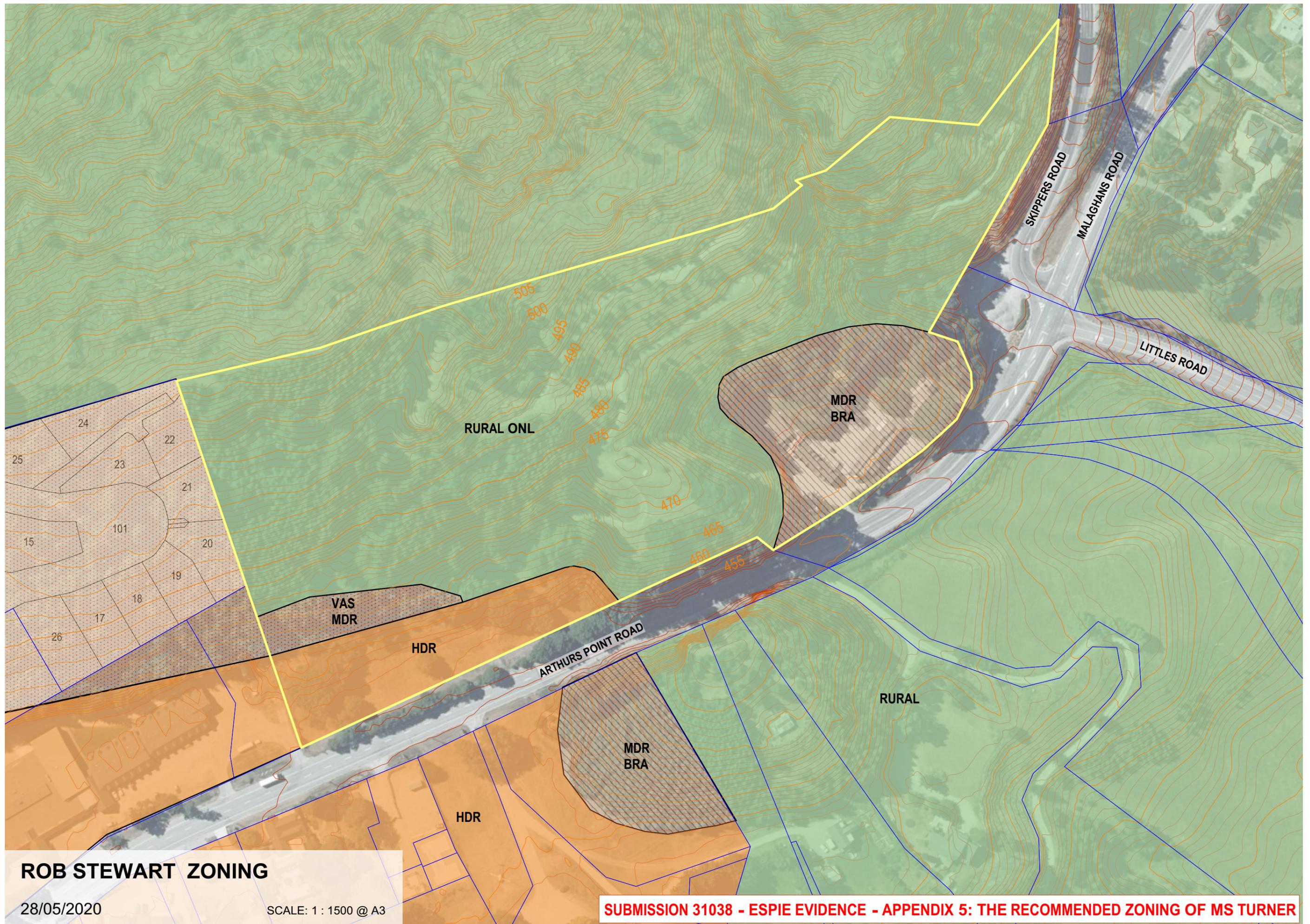


**ROB STEWART ZONING**

28/05/2020

SCALE: 1 : 1500 @ A3

**SUBMISSION 31038 - ESPIE EVIDENCE - APPENDIX 4: NOTIFIED PROPOSED DISTRICT PLAN ZONING**

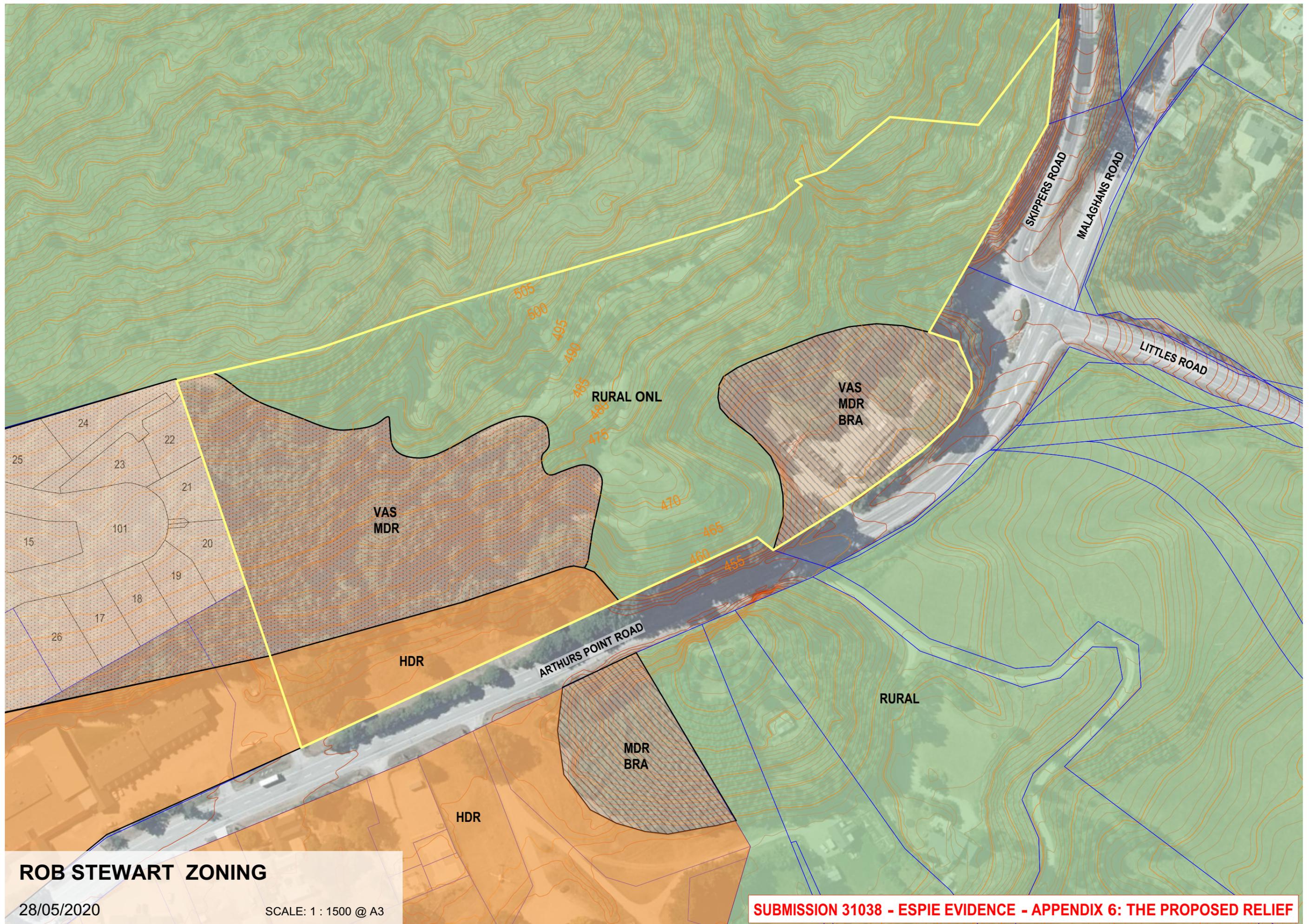


**ROB STEWART ZONING**

28/05/2020

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**SUBMISSION 31038 - ESPIE EVIDENCE - APPENDIX 5: THE RECOMMENDED ZONING OF MS TURNER**



**ROB STEWART ZONING**

28/05/2020

SCALE: 1 : 1500 @ A3

**SUBMISSION 31038 - ESPIE EVIDENCE - APPENDIX 6: THE PROPOSED RELIEF**

Location of upper boundary corner between the Arthurs Point Woods Ltd site and the subject site



SUBMISSION 31038 – ESPIE EVIDENCE – APPENDIX 7: PHOTOGRAPH FROM ARTHURS POINT ROAD