

EVIDENCE IN CHIEF OF B GILBERT FOR QUEENSTOWN LAKES DISTRICT COUNCIL

Appendix 6: Topic 2 JWS January 2019

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2018-331-000019

UNDER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under clause 14 Schedule 1 of the Act against decisions of the Queenstown Lakes District Council on Stage 1 of the Proposed Queenstown Lakes District Plan

BETWEEN **FEDERATED FARMERS OF NEW ZEALAND** and all other appellants concerning Topic 2 of Stage 1 of the Proposed Queenstown Lakes District Plan

Appellants

AND **QUEENSTOWN LAKES DISTRICT COUNCIL**

Respondent

JOINT STATEMENT ARISING FROM EXPERT CONFERENCING

TOPIC: LANDSCAPE METHODOLOGY AND SUPTOPICS 2, 3, 5, 6, 7, 8 AND 10

29 JANUARY 2019

INTRODUCTION

1. This joint statement is the outcome of landscape expert conferencing for the Topic 2 – Rural Landscapes appeals. It addresses the outcome of expert conferencing for the following topics:
 - (a) Methodology of Landscape Assessments;
 - (b) Subtopic 2 - 3.1, SO 3.1.1.7-3.2.1.8, 3.2.5, 3.2.5.1 and 3.2.5.2;
 - (c) Subtopic 3 – Strategic Policy 3.3.20 – 3.3.32 (Excluding Strategic Policy 3.3.27 – 3.3.28);
 - (d) Subtopic 5 – Rural Landscape Categorisation (Policies 6.3.1 To 6.3.3);
 - (e) Subtopic 6 – Managing Activities in the Rural Zone, Gibbston Character Zone, the Rural Residential Zone and the Rural Lifestyle Zone (Policies 6.3.4 To 6.3.11);
 - (f) Subtopic 7 – Managing Activities in Outstanding Natural Landscapes (**ONLs**) and Outstanding Natural Features (**ONFs**) (Policies 6.3.12 To 6.3.18); and
 - (g) Subtopics 8 and 10 – Managing Activities in Rural Character Landscapes (**RCL**) (Policies 6.3.19 To 6.3.29) and Upper Clutha Land Use Planning Study

2. It has been prepared in relation to appeals brought by:
 - (a) Darby Planning Ltd and others (ENV-2018-CHC-000150);
 - (b) Upper Clutha Environmental Society Incorporated (**UCESI**) (ENV-2018-CHC-000056);
 - (c) Cardrona Alpine Resort and Real Journeys (ENV-2018-CHC-000117);
 - (d) Lake Mckay Station (ENV-2018-CHC-000160);
 - (e) Allenby Farms Limited (ENV-2018-CHC-000148); and
 - (f) Hawthenden Limited (ENV-2018-CHC-000055).

3. A number of parties have joined these appeals as section 274 parties but none have provided expert landscape evidence relevant to this conferencing.

4. This expert conferencing session was held on Tuesday, 29 January 2019 at the Crown Plaza Hotel, Queenstown. The session was facilitated by Environment Commissioner Leijnen.
5. The experts who attended the conferencing session were:
 - (a) Helen Mellsop on behalf of the Queenstown Lakes District Council (**Council**);
 - (b) Bridget Gilbert on behalf of the Council;
 - (c) Yvonne Pfluger on behalf of Darby Planning Ltd and ors;
 - (d) Diane Lucas on behalf of UCESI;
 - (e) Tony Milne on behalf of Cardrona Alpine Resort and Real Journeys; and
 - (f) Nicola Smetham on behalf of Hawthenden Ltd.
6. This joint statement has been prepared in accordance with section 4.7 of the Environment Court Practice Note 2014.
7. All attendees have read, and agree to abide with, the Code of Conduct for Expert Witnesses included in Section 7 of the Environment Court Practice Note 2014.
8. In addition, all attendees have read, and agree to abide with, Appendix 3 to the Environment Court Practice Note 2014, which comprises the Protocol for Expert Witness Conferencing.
9. This joint statement sets out matters agreed and disagreed in relation to:
 - Methodology for identifying ONL/ONF;
 - Whether a district-wide landscape assessment is required to define the spatial extent, attributes and values of ONL/Fs;
 - Importance of landscape character sensitivity and visual sensitivity in addressing a landscape's ability to absorb change;
 - Priority in the PDP towards agricultural land uses;
 - The threshold of adverse effects for ONL/F;
 - Whether there should be a strategic policy encouraging provision of public access;

- Policy 6.3.10 regarding appropriate level of effects on ONFs;
- Whether the 'reasonably difficult to see' test in Policy 6.3.12 is appropriate;
- Whether co-location of activities is appropriate within the ONL/F;
- Policy 6.3.16 regarding the maintenance of openness in ONF/Ls in relation to indigenous revegetation;
- Whether open character should be protected in RCL;
- Identification and management of RCL and whether a Study for RCLs outside the Wakatipu Basin is recommended.

**JOINT RESPONSE TO CONFERENCING AGENDA FOR THE LANDSCAPE
METHODOLOGY AND SUPTOPICS 2, 3, 5, 6, 7, 8 AND 10**

1. Methodology for identifying ONL/ONF

Matters agreed

1.1. Landscape assessment

(a) For a landscape to rate as an ONL or ONF, three key questions need to be satisfied:

- a. Is the area a 'landscape' or 'feature'?
- b. Is the landscape or feature 'natural'?
- c. Is the natural landscape or feature 'outstanding'?

(b) For the purposes of a Landscape Study, the following definition of 'landscape' (endorsed by the NZILA) is usually applied by the study team:

"Landscape is the cumulative expression of natural and cultural features, patterns and processes in a geographical area, including human perceptions and associations."

- NZILA Best Practice Note 10.1
'Landscape Assessment and Sustainable Management'

(c) This definition points to the concept of 'landscape' embracing three broad components:

- a. Biophysical attributes;
- b. Sensory attributes; and
- c. Associative attributes (the 'meanings' of the landscape).

(NB: consistent with PORPS Schedule 3.)

The scope of this definition of 'landscape' is in keeping with the range of attributes (commonly referred to as the WESI or modified Pigeon Bay attributes) that have been widely accepted by the Environment Court and landscape experts to provide a useful starting point in evaluating landscapes.

Put another way, it is generally accepted that a thorough assessment of a landscape in terms of these three components assists in identifying 'the extent of the landscape/feature' and answering the questions as to whether it is 'natural' and 'outstanding'.

- (d) Landscape Assessment typically involves:
 - a. Landscape Characterisation: using consistent set of descriptors embracing biophysical, sensory and associative attributes. Largely relies on GIS resources, landscape expert input, other expert inputs (eg geologist, ecologist, archaeologist, iwi/cultural) and field survey.
 - b. Landscape Evaluation: identifying the values and qualities of the District's landscapes (in terms of the three components outlined above) to determine those areas that qualify as s6(b). Complex phase requiring a significant component of expert judgement by the landscape assessor, and ideally including input from other expert disciplines and from stakeholders and the wider community.

1.2. Is it a "landscape" or "feature"

- (a) 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'. It is important that where this approach to the identification of a landscape is applied, it is clearly transparent in the assessment.
- (b) Landscapes may also overlap, or smaller landscapes may be nested within larger ones (DL).
- (c) A feature typically corresponds to a distinct and clearly legible biophysical feature (eg. *r*oches moutonnées, volcanic cone, water body). It is acknowledged that scale and context will play a role in determining whether the area is a feature or landscape.
- (d) A landscape character area displays a distinctive combination of landscape attributes that gives the area an identity and distinguishes it from other nearby areas.

1.3. Threshold for “natural” as ONF/L

- (a) An assessment of naturalness takes into account natural elements, patterns and processes and the level of human modification, including built change. The highest degree of naturalness occurs where there is least modification. It is recognised that naturalness is context dependent.
- (b) Assessment of biophysical attributes is the first step in assessing the level of naturalness. People’s perceptions of naturalness are then taken into account in the assessment. People’s associations influence their perceptions of naturalness, and expert understanding and interpretation is therefore necessary.
- (c) As a useful guide, a rating of moderate to high for naturalness is a starting point in determining whether a landscape is ‘natural’ enough to qualify in terms of RMA s6(b). The appropriate level of naturalness will however be contingent on the context and/or the scale of the assessment (eg. district or regional scale).

1.4. Threshold for “outstanding”

- (a) The evaluation of the biophysical, sensory and associative attributes and overall ‘outstanding-ness’ requires a non-linear (or iterative) process that includes both an ‘individual’ and ‘collective’ analysis. For example, in some instances the proximate albeit scattered arrangement of a series of natural features may be such that the wider (and more ordinary) landscape within which the features are nested, qualifies as outstanding.
- (b) It is recognised that in many cases it will be obvious if a landscape or feature is outstanding. However, in some cases, expert assessment will be needed (eg. where associative values or less obvious biophysical values are present). The

expert assessment may require identification and analysis by other disciplines.

- (c) The method generally employed involves describing the attributes and values and rating them. However an overall judgement is made of the significance of the landscape or feature, and its outstandingness.

1.5. ONL Scale

- (a) It is widely accepted by the Environment Court and landscape experts that an assessment of ONLs requires a comparative judgement. This comparison would be made district-wide in this case (QLDC Plan review).

1.6. District-wide landscape assessment

- (a) There is currently no district-wide landscape assessment of Queenstown Lakes District (**QLD**) undertaken from 'first principles'. To be useful, such an assessment would need to be of sufficient detail to assist with decision making in relation to the appropriate management of the rural landscapes. The nature of QLD, as a large, complex and undeveloped district, means that it is challenging for a district-wide landscape assessment to be adequately detailed.
- (b) It is important that the same method of landscape assessment be used in each site specific or application specific assessment.
- (c) We note the anomaly in 3.1 Purpose, which uses 'alpine landscapes' in a non-technical manner. Alpine landscapes technically only include mountainous areas above the natural treeline. However most ONL and ONF within the District are below this level. It would be appropriate to delete the word 'alpine' from 3.1 a.

- (d) We note that the wording of the assessment matters for ONL/ONF in 21.21.1.3 of the PDP is inconsistent with NZILA guidance. We recommend use of the headings biophysical, sensory and associative attributes in this assessment matter rather than the existing headings of physical, visual and 'appreciation and cultural'. It is important that the tools that implement the landscape policies are consistent with the policy. For example reference to naturalness needs to be included in 21.21.1.3 and these assessment matters also need to address sensory aspects in addition to visual attributes.

1.7. ONL and OLF boundaries

- (a) Geomorphological boundaries (such as ridgelines and other marked changes in landform gradient) are the preferred boundary delineation method for ONLs and ONFs. Where geomorphological features are not evident, the 'next preferred' delineation methods include marked changes in land cover and land use patterns (e.g. settlement edges, production forestry). Where none of these methods are available or adequate, then road corridors or other cadastral boundaries may be relied on to delineate ONLs and ONFs.
- (b) It should be noted that there is generally a decreasing degree of 'legibility' and 'defensibility' associated with these various delineation methods, with more timeless natural geomorphological boundaries rating the most favourably, and cadastral boundaries rating least favourably in this regard.
- (c) Further, in determining the extent of an ONL it is generally preferred to avoid 'cut outs' i.e. excluding localised areas from the broader ONL as a consequence of the level of development evident in that specific location. Rather an evaluation is required as to whether the level of development (in the localised area) is such that the 'landscape' or 'feature' within which it is located qualifies as 'natural' and /or 'outstanding' anyway, or conversely, is of a scale and /or character such that the overall 'landscape' is outstanding.

- (d) If development is evident on the edge of a landscape it may be appropriate to exclude that area from the ONL or ONF.

1.8. Transparency

- (a) The complexity of the analysis required to determine ONLs and ONFs calls for a very high degree of transparency in explaining why an area qualifies in terms of:
 - (i) being a landscape or feature;
 - (ii) being natural enough for consideration as an ONL;
 - (iii) outstanding-ness; together with
 - (iv) a clear explanation of assumptions and methods with respect to the scale of the assessment and determination of ONL and ONF boundaries.

1.9. Physical scale of landscape

- (a) There is no defined physical scale for 'landscape' and 'landscape character area' assessment, as these are context dependent (eg region- or district-wide assessment).

2. Whether a district-wide landscape assessment is required to define the spatial extent, attributes and values of ONF/Ls

Matters agreed

- (a) In the Operative District Plan (**ODP**), some landscape classifications were identified in maps appended to the plan. These were based on Environment Court appeal decisions and were limited to locations where appeals had occurred. ONL/F boundaries in the maps were either dashed (indicative) or solid (fixed), with both types of boundaries being based on Environment Court decisions.
- (b) We understand that in preparation for the PDP the following processes took place:

- the ONLs and ONFs that had already been identified on the maps appended to the ODP were assumed by Council’s landscape architects to have been appropriately identified, in a general sense;
 - review of the boundaries identified on the maps, and extension of these boundaries, using landscape characterisation methods and with reference to previous landscape assessment reports;
 - a process of matching ‘like with like’ (through landscape characterisation and evaluation based on the Pigeon Bay factors) to identify other ONL and ONF that had not been identified in the ODP appendices.
 - peer review by landscape architects familiar with the district.

- (c) The attributes and values of each ONL/ONF were not consistently documented as part of this process.

- (d) Most of the ONL and ONF identified in the PDP have not been contested. The boundaries of the ONL/F have been contested in some locations, and in general by one party.

- (e) In an ideal case, a comprehensive district-wide landscape study (undertaken from ‘first principles’) would have been done in preparation for the PDP. Such a landscape study could be referenced in the PDP and would underpin assessment of any future resource consent or plan change applications, thus improving consistency between application-specific assessments under 21.21.1 of the PDP.

- (f) A comprehensive study would also establish the attributes and values of the ONL and ONF and how they relate at the scale of the district as a whole. It is important that attributes and values be determined independently and consistently.

- (g) Due to the scale and complexity of the District’s rural landscapes, a comprehensive study would be time-consuming to undertake.

Matters disagreed

- (h) While a comprehensive first principles rural landscape assessment may be ideal and helpful, there are concerns about its level of usefulness as part of this district plan review. There is also concern about the scale and extent of ONL within the District, and the potential lack of detail identified for attributes and values to address every locale. The level of detail possible in a district-wide study may not be of any great practical assistance in plan administration (HM, DL, BG).
- (i) If a landscape study is prepared well and according to best practice there will not be any issues with usefulness or inadequacies of detail. The Proposed Otago Regional Policy Statement directs that a landscape study be undertaken and the area requiring assessment is comparable to that in other districts. It is preferable for attributes and values to be determined independently and consistently rather than in response to applications for use and development. (TM, YP, NS).
- (j) As a result of the approach of matching 'like with like' taken in preparation for the PDP, there are areas that some consider have been inappropriately excluded (DL). Others do not have an opinion on this issue (HM, BG, TM, YP, NS).
- (k) Given that there are relatively few challenges (in terms of location or spatial extent) to the PDP ONL and ONF, then the application-specific assessment of landscape attributes and values (in accordance with 21.21.1.3) may be a pragmatic solution for areas inside the boundaries of the ONL and ONF (HM, BG, DL).
- (l) A pragmatic approach as described under (3k) under the current circumstances is not an appropriate response (YP, TM, NS).

3. **Importance of landscape character sensitivity and visual sensitivity**

Matters agreed

- (a) Landscape character sensitivity and visual sensitivity are equally important for the assessment of a landscape's ability to absorb change.

4. **Priority in the PDP towards agricultural land uses**

Matters agreed

- (a) Currently the PDP encourages agricultural land use and openness over diversification to other activities, although those other activities are acknowledged at a policy level e.g. Strategic Policy 3.2.1.8.

Matters disagreed

- (b) There is little emphasis on maintaining or enhancing natural vegetative cover in the plan. Instead there is a priority towards agricultural land uses. (DL, TM, YP, NS).
- (c) The plan should give greater acknowledgement that other activities can and have contributed to a more environmentally sustainable outcome in the District's rural landscapes (DL, TM, YP, NS).
- (d) Prioritisation of low intensity pastoral farming over other land uses is appropriate in the District's rural landscapes. (HM, BG).

5. **The threshold of adverse effects for ONL/F**

Matters disagreed

- (a) The significance and vulnerability of this district's ONFs and ONLs is such that the threshold for effects should provide a stringent level of protection (HM, BG, DL).

- (b) The test should address whether an effect is inappropriate in the context of the attributes and values of the landscape (YP, DL, TM, NS). BG and HM agree with this but do not agree that the term “inappropriate” should be used in the wording of strategic policies.

6. **Whether there should be a strategic policy encouraging provision of public access**

Matters agreed

- (a) Public access can be both beneficial and detrimental from a landscape perspective, particularly in terms of sensory and associative attributes. For example public access may detract from a sense of remoteness or wildness that is highly valued.

7. **Policy 6.3.10 regarding appropriate level of effects on ONFs**

Matters agreed

- (a) Maintaining the integrity of ONFs and ONLs is important to the landscape values of the district. Subdivision, use or development in proximity to ONF and ONL may adversely affect the integrity of the ONL or ONF.
- (b) Rewording of Policy 6.3.10 to address effects on the biophysical, sensory and associative natural landscape attributes may assist, although the existing policy uses the terminology landscape quality, character and visual amenity, and this terminology should implicitly include biophysical, sensory and associative attributes.

Matters disagreed

- (c) The reference to only *visual* amenity in Policy 6.3.10 should be amended, as other aspects of amenity should also be addressed. (DL, TM).

8. **Whether the ‘reasonably difficult to see’ test in Policy 6.3.12 is appropriate**

Matters agreed

- (a) In some cases, development can be readily visible but appropriately absorbed within an ONL or ONF (eg. some locations within the Cardrona Valley).
- (b) The capacity of the landscape to absorb change includes consideration of both visual sensitivity and landscape character sensitivity. The ‘reasonably difficult to see’ test emphasises visual aspects, potentially at the expense of others, for example the sense of tranquillity and quietness.

Matters disagreed

- (c) The ‘reasonably difficult to see’ test has been a very successful and simple test to use in determining the appropriateness of development in the ONL-Wakatipu Basin under the ODP, and in helping maintain the values of these landscapes. In the PDP the ‘reasonably difficult to see’ test is complemented by assessment of landscape absorption capacity, which takes into account landscape character sensitivity (HM, DL).
- (d) The ‘reasonably difficult to see’ test may encourage the location of development in more remote locations that have high naturalness and landscape character sensitivity but low visibility (YP, NS, TM, DL).

9. **Whether co-location of activities is appropriate within the ONL/F**

Matters agreed

- (a) In principle co-location is supported, however, careful consideration would need to be given to cumulative adverse ‘landscape’ effects.

10. **Policy 6.3.16 regarding the maintenance of openness in ONF/Ls in relation to indigenous revegetation**

Matters agreed

- (a) We support the amendment to Policy 6.3.16 (which relates to the open character of ONL/F) proposed by Craig Barr. Significant indigenous regeneration should be encouraged in ONL and ONF, as this would potentially enhance the naturalness of these landscapes and features.

11. **Whether open character should be protected in RCL**

Matters agreed

- (a) Open character might be valued in the RCL as a result of:
- The ability to maintain views to ONL and ONF;
 - As a valued component of rural character.
- (b) Mr Barr's proposed definition of "Openness and Open Character" should include scree slopes and herb fields, as encountered in the alpine environment within the district.
- (c) There is also concern that the definition may not take account of the effect of vehicles on openness/open character. If there is a large presence of vehicles in an area they can impact on openness (DL only, others do not have an opinion).

12. **Identification and management of RCL**

Matters agreed

- (a) A comprehensive study with a similar methodology to the Wakatipu Basin Land Use Planning Study would be beneficial for the RCL in the Upper Clutha Basin and other areas of RCL. If a study was undertaken, this should be referenced in the Plan.

- (b) The RCL assessment matters in Chapter 21 should be expanded to include the full range of biophysical, sensory and associative attributes (as in 21.21.1.3).
- (c) In the absence of a comprehensive study the appropriately amended PDP policies and assessment matters should be applied for consideration of individual resource consent applications.
- (d) At present there are very few rezoning appeals within the RCL in the Upper Clutha. If the zoning was reopened for public submissions, there is the potential for multiple submissions seeking more intensive zoning. YP, TM, NS do not have an informed view about this.
- (e) The name for RCL could be changed to “Rural Character Landscapes and Areas”. The important issue is the primary purpose of the classification rather than the name.

Matters disagreed

- (f) The provisions in the PDP RCL outside the Wakatipu Basin Land Use Study area are enabling and are inadequate to address landscape capacity and vulnerability. For example, the discretionary provisions for residential development, whereas, the Wakatipu Basin Land use study area has areas with a more restrictive regime (DL). YP, TM and NS do not have an informed view about this.

DATE: 29 January 2019



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Nicola Smetham

DATE: 29 January 2019

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