



REPORT TO: Jonathan Richards – QLDC Policy Analyst
FROM: Marion Read - Principal : Landscape Architecture
SUBJECT: Landscape Lines in Queenstown Lakes District
DATE: 8 July 2011

1.1 INTRODUCTION

This report has been commissioned by Council's policy team as a part of the review of the District's rural zones. Its goal is to determine the appropriate locations of the lines separating the landscape categories defined in the District Plan (henceforth referred to as „landscape lines“). These landscape categories are Outstanding Natural Landscape or Feature (ONL or ONF), the Section 6(b) landscapes; Visual Amenity Landscapes (VAL), the Section 7(c) landscapes; and Other Rural Landscapes (ORL) for which there is no particular requirement for protection or management under the Resource Management Act. From an administrative perspective, the outstanding natural landscapes have been further divided, in the main on the basis of the perceived development pressure relating to them, into those of the Wakatipu Basin (ONL(WB)) and those of the rest of the district known as the outstanding natural landscapes, district wide (ONL(DW)).

Landscape lines previously determined by Environment Court Decisions are included on the maps located in the Appendix 8A of the District Plan. The putative lines were established for the Wakatipu Basin by the Environment Court in its C180/99 decision and these lines appear on the Council's maps as dotted lines. The Court has established the confirmed location of many of these lines, both in the Wakatipu and in the Upper Clutha Basin, these lines appearing on the maps as solid lines. However, this has not succeeded in removing levels of confusion regarding the location of some of these lines, or the appropriate landscape classifications for some areas of the District, and it is also the case that much of the Upper Clutha Basin has not had even putative lines established. Further confusing the issue is that from a legal standpoint, the landscape classification of a site is a matter of fact and thus is always open to argument. That is, the establishment of solid lines on a map does not prevent the issue of the landscape classification of a site from being re-litigated under the current District Plan provisions.

This is not a landscape assessment of the District from first principles. In determining the appropriate location of the landscape lines I have drawn on a number of sources. Firstly, the characteristics of the three landscape categories have been defined in Section 4 of the District Plan. They are:

The outstanding natural landscapes are the romantic landscapes – the mountains and the lakes - landscapes to which Section 6 of the Act applies.

The visual amenity landscapes are the landscapes to which particular regard is to be had under Section 7 of the Act. They are landscapes which wear a cloak of human activity much more obviously - pastoral (in the poetic and picturesque sense rather than the functional sense) or Arcadian landscapes with more houses and trees, greener (introduced) grasses and tend to be on the District's downlands, flats and terraces. The extra quality that these landscapes possess which bring them into the category of 'visual amenity landscape' is their prominence because they are:

- adjacent to outstanding natural features or landscapes; or*
- landscapes which include ridges, hills, downlands or terraces; or*
- a combination of the above*

The other rural landscapes are those landscapes with lesser landscape values (but not necessarily insignificant ones) which do not qualify as outstanding natural landscapes or visual amenity landscapes.¹

Secondly, the process has generally entailed a process of matching like with like. Most, but not all, of the lines to be determined have been partially drawn, or features have been identified in the text of the Plan. Thus an analysis of the characteristics of the landscape on either side of the already determined line provides the necessary information to extend those lines.

Thirdly, the District Plan provides a process which it is expected will be brought to bear in every landscape assessment. This is located at Section 5.4.2.1 of the District Plan and is known as the „modified criteria“. It is worth noting that while these are widely referred to they are not, in fact, criteria at all. A criterion is defined by the Oxford Compact English Dictionary as „a principle or standard that a thing is judged by“. The „modified criteria“ are not principles or standards but aspects of landscape. As such they should, arguably, be attended to in any assessment but they do not provide, explicitly or inherently, a means by which to assess the quality or importance of one particular landscape over another. This, in my opinion, can only be done on the basis of some sort of empirical evidence of broader community opinion which the District Plan can be considered to provide only in the most general sense.

To a degree I have drawn on earlier work that I have done myself and on the work of other landscape architects where I consider it to be appropriate. Consequently some of the material

¹ Queenstown Lakes District Council, District Plan Page 4-9

in this report is either a direct or close repeat of work found in other reports, in particular the Lakes Environmental report to QLDC on the town boundaries of Wanaka and Queenstown² I have endeavoured to ensure that a consistent approach has been taken both in spatial terms and through time. However, it is my strong opinion that this report should be peer reviewed by landscape architects within the District prior to being adopted within any consultation documents. This is particularly the case with the landscape lines of the Upper Clutha basin. While lines were proposed for this part of the District in 2001 (see attached map noted as Appendix 1) few of these have been confirmed. I consider that the further input to this process which could be gained in this manner would be invaluable and likely to reduce any future challenges to the location of the lines.

My conclusions are illustrated in the maps which I have appended. These maps have been printed at a scale of 1:15 000. It is important to note that the lines are not survey lines and have, in fact, been drawn on the maps by hand using a felt pen. The width of the resultant line is 1.5mm which, at the scale of 1:15 000 is equivalent to a line of 22.5m wide. This introduces what could be, in some situations, a significant margin of error. While of little significance in most circumstances, 22.5m could become of great significance should it bisect a potential house site, for example.

² Queenstown Town Boundaries Study: Landscape Assessment, Dec 2009 & Wanaka Town Boundaries Study: Landscape Assessment, Dec 2009

2.0 WANAKA AND THE UPPER CLUTHA BASIN: GENERAL ISSUES



Fig 1: Map of the Wanaka / Upper Clutha Basin area

The definition of Visual Amenity Landscape enshrined in the District Plan has clearly been based on the Wakatipu Basin. While the landscape of the Upper Clutha Basin has been formed by similar glacial and fluvial processes to those of the Wakatipu, the Upper Clutha has a different character. The landscapes of the Upper Clutha Basin are not arcadian, although there are areas close to Wanaka that are beginning to gain some of this character. Rather the landscape of the Upper Clutha Basin is a „big sky” landscape. Almost anywhere within the wider basin, except perhaps within the Clutha River valley, expansive views are available to distant mountain ranges, some in excess of forty five kilometres distant.

The soaring river terraces and level outwash plains introduce strong horizontal lines to the landscape. Roche moutonee are common features within the basin, around and within Lake Wanaka and within the Matukituki Valley providing quite startling topographical variation, particularly where they pierce the outwash plains. The surrounding mountains are high and wild in appearance. The ecology of the Upper Clutha Basin and the lower lying area adjacent to Lakes Wanaka and Hawea has been significantly modified by pastoral farming. However, significant areas of remnant and regenerating indigenous vegetation are present throughout the Basin and the surrounds of the Lakes. A number of major rivers feed the lake systems including particularly the Makarora, Matukituki, Hunter and Dingleburn. These rivers all have significant delta systems which change according to the behaviour of the rivers. The Upper Clutha Basin is cut by, and much of its topography has been created by, three major rivers,

the Cardrona, Hawea and Clutha. The outlet of Lake Wanaka is one of the few outlets of a major lake in the South Island that has not been modified and controlled in some manner and the Clutha is the largest river, in terms of flow, in the country.

The landscape of the Upper Clutha Basin is a highly memorable landscape for its soaring river terrace escarpments, the expansiveness of views, the strong horizontal landforms, its brownness and for its natural character. The level of natural character of Lake Wanaka is considerably higher than that of Lake Wakatipu with obvious human intervention in the landscape in views from the lake limited, in the main, to west Wanaka, and the southern reaches of the Lake. Lake Hawea has been artificially raised to support electricity generation downstream, but it retains a reasonably high level of natural character. The flatter areas of the Clutha Basin, particularly to the north of the Clutha River and the Hawea Flats show stronger evidence of pastoral farming, particularly in the presence of long exotic windbreaks which transect the area. Patches of remnant and regenerating indigenous vegetation are scattered throughout the Upper Clutha basin which also contribute to a relatively high level of natural character.

To an observant eye the glacial and fluvial origins of the landscape of the upper Clutha are readily evident. The glacial forms of the broader valley walls, the very obvious terminal moraines and the large number of roche moutonnee show the glacial origins of the area. The soaring river terraces provide equally clear evidence of the force of the rivers in forming the landscape. Evidence of rock falls; the behaviour of the rivers; the changing river deltas and significant outwash fans all demonstrate the dynamic nature of the landscape. Contrasts between the greens of the more manicured areas, and the less manicured in the spring, and the browns of summer and autumn provide transient variation to the landscape as does the presence of snow on the mountains in winter.

The Clutha River (Mata-au) is an area of Statutory Acknowledgement for Ngai Tahu. It was a part of a mahika kai trail leading inland from the eastern coast and was also significant for the transportation of greenstone from the west. It was the boundary between the Ngai Tahu and Kati Mamoe³. Settlement of the upper Clutha basin by Europeans began in the 1860s driven by gold mining and pastoralism. Mining sites on the edges of the river are still identifiable by the scouring caused by sluicing and by the location of stone piles; cottage remnants and groves of Lombardy poplars which have often resulted from the construction of „temporary“ yards for stock or horses.

While sometimes considered less aesthetically pleasing than the Wakatipu area I simply consider that it is less classically picturesque and that its aesthetic appeal is its more raw, natural and untamed character. That this landscape is highly valued can be measured by the

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<http://www.orc.govt.nz/Documents/Content/Regional%20Policies%20Plans/27.%20Appendix%202%20Ngai%20Tahu%20Claims%20Settlement%20Act%20Statutory%20Acknowledgements.pdf>

number of submissions and appeals brought by members of the Wanaka community against development proposals which they perceive to present a threat to the landscape's quality and integrity. That this landscape has a lesser degree of protection than that of the Wakatipu may be the result of a lesser level of development pressure, but it is my opinion that this must be monitored closely, so as to manage these wild and expansive landscapes effectively

Also at issue are the potential Outstanding Natural Features of the Upper Clutha. Roys Peninsula was so determined by the Environment Court in its C29/2001 decision. Other features often described as outstanding include Mount Iron, Mount Barker and the Clutha, Hawea and Cardrona Rivers (although in the latter case a thorough assessment determined that, at least in the vicinity of Ballantyne Road, the Cardrona River was not an Outstanding Natural Feature⁴). Mount Iron has been assessed in the Wanaka Town Boundaries report and I reproduce that assessment here. The Cardrona and Hawea Rivers have not been assessed owing to a shortage of time. The Clutha River has been assessed but it is complicated by the presence of the Hydro Generation Special Zone which overlays the river and its lower surrounds. A landscape classification cannot influence consent decisions for activities within this zone. However, I have effectively chosen to ignore it as its purpose is very specific and it bisects the river corridor. I will effectively work around the Upper Clutha Basin in a clockwise direction starting from western Wanaka.

⁴ H Mellsop, RM090262 Wanaka Landfill, Landscape Assessment Report, 2nd November, 2009.

2.1 Parkins Bay and Glendhu Bay

The Environment Court, in its recent C432/2010 decision, determined that Parkins Bay and Glendhu Bay are a part of the ONL of western Wanaka. The Court did note that the:

'ONL around the site is a very complex landscape and that it includes two highly modified areas which are very different from most of the embedding landscape. These areas are the Fern Burn Flats and the Matukituki River delta. These areas, especially the latter, are pastoral in the English sense⁵.

I do agree with this conclusion, and for the same reason given by the Court. That is, despite the obvious modifications of the Fern Burn flats and the Matukituki delta, the landscape of the lake and mountains surrounding the area is so dominant that it is them which provide the character and quality of the overarching landscape experience.

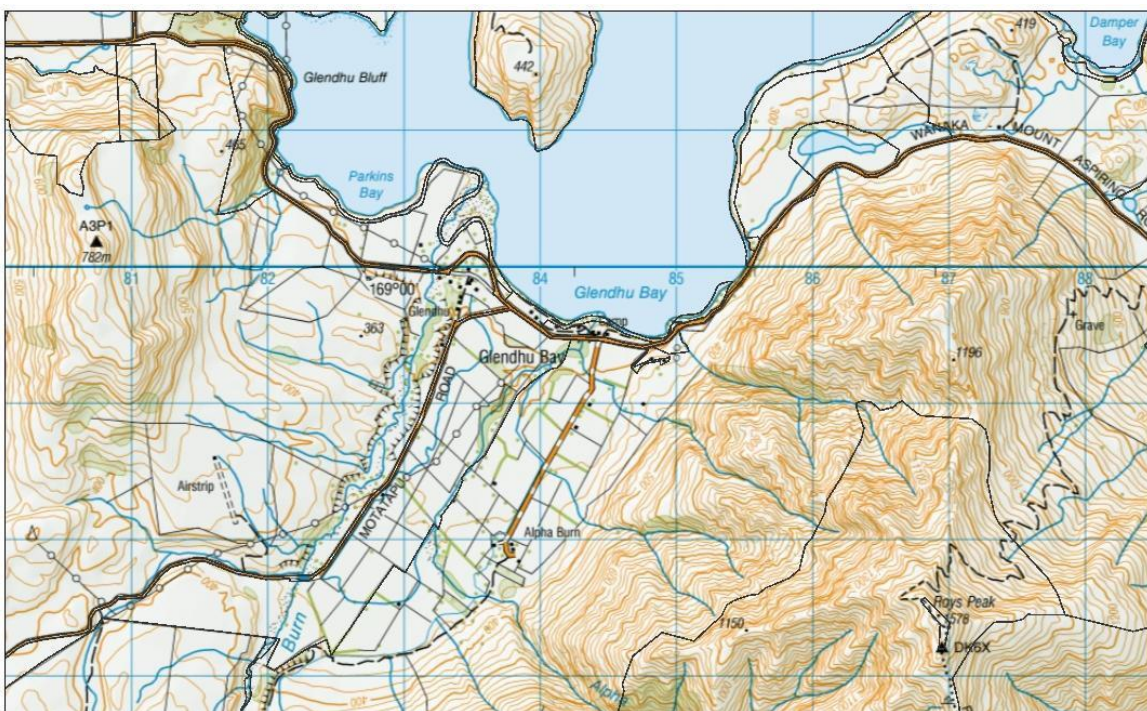


Fig 2: Map of Parkins Bay and Glendhu Bay

2.2 Waterfall Creek

In its C73/2002 decision the Environment Court confirmed the boundary line between the ONL of Mount Alpha and the VAL of the Upper Clutha basin. To the north of the confirmed line the putative line follows the boundary of the Rural Residential and Rural Lifestyle zones until it crosses the Wanaka Mount Aspiring Road where it turns south eastward. From this point it follows firstly the road and then the legal boundary between the Mills property (Rippon Vineyard) and the Blennerhassett property located between the vineyard and Waterfall Creek.

⁵ C432/2010 Para 81, P 32

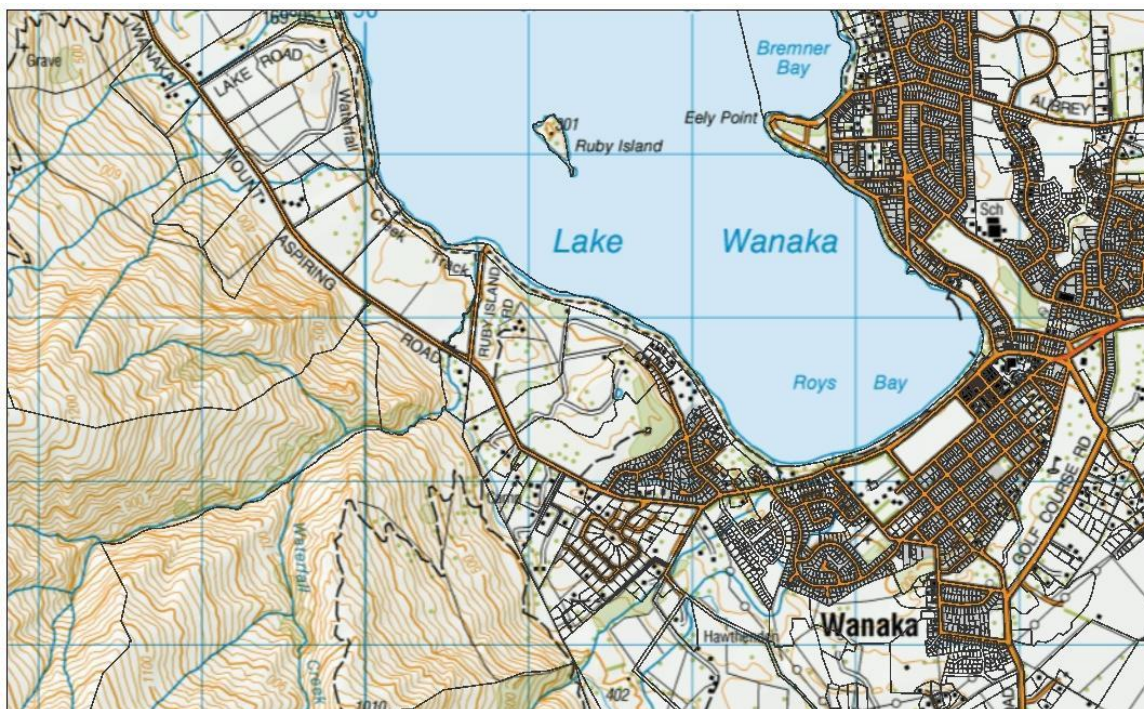


Fig 3: Map of Waterfall Creek area

In my opinion the location of this boundary is problematic. It is my assessment that the landscape of the Blennerhassett property is more similar to that of the Mills property than that of the landscape immediately to the north west of Waterfall Creek. Ruby Island Road runs in a direct line to the north east, approximately following the course of Waterfall Creek. The margins of the creek between the road and the creek itself exhibit a high level of natural character. In my opinion the boundary of the ONL of the lake margin and Mount Roy should follow the north western margin of Ruby Island Road. This is not to say that there are not areas of the Blennerhassett property along the lake margin, in particular the Kanuka reserve, which should be classified as ONL but in my opinion they should be considered a part of the ONL of the lake and its margins. This line is illustrated in Appendix 2 Map 1.

My proposed location of the ONL boundary is problematic in one regard. Because the ONL boundary is (correctly in my opinion) located along the boundary of the Rural Residential and Rural Lifestyle zones located to the north of Studholm Road, this means that the area of land separated from the ONL in this vicinity, the Blennerhassett and Mills properties, cannot be considered to be a landscape in its own right and would have to be assessed as an Other Rural Landscape. This is despite its importance as the north western gateway of Wanaka and of its quality.

2.3 Mount Iron / Little Mount Iron⁶

In geological terms Mount Iron is an example of a roche moutonnee landform. The underlying rock is schist which, owing to its being harder than the surrounding rock, has forced the glacier to ride up and over it. As a consequence the upstream faces to the north west are relatively gently sloping but the downstream faces to the south and east are precipitous and ice plucked. While there are many roche moutonnee in this district Mount Iron is distinct in that its form is absolutely characteristic of this type of feature and its isolation from both other roche moutonnee and adjacent mountains makes it highly memorable and readily legible.

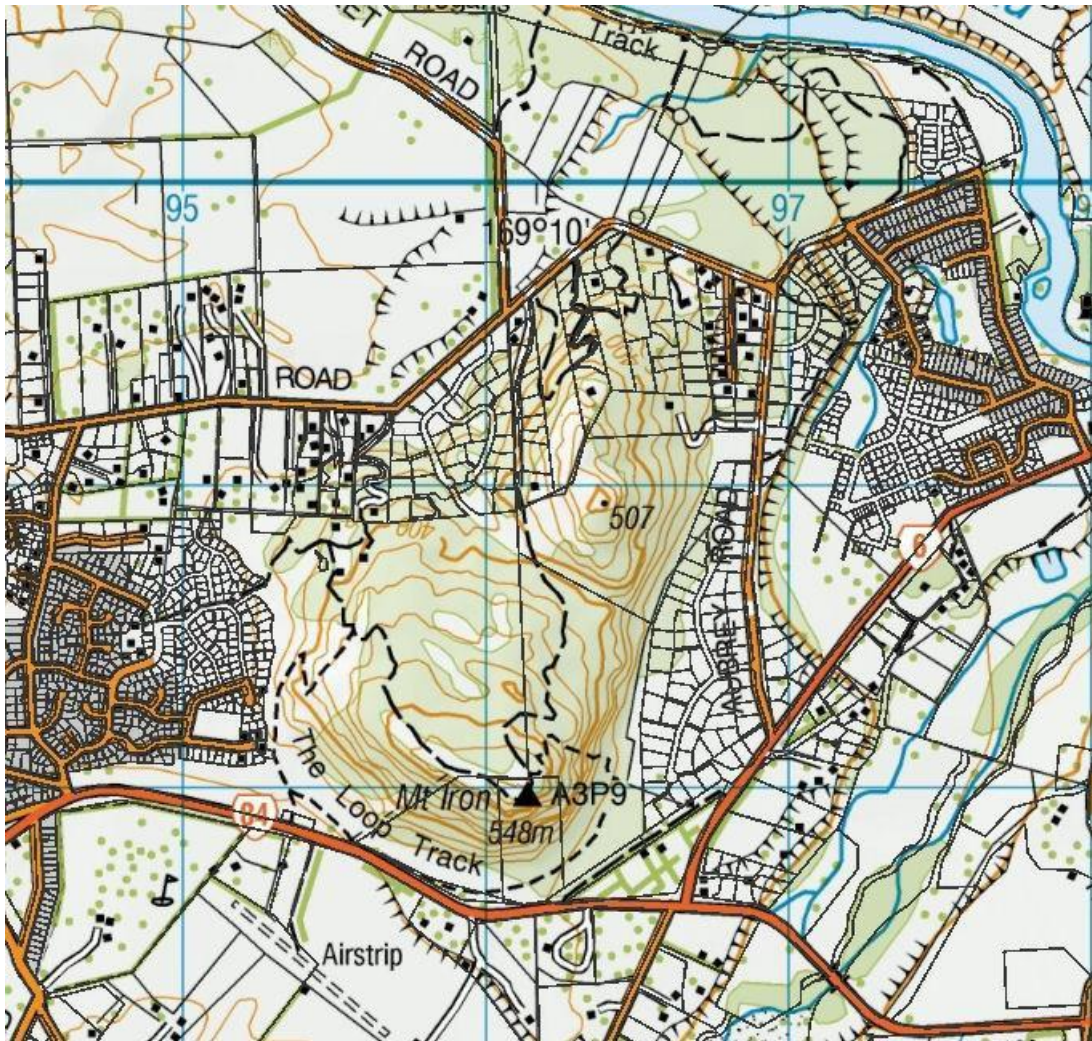


Fig 4: Mount Iron located between Wanaka to the west and Albert Town to the east.

Mount Iron has two summits, Mount Iron itself which stands at 547masl and Little Mount Iron to the north which stands at 507masl. This means that the main summit rises approximately 220m above most of Wanaka township and its surrounds and as a consequence Mount Iron is a highly notable feature of the context of Wanaka, visible for some distance from the surrounding countryside. While the western slopes have remnants of pasture the predominant

⁶ This section of this report has largely been taken from the earlier report to Council entitled Wanaka Town Boundaries: Landscape Assessment, December 2009.

vegetation cover is matagouri and coprosma scrub with extensive stands of kanuka extending over the higher slopes from the west to the foot of the eastern faces. The occasional wilding conifer is present, but not in sufficient numbers to be particularly noticeable. The unmodified nature of most of the mountain, particularly its eastern faces, gives it moderately high natural character. Subdivision and development for housing has been undertaken on the western and northern slopes. This has compromised the natural character to some extent, although the northern subdivision is nestled into the kanuka, diminishing some of its impact on the greater feature. Patterns of light and shade at differing times of the year play on the mountain, particularly on the eastern faces, and kanuka flowering adds seasonal change. I am not aware of the mountain having any particular significance to Tangata Whenua save that it is called Matukituki⁷, nor am I aware of any particular European historic significance. In conclusion I consider that Mount Iron is both sufficiently natural in character and outstanding in its quality to be considered to be an outstanding natural feature in the terms of S6(b) of the RMA91 and in the terms of the QLDC District Plan.

Determining the line which distinguishes the outstanding natural feature from its surrounding context is not such a simple challenge. Arguably, it should be located at the point at which the roche moutonnee protrudes through the surrounding moraine and alluvial river terrace surfaces. However, development and zoning have already been allowed to spill over this boundary and to significantly compromise the edges of the feature, particularly to the west and the north. For this reason I consider that the boundary to the west and the north should follow the Low Density Residential boundary to the west of the mountain from the south west corner of Lot 2 DP 410272 to the northern corner of Lot 90 DP 360537. From there it should extend to the most easterly corner of Lot 114 DP 387159 and from there follow the easternmost boundaries of the neighbouring lots to Lot 122 DP 387159 and then follow the eastern boundaries of Lots 126, 127 and 128 until the intersection with the Rural Residential Zone. It should then follow the boundary of the Rural Residential Zone around the northern extent of the mountain and then south to the southern boundary of Lot 10 DP 304942. At this point the boundary of the feature, indicated by the change in gradient between the steep face of the feature and the alluvial river terrace becomes easier to follow and the boundary should be located at this point following the foot of the escarpment face around the southern portion of the mountain rejoining the start of the line at the south west corner of Lot 2 DP 410272. This line is illustrated in Appendix 2 Map 2.

⁷ <http://www.nzetc.org/tm/scholarly/tei-TayLore-t1-body1-d12.html>

2.4 Mount Brown and the Maungawera Valley

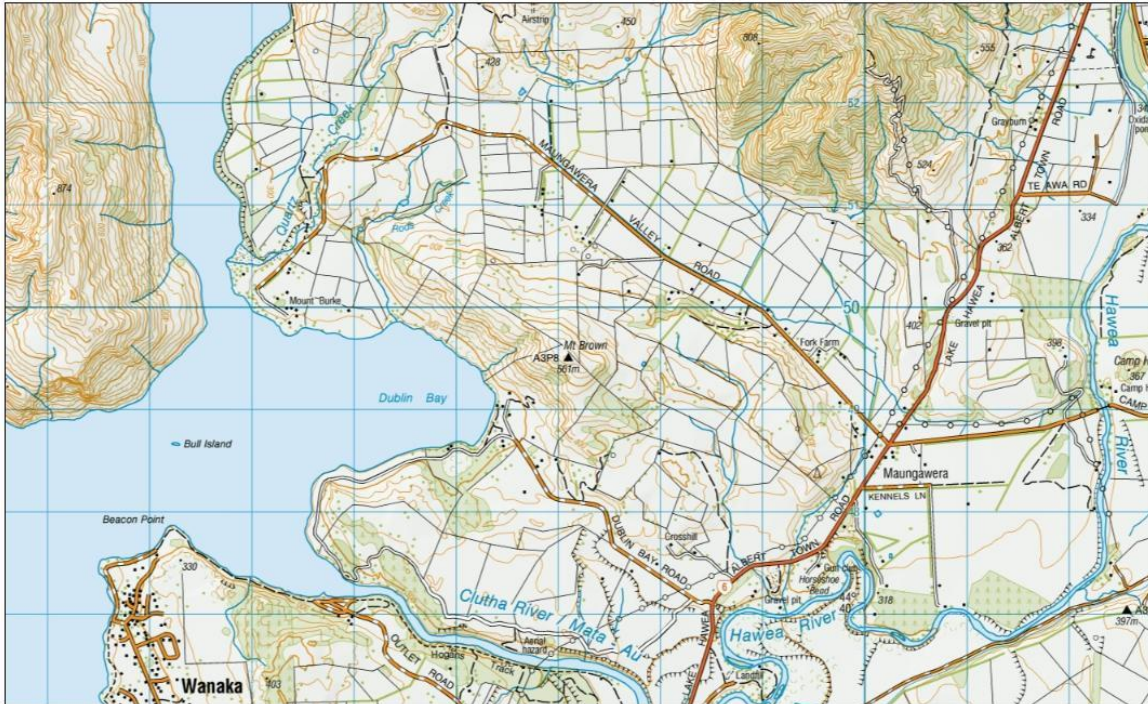


Fig 5: Map of the Mount Brown and the Maungawera Valley

In its C114/2007 the Environment Court adopted a line determining the lakeward portion of Mount Brown to be a part of the Outstanding Natural Landscape of Lake Wanaka. This line continues to the south of Dublin Bay and incorporates the northern headland and northern river terraces associated with the Clutha River outlet. The Court did not discuss a location for the north eastern side of Mount Brown.

In a landscape assessment for a resource consent application in Maungawera Valley Road (RM090775) Mr A Rewcastle made the following comment regarding the landscapes of the vicinity. He said:

Due to the organic and informal nature of topography and landscape elements, in many parts, landscape characteristics blur the boundary between the ONL associated with the north eastern slopes of Mount Brown and the VAL associated with the flat plains of the Maungawera Valley.

I agree with this observation. Mr Rewcastle did, however, propose a line delineating these two landscapes and I agree, fundamentally with its location. I have incorporated this line into the maps attached to this report in Appendix 2 Maps 3, 4 and 5.

Mr Rewcastle also, helpfully, drafted an indicative line separating the VAL of the Maungawera Valley floor from the ONL of Mount Maude and Mount Burke. While I agree substantially with the location of this line it is my opinion that the terrace complex associated with Quartz Creek is of sufficiently high natural character and aesthetic value, and sufficiently similar to the more elevated areas of ONL (and dissimilar to the surrounding VAL) to warrant its inclusion within the ONL. It is the case, particularly when in the most western reaches of the Maungawera

Valley Road in the vicinity of the Mount Burke Station homestead complex that the proximity of the Peninsula to the west, Mount Brown to the south, and Mount Burke and Mount Maude to the north, overpower the degree of modification of the landscape which is evident in the form of grazed pasture, exotic trees, and farm buildings. I consider this to be a similar situation to that experienced in the Fern Burn valley in west Wanaka where the outstanding natural landscape surrounding is of such scale and dominance that the level of modification of the surrounding landscape becomes irrelevant.

2.5 Hawea / Upper Clutha Basin

This area is very large and for simplicity I shall break it into a number of smaller units. These are west Hawea / Mount Maude; north eastern Hawea; south eastern Hawea; the Luggate / Tarras Road; and Luggate / Mount Barker.

2.5.1 West Hawea / Mount Maude

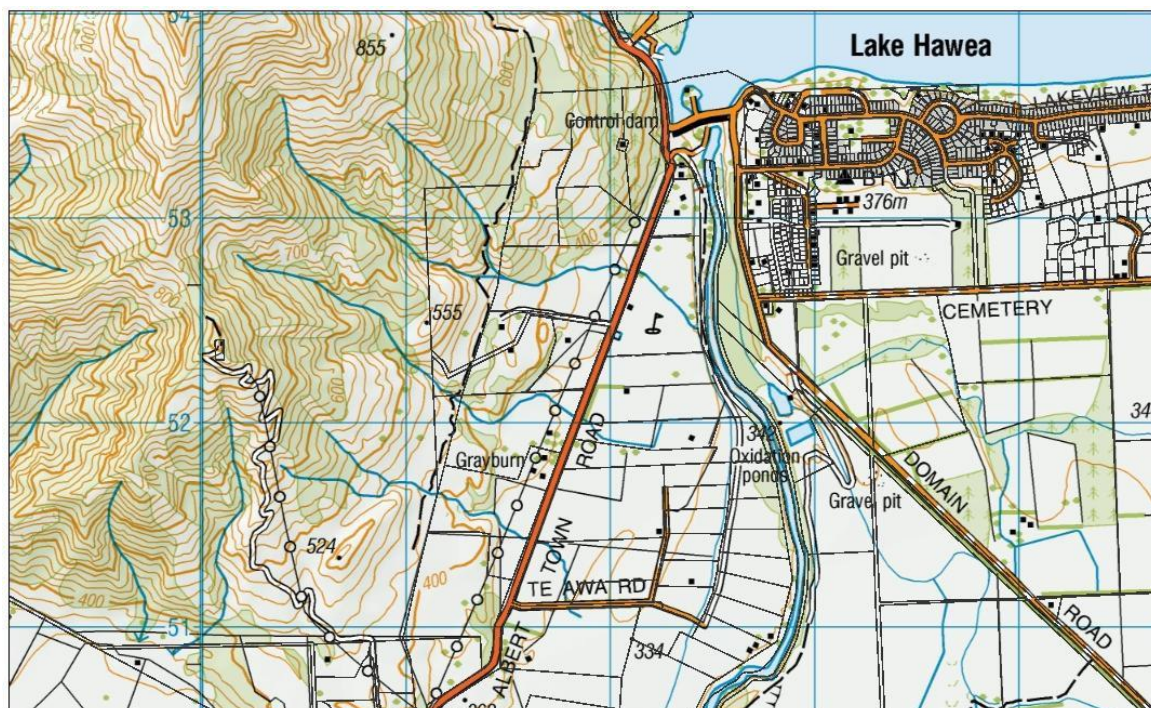


Fig 6: Map of West Hawea / Mount Maude

The Wilson Farm Partnership case, C158/2005, was an appeal against a QLDC decision to decline consent for a subdivision of some of the elevated land at the southern base of Mount Maude and the northern entrance to the Maungawera Valley. While not directly addressing the issue of the location of the boundary in the vicinity of the site the Environment Court commented that "...the witnesses in this case were agreed that the ONL extended at least as far south as Lot 6 of the earlier subdivision. It is likely to reach as far as the building platform

on that allotment.⁸ The Court further noted that all parties agreed that the site was located within the Visual Amenity Landscape.

I agree with this assessment. While the hummocky moraine material situated at the northern foot of Mount Maude is distinct from the floor of the Maungawera Valley it is also distinct from the wilder slopes of that mountain. The vegetative cladding is notable for the extensive planting of exotic trees and it clearly wears the cloak of human occupation more clearly than the higher slopes of the mountain range.

A rough terrace at an approximately similar altitude to the spur discussed above continues along the eastern foot of Mount Maude to the north. Having similar geological and geomorphological character to this spur it has been more readily developed and modified and has a similar character to that of the spur. Similarly, this character is more similar to that of the basin floor than of the steeper mountainside above. It is the case that there are a number of stands of exotic conifers scattered along this mountainside but their size and distribution suggest that they are self seeded in the main and they do not detract significantly from the relatively high natural character of the upper mountain slopes. The line should descend to the margin of SH 47 just to the south of the Lake Hawea outlet and should follow this route until just north of the outlet, noting, of course, that the outlet has been significantly modified in order to raise the level of the lake. This line is illustrated in Appendix 2 Map 6.

2.5.2 North eastern Hawea

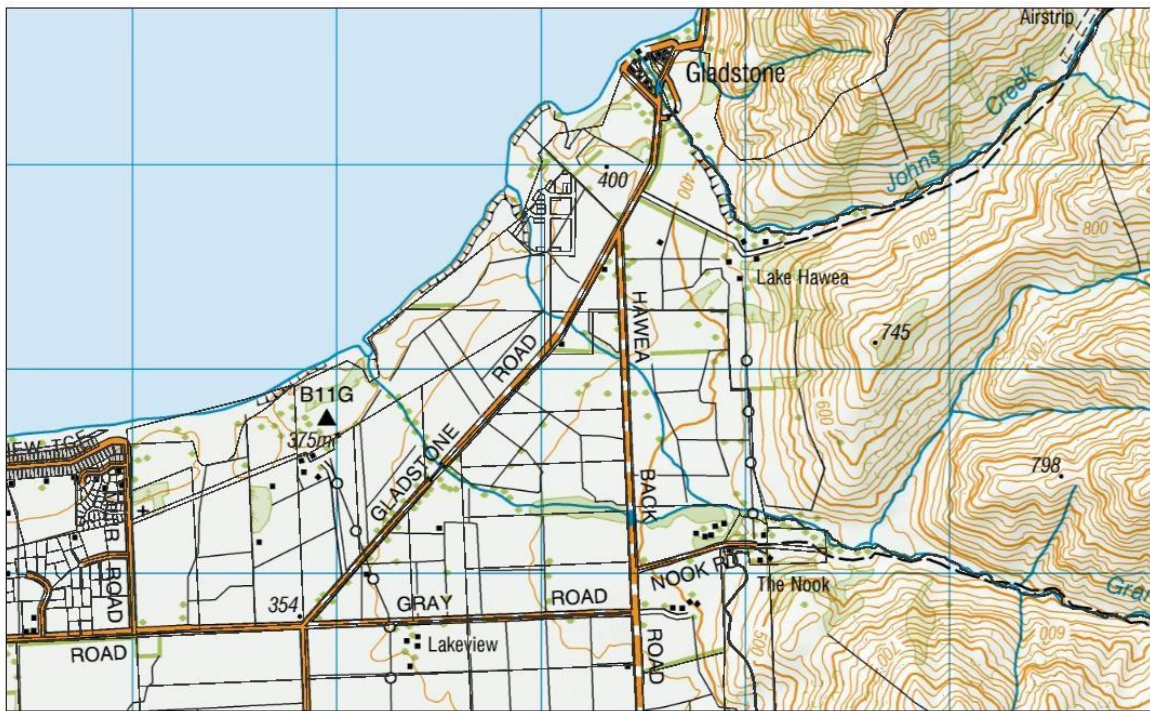


Fig 7: North eastern Hawea

⁸ C158/2005 Para 5, P2

While, as noted above, Lake Hawea is an artificially raised hydro lake, it is still the case that, water level excepted, it is still subject to predominantly natural processes and still warrants classification as an Outstanding Natural Landscape. Consequently I consider that the margin of the lake along its southern edge should similarly be considered to be a part of that landscape. While the level of naturalness of this margin is arguable, it nonetheless demonstrates the processes of interaction between water and land and is clearly associated with the lake.

Hawea township has been constructed on the western half of the terminal moraine of the last Hawea glaciation. The eastern half is currently devoid of significant development in terms of notable earthworks and buildings (although I note that consent has recently been granted to construct a walkway through the moraine system). Most of the terminal moraine of Lake Wakatipu is located outside of the QLDC district. The Lake Wanaka moraine has been overtaken by recent development within Wanaka township. This eastern portion of the Hawea moraine is the last piece of terminal moraine which retains a reasonably unmodified natural character. It is highly legible and contributes to the viewer's understanding of the formative processes of the district. While its ecology has been modified by agriculture it does have some regenerating indigenous vegetation present. Consequently I consider that the eastern half of the terminal moraine should be included within the Outstanding Natural Landscape of Lake Hawea. This is illustrated in Appendix 2 Map 7.

It is the case that the moraine has been modified by outwash material at its eastern most extent. This outwash fan is largely occupied by the settlement of Gladstone which forms the core of a Rural Residential zone. Consequently the line needs to separate this zone from the Lake to its north west. To the south west of Gladstone there is another small village surveyed which is located within a cutting in the moraine probably created by a stream. While there is a network of named roads and there are residential lots identified there is no obvious evidence that this village ever existed, and all of the land is currently zoned Rural General. Thus, while the fourteen residential lots are on individual title and saleable, and the roads are legal roads, any development on the lots would be subject to the rules of the Rural General zone and it is arguable that most of these residential sections are not within the area of the moraine anyway.

From the north eastern corner of the Hawea Flats I consider that the boundary follows the foot of the Breast Peak and Mount Grandview Range. I undertook a detailed assessment of the location of the line separating the VAL of the flats from the ONL of the mountains for a report on a subdivision consent, RM070222 (McCarthy Bros). I continue to consider that this was a rigorous assessment and that the location of the line which I identified was appropriate⁹. This line is illustrated in Appendix 2 Maps 7, 8, and 9

⁹ It was the case that the Commissioners hearing the application effectively added my assessment and the applicant's landscape architect's assessment together, resulting in a demarcation between VAL and ONL different to that of either myself or that landscape architect.

2.5.3 South eastern Hawea Flats



Fig 8: Map of south eastern Hawea Flats

The location of the boundary line between the ONL and VAL at the south eastern corner of the Hawea Flats is difficult to determine because of a lack of clear features. This corner of the flats is the location of the intersection of the terminal moraine from an earlier glaciation, the schistose mountain range of Mount Grandview, and outwash deposits from this mountain range. It is my understanding that this area was the location of the outflow of an older, higher Lake Hawea and that the valley which runs along the foot of the mountain range to the south is the paleo-channel of this outflow. It is also my understanding that the small lakes at the northern end of this valley are entirely artificial. The hummocky and elevated land forms to the east of Kane Road at the south eastern corner of Hawea Flats are clad with conifers. It is quite clear that the landscape on the top of the moraine, the moraine and outwash plain, is not a part of an outstanding natural landscape. Consequently the question is, where does the line go in between? It is now my opinion that it should follow the top of a shallow spur, the land behind which has been determined previously to be ONL, and then loop over the landform to the east until the Grandview Range proper is met, and from that point it should follow the foot of the Grandview Range south. This line is illustrated in Appendix 2 Map 9.

2.5.4 Kane Road / Mount Grandview / Tarras Road

That the landscape line can be located at the foot of the Grandview Range along the valley floor to the east of Kane Road is probably not readily disputable. However, in the southern reaches of this area, in closer proximity to the Clutha River the landscape, once again, becomes complex. At the southern end of Kane Road, to the north west of the Crook Burn a long spur juts out from the lower slopes of the Mount Grandview Range. It is of sufficient size

that its upper surface, which is relatively flat, has been cultivated and divided into a number of large paddocks separated in some places by conifer wind breaks. However, the escarpment faces of this land form are notable for their indigenous vegetation and their strong visual similarity to the more elevated slopes of the mountain range. To the south east of the Crook Burn there is another similar but somewhat smaller area. Neither of these elevated areas is of sufficient area or distinctiveness to be more than a landscape unit, that is, they are not of sufficient area to be landscapes in their own right. Further, the upper surfaces of these spurs are not readily visible from any public viewpoints although some of the shelter belts and pivot irrigators are visible on the top of them at some points in their rotations.



Fig 9: The Kane Road / Tarras Road area of elevated outwash terrace deposits.

In geomorphological terms this landscape is predominantly outwash terrace deposits. It entails large flat and flattish areas interspersed with steep escarpments and cut with gullies and river terraces. It is, in my opinion, a highly legible landscape in terms of its formative processes. The ecology of the area has been significantly modified by farming practise although the gullies and other areas which have proved difficult to cultivate often show evidence of remnant indigenous vegetation. However, the predominant vegetative cover is pasture, with conifer and poplar windbreaks along paddock boundaries and exotic conifers in occasional forestry blocks. In my opinion this landscape has high memorability. It is a very brown landscape. The terraces form strong horizontal lines across the landscape which are

often suddenly truncated in steep escarpments which provide striking contrast. The blue-green of the conifer windbreaks forms another striking contrast to the predominantly brown grasses. The presence of the windbreaks and forestry blocks mean that this landscape does wear a cloak of human activity fairly obviously. This factor alone, in my opinion, means that it fails the test of being an Outstanding Natural Landscape. This landscape is adjacent to the Outstanding Natural Landscapes of the Grandview Mountains to the east and the Pisa Range to the south. It encompasses downlands and terraces. Consequently I consider that this landscape is correctly categorised as a Visual Amenity Landscape and I have located the landscape line across the tops of these spurs at the base of the mountain slopes. This is illustrated in Appendix 2 Maps 10, 11, 12, and 13.

2.5.5 Luggate to Mount Barker

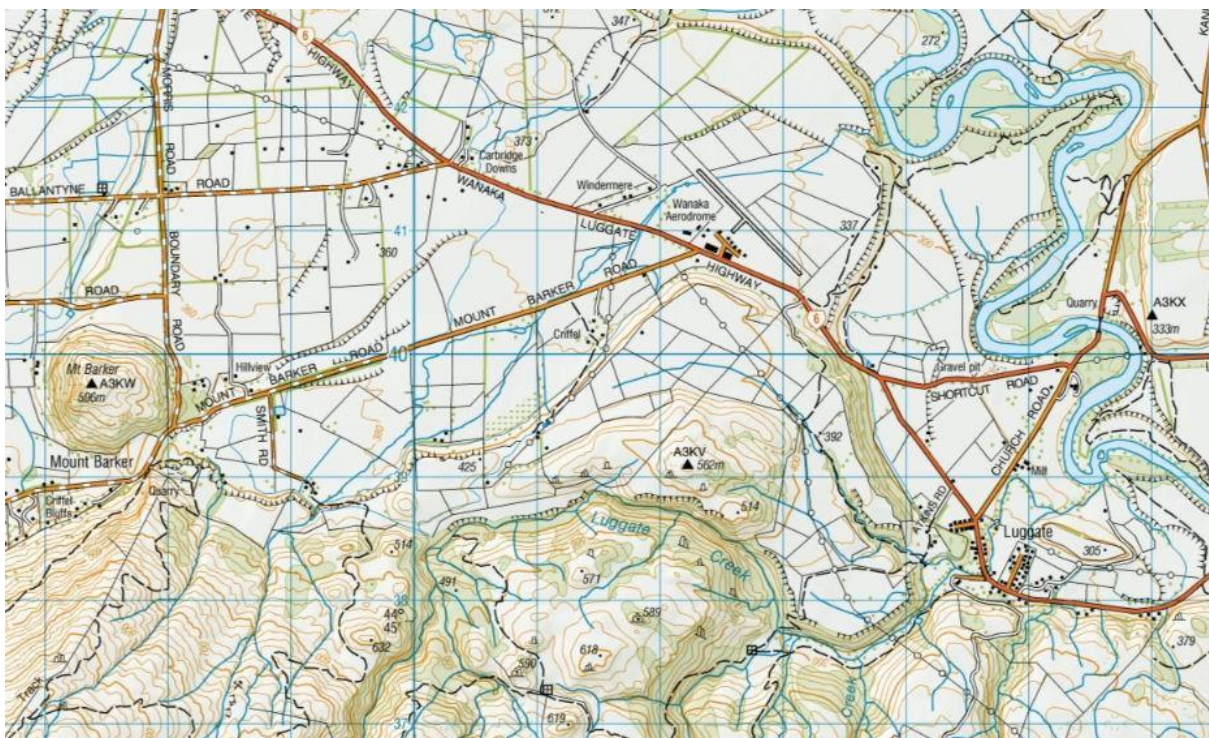


Fig 10: The northern margin of the Pisa Range between Luggate and Mount Barker.

This too is a complex landscape. The higher faces of the Pisa range have a high natural character; are memorable and clearly warrant the designation of ONL(DW). In my opinion the boundary of this ONL should follow the base of the Pisa Range from the District boundary skirting around behind Luggate along the boundary of the residential zoning and then follow the true right bank of Luggate Creek. It should cross the creek to the south of the knob „A3KV” to incorporate the bluff system beyond its left bank within the ONL. The line should then follow the southern and western edge of the north facing terrace until the vicinity of Mount Barker is reached.

Mount Barker has been reasonably consistently assessed as an outstanding natural feature in consent applications in its vicinity. It is a classic roche moutonnee and although colonised by

conifers and other exotic weeds is a distinctive and readily legible landform visible from much of the upper Clutha Basin. I consider that the ONF of Mount Barker and the ONL of the Pisa Range are contiguous. The line should then continue along the slope and follow the boundary of the Rural Lifestyle zone until reaching the putative line at the mouth of the Cardrona Valley. This line is illustrated in Appendix 2 Map13, 14, 15, and 16.

2.6 Clutha River Corridor

The landscape of the northern portion of the Clutha River Corridor is that of the glacial moraine which has been cut through by the Clutha River. At its highest point within this sub-area the moraine reaches 403masl, which is the highest point of the moraine in the vicinity of Wanaka. This point is located within an area which is currently under a pine plantation known as „Sticky Forest“. While the land form slopes steadily to the west towards the lake from this high point, to the north, south and east it has a much more hummocky but gently declining topography dropping towards the confluence of the Cardrona and Clutha Rivers to the east of Albert Town. The Clutha runs between steeply cut terrace faces for much of its length through this part of its course. The land is clad, in the main, by rough pasture. Where the land drops away more steeply to the Clutha in the north the vegetative cover includes conifers and a mix of indigenous scrub.

The outlet of the Clutha River was determined to be an outstanding natural feature in the Crosshills Farm case (C114/2007) and it is the case, arguably that the entire river corridor is also. The Clutha River Outlet is particularly significant in that, of the major lakes in the District, it is the only one which remains unmodified. The outlet and the upper reaches of the river are contained within a distinct channel with steep terrace escarpments on both sides. While it is the case that the Outlet Camping Ground is located within this area, the amount of built form is low and the type is rustic and nestled within indigenous scrub. Maintaining this level of development in this location would not threaten the landscape quality or the integrity of the river feature.

It is my opinion that the river and its margins, from the top of the terrace on one side to the top of the terrace on the other side, is correctly defined as the ONF of the river. It is my opinion that the ONF of the river, as opposed to the ONL of the Lake, begins at the point at which the river current becomes noticeable which corresponds, approximately, with the location of the navigation buoy located in the river.

As one moves down the river corridor the river terraces move away from and towards the river on alternate sides. Arguably the Hikuwai Reserve should be included within the ONF of the river. However, the open flood plain between it and Albert Town on the true right of the river could not as it is too highly modified incorporating much of Albert Town itself. The area to the south of the confluence of the Hawea and Clutha rivers has recently been subject to a

thorough assessment by a colleague in a report on a Resource Consent application (RM110287). I paraphrase Mr Denney's assessment here¹⁰.

The terrace landscape of the valley floor of the Clutha River is derived from glacial outwash and alluvial fans that have subsequently been cut into creating a series of broad sweeping terraces. These terrace forms extend from Wanaka down to Cromwell and are a distinct geological feature of the upper Clutha valley. The terraces on the eastern side of the confluence of the Hawea, Clutha and Cardrona rivers are relatively uniform in topography providing wide open areas of flat land. The well defined terrace faces vary in height from around 60m to only a few metres.

The confluence of the Hawea and Clutha rivers provides a converging arrangement of terraces that overlap. The terrace faces and the lower terraces are distinct landforms which are visible from Albert Town, State Highway 6, and a number of local roads including Camp Hill Road and Butterfield Road. The long tapering terrace faces sweep around the apex formed by the convergence of the two rivers providing varying aspects from the north around anti clockwise to the south. The abrupt changes in topography between terrace face and terrace flat creates a spatial depth between the terraces that is highlighted by the changing light conditions throughout the day and seasons.

The landscape is open with generally a monoculture of pasture and very little other vegetation except for isolated areas of kanuka. It is the simplicity and scale of openness of the landscape towards the Clutha and Hawea Rivers that is most memorable. Apart from pasture and two shelter belts the landscape appears largely undisturbed by development.

To the north the Butterfield Road terrace face is clearly dominant in the landscape rising some 60m above the flat terrace below. Its tall face is clear reflection of the erosive behaviour of the Hawea River. South of the Butterfield road terrace, the landscape becomes broader with open terraces and with multi layers as the Clutha River comes more into play. The landform is a layered series of terrace and terrace face and is easily read as being formed by the adjacent rivers. The broad scale of the landscape enables panoramic views and provides clear association between terrace, terrace face and active river flood plain.

The changing light of the day on such a broad landscape provides a clarity to the topographic relief that is relatively undisturbed by buildings, roads, and even trees. The open pasturelands wrap to the contour and provide a fine grain texture to which the changing light captures every fine detail of the relief. This creates a landscape in which the natural landform is highly dominant and impressive, forever changing throughout the day and seasons. This effect is more dominant towards the south where the proportion of open land is generally greater.

Further south down the valley the similar and associated landscape of the upper Clutha terraces, known as Sugarloaf, adjacent to State Highway 6 in the vicinity of Lake Dunstan and Lowburn Inlet is identified by the Central Otago District Council District Plan¹¹ as an Outstanding Natural Feature. The New Zealand Geological Survey of New Zealand described the terrace landscape of the upper Clutha valley as "spectacular flights of terraces cut in glacial outwash and tributary fans"¹².

As noted previously, the Clutha River is a traditional focus of seasonal migrations and transport route providing access to the lakes Hawea and Wanaka, and to the west coast. The river has also been a tribal boundary

¹⁰ R Denney, RM110287 Landscape Assessment, June 7th 2011.

¹¹ Central Otago District Plan, 1 April 2008 Page 19:45, Schedules 19.6.2 : Outstanding Natural Features and Landscapes

¹² Pleistocene Deposits of the upper Clutha Valley, Otago, New Zealand, by I.M. McKellar, New Zealand Geographical Survey, Dunedin, received for publication, 11 November 1959.

I consider, on the basis of Mr Denney's assessment that this area should be included within the Outstanding Natural Feature of the Clutha River and I have incorporated his map within my own. As one moves further east past the terrace system at the confluence of the Hawea, Clutha and Cardrona Rivers the channel of the river narrows and is enclosed by the high terraces on both sides, with further narrow lower terraces also before the land drops away to the course of the river itself. In this enclosed corridor the power of the river in creating the channel is clearly evident. They evince high natural character, have extensive indigenous vegetation cover, and are highly legible landforms illustrating the effects of the meandering course of the river through time. I have not continued my assessment to the east of the Red Bridge as, at the time of undertaking field work, that portion of the River was not readily accessible. However, from a desk top study I consider that the boundary of the ONF should follow the top edge of the lower terrace, at least on the true right of the river. This is, in the main, because of the location of Luggate township and other development on the next terrace. On the true left of the river I consider that the line should similarly follow the top of the lower terrace. The upper terrace in this vicinity is expansive and its intensive agricultural use has imbued it with the qualities of a visual amenity landscape. These lines are illustrated in Appendix 3 Maps 1, 2, 3, 4, 5, and 6.

Two factors complicate the assessment of this corridor as an ONF. The first is the presence within the feature of the Hydro Generation Special Zone. However, I note that Section 12.13.3 of the District Plan states that, "Any activity not defined as hydro generation activity for the purposes of this Plan shall be subject to Part 5, Rural General Zone provisions". Consequently it would seem appropriate that the ONF categorisation be considered when assessing any such other activity. Secondly, west of Luggate the lower flood plain has been subject to a residential subdivision which created eight lots, six of approximately 20ha in area, one of approximately 30ha and one of approximately 40ha in area, each with a registered building platform. The Commissioners considered (on the basis of the landscape assessment provided) that the landscape was VAL. I consider this categorisation to be in error. However, the degree to which this subdivision could adversely affect the ONF of the river corridor is mitigated by the size of the lots and the fact that the subdivider voluntarily covenanted a 50m wide boundary setback to enable the regeneration of the kanuka to reduce the visibility of any dwellings from the river. While it is possible that the use of the land for other permitted activities (the subdivision application discussed viticulture) could have a domesticating effect I consider that the character of the soaring river terrace escarpments and the extensive indigenous vegetation in the vicinity of the river would likely mitigate the adverse effects of such activities.

3.0 QUEENSTOWN AND THE WAKATIPU BASIN – GENERAL ISSUES



Fig 11: Map of Queenstown and the Wakatipu Basin

A number of general issues arise in the Wakatipu Basin relating to the system of landscape classification enshrined in the District Plan, and in the operation of the system in this location. Perhaps the most critical is that the „Other Rural Landscape“ classification, since the Trident Case¹³ has become an effective „dumping ground“ for small pieces of land which have become isolated from their landscape context by some means, usually plan changes or development. The Trident Case related to a proposed development on Queenstown Hill. The land on which the development was proposed was zoned Rural General but the landscape assessment of the proposal put it outside of the Outstanding Natural Landscape of the hill, arguing that the site had an urban character. The High Court ruled that the Plan required all Rural General land to be classified as belonging to one landscape classification or another and that consequently, if the land could not be said to be part of the ONL or of a VAL it must be „Other Rural Landscape“. A number of these areas exist, most immediately adjacent to Outstanding Natural Landscapes or Features, which was clearly not anticipated by the writers of the Plan as being adjacent to one of these landscapes is a defining characteristic of a Visual Amenity Landscape. As the Council’s ability to control development within these landscapes seems less robust than within other areas two possible outcomes may arise. The one is rezoning by resource consent, where development appropriate to the adjacent zone occurs. The other is that the ability to control adverse effects on the neighbouring landscape is limited (the Plan clearly does not anticipate the adjacent landscape being Outstanding as the assessment matters for ORL only require an assessment of adverse effects on adjacent VAL).

¹³ CIV 2004-485-002426 Trident vs QLDC

A second, more specific but related issue, is the zoning of the area of the Wakatipu Basin known as the Hawthorn Triangle. This area is currently zoned Rural General and has been determined by the Environment Court to be within an Other Rural Landscape on the basis of the level of subdivision which had been consented to within it. Problematic is that it is not a landscape *per se* but rather an area of intensive development within a landscape. This renders the surrounding landscape vulnerable to development pressure in a way which I do not believe was intended by the Plan.

On a more general basis, the putative landscape boundaries provided by C180/99 within the Wakatipu Basin have been the subject of many discussions. In some instances these discussions have significant potential consequences on resource management and property rights. In others they simply raise anomalies and oversights which would require little effort to remedy. I shall address these three issues in the following pages.

3.1 Jacks Point

C90/2005 determined the location of the VAL/ONL boundary in the vicinity of Jacks Point. The main issue on which the reference focused was whether or not the land owned by DS and JF Jardine was a part of the ONL(WB). This land is located to the south and east of the Jack's Point zone. C203/2004 had already located a line separating the ONL(WB) of the Remarkables from the Coneburn Valley floor at its northern extent close to the Kawarau River. This latter case was to determine the location of the boundary to the south and west.

The reference was, in the final instance, only supported by Shotover Park Ltd and Naturally Best New Zealand Ltd, the other parties to the reference having come to an agreement to support the position put forward by Ms L Kidson, Council's Landscape Architect. The Court finally adopted Ms Kidson's proposed line, finding against the argument of the referrers. The discussion in the decision focuses entirely on the Jardine land and the Coneburn Valley. The line which Ms Kidson identified and which the other parties agreed to in mediation, included areas not discussed in the decision, namely the lake edge along the western side of the Jacks Point zone; Jacks Point itself (despite its being within the Jacks Point zone and not the Rural General zone); and Peninsula Hill. The line which isolates Peninsula Hill from the low density residential zone of Kelvin Heights was drawn along the boundary of the Rural General zone.

The solution provided by Ms Kidson was correct in the terms of the Plan if not necessarily correct in the terms of the actual landscape. Unless there is a willingness to alter the boundaries of the Low Density Residential zone then I consider that the landscape line should remain where it is currently drawn.

3.2 Frankton Arm / Queenstown Bay / Lake Wakatipu

3.2.1 Frankton Arm

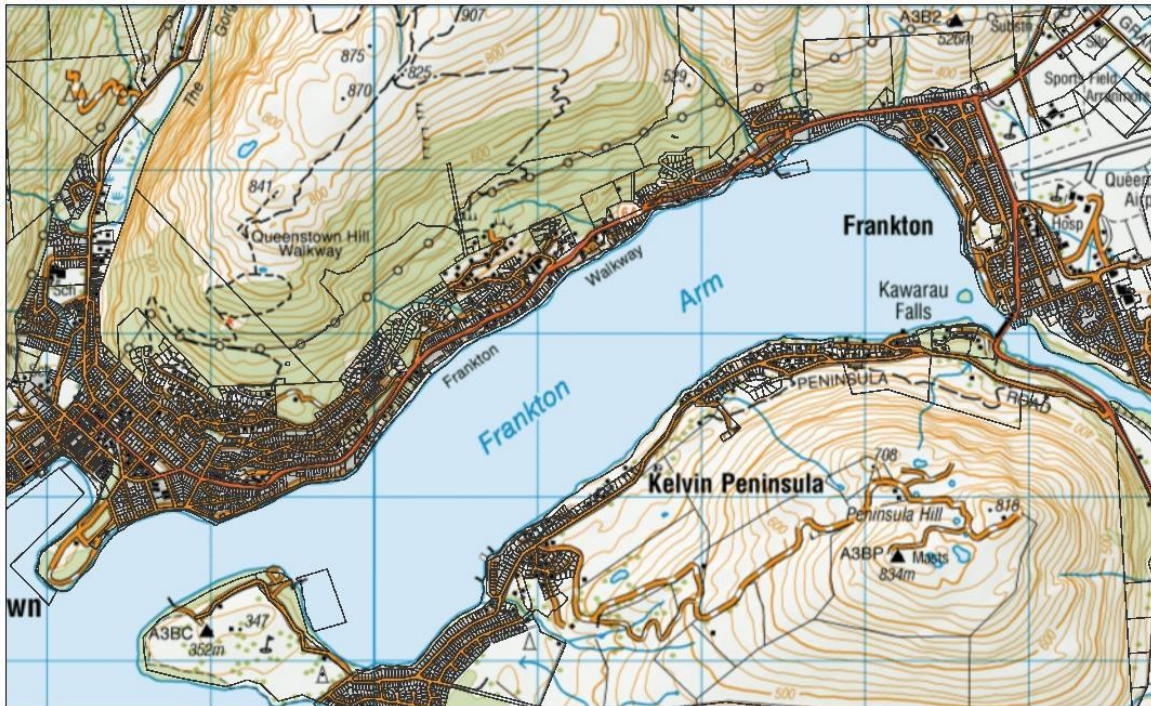


Fig 12: Map of Frankton Arm

The landscape classification of the Frankton Arm of Lake Wakatipu is extremely problematic. The C180/99 decision states at paragraph 107 that:

We find as facts that:

...

(2) Lake Wakatipu, all its islands, and the surrounding mountains are an outstanding natural landscape.

At paragraph 111 the same decision states that the line distinguishing the ONL:

...inside which the landscape is not an outstanding natural landscape but is at least in part visual amenity landscape...[follows]

- *around Peninsula Hill excluding urban zoned land in Frankton*
- *then back to Sunshine Bay around the lake edge as shown on Appendix II.*

The relevant portion of the Appendix II map is reproduced below.

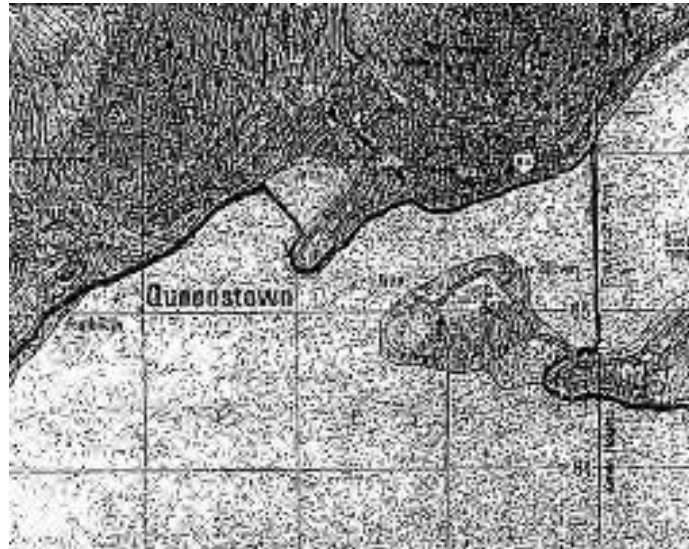


Fig 13: Excerpt from Map included in Decision C180/99

This line separates the Frankton Arm from the body of Lake Wakatipu but includes the Kelvin Heights Golf Course peninsula within the ONL(DW). It is my opinion that the location of this line is not defensible in landscape terms. The Kelvin Peninsula and the Botanic Gardens peninsula are identical in geomorphological terms, and indeed are probably remnants of the same moraine which has been breached by the lake. Both are significantly modified in terms of their ecological integrity and their obvious vegetative cover. Both significantly penetrate the lake's surface and consequently gain much of their character from being surrounded by water. Both are zoned Rural General. The line running from Kelvin Heights to the northern shore of Frankton Arm runs due north – south. It does not appear to connect with any significant landscape feature on either shore but runs from the northern corner of the low density residential zone on Kelvin Heights to an arbitrary point on the northern shore. Further, the line separating Frankton Arm from the body of the lake includes, at its western end, a significant area of lake surface. While the character of the north eastern shore of the Kelvin Peninsula may be less developed than the more eastern, suburban portions of Kelvin Heights it is nonetheless the location of the Kelvin Heights Yacht Club, several jetties, numbers of moorings and slip ways including the Earnslaw's dry dock, all features which are similar to those found along the waterfront to the east. While one might logically determine that the level of development on and around the Frankton Arm give it a character distinct from that of the main body of the lake, one would expect that a line denoting that distinction would cross the neck, that is the narrowest point which distinguishes one body of water from another. A line in such a location would run from the northern most point of the Kelvin Peninsula across the shortest distance to the northern shore.

These apparent contradictions have been matched by landscape assessments which have variously determined the Frankton Arm to be a part of the outstanding natural landscape (Wakatipu Basin), as a part of the ONL(DW), as a part of the VAL of the Wakatipu Basin, and as an other rural landscape (ORL). Despite all of these various assessments I cannot find a

single example of a resource consent application for an activity on or within the Frankton Arm which has been declined on the basis of the adverse effects it was likely to have on the landscape although it is certainly the case that applications, particularly for moorings, have been modified because of the assessed adverse cumulative effects on the landscape of the Arm.

It is the case that the District Plan requires that all land zoned Rural General must be subject to landscape categorisation. It is the case that the margins of the lakes are so zoned as well as their surfaces and it is presumed that this is in order to satisfy the requirements of S6(a) of the Act rather than S6(b). It is my opinion that the margins of the Frankton Arm of the lake have a significant level of development in terms of jetties, boatsheds, slipways and tracks. As a consequence of these modifications I do not believe that, issues regarding the lakes surface excepted, these margins retain sufficient naturalness or aesthetic quality to be assessed as an outstanding natural landscape in their own right.

The Frankton Arm of Lake Wakatipu has a character which is different to that of most, if not all, of the rest of the lake. It is more enclosed than any other part of the lake. It is surrounded by residential development, the only exception being the north eastern side of the Kelvin Peninsula. There are extensive numbers of boat moorings, jetties, slipways, and boat sheds along its margins from adjacent to Park Street and the Botanic Gardens right around to the northern head of the Kelvin Peninsula. It is the location of much recreational and some commercial boating. It is my opinion that the Frankton Arm and its margins should either be given its own zone, or an activity overlay which removes from it the requirement for any landscape categorisation. This zone or activity overlay would entail its own objectives and policies which should focus on the maintenance of the amenity of the Arm and on its importance as a site of lacustrine activities. This would require the delineation of a boundary for this overlay and I have attached a map illustrating this in Appendix 4 Map 1. .

3.2.2 Queenstown Bay

Queenstown Bay is, in part at least, zoned „Town Centre Zone“. This zone has explicit policies and objectives for the management and development of activities within the Bay.

Objective 3 - Land Water Interface: Queenstown Bay
Integrated management of the land-water interface, the activities about this interface and the establishment of a dynamic and aesthetically pleasing environment for the benefit of the community and visitors.

Policies:

3.1 To encourage the development of an exciting and vibrant waterfront which maximises the opportunities and attractions inherent in its location and setting as part of the town centre.

3.2 To promote a comprehensive approach to the provision of facilities for water based activities.

3.3 To promote maximum pedestrian accessibility to and along the waterfront for the enjoyment of the physical setting by the community and visitors.

3.4 To identify the important amenity and visual values, and to establish external appearance standards to help secure and implement these values and implement those through the District Plan.

3.5 To provide for structures within Queenstown Bay waterfront area subject to compliance with strict location and appearance criteria.

3.6 To conserve and enhance, where appropriate, the natural qualities and amenity values of the foreshore and adjoining waters.

3.7 To retain and enhance all the public open space areas adjacent to the waterfront and to manage these areas in accordance with the provisions of the Sunshine Bay, Queenstown, Frankton, Kelvin Heights Foreshore Management Plan.

In many ways Queenstown Bay is similar to Frankton Arm in the sense that its quality is both a function of its naturalness, as a part of the lake, and its development, in the main jetties and boating activities. Together these provide for a vibrant and exciting foreshore which forms a focus for the township but which remains subservient to the natural landscape. I consider this approach to managing the Bay is appropriate and that it could provide a model for the Frankton Arm.

3.3 Queenstown Township and Environs

There are a number of issues in this area regarding the locations of the boundary of the ONL(WB). The major issue in this vicinity is that the location of the boundary between the ONL(DW) and the ONL(WB) appears arbitrary and cannot, in my opinion, be sustained by reference to any landscape features or qualities. Further, more minor, issues are the location of the boundary of ONL(WB) in the vicinity of the boundary of the Sunshine Bay Low Density Residential zone and the landscape classification of the One Mile Creek catchment.

3.3.1 Location of the putative boundary between the ONL (Wakatipu Basin) and the ONL (District Wide) in Sunshine Bay

The putative boundary between the Outstanding Natural Landscape (Wakatipu Basin) and the Outstanding Natural Landscape (District Wide) was located by the Environment Court in C180/99. For the majority of its extent the line follows the ridgeline of the mountain ranges which enclose the Wakatipu Basin and the area in the vicinity of Queenstown township. Four exceptions exist to this.

- The line across the Kawarau River gorge runs in a straight line between the summits of Cowcliff Hill and Mount Scott.
- The line across the Arrow River gorge runs in a straight line between the summit of Mount Scott and the summit of Big Hill.
- The line forming the southernmost boundary of the Wakatipu Basin ONL descends from the ridgeline of the Remarkables Range into the bed of Wye Creek and from there descends to the lake edge.

- The line forming the western most boundary of the Wakatipu Basin ONL descends in a straight line from Point 1335 on the southern ridge of Ben Lomond to the lake edge in Sunshine Bay.

With regard to the location of the line across the Kawarau and Arrow River gorges, while neither of these lines follow any sort of land features or visible landscape boundaries, both are outside of the visual catchment of the Wakatipu Basin. That is, from all locations where you know you are in the Wakatipu Basin the location of these lines is hidden from view by intervening spurs and other land forms. The bed of Wye Creek, while not a clearly defining terminating feature of the Basin, is nonetheless a natural feature which is clearly visible from within Queenstown and its surrounds and so the location of the line contiguous with that feature has some logic. The location of the line running from Point 1335 on the southern ridge of Ben Lomond is both within the visual catchment of the Queenstown township and Wakatipu Basin and follows no natural feature.

The C180/99 decision The Court stated that, „We consider that outstanding natural landscapes and features should be dealt with in (at least) two parts: the Wakatipu Basin and the rest of the district“¹⁴. The Court continued:

*The Wakatipu Basin is more difficult to manage sustainably. The outstanding natural landscapes and features of the basin differ from most of the other outstanding natural landscapes of the district in that they are more visible from more viewpoints by more people...for these reasons, the Wakatipu Basin needs to be treated as a special case and as a coherent whole.*¹⁵

From every conceivable vantage point – from Wye Creek, the Remarkables Ski Field road, the Cardrona Ski Field, Queenstown botanic gardens, the Kelvin Heights golf course – the southern ridge of Ben Lomond provides a notable point of enclosure to both the township and the basin protruding, as it does, into the lake. There is no alteration in topography, underlying geomorphology, vegetation cover or degree of visibility to indicate why the line in this vicinity should not follow the ridgeline as it does so around the rest of the Wakatipu Basin.

Consequently it is my opinion that the line separating the ONL (Wakatipu Basin) from the ONL (District Wide) should follow the ridgeline from the place where its tip exits the lake, and follow that ridgeline to its summit of Ben Lomond.

¹⁴ C180/99 P80, Para 135.

¹⁵ *ibid* P81, Para 136



Fig 14: Map showing locations of putative and proposed boundaries between the ONL (Wakatipu Basin) and the ONL (District Wide)

3.3.2 The location of the putative ONL (Wakatipu Basin) line in relation to the western edge of the Sunshine Bay Low Density Residential Zone.

A further anomaly exists with regard to the location of the boundary of the ONL (Wakatipu Basin) within Sunshine Bay. Text of C180/99 states that the Wakatipu ONL excludes all lands zoned residential, industrial or commercial. Consequently the putative line delineating the inner boundary of the ONL generally follows the zone boundary. However, at the western edge of Sunshine Bay it is located approximately 400m to the west of the Low Density Residential zone incorporating an area of Rural General land within the township. In my opinion the appropriate position for the boundary line is contiguous with the zone boundary in this location, there being no identifiable features to distinguish this land from that adjoining it to the west.

3.3.3 The One Mile Creek catchment

The One Mile Creek catchment forms a natural interruption between the residential development to the west of the town centre and that of Fernhill and Sunshine Bay. Edging the gully containing the creek are two blocks of Council owned land The first is a block of

approximately 8ha of land off Fernhill Road in which Council has developed the Wynyard mountain bike park and while it is zoned Low Density Residential it is also included within the recreation reserve which encompasses most of the southern face of Ben Lomond and Bowen Peak behind the township. The second is an area of approximately 13ha on the eastern side of One Mile Creek, bisected by the road corridor which contains the Ben Lomond track. This block of land is subject to the Queenstown Commonage Reserve Management Act 1876 which requires the land to be held in trust for the use of the inhabitants of Queenstown. The putative landscape line follows the upper boundaries of these lots excluding the lower gorge of One Mile Creek from the ONL(WB).

The One Mile Creek gorge is a natural feature of some beauty and integrity. The walkway which extends up it from the Power Station and which meets up with the access road to the Skyline building wends its way through remnant beech forest. While not being of sufficient significance to qualify as an outstanding natural feature in its own right it is a natural feature of some importance and, arguably, an important heritage landscape feature also containing as it does the relic remains of Queenstown's first hydroelectric power station. In my opinion the One Mile Creek gorge should be included within the ONL (WB) which would require locating the line further south, crossing the gully in the vicinity of the power station. This extension is illustrated in Appendix 3 Map 2.

3.3.4 Queenstown Urban Area (Gorge Road / Queenstown Hill / Frankton Road)

It is the case that the mountain slopes around Queenstown township provide a spectacular container for the town. While not strictly a landscape criterion, it is my opinion that the ONL boundary around Queenstown township should follow the boundary of the adjacent township zones. Following the Trident case¹⁶ we are required to ascribe the landscape category „other rural landscape“ to any remnants of Rural General zoned land which cannot be ascribed a landscape classification in their own right. This can occur where a pocket of Rural General zoned land is located between a landscape boundary and a zone boundary (which is what occurred in the Trident case which was located on Queenstown Hill). The „other rural landscape“ classification offers the lowest level of landscape protection.

This raises an important general issue relating to the classification of other rural landscape. It is the case that the management of these areas is the least stringent under the District Plan. This appears to have been based on the, not unreasonable assumption, that the least valuable landscapes are least likely to be harmed by further development. However, as the Trident example suggests, ORLs can be located in very significant areas and development within them could potentially have significant adverse effects on the broader landscape which the current rules could not, in my opinion, adequately control.

¹⁶ CIV 2004-485-002426 Trident vs QLDC

Between Brecon Street and the gorge the north western boundary of the township runs along the lower slope of the mountain escarpment. While a more logical location for the landscape boundary might be the point at which the lake terrace and that escarpment intersect, the actual location is not far removed, although it is located a short distance up the mountainside. The township area excluded from the ONL extends in a finger into the gorge encompassing the area of outwash material which forms the open, gently sloping floor of the gorge. This finger of ground encompasses land owned by Council, most of which is reserve land and all of which is zoned Rural General. An area of significant indigenous vegetation is located within it. While I have previously expressed the opinion that this Rural General land was too modified, and of a different geomorphological formation, to be a part of the surrounding ONL, I have now altered my opinion. The recent regeneration evident within the wetland portion of this area is significant and the consequent level of natural character very high. I now consider that the ONL boundary should follow the zone boundary with the exception of the Council car park at the corner of Gorge Road and Industrial Place which should be excluded.

The putative ONL line follows the foot of the Queenstown Hill escarpment down the eastern side of the gorge which is entirely logical and appropriate. The quality of the western escarpment of Queenstown Hill is notable. The soaring cliffs are quite spectacular. However, the faces of the cliffs are being invaded by conifers and hawthorn which reduce the quality of the feature. The demarcation between the valley floor and the hillside remains very distinct.

On Queenstown Hill it has been argued that some parts of the Rural General zoned land are ONL and some are not. In my opinion these arguments are somewhat misguided. In fact the main difference between those often considered ONL (usually the higher portions) and those not is that the latter are areas where the weeds have been controlled or removed, and the former are not. In my opinion, Queenstown Hill is an ONL and arguably an ONF and the landscape line delineating this should follow the boundary of the Rural General and other zones.

Currently the putative landscape line determining the boundary of the ONL of Queenstown Hill and the residential development above Frankton Road runs along the edge of the Low Density Residential zone. These contiguous boundaries head up the hill side approximately a third of the way along the Frankton Arm from the town centre and run at a higher elevation from then on extending up into a major gully on the mountainside before descending again right to the Frankton Road. This configuration appears to reflect the underlying topography; the areas zoned Low Density Residential being less steep than the Rural General land above. In this sense, therefore, the boundary would appear, in my opinion, to be appropriate.

3.4 Ferry Hill / Shotover

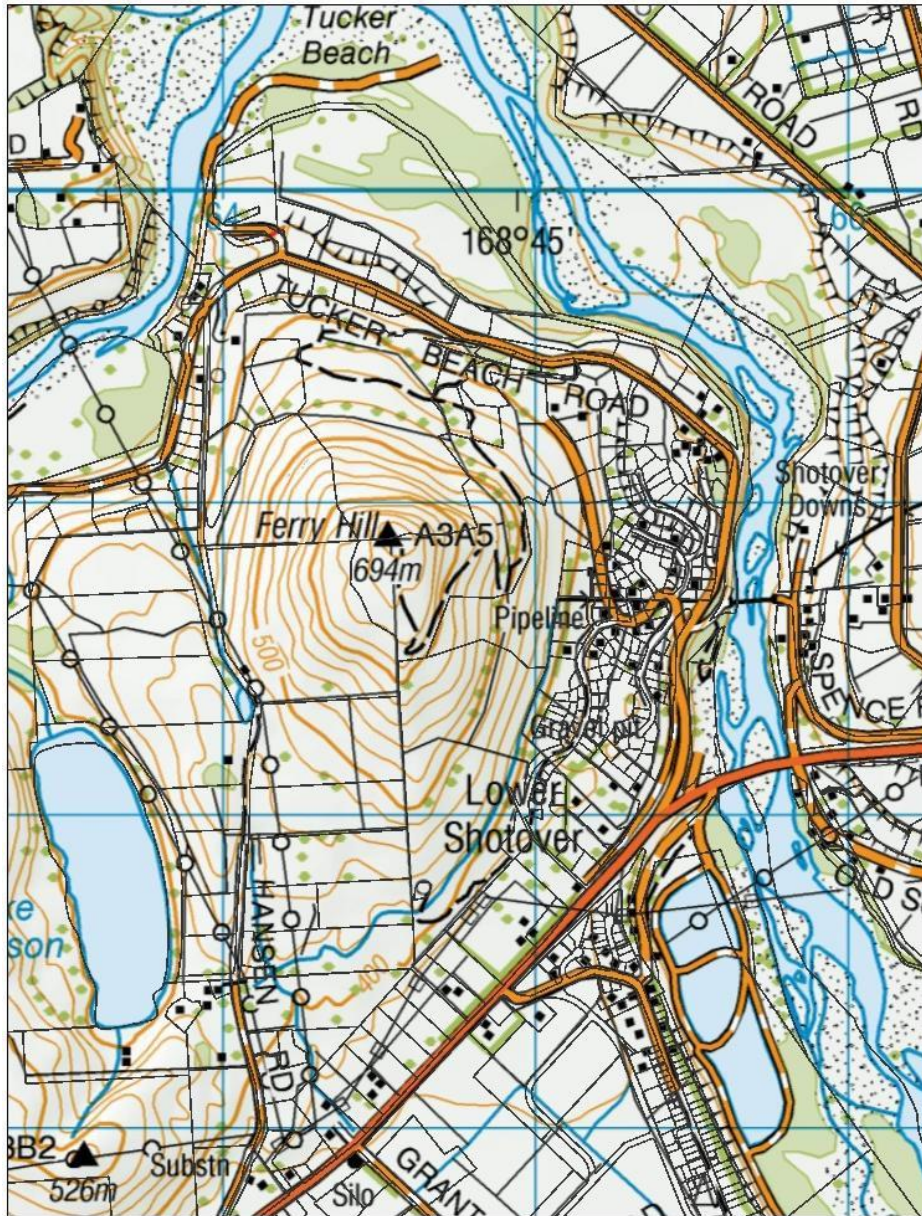


Fig 15: Map of the Ferry Hill and Shotover River

The putative landscape line dividing the Low Density Residential zones above Frankton Road from the ONL of Queenstown Hill descends to the State Highway just to the west of Frankton and then extends along the foot of the slope behind the Terrace Junction development adjacent to the zone boundary. To the east of the intersection with Hansens Road the line begins to delineate the extent of the ONL within Rural General zoned land on the Frankton Flats. The Frankton Flats are a part of an outwash fan of the Shotover River which was formed when the lake level was higher than currently. From a geomorphological perspective this outwash fan has been deposited up to the flanks of the roche moutonnee land forms of Ferry Hill, K Number 2 and Queenstown Hill. From a visual perspective the intersection between the outwash fan and these schist hills is very clear. The putative landscape line distinguishing the landscape of the flats from the Outstanding Natural Landscape of the hills

runs along the intersection of these land forms for most of its extent across the Frankton Flats and I consider that this is appropriate.

The situation gets a bit more complicated at the northern corner of the Frankton Flats. Here the outwash material intersects with moraine and other terrace alluvium which predates the Flats landscape. These deposits form a hummocky terrace elevated some twenty metres higher than the surface of the Flats. The intersection of this material with the roche moutonnee landform of Ferry Hill is not quite so distinct. However, it is still discernable and, in my opinion, the transition between the landscape of the lower land forms and the Outstanding Natural Landscape is the point at which the boundary should be located. This crosses some of the land within the Quail Rise Special zone but where this crosses residential lots it is, in the main, contiguous with the boundary of the area designated G Activity Zone within that zone's structure plan.

A portion of the ONL line around Queenstown Hill was determined by the Environment Court in its C109/2000 decision. This line is associated with a row of poplars which is evident across the slope. This line is considerably more elevated than the change in topography identified as the appropriate boundary between the landscape categories above. Ms H Mellsop undertook an assessment of the appropriate location of the line in relation to a resource consent application within Quail Rise (RM090658). Her assessment stated:

The precise boundary between this feature and the adjacent visual amenity landscape of the outwash terrace has not been determined. However in the vicinity of the application site I consider the boundary would be located at the change in gradient between the moderate upper slopes of the terrace and the steep face of Ferry Hill. This change in gradient runs through the western part of residential properties south of the subject site on Abbottswood and Coleshill Lanes, below a small Douglas fir plantation, behind the building platform on proposed Lot 2 and below the group of immature poplars on proposed Lot 1 (see Attachment A and Photographs 1 and 2 below). This line is supported by the underlying zoning, which shows the boundary of the Residential 2 Activity Area running through the lower parts of the properties south of the subject site, with retention of all land above this line as open space.

I agree with this assessment and have adopted it. It is illustrated in Appendix 3 Map 3.

To the north of Ferry Hill the putative landscape line follows the same contour as the confirmed line until approximately the vicinity of the Rural Residential zoned land in Hansens Road. Here it follows, firstly the top of the steep escarpment behind the residential zone, and then the bottom of the mountainside around an area of remnant river terrace before dropping to the Shotover which it crosses to the river's true left bank. The lower portions of the mountainsides and the remnant terrace area are the most domesticated although indigenous vegetation is evident in the stream gullies which cut the slope. I consequently consider that this line is appropriately located.

3.5 Arthurs Point East



Fig 16: Map of Arthurs Point East

Landscape lines in relation to Arthurs Point were determined by the Environment Court in their C3/2002 decision. This decision primarily related to the location of that line in relation to the Arthurs Point basin located to the north east of Arthurs Point itself. The decision placed the boundary between ONL and the VAL along the ridge known as the „Tremain Boundary“; had it cross over North Ridge and then follow that ridgeline, more or less, in a south westerly direction until it reached the Shotover River. Subsequent to the hearing of C3/2002 a memorandum was sent to the Court raising the point that the „landscape lines“ as determined appeared to include the Arthurs Point Low Density Residential Zone and the Arthurs Point Rural Visitors Zone within the Outstanding Natural Landscape (Wakatipu Basin). In response to this the court drew a discontinuous line on the planning map „for the avoidance of doubt“ which they stated was to mark „the inside line of the ONL as we find it to be“¹⁷.

Far from removing doubt this line is highly problematic. It is difficult to understand why such a line should have been contemplated as the landscape categories do not apply to land zoned Low Density Residential and may be applied within the Rural Visitor zone only in the assessment of non-complying activities¹⁸. It appears that the line was intended to be read in conjunction with the planning maps and that its aim was to cleave off a corner of the Rural General zoned land adjacent to the Rural Visitor zone. As this area cannot be described as a landscape in its own right it then appears necessary to consider it as ORL. However, the land in question, while located on the edge of the Rural General zone, is not distinct from the rest of the zone around it in terms of its geomorphology, its vegetative cover or its land use save

¹⁷ C3/2002, para 40, P20.

¹⁸ J E McDonald, Solicitor, for Macalister Todd Phillips. Letter dated 12 February 2007.

that it is the location of a number of dwellings. I do not consider that the presence of these dwellings, while reducing the naturalness of the landscape in the vicinity, have sufficient impact on the quality of the broader landscape to alter its classification from ONL to ORL.

Further, it is the case that the Arthurs Point Low Density Residential and Rural Visitor zones are in fact located entirely within an outstanding natural landscape. This is what provides the settlement with its character and amenity. It is also clear that the landscape related assessment matters only apply to discretionary activities within the Rural General zone. Consequently there is no impediment to development within the Low Density Residential zone at Arthurs Point created by its imbeddedness within the outstanding natural landscape. Further still, it would seem entirely appropriate that the Objectives and Policies of Section 4.2.5 should apply to non-complying activities within the Rural Visitor zone as the District Wide Objectives and Policies form the baseline for all development within the District. Consequently it is my opinion that this discontinuous line should be removed from the Appendix 8A maps.

3.6 Hawthorn Triangle

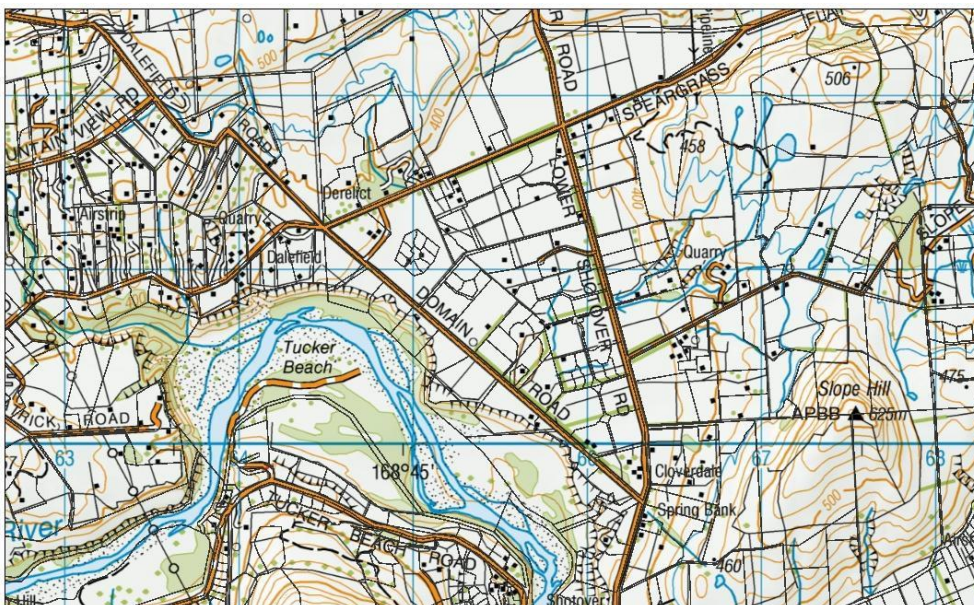


Fig 17: Map of the „Triangle“

The Environment Court ruled in its C83/204 decision that the „Triangle“ as it is known locally, and land along its western margin, was correctly classified as an Other Rural Landscape in the terms of the QLDC District Plan. It is the case that the Court did not definitively determine the boundaries of the area. They did, however, provide indicative boundaries following Lower Shotover Road to the north, Speargrass Flat Road to the west and then along the top of the Shotover River terrace to the south east to close the triangle. The „Triangle“ itself (as opposed to the ORL) is surrounded by a hawthorn hedge which is almost continuous, but for a portion of the Domain Road side, and a significant Lombardy poplar avenue along the Speargrass

Flat Road boundary. These are both protected features under the District Plan. This hedge results in a high degree of containment of the land within, and it and the poplar avenue provide a significant contribution to the character of the landscape in the vicinity.

The land on which the „Triangle“ is located is a part of the same outwash material which has formed this area, the Frankton Flats and the Ladies Mile terrace. This larger landform was the outwash fan of the Shotover River created when the Lake level was some 60m higher and its outlet was located at what is now Kingston. It is striking for its flatness (although there is a small hillock located in the western portion of the area contained by the hawthorn hedge) and for the contrast which this provides to the surrounding hills and mountains. This landform extends beyond the putative boundaries in a bulge to the north which extends some 790m to the south west from the intersection of Speargrass Flat and Lower Shotover Roads; some 1.1km north east along Speargrass Flat Road from that intersection and approximately 400m north to the foot of Malaghans Ridge. In addition a small area of land to the south east of the Speargrass Flat / Lower Shotover Road / Hunter Road intersection is a part of this landform.

The area which is delineated as ORL is not, in my opinion, a landscape, nor even a landscape unit. Neither is it a remnant of Rural General Zoned land which has become isolated from its landscape by zoning. In my opinion these boundaries simply delineate an area in which subdivision has been permitted to a level of intensity which approximates that of the Rural Lifestyle zone standards but without the appropriate change in zoning. It is also my opinion that this level of development not only threatens the quality of the landscape of the Wakatipu Basin but also threatens the integrity of the Rural General zone itself. I consider that the rezoning of this area, probably to Rural Lifestyle or possibly creating a special zone, should be undertaken with urgency.

3.7 Lake Hayes / Slope Hill



Fig 18: Map of Lake Hayes & Slope Hill

The C180/99 determined that Lake Hayes and Slope Hill should, together, be classified as an outstanding natural feature. To this end the Appendix 8A maps in the District Plan show the boundary of the ONF as a dotted line with a short section of solid line in the south western corner of the area. The location of this portion of line was determined by the Environment Court in relation to a reference in its C216/2001 decision and it follows, first, a hawthorn hedge and then a water race which traverses the slope of the hill.

The putative landscape line delineating Slope Hill starts close to the margin of Lake Hayes and follows the foot of the escarpment along the north western edge of the Ladies Mile flats. This is an appropriate location for such a line. At its southern most extent this line appears to include a number of residential dwellings and their associated curtilage area and amenity planting within the ONF. These are well established dwellings which are not readily noticeable from public locations and which are set amongst well established amenity trees which, while exotic, do contribute to the natural character of the vicinity. This line then joins the line established by the Court at the hawthorn hedge.

The putative landscape line continues along the water race but then descends the hill, running due north, until Slope Hill Road itself is met at which point it turns to the north east and follows the road boundary. I do not consider that this location is appropriate. The water race does provide a clear boundary between the more developed lower slopes of the hill and the more open elevated slopes for much of its length. However, I consider that it should diverge from the water race in the vicinity of Lot 1 DP 303124, rising up the hill to exclude the dwelling on

that lot from the ONF. It should then swing to the north east south of the dwelling on Lot 1 DP 27507 and to the north of the building platform on the adjacent Lot 4 DP 27454¹⁹. Past this lot it should swing to the south east so as to pass to the south of the basin which encloses the Threepwood subdivision before swinging, again, to the north to include the western escarpment above Lake Hayes within the ONF.

Lake Hayes is considered to be an outstanding natural feature. Its margins are included, presumably because, firstly they are zoned Rural General and thus require landscape categorisation and secondly because under Section 6(a) of the RMA Council is required to protect its natural character. I consider that the boundaries of the ONF of Lake Hayes should follow the boundary of the reserve land and marginal strips around its margin. The land within this strip is modified to varying degrees around the lake but the removal of willows and the re-establishment of indigenous riparian vegetation which is occurring in locations around the lake are increasing the natural character and quality of the lake margins. This is illustrated in Appendix 3 Map 4.

3.8 Arrowtown / Coronet Range

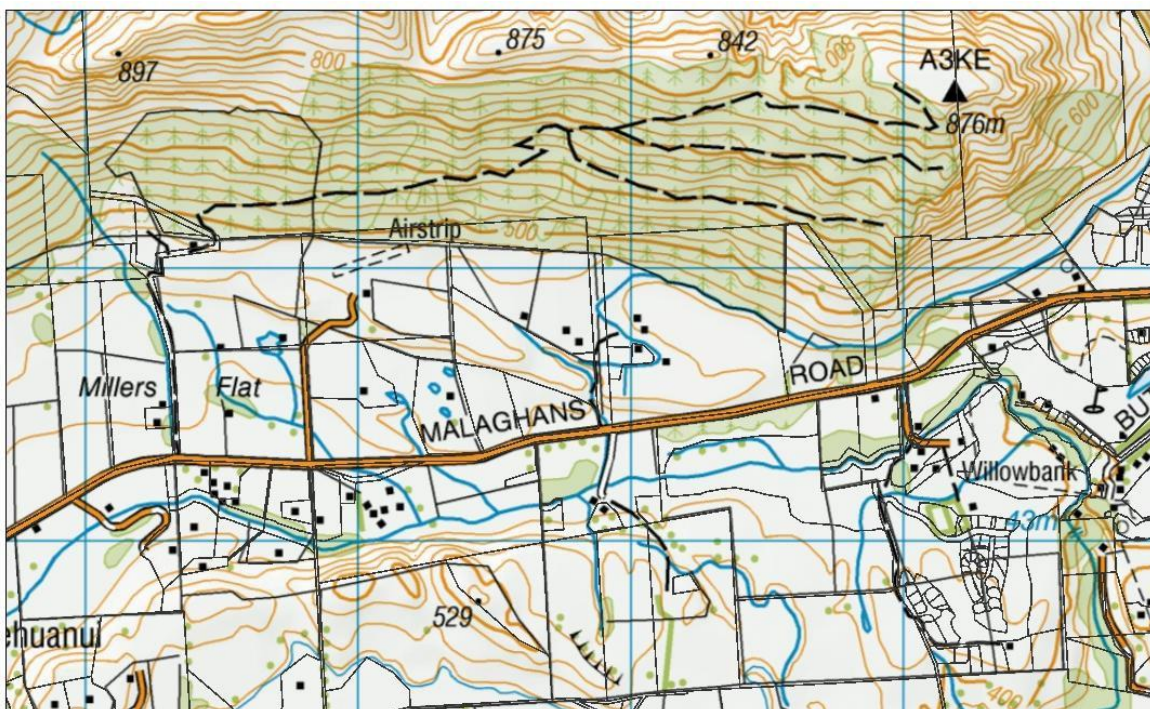


Fig 19: Map of the north east corner of Wakatipu Basin

A discrepancy appears to exist between the putative landscape line which has been included in the District Plan Appendix 8A maps and the line actually proposed by the Environment Court in its C180/99 decision in the vicinity of the eastern portion of Malaghans valley. In its decision the Court located the line along the northern side of Malaghans Road so as to include

¹⁹ It is noted that when consent was granted for this building platform the commissioner considered the location to be within the ONF but said, "the site is either at the extreme "lower end" of the ONF classification or the "upper end" of the VAL classification".

the dissected terrace landscape at the foot of the Coronet Peak / Brow Peak ridge within the ONL(WB). I understand that the original line followed Malaghans Road all the way along the valley in that original decision but have been unable to locate the original appendix to the decision to check this.

The C3/2002 decision of the Court moved the landscape line from the northern side of Malaghans Road to the foot of the mountainside along the western half of Malaghans valley. This line ends approximately north west of the intersection between Malaghans Road and Hunter Road. It is my opinion that the location of the line to the east of this on the Appendix 8A maps is actually appropriate (even though its justification remains obscure). The location of this western portion of the landscape line was the subject of debate between landscape witnesses within the recent Spruce Grove appeal case, however, the Court did not make a ruling on the boundary issue. It is my opinion that Council's witness, Ms Mellsop, was correct in the location of the line in this vicinity as provided in her rebuttal evidence. She notes that the line which she has drawn is located where the distinct change in both topography and vegetation cover occurs. To the east of the Middlerigg Lane intersection with Malaghans Road this follows the Arrow Irrigation water race around to the east above Butel Park. To the west its location dips below the race but returns to it briefly before following the transition slope below the Council's plantation forest. I have incorporated this line into the illustration in Appendix 3 Map 5.

4.1 RECOMMENDATIONS

1. That the lines demarcating the areas of landscape classification appended to this report be adopted as preliminary only in order that they, and the justifications for their locations, may be peer reviewed prior to their use in any public consultation.
2. That new policies and objectives be drafted to support the creation of a Visual Amenity Landscape classification specifically to protect the significant characteristics and qualities of the landscape of the Upper Clutha Basin recognising that these and the subsequent issues which arise in that area are different to those of the Wakatipu Basin.
3. That new objectives, policies and rules be drafted to support the character of Frankton arm creating either a new zone or a zone overlay to enable the effective management of the arm and its margins as a scenic and recreational resource. This should be supplemented with new rules to bolster the level of protection afforded the natural character of the rest of the lake surface and its margins. (It may be appropriate to apply such a zone or zone overlay to areas of the lake adjacent to Kingston and Glenorchy also).
4. That the area currently identified as Other Rural Landscape in the vicinity of the Hawthorn Triangle should be rezoned as an extension of the Dalefield Rural Lifestyle Zone. Ideally this should be supplemented with a bolstering of the rules pertaining to the subdivision of Rural General zoned land to discourage subdivision within that zone and encourage it within the zones designed for that purpose.
5. That new rules be drafted to ensure that in instances when an Other Rural Landscape designation is the only alternative for a piece of remnant landscape, as opposed to an appropriate assessment of a landscape's quality, that the assessment of the effects of proposed development on the adjacent landscape quality is increased.