

Before Queenstown Lakes District Council

In the matter of the Resource Management Act 1991

And **The Queenstown Lakes District Proposed District Plan –
Stage 14 Wakatipu Basin**

Legal Submissions for Philip Smith

Submitter #2500; #2770

Dated 16 July 2018

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**anderson
lloyd.**

May it please the Panel

Introduction

- 1 These legal submissions are presented on behalf of Mr Philip Smith in respect of a proposed rezoning along Lower Shotover Road East as indicated in the extent of the notified Rural Lifestyle Zone in Council's proposed Stage 1 Planning Maps (**Site**). Mr Smith's property within the Site is located at 26 Slope Hill Road, legally described as PT LOT 1 DP 26173 LOT 2 DP 26535 BLK V SHOTOVER SD, held in certificate of title OT18C/185 (**Property**).

- 2 These legal submissions address the following matters relevant to rezoning of the Property and the wider Site:
 - (a) Context of the Site and relief sought;
 - (b) Legal issues;
 - (c) The Submitter's case for rezoning:
 - (i) Landscape
 - (ii) Traffic
 - (iii) Planning
 - (d) The Council's case for Wakatipu Basin Rural Amenity Zone (**WBRAZ**);
 - (e) Inconsistency between WBRAZ and the Proposed Regional Policy Statement (**RPS**)

- 3 This is predominantly a landscape case, whereby the effects of rezoning the Site to Precinct Zone (or rural living) is supported by:
 - (a) Mr Skelton;
 - (b) Council's previous Stage 1 landscape reports prepared by Dr Read;
 - (c) Mr Espie's peer review of Dr Read's assessment; and,
 - (d) The Environment Court's previous determination in *Hawthorn Estates v QLDC*¹.

¹ Hawthorn Estates Limited v Queenstown Lakes District Council, Environment Court, Judge Jackson, C83/2004.

- 4 The Council's case for zoning the Site WBRAZ is internally inconsistent given the initially proposed Stage 1 maps recommended the Site suitable for Rural Lifestyle Zone based upon Dr Read's landscape analyses, yet it now recommends effective sterilisation of the Site through the WBRAZ based upon Ms Gilbert's landscape evidence in Stage 2.
- 5 This change of position since the Wakatipu Basin Landscape Study (**WBLUS**) undermines the Council's case for rezoning in my submission. Ultimately the Commission will however have to make a finding as to which landscape evidence they prefer, and therefore support for the ultimate rezoning of the Site.

Context of the Site and relief sought

- 6 The Submitter seeks that its Property and the surrounding land which was notified in Stage 1 of the DPR as Rural Lifestyle Zone be rezoned from WBRAZ to Wakatipu Basin Lifestyle Precinct (**Precinct**).
- 7 This relief is sought on the basis that there are three landscape architects who support the rezoning of the Site for rural living purposes, and that there are no specific infrastructure and servicing issues raised in respect of the rezoning of the Site, and no further submissions in opposition.
- 8 The rezoning of the Site is supported by the RPS², by Part 2 of the Act, and by the higher order provisions of the PDP (including those as sought to be amended by the Submitter in Chapter 24).
- 9 Having regard to the legislative rezoning requirements set out in sections 32, 74, and 75, the use of the Site for rural living, rather than sterilisation through a non-complying 80ha subdivision and development regime is quite clearly a more efficient use of the land resource, particularly where this reflects the already partly developed and consented existing environment (refer **Attachment D** re consented environment).
- 10 The Submitter has also sought a range of specific changes to rules, policies, and objectives in Chapter 24 which reflect the intention of the Precinct in particular to provide for rural living, and / or seek to protect existing established rights under the Operative Plan.

Legal issues

- 11 It is submitted there are two particularly relevant legal matters in respect of this rezoning proposal:

² Referring to the version of the RPS as written in the most recent consent orders either lodged with the Court or already signed by Court.

- (a) The relevance of the consented and built existing environment in rezoning proposals and in the District Plan Review;
 - (b) Rezoning land which reflects an effects-based section 32 and section 74 approach, rather than rezoning for an ulterior purpose.
- 12 It is submitted that any zoning decision under the District Plan Review should be effects-based rather than for an ulterior purpose. This was discussed in the case of *Cerebos*³ where the Court considered:

[19] In terms of section 32 of the Resource Management Act 1991 (lithe Act") the ***Boon v Marlborough District Council*** case posed the following questions:

- (1) Does the proposed zoning achieve integrated management of the effects of the use, development or protection of the land?
 - (2) Does it control the potential effects of the use, development or protection of the land?
- 13 In that case, the proposed rezoning of Campus site over what was effectively an industrial existing environment was declined as it was considered to be for an ulterior purpose, rather than effects-based.

[21] Accordingly in our view the zoning as Campus must fail at the first hurdle, namely that there is no established desirability or expediency (as the word necessary is used in section 32) for the zoning. Moreover we retain a concern that the zoning mechanism used in this case is not based around adverse effects but around a directive planning approach adopted by the Council in respect of future development within the city.

- 14 The approach to the receiving environment in *Hawthorn* has been applied by the Environment Court to a proposed plan change in *Milford Centre v Auckland Council*⁴ and by the High Court in *Shotover Park v Queenstown District Council*.⁵ In *Shotover Park*, Justice Fogarty confirmed that where some of the land the subject of a plan change is already the subject of resource consents likely to be implemented, the planning authority has to write a plan which accommodates the presence of that activity.

"The purpose of a territorial authority's plan is to "establish and implement objectives, policies and methods to achieve integrated management... of the

³ *Cerebos Greggs Ltd v Dunedin City Council*, Environment Court, Judge Smith, C169/2001.

⁴ *Milford Centre v Auckland Council* [2014] NZEnvC 23 at para 120

⁵ *Shotover Park Limited v Queenstown Lakes District Council* [2013] NZHC 1712

land and associated natural and physical resources of the district. Where some of that land is already the subject of resource consents likely to be implemented, and the plan has not yet been made for that locality, **it is natural enough that the territorial authority has to write a plan which accommodates the presence of that activity.**"⁶

(underlining added)

- 15 His Honour also considered that in deciding a plan for the future, there is nothing in the RMA intended to constrain forward-looking thinking and that the "likely to be implemented" test is intended to be a real-world analysis.⁷

"[117] In any event, if I am wrong on that point, the likely to be implemented test in [84] was intended to be a real world analysis as is confirmed by [42] of the Hawthorn decision which ends with the word "artificial":

[42] Although there is no express reference in the definition to the future, in a sense that is not surprising. Most of the words used would, in their ordinary usage, connote the future. It would be strange, for example, to construe "ecosystems" in a way which focused on the state of an ecosystem at any one point in time. Apart from any other consideration, it would be difficult to attempt such a definition. In the natural course of events ecosystems and their constituent parts are in a constant state of change. Equally, it is unlikely that the legislature intended that the inquiry should be limited to a fixed point in time when considering the economic conditions which affect people and communities, a matter referred to in para (d) of the definition. The nature of the concepts involved would make that approach artificial"

- 16 It is clear that as discussed in the landscape reports of Dr Read⁸, Mr Espie⁹, and Mr Skelton¹⁰, Lower Shotover Road-East is not of a nature which reflects an 80ha subdivision regime, being much smaller and developed land parcels.

⁶Ibid at para [112]

⁷ Ibid at para 117 referring to Hawthorn at para 42

⁸ Dr Read Attachment B, at page 8; allowing rural lifestyle zone ...'[to a considerable extent would simply acknowledge the level of development currently in place']

⁹ Mr Espie, Attachment C, at page 14; 'a number of existing but unbuilt building platforms mean that the flats are most logically included within the ORL'

¹⁰ Evidence in chief, Stephen Skelton, at page 7; 'While residential density is marginally higher to the west of Lower Shotover Road, the landscape character effects of development, renders a rural living character throughout all of the Lower Shotover Road corridor'

- 17 It follows that any existing development envisaged in this area, for example in consented but unbuilt building platforms, and would largely become inconsistent with the objectives and policies of the WBRAZ Zone. It is hard to see how this is a most efficient and effective way to achieve objectives under section 32.
- 18 **Attachment D** is an extract from page 54 of Appendix I, Folio of Figures, from the WBLUS. This further shows the extent of developed and consented rural living rights on the Site and therefore the incongruity of the proposed 80ha allotment zoning of the Site.

The Submitter's case for rezoning

Landscape

- 19 As stated by Mr Farrell, the Submitter relies on the previous Stage 1 evidence and reports of Dr Read and subsequent peer review, and the Stage 2 evidence of Mr Skelton to support the finding that a rural living zone is most appropriate for the Site.
- 20 Dr Read was commissioned in 2011 by the QLDC to undertake a survey of the District to determine the locations of appropriate boundaries between the various landscape classifications for the ODP¹¹. In 2014 she was then asked to expand upon and update this report in an effort to identify and map ONLs and ONFs in the Plan.¹² Both of these reports are attached to these submissions for reference as **Attachments A and B**.
- 21 Dr Read explains her landscape unit mapping methodology in her second report as follows:

An evaluation of the rural character of these areas was [...] undertaken and these given a numeric score which enabled the ranking of these areas. The absorptive capacity of the landscape in each landscape unit was then assessed in terms of the vulnerability of the landscape character to further change, and the vulnerability of the visual amenity provided by and within that landscape character area to degradation by further development. In the latter case that means that landscape units adjacent to major roads are immediately more vulnerable as they have more viewers. A key assumption is that the

¹¹Report to Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features (April 2014), prepared by Dr Marion Read for QLDC.

¹²Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment (June 2014), prepared by Dr Marion Read for QLDC.

maintenance of rural character and landscape quality is important for the tourism industry¹³.

- 22 In respect of the recommendation of Stage 1 of the PDP to zone the Site Rural Lifestyle, the following extracts of Dr Read's report are of relevance:

Areas for further residential development:

In my opinion future residential development within the Basin should be concentrated in the areas where it would have the least impact on the existing landscape character and visual amenity of the overall Basin landscape. Within the Basin these areas have mainly been identified because the level of existing development has diminished the rurality of the landscape character area already, and because the existing contribution to the overall visual amenity is already relatively low (while the local visual amenity may remain high). Areas currently zoned Rural General in which these criteria combine are the Hawthorn Triangle (area 9), Fitzpatrick Basin (area 6); Mooney Road (area 3); and Alec Robbins Road (area 20). It is my opinion that future development within the Wakatipu Basin should be encouraged to occur within these areas.

In the case of the Hawthorn Triangle that, while zoned Rural General, the level of subdivision which had been consented in that area already exceeds the allowable density of the Rural Lifestyle zone in some areas. In order to concentrate further development in this area a minimum lot size of 1ha in the area bounded by Lower Shotover, Domain and Speargrass Flat Roads should be considered. The surrounding margins of this area could be rezoned Rural Lifestyle, which would provide a transition between the density on the flat and that of the land retained as Rural General above. To a considerable extent this would simply acknowledge the level of development currently in place. This zoning should include: the area to the west of Domain Road to the edge of the river terrace escarpment (the boundary of the Outstanding Natural Feature of the Shotover River); and the area east of Lower Shotover Road, extending approximately to the 400m contour to the north of Slope Hill Road rising to the 420m contour in the vicinity of Springbank south of Slope Hill Road. This suggested zoning is illustrated on the map attached as Appendix 3

Recommendation: Allow subdivision to 1ha in the area bounded by Lower Shotover, Domain and Speargrass Flat Roads as a permitted activity providing a suite of design controls were met covering the exterior appearance of the dwelling and the landscaping proposed.

Recommendation: Rezone the land on the margins of the Hawthorn Triangle Rural Lifestyle¹⁴

¹³ Dr Read June 2014 Report, at page 6.

- 23 Dr Read's landscape reports are not relied on in Stage 2 Council evidence, however are referred to and included as hyperlinks in the Chapter 24, section 32 assessment for the Wakatipu Basin¹⁵.
- 24 Dr Read further explains her landscape classification boundary method of assessment in her evidence presented in Topics 01B and Topic 02 of the DPR, before a differently constituted hearings panel. In her Topic 02 evidence, Dr Read explains her methodology as follows:
- (a) Extensive field work was undertaken in order to gain a clear understanding of the landscapes of the Wakatipu and Upper Clutha basins.
 - (b) The characteristics of the three landscape classifications as set out in the ODP (ONLs and ONFs, Visual Amenity Landscapes (VAL), Other Rural Landscapes (ORL)) were used as a reference. Thus, to determine the boundary between the ONL and VAL landscapes, the landscape on the ONL side had to approximate the ONL description from the plan, and the land on the VAL side the VAL description;
 - (c) A process of matching like with like was undertaken. As lines had previously been drawn and features identified in the text of the ODP, an analysis of the characteristics of the landscape on either side of the already determined lines provided the necessary information to extend those lines;
 - (d) The 'amended Pigeon Bay factors' were applied to evaluate the quality of landscapes where the matching process was not adequate or appropriate;
 - (e) Existing work was used, such as reports on resource consent applications (by myself and other QLDC staff) and reports I had written for QLDC on the appropriate location of town boundaries for Wanaka and Queenstown in 2009.
 - (f) Aerial photographs were used as the basis for the final mapping enabling a plan view analysis to complement my field work analysis.¹⁶
- 25 Dr Read's landscape reports were also peer reviewed by Mr Ben Espie, landscape architect, in 2014 (**Attachment C**).¹⁷ In respect of the Site the following comments from Mr Espie's peer review are of particular relevance:

¹⁴ Ibid, at pages 7, 8.

¹⁵ Wakatipu Basin section 32 Report: References, page 47.

¹⁶ Evidence in Chief, Dr Marion Read, Topic 02, at pages 4, 5.

¹⁷ Landscape Categorisation Boundaries – Wakatipu Basin - Peer review of Read Landscapes Report – Ben Espie June 2014

Hawthorn Triangle

The C83/200414 Court decision examined the relatively flat area of land that lies to the northwest of Slope Hill (the Hawthorn Triangle area) and heard expert landscape analysis. The Court found that this area is an ORL. In its decision, the Court did not draw any indicative line to show the edge of the ORL. Regarding the extent of the ORL that is centred around the Domain/Speargrass Flat/Lower Shotover Road triangle, the following findings of the C83/2004 decision are particularly relevant:

- *Paragraph 3: "To the east of Lower Shotover Road the slopes of Slope Hill rise. These have seen the development of rural-residential sections which overlook the triangle".*
- *Paragraph 32: "We consider that the landscape architects called by the Council ... have not sufficiently addressed the central question in landscape classification, namely whether the landscape, when developed to the extent permitted by existing consents, will retain the essential qualities of a VAL, which are pastoral or Arcadian characteristics. We noted (in paragraph 3) that development of "lifestyle" or "estate" lots for rural-residential living is not confined to the triangle itself".*
- *Paragraph 34: "The developments on the lower flanks of Slope Hill are also highly visible and detract significantly from any Arcadian qualities of the wider setting. We doubt if Virgil could have stood in this landscape and written Et in Arcadia ego".*
- *Paragraph 35: "We find the landscape category to be that of Other Rural Landscape".*
- *Paragraph 81: "While we have not needed to define the boundary between the ORL and the adjoining VAL, we consider that the site occupies a fairly central position in an ORL which includes the lower slopes east of Lower Shotover Road and the developed land west of Domain Road." The site in this reference is the Hawthorn Estates land, being the southern quarter of the Domain/Speargrass Flat/Lower Shotover Road triangle.*

It follows from the Environment Court findings quoted above that the dashed black line = running along Lower Shotover Road, shown on the Plan's Appendix 8 maps is incorrect. It is clear that the ORL described above extends east of Lower Shotover Road; the remaining question is to what extent?

Appendix 4 to this report is an aerial photograph that shows the extent to which relatively small and somewhat vegetated rural living properties extend to the east of Lower Shotover Road. This can also be seen in the photograph of Appendix 5, which looks horizontally at the lower part of Slope Hill. I consider that the ORL landscape patterns of

the land to the west of Lower Shotover Road and on the lower slopes of Slope Hill as determined by the Court, continue northwards towards Slope Hill Road along the line of the water race that runs immediately above the rural living properties.

- 26 Mr Espie goes on to apply section 5.4.2.1 of the ODP to this Site in terms of further landscape categorisation analysis, concluding that:

...the line that marks the lower edge of the ONF of Slope Hill continues north from the piece of solid black line shown on Map 1 of Appendix 8A of the Plan, following the line of the water race that runs immediately above the rural living properties, and that the ORL that takes in the area to the west of Lower Shotover Road and the lower slopes of Slope Hill as determined by the Court extends up to that line. I show my findings on the plan attached as Appendix 6.

...

I accept that drawing the line separating the ORL from the VAL is difficult as one approaches Slope Hill Road and then moves north but I consider that the Court clearly found that the ORL extends east of Lower Shotover Road. I consider that the most logical location of landscape category boundary lines is as shown on my Appendix 6.

I agree with the Read Report that the identified Hawthorn Triangle ORL is not a landscape. More correctly, it is a part of a landscape that has a character (due to development) that distinguishes it somewhat from the rest of that landscape.¹⁸

- 27 As indicated in Mr Espie's Appendix, he, like Dr Read and Mr Skelton, considers that the land to the east of Shotover Road and on the lower flanks of Slope Hill is connected to, and part of, what is now considered under Stage 2 as the Hawthorn landscape unit.
- 28 I submit that Dr Read's landscape methodology for particularising different landscape units within the Basin, and that of Mr Skelton's and Mr Espie's are consistent, and based upon the well regarded Pigeon Bay criteria and other relevant factors, to support a geomorphological landscape boundary.
- 29 Although the upper extent of the boundary of the landscape unit for each of those landscape architects might slightly differ, it shows that none of those experts considered the Lower Shotover Road to be an appropriate landscape boundary or 'defensibility' of the upper edge to be an issue.
- 30 Furthermore, as discussed in Mr Espie's peer review, the Environment Court *Hawthorn* case¹⁹ is of relevance to this Panel (although not determinative), and I

¹⁸ Ibid, at pages 11-13.

submit the Court's findings, that the extent of the Hawthorn ORL landscape extended up the 'lower slopes east of Lower Shotover Road' can be relied upon, rather than the road itself demarcating a landscape boundary, as preferred by Ms Gilbert.

- 31 It is interesting however given the Council's initial reliance on Dr Read's two mapping studies, and her Stages 01B and 02 evidence, that she has not been called as an expert in respect of Stage 2. Given Dr Read's extensive background work and knowledge of the District, including the Wakatipu Basin, the Commission might wish to consider whether its powers of summons (section 41(1) RMA) would be of further assistance to this enquiry.

Traffic

- 32 Mr Smith's position for the Council is to basically oppose all Wakatipu Basin rezoning requests on the basis of a concern of cumulative adverse traffic effects on the road network.
- 33 Mr Smith's evidence in chief considers that the Shotover Bridge will be operating at capacity at around year 2035 with the notified zoning under Stage 1 and Stage 2 of the PDP. In response, it is submitted that:
- (a) There is evidence to show that within 17 years the Shotover Bridge will be required to be upgraded based on the status quo/Council's preferred planning framework. It is submitted that the Submitter's rezoning, whether considered cumulatively with other rezoning proposals or not, should not be singled out as inappropriate, as otherwise development throughout the Wakatipu Basin and Arrowtown would need to be halted, even to maintain the status quo. This is clearly a wider and inevitable issue that the Council and NZTA needs to address, and which will be assisted by knowing clearly what zonings are appropriate on a landscape effects basis and in place sooner rather than later for funding/business case purposes.
 - (b) There is no justification to rely on a 17 year planning period for capacity of the Bridge to be reached and decline rezoning proposals in this District Plan Review, where the Plan should technically only be in place for ten years.
 - (c) The RPS infrastructure and urban development provisions are not directive in terms of requiring infrastructure provision to be available and developed at the time of zoning. I note that Mr Langman's rebuttal evidence refers to

¹⁹ Hawthorn Estates Limited v Queenstown Lakes District Council, Environment Court, Judge Jackson, C83/2004.

Pol 4.5.7(c) of the RPS in supporting his position regarding infrastructure, however as discussed in Mr Farrell's summary statement, this section has been deleted (very purposefully) through mediations on the RPS, and in the resulting signed consent order, and the subsequent part of the provision requires 'coordinating the design and development of infrastructure with land use change in growth and redevelopment planning'.

- 34 The Submitter's proposed Precinct rezoning would not therefore have adverse traffic effects which are not otherwise anticipated over the long term, or which are directly relevant to the Site itself.

Planning

- 35 In summary of the evidence presented by Mr Farrell:
- (a) There is no opposition to the proposed rezoning from other submitters, either in Stage 1 or in Stage 2;
 - (b) Part 2 of the Act is directly relevant to rezoning considerations, given the contested nature of higher order provisions of the PDP and the RPS (technically), those enabling provisions of Part 2 lend particular support for the relief sought, and the requirement to maintain and enhance section 7 amenity landscapes is not contrary to the proposal;
 - (c) There is no legislative justification to 'protect' the Site in accordance with the RMA, given this is a section 7 landscape – which requires maintenance and enhancement of amenity values;
 - (d) The costs, benefits and overall effectiveness and efficiency of the rezoning outweigh the benefits and effectiveness and efficiency of not rezoning the land.

The Council's case for WBRAZ

- 36 The Council's case for zoning the Site to an 80ha non-complying subdivision and development regime under the proposed WBRAZ Zone is based principally on the findings of the WBLUS and the subsequent landscape evidence of Ms Gilbert, identifying the Site as a separate LCU from Hawthorn.
- 37 Ms Gilbert considers that the correct landscape classification unit of the Site is within the Slopehill LCU rather than the adjacent Hawthorn LCU and that the Site does not have the capacity to absorb the effects of further rural living and development.

- 38 Mr Langman principally relies on this landscape position, further stating that the higher order infrastructure provisions of the RPS and PDP do not support the rezoning.
- 39 For the reasons already addressed under the Submitter's case above, I consider the landscape evidence of the three landscape architects, Dr Read, Mr Skelton and Mr Espie, supporting the inclusion of the lower flanks of Slopehill as within the Hawthorn landscape unit, to be preferable to Ms Gilbert's position because:
- (a) Ms Gilbert's landscape classification appears to be based upon the location of Lower Shotover Road as a defensible landscape boundary rather than on first principles landscape assessment methodology, as carried out by Dr Read, Mr Skelton, and Mr Espie;
 - (b) Ms Gilbert's concerns that the 400masl line is not a defensible urban edge are adequately addressed in Mr Espie and Mr Skelton's report, and in the recommendations of Dr Read, which considers this Site to be an appropriate rural living 'buffer' between Hawthorn and the higher slopes of Slopehill;
 - (c) The proposed zoning of the site WBRAZ does not in any way reflect the existing environment of the Site which, as discussed by Mr Skelton and Mr Espie, is more akin to the Hawthorn rural living development (see also **Attachment D**).
- 40 I further submit that the incongruity between Council's case as presented in Stage 1 of the hearing as compared to Stage 2 undermines the position to sterilise the Site based upon landscape or infrastructure concerns. It is also of concern that there is no clear infrastructure plan from Council throughout the DPR process, given that it has taken a principally landscape-based approach to rezoning and then retrofitted its infrastructure (traffic) evidence around that. The removal of the Stage 1 zoning over the Site and the new Precinct zoning over other areas in the Basin not identified in Stage 1 for rural living further highlights this (lack of) strategy.

Inconsistency between RPS and Wakatipu Zones

- 41 As discussed above, Mr Langman has referred to a previous version of policy 4.5.7 of the RPS, which raises the concern that other parts of the RPS (recently and currently) being signed off through consent orders are being incorrectly relied on in planning evidence.
- 42 I submit the following consent orders are of particular relevance to this case and will be discussed in further detail by Counsel:

- (a) Chapter 1 – resource management in Otago is integrated
 - (i) This is an entirely new chapter of the RPS seeking to specifically recognise the enabling aspects of Part 2 without qualification of protective provisions. The chapter recognises that Otago's resources are used sustainably to promote economic social, and cultural wellbeing for its people and communities. And seeks to provide for the economic wellbeing of Otago's people and communities by enabling the resilient and sustainable use and development of natural and physical resources.

- (b) Chapter 4 – urban Growth and Development
 - (i) Chapter 4 provides for urban growth and development, rather than restricting it, ensuring it occurs in a strategic and coordinated way. As discussed above, Chapter 4 requires coordinating the design and development of infrastructure with land use change in growth and redevelopment planning, rather than requiring growth to only occur in areas with sufficient capacity (at the time of zone planning).

- (c) Chapter 3 natural resources (draft consent order lodged with Court but not yet signed off)²⁰
 - (i) Seeks to 'maintain or enhance' highly valued landscapes by 'avoiding significant adverse effects on those values that contribute to the high value of the natural landscape' (Pol 3.2.6). And seeks to 'minimise the subdivision of productive rural and into smaller lots that may result in a loss of its productive capacity or productive efficiency' (pol 5.3.1).

43 The above provisions of the RPS are of direct relevance to this case and provide no basis for opposing the rezoning of this (already somewhat developed) section 7 landscape for rural living purposes. Furthermore, the provisions of Chapter 3 and chapter 5 relevant to natural resources and rural activities provide very little support for the way in which Chapter 24 seeks to protect landscape and restrict development of a section 7 landscape, particularly given it is acknowledged in the WBLUS that character is predominantly hobby farming or lifestyle rather than productive.

²⁰ Consent orders for Chapter 3 Natural resources and Rural Activities were filed with the Court by ORC on 06 July 2018, and sign-off is expected imminently. Counsel acknowledges that technically no legal weighting can be attributed to the Consent Orders not yet signed off however practically, no consent orders lodged have been amended by the Court yet and it is expected these provisions will soon be confirmed as operative.

Conclusion

44 For the reasons set out in these submissions, I submit a conventional RMA effects-based approach to the most appropriate zoning and assessment under section 32, as undertaken by Mr Farrell is appropriate. This analysis finds that the rezoning proposal from the Submitter better achieves the higher order provisions of the PDP, the RPS²¹, and part 2 of the Act than Council's position.

Dated this 16th day of July 2018



Maree Baker-Galloway/Rosie Hill
Counsel for Philip Smith

²¹ Operative RPS, proposed RPS (consent order versions) and likely newly settled RPS (consent orders lodged but not yet signed).

Attachment A – Dr Read landscape report 1 April 2014



**Report to Queenstown Lakes District Council on
appropriate landscape classification
boundaries within the District, with particular
reference to Outstanding Natural Landscapes
and Features**

**Marion Read
Principal
Read Landscapes
1st April 2014**

1.0 Introduction

- 1.1 This report was originally commissioned by Council's policy team in 2011 as a part of the review of the District's rural zones. Its goal, then, was 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), which are those landscapes the protection of which is required by the Section 6(b) of the Resource Management Act 1991 (RMA91); Visual Amenity Landscapes (VAL), which are considered to be landscapes protected by Section 7(c) of the RMA91; 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 within the District 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)).
- 1.2 In the intervening years the RMA91 has undergone further scrutiny resulting in amendments **in 2013 and the publication of the 'Resource Management Summary of Reform Proposals' by the Ministry for the Environment, also in 2013.** This document indicates the intention, by the current government, to further amend the RMA91 and these proposed amendments include **the requirement that Councils 'specify in relevant plans and/or policy statements the outstanding natural features and landscapes in their community, and protect these'**¹. It is considered that this report should contribute to this process. The original report extended beyond this brief in a number of areas. These discussions have been retained and updated, where necessary, also, as it is considered that they contribute usefully to the pool of information available for application to the ongoing review of the rural zones.
- 1.3 **The issue of determining the District's outstanding natural landscapes and features was first** addressed authoritatively in **the Environment Court's C180/99 decision.** Putative lines were established in that decision separating the Outstanding Natural Landscape (Wakatipu Basin) from the Outstanding Natural Landscape (District Wide) and from the Visual Amenity Landscape of the Wakatipu Basin floor. This decision was based on the evidence of landscape witnesses, and I understand the evidence of Mr Ralf Kruger, who appeared for the Wakatipu Environmental Society in that hearing, was particularly influential². These lines as drawn by the Court were incorporated into Appendix 8 of the District Plan indicated as dotted lines. No such process was ever completed within the Upper Clutha Basin, although a map was compiled in 2001 with input from QLDC, the Upper Clutha Environmental Society and the Wanaka Landcare Group. A number of portions of these lines in the Wakatipu Basin have

¹ Ministry for the Environment; Resource Management Summary of Reform Proposals 2013:P12

² Ralf Kruger, pers comm, 2010

been confirmed by the Environment Court as a part of various appeals, both of the Plan provisions and of resource consent applications and these have been entered on the Appendix 8 maps as solid lines. Some solid lines and features have been confirmed in the Upper Clutha Basin. This has not succeeded in removing levels of contention regarding the location of some of these lines, or the appropriate landscape classifications for some areas of the District. Further confusing the issue is that, from a legal standpoint the landscape classification of a site is a matter of fact and thus any given determination applies to that specific site or location at that specific time only. (This is one of the issues which the proposed RMA amendments seek to address). Consequently it may be appropriate to reconsider the location of some of these lines in the light of current conditions and with regard to the consideration which was given to their location in the first instance.

2.0 Methods

2.1 This is not a landscape assessment of the District from first principles. In determining the appropriate location of the landscape lines an underlying assumption has been made that, in a general sense, the ONLs and ONFs that have been previously identified have been identified appropriately. Consequently the process has entailed identifying the boundaries of areas which have been previously identified, and identifying other similar areas. In addition a number of sources have been drawn upon.

2.1.1 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.³

These definitions are not without problems. It is the case that the definition of Visual Amenity Landscape was developed with reference only to the Wakatipu Basin landscape. This definition is of limited relevance to the Upper Clutha Basin, for example, as that landscape has quite a different character, but not necessarily a lesser value, than that of the Wakatipu Basin. These definitions do, however, form the basis on which this analysis has been undertaken and on the analyses of other works which have been called upon to inform this work.

- 2.1.2 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 or described feature provides the necessary information to extend those lines. This updated report is also informed by the **'Guidelines for Landscape and Visual Assessment'⁴** recently published by the Landscape Institute of Great Britain in conjunction with the Institute of Environmental Management and Assessment. While not officially adopted as guidelines by the New Zealand Institute of Landscape Architects it has been recently promoted by the Institute and is comprehensive and systematic in its approach. In its terms the approach of this report is to identify broad scope landscape character areas which have equivalent value to others already identified.
- 2.1.3 Thirdly, the District Plan provides a process which it is expected will be brought to bear in every landscape assessment and which is intended as a means of undertaken the evaluation of landscapes in term of the requirements of the RMA91. This process is located **at Section 5.4.2.1 of the District Plan and is known as the 'modified Pigeon Bay criteria'.** It is worth noting that while these are widely referred to as such, they are not actually 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, a means by which to assess the quality or importance of one particular landscape over another. While various alternative frameworks exist (such as **that within the 'Landscape Character Assessment: Guidance for England and Scotland'⁵**) they all have similar foundations and similarly lack definitive criteria. Alternatively, importance is placed on ensuring that cogent and transparent arguments are used to support evaluations and that these should reference public consultation and the use of

³ Queenstown Lakes District Plan S4.2.4, Pp4-8 – 4-9

⁴ Landscape Institute and Institute of Environmental Management and Assessment; (2013); Guidelines for Landscape and Visual Impact Assessment; Routledge: London.

⁵ Scottish National Heritage & The Countryside Agency; (2002); Landscape Character Assessment: Guidance for England and Scotland; <http://publications.naturalengland.org.uk/publication/2671754?category=31019>

works in the public sphere such as art and literature.

- 2.1.4 In addition pre-existing reports on policy issues and those relating to resource consent applications and proposed plan changes have been considered. Consequently some of the material 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 Queenstown.⁶
- 2.2 It has been considered important to ensure a consistent approach is taken both in spatial terms and through time. The input of others remains important and it is recommended that this report should be peer reviewed by landscape architects within the District prior to being included within any consultation documents. This is particularly the case with the Upper Clutha basin where few boundaries 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.
- 2.3 The conclusions of the assessments have been illustrated on the maps which have been scanned and compiled by Council's GIS staff. **These maps are attached and labelled 'Landscape categorisation: Wakatipu' and 'Landscape categorisation: Wanaka'.** The original maps were printed at a scale of around 1:15 000. The lines were drawn on these maps using a felt pen and 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 an issue should it bisect a potential house site, for example.

⁶ Lakes Environmental (2009) Queenstown Town Boundaries Study: Landscape Assessment Report; and Lakes Environmental (2009) Wanaka Town Boundaries Study: Landscape Assessment Report.

3.0 WANAKA AND THE UPPER CLUTHA BASIN



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

3.1 General Issues⁷

3.1.1 As noted above, the definition of Visual Amenity Landscape enshrined in the District Plan has been based on the developing landscape of the Wakatipu Basin, and on a picturesque aesthetic. More specifically, the definition of 'Visual Amenity Landscape' allows for the inclusion of both pastoral and arcadian characters as exemplars of the landscape type (note that it states pastoral **or** arcadian). Nowhere does the Plan define these terms and as a consequence they are a constant source of debate and disagreement.

3.1.2 The Oxford Compact Dictionary defines 'pastoral' as 'relating to or associated with shepherds or flocks and herds; used for pasture'. This definition implies some sort of agricultural use and it is clear that it applies to much of the landscape of the downlands of the District. It is modified in the definition by the requirement that it be poetic and picturesque rather than functional, however, which implies that it may, or perhaps should be more developed, incorporating more exotic trees and more dwellings than a functionally pastoral landscape.

⁷ This section about the meaning of 'arcadian' with regard to landscapes is largely taken from a landscape assessment report written regarding an application for resource consent in the Wakatipu Basin, RM130298

3.1.3 The Oxford Compact Dictionary defines 'arcadian' as 'ideally rustic', and 'arcady' as an 'ideal rustic paradise'. This concept of arcady underlies the picturesque aesthetic and found its basis in the works of the early picturesque painters.



Fig 2: Jean-Victor Bertin (1767-1842) 'Arcadian Landscape'



Fig 3: Thomas Cole (1801-1848) 'Dream of Arcadia'

These two examples are typical of the genre and were painted at the time the picturesque aesthetic was becoming naturalised in the western European psyche. The characteristics which can be identified in these paintings are as follows:

- the landscape of the fore and mid-ground is fine-grained and broken into small, reasonably discrete areas by vegetation and topography;
- there are areas of rugged topography (cliffs, waterfalls);
- the fore and mid-ground landscape contains many large trees;
- the mountainous context of the site is distant and its detail indistinct;
- buildings are always visible and these are often temples;
- there are animals present, usually sheep or goats;
- there is water present which can be a river, lake, pond or the sea;
- there are always people present, usually resting if they are a worker (shepherd or goatherd) or recreating as is the case in both of these paintings.

3.1.4 Arcadian landscapes are finely grained and expansive views across them are generally obstructed by topography, trees or both. They are closely associated with rugged topography which would, in the context of the District, generally mean associated with Outstanding Natural Landscapes or Features. They are reasonably heavily treed landscapes. Buildings are present and visible. There is some pastoral use made of the land, or the potential for a pastoral use but this is not driven by economic necessity. These landscapes are idealised rural landscapes, ones in which people aim to gain what we usually refer to as 'rural amenity' but not to participate in productive rural activity. In conclusion, it is my opinion that it is the areas of the Wakatipu Basin which have been developed for lifestyle purposes (the creation of the idealised rural) rather than the less developed areas that exhibit the arcadian character most clearly.

3.1.5 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. It is not, in the main, 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 with a more functional, pastoral character.

3.1.6 Almost anywhere within the wider Upper Clutha basin, except perhaps within the Clutha River corridor, 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, and the delta of the **Makarora River is listed in the Geological Society's inventory of important geological sites and landforms**⁸. The delta systems of all of these rivers are dynamic, changing according to the behaviour of the rivers. The Upper Clutha Basin is cut by, and much of its topography created by, three major rivers: the Hawea, the Clutha and the Cardrona. The outlet of Lake Wanaka is one of few remaining in the South Island which has not been modified and controlled in some manner, generally relating to the generation of electricity. The Clutha is the largest river, in terms of flow volume, in the country.

- 3.1.7 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 moutonee 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.
- 3.1.8 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. The river was the boundary between the Ngai Tahu and Kati Mamoe⁹. 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.
- 3.1.9 While sometimes considered less aesthetically pleasing than the Wakatipu area it is simply less classically picturesque and its aesthetic appeal is its more raw, natural and untamed character. That this landscape is highly valued is indicated by the number of submissions and appeals brought by members of the Wanaka community against development

⁸ Hayward, B W & Kenny, J A: (1998); Inventory and Maps of Important Geological Sites and Landforms in the Otago Region; Geological Society of New Zealand: Lower Hutt.

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

proposals which they perceive to present a threat to the landscape's quality and integrity. This landscape has a lesser degree of protection than that of the Wakatipu Basin and this may be justifiable on the basis of a lesser level of residential development pressure. The threats to the Upper Clutha landscape are different and it is my opinion that this needs to be acknowledged so as to manage these wild and expansive landscapes effectively.

3.1.10 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. Mount Iron has been assessed in the Wanaka Town Boundaries report that assessment is reproduced in this report. 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.

3.2 Parkins Bay and Glendhu Bay

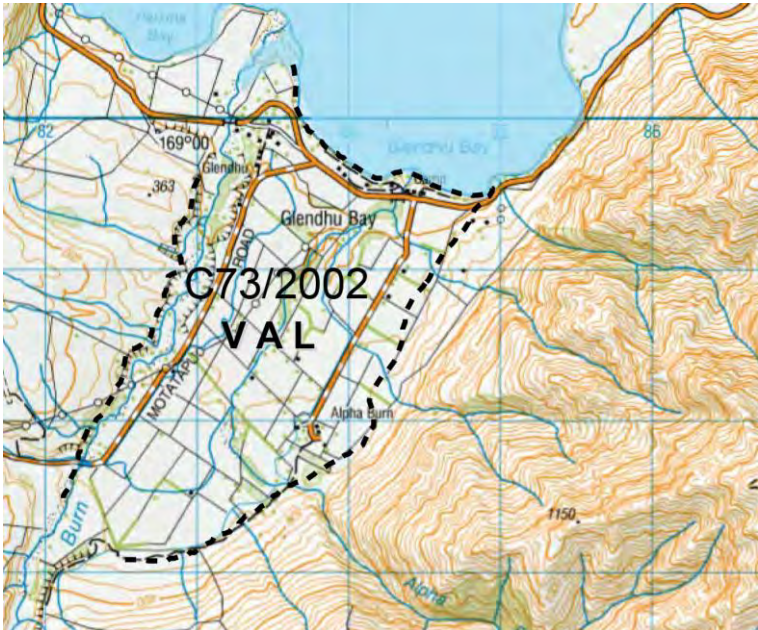


Fig 4: Map of Parkins Bay and Glendhu Bay taken from Appendix 8B of the District Plan

3.2.1 The Environment Court, in its C432/2010 decision, concluded 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 sense.¹⁰

I agree with this conclusion that 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. The dotted lines on the Appendix 8B map should be removed.

3.3 Roys Peninsula



Fig 5: Roys Peninsula showing ONF boundary of as accepted by the Environment Court. Taken from Appendix 8B of the District Plan

3.3.1 Roys Peninsula was accepted by the Environment Court to be an Outstanding Natural Feature in the C29/2001 case. The landward boundary of this landform has not been determined, however. In my opinion this boundary should be located at the foot of the slope where the roche moutonee rises up from the alluvial fan of the Matukituki River. The flank of Roys Peninsula rises quite steeply from the fan, and the vegetation cover changes almost immediately from improved pasture to rougher grasses and patches of scrub. The location of this boundary is illustrated on Fig 6 below.

¹⁰ C432/2010: Para 81, P 32



Fig 6: Location of the proposed landward boundary of the Roys Peninsula ONF

3.4 Waterfall Creek

3.4.1 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, illustrated in Fig 7 below, 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.



Fig 7: Map of Waterfall Creek area showing the putative ONL boundary taken from Appendix 8B of the District Plan.

3.4.2 The location of this boundary is problematic. It is my assessment that the landscape of the Blennerhassett property to the east of Ruby Island Road is more similar to that of the Mills property (the Rippon Winery) than that of the landscape immediately to the north west of Waterfall Creek. Ruby Island Road runs in a direct line to the north, 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 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 covered by a QEII National Trust Covenant, which should be classified as ONL but in my opinion it should be considered a part of the ONL of the lake and its margins. This line is illustrated in Fig 8 below.



Fig 8: Proposed boundary of the ONL of Mount Alpha and Mount Roy

3.5 Mount Iron / Little Mount Iron¹¹

3.5.1 In geological terms Mount Iron is an example of a roche moutonee 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 moutonee in this district Mount Iron is **described as, 'A particularly good example...'**¹² by the Geological Society of New Zealand and its isolation from both other roche moutonee and adjacent mountains makes it highly memorable and readily legible.

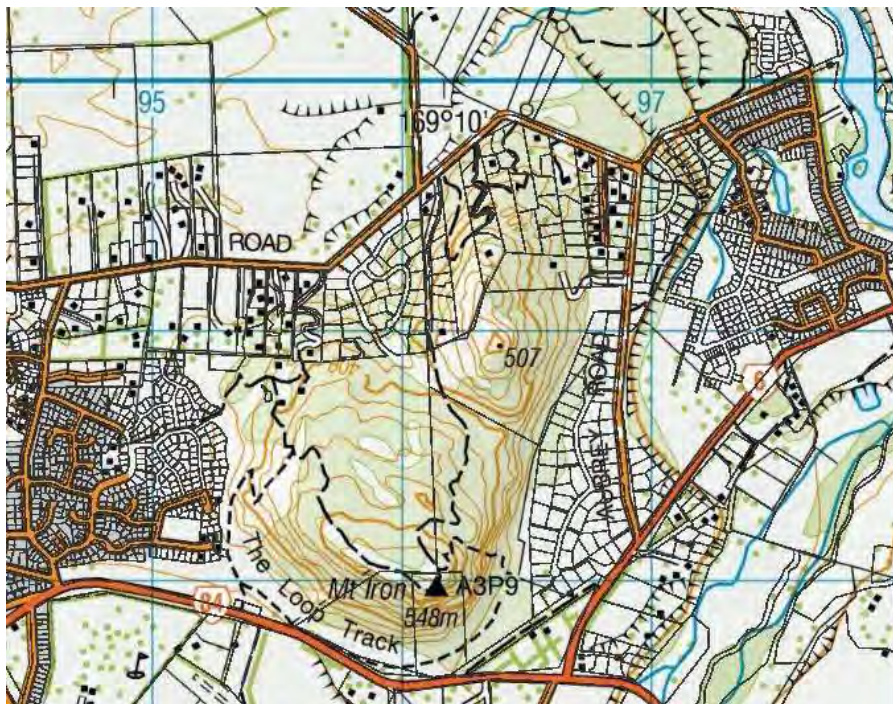


Fig 9: Mount Iron located between Wanaka to the west and Albert Town to the east.

3.5.2 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 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

¹¹ This section of this report has largely been taken from the earlier report to Council entitled Wanaka Town Boundaries: Landscape Assessment, December 2009

¹² Hayward, BW & Kenny, JA (eds); (1998); Inventory and Maps of Important Geological Sites and Landforms in the Otago Region: Geological Society of New Zealand: Lower Hutt. P 36

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 Matukituki¹³, nor am I aware of any particular European historic significance. It is listed in the Geological Society of New Zealand 'Inventory and Maps of Important Geological Sites and Landforms in the Otago Region'¹⁴ as a site of national importance. I also note that the classification of Mount Iron as an Outstanding Natural Feature was accepted by the independent commissioners who heard the recent resource consent application RM130117¹⁵. 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.

3.5.3 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 moutonnée 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 should follow the Rural General zone boundary except around its southern flanks. To the south east of the mountain the boundary of the feature, indicated by the change in gradient between the steep cliff faces and the alluvial river terrace moves away from the zone boundary and the feature boundary should be located at this point. To the south west of the mountain the boundary traverses the terrace to enclose the landform.

¹³ <http://www.nzetc.org/tm/scholarly/tei-TayLore-t1-body1-d12.htm>

¹⁴ Hayward, BW & Kenny, JA (eds); (1998); Inventory and Maps of Important Geological Sites and Landforms in the Otago Region; Geological Society of New Zealand: Lower Hutt.

¹⁵ Taylor, DJ & Overton, L, Commissioners; Decision RM130117 issued 30 January 2014.



Fig 10: Aerial photograph of Mount Iron showing proposed ONF boundary.

3.6 Mount Brown and the Maungawera Valley

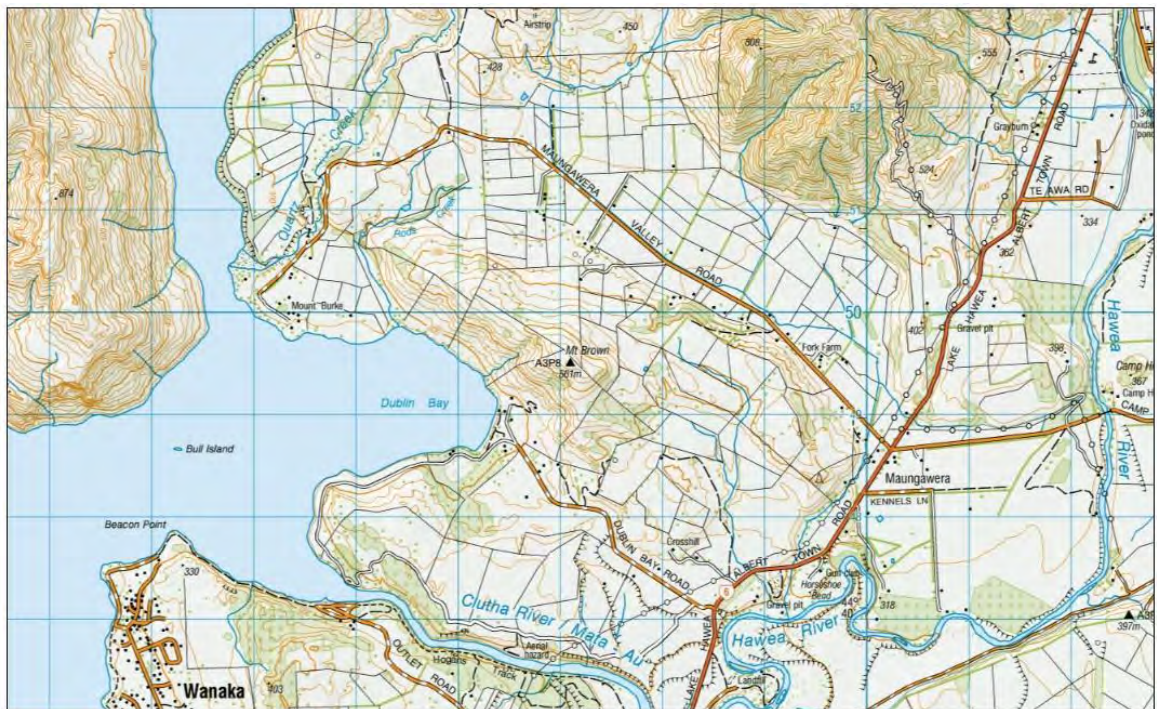


Fig 11: Map of Mount Brown and the Maungawera Valley

3.6.1 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. The following is the map of this line taken from Appendix 8 of the District Plan.



Fig 12: Appendix 8B map illustrating the VAL/ONL boundary in the vicinity of Dublin Bay and Mount Brown

3.6.2 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.¹⁶

I agree with this observation. Mr Rewcastle did, however, propose a line delineating these two landscapes and I agree, fundamentally with its location. This line is illustrated in Fig13 below.

¹⁶ Rewcastle, A; RM090775 Landscape Assessment: 12 January 2010

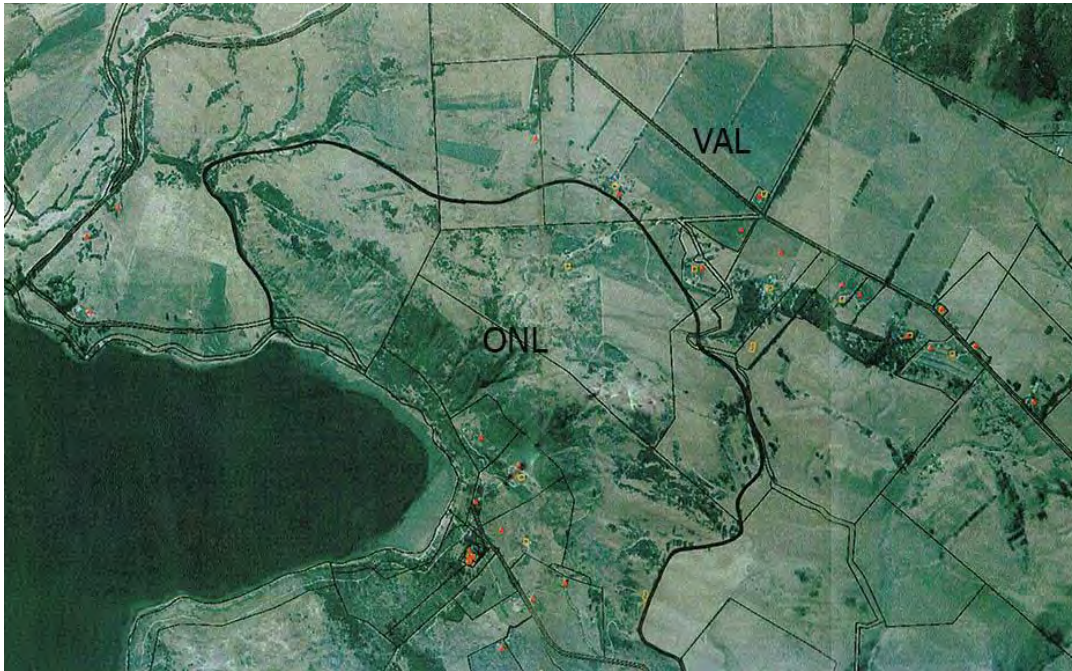


Fig 13: Mount Brown ONL boundary

3.6.3 Mr Rewcastle also 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. This is 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.



Fig 14: VAL/ONL boundary on the northern side of the Maungawera Valley

3.7 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.

3.7.1 West Hawea / Mount Maude



Fig 15: Map of West Hawea / Mount Maude

3.7.1.1 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'¹⁷. The Court further noted that all parties agreed that the site was located within the Visual Amenity Landscape.

3.7.1.2 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.

3.7.1.3 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 Fig 16 below.



Fig 16: ONL/VAL boundary around Mount Maude and north western Hawea

¹⁷ C158/2005 Para 5, P2

3.7.2 North eastern Hawea

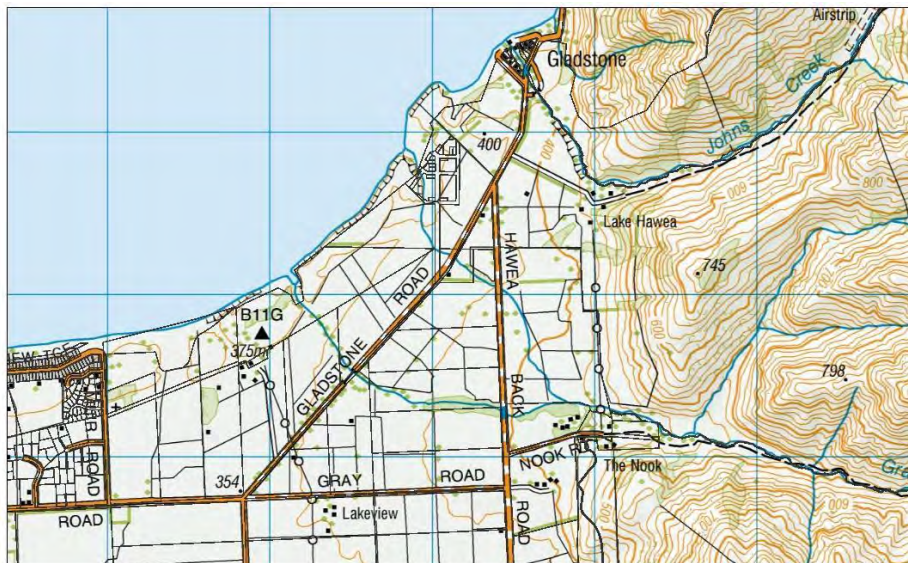


Fig 17: North eastern Hawea

3.7.2.1 While Lake Hawea is an artificially raised hydro lake, it is the case that, water level excepted, it is subject to predominantly natural processes and 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.

3.7.2.2 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 a consented walkway has been constructed 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 lakeside 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 on Fig 18 below.



Fig 18: ONL/VAL boundary in northeastern Hawea Flat

3.7.2.3 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 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. This can be seen on Fig 18 above.

3.7.2.4 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 appropriate¹⁸. This is illustrated in Figs 18, 19, and 20.

¹⁸ 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.

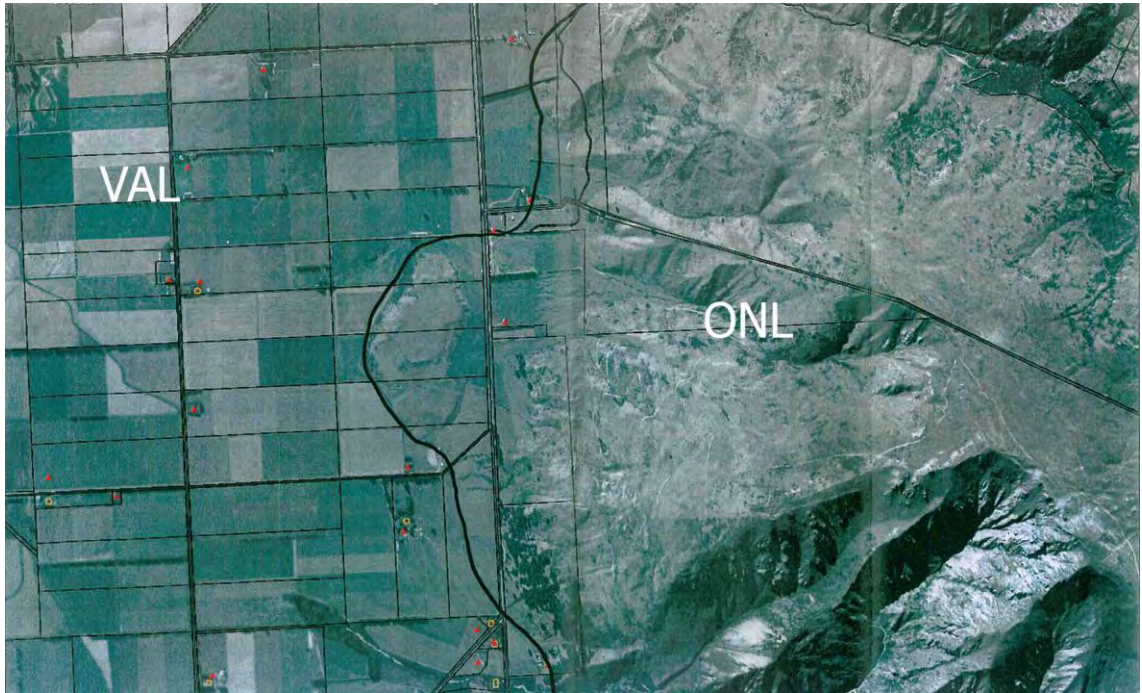


Fig 19: VAL/ONL boundary along the eastern side of Hawea Flats

3.7.3 South eastern Hawea Flats



Fig 20: Map of south eastern Hawea Flats

3.7.3.1 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. 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. 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 considered that the landscape on the top of the moraine, the moraine and outwash plain, is not a part of an outstanding natural landscape. It is now my opinion that the boundary 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 Fig 21 below.

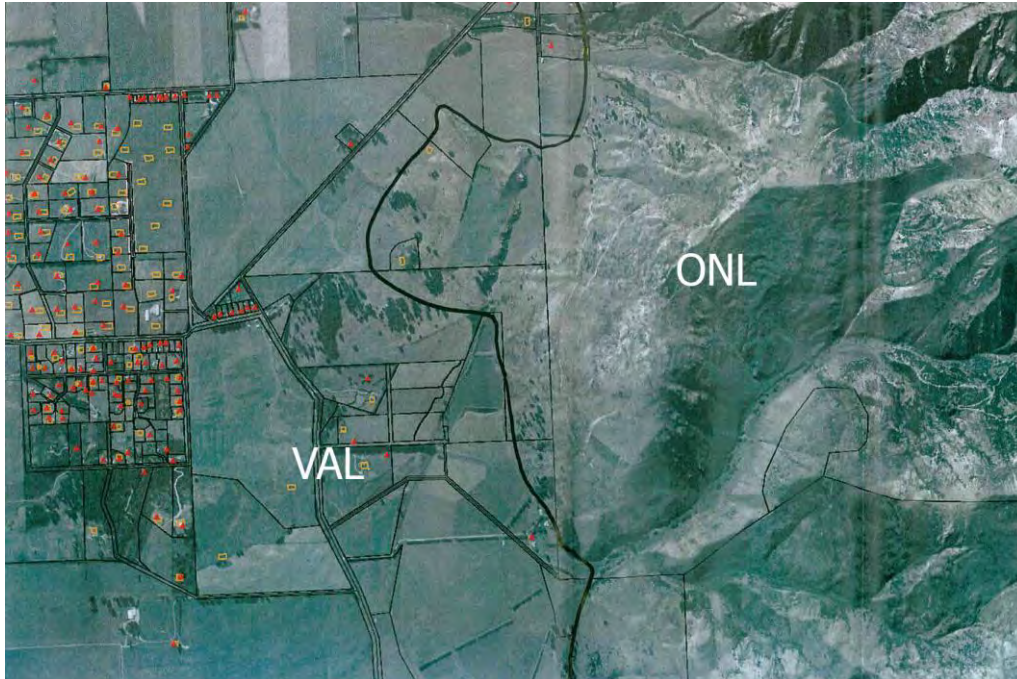


Fig 21: The ONL/VAL boundary in the south eastern corner of Hawea Flat

3.7.4 Kane Road / Mount Grandview / Tarras Road

3.7.4.1 That the landscape boundary should be located at the foot of the Grandview Range along the valley floor to the east of Kane Road is probably not readily disputable. In the southern reaches of this area, however, in closer proximity to the Clutha River the landscape, once again, becomes complex. To the east of McKay Road areas of elevated outwash terraces are present at the foot of the mountain and are bisected by the Crook Burn. To the north west of the Crook Burn this forms a long spur jutting 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. These shelter belts and pivot irrigators are features of these elevated areas. The escarpment faces of this land form, however, 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 spur.



Fig 22: The Kane Road / Tarras Road area of elevated outwash terrace deposits.

3.7.4.2 In geomorphological terms the broader landscape in which these spurs occur is predominantly that of outwash terrace deposits. It entails large flat and flattish areas interspersed with steep escarpments and cut with gullies and river terraces. They form, 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. The predominant vegetative cover, however, 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. In my opinion it is sufficiently distinct from the adjacent mountain land forms that it is distinguishable. 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.

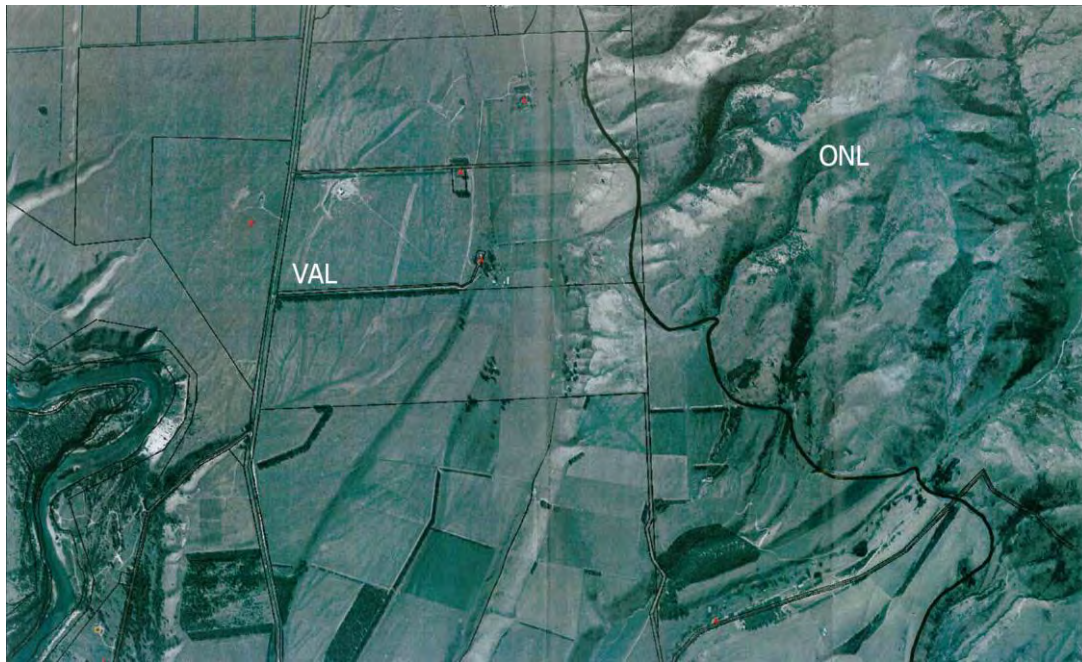


Fig 23: Proposed boundary in the vicinity of the Crook Burn – Mc Kay Road – Tarras Road

3.7.5 Luggate to Mount Barker

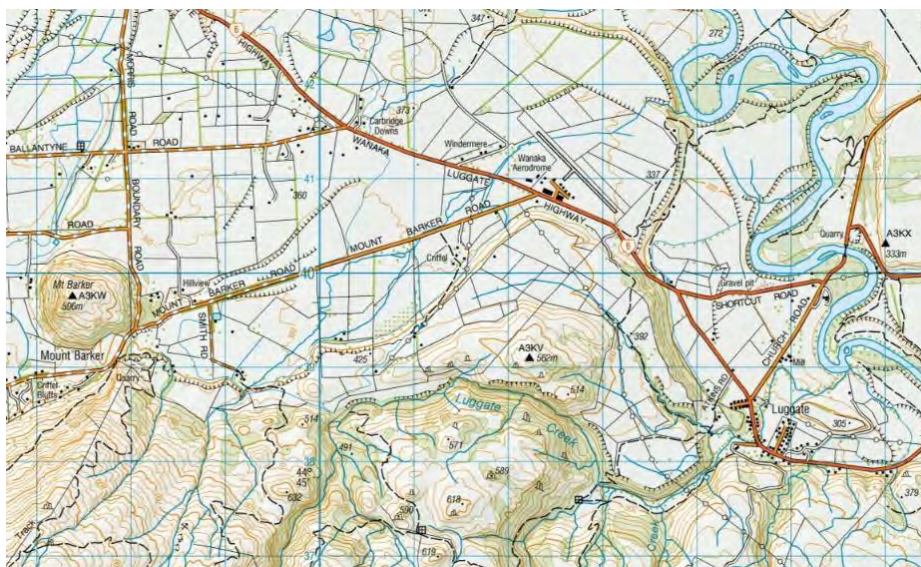


Fig 24: The northern margin of the Pisa Range between Luggate and Mount Barker.

3.7.5.1 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). Between these slopes and the basin floor expansive terraces exist which are intensively farmed. 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. This incorporates the farmed terraces within the ONL(DW) and is consistent with the Environment Court's decision in the Bald Developments case¹⁹.

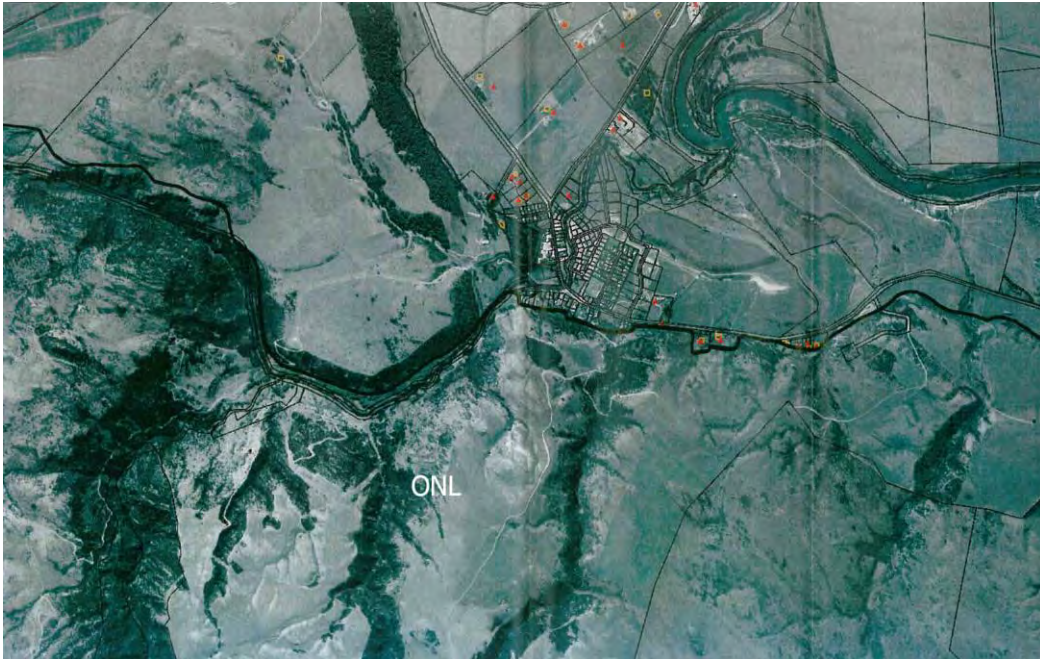


Fig 25: Proposed ONL boundary to the South of Luggate

3.7.5.2 Mount Barker has been reasonably consistently assessed as an outstanding natural feature in consent applications in its vicinity. It is a classic roche moutonee 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.

¹⁹ C?/2009

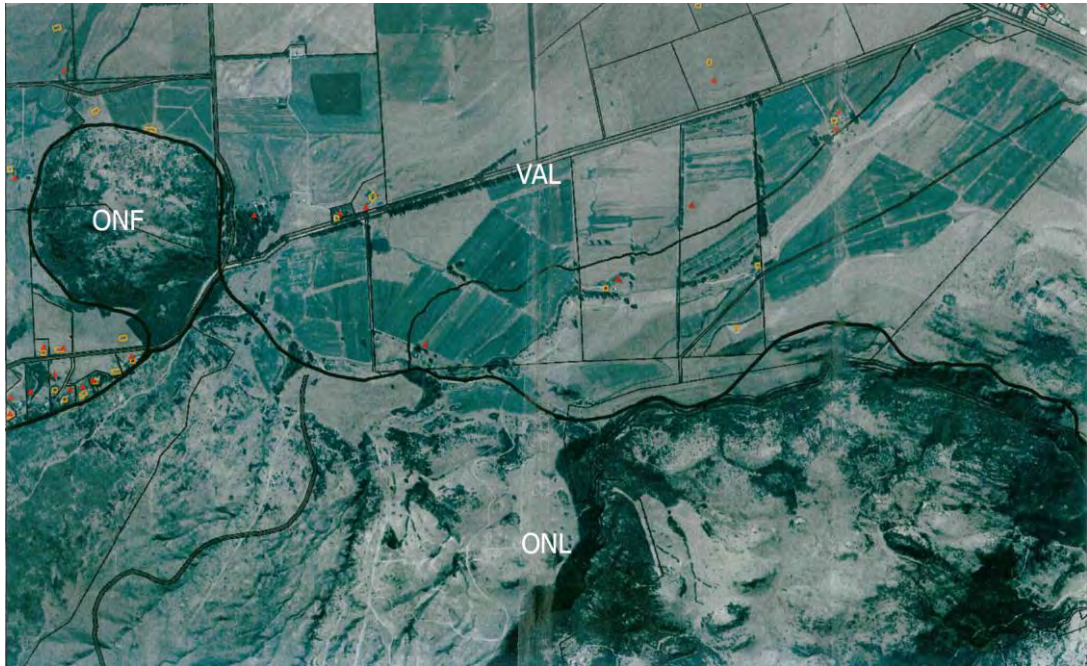


Fig 26: Proposed boundary between Luggate and Mount Barker

3.7.6 Clutha River Corridor

3.7.6.1 The landscape of the northern portion of the Clutha River Corridor is that of the glacial moraine which has been cut through by the actions of the 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.

3.7.6.2 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.

3.7.6.3 Most recently the landscape classification of this part of the river corridor has been

addressed in the assessment of Plan Change 45, known as the North Lake plan change. This plan change was proposed for a block of land located between Aubrey Road and the Clutha River to the east of Sticky Forest. As this land is adjacent to the Clutha River and the lake outlet the location of the margins of the Outstanding Natural Landscape of the lake and the Outstanding Natural Feature of the Clutha River were considered. While a decision on that hearing has not yet been made, the landscape architects (M Read for QLDC and Baxter Design Group for the applicant) agreed on the location of the lines demarcating these landscape classifications. This line has been incorporated into the final proposed map and is illustrated in Fig 27 below.



Fig 27: Proposed ONL, ONF and VAL boundaries at the Lake Wanaka outlet as agreed for Plan Change 45

3.7.6.4 Not given consideration at that time was the location of the landscape classification boundary on the adjacent 'Sticky Forest' site, and further west, on the Peninsula Bay site. While the 'Sticky Forest' site is highly modified in terms of its vegetative cover, it is also a remaining unmodified (in terms of earthworks and development) summit of the terminal moraine and I consider that it has some significance because of this. The more northern portion of the Peninsula Bay site to the west of Sticky Forest has also been determined to be appropriately classified as ONL. The proposed location of this portion of the boundary is illustrated in Fig 28 below.



Fig 28: Proposed ONL boundary in the vicinity of Sticky Forest and Peninsula Bay

3.7.6.5 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 east of the confluence of the Hawea and Clutha rivers has been subject to a thorough assessment by Mr Richard Denney in a report on a Resource Consent application (RM110287). I paraphrase Mr Denney's assessment here²⁰.

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

²⁰ R Denney, RM110287 Landscape Assessment, June 7th 2011.

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.

3.7.6.6 While Mr Denney concluded that this area should be considered to be a part of the ONF of the Clutha River, I consider that it should be determined to be an Outstanding Natural Landscape. My reason for separating this area from the Outstanding Natural Features of the rivers is a matter of scale, the area being too great to really be considered to be a feature in a landscape. The terrace escarpment along the eastern side of this area which encloses it could be considered to be an Outstanding Natural Feature in its own right, however, I have included it within the ONL at this stage.

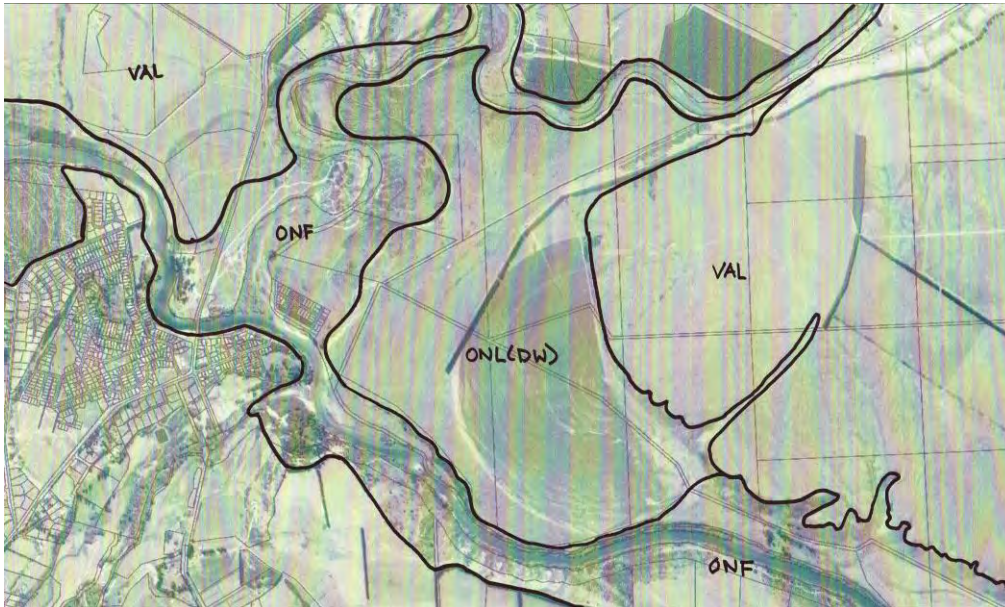


Fig29: Proposed landscape boundaries at the confluence of the Clutha and Hawea Rivers

3.7.6.7 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 in this vicinity, that portion of the River was not readily accessible. From a desk top study, however, I consider that the boundary of the ONF should follow the top edge of the lower terrace 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 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.

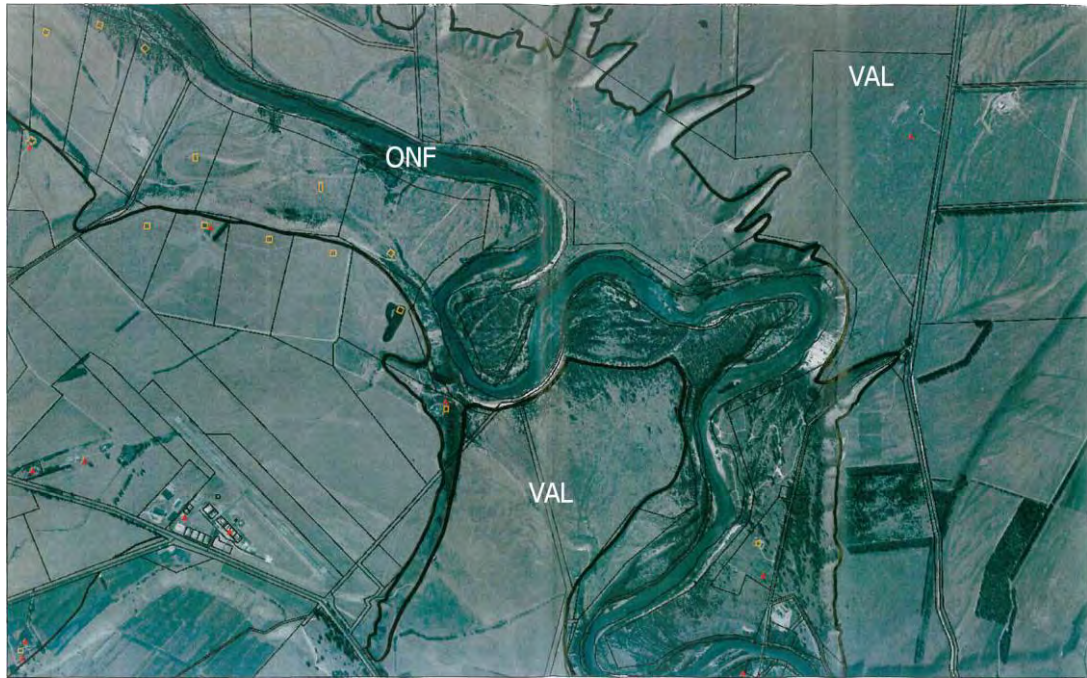


Fig 30: Clutha River ONF in the vicinity of Wanaka Airport

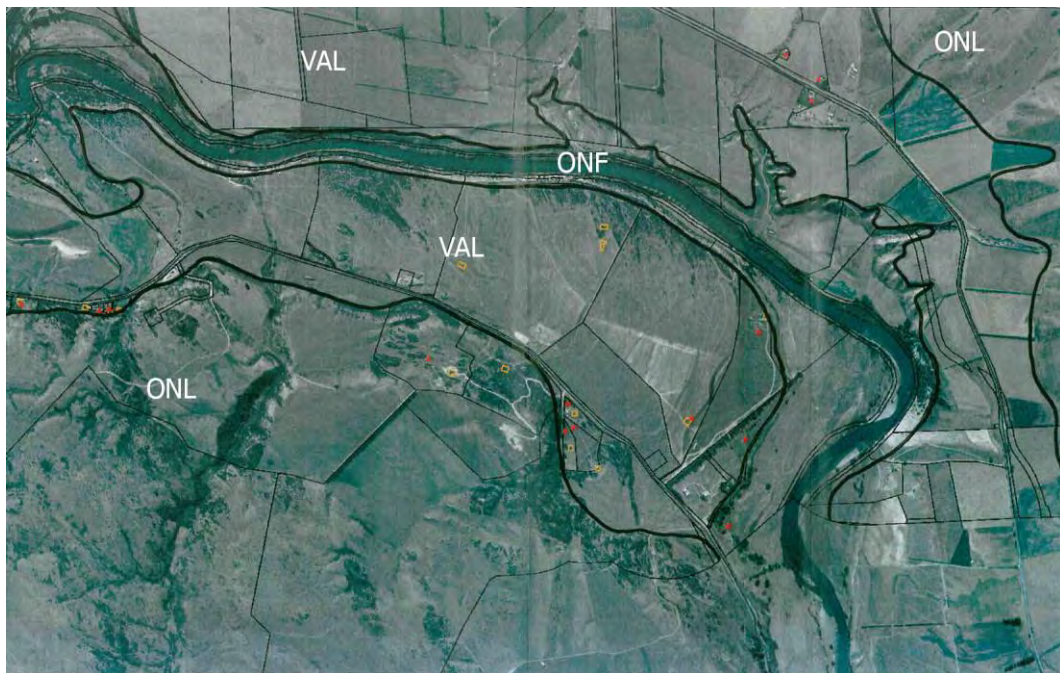


Fig 31: Clutha River east of Luggate

3.7.6.8 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 sub-divider 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, and that the classification of ONF is appropriate.

3.7.7 Hawea River Corridor

3.7.7.1 The Hawea River enters the area of the confluence with the Clutha River by undertaking a significant meander to the west and flowing around the western margin of the area defined above as an Outstanding Natural Landscape. The terrace system around the river margins is complex. In my opinion, however, the upper terrace surfaces on the true left of the river are within the Outstanding Natural Landscape discussed above, and the feature of the river is restricted to the lower terraces and the margins of the river itself. These terraces and the margins of the river in this southern area are clad with regenerating scrub and have a highly natural character. This is illustrated in Fig 29 above. Moving up the river this feature becomes narrowed, to the point where it contains only the river margins for most of the **feature's length**. Willows and poplars are present along the margins of the river itself form much of its length. Indigenous vegetation is also present, however, and the character of the river corridor remains highly natural. The outlet of Lake Hawea, which is via a control gate in the Hawea Dam, is not considered to be a part of the Outstanding Natural Feature of the river.

3.7.8 Cardrona River Corridor

3.7.8.1 Within the Cardrona Valley the Cardrona River is, rightly in my opinion, generally considered to be a part of the Outstanding Natural Landscape through which it flows. Through this portion of its flow it does not exhibit sufficient distinction from its context, which is its flood plain, to warrant its definition as an Outstanding Natural Feature of the landscape.

3.7.8.2 When the river exits the Cardrona Valley it becomes a more significant feature in the landscape in a similar manner as the Clutha and Hawea Rivers. That is, it too exhibits sequences of terraces where it has cut through the glacial and fluvial materials which form the

Upper Clutha basin. It is the case, however, that, other than the flow of the river itself, there is little natural character remaining, and its aesthetic value has been compromised. The river bed has been and still is extensively quarried for gravel. Areas of semi industrial development have been consented on its flood plains. It is infested with broom, lupins and wilding conifers along most of its length. In other words, the river corridor between the Cardrona Valley and the confluence with the Clutha River is significantly degraded and does not warrant classification as an Outstanding Natural Feature.

3.7.9 The Islands of Lakes Wanaka and Hawea

3.7.9.1 The significant islands of Lake Wanaka are Mou Waho, Mou Tapu, Stevensons Island and Ruby Island. These are roche moutonee similar in geological form and origins to Mount Iron and Roys Peninsula. In my opinion these islands should all be identified as Outstanding Natural Features within the Outstanding Natural Landscape of the lake itself. Mou Waho, Mou Tapu and Stevensons Islands all have a highly natural character, being clad in regenerating indigenous forest. Ruby Island has a somewhat modified character having had exotic trees planted on it. Its proximity to Wanaka township has resulted in it becoming a highly valued feature. Its central location in the Rippon Winery publicity photographs and its use on their labels give the Island international exposure, and contribute to its being a readily identifiable and significant feature.



Fig 32: Rippon Vineyard publicity photograph with Ruby Island at centre²¹

²¹ <http://www.rippon.co.nz/>

3.7.9.2 Silver Island, located within Lake Hawea, should also be identified as an Outstanding Natural Feature. As with Mou Waho and Mou Tapu it is clad with regenerating indigenous vegetation and has a highly natural character.

4.0 QUEENSTOWN AND THE WAKATIPU BASIN

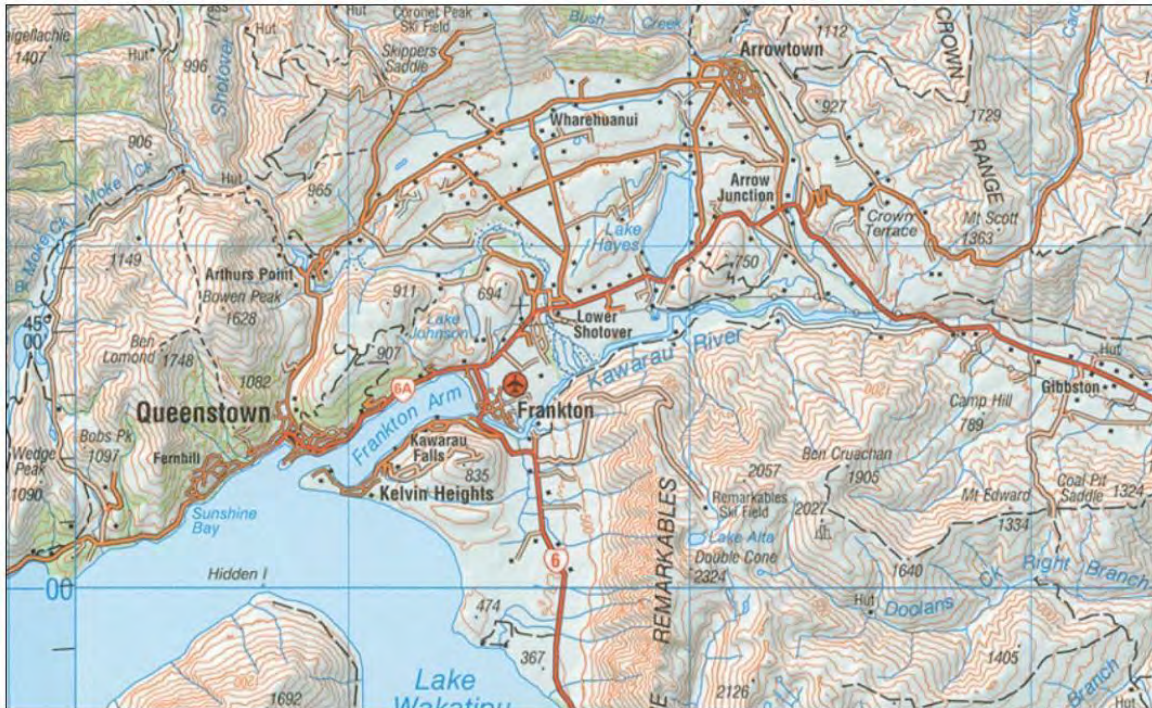


Fig 33: Map of Queenstown and the Wakatipu Basin

- 4.1 The Wakatipu Basin has been subject to considerable scrutiny with regard to the landscape classifications within it. The C180/99 decision of the Environment Court located the putative boundary lines and subsequent decisions of the Court have 'tweaked' the location of these lines. A number of anomalies exist, however, and a number of further 'tweaks' are considered necessary to ensure a consistent and comprehensive system of classifications.
- 4.2 Kawarau River corridor
- 4.2.1 Within the Wakatipu Basin no distinction is made, in a planning sense, between the Outstanding Natural Landscape (Wakatipu Basin) and Outstanding Natural Features. Consequently, unless an ONF is not contiguous with an ONL, as is the case with Lake Hayes and Slope Hill, there is no need to identify it. The Arrow River is such a feature, being subsumed into the ONL(WB) of the Crown Terrace escarpment.
- 4.2.2 I consider that the Kawarau River is an Outstanding Natural Feature. It exhibits high natural character and aesthetic quality along its course. The Kawarau River Water Conservation Order²² includes the river's outstanding wild and scenic qualities under its protection.

²² Water Conservation (Kawarau) Order 1997

4.2.3 The Environment Court established landscape boundaries in the vicinity of the Kawarau River near the outlet of Lake Wakatipu in its C203/2004 and C90/2005 decisions. These lines both exclude the section of the river from the outlet to a point some 2.2km downstream from within the ONL(WB).



Fig 34: Extract from Appendix 8A map showing location of ONL(WB) boundaries around Peninsula Hill and the Remarkables

This section of the river is indistinguishable in terms of its qualities from that further downstream and I consider that the boundaries of the ONL(WB) should be moved to incorporate this part of the river.

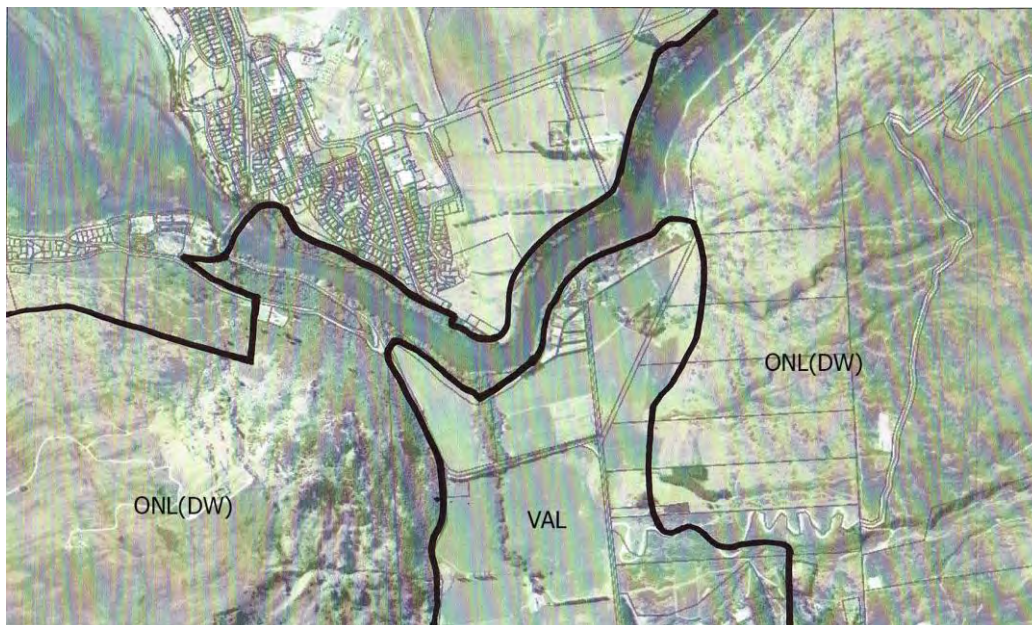


Fig 35: Kawarau River incorporated into the adjacent ONL(WB) areas

4.2.4 The other area in which the river needs to be distinguished from its context is through the Gibbston Valley and on down the boundary of the District until it enters CODC at Roaring Meg. I am uncertain of the value of mapping the river in this vicinity as a feature and

consider that it may be better to simply define it within the Plan's text as an ONF extending from the landward boundary of any marginal strip or other public land adjacent to the river.

4.2.5 I note that there is a potential cross boundary issue relating to the landscape classification of the Kawarau River from its confluence with the Nevis River to the District's boundary. Through this length of the river the true right bank is within CODC and not within QLDC's jurisdiction.

4.2 Frankton Arm

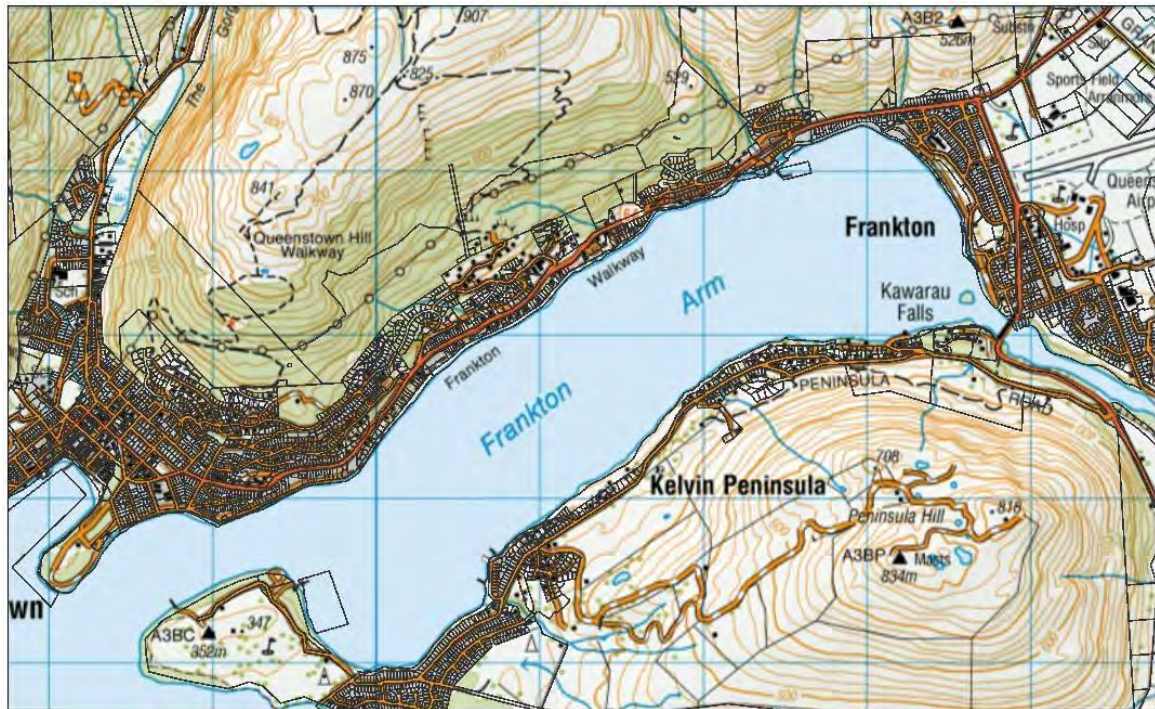


Fig 36: Map of Frankton Arm

4.2.1 The landscape classification of the Frankton Arm of Lake Wakatipu is 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.

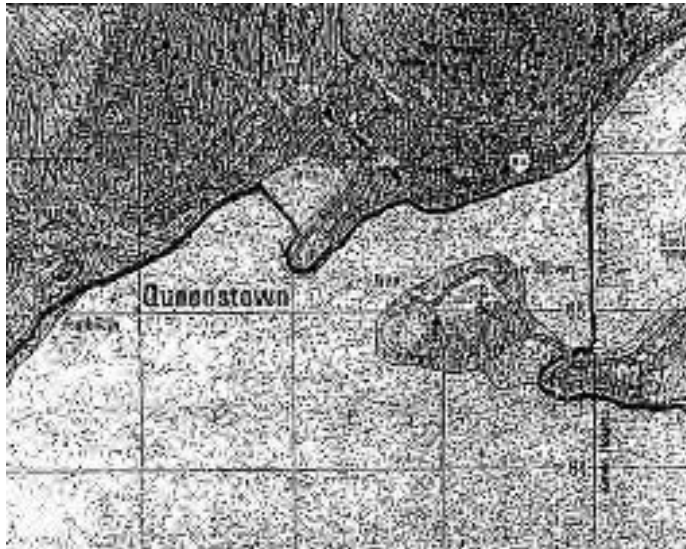


Fig 37: Excerpt from Map included in Decision C180/99

4.2.2 The line which separates the Frankton Arm from the body of Lake Wakatipu includes the Kelvin Heights Golf Course peninsula within the ONL(WB) and excludes the Botanic Gardens Peninsula. The location of this line is not defensible in landscape terms. These two peninsulas 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 apparently 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.

4.2.3 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.

4.2.4 These apparent contradictions within the text and illustrations regarding the Frankton Arm have been matched by landscape assessments which have variously determined the Frankton Arm to be a part of the Outstanding Natural Landscape (WB); 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.

4.2.5 It is the case that the District Plan requires that all land zoned Rural General must be subject to landscape classification. 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 in addition to S6(b). 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 large 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. In this regard the treatment of Queenstown Bay would provide a model.



Fig 38: Proposed Frankton Arm overlay area boundaries

4.2.6 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. 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. A similar regime should be considered for Frankton Arm.

4.3 Queenstown Township and Environs

4.3.1 There are a number of issues around the township regarding the locations of the boundary of the ONL(WB). The major issue in this vicinity is the location of the westernmost boundary between the ONL(DW). Further, more minor, issues arise in regard to the location of the boundary of ONL(WB) in the vicinity of the Sunshine Bay Low Density Residential zone and the landscape classification of the One Mile Creek catchment.

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

4.3.2.1 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 pattern:

- 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.

4.3.2.2 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.

4.3.2.3 In 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'²³. 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.*²⁴

4.3.2.4 From the available vantage points – 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. This is illustrated on Fig 39 below.

²³ C180/99 P80, Para 135

²⁴ *ibid* P81, Para 136



Fig 39: Map showing locations of putative and proposed boundaries between the ONL (WB) and the ONL (DW)

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

4.3.3.1 An 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. At the western edge of Sunshine Bay, however, 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.

4.3.4 The One Mile Creek catchment

4.3.4.1 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).

4.3.4.2 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 is illustrated in Fig 40 below.



Fig 40: Aerial of Sunshine Bay and Fern Hill showing proposed boundary between the ONL(DW) and ONL (WB) with the amendments around Sunshine Bay, Fern Hill and One Mile Creek

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

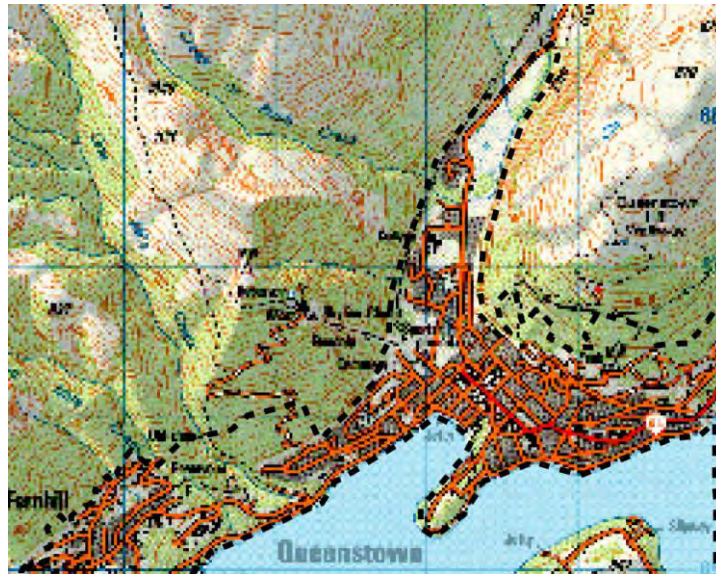


Fig 41: Extract from the Appendix 8A maps showing the putative ONL(WB) boundary around Queenstown township

4.3.5.1 It is the case that the mountain slopes around Queenstown township provide a spectacular container for the town. As such, despite the obvious modifications such as the Skyline Gondola and the presence of wilding conifers over the mountainsides, the appropriateness of their classification as ON(WB) would seem indisputable. Consequently, it would seem that the logical boundary of the ONL would follow the boundary of the Rural General zone. While in landscape terms this does not necessarily follow a distinct landscape feature it is the case that, at least between Brecon Street and the gorge, that it approximates the point at which the lake terrace and the mountainside intersect. Within the gorge the open land immediately adjacent to the township is reserve land owned by Council and the location of a significant wetland. I consider that this area should be included within the ONL(WB) as it has high natural character and forms a foreground for the cliffs on the western side of Queenstown Hill.

4.3.5.2 The putative ONL line follows the foot of the Queenstown Hill escarpment down the eastern side of the gorge which is appropriate. The quality of the western escarpment of Queenstown Hill is notable. The soaring cliffs are quite spectacular, although 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. This is illustrated in Fig 42 below.

4.3.5.3 The location of the landscape boundary on Queenstown Hill has been, and remains problematic. This is in part because Rural General zoned land on the upper margin of the Low Density Residential zone has been subdivided into residential sized lots. In the Trident

case, which related to one of these lots, it was argued that the site was not a part of the **Outstanding Natural Landscape and was a part of the township**. The High Court's ruling was that all Rural General land within the District must be subject to a landscape classification and if the site was not part of the ONL and could not be classified as part of a VAL then it must be classified as Other Rural Landscape (ORL). I consider that the pragmatic solution is to locate the boundary of the ONL on the edge of the Low Density Residential zone but also excluding the existing residential lots which have been created within the Rural General zone. This would result in these lots being assessed as ORL which would facilitate their development which is clearly anticipated.

4.3.5.4 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 of both the zoning and the landscape boundary 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 is **appropriate**.

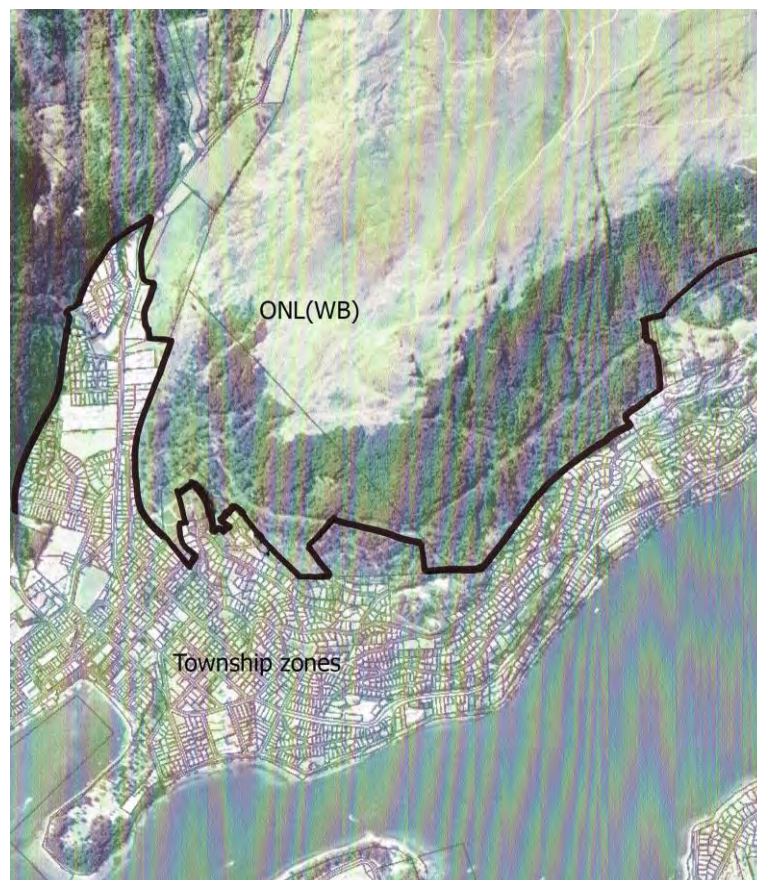


Fig42: Proposed ONL(WB) boundary around Queenstown township

4.4 Ferry Hill / Shotover River



Fig 43: Ferry Hill ONL from Appendix 8A of the District Plan

4.4.1 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 Rural General 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 this is appropriate.**

4.4.2 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 moutonee 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.

- 4.4.3 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 and is considerably more elevated than the change in topography identified as the appropriate boundary between the landscape categories further south. In 2009 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 and included it in the illustration in Fig ? below.

- 4.4.4 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 actual appropriate location of this boundary is currently a matter of contention in an appeal to the Environment Court regarding a proposed subdivision in Hansens Road. I **have examined the evidence presented by both the appellant's and Council's** landscape architects and am of the opinion that Ms Mellsop provides the more compelling argument. Consequently I adopt the location of the boundary which she has proposed and this is reflected in Fig 44 below.

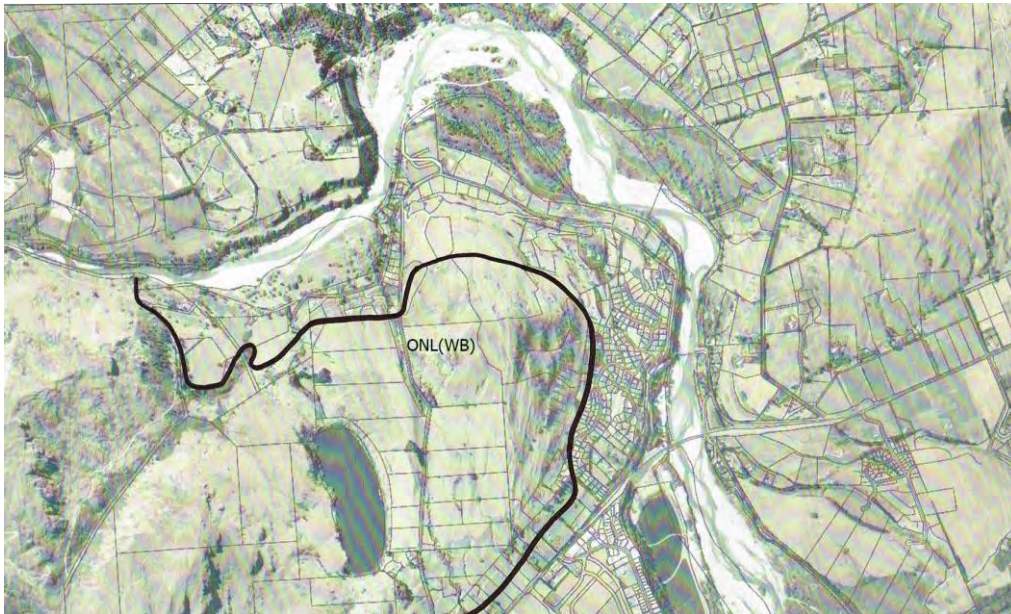


Fig 44: Proposed ONL(WB) boundary on Ferry Hill

4.5 Arthurs Point East

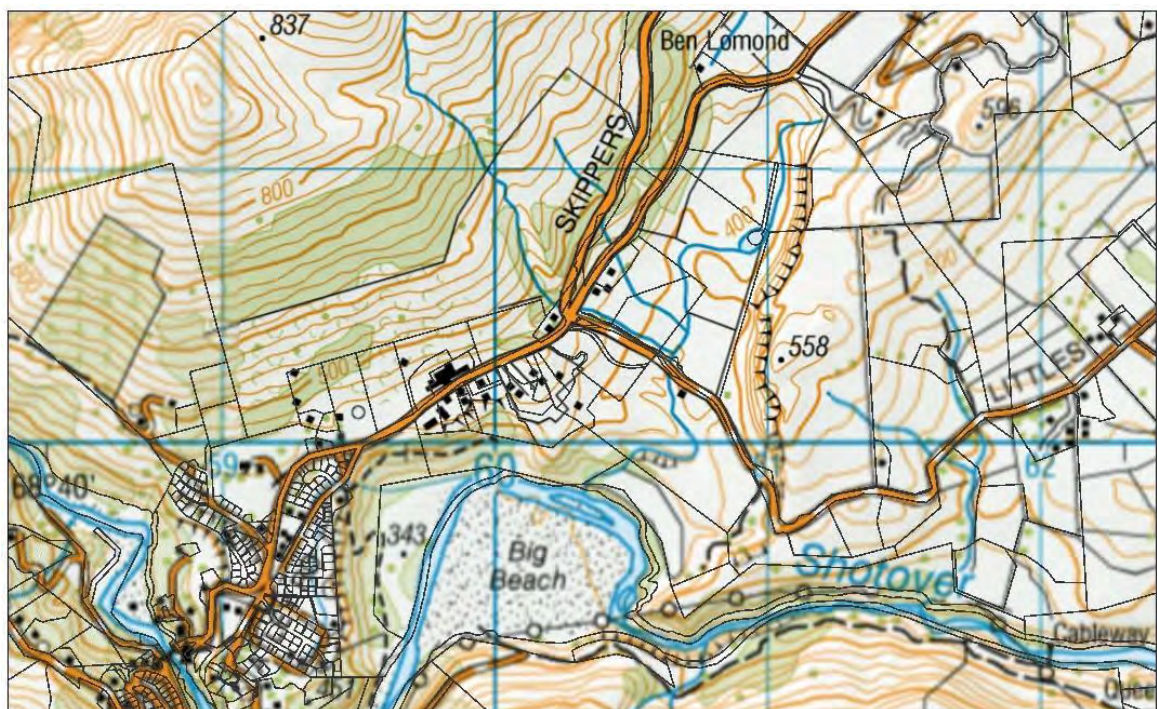


Fig 45: Map of Arthurs Point East

4.5.1 The landscape classification boundaries 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 within 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. This is illustrated in Fig 46 from the Appendix 8A maps of the Plan. 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'²⁵.



Fig 46: Map of Arthurs Point area from Appendix 8A of the District Plan

4.5.2 Far from removing doubt this line is highly problematic. It is difficult to understand why such a line should have been considered necessary 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 activities²⁶. 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 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.

4.5.3 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

²⁵ C3/2002, para 40, P20

²⁶ J E McDonald, Solicitor, for Macalister Todd Phillips. Letter to QLDC dated 12 February 2007

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 embeddedness within the outstanding natural landscape. 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.

4.6 Hawthorn Triangle



Fig 47: Hawthorn Triangle ORL from Appendix 8A of the District Plan

- 4.6.1 The Environment Court ruled in its C83/2004 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.
- 4.6.2 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.**

4.6.3 The area which has been 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 that of the Rural Lifestyle zone standards but without the appropriate change in zoning. It is also my opinion that this level of development threatens the integrity of the Rural General zone itself. I consider that the rezoning of this area to Rural Lifestyle should be undertaken with urgency.

4.7 Lake Hayes / Slope Hill

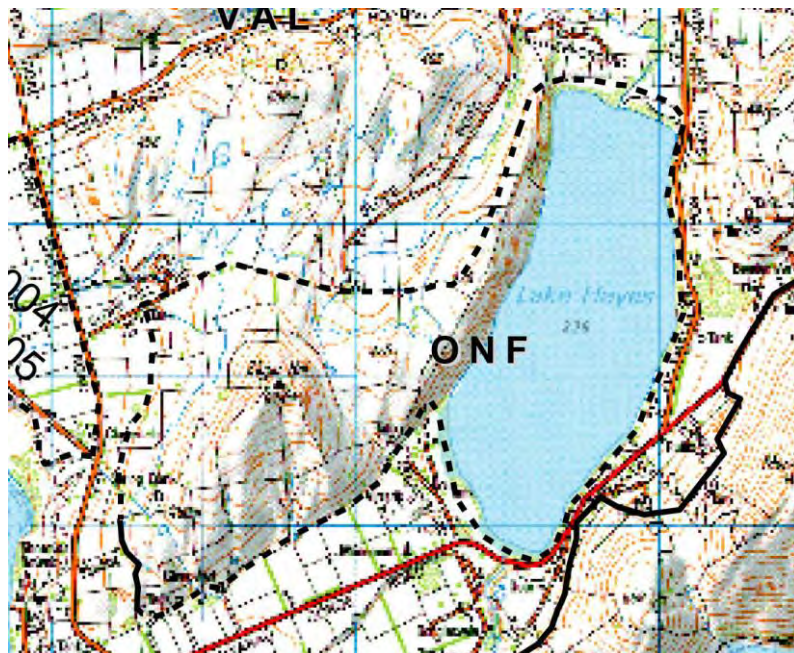


Fig 48: Slope Hill and Lake Hayes ONF from Appendix 8A of the District Plan

4.7.1 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.

- 4.7.2 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. I consider that it should diverge from the water race in the vicinity of Lot 1 DP 303124, however, 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 south 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.
- 4.7.3 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 edge. 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. The proposed boundary of the combined features is illustrated below in Fig 49.

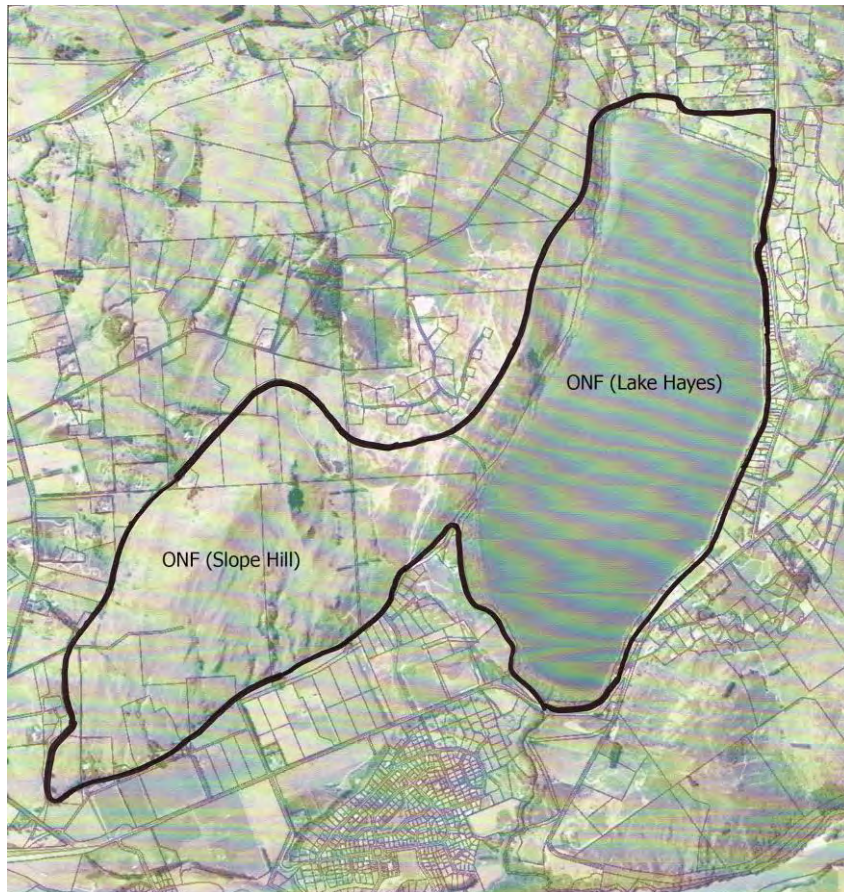


Fig 49: Slope Hill Lake Hayes ONF

4.8 Arrowtown / Coronet Range

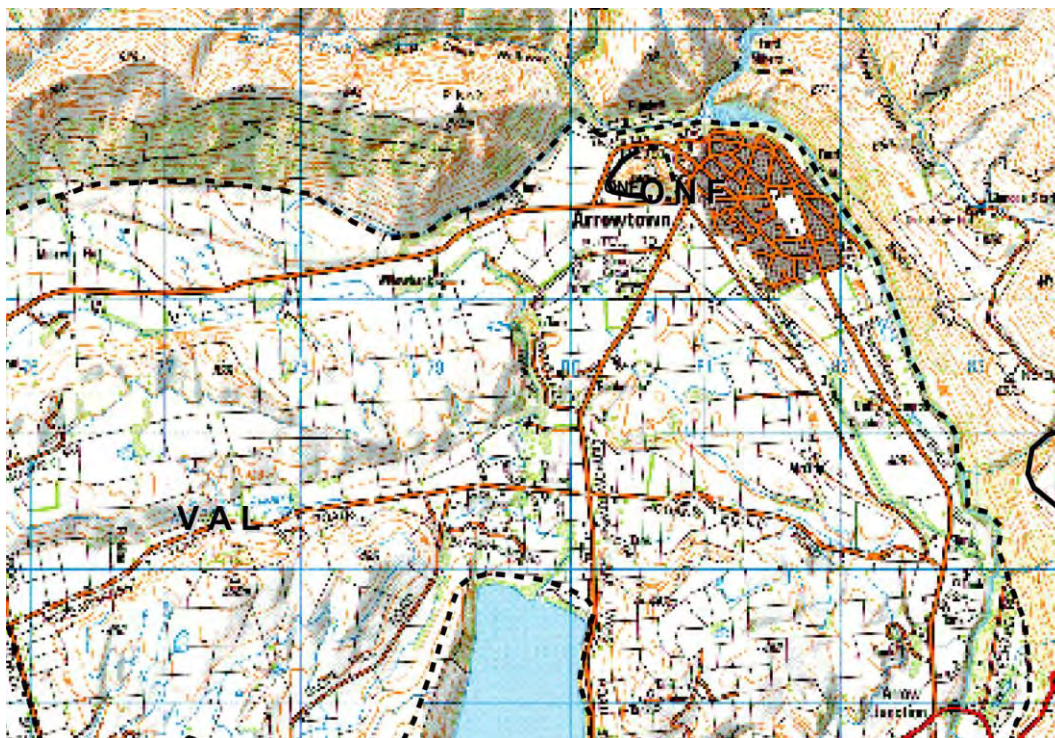


Fig 50: Map of the north east corner of Wakatipu Basin

4.8.1 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 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.

4.8.2 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 Spruce Grove appeal case, C147/2011, 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. This has been incorporated into the proposed map of the vicinity and is illustrated in Fig 51 below.



Fig 51: ONL boundary in the north eastern corner of the Wakatipu Basin

4.9 Shotover River corridor

- 4.9.1 In its C35/2002 decision The Environment Court determined that part of the upper Shotover Gorge, south of Skippers township, was an ONF. It also discussed the things which could be considered in the determination of such a feature, in addition to its outstandingness and naturalness. These are: that the Plan identifies several river gorges as ONFs; that the protection of rivers and their margins is a matter of national importance under S6(a) of the RMA91; and that the Shotover, as with other rivers in the Wakatipu area, is a tributary of the Kawarau River and protected by the Kawarau River water conservation order. The extent of their consideration of the Shotover River as and ONF was limited to the stretch from Maori Point to Long Gully, however, and in this area they determined that the ONF extended from the top of the cliffs on one side of the river to the top on the other. The Environment Court also included the delta of the Shotover River at its confluence with the Kawarau to be within the ONL(WB) in its C203/2004 decision. From a point approximately 2km west of Tuckers Beach to the boundary between the ONL(WB) and the ONL(DW) the river is subsumed within the ONL(WB) and its definition as an ONF is unnecessary (see S4.4 above). The stretch of river to the east of this area as far as the State Highway 6 Bridge remains unconsidered. This is illustrated in Fig 52 below.
- 4.9.2 It is my opinion that this stretch of river should receive similar levels of protection to those on either side. Aspects of this stretch of river, particularly the clay cliffs adjacent to Dalefield, are a spectacular feature of the landscape, and their formation by **the river's** actions is readily perceptible. While parts of the area are weedy with broom and wilding conifers problematic in places indigenous vegetation remains present and natural forces clearly dominate the landscape. The river in this portion transforms from the enclosed single channel of the gorge to the braided form which extends to the confluence with the Kawarau to the south.
- 4.9.3 In my opinion the topography to the north of the river and of Tuckers Beach provide a clear indication of the appropriate boundary of the ONF of the river. The situation is more complex to the south and east. A rubbish dump was located at Tuckers Beach and gravel extraction activities have occurred there more recently. As the effects of this latter activity are likely to be erased by high water flows this area should not be disqualified from inclusion within the ONF. The area in which, I understand, the dump was located is further to the south and should be excluded. To the east the boundary should follow the edge of the escarpment on which the boundary of the ORL of the Hawthorn Triangle is located. To the south east where domestication has extended closer to the river this should descend to the margin of the river where it should remain, passing under the State Highway 6 Bridge. On the true right of the river the feature should exclude the Tucker Beach reserve and follow riverwards edge of the marginal strip until the formed portion of Tucker Beach Road is reached where it should follow the eastern road margin to the old bridge. From there it

should follow the bank of the river passing under the State Highway Bridge. This is illustrated in Fig ? below.



Fig 52: Proposed Shotover River ONF boundaries

4.9.4 As with the Kawarau River, I consider that the full length of the Shotover River through the ONL(DW) should be considered to be an ONF, but consider mapping it to be problematic. I consider that it should be defined as an ONF in the plan and that the extent of the ONF should be defined as extending from the top of the river escarpment on one side of the river to the top on the other side. The area in which this could be problematic would be in the middle reaches where the river bisects Branches Station. Here the feature, which is braided through most of this area, could be defined as extending from the top of the river bank on one side to the top of the river bank on the other, or to the landward side of the marginal strip, whichever is the further from the watercourse. This would mean that in locations where the river has eroded the marginal strip away, the intrusion of the feature into the surrounding land would be limited to the active water course. Where the marginal strips remain intact only public land would be included within the feature.

5.0 Glenorchy and its Environs

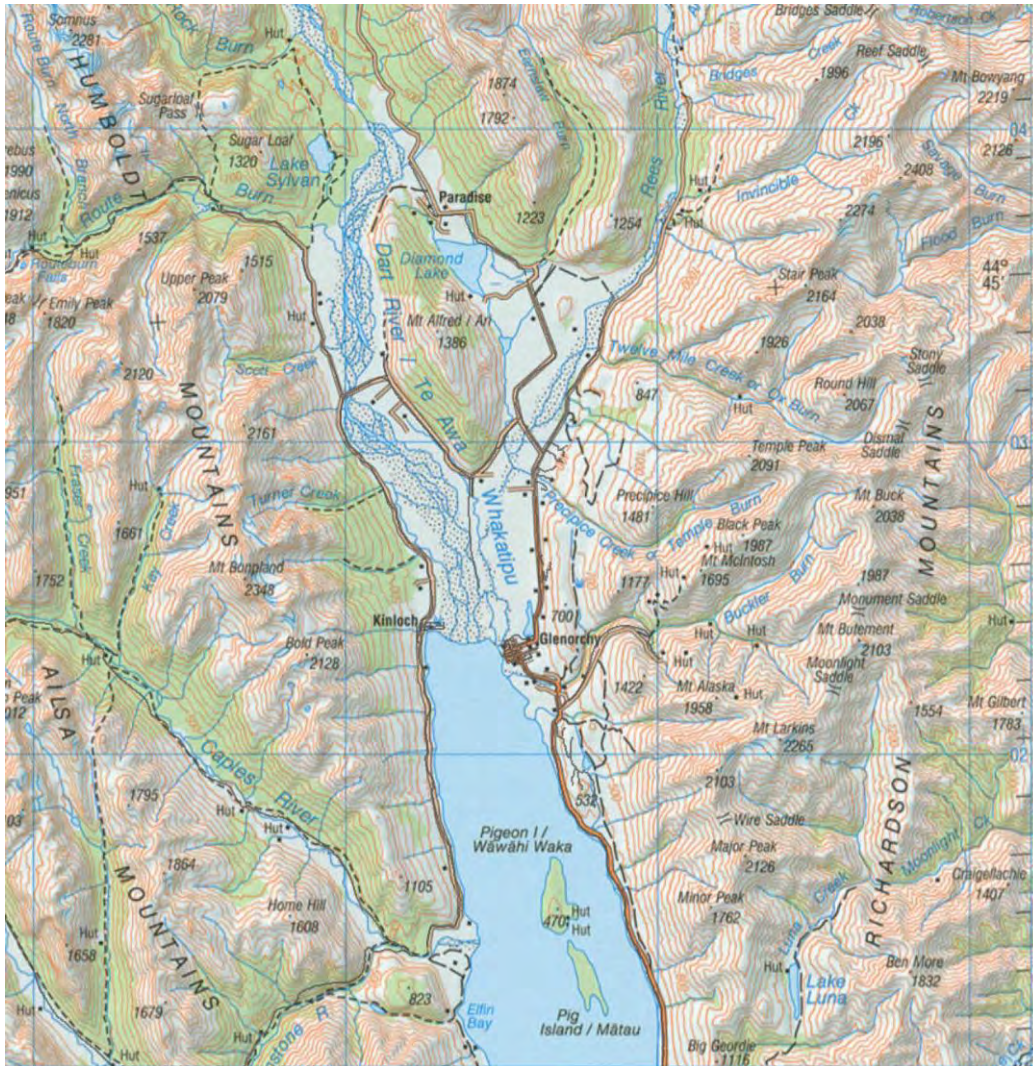


Fig 53: Glenorchy and the head of Lake Wakatipu

- 5.1 The Glenorchy area is generally accepted to be appropriately classified as part of the Outstanding Natural Landscape (District Wide). The valley floors in this area are significantly modified by agricultural development and exhibit features of the Visual Amenity Landscape. The mountains and rivers, however, are such dominating features of the vicinity that, as with the Fern Burn Valley and Paddock Bay flats in Wanaka, the mountain context cannot be separated from the valleys. Consequently the entire area is considered to be within the Outstanding Natural Landscape (District Wide).
- 5.2 A number of features exist in the Glenorchy area which could be considered to be of sufficient quality and significance to be identified as Outstanding Natural Features. That they have not been so identified in the past is most likely due to the lesser level of development pressure which exists in this part of the District. It is the case, however, that a

number of features in the area are listed as protected in the District Plan²⁷ and are thus offered an additional level of protection (on top of their location within an ONL) by S13 of the District Plan. These are the hillocks adjacent to the Dart River Bridge; the face of Bible Terrace to the south of Glenorchy; and the cliff face to the east of Diamond Lake. This latter one appears to be located within the Mount Aspiring National Park. In addition to these I would consider that Mount Alfred, Lake Diamond, the Dart and Rees Rivers and Pig and Pigeon Islands to be candidates for classification as Outstanding Natural Features.

5.3 Mount Alfred

5.3.1 Mount Alfred is a large roche moutonee located at the mouth of the Dart River Valley. It is approximately 9.7km in length and rises to 1386m. It is partially clad with beech forest, and partially with regenerating forest and areas of tussock grassland. The largest area of beech forest is on land managed by the Department of Conservation. The majority of the mountain forms a part of Earnslaw Station and is grazed by cattle which are moved up and down the mountain on a seasonal basis. The mountain has high aesthetic appeal from all directions and is highly memorable. It is highly legible as a glacial landscape feature. It is high enough to be capped with snow in the winter giving it seasonal interest. Scheelite was mined on it at its northern tip and relics of the mine are a protected feature in the District Plan.

5.3.2 I consider that Mount Alfred is both discrete enough and significant enough to warrant classification as an ONF in the terms of the District Plan.

5.4 Diamond Lake

5.4.1 Diamond Lake is a small triangular shaped lake located hard up against the eastern flank of Mount Alfred. At some point in the past the Dart River ran to the east of Mount Alfred. Outwash deposits from the River Jordon and other un-named creeks to its north combined with further deposits from the Earnslaw Burn and Rees River blocked this route and subsequently the River Jordon and the Earnslaw Burn have pooled against Mount Alfred draining along its flank to further create the much smaller Lake Reid and then on to join the Rees River at the southern tip of the mountain. The lake has high aesthetic qualities and forms, in different views, the foreground to Mount Alfred, Mount Earnslaw and to more distant peaks of the Humboldt Mountains. Its legibility is limited, being most obvious in aerial photographs and maps. It has high transient values, being noted for its wildlife. Diamond Lake and Reid Lake along with Diamond Creek are Wildlife Management Reserve established in 1981 in recognition of their wildlife and fisheries value.

²⁷ QLDC District Plan Appendix A3, P A3-2

5.4.2 I consider that Diamond Lake, Lake Reid and Diamond Creek are both discrete and significant enough to warrant classification as an ONF in the terms of the District Plan. The combined Mount Alfred – Diamond Lake ONF is illustrated in Fig 54 below.



Fig 54: Mount Alfred / Diamond Lake ONF

5.5 Pig and Pigeon Islands

5.5.1 Pig and Pigeon Islands are located in Lake Wakatipu in its northern reaches. The islands are twin peaks of a drowned roche moutonee. A significant forest remnant is present on the island. Because of the warming effect of the lake Pigeon Island this includes an established population of kahikatea, miro and matai along with beech. Forest is regenerating over much of the island, much spontaneously but also assisted by voluntary revegetation. Buff weka

have been released on the island and have established a colony. The vegetation of Pig Island is more modified than that of Pigeon Island but revegetation work has now moved to that island and increasing natural character will ensue. The islands are memorable being the only significant islands within the lake. They have become a significant focus for adventure tourism based in Glenorchy.

5.5.2 I consider that Pig and Pigeon Islands are both significant enough features to warrant classification as ONFs in the terms of the District Plan.

5.6 I note that S4.2.5(5)(a) lists Camp Hill and the Hillocks as ONFs. Both of these features are located within the Glenorchy area.

5.6.1 Camp Hill is a small roche moutonee located to the south of Mount Earnslaw. Its southern and south eastern slopes are clad with indigenous vegetation and an extensive revegetation project is underway to supplement this. In addition a historical arboretum exists on the property. The majority of the hill is located on the adjacent Mount Earnslaw station and is open farmland with some remnant grey shrubland species dotted across the landform. In my opinion the landform is too modified to warrant being considered to be an ONF.

5.6.2 The Hillocks is a kame field located to the east of the Dart River bridge. The Geological Society of New Zealand classifies this field as an 'excellent example' of such a feature of national importance²⁸. The hillocks are notable features, some of which are readily observed from the road. They extend over an area of approximately 110ha, however, and it is my opinion that this makes them too indistinct, in totality, to be classified as an ONF.

6.0 MAJOR RIVERS OUTSIDE OF THE UPPER CLUTHA AND WAKATIPU BASINS

6.1 There are a number of major rivers within the District which are not contained within the Upper Clutha or Wakatipu Basins. These are, in addition to the Kawarau and Shotover Rivers discussed above:

- Matukituki
- Makarora
- Hunter
- Greenstone
- Routeburn
- Dart
- Rees
- Von
- Lochy

²⁸ op cite P 27

6.2 All of these rivers are significant features within the landscape. Those associated with Lake Wakatipu receive varying levels of protection under the Water Conservation (Kawarau) Order (1997). The deltas of the Makarora and Dart Rivers are listed by the Geological Society of New Zealand as sites of regional significance²⁹. It is my opinion that all of these rivers warrant the status of Outstanding Natural Features on the basis of their significance within the landscape and their natural character. I do not consider that it is feasible to easily map them, however, and consider that they could be identified in the District Plan in a manner similar to that proposed for the Kawarau and Shotover Rivers. That is, that the outstanding natural feature of the river should extend from the top of the river bank or terrace on one side to the top on the other side, or from the landward boundary of public land such as a marginal strip to a similar location on the other side, whichever is greater. As with the Shotover and Kawarau this would provide the river and its margins with protection under the Plan and the Act but would not impinge overly on any private property.

7.0 CONCLUSION AND RECOMMENDATIONS

7.1 Based on a combination of fieldwork, desktop analysis and drawing on other relevant work and Environment Court decisions a number of landscapes and features have been identified as warranting classification as Outstanding Natural Landscapes or Outstanding Natural Features within the District Plan in addition to those already so defined. These are: Mount Iron; the Clutha River corridor; the Hawea River corridor; the terrace system at the confluence of the Clutha, Hawea and Cardrona Rivers; Mount Barker; the northern portion of Sticky Forest; the islands of Lake Wanaka, Lake Hawea and Lake Wakatipu; the Shotover River corridor; Mount Alfred and Lake Diamond. In addition, the appropriate location of a number of boundaries between Outstanding Natural Landscapes and Features which had already been identified have been refined. Revised maps of the Upper Clutha and Wakatipu areas are appended to indicate these new boundaries, landscapes and features.

7.3 The description of Visual Amenity Landscapes incorporated in the District Plan is based on the landscape of the Wakatipu Basin and does not reflect the character of the Upper Clutha landscape. It is recommended that consideration be given to developing a set of objectives, policies and assessment matters which **are based on that area's landscape character so as to** better manage landscape change in that area.

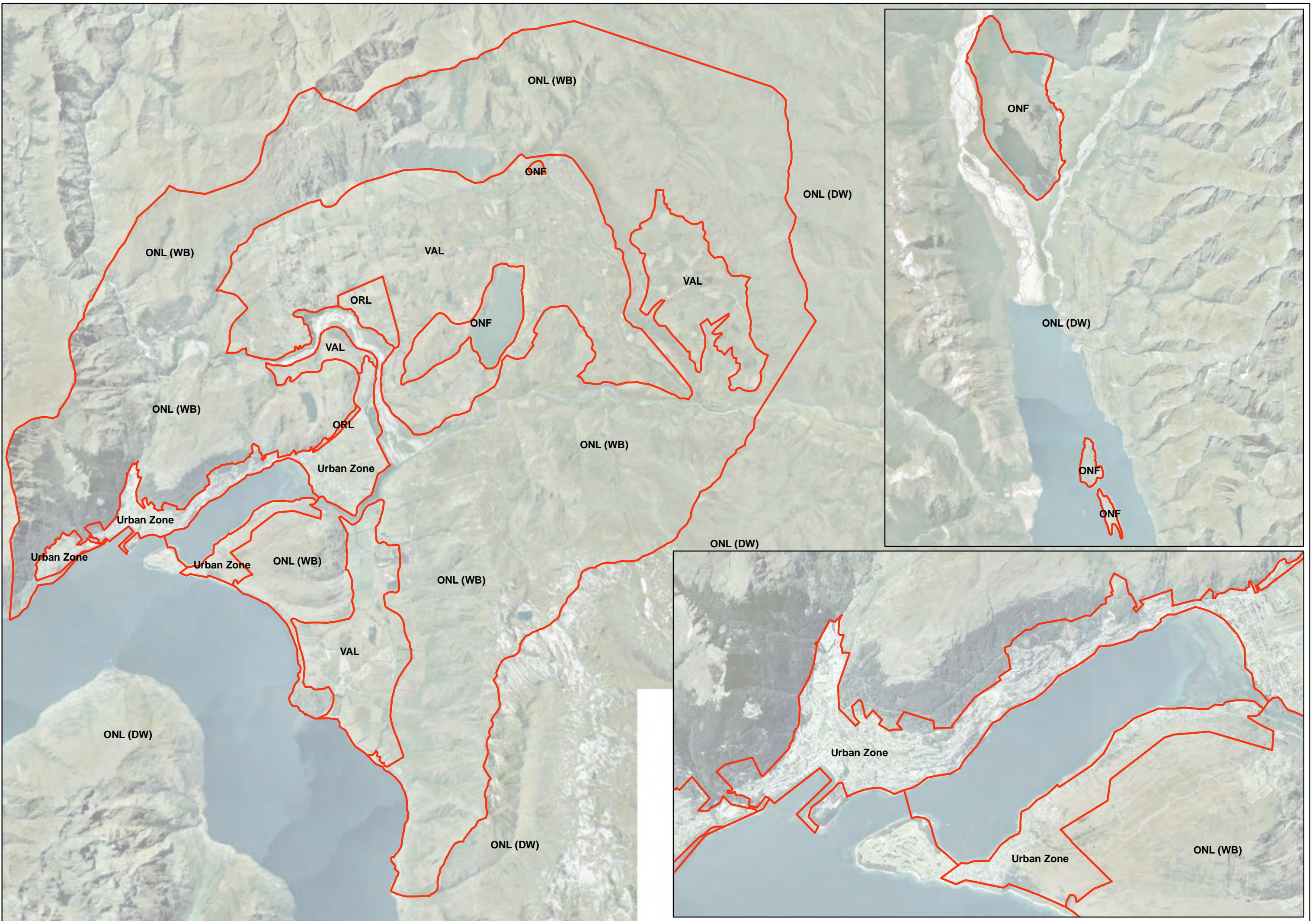
7.4 The appropriate landscape classification of the Frankton Arm of Lake Wakatipu has long been a source of confusion, it having been determined to be within all of the categories listed in the District Plan at different times. The character of this part of Lake Wakatipu differs from the rest of the lake in that it derives from the development surrounding it and its

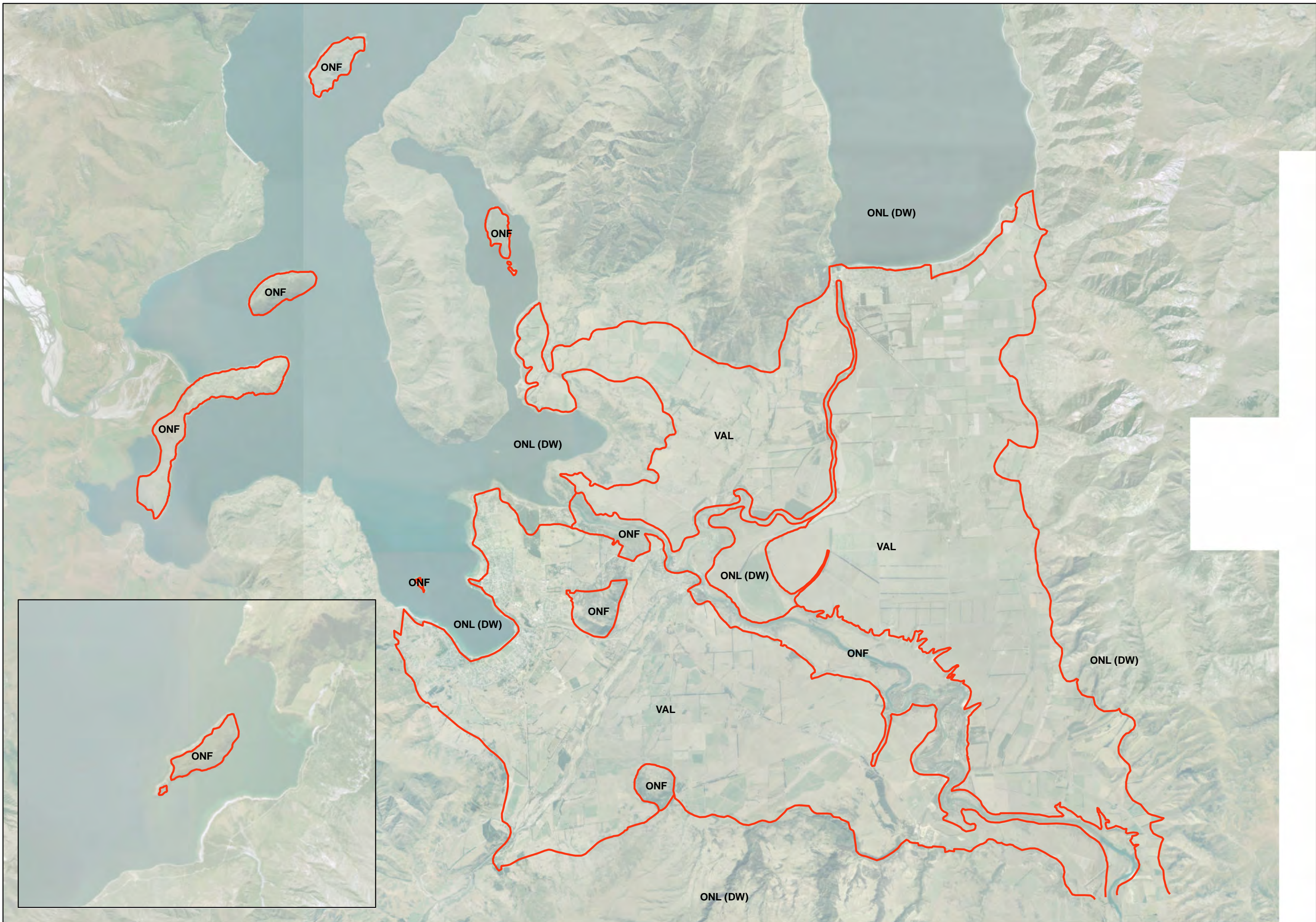
²⁹ op cite P 22 & P 33

role as a site for boating activities. As a consequence it is recommended that an overlay be developed to apply to the Frankton Arm which would remove the necessity for its landscape classification. This overlay would have its own objectives and policies, most likely aimed at facilitating the use of the arm for lacustrine activities.

- 7.5 The area of the Wakatipu Basin known as the Hawthorn Triangle and designated as Other Rural Landscape carries a development capacity approximating that of the Rural Lifestyle zone. As it is not a landscape, per se, it is considered that this classification in this location threatens the integrity of the Rural General zone. It is recommended that this area of the Basin be rezoned Rural Lifestyle in order to remove this threat.

Marion Read
Principal
Read Landscapes





Attachment B – Dr Read landscape report June 2014



**Wakatipu Basin Residential Subdivision and Development: Landscape
Character Assessment**

**Marion Read
Principal
Read Landscapes
June 2014**

Introduction

This report has been commissioned by Queenstown Lakes District Council's (QLDC) policy team as a part of its District Plan Review process. It has been identified that the review of the existing rural zones and the landscape provisions within the District Plan is to be a significant part of this larger review process. Particularly, it is considered that the cumulative effects of development in the Wakatipu Basin have not been well managed. This report aims to examine the landscape of the Basin, determine areas in which further development could occur, areas in which further development would threaten the landscape character and quality of the Basin as a whole, and examine the means by which its future management could be more effectively undertaken.

Background

The landscape management provisions of the Queenstown Lakes District Plan (the District Plan) were included in the District Plan as a direct consequence of an appeal to the Environment Court undertaken by a number of residents and organisations. The decision in the case (C180/99) established the landscape classification regime, objectives and policies and assessment matters by which the landscapes of the District has been managed since. This case, and the provisions based upon it, was based upon the analysis of the landscape of the Wakatipu Basin.

As the landscape management provisions of the District Plan have been implemented over the intervening years (since 2000) issues have arisen, particularly in regard to the management of development within the landscapes classified as Visual Amenity Landscapes. The 2009 District Plan Monitoring Report identified that the cumulative effects of development pressure within the Wakatipu Basin were not being effectively managed. It identified a disjuncture between the objectives and policies of the landscape categories identified within the Plan and the assessment matters and considered that these could more explicitly outline the desired landscape outcome, particularly for the Visual Amenity Landscapes.

The provisions of the District Plan with regard to landscape have two key characteristics. The first is that, like most planning documents in New Zealand, it is based on a picturesque aesthetic¹. In essence this aesthetic is based on the assumption that a landscape should appear as a painting and be susceptible to the same analysis and critique. A consequence of the dominance of this picturesque aesthetic is that landscape is considered to be primarily a visual resource, or put another way, landscape is valued almost exclusively as scenery. This approach ignores the importance of landscape as place, and the central contribution that the character of the landscape makes to this

¹ See Read, M. (2004). Planning and the Picturesque: A Case Study of the Dunedin District Plan and its Application to the Management of the Landscape of the Otago Peninsula. *Landscape Research*, 30(3), 337 – 359.

aspect. The Queenstown Lakes District Plan (the District Plan) landscape management provisions focus almost exclusively on managing the visibility of proposed development.

The landscape management provisions of the District Plan were based on the then best practice of the Landscape Architecture profession. The early training in this country focused strongly on ecology and on classical (picturesque) aesthetics and landscape assessment practice focused intensely on the visual, with some consideration given to ecology and to the promotion of healthy environmental systems. This approach derived from that developed by the American Forest Service whose primary goal was to avoid adverse effects on scenery of the clear felling of forests. In recent years the focus of the profession has changed slightly, largely stimulated by developments in Europe.

The prime driver of these developments has been the drafting and ratification of the European Landscape Convention (ELC)². This Convention was ratified by Britain in 2006 and came into effect there in 2007. Its content is having an increasing influence on the practice of landscape assessment and landscape management in this country. The Convention defines 'landscape' as:

'an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors;'

and this definition has been widely accepted by practitioners in this country. It also, usefully, defines landscape management as"

'action, from a perspective of sustainable development, to ensure the regular upkeep of a landscape, so as to guide and harmonise changes which are brought about by social, economic and environmental processes;'

and landscape planning as:

'strong forward-looking action to enhance, restore or create landscapes.'

Member states of the European Union are required to implement the Convention and in Britain this has been achieved by the process of undertaking a national landscape character assessment. Every area of Britain, including urban areas, has been included in this process and these character assessments form the basis on which local government is expected to base their landscape planning and landscape management processes.

As a consequence of these changes the practice of landscape assessment itself has also undergone scrutiny and reconsideration in Britain. This has recently culminated in the third edition of the 'Guidelines for Landscape and Visual Impact Assessment' being published and adopted by the British Landscape Institute³. This document explains its relationship with the European Landscape Convention stating:

² http://www.coe.int/t/dg4/cultureheritage/heritage/Landscape/default_en.asp

³ Landscape Institute and Institute of Environmental Management & Assessment. (2013). Guidelines for Landscape and Visual Impact Assessment, Routledge: Oxford.

The importance of the ELC definition is that it moves beyond the idea that landscape is only a matter of aesthetics and visual amenity. Instead it encourages a focus on landscape as a resource in its own right.

While not formally adopted by the New Zealand Institute of Landscape Architects, it has been promoted by that organisation. It provides, what some of us feel, to be an answer to disquiet both within the profession and within the broader planning realm as to the robustness of landscape assessment practice. It does so by clearly separating the issues of landscape as a resource in its own right and as a visual resource. It is my intention to apply its framework and principles to this study so as to present a clear, consistent and robust approach to the management of the landscape of the Wakatipu Basin into the future.

The GLIVA approach to landscape assessment examines the potential effects of proposed development in terms of two principles. The first is that landscape is a resource in its own right. That resource can be identified and described through the process of landscape character assessment. Landscape character is defined as:

A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another.

Clearly this definition can be applied at many different scales, which is commensurate with the approach that landscapes can be nested, a theme which has been expressed in a number of Environment Court decisions regarding the Wakatipu. In terms of this definition, the landscape effects of potential development are those things which would disrupt (or enhance) that distinct, recognisable and consistent pattern.

Visual effects are defined as 'the effects of change and development on the views available to people and their visual amenity'.⁴ These can be weighted according to the degree of sensitivity to change which people will experience with residents, recreational users of the landscape, and visitors desirous of experiencing scenery being the most sensitive groups. It is entirely possible, therefore, that a proposal could have significant adverse effects on landscape character but not significant visual effects. It is less likely, but also possible, that a proposal could have significant effects on visual amenity but not on the landscape resource.

⁴ ibid P98

Wakatipu Basin: Current Condition

The first goal of this project is assess the condition of the landscape of the Wakatipu Basin to determine of its ability to absorb further landscape change. In order to fulfil this goal it is necessary to establish some principles on which to base the assessment.

Methods

Firstly, it is considered that the Wakatipu Basin is a landscape character area in its own right. It is contained by significant mountains on all sides, and by significant rivers on three. Its original glacial origins are readily legible, and include moraine features and roche moutonnee. Its overall geomorphological pattern is one of a network of reasonably confined valleys interspersed with hummocky ridges and punctured by roche moutonnee. The majority of it retains a rural character typified by pastoral uses with open pasture of varying quality over most of the land area. Hawthorn hedges, Lombardy poplars, conifer shelterbelts and willows along waterways form the characteristic tree palette, with scattered remnant indigenous scrub present, mainly on steep and elevated landforms. This character is becoming less coherent as residential development spreads and intensifies in pockets.

In summary the following are considered to be the key characteristics of the Wakatipu Basin rural landscape:

- predominance of natural features over human made features
- high ratio of open space relative to the built environment and to the presence of trees
- significant areas in pasture, crops
- scattered indigenous vegetation
- presence of large numbers of farmed animals (sheep, cattle, deer, goats)
- low population densities relative to urban centres
- narrow, unsealed roads
- absence of urban infrastructure
- narrow range of tree species utilised for shelter
- amenity tree species restricted to the immediate vicinity of dwellings.

Conversely the major threats to rural character are:

- predominance of human made features, particularly buildings and structures
- high density of built form
- loss of pastoral/cropping activities;
- loss of indigenous vegetation
- lack of farmed species and preponderance of 'lifestyle' animals (horses, donkeys, llamas, alpaca)

- increased road formalisation by sealing, construction of kerb and channel, culverts etc
- presence of urban infrastructure (kerb and channel, sealed footpaths, street lighting)
- spread of amenity tree species across the landscape

The presence, or otherwise, and the quality of these characteristics was assessed for landscape units across the Basin. Landscape units, in this context are areas with similar character and generally, some degree of visual containment.

In order to undertake the assessment a desk top study was undertaken first in order to gain some familiarity with the following:

- geological foundations of the Wakatipu Basin
- hazard areas
- existing zoning
- consented development
- District Plan provisions.

Site visits to the Wakatipu Basin were then undertaken and a standardised landscape character assessment template was used as a basis for field notes.

It was found, in practice, that this template, taken from 'Landscape Character Assessment: Guidance for England and Scotland'⁵ was of limited value, but it did enable the determination of landscape character sub-areas, referred to in this report as landscape units, throughout the basin in a systematic manner. An evaluation of the rural character of these areas was then undertaken and these given a numeric score which enabled the ranking of these areas. The absorptive capacity of the landscape in each landscape unit was then assessed in terms of the vulnerability of the landscape character to further change, and the vulnerability of the visual amenity provided by and within that landscape character area to degradation by further development. In the latter case that means that landscape units adjacent to major roads are immediately more vulnerable as they have more viewers. A key assumption is that the maintenance of rural character and landscape quality is important for the tourism industry.

Results:

General:

The overall finding is that the level of rural character remaining within the Wakatipu Basin is variable ranging from high in a few areas to more or less extinguished in others⁶. The level of subdivision and development which has already been consented is such that a rural lifestyle character has already

⁵ Swanwick, C. (2002) Landscape Character Assessment: Guidance for England and Scotland. The Countryside Agency and Scottish Natural Heritage.

⁶ This is not to say that these areas do not, arguably, provide high amenity for their occupants and visitors.

spread over much of the Basin. In many areas the density of dwellings approximates one every 4ha or so. The southern end of Morven Ferry Road, Jeffry Road, Eastburn Road and Glencoe Road on the Crown Terrace seem to be the only remaining unsealed roads in the Basin. Amenity trees have been planted in swathes in previously open pasture as well as in association with residential development in the Hawthorn Triangle, Dalefield and other parts of the Basin. These trees in all of these locations diminish the rural character of the landscape; diminish the openness of the landscape; and have a domesticating effect which will increase dramatically as they mature. This will alter the landscape character of much of the Basin.

Key to providing a remaining sense of rurality and of local character in the Basin are the outstanding natural landscapes which surround and enclose the it, and the outstanding natural features which puncture its floor. While some of these, notably Mount Dewar, the face of Coronet Peak, and the Crown Terrace escarpment are all heavily infested with wilding exotic trees, they nonetheless retain the predominance of natural features, high ratio of open space (without buildings), significant areas of vegetation, and low population densities which enable them to be seen as the rural context of the Basin. It is the case that the District Plan seems to have been effective in managing the spread of residential development in these areas. It appears that this is a result of the performance standard which requires development in these landscapes to be 'reasonably difficult to see'. In addition to these outstanding natural landscapes other, more rural, areas of the Basin floor also contribute the rural context to areas which have little remaining rural character within them.

Recommendation: Continue to ensure the protection of the Outstanding Natural Landscapes and Features of the Wakatipu Basin from inappropriate subdivision, use and development.

A summary of the results of the analysis on an area by area basis is attached as Appendix 1 to this report. It is to be noted that the analysis was not restricted to the Rural General zone, treating the landscape of the Basin Floor as a continuous unit. On the basis of this analysis I consider that there are a number of areas of the Basin in which future development could be focused without detracting from the landscape character and visual amenity of the Basin as a whole, and a number of areas which are extremely vulnerable.

Areas for further residential development:⁷

In my opinion future residential development within the Basin should be concentrated in the areas where it would have the least impact on the existing landscape character and visual amenity of the overall Basin landscape. Within the Basin these areas have mainly been identified because the level of existing development has diminished the rurality of the landscape character area already, and

⁷ Each area is identified by a number on the map attached as Appendix 2.

because the existing contribution to the overall visual amenity is already relatively low (while the local visual amenity may remain high). Areas currently zoned Rural General in which these criteria combine are the Hawthorn Triangle (area 9), Fitzpatrick Basin (area 6); Mooney Road (area 3); and Alec Robbins Road (area 20). It is my opinion that future development within the Wakatipu Basin should be encouraged to occur within these areas.

In the case of the Hawthorn Triangle that, while zoned Rural General, the level of subdivision which had been consented in that area already exceeds the allowable density of the Rural Lifestyle zone in some areas. In order to concentrate further development in this area a minimum lot size of 1ha in the area bounded by Lower Shotover, Domain and Speargrass Flat Roads should be considered. The surrounding margins of this area could be rezoned Rural Lifestyle, which would provide a transition between the density on the flat and that of the land retained as Rural General above. To a considerable extent this would simply acknowledge the level of development currently in place. This zoning should include: the area to the west of Domain Road to the edge of the river terrace escarpment (the boundary of the Outstanding Natural Feature of the Shotover River); and the area east of Lower Shotover Road, extending approximately to the 400m contour to the north of Slope Hill Road rising to the 420m contour in the vicinity of Springbank south of Slope Hill Road. This suggested zoning is illustrated on the map attached as Appendix 3.

Recommendation: Allow subdivision to 1ha in the area bounded by Lower Shotover, Domain and Speargrass Flat Roads as a permitted activity providing a suite of design controls were met covering the exterior appearance of the dwelling and the landscaping proposed.

Recommendation: Rezone the land on the margins of the Hawthorn Triangle Rural Lifestyle.

The Fitzpatrick Basin (area 6) incorporates an area of Rural Lifestyle zoning currently but is, in the main, Rural General. The boundary of the rural lifestyle area is entirely incoherent from a landscape perspective, protruding into an area of the basin floor. The basin is contained, with views into it obscured by the surrounding ridgelines. It is my opinion that the Rural Lifestyle zoning should be extended to incorporate the majority of this Basin, extending towards the top of the ridgeline which runs approximately along the southern side of Fitzpatrick Road and to the vicinity of the 440m contour along the north of the Basin. This zoning is illustrated on the map attached as Appendix 3. I consider that the portion of land between the Shotover River and this southern ridgeline should remain zoned Rural General (area 6a). This area has had its rural character compromised to a degree by the consenting of residential development within it, and has had its visual amenity compromised to a greater degree by this development also. I consider that it is close to the limit of its ability to absorb development.

Recommendation: Rezone the Fitzpatrick Basin Rural Lifestyle.

The Mooney Road Basin (area 3) is an area which is entirely contained and as a consequence the effects of development also can be contained within the valley. Development has tended to occur in elevated locations on both sides of the valley, possibly in part owing to the wet nature of much of the valley floor. It is considered, however, that this area has the capacity to absorb further residential development without adverse effects on the landscape of the Basin as a whole. The rezoning of this area as Rural Lifestyle would assist in focussing future development into this area. A requirement should be, however, that development within this landscape unity not be visible from either Malaghans Road or Speargrass Flat Road.

Recommendation: Rezone the Mooney Road basin Rural Lifestyle with the requirement that no new residential development should be visible from Malaghans Road or Speargrass Flat Road.

The area in Alec Robbins Road (area 20) to which this report refers is that which is bound by the escarpment of Morven Hill on one side, Hayes Creek to the west and State Highway 6 to the north. The more northern lots in this area are of Rural Residential size, even though they are zoned Rural General. The lots to the west of Alec Robbins Road are larger, but the development has been contained by the topography to the level terrace area, concentrating its domesticating effect. The open pasture to the west of Alec Robbins Road is not particularly visible from State Highway 6 and consequently does not make a significant contribution to the visual amenity of travellers on that road. It does provide a rural mid-ground to residents of Lake Hayes Estate in their views of Morven Hill. The rezoning of this area Rural Lifestyle would provide for further development possibilities without significant adverse effects on the character or visual amenity of the wider Basin and should be considered. This zoning is illustrated on the map attached as Appendix 3.

Recommendation: Rezone the land adjacent to Alec Robbins Road Rural Lifestyle.

Areas in which further residential development should be avoided:

There are a number of landscape units within the Basin in which the character and visual amenity of the area are both considered to be vulnerable to further change. Several of these areas are immediately adjacent to areas of intensive development and are thus seen as vulnerable to development pressure. Others are significant areas which contribute the majority of the remaining rural character to the Basin as a whole.

The Crown Terrace (area 17) as a whole is considered to be highly vulnerable to both character change and to the degradation of its visual amenity. It is a reasonably expansive and open area

which has, thus far, retained its rural character typified by large paddocks, shelter belts and agricultural activities. It is deeply cut by the Royal Burn, Swift Burn and other unnamed creeks and this feature, combined with the hummocky glacial deposits of the terrace edge, provides some topographical complexity which may provide some further absorptive capacity. Given, however, that there are some thirty consented but as yet undeveloped building platforms on the terrace, it is considered that further development is likely to have significant adverse effects on the landscape character, the visual amenity of the vicinity, or both. In addition, the presence of residential development along the rim of the terrace escarpment threatens to compromise the visual amenity of persons on the Basin floor, for whom the views of the Crown Range are important.

Recommendation: Avoid further subdivision and residential development on the Crown Terrace, either through specific provisions in the District Plan and/or by increasing the rigour of the relevant assessment matters including requiring that any further residential development should not be visible from locations on the Basin floor, and that the open, pastoral landscape character of the terrace must be preserved.

Malaghans Valley (area 2) is also considered to be a landscape unit which is highly vulnerable to changes in both its landscape character and to the visual amenity which it provides. It remains the most extensive area of pastoral land in agricultural production in the Basin (other than the Crown Terrace). In addition to these aspects of its character, its readily legible glacial deposits along the valley floor give it a high level of interest, and visual amenity. Sporadic residential development is located, predominantly, along the southern side of the valley, on the valley floor and, to a greater extent, on the north facing slopes of Malaghans Ridge. This creates pockets of domestication which detract from the rural character of the valley to a degree. In terms of visual amenity, however, their impact is lessened by the tendency to focus on Coronet Peak and its associated mountains. It is considered that the protection of the rural character of this landscape unit is of very high importance to the maintenance of the remaining rural character and visual amenity of the Basin.

Recommendation: Avoid further subdivision and residential development of the Malaghans Road landscape unit, either through specific provisions in the District Plan or by increasing the rigour of the relevant assessment matters including requiring that any further residential development should not be visible from locations in Malaghans Road, and that the open, pastoral landscape character of the valley must be preserved.

The Speargrass Flat Valley (area 12) is another area of the Basin in which the landscape character remains essentially rural. It has been compromised to degree by the planting of amenity trees along a portion of the road boundary and in swathes across the upper slopes on the northern wall of the valley. It remains relatively free of domesticating residential development, however, until the Rural

Residential Zone of North Lake Hayes is reached. Consented but as yet undeveloped sites on the northern ridge should not give rise to dwellings which are prominent from the valley floor. It is considered that the protection of the rural character of this landscape unit is of high importance to the maintenance of the remaining rural character and visual amenity of the Basin.

Recommendation: Avoid further subdivision and residential development of the Speargrass Flat Valley landscape unit, either through specific provisions in the District Plan or by increasing the rigour of the relevant assessment matters including requiring that any further residential development should not be visible from locations in Speargrass Flat Road, and that the open, pastoral landscape character of the valley must be preserved.

The Littles Stream Valley (area 7) is located to the west of the Fitzpatrick Basin. The upper reaches of the valley are visible from the vicinity of Hansens Road and Lake Johnston and the western from Arthurs Point. The lower reaches are more visually discrete. The area does contribute to the visual amenity experienced from those locations, however, and from properties within the valley itself. In terms of landscape character, the lower reaches have now been subdivided into lots in the vicinity of 4ha each. The higher slopes are in larger lots, and the removal of a block of Douglas fir is assisting in restoring the pastoral character of this area. It is considered, however, that both in terms of character and visual amenity this landscape character area is at the brink of its ability to absorb development. It is considered that the protection of the rural character of this landscape character area is of high importance to the maintenance of the remaining rural character and visual amenity of the Basin.

Recommendation: Avoid further subdivision and residential development of the Littles Stream Valley, either through specific provisions in the District Plan or by increasing the rigour of the relevant assessment matters including requiring that any further residential development should not be visible from locations in Littles Road, Arthurs Point and Hansens Road.

The Arthurs Point Basin (area 8) is located to the west and north of the Littles Stream Valley. It is an ice evacuated basin of some geological significance⁸ and is contained within the Outstanding Natural Landscape (Wakatipu Basin). It is enclosed by steep cliffs to its east, steep escarpments to the north and west, and the Shotover River to the south. The floor of the basin is undulating in the north smoothing to river terraces in the south. The natural character of the basin has been compromised by its pastoral use and residential development. Its rural character also has been compromised by the presence of residential development in the south western quarter of the basin, and by the spread of wilding trees particularly along its western margins. Its visual amenity, however, is very high and its vulnerability is considered to be very high also. It is considered that the protection of the rural

⁸ Hayward, B W & Kenny, J A (eds). (1998). Inventory and Maps of Important Geological Sites and Landforms in the Otago Region. Geological Society of New Zealand: Lower Hutt.

character of this landscape character area is of high importance to the maintenance of the remaining rural character and visual amenity of the Basin, and that the enhancement of its natural character should be a priority⁹.

Recommendation: Avoid further subdivision and residential development of the Arthurs Point basin by specific provision in the District Plan. Encourage the enhancement of the natural character of the Basin.

The margins of the Arrow River from the Arrow Junction Bridge south to the confluence with the Kawarau River and east to the foot of the Crown Terrace (area 18) form another landscape unit. This area has been subdivided into a range of lot sizes but most are larger, 10 to 20ha and so residential development remains reasonably dispersed and discrete. Rural character remains reasonably high but is at risk of further fragmentation and domestication and is considered to be vulnerable to change. This area is the first part of the Wakatipu Basin which is experienced by someone travelling from Cromwell on State Highway 6. It currently has high visual amenity and it is considered that this amenity is vulnerable to change also. It is considered that the protection of the rural character of this landscape character area is of high importance to the maintenance of the remaining rural character and visual amenity of the Basin.

Recommendation: Avoid further subdivision and residential development of the Arrow River margins area by specific provision in the District Plan.

The area to the north and east of the North Lake Hayes Rural Residential zone is considered to be another landscape character area (area 13) which has moderate remaining rural character and moderate to high visual amenity. Both have been compromised by prominent residential development along the eastern slopes below the Hills Golf Course, and by the Rural Residential and Rural Lifestyle zoning which protrudes north into this area. This area provides a rural break between the development which surrounds Lake Hayes and Millbrook which is located over the ridgeline to the north. While the area is a continuation of the Speargrass Valley to its west, it is considered separately because it has both positive features, particularly the avenue of trees associated with the Ayrburn homestead, and detractions, as discussed, which do not influence the valley. As such it is considered that the protection of the remaining rural character and visual amenity is highly desirable.

Recommendation: Manage further subdivision and development by increasing the rigour of the relevant assessment matters.

⁹ A resource consent granted on Part Section 29 Block XIX Shotover Survey District which encompasses the eastern cliffs includes the clearance of weeds and their revegetation which will enhance the natural character of the vicinity.

Recommendation: Consider the rezoning of the area as Rural Lifestyle within 10 to 15 years depending on development pressure.

The area to the immediate north of the Hawthorn Triangle is another area where a moderately high level of rural character has been retained, and which provides moderately high visual amenity to surrounding areas (area 11). It is also the case here, however, that the loss of this rural character and visual amenity would have fairly limited consequences on the rural character of the Basin as a whole, provided the slopes to the north east remained rural in character.

Recommendation: Manage further subdivision and development by increasing the rigour of the relevant assessment matters.

Recommendation: Consider the rezoning of the area as Rural Lifestyle within 10 to 15 years depending on development pressure.

Ladies Mile, between Lake Hayes and the Shotover River (area 19), provides an important introduction to the Wakatipu for visitors travelling from Cromwell and Wanaka. While the rural character of the area has been compromised by the fragmenting and domesticating effects of residential development on the northern side of the road, the extent of these effects on the southern side has been considerably less. Consequently expansive views to Cecil and Walter Peaks are possible over open pasture providing high visual amenity. It is considered that the protection of the remaining rural character and visual amenity of this landscape unit is of high importance to the maintenance of the remaining rural character and visual amenity of the Basin and that further development in this area should be avoided.

Recommendation: Avoid further subdivision and residential development of the Ladies Mile landscape unit by specific provision in the District Plan.

The balance of the Wakatipu Basin could be said to be in an intermediate zone, where landscape character and visual amenity are moderately vulnerable. This includes most of the elevated areas of Malaghans Ridge (area 4); Hogans Gully and Bendemeer Hill (area 23); the Slope Hill Valley (area 14 on Appendix 2) and North Slope Hill (area 10 on Appendix 2); Arrow Junction (area 24); the McDonnell Road Valley (area 16) and the eastern end of Malaghans Valley (area 21). In all of these areas the relatively complex topography is central to their localised landscape character and its vulnerability to change is limited. The lack of visibility from public and private locations limits the potential effects of further development on the visual amenity of the Basin as a whole. This is not to say that subdivision and development proposals in these areas do not require active management to ensure that this is the outcome.

Recommendation: Manage further subdivision and development by increasing the rigour of the relevant assessment matters.

Potential Management Methods

Minimum lot sizes

One option for introducing a greater level of control over development in the Basin which has been mooted is the determination of a minimum lot size to be imposed in addition to the landscape based assessment criteria. This option raises the objection that allowable size of allotments is always arbitrary. I do not consider this to be entirely accurate. It is my observation that allotments of less than 5ha in area are small enough that land management practices which are essentially domestic in nature (mowing, tree planting, gardening) are feasible. Between 5 and 10 hectares some rural land management practices usually become necessary (animals, baleage, cropping) but fragmentation by division into small pastures, the planting of shelter belts and woodlots, and domestication by the planting of large numbers of amenity trees frequently occurs. At 10 to 15 hectares, while all of these practices may be undertaken, the size of the property limits the scale of the undertaking and the extent of the fragmentation and domestication is limited. At around 15ha, it seems from observation, rural character can be maintained.

If it is then accepted that a minimum lot size for the maintenance of rural character is 15ha, it is necessary to examine what effect the imposition of this would be within the areas of the Basin in which further development might occur. It seems that in order to be effective a minimum lot size would need to enable sufficient further subdivision to direct development into areas where the landscape can absorb it while deterring development in areas where it cannot. It would clearly be effective in preventing further subdivision in many areas where the landscape has already been subjected to fairly intensive subdivision. While not an exhaustive analysis, these include: the margins of the Arrow River south of the Arrow Junction Bridge; Ladies Mile; Littles Stream Basin; Fitzpatrick Basin; North Lake Hayes; and the McDonnell Road Valley. It would not, however, be effective in facilitating subdivision in the areas in which the landscape might absorb further development such as Malaghans Ridge and Morven Ferry. While a number of holdings along Malaghans Ridge are of sufficient size to be subdivided into 15ha blocks, the proportion of these sites which could be so subdivided without adverse landscape or visual effects would be much smaller.

For example, Ayrburn Estates own 131ha of land at the eastern end of the Speargrass Flat Valley/ Malaghans Ridge landscape character areas¹⁰. Of this only approximately 36ha of land is located on the top of the ridge where development may possibly be absorbed, the south facing slopes and valley

¹⁰ Its legal description is Part Lot 3 DP 5737, Lot 4 DP 319854 and Lots 3- 5 DP 343305

floor being considered to be highly sensitive to both character change and changes in visual amenity. In fact, subdivision consent for three lots has already been granted on this property, and three building platforms are already located within this area. There is another aspect of this property which is relevant to this investigation. That is, it is on this property that large swathes of exotic amenity trees have been planted on the south facing slopes, noted above, and it is anticipated that this will have an increasingly domesticating effect on the landscape of the Speargrass Valley as the trees grow demonstrating that even on large properties inappropriate management can be undertaken which will have adverse landscape effects.

While it is considered that 15ha is the minimum lot size necessary to ensure that rural character and rural amenity is preserved it is also worth examining the impact of a smaller minimum, one at which significant domestication may still be avoided, of 10ha. At this minimum lot size none of the vulnerable areas of the Basin would be protected from further subdivision. It would enable subdivision within the areas identified for further development but with the attendant risk of adverse effects on landscape and visual amenity which would still require management.

A further consideration needs to be made. It is the case that in some subdivisions within the District the landscape and visual effects have been successfully managed by the use of common or balance lots, or management covenants. 'Stonebridge' for example, has a total of eight residential lots on a total site of 20ha, giving a land area per dwelling of 2.5ha per dwelling. The residential use of the site is restricted to an area of 4.1ha, however, providing each dwelling a curtilage of approximately 2000m². The surrounding balance of approximately 16ha is maintained as productive agricultural land owned in common by the lot owners. This has been successful in reducing the domesticating effect of the overall development. Ayrburn Estate is an example of a management covenant, where the lots are run as a productive farm, the lot owners being restricted in their influence to a relatively small curtilage area. This does maintain the floor of the eastern part of the Speargrass Valley as productive, pastoral land, but its effectiveness has been compromised by the planting of the exotic amenity trees discussed above. It would appear that a minimum lot size would remove, or seriously hamper, the ability to undertake these more creative methods of achieving effective landscape management within the Basin.

Recommendation: The inclusion of a minimum lot size would not assist in the maintenance of rural character in the Wakatipu Basin.

Plan provisions

I have undertaken an analysis of the landscape provisions in the Plan in Sections 4 and 5. This clearly demonstrates a number of problems with both the policies and objectives and the assessment

matters. I attach the analysis as Appendix 4. In summary there are a number of general points to be made. Firstly, the definitions of the landscape classifications and the issues which concern each type are confused. The reference to 'openness' in reference to Outstanding Natural Landscapes is misplaced given that, apart from the high tussock grasslands, the natural condition of most of the ONLs of the District was forested. Given that the classification is based on S6(b) of the RMA, it would reasonably be expected that maintaining and enhancing the natural character and outstanding quality of those landscapes should be a major focus. Similarly, as S7(c) is the basis justifying the Visual Amenity Landscape category, references to 'enhancing natural character' again seem misplaced, and the maintenance and enhancement of amenity (not just visual amenity) would appear to be a more logical focus.

Recommendation: The definitions of the landscape categories should be rewritten so as to better reflect the intentions of the enabling legislation.

The definition of the Visual Amenity Landscapes is particularly problematic. The reference to Arcadian landscapes has, in my opinion, led to much confusion, both amongst lay people and professionals, neither group having a clear grasp of what it actually means. In addition the definition refers to 'pastoral or arcadian'. It is unclear if this means that the Plan aims to have regard to both landscape characters, or if they are different ways of stating the same thing.

Arcadia was, in fact, a common subject of the early picturesque painters and as such has made a significant contribution to the development of the picturesque aesthetic. An examination of these paintings has led me to the conclusion that an 'Arcadian' landscape has a number of distinct features.

These are:

- the landscape of the fore and mid-ground is fine-grained and broken into small, reasonably discrete areas by vegetation and topography;
- there are areas of rugged topography (cliffs, waterfalls);
- the fore and mid-ground landscape contains many large trees;
- the mountainous context of the site is distant and its detail indistinct;
- buildings are always visible and these are often temples;
- there are animals present, usually sheep or goats;
- there is water, either a river, lake, pond or the sea;
- there are always people present, usually resting if they are a worker (shepherd or goatherd) or recreating as is the case in both of these paintings.

This arcadian landscape is, first and foremost, an idealised rural landscape which bears little relationship to a productive or truly pastoral rural landscape. It is the landscape recreated in the picturesque parks of England. Its inclusion as a part of the definition of Visual Amenity Landscapes

has led to landscape professionals considering that its development within the District is a goal of the Plan. This, in combination with the direction to enhance natural character, has been used as justification for the planting of many exotic amenity trees; of avoiding linear planting, even when it is entirely in keeping with the character of the vicinity; and of considering residential development partially screened from sight to be acceptable. It has strongly influenced the developing character of the Wakatipu Basin.

In my opinion the areas of the Basin which most clearly demonstrate arcadian qualities are Dalefield; the Hawthorn Triangle; the slopes of Slope Hill to the south of Slope Hill Road; and Arrow Junction. These are the most modified and highly developed areas of the Basin. There are also those who consider that the development of this character is positive, and I have heard it argued that the Hawthorn Triangle will, in time, have the character of Thurby Domain. The Domain is on a south facing slope and was planted at a time when sun and views were not high priorities. Far from developing a similar character I consider it more likely that the presence of large amenity trees within the Hawthorn Triangle is likely to provoke neighbourhood conflict over lost views and shading. Further, the spread of this English parkland character across the landscape obscures the landforms and topography and diminishes the local, indigenous character of the Basin.

It is my opinion that if there is a desire to slow the subdivision and residential development of the Wakatipu Basin and to protect the local character of the landscape then it is necessary to amend the definition of Visual Amenity Landscapes to remove references to 'arcadia'.

Recommendation: Remove all references to arcadian landscape character from the District Plan.

While the plan does discuss the issues associated with each landscape classification these are very generalised and rather confused and confusing, as noted above. I consider that it would be advantageous to establish specific descriptions, identified threats and positive goals for the management of character areas within the broader District landscapes. Such a description of the character and threats to it are listed above. Positive goals for the management of the Basin could include such things as the removal/control of wilding species including hawthorn, sycamore and conifer species. I do consider that public consultation in the setting of goals for the management of landscapes is critical.

Recommendation: Develop, in consultation with the public, specific objectives for the management and enhancement of the landscape of the Wakatipu Basin.

The assessment matters repeatedly confuse matters of landscape character with visual amenity. This, plus the overwhelming focus on the visual (we are talking about Visual Amenity Landscapes) has resulted in the consenting of many developments within the Wakatipu Basin which compromise

the character of the landscape. They do so by the planting of amenity trees, particularly avenues along driveways; by the fragmentation and enclosure of the pastoral landscape; and by the spreading of structures across the landscape. Separating out these two aspects, character and visual amenity, in keeping with current best practice, would improve Council's ability to manage the effects of development on both landscape character and on visual amenity, and improve the ability of landscape professionals to accurately assess the effects of development. It may be necessary to amend the name 'Visual Amenity Landscapes' to reflect this change of focus, possibly to Amenity Landscapes.

The separation of landscape character and visual amenity could simplify the assessment matters considerably. Each landscape category would have a set of assessment matters tailored to the assessment of effects on the landscape character and quality it is considered important to maintain and/or enhance. In all landscapes the goal should be to ensure that development does not adversely affect the character of the surrounding landscape within its vicinity, and could include requirements for the enhancement of that character¹¹. The definition of vicinity could vary depending on the landscape, with that of ONLs being larger than that of VALs. Alternatively, and particularly with regard to the Wakatipu Basin, landscape units could be defined in the Plan and the requirement made that development within each unit not have an adverse effect on the character of that unit. As visual amenity is important within all landscapes classifications, it could be possible to have one set of assessment matters for all landscape categories.

Recommendation: Rewrite the landscape assessment matters so as to separate issues of landscape character and visual amenity.

In addition, the inclusion of performance standards in the assessment matters would provide objective (or relatively objective) baselines by which further development could be assessed. Such standards could include requirements that further residential development must not be visible from Malaghans Road or Speargrass Flat Road, for example.

Recommendation: Use specific performance standards to manage future development within the Wakatipu Basin and elsewhere.

Specific sections of the assessment matters require particular attention. The first is that relating to the Form and Density of Development (S5.4.2.2(3)(c)). While these assessment matters also confuse visual and character aspects of the landscape their most significant failing relates to the so-called 'circle criteria'. It is my understanding that the first criterion, that development be located within 50m of existing development, was based on an analysis of the tradition rural farm cluster where the

¹¹ Enhancement could be achieved by the removal of inappropriate trees; the planting of indigenous vegetation in areas where the natural character is to be enhanced; the rehabilitation of inappropriate earthworks or other means determined by objectives for the character area.

dwelling, barn, shearing shed and shearers quarters were found to be located within approximately 50m of one another. Consequently the aim of this part of the section is to encourage development to mimic the traditional pattern which is a part of the landscape character and where that is not the case then Council wishes to be reassured that the chosen location is the best possible (within a 500m radius). The 1.1km radius, also the definition of 'vicinity' elsewhere in Section 5, arose from an analysis of the spacing of the original homesteads in the Basin, another example of trying to mesh future development into the existing character of the landscape. Thus, while this section has aimed to ensure that development within the VAL does not have an adverse effect on the settlement pattern and thus landscape character I consider that it has failed. In the main that failure is due to the obscure meaning and intention of the section which simply remains beyond most people's ken.

Recommendation: Delete this assessment matter.

The second group of assessment matters which require specific examination are those relating to cumulative effects (S5.4.2.2(3)(d)). A superficial reading of these assessment matters suggests that they are reasonably clear in their intent. That they have failed in containing development in the Wakatipu Basin is also clear. In my opinion this is largely due to two things. One is the tendency to take the 'it's stuffed anyway' approach to cumulative effects on the landscape. This would not be acceptable in regard to issues such as water quality and should be no more acceptable in regard to landscape.

The other is the underlying failure to be clear about specifically what the landscape resource is which is necessary to determine how much is left and therefore, whether or not the cumulative effect of a proposal is a step too far. This can be addressed by a clear understanding of the character of the landscape and the features and patterns which contribute to this character. Cumulative effects on character may include alterations to the fabric of the landscape either by the removal of key elements or the inclusion of new ones; changes to the scale, diversity, pattern, colour or other aesthetic aspect of the landscape; or, combined, alterations to the key characteristics possibly leading to a new landscape character.

With regard to cumulative visual effects, this relates to the effects on particular people or groups of people and involves the characteristics of views and the visual amenity enjoyed by people from particular locations. These effects may occur in a stationary location where they are of combination, where instead of one dwelling two may be seen in a single view, or in succession where one instead of one dwelling being visible in a single view the viewer must turn to see the second. When moving through a landscape cumulative effects are sequential and concern the frequency of affected views.

Recommendation: Rewrite the cumulative effects assessment matters to clarify separation between landscape and visual effects.

Recommendation: Clarify the nature of the landscape resource by defining landscape character areas and defining specific goals for their management.

In conclusion I consider that the rewriting of the landscape provisions of the plan to more clearly and appropriately define the landscape categories and to clarify the division between landscape character and visual amenity would improve the ability of Council to manage development in all areas of the District. I consider that it may be appropriate to introduce specific goals for particular landscape areas within the District in order to define the aspects of their character which it is sought to maintain, or the means by which they could be enhanced.

Environmental compensation

The idea has been mooted that applications for subdivision and residential development within the Wakatipu Basin could be expedited if they included environmental compensation in the form of revegetation or ecological enhancement. While this idea is certainly worthy of consideration there are a number of issues which the suggestion raises.

It is the case that the majority of the Basin floor, and certainly the areas where development has occurred and those which I have identified as having capacity for more development are, in the main, within areas where indigenous vegetation is considered to be acutely or chronically threatened. Chronically threatened areas tend to be on the steeper escarpments and acutely threatened areas on the flats and on the hummocky elevated land. The extent of the problem is such that it would seem that the contribution which could be made by any revegetation associated with further development not yet consented would be minute. While anything may be better than nothing, figuring a formula which would provide a reasonable exchange between revegetation and expedited development would be a challenge. This is not to say, however, that it would not be appropriate to encourage the protection and re-establishment of indigenous vegetation as a positive effect of development and this could be done through the rewriting of the assessment matters. It would also be necessary to make the protection and re-establishment of indigenous vegetation communities within areas where it is categorised as chronically or acutely threatened a clear goal for the management of the Basin.

Conclusion and Discussion

In conclusion, it is considered that much of the difficulty which has arisen in applying the landscape management strategies of the QLDC District Plan stem from the poor and confusing definitions of the landscape categories, and from the confusion of landscape and visual amenity effects. It is considered that rewriting parts of the plan to remove these confusions would increase the ease and clarity with which the assessment matters could be applied. This alone would not, however, be adequate to ensure that the management of the Wakatipu Basin landscape would improve. This requires the formulation of clear objectives and goals for the management of that landscape, and clear descriptions of the character that it is desired to maintain and/or promote.

It is considered that the most effective way to direct development into areas within the Basin where the effects of that development can be contained is to rezone areas Rural Lifestyle. The effectiveness of the objectives, policies and rules for that zone have been beyond the scope of this report. It is the case that under the current regime the landscape classifications do not apply in the Rural Lifestyle Zone. While not recommending that change, I do consider that these zones should be subject to the overarching goals of the landscape management of the Basin as a whole. That way the character of the development within these zones can be managed to be in sympathy with the character of the wider basin, if at a much higher density.

Finally, I have come to the conclusion that the continuation of the discretionary regime is the best way to manage development in the balance of the Basin in conjunction with clarified assessment matters and the inclusion of performance standards. These performance standards should be rigorous enough to ensure that any further development cannot compromise the character or visual amenity of the remaining pastoral areas, nor the character of the wider basin.

Appendix 1: Summary of the landscape character analysis

Landscape Area	Extent of Rural Character	Key Characteristics	Vulnerability to Character Change	Contribution to visual amenity	Vulnerability of Visual Amenity
Crown Terrace (17)	High	Large paddocks Traditional shelter belts Sheep and cattle Dispersed residential development	High	High	High due to the importance of the Crown Range Road and elevation above the basin
Malaghans Valley (2)	High	Legible glacial features Large paddocks Traditional shelter belts Sheep and cattle Dispersed residential development	High	High	High due to openness of the landscape; importance of Malaghans Road.
Morven Ferry (22)	Moderately High	Agricultural activities Pasture Hummocky topography Lifestyle development Hawthorn hedges	Moderate Presence of lifestyle development along the road margins at capacity	Moderate to low	Moderate to low owing to topography and location away from important roads. Cycle way not considered.
Speargrass Valley (12)	Moderately High	Pasture Sheep and cropping Narrow, linear form Amenity trees	High. Planting of amenity trees is already degrading the rural character.	High	High due to remaining openness of the landscape.
Malaghans Ridge (4)	Moderately High	Steep to very steep northern slopes Wide, hummocky summit. Folded southern slopes Large paddocks Residential development in: Dalefield, Mooney Valley, eastern areas Deeply cut southern slopes	Moderate. Main threats are fragmentation; spread of amenity trees; spread of residential development including buildings and tracks.	High to Low	High to moderate. The northern and southern slopes contribute to the visual amenity of Basin occupants and users of Malaghans Road. The higher parts contribute less.
Slope Hill Valley (14)	Moderate	Enclosed Valley Pasture Residential development Amenity trees Wetland Revegetation	Moderate Main threats are fragmentation; spread of amenity trees; spread of residential development including buildings and tracks	Low to Moderate	Moderate to low The valley is enclosed and separated from the majority of the basin but now has a part of the Wakatipu Cycleway running through it

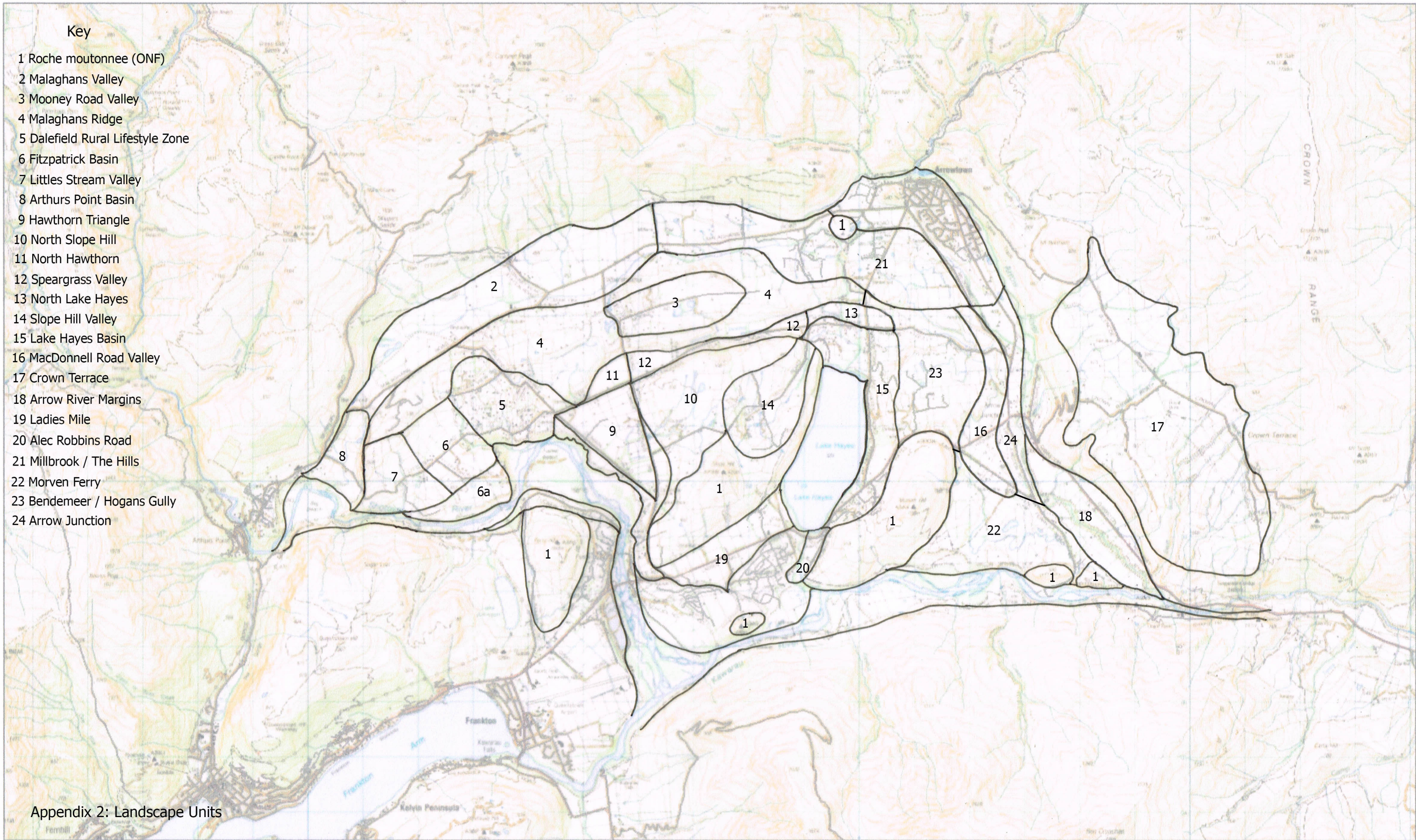
North Slope Hill (10)	Moderate	Complex topography Tarns, wetlands, melt-water channels, creeks Pasture Residential development	Low to moderate Relatively high density of residential development but some areas have some potential.	Low to Moderate	Moderate to low Some parts of this area are widely visible, some not readily visible at all. Some parts have capacity to absorb future development
Hogans Gully and Bendemeer (23)	Moderate	Complex topography Tarns, wetlands, melt-water channels, creeks Pasture Relatively dense residential development consented within Bendemeer Estate	Moderate to high. Residential capacity at or close to its capacity in terms of landscape character.	Low to Moderate	Moderate to high. The complexity of the landforms offers some opportunities to introduce dwellings but it is close to capacity.
Arrow Junction (24)	Moderate	Complex topography Small scale Heritage trees (hawthorn hedges and Lombardy poplars) Residential development	Moderate to high Residential capacity at its maximum in terms of landscape character.	High	Moderate to high The complexity of the landforms provides opportunities to introduce dwellings but it is close to or at capacity
North Lake Hayes (13)	Moderate	Open pasture Heritage trees (Ayrburn avenue) Residential development to the east	High Open area provides rural character to surrounding residential development	High to moderate	High Already compromised by development in the Hogans Gully area.
Arrow River Margins (18)	Moderate	Open pasture Scattered residential development Amenity trees	Moderate to high The area is already fragmented for rural residential use but the lots remain large and open to SH6.	High to moderate	High to moderate Visible from SH6.
North Hawthorn Triangle (11)	Moderate	Open pasture Hawthorn hedge Amenity trees Dwellings	High Location immediately adjacent to Hawthorn Triangle provides development pressure	Moderate Provides rural context for	High to moderate
Littles Stream Valley (7)	Moderate to low	Steep folded topography Open to views from Ferry Hill/Lake Johnston Pastoral Lifestyle development	Moderate to high Subdivision for lifestyle development has occurred At capacity below Littles Road	Moderate to high	Moderate to high Already compromised by consented development.
Fitzpatrick Basin (6)	Moderate to low	Rural lifestyle development Pastoral southern areas Hummocky topography Flat basin floor Steep northern wall.	Low Character already incoherent	Moderate to low	Moderate to low Low in the basin proper Moderate in the southern, hummocky rim area

Mooney Road Valley (3)	Moderate to low	Amenity trees Domestication Wetlands Enclosure Settlement pattern with elevated dwellings	Low	Moderate to high	Low Effects on visual amenity contained within the limited catchment of the valley
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Arthurs Point Basin (8)	Moderate to low	Glacial and fluvial origins readily legible Cliffs Undulating floor Scattered exotic weeds Containment	High	High	High
McDonnell Road Valley (16)	Moderate to low	Enclosure Lifestyle development	Moderate to low	Moderate	Moderate
Dalefield Deferred RL Zone	Low	Amenity trees Dwellings Broken topography Pasture	Low	Moderate	Moderate
Ladies Mile (19)	Low	Flatness Expansive views Openness Enclosure	High	High	Very high
Alec Robbins Road (20)	Low	Dwellings Amenity trees Domestication	Low	Low	Low
Eastern Malaghans Valley (21)	Low	Broken complex landforms Wilding conifers Amenity trees Residential development	Moderate to low	Moderate to high	Moderate to high
Hawthorn Triangle (9)	Very low	Flat Dense residential development Hawthorn hedges Lombardy poplars	Low	Moderate to Low	Low
Ferry Hill Fringe	Very low	River terraces Fragmented Residential development	Low	Moderate	Moderate
Lake Hayes Basin (15)	Very Low	Containment Residential development Amenity trees	Low	High	Low The main aspects of visual amenity are the lake, Slope Hill and Threepwood
Dalefield Rural Residential Zone (5)	Very low	Amenity trees Domestication Residential development	Low	Moderate	Moderate to low
Millbrook/The Hills (21)	Very low	Manicured Residential development Amenity trees	Low	Low to moderate	Low in the main. High around the fringes (the ridgelines)

Key

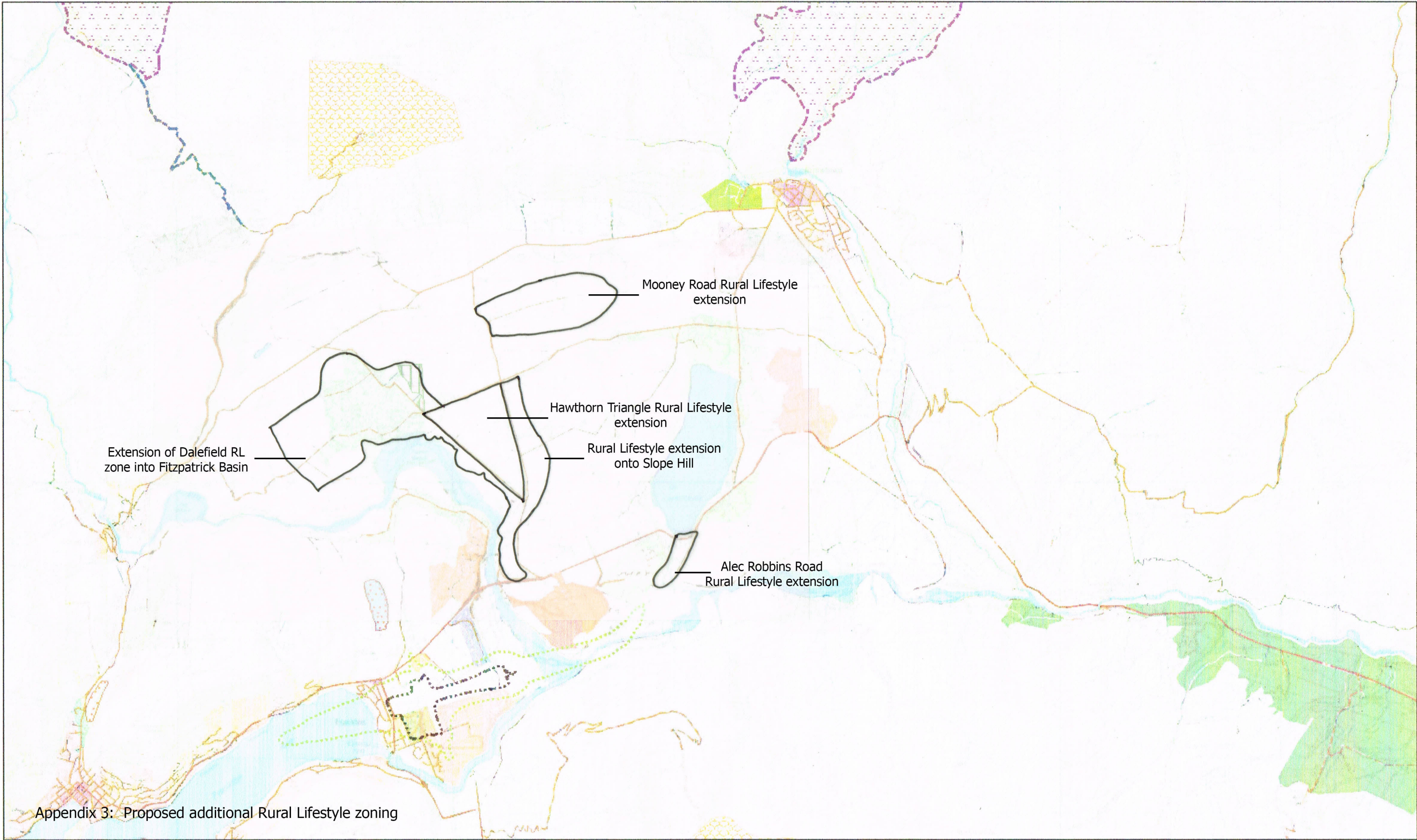
- 1 Roche moutonnee (ONF)
- 2 Malaghans Valley
- 3 Mooney Road Valley
- 4 Malaghans Ridge
- 5 Dalefield Rural Lifestyle Zone
- 6 Fitzpatrick Basin
- 7 Littles Stream Valley
- 8 Arthurs Point Basin
- 9 Hawthorn Triangle
- 10 North Slope Hill
- 11 North Hawthorn
- 12 Speargrass Valley
- 13 North Lake Hayes
- 14 Slope Hill Valley
- 15 Lake Hayes Basin
- 16 MacDonnell Road Valley
- 17 Crown Terrace
- 18 Arrow River Margins
- 19 Ladies Mile
- 20 Alec Robbins Road
- 21 Millbrook / The Hills
- 22 Morven Ferry
- 23 Bendemeer / Hogans Gully
- 24 Arrow Junction



Appendix 2: Landscape Units

The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Queenstown Lakes District Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented by the GIS data. While reasonable use is permitted and encouraged, all data is copyright reserved by Queenstown Lakes District Council. Cadastral information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED





Appendix 3: Proposed additional Rural Lifestyle zoning

The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Queenstown Lakes District Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented by the GIS data. While reasonable use is permitted and encouraged, all data is copyright reserved by Queenstown Lakes District Council. Cadastral information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED

Appendix 4: Raw analysis of District Plan provisions S 4 and S 5

Plan provision	Character focus	Visual focus	Appropriateness	Proposed change
Objective 1 - Character and Landscape Value To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.	Character reference positive	Use of 'landscape value' in conjunction with character suggests / implies that it is entirely visual	OK but could be improved by rewording. You do have to wonder if this is appropriate as the first objective for the rural area, however. What about productive value?	Amend: To protect the landscape character and visual amenity...
Policies: 1.1 Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.	Comprehensive	Comprehensive	Entirely appropriate	
1.2 Allow for the establishment of a range of activities, which utilise the soil resource of the rural area in a sustainable manner.			N/a	
1.3 Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.	Relates to character to some degree		Yes.	
1.4 Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.	Entirely focused on character.		Entirely appropriate but could be strengthened.	Amend: Ensure activities not based on the rural resources of the area including residential development occur only where the character of the rural area will not be adversely impacted.
1.5 Provide for a range of buildings allied to rural productive activity and worker accommodation.			N/a	
1.6 Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.	Character focus		OK but wording could be improved.	Amend: Avoid, remedy or mitigate adverse effects of development on the landscape character of the District.
1.7 Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.		Visual focus but leaning towards seeing (!) landscape character as a visual matter.	'Visual coherence' is technical jargon.	Amend: Preserve the visual amenity of the landscape by ensuring all structures are to be located in areas with the potential to absorb change. Preserve the character of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.
1.8 Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.		Visual	Very specific for a policy.	Amend?
1.9 Ensure adverse effects of new commercial Ski Area activities on the landscape and amenity values are avoided or mitigated.	Mixed	Mixed	Clarify	Amend: Ensure adverse effects of new commercial Ski Area activities on the landscape character and visual amenity are avoided or mitigated.
5.2.1 Environmental Results Anticipated The following environmental results are anticipated in the Rural General zones: (i) The protection of outstanding natural landscapes and features from inappropriate subdivision, use and development.			(i) simply restates the Act. Do we not want more?	
(ii) Maintenance and enhancement of openness and naturalness of outstanding natural landscapes and features.	As above.		Needs to be amended to recognise that many ONLs are not open in the sense of being forested.	Amend: Maintenance and enhancement of the natural character of outstanding natural landscapes and features.
(iii) Strong management of the visual effects of subdivision and development within the visual amenity landscapes of the district.		Focus on visual effects complete	Needs to be amended to protect the character of the VAL too.	Amend: Strong management of the effects of subdivision and development on the landscape character within the VAL. Strong management of the visual effects of subdivision and development on the visual amenity of persons.
(iv) Enhancement of natural character of the visual amenity landscapes.	Character		Natural character is not required to be enhanced by the Act – it is the maintenance and enhancement of amenity	Amend: Maintenance and enhancement of the character of the visual amenity landscapes.
(v) A variety in the form of settlement pattern within visual amenity landscapes based upon on the absorption capacity of the environment.	Reads as a character issue	Interpreted as a visual issue	Should be amended to be consistently about character.	Amend: A variety in the form of settlement pattern within visual amenity landscapes based upon on the absorption capacity of the landscape character area.
(vi) Retention and enhancement of the life-supporting capacity of the soil and vegetation.			N/a	
(vii) The continued development and use of land in the rural area.			Very strange! I wonder if the intent was to support farming activity?	Delete or clarify.
(viii) Avoid potential land uses and land management practices, which create unacceptable or significant			N/a	

conflict with neighbouring land based activities, including adjoining urban areas.				
(ix) Maintenance of a level of rural amenity, including privacy, rural outlook, spaciousness, ease of access and quietness, consistent with the range of permitted rural activities in the zone.	Issues of character, to some degree. Privacy, spaciousness, quietness, ease of access	Issues of visual amenity, to some degree. Rural outlook	OK in as far as it goes. Good idea to list (somewhere) rural character features and the specific threats which exist to them.	Amend
(x) Retention of the amenities, quality and character of the different rural environments within the District, and development and structures which are sympathetic to the rural environment by way of location and appearance.	Acknowledges that there are different character areas		Could be clearer.	Amend: Retention of the amenities, quality and character of the different rural environments within the District, and development and structures which are sympathetic to the landscape character by way of location and appearance.
(xi) Retention of a range of recreation opportunities.			N/a	
(xii) Utilisation of mineral resources within the District, providing that the scale of each operation and its effects, both short and long-term, are appropriate to its environment.			N/a	
<p>5.4 Resource Consents - Assessment Matters - Rural Zones</p> <p>5.4.2 Assessment Matters</p> <p>In considering whether or not to grant consent or impose conditions, the Council shall in addition to considering any other relevant matters apply the following terms and criteria:</p> <p>5.4.2.1 Landscape Assessment Criteria – Process</p> <p>There are three steps in applying these assessment criteria. First, the analysis of the site and surrounding landscape; secondly determination of the appropriate landscape category; thirdly the application of the assessment matters. For the purpose of these assessment criteria, the term “proposed development” includes any subdivision, identification of building platforms, any building and associated activities such as roading, earthworks, landscaping, planting and boundaries.</p> <p>Step 1- Analysis of the Site and Surrounding Landscape</p> <p>An analysis of the site and surrounding landscape is necessary for two reasons. Firstly it will provide the necessary information for determining a sites ability to absorb development including the basis for determining the compatibility of the proposed development with both the site and the surrounding landscape. Secondly it is an important step in the determination of a landscape category - i.e. whether the proposed site falls within an outstanding natural, visual amenity or other rural landscape.</p> <p>An analysis of the site must include a description of those existing qualities and characteristics (both negative and positive), such as vegetation, topography, aspect, visibility, natural features, relevant ecological systems and land use.</p> <p>An analysis of the surrounding landscape must include natural science factors (the geological, topographical, ecological and dynamic components of the landscape), aesthetic values (including memorability and naturalness), expressiveness and legibility (how obviously the landscape demonstrates the formative processes leading to it), transient values (such as the occasional presence of wildlife; or its values at certain times of the day or of the year), value of the landscape to Tangata Whenua and its historical associations.</p> <p>Step 2 - Determination of Landscape Category</p> <p>This step is important as it determines which district wide objectives, policies, definitions and assessment matters are given weight in making a decision on a resource consent application.</p> <p>The Council shall consider the matters referred to in Step 1 above, and any other relevant matter, in the context of the broad description of the three landscape categories in Part 4.2.4 of this Plan, and shall determine what category of landscape applies to the site subject to the application.</p>			This process is highly problematic. If the RMA amendments proceed this will become largely redundant. It should simply refer people to the maps.	Delete. Possibly replace.

<p>In making this determination the Council, shall consider: (a) to the extent appropriate under the circumstances, both the land subject to the consent application and the wider landscape within which that land is situated; and (b) the landscape maps in Appendix 8. Step 3 - Application of the Assessment Matters Once the Council has determined which landscape category the proposed development falls within, each resource consent application will then be considered: First, with respect to the prescribed assessment criteria set out in Rule 5.4.2.2 of this section; Secondly, recognising and providing for the reasons for making the activity discretionary (see para 1.5.3(iii) of the plan [p1/3]) and a general assessment of the frequency with which appropriate sites for development will be found in the locality.</p>				
<p>5.4.2.2 Assessment Matters (1) Outstanding Natural Landscapes (Wakatipu Basin) and Outstanding Natural Features – District wide. These assessment matters should be read in the light of two further guiding principles. First that they are to be stringently applied to the effect that successful applications for resource consent will be exceptional cases. Secondly, existing vegetation which: (a) was either • planted after; or • self seeded and less than 1 metre in height at - 28 September 2002; and (b) obstructs or substantially interferes with views of the landscape (in which the proposed development is set) from roads or other public places - shall not be considered: (1) as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and (2) as part of the permitted baseline. - nor shall removal of such vegetation be considered as a positive effect of any proposal.</p>			<p>Fine, although the rider about existing vegetation is very hard to implement.</p>	
<p>(a) Effects on openness of landscape In considering whether the proposed development will maintain the openness of those outstanding natural landscapes and features which have an open character at present when viewed from public roads and other public places, the following matters shall be taken into account:</p>	<p>Confuses character (openness) with visual amenity.</p>	<p>Confuses character with visual amenity</p>	<p>Issue with 'openness' as above. Focus on character not visual effects.</p>	<p>Amend the whole section: (a) Effects on landscape character In considering whether the proposed development will maintain or enhance the natural character of outstanding natural landscapes and features the following matters shall be taken into account:</p>
<p>(i) whether the subject land is within a broadly visible expanse of open landscape when viewed from any public road or public place;</p>	<p>Confuses character (openness) with visual amenity</p>	<p>Confuses character with visual amenity</p>		<p>(i) the natural character of the subject land and its landscape context.</p>
<p>(ii) whether, and the extent to which, the proposed development is likely to adversely affect open space values with respect to the site and surrounding landscape;</p>	<p>Confuses character (openness) with visual amenity</p>	<p>Confuses character (openness) with visual amenity</p>		<p>(ii) whether, and the extent to which, the proposed development is likely to adversely affect the natural character of the site and surrounding landscape;</p>
<p>(iii) whether the site is defined by natural elements such as topography and/or vegetation which may contain and mitigate any adverse effects associated with the development.</p>		<p>(iii) focuses entirely on visual effects</p>		<p>Delete</p>
<p>(b) Visibility of development In considering the potential visibility of the proposed development and whether the adverse visual effects are minor, the Council shall be satisfied that:</p>		<p>Focus on visual amenity along is fine.</p>		
<p>(i) the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places and in the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use roads for vehicular and/or pedestrian, equestrian and other means of access; and</p>		<p>Works well.</p>	<p>Might want to consider if private visual amenity should be included also.</p>	<p>Amend: (i) the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places and in the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use roads for vehicular and/or pedestrian, equestrian and other means of access. The proposed development will not</p>

				have an adverse effect on private visual amenity which is more than minor.
(ii) the proposed development will not be visually prominent such that it dominates or detracts from public or private views otherwise characterised by natural landscapes; and	Confuses character and visual amenity	Confuses character and visual amenity	Separate visual and character.	Amend: (ii) the proposed development will not be visually prominent such that it dominates or detracts from public or private views.
(iii) the proposal can be appropriately screened or hidden from view by any proposed form of artificial screening, being limited to earthworks and/or new planting which is appropriate in the landscape, in accordance with Policy 4.2.5.11 (b).		Confuses of character and visibility	Appropriate that visual screening be in keeping with the character of the landscape.	
(iv) any artificial screening or other mitigation will detract from those existing natural patterns and processes within the site and surrounding landscape or otherwise adversely affect the natural landscape character; and	Confuses character and visibility	Confuses character and visibility	Actually seems redundant as (iii) seems to have it covered.	
(v) the proposed development is not likely to adversely affect the appreciation of landscape values of the wider landscape (not just the immediate landscape).	Confuses character and visibility	Confuses character and visibility	OK but a very low threshold to meet. Needs clarification.	Amend: the proposed development is not likely to adversely affect the visual amenity of the wider landscape (not just the immediate landscape).
(vi) the proposal does not reduce neighbours' amenities significantly.	Amenities such as noise etc are part of character.	Visual amenity focus.	Needs splitting. Also a significant reduction in amenity seems a lot bigger to me that a significant adverse effect on amenity.	Amend: the proposal does not have a significant adverse effect on the neighbours' rural amenities
(c) Visual coherence and integrity of landscape In considering whether the proposed development will adversely affect the visual coherence and integrity of the landscape and whether these effects are minor, the Council must be satisfied that:	These are (confusingly) actually part of what should be considered in the landscape character assessment.			
(i) structures will not be located where they will break the line and form of any ridges, hills and any prominent slopes;				
(ii) any proposed roads, earthworks and landscaping will not affect the naturalness of the landscape;	Confuses character and visibility		Needs to be focused on visual issues	Amend: any proposed roads, earthworks and landscaping will not adversely affect the visual amenity of the landscape;
(iii) any proposed new boundaries will not give rise to artificial or unnatural lines or otherwise adversely (such as planting and fence lines) affect the natural form of the landscape.	Confuses character and visibility.		There are character and visual aspects to this issue.	Amend: Any proposed new boundaries will not give rise to artificial or unnatural lines or otherwise adversely (such as planting and fence lines) affect the visual amenity of the landscape; Include (somewhere): Any proposed new boundaries will not give rise to patterns in the landscape which would adversely affect the character of the landscape;
(d) Nature Conservation Values In considering whether the proposed development will adversely affect nature conservation values and whether these effects are minor with respect to any ecological systems and other nature conservation values, the Council must be satisfied that:			Really an ecological issue and within the realm of an ecologist's expertise. Perhaps this section should be moved from the landscape section?	Amend.
(i) the area affected by the development proposed in the application does not contain any indigenous, ecosystems including indigenous vegetation, wildlife habitats and wetlands or geological or geomorphological feature of significant value;			Geological or geomorphological features are not part of nature conservation. Their significance also requires expertise beyond that of most LAs.	Amend
(ii) the development proposed will not have any adverse effects that are more than minor on these indigenous ecosystems and/or geological or geomorphological feature of significant value;				
(iii) the development proposed will avoid the establishment of introduced vegetation that have a high potential to spread and naturalise (such as wilding pines or other noxious species).			This is both a landscape matter (both character and visual amenity) as well as an ecological issue.	
(e) Cumulative effects of development on the landscape In considering the potential adverse cumulative effects of the proposed development on the natural landscape with particular regard to any adverse effects on the wider values of the outstanding natural landscape or feature will be no more than minor, taking into account: (i) whether and to what extent existing and potential development (ie. existing resource consent or zoning) may already have compromised the visual coherence	Confuses character and visual amenity	Confuses character and visual amenity	Visual coherence is something which is considered in the assessment of character. This should be amended, and possibly split.	Amend: whether and to what extent existing and potential development (ie. existing resource consent or zoning) may already have compromised the natural character of the landscape whether and to what extent existing and potential development (ie. existing resource consent or zoning) may already have compromised the visual amenity of

and naturalness of the landscape;				the landscape
(ii) where development has occurred, whether further development is likely to lead to further degradation of natural values or domestication of the landscape or feature such that the existing development and/or land use represents a threshold with respect to the site's ability to absorb further change;	Focus is on character.		Terrribly waffly and hard to understand.	Amend: Where development has occurred and affected the natural character of the landscape, whether further development would likely degrade the landscape to the point at which its natural character or outstandingness was compromised.
(iii) whether, and to what extent the proposed development will result in the introduction of elements which are inconsistent with the natural character of the site and surrounding landscape;	Character.		Actually fine.	
(iv) whether these elements in (iii) above will further compromise the existing natural character of the landscape either visually or ecologically by exacerbating existing and potential adverse effects;	Confuses character and visual amenity	Confuses character and visual amenity		Amend: whether these elements in (iii) above will further compromise the existing natural character of the landscape by exacerbating existing and potential adverse effects
(v) where development has occurred or there is potential for development to occur (ie. existing resource consent or zoning), whether further development is likely to lead to further degradation of natural values or domestication of the landscape or feature.			What does it mean???	
(f) Positive Effects In considering whether there are any positive effects in relation to remedying or mitigating the continuing adverse effects of past inappropriate subdivision and/or development, the following matters shall be taken into account: (i) whether the proposed activity will protect, maintain or enhance any of the ecosystems or features identified in (f) above which has been compromised by past subdivision and/or development;			Really the field of an ecologist.	
(ii) whether the proposed activity provides for the retention and/or re- establishment of native vegetation and their appropriate management, particularly where native revegetation has been cleared or otherwise compromised as a result of past subdivision and/or development;	Goes to character.		Possibly should have input of an ecologist	
(iii) whether the proposed development provides an opportunity to protect open space from further development which is inconsistent with preserving a natural open landscape, particularly where open space has been compromised by past subdivision and/or development	Confusing, but about character			Amend: whether the proposed development provides an opportunity to protect land from further development which is inconsistent with preserving the natural character of the landscape, particularly where it has been compromised by past subdivision and/or development
(iv) whether the proposed development provides an opportunity to remedy or mitigate existing and potential adverse effects (ie. structures or development anticipated by existing resource consents) by modifying, including mitigation, or removing existing structures or developments; and/or surrendering any existing resource consents;			Application of this is a bit difficult as these types of activities have to be volunteered by the applicant, in my understanding.	
(g) Other Matters In addition to consideration of the positive effects (i) - (iv) in (f) above, the following matters shall be taken into account, but considered with respect to those matters listed in (a) to (e) above: (i) the ability to take esplanade reserves to protect the natural character and nature conservation values around the margins of any lake, river, wetland or stream within the subject site;			N/a	
(ii) the use of restrictive covenants, easements, consent notices or other legal instruments otherwise necessary to realise those positive effects referred to in (f) (i) - (v) above and/or to ensure that the potential for future effects, particularly cumulative effects, are avoided			N/a	
(2) Outstanding Natural Landscapes (District Wide) (a) Potential of the landscape to absorb development In considering the potential of the landscape to absorb development both visually and ecologically, the following	Confuses character with visual amenity	Confuses character with visual amenity	Same issues re openness.	Amend: In considering the potential of the landscape to absorb development the following matters shall be taken into account consistent with retaining and enhancing natural character:

matters shall be taken into account consistent with retaining openness and natural character:				
(i) whether, and to what extent, the proposed development is visible from public places;		Straight issue of visual amenity.	OK. I think that visual matters should go together somewhere.	
(ii) whether the proposed development is likely to be visually prominent to the extent that it dominates or detracts from views otherwise characterised by natural landscapes;	Confuses character and visual amenity.	Confuses character and visual amenity		Amend: whether the proposed development is likely to be visually prominent to the extent that it dominates or detracts from the visual amenity provided by the ONL
(iii) whether any mitigation or earthworks and/or planting associated with the proposed development will detract from existing natural patterns and processes within the site and surrounding landscape or otherwise adversely affect the natural landscape character;	Character only.		OK	
(iv) whether, with respect to subdivision, any new boundaries are likely to give rise to planting, fencing or other land use patterns which appear unrelated to the natural line and form of the landscape; wherever possible with allowance for practical considerations, boundaries should reflect underlying natural patterns such as topographical boundaries;	Confuses character and visual amenity.	Confuses character and visual amenity	Needs splitting.	Amend: Any proposed new boundaries will not give rise to artificial or unnatural lines or otherwise adversely (such as planting and fence lines) affect the visual amenity of the landscape; Include (somewhere): Any proposed new boundaries will not give rise to patterns in the landscape which would adversely affect the character of the landscape;
(v) whether the site includes any indigenous ecosystems, wildlife habitats, wetlands, significant geological or geomorphologic features or is otherwise an integral part of the same;			Requires ecological expertise.	
(vi) whether and to what extent the proposed activity will have an adverse effect on any of the ecosystems or features identified in (v);			Should be done by an ecologist.	
(vii) whether the proposed activity introduces exotic species with the potential to spread and naturalise.	Goes to both character and visual amenity	Goes to both character and visual amenity	OK	
(b) Effects on openness of landscape. In considering the adverse effects of the proposed development on the openness of the landscape, the following matters shall be taken into account: (i) whether and the extent to which the proposed development will be within a broadly visible expanse of open landscape when viewed from any public road or public place and in the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access; and		Visual issue as presented	Issue around openness	
(ii) whether, and the extent to which, the proposed development is likely to adversely affect open space values with respect to the site and surrounding landscape;	Sounds like a character issue		What are 'open space values'?	Amend
(iii) whether the proposed development is defined by natural elements such as topography and/or vegetation which may contain any adverse effects associated with the development.	Could be character	Could be visual	Should be split	Amend
(c) Cumulative Effects on Landscape Values In considering whether there are likely to be any adverse cumulative effects as a result of the proposed development, the following matters shall be taken into account: (i) whether, and to what extent, the proposed development will result in the introduction of elements which are inconsistent with the natural character of the site and surrounding landscape;	Character.		Pretty good.	
(ii) whether the elements identified in (i) above will further compromise the existing natural character of the landscape either visually or ecologically by exacerbating existing and potential adverse effects	Confuses character and visual amenity.			Amend
(iii) whether existing development and/or land use represents a threshold with respect to the site's ability to absorb further change;	As before			
(iv) where development has occurred or there is potential for development to occur (ie. existing resource consent or zoning), whether further development is	AS before		I'm thinking that not only could assessment matters regarding visual amenity be simplified and made just one section, but so could cumulative effects.	

likely to lead to further degradation of natural values or inappropriate domestication of the landscape or feature.				
(d) Positive Effects In considering whether there are any positive effects associated with the proposed development the following matters shall be taken into account: (i) whether the proposed activity will protect, maintain or enhance any of the ecosystems or features identified in (a)(v) above;			Really ecologists domain. Could alter it to talk about natural character.	
(ii) whether the proposed activity provides for the retention and/or re-establishment of native vegetation and their appropriate management;			Will it enhance natural character?	
(iii) whether the proposed development provides an opportunity to protect open space from further development which is inconsistent with preserving a natural open landscape; (iv) whether the proposed development provides an opportunity to remedy or mitigate existing and potential (ie. structures or development anticipated by existing resource consents) adverse effects by modifying, including mitigation, or removing existing structures or developments; and/or surrendering any existing resource consents; (v) the ability to take esplanade reserves to protect the natural character and nature conservation values around the margins of any lake, river, wetland or stream within the subject site; (vi) the use of restrictive covenants, easements, consent notices or other legal instruments otherwise necessary to realise those positive effects referred to in (i)- (v) above and/or to ensure that the potential for future effects, particularly cumulative effects, are avoided.			These are pretty much all the same as those already considered above.	
(3) Visual Amenity Landscapes				
(a) Effects on natural and pastoral character In considering whether the adverse effects (including potential effects of the eventual construction and use of buildings and associated spaces) on the natural and pastoral character are avoided, remedied or mitigated, the following matters shall be taken into account:			Issue that natural character is an ONL quality, not a VAL quality. It should probably just refer to character.	Amend: (a) Effects on landscape character In considering whether the adverse effects (including potential effects of the eventual construction and use of buildings and associated spaces) on the character of the landscape are avoided, remedied or mitigated, the following matters shall be taken into account
(i) where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of the development proposed will compromise any open character of the adjacent Outstanding Natural Landscape or Feature;	Confuses visual effects with character effects	Confuses visual effects with character effects	Should probably be split into two assessment matters, one referring to possible impacts on the character of the ONL and one referring to the visual amenity of the ONL.	Amend: (i) where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the effects of the development proposed will compromise the character of the adjacent Outstanding Natural Landscape or Feature; (ii) where the site is adjacent to an Outstanding Natural Landscape or Feature, whether and the extent to which the visual effects of the development proposed will compromise the visual amenity of the adjacent Outstanding Natural Landscape or Feature;
(ii) whether and the extent to which the scale and nature of the development will compromise the natural or arcadian pastoral character of the surrounding Visual Amenity Landscape;	Character only		The scale and nature of a development in one location may be appropriate in one location but not in another. Problems with 'arcadian'	Amend: (ii) whether and the extent to which the scale and nature of the development will compromise the character of the surrounding Visual Amenity Landscape
(iii) whether the development will degrade any natural or arcadian pastoral character of the landscape by causing over-domestication of the landscape;	Character only		Problems with 'arcadian' – such landscapes are domesticated almost by definition.	Amend: (iii) whether the development will degrade the character of the landscape by causing over-domestication
(iv) whether any adverse effects identified in (i) - (iii) above are or can be avoided or mitigated by appropriate subdivision design and landscaping, and/or appropriate conditions of consent (including covenants, consent notices and other restrictive instruments) having regard to the matters contained in (b) to (e) below;			OK but I can't remember ever seeing this referred to.	
(b) Visibility of Development Whether the development will result in a loss of the natural or arcadian pastoral character of the landscape, having regard to whether and the extent to which:	Confuses character and visual effects	Confuses character and visual effects	Needs to be altered (maybe a single section referring to the visual amenity of all landscape categories?)	Amend: Whether the development will result in a loss of the visual amenity of the landscape, having regard to whether and the extent to which:
(i) the proposed development is highly visible when viewed from any public places, or is visible from any public road and in the case of proposed development in		About visibility	Really is asking what the extent of the zone of theoretical (or actual) visibility is. I've always had trouble with 'highly visible' as something is either visible	Amend: The extent of the Zone of Theoretical Visibility. In the case of proposed development in the vicinity of

the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access; and			or it is not.	unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, equestrian and other means of access; and
(ii) the proposed development is likely to be visually prominent such that it detracts from public or private views otherwise characterised by natural or arcadian pastoral landscapes;	Confuses character and visual effects	Confuses character and visual effects		Amend: (ii) the proposed development is likely to be visually prominent such that it detracts from public or private views;
(iii) there is opportunity for screening or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from or obstruct views of the existing natural topography or cultural plantings such as hedge rows and avenues;		Relates quite clearly to mitigation of visual effects	Probably not a bad assessment matter. Possibly could be improved but not a matter of urgency. Need to have a closer look at what the GILVA says about mitigation. This is an area where visual effects and character intersect – you don't want visual effects mitigated at the expense of landscape character. This is a key issue!	Amend: (iii) there is opportunity for screening or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from or obstruct views of the existing natural topography or cultural plantings such as hedge rows and avenues; and which is in keeping with the character of the landscape.
(iv) the subject site and the wider Visual Amenity Landscape of which it forms part is enclosed by any confining elements of topography and/or vegetation;		Visual.	Never really understood the bit about the wider landscape. Makes sense if referring to locating development where it is less visible because of existing topography or vegetation.	Amend: The development site is enclosed by any confining elements of topography or existing vegetation which limit its visibility from public and private locations.
(v) any building platforms proposed pursuant to rule 15.2.3.3 will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes;		Visual	Have commented before. Classical aesthetics.	
(vi) any proposed roads, earthworks and landscaping will change the line of the landscape or affect the naturalness of the landscape particularly with respect to elements which are inconsistent with the existing natural topography;	Confuses character and visual effects	Confuses character and visual effects	Two issues. One is the visibility of earthworks and their effect on visual amenity, the other is the effect of earthworks on the character of the landscape (dog turd mounding for eg)	Amend: (vi) any proposed roads, earthworks and landscaping will change the line of the landscape and adversely affect its visual amenity particularly with respect to elements which are inconsistent with the existing natural topography;.
(vii) any proposed new boundaries and the potential for planting and fencing will give rise to any arbitrary lines and patterns on the landscape with respect to the existing character;	Confuses character and visual effects	Confuses character and visual effects	Two issues – one on character, the other on visual amenity. Appropriate with regard to character but not in regard to visual amenity.	Amend: (vii) any proposed new boundaries and the potential for planting and fencing will give rise to any arbitrary lines and patterns on the landscape with respect to the existing visual amenity.
(viii) boundaries follow, wherever reasonably possible and practicable, the natural lines of the landscape and/or landscape units;	Relates to character and visual	Relates to character and visual	Does this include garden boundaries? I think that this could be in both a section on visibility and one on character.	
(ix) the development constitutes sprawl of built development along the roads of the District and with respect to areas of established development.	Character issue	Not visual issue	Ass mat is OK but it shouldn't be in a section on visual effects.	Remove from this section
(c) Form and Density of Development			Never really understood what this section was about.	
In considering the appropriateness of the form and density of development the following matters the Council shall take into account whether and to what extent: (i) there is the opportunity to utilise existing natural topography to ensure that development is located where it is not highly visible when viewed from public places;		Visibility	OK except for the bit about 'highly visible'	Amend: (i) there is the opportunity to utilise existing natural topography to ensure that development is located where it is not visually prominent when viewed from public places;
(ii) opportunity has been taken to aggregate built development to utilise common access ways including pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);	Character issue		OK	
(iii) development is concentrated in areas with a higher potential to absorb development while retaining areas which are more sensitive in their natural or arcadian pastoral state;	Confuses character with visibility	Confuses visibility with character effects.	Never clear what 'area' means in this context, nor what 'absorbing development' means as it can have a character and a visual interpretation. I noted as I wrote the proposed amendments that the location with the lowest visibility and the location with the least impact on landscape character might not be the same place.	Amend: (iii) development is concentrated in the parts of the site(s) where they will be least visible from public and private locations. (iii) development is concentrated in the parts of the site(s) where they will have the least impact on landscape character.
(iv) the proposed development, if it is visible, does not introduce densities which reflect those characteristic of urban areas.	Confuses visibility with character.	Confuses visibility with character.	What is the issue here? Seems to imply that if you can't see it you can create a small town in a RG area. Definitely to do with character.	Amend: (iv) the proposed development does not introduce densities which approach those characteristic of urban areas.
(v) If a proposed residential building platform is not located inside existing development (being two or more houses each not more than 50 metres from the nearest point of the residential building platform) then on any application for resource consent and subject to all the other criteria, the existence of alternative locations or methods:			Question is, is clustering development a good idea? If no then this should be removed, as it is, but could be replaced with something which requires the consideration of the density of development in the vicinity of the proposal. Guess that's part of character assessment anyway. Perhaps it's as simple as defining 'vicinity' clearly?	

(a) within a 500 metre radius of the centre of the building platform, whether or not: (i) subdivision and/or development is contemplated on those sites; (ii) the relevant land is within the applicant's ownership; and (b) within a 1,100 metre radius of the centre of the building platform if any owner or occupier of land within that area wishes alternative locations or methods to be taken into account as a significant improvement on the proposal being considered by the Council - must be taken into account.				
(vi) recognition that if high densities are achieved on any allotment that may in fact preclude residential development and/or subdivision on neighbouring land because the adverse cumulative effects would be unacceptably large.	Character issue		Not really an assessment matter.	Delete?
(d) Cumulative effects of development on the landscape In considering whether and the extent to which the granting of the consent may give rise to adverse cumulative effects on the natural or arcadian pastoral character of the landscape with particular regard to the inappropriate domestication of the landscape, the following matters shall be taken into account: (i) the assessment matters detailed in (a) to (d) above;	Framed as a clear character issue	Should have some visual aspects too		
(ii) the nature and extent of existing development within the vicinity or locality;	Basic issue of landscape character.		Never been sure how this is applied.	
(iii) whether the proposed development is likely to lead to further degradation or domestication of the landscape such that the existing development and/or land use represents a threshold with respect to the vicinity's ability to absorb further change;	Character		Needs rewording – hard to understand, and how do you set the threshold?	Amend: (iii) whether the proposed development is likely to lead to further degradation or domestication of the landscape such that it will cause a significant alteration in the character or quality of the landscape in the vicinity.
(iv) whether further development as proposed will visually compromise the existing natural and arcadian pastoral character of the landscape by exacerbating existing and potential adverse effects;	Visual effects don't compromise character	Visual focus	Needs rewording – previous ass mat dealt with character, this one can deal with visual matters.	Amend: (iv) whether further development as proposed will visually compromise the existing visual amenity of the landscape by exacerbating existing and potential adverse effects;
(v) the ability to contain development within discrete landscape units as defined by topographical features such as ridges, terraces or basins, or other visually significant natural elements, so as to check the spread of development that might otherwise occur either adjacent to or within the vicinity as a consequence of granting consent;	Confuses character and visual effects	Confuses character and visual effects.	Implies a sort of precedent effect, which is really saying that if we allow this development to alter the character of an area, will that mean more development will be consented? I think this should be made more clear.	Amend: (v) the ability to contain development within discrete landscape units as defined by topographical features such as ridges, terraces or basins, or other significant natural elements, so as to check the extent of the visual effects of the development. (v) the ability to contain development within discrete landscape units as defined by topographical features such as ridges, terraces or basins, or significant natural elements, so as to check the extent of the effects on the landscape character of the development
(vi) whether the proposed development is likely to result in the need for infrastructure consistent with urban landscapes in order to accommodate increased population and traffic volumes;	Character issue		Have never seen a development in risk of doing this. I rather wonder if it is needed in the RG zone?	
(vii) whether the potential for the development to cause cumulative adverse effects may be avoided, remedied or mitigated by way of covenant, consent notice or other legal instrument (including covenants controlling or preventing future buildings and/or landscaping, and covenants controlling or preventing future subdivision which may be volunteered by the applicant).	Character and visual	Character and visual	OK	
Note: For the purposes of this assessment matter the term "vicinity" generally means an area of land containing the site subject to the application plus adjoining or surrounding land (whether or not in the same ownership) contained within the same view or vista as viewed from: · from any other public road or public place frequented by the public and which is readily visible from that public road or public place; or · from adjacent or nearby residences. The "vicinity or locality" to be assessed for cumulative	Confuses character and visibility	Confuses character and visibility	Needs the issues separated out. I think this is the same as the Zone of Theoretical Visibility, or is perhaps a subset of it?	Amend:

effect will vary in size with the scale of the landscape i.e. when viewed from the road, this "vicinity", will generally be 1.1 kilometre in either direction, but maybe halved in the finer scale landscapes of the inner parts of the Wakatipu basin, but greater in some of the sweeping landscapes of the upper Wakatipu and upper Clutha.				
(e) Rural Amenities In considering the potential effect of the proposed development on rural amenities, the following matters the Council shall take into account whether and to what extent: (i) the proposed development maintains adequate and appropriate visual access to open space and views across arcadian pastoral landscapes from public roads and other public places; and from adjacent land where views are sought to be maintained;	Rural amenity is part of character.		Ability to have views across the countryside is a feature of character.	OK
(ii) the proposed development compromises the ability to undertake agricultural activities on surrounding land;			Looking for reverse sensitivity issues. Agricultural activities not really about rural amenity. Should be a separate area out from landscape.	
(iii) the proposed development is likely to require infrastructure consistent with urban landscapes such as street lighting and curb and channelling, particularly in relation to public road frontages;	Character		Repeats the assessment under Cumulative effects.	Delete?
(iv) landscaping, including fencing and entrance ways, are consistent with traditional rural elements, particularly where they front public roads.	About character.		Could be clearer.	Amend: Landscaping, including fencing and entrance ways, are consistent with the existing landscape character of the vicinity.
(v) buildings and building platforms are set back from property boundaries to avoid remedy or mitigate the potential effects of new activities on the existing amenities of neighbouring properties.	About character		Appropriate.	
(4) Other Rural Landscapes Where it has been determined that the proposed development is not within a ONL or VAL but otherwise within the Rural General zone consideration of the potential effects of the development shall include taking into account whether and the extent to which: (i) the proposed development will be complementary or sympathetic to the character of adjoining or surrounding visual amenity landscape;	Character		Not at all sure what 'complementary or sympathetic to' actually means. Also, assumes ORLs are adjoining or surrounded by VALs and most I can think of are adjacent to ONLs.	Amend: (i) the proposed development will be complementary or sympathetic to the character of adjoining or surrounding landscape;
(ii) the proposed development will be visible from public roads or from neighbour's properties		About visibility – assumes that being visible is bad.	Visibility is not an effect. The answer to this question is yes or no, or, possibly, partly. There needs to be a second part.	Amend: (ii) the extent to which the proposed development will be visible from public roads or from neighbour's properties, and the extent of the effect of this visibility on the visual amenity of persons at those locations.
(iii) the proposed development utilises existing topography or vegetation to integrate the development into the landscape and reduce its visibility;		Visual effects	Not problematic	
(iv) the proposed development will adversely affect the naturalness and rural quality of the landscape through inappropriate landscaping including earthworks and planting as a result of any proposed mitigation or increased domestication;	Character		Introduces naturalness again – this is a feature of S6 landscapes not ones not covered by the RMA! Doesn't actually make sense.	Amend: (iv) the proposed development will adversely affect the rural character of the landscape through inappropriate landscaping, including earthworks and planting for proposed mitigation; or increased domestication;
(v) landscaping as a result of development maintains and/or enhances historic or cultural patterns although it is acknowledged that this assessment matter is not necessarily consistent with others e.g. (iii) and (iv) above or (vii) below;	Character		Fine I think .	
(vi) the proposed development is complementary or sympathetic to, or can be co-ordinated with, existing or proposed development on adjoining or adjacent properties in terms of landscaping, roof design, roof materials and/or colours, and other external materials and/or colours;	Character		Is OK but is it necessary?	
(vii) the proposed development is designed and/or intended to be carried out in a comprehensive manner taking into account the topography of the site, the size and configuration of the property being developed, the extent and nature of existing or proposed development on adjoining or adjacent properties, and the	Character		This is a process assessment rather than a landscape one. I guess it is attempting to direct the manner of development.	

opportunities for shared access and/or shared amenities;				
(viii) the nature and extent of building setbacks and/or earthworks and/or landscaping can create buffers to avoid or mitigate the potential effects of development on adjoining properties, public roads or public places.	Character? (Rural amenity)	Visual amenity?	Unclear what it is on about.	
(ix) the proposed subdivision is part of a co-ordinated development plan incorporating any balance land (outside the proposed subdivision) in the same ownership;			Same ownership as what?	
(x) here is an opportunity to provide a communal passive or active recreational area which is accessible to residents outside the subdivision as well as within the subdivision;			Why?	
(xi) the proposed development does not introduce densities which reflect those characteristic of urban areas;	Character		OK	
(xii) the proposed development maintains the rural amenities of the neighbourhood.	Character		OK.	
<p>xi Restricted Discretionary Activity - Tree Planting</p> <p>In considering the effects of plantings on the views from any public road, the Council shall take into account the following matters:</p> <p>(a) The classification of the surrounding landscape, and the effects of the planting on the landscape values.</p> <p>(b) The topography of the site in relation to the road.</p> <p>(c) The location of the trees, including their orientation to the road.</p> <p>(d) In considering the species type proposed, the Council will take into account the following matters:</p> <ul style="list-style-type: none"> - the potential for wilding spread; - the positive effects associated with the planting of indigenous species; - the density of foliage; - whether the species are deciduous or evergreen. <p>(e) The purpose of the proposed planting; considering whether the planting is necessary for farming activities, or is for amenity purposes.</p> <p>(f) Whether and to what extent the proposed plantings will, or have the potential to at maturity, block views from the public road.</p>			These assessment matters are really good, but don't seem to relate to anything else in the plan! I've never used them.	

Attachment C – Ben Espie Peer Review 2014

LANDSCAPE CATEGORISATION BOUNDARIES WAKATIPU BASIN

PEER REVIEW OF READ LANDSCAPES REPORT DATED 1ST APRIL 2014

Ben Espie (Landscape Planner)

vivian+espie

16 June 2014

INTRODUCTION

- 1 This report is a peer review of a report entitled “*Report to Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features*” prepared by Marion Read of Read Landscapes, dated 1st April 2014, which I shall refer to as “the Read Report”.
- 2 The Read Report proffers landscape category boundary maps that set out the extents of the outstanding natural landscapes (ONLs), outstanding natural features (ONFs), visual amenity landscapes (VALs) and other rural landscapes (ORLs) that make up the Queenstown Lakes District. The body of the Read Report explains the reasoning behind the location of the lines shown on the maps that are appended to it. The Read Report maps seek to complete the set of maps that form Appendix 8 of the Queenstown Lakes District Plan (the Plan), which are themselves an incomplete set of landscape category maps.
- 3 I have only been engaged to review the parts of the Read Report that relate to the Wakatipu Basin.
- 4 The Read Report uses the following major headings:
 - i. Introduction
 - ii. Methods
 - iii. Wanaka and the Upper Clutha Basin
 - iv. Queenstown and the Wakatipu Basin
 - v. Glenorchy and its Environs
 - vi. Major Rivers outside the Upper Clutha and Wakatipu Basins
 - vii. Conclusions and Recommendations
- 5 This review will follow the same headings but will not comment on (iii), (v) or (vi).

METHODS

6 Importantly, the Read Report states the following regarding methods:

“This is not a landscape assessment of the District from first principles. In determining the appropriate location of the landscape lines an underlying assumption has been made that, in a general sense, the ONLs and ONFs that have been previously identified have been identified appropriately. Consequently the process has entailed identifying the boundaries of areas which have been previously identified, and identifying other similar areas. In addition a number of sources have been drawn upon.”¹

7 This seems appropriate if the overall goal is to extrapolate and complete Appendix 8 of the Plan. Obviously, quite a different methodology would be used if the overall goal was to assess the district’s landscapes from scratch and then describe and categorise them. Also, if an overall district-wide assessment and categorisation exercise was undertaken, quite a different outcome might be arrived at. The various findings regarding landscape categorisation that are shown on the existing Appendix 8 maps of the Plan have effectively set the standard for ONL/Fs at a certain level; i.e. a certain degree of naturalness and ‘outstanding-ness’ have been accepted as allowing a landscape or feature to qualify as an ONL/F. It may be that a district wide landscape assessment would lead to this standard being reconsidered. In any event, these issues appear to be outside the scope of the Read Report and hence I shall not go into them further.

8 I agree with the Read Report in that the definitions or descriptions of the landscape categories that are given in the Plan are somewhat problematic and unclear. This is particularly the case in relation to VALs and how they are distinct from ORLs. Section 7(c) of Part 2 of the Resource Management Act 1991 (the RMA) requires us to have particular regard to the maintenance and enhancement of visual amenity. In my opinion visual amenity is a quality or characteristic that all landscapes display to some degree or another. A landscape need not be ‘poetically pastoral’ or ‘Arcadian’ (to use the terms of the Plan) to display visual amenity. I do not see that Section 7 (c) of the RMA requires or prompts a territorial authority to map or identify certain landscapes in the way that Section 6(b) does.

¹ The Read Report, paragraph 2.1.

- 9 Notwithstanding the above, it appears to be outside of the scope of the Read Report re-examine the landscape categories that the Plan uses or to assess the district's landscapes from scratch. The goal of the Read Report appears to be to complete the maps of Appendix 8 of the Plan and in this regard, I find the methodology to be appropriate. In relation to the Wakatipu Basin, the Appendix 8 maps already identify landscape category boundary lines over much of the basin (at least indicatively) and hence the exercise that the Read Report undertakes is, to a large degree, one of filling in the gaps.
- 10 The Read Report mentions the Trident High Court decision² in relation to landscape categorisation³. I agree with the Read Report in that I understand that the Trident High Court decision means that all land within the Rural General Zone must fall into one of the identified landscape categories. If a piece of land does not qualify as being part of an ONL or part of a VAL then it must be categorised as ORL. This High Court decision was subsequent to the original Queenstown landscape Environment Court decision⁴ that led directly to many of the lines shown on Appendix 8 of the Plan and hence it means a considerable change in approach since the time that the Appendix 8 maps were created.
- 11 The existing maps that form Appendix 8 to the Plan do not explicitly exclude any land from the landscape categorisation process. The original Queenstown Landscape Environment Court decision found that in relation to landscape categorisation, the Wakatipu Basin excludes "*all land zoned residential, industrial, or commercial in Queenstown, Arthurs Point and Arrowtown ... any ski area sub-zones*"⁵. This accords with the descriptions of the landscape categories given in that decision (which are now in the Plan); the descriptions are of rural landscapes. It seems logical that, while in a physical sense an area of residential zoning is part of the relevant broader landscape (which may be an ONL, VAL or ORL), the Plan's provisions regarding landscape categories need not be applied to it.
- 12 Furthermore, I am aware of a legal opinion commissioned by the QLDC that finds that landscape categorisation as directed by the Plan primarily applies to rural zones only⁶. I consider that the Plan should clearly set out what zones are excluded from the provisions that relate to landscape

² High Court decision CIV 2004-485-002426, Q.L.D.C vs. Trident International Limited.

³ The Read Report, paragraph 4.3.5.3.

⁴ Environment Court decision C180/1999, W.E.S.I vs. Q.L.D.C.

⁵ Ibid, paragraph 108.

⁶ J E McDonald, Solicitor, for MacTodd. Letter to QLDC dates 12 February 2007.

categories. Like the Read Report, I have not sought to graphically show the areas (such as rural living areas or special zones) that might be excluded from the landscape category provisions.

- 13 The original Queenstown Landscape Environment Court decision⁷ and a number of subsequent decisions have emphasised that categorising landscapes and drawing lines between them is necessarily a relatively crude or “broad brush” landscape planning tool. In reality, landscapes do not stop at abrupt, easily definable lines; they blend into one another and character often changes subtly over some distance. Notwithstanding this, categorising landscapes and defining their extent (or at least defining the extent of ONL/Fs) is necessary to administer the RMA. I consider that this point should be incorporated into the provisions of the Plan in some way. It is inevitable that in some areas, where landform or other landscape patterns are not easily legible, the landscape categorisation boundary lines will be relatively arbitrary. This can be problematic if particularly strong Plan provisions apply on one side of the boundary line and not on the other. I consider that the Plan should recognise that there will be some areas of transitional landscape character at the edges of the identified landscape categories and should provide for this in the Objectives and Policies that relate to landscape categories.

QUEENSTOWN AND THE WAKATIPU BASIN

- 14 The Read Report makes the point that the issue of landscape categorisation in the Wakatipu Basin has been subject to considerable scrutiny. Numerous Environment Court proceedings have examined landscape categorisation in specific parts of the basin and have arrived at decisions regarding the location of landscape category boundary lines in these areas. As discussed above, the Read Report seeks to build on the base of these previous decisions and comments on the relevant individual parts of the Wakatipu Basin under the following headings:
- i. Kawarau River Corridor
 - ii. Frankton Arm
 - iii. Queenstown Township and Environs

⁷ Environment Court decision C180/1999, W.E.S.I vs. Q.L.D.C, paragraphs 92 and 94.

- a. The location of the boundary between the ONL (Wakatipu Basin) and the ONL (District Wide) in Sunshine Bay
 - b. The location of the putative ONL (Wakatipu Basin) line in relation to the western edge of the Sunshine Bay Low Density Residential Zone
 - c. The One Mile Creek catchment
 - d. Queenstown urban area (Gorge Road / Queenstown Hill / Frankton Road)
- iv. Ferry Hill / Shotover River
 - v. Arthurs Point East
 - vi. Hawthorn Triangle
 - vii. Lake Hayes / Slope Hill
 - viii. Arrowtown / Coronet Range
 - ix. Shotover River Corridor
- 15 I will comment on each of these headings in turn. For the sake of conciseness, where I agree with the findings and reasoning of the Read Report, I will simply state this without further comments. Where I disagree with the Read Report, I will give more detailed commentary.

Kawarau River Corridor

- 16 I agree with the reasoning and findings of the Read Report regarding this area. For consistency, this part of the river corridor should be included within the ONF/ONL(WB). However, in my opinion, an exception to this should be the part of the riverbank that is within the Remarkables Park Special Zone. This strip of riverbank is Activity Area 2a of that Zone which is to provide for public recreational space and potentially ferry terminal/ticketing and ancillary activities. The area is regulated by the provisions of the Remarkables Park Special Zone and it will eventually become a reserve-like space attached to an urban area; it is likely to essentially be an urban

riverside park, distinct in character from the ONL/ONF. I see no landscape management benefit in applying the ONL provisions of the Plan as well as the Remarkables Park Special Zone provisions when managing this area and I consider that it is most logically excluded from the ONL/ONF that the Read Report identifies.

Frankton Arm

17 I agree with the Read Report in that:

- the Plan's Appendix 8 map (derived from the C180/1999 Environment Court decision⁸) is confusing and anomalous in relation to the surface of the Frankton Arm;
- the Frankton Arm has a somewhat different character to the rest of Lake Wakatipu due to its degree of use and busyness and due to it being surrounded and enclosed by suburban development;
- some form of sub-zoning or zoning overlay appears to be appropriate for the Frankton Arm, similar to that which covers Queenstown Bay.

18 The Read Report suggests 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"*⁹. I am unsure whether the arm needs to be removed from landscape categorisation altogether. I consider that it could be categorised but also have some zoning overlay apply to it that would reflect its character and put in place appropriate objectives and policies (similar to some Rural Living Zones and Special Zones located within ONLs). Despite having a somewhat different character, the arm remains part of the greater whole, being Lake Wakatipu.

19 Appendix 1 to this report is an excerpt from Map 1 of Appendix 8A of the Plan. In the relevant area, it shows the surface of the lake as falling into three different categories; non-ONL inside the arm itself; ONL(WB) outside of the arm but to the north of a line running between the Kelvin

⁸ Environment Court decisions C180/1999, W.E.S.I vs. Q.L.D.C, Appendix 2.

⁹ The Read Report, paragraph 4.2.5.

Peninsula and Sunshine Bay; and ONL(DW) to the south of this line. I consider that the most logical way to deal with this area is as shown on my Appendix 2 because:

- This approach would mean that all of Lake Wakatipu is given one landscape category (ONL(DW)); there is no separation between a Wakatipu Basin part of the lake surface and a non-Wakatipu Basin part.
- At a more micro scale, the part of Lake Wakatipu that is busiest in terms of traffic, contains the vast majority of jetties and moorings, and is surrounded by urban and suburban development would be recognised as such and can be given specific management in this regard (which should still include appropriate protection of landscape character and views).
- This approach is considerably simpler than the situation that is currently shown on Appendix 8 of the Plan.

20 Further, in relation the area of Queenstown Bay and Queenstown Gardens, I consider that the Read Report shows the categorisation of these areas incorrectly. I understand the intention of the Read Report to be that the part of Queenstown Bay that is within the Town Centre Waterfront Zone is excluded from the ONL and that the Queenstown Gardens Peninsula is included within the ONL; however this is not what is shown on the Read Report's maps, the relevant line does not follow the boundary of the Town Centre Waterfront Zone. In any event, I consider the lines should be drawn as shown on my Figure 2.

21 Regarding the Queenstown Gardens Peninsula, Environment Court decision A071/2004¹⁰ found that this area of Rural General Zoned land was part of the urban landscape of Queenstown town centre. In my understanding this finding is overruled by the Trident High Court decision as discussed in my paragraph 10 above. Therefore, the Queenstown Gardens Peninsula must fall into one of the relevant landscape categories. The landscape character of this peninsula is that of a manicured park. It does not accord with the description of VALs that the Plan gives. It could be considered to be a remnant area that is not aligned to the surrounding rural landscape (therefore an ORL) or it could be considered to be a small and somewhat anomalous part of the vast surrounding ONL. The Read Report endorses the latter. After reflection, I agree with this

approach. It is consistent with the way that the Kelvin Peninsula golf course area has been dealt with and, since landscape categorisation is such a large-scale exercise, it is inevitable that our identified landscapes contain small pockets of land that have an individual character that is different to that of the greater whole¹¹.

Queenstown Township and Environs

The location of the boundary between the ONL (Wakatipu Basin) and the ONL (District Wide) in Sunshine Bay

- 22 This issue is examined in paragraphs 4.3.2 to 4.3.2.4 of the Read Report. I agree with the reasoning and findings of the report in this regard. In addition to the Sunshine Bay area, the Read Report identifies three other areas where the line separating the ONL(WB) from the ONL(DW) follows straight lines rather than landform. I consider that the line should be corrected in these areas also, so as to appropriately follow landform.

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

- 23 This issue is examined in paragraph 4.3.3.1 of the Read Report. I agree with the reasoning and findings of the report in this regard.

The One Mile Creek catchment

- 24 This issue is examined in paragraphs 4.3.4.1 and 4.3.4.2 of the Read Report. I agree with the reasoning and findings of this part of the report, however, I note that the wording of the report indicates that the ONL(WB) line should cross One Mile Creek Gorge in the vicinity of the Power Station, while Figure 40 of the report shows the ONL strip of the One Mile Creek Gorge running all the way down to Lake Wakatipu. I see no logic in including the lowest part of the gorge (which

¹⁰ Environment Court decision A071/2004, W.E.S.I vs. Q.L.D.C.

¹¹ Environment Court decision C180/1999, W.E.S.I vs. Q.L.D.C, paragraph 105.

is comprised of One Mile car park and an area of un-zoned legal road) in the ONL. I consider that only the Rural General Zoned land should be categorised as ONL.

Queenstown urban area (Gorge Road / Queenstown Hill / Frankton Road)

- 25 This issue is examined in paragraphs 4.3.5.1 to 4.3.5.4 of the Read Report. I agree with the reasoning and findings of this part of the report and consider that it is consistent with the Trident High Court decision; the Rural General zoned reserve and community garden area being considered as a part of the surrounding ONL.

Ferry Hill / Shotover River

- 26 I agree with the Read Report in that the zone boundary between the Low Density Residential and Rural General Zones to the west of Hansen Road is the logical landscape category boundary. I also agree that the boundary then follows an obvious change in landform/slope as it runs parallel and northwest of SH6 towards the Shotover, and then landform (and other issues) becomes more complex at the northern corner of the Frankton Flats. I consider that the situation shown on the Read Report's Figure 44 is correct, with the exception that the residential Activity Areas of the Quail Rise Zone should be excluded from the ONL. It seems that this is the intention of the Read Report but this is not entirely reflected by Figure 44.

- 27 I show my proposed landscape category boundary line for the relevant area in Appendix 3 of this report below. I have chosen this line because:

- Starting from the southwestern end, it follows landform until it approaches the southwestern end of the residential Activity Areas of the Quail Rise Zone.
- It then follows the southern and western edges of the residential Activity Areas of the Quail Rise Zone.
- Upon reaching the northwestern corner of LOT 44 DP 27480 (3 LINDMORE LANE), the line then sidles around the curve of Ferry Hill, gently gaining altitude until it reaches the line of poplar trees identified as the appropriate line by the Waterston Environment Court

decision¹². This leaves an apron of VAL (containing a number of rural dwellings) below the ONL/F on the northern side of Ferry Hill as is endorsed by the decision.

28 The Read Report discusses the area to the west of the Ferry Hill Rural Residential Sub Zone in paragraph 4.4.4 and notes that this area is subject to current Environment Court proceedings¹³. I am a witness in those proceedings and support a line that is slightly different to that adopted by the Read Report. I show the line that I support in Appendix 3.

Arthurs Point East

29 I agree with the reasoning and findings of the Read Report (paragraphs 4.5.1 to 4.5.3) in relation to this area. Also of relevance are my comments given in paragraph 12 above.

Hawthorn Triangle

30 The C83/2004¹⁴ Court decision examined the relatively flat area of land that lies to the north-west of Slope Hill (the Hawthorn Triangle area) and heard expert landscape analysis. The Court found that this area is an ORL. In its decision, the Court did not draw any indicative line to show the edge of the ORL. Regarding the extent of the ORL that is centred around the Domain/Speargrass Flat/Lower Shotover Road triangle, the following findings of the C83/2004 decision are particularly relevant:

- Paragraph 3: *“To the east of Lower Shotover Road the slopes of Slope Hill rise. These have seen the development of rural-residential sections which overlook the triangle”.*
- Paragraph 32: *“We consider that the landscape architects called by the Council ... have not sufficiently addressed the central question in landscape classification, namely whether the landscape, when developed to the extent permitted by existing consents, will retain the essential qualities of a VAL, which are pastoral or Arcadian characteristics. We noted (in paragraph 3) that development of “lifestyle” or “estate” lots for rural-residential living is not confined to the triangle itself”.*

¹² Environment Court decision C169/2000, J S Waterston vs Q.L.D.C.

¹³ Environment Court Appeal H.I.L Limited vs Q.L.D.C, ENV-2013-CHC-41

¹⁴ Environment Court decision C83/2004, Hawthorn Estates Limited vs. Q.L.D.C.

- Paragraph 34: *“The developments on the lower flanks of Slope Hill are also highly visible and detract significantly from any Arcadian qualities of the wider setting. We doubt if Virgil could have stood in this landscape and written Et in Arcadia ego”.*
- Paragraph 35: *“We find the landscape category to be that of Other Rural Landscape”.*
- Paragraph 81: *“While we have not needed to define the boundary between the ORL and the adjoining VAL, we consider that the site occupies a fairly central position in an ORL which includes the lower slopes east of Lower Shotover Road and the developed land west of Domain Road.”* The site in this reference is the Hawthorn Estates land, being the southern quarter of the Domain/Speargrass Flat/Lower Shotover Road triangle.

31 It follows from the Environment Court findings quoted above that the dashed black line running along Lower Shotover Road, shown on the Plan’s Appendix 8 maps is incorrect. It is clear that the ORL described above extends east of Lower Shotover Road; the remaining question is to what extent?

32 Appendix 4 to this report is an aerial photograph that shows the extent to which relatively small and somewhat vegetated rural living properties extend to the east of Lower Shotover Road. This can also be seen in the photograph of Appendix 5, which looks horizontally at the lower part of Slope Hill. I consider that the ORL landscape patterns of the land to the west of Lower Shotover Road and on the lower slopes of Slope Hill as determined by the Court, continue northwards towards Slope Hill Road along the line of the water race that runs immediately above the rural living properties.

33 With reference to the list of matters that Section 5.4.2.1 of the District Plan sets out as being relevant to landscape categorisation analysis, I find that:

- In terms of natural science factors, the geomorphology and geology are relatively uniform on either side of the line of the water race, however, this line marks a change in ecology. Above this line, vegetative cover is relatively uniform grazed pasture, while below this line land is generally not managed by grazing and features a relatively dense scattering of exotic amenity and shelter trees and managed gardens.

- In terms of aesthetics, the pattern of the land above the water race is that of open, simple rolling hill country, as can be seen in the Appendix 5 photograph. The visually interesting form of Slope Hill is a memorable visual focus. Below this line, the aesthetic pattern is that of a semi-enclosed and compartmentalised landscape, more akin to a rural living scene, which is perhaps less memorable.
- In terms of expressiveness and legibility of formative processes, the open, uniform pasture cover of Slope Hill that begins above the water race line allows clear visual legibility of landform, with the glacially rounded shapes and the classic overridden roche moutonee form of the hill being apparent. Below this line, the varied tree vegetation and compartmentalisation of the landscape pattern mean that overall formative processes are much less apparent.
- Transient characteristics will be apparent across the entirety of the landscape scene. Changing light conditions will create interesting effects both on the open hill slopes and in the more treed area, as will seasonal frosts and snows. Autumn colours will produce effects only below the line of the water race.
- In terms of historical associations with the landscape, clearly above the line of the water race, the land has been cleared for grazing but has not been occupied in a residential sense. Below this line residential land use is well established, as is associated vegetation including some protected avenues of historic Hawthorns.

34 Based on the above assessment, I consider that the line that marks the lower edge of the ONF of Slope Hill continues north from the piece of solid black line shown on Map 1 of Appendix 8A of the Plan, following the line of the water race that runs immediately above the rural living properties, and that the ORL that takes in the area to the west of Lower Shotover Road and the lower slopes of Slope Hill as determined by the Court extends up to that line. I show my findings on the plan attached as Appendix 6.

35 Moving north, The density of rural living land use decreases such that the landscape begins to again display a poetically pastoral character more strongly than a rural living character. Therefore, I believe that a line separating the ORL from the broader surrounding VAL is most

logically located as I have shown on Appendix 6. North of Slope Hill Road, a number of existing but unbuilt building platforms mean that the flats are most logically included within the ORL. However, as one nears Speargrass Flat Road, rural living density reduces and a pastoral character becomes stronger. The land to the north of Speargrass Flat Road, including the Thurlby Domain area is truly poetically pastoral and is part of the VAL.

- 36 I accept that drawing the line separating the ORL from the VAL is difficult as one approaches Slope Hill Road and then moves north but I consider that the Court clearly found that the ORL extends east of Lower Shotover Road. I consider that the most logical location of landscape category boundary lines is as shown on my Appendix 6.
- 37 I agree with the Read Report that the identified Hawthorn Triangle ORL is not a landscape. More correctly, it is a part of a landscape that has a character (due to development) that distinguishes it somewhat from the rest of that landscape.

Lake Hayes / Slope Hill

- 38 I agree with the findings of the Read Report in relation to this area and with the landscape category boundary lines shown on Figure 49 of that report. This is reflected on my Appendix 6.

Arrowtown / Coronet Range

- 39 Again, I agree with the reasoning and findings of the Read Report regarding the Arrowtown / Coronet Range area and with Figure 51 that report.

Shotover River Corridor

- 40 The part of the Shotover River Corridor that is not categorised as part of an ONL by Appendix 8 of the Plan is discussed in paragraphs 4.9.1 to 4.9.4 of the Read Report. For consistency and completeness, I agree that the river corridor should be categorised as an ONF. I therefore agree with the findings of the Read Report and with Figure 52 of that report.

CONCLUSIONS AND SUMMARY

- 41 In relation to the Wakatipu Basin, the scope of the Read Report is obviously to complete the landscape categorisation maps that form Appendix 8 to the Plan. The methodology that has been used is appropriate in relation to this goal. A different methodology would be appropriate if the goal was to conduct an assessment of the district's landscapes from scratch and then describe and categorise them.
- 42 The Read Report appropriately adopts the approach endorsed by the Trident High Court decision; that every piece of Rural General Zoned land must fall into one of the identified landscape categories.
- 43 There are many areas of zoning other than Rural General that occupy parts of the rural landscapes of the Wakatipu Basin (such as areas of rural living zones or special zones). I consider that the Plan should clearly set out what zones are subject to the district wide provisions that relate to landscape categories.
- 44 I agree with the findings of the Read Report in relation to:
- The location of the boundary between the ONL (Wakatipu Basin) and the ONL (District Wide) in Sunshine Bay
 - The location of the putative ONL (Wakatipu Basin) line in relation to the western edge of the Sunshine Bay Low Density Residential Zone
 - Queenstown urban area (Gorge Road / Queenstown Hill / Frankton Road)
 - Arthurs Point East
 - Lake Hayes / Slope Hill
 - Arrowtown / Coronet Range
 - Shotover River Corridor

45 I partially agree with the findings of the Read Report in relation to:

- Kawarau River Corridor
- Frankton Arm
- The One Mile Creek catchment
- Ferry Hill / Shotover River
- Hawthorn Triangle

46 In relation to these areas of partial disagreement, my opinions that differ from the findings of the Read Report are:

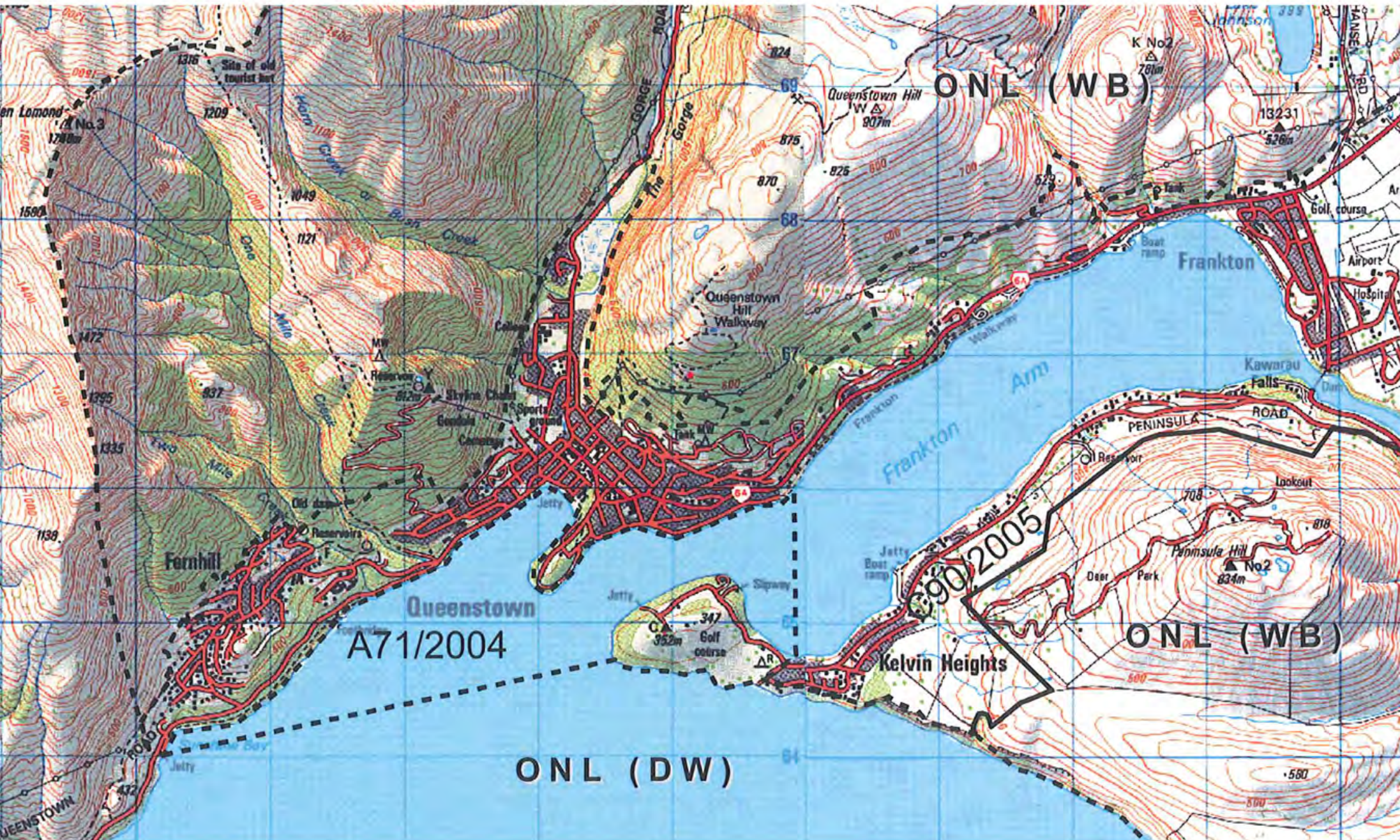
- The part of the Kawarau River Corridor that is within the Remarkables Park Zone should appropriately be left out of the identified ONF/L.
- The Frankton Arm is best dealt with as shown on my Appendix 2; the entire lake surface being part of an ONL(DW) but with the surface of Frankton Arm and Queenstown Bay being subject to an overlay that sets out appropriate provisions for this particular part of the lake.
- The very lowest part of the One Mile Creek valley, which is un-zoned legal road, should appropriately be excluded from the identified ONL.
- The landscape category boundary line that separates Ferry Hill from the surrounding landscape should be drawn as shown on my Appendix 3; so as to exclude the residential activity areas of Quail Rise from the identified ONF/L.
- The ORL area identified around the Hawthorn Triangle should appropriately include adjacent areas that have been developed for relatively dense rural living purposes as shown on my Appendix 6. This area has a rural living character rather than a poetically

pastoral character. I consider that this finding is consistent with the relevant findings of the Environment Court.

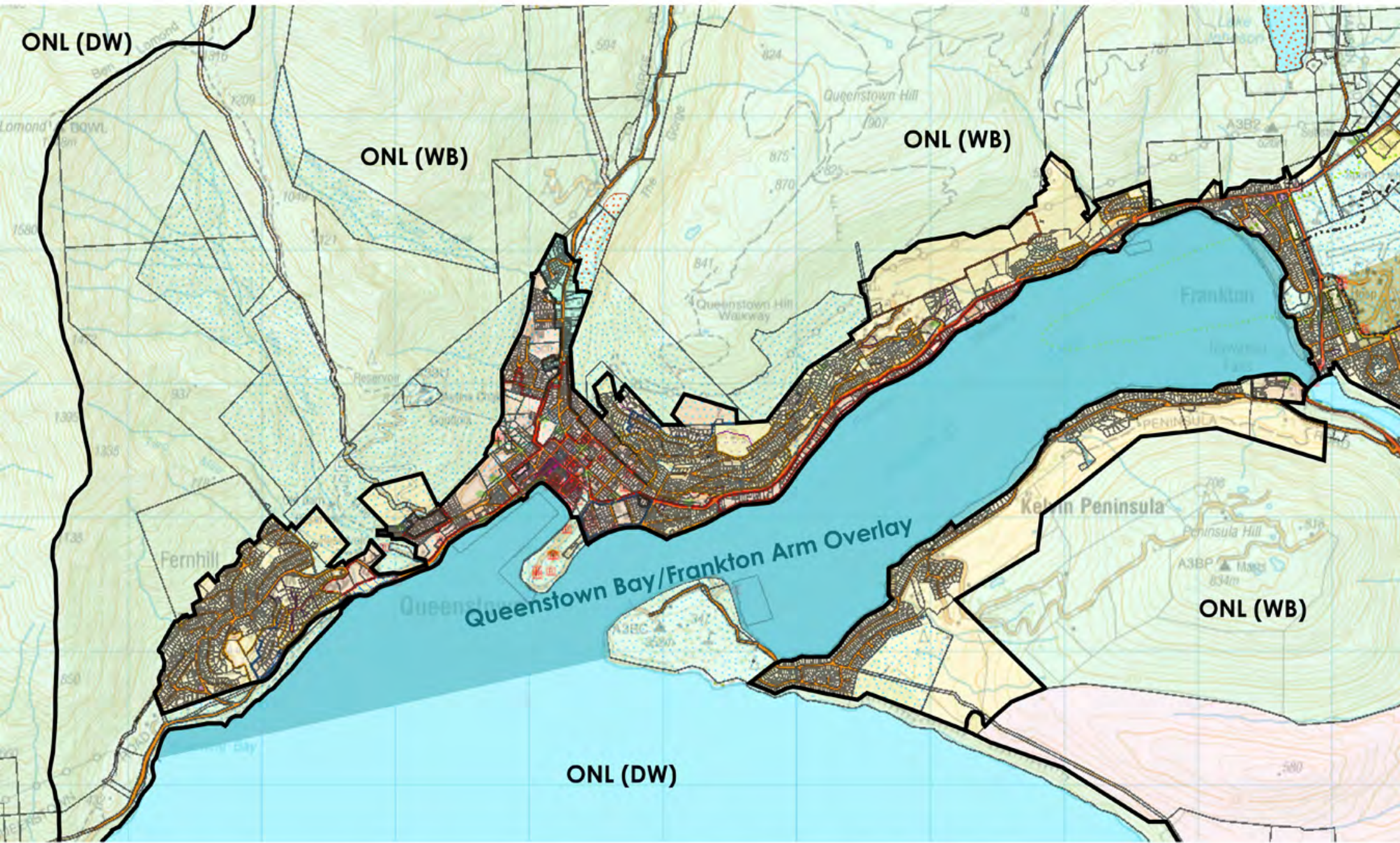
Ben Espie (Landscape Architect)

vivian+espie

16 June 2014.



APPENDIX 1: Queenstown Lakes District Planning Map 1 8A showing Queenstown and Frankton Arm.



APPENDIX 2: Proposed landscape category boundary lines around Queenstown and Frankton Arm (shown as thick black lines). Queenstown Bay/Frankton Arm overlay area shown as a blue shape.



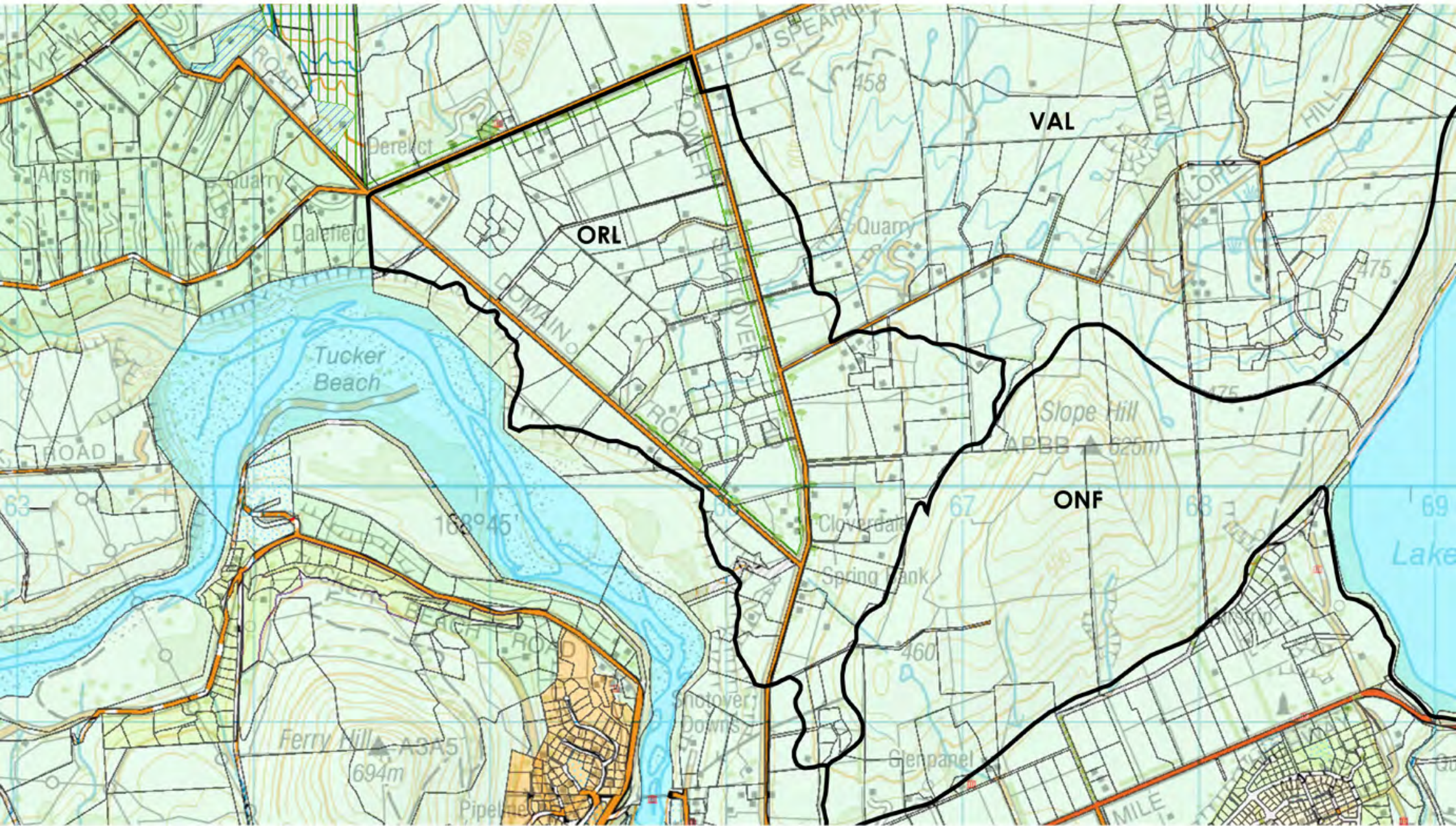
APPENDIX 3: Proposed landscape category boundary lines around Quail Rise (shown as a thick black line).



APPENDIX 4: Aerial photograph showing the development pattern in the southern portion of the Hawthorn Triangle.



APPENDIX 5: Photograph taken using a 50mm fixed focal length. This viewpoint is located on the hairpin corner along Dalefield Road.



APPENDIX 6: Proposed landscape category boundary lines around the Hawthorn Triangle (shown as thick black lines).

Attachment D – Extract from Appendix I, WBLUS

