

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 14:
Wakatipu Basin
hearing and
transferred Stage 1
submissions related to
Arrowtown and Lake
Hayes

**REPLY OF BRIDGET MARY GILBERT
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

LANDSCAPE - WAKATIPU BASIN

10 August 2018

 **Simpson Grierson**
Barristers & Solicitors

S J Scott / C J McCallum
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

TABLE OF CONTENTS

1. INTRODUCTION.....	1
2. SCOPE.....	1
3. LANDSCAPE FEATURE SETBACK 'LINE' ON THE EAST SIDE OF HUNTER ROAD, OPPOSITE THE D HAMILTON & L HAYDEN PROPERTY (2422)	3
4. CONFIGURATION OF THE LCU AND (CONSEQUENTLY) THE PRECINCT BOUNDARY THROUGHOUT THE SOUTHERN EXTENT OF LCU 2 FITZPATRICK BASIN ADJACENT LCU 3 SHOTOVER RIVER TERRACE.....	5
5. IDENTIFICATION OF THE PROPOSED PRECINCT BOUNDARY ON PHOTOGRAPHS OF TUCKER BEACH.....	8
6. LANDSCAPE AND VISUAL AMENITY EFFECTS OF THE 'LCU 6 PRECINCT' ON BENDEMEER	8
7. CONSIDERATION OF THE EXTENT OF THE PRECINCT THROUGHOUT THE EASTERN END OF LCU 6.....	11
8. TROJAN HELMET PHOTOMONTAGES (2387)	15
9. LANDSCAPE CHARACTER AND VISUAL AMENITY EFFECTS.....	17
10. CUMULATIVE ADVERSE LANDSCAPE RELATED EFFECTS.....	20
11. MINIMUM AND AVERAGE LOT SIZE STRATEGY	27
12. LAKE HAYES CATCHMENT'S SHARED AND RECOGNISED VALUES	28

APPENDIX 1: LCU4 Tucker beach Photographs (depicting the approximate location of the Precinct in views from Domain Road)

APPENDIX 2: View of LCU 6 Wharehuanui Hills Precinct from Bendemeer

APPENDIX 3: Landscape Description and landscape values

APPENDIX 4: View from Tobins Track

APPENDIX 5: View from Zig Zag Lookout.

1. INTRODUCTION

- 1.1 My full name is Bridget Mary Gilbert. I am a Landscape Architect and Director of Bridget Gilbert Landscape Architecture Ltd, Auckland. I prepared a statement of evidence in chief and rebuttal on landscape issues, for Hearing Stream 14: Wakatipu Basin.
- 1.2 My qualifications and experience are as set out in my Evidence in Chief dated 28 May 2018 (paragraphs 1.1-1.9).
- 1.3 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise except where I state that I am relying on the evidence of another person.

2. SCOPE

- 2.1 My reply evidence is provided in response to matters raised by submitters or the Panel during the course of the hearing. In particular, my reply evidence addresses the following matters:
- (a) **LCU 1 Malaghans Valley:** the extent of the Landscape Feature Setback Line on the east side of Hunter Road, opposite the Hamilton and Hayden Property (2422);
 - (b) **LCU 2 Fitzpatrick Basin:** the configuration of the LCU and (consequently) the Precinct boundary throughout the southern extent of LCU 2 Fitzpatrick Basin adjacent LCU 3 Shotover River Terrace;
 - (c) **LCU 4 Tucker Beach:** the identification of (my) proposed Precinct boundary (coinciding with the 400m contour line) on photographs of the area to assist an understanding of where the line falls 'on the ground';
 - (d) **LCU 6 Wharehuanui Hills:** the landscape and visual amenity effects of the Precinct on viewing audiences within Bendemeer (LCU 16);

- (e) **LCU 6 Wharehuanui Hills:** the extent of the Precinct at its eastern end, including: the steep hillside separating the Mooney Road basin from Millbrook; and the elevated spur landforms in the vicinity of the X Ray Trust and Avenue Trust properties (2619);
- (f) **LCU 22 The Hills:** comment with respect to the additional photomontages provided by Mr Richard Tyler in relation to The Hills Resort Zone House Sites 4 and 5;
- (g) the relationship between landscape character and visual amenity effects;
- (h) cumulative adverse landscape effects of the bespoke rezoning requests;
- (i) the potential for the proposed Precinct minimum and average lot size strategy to function as a 'default' controlled activity; and
- (j) Lake Hayes catchment's shared and recognised values.

2.2 My reply evidence has the following attachments:

- (a) **Appendix 1:** LCU4 Tucker beach Photographs (depicting the approximate location of the Precinct in views from Domain Road);
- (b) **Appendix 2:** View of LCU 6 Wharehuanui Hills Precinct from Bendemeer;
- (c) **Appendix 3:** Landscape Description and landscape values;
- (d) **Appendix 4:** View from Tobins Track; and
- (e) **Appendix 5:** View from Zig Zag Lookout.

2.3 I note that Mr Stephen Skelton has provided information after the hearing in relation to Wakatipu Equities Limited (**WEL**) (2479)¹ which identifies those parts of the WEL land where he considers a 4ha lot size regime to be appropriate. In relation to this matter I remain of the view set out at paragraphs 12.5 – 12.13. I note that Mr Skelton has not provided additional material in relation to his delineation of a

¹ <https://www.gldc.govt.nz/assets/Uploads/Planning/District-Plan/PDP-Stage-2/Stream-14-Evidence-Post-Hearing/S2479-WakatipuEquities-T14-SkeltonS-Memorandum-of-Legal-Counsel.pdf>

'new' defensible edge to the Precinct along the eastern side of Lower Shotover Road.

- 2.4** In preparing my reply evidence, I made another site visit on Thursday 26 July 2018 to the parts of the Basin addressed in my reply evidence, including visiting Bendemeer.
- 2.5** In response to questions from the Panel, I suggested that should the Panel be minded to accept at least some of the Precinct zoning in the Basin, the relevant LCU worksheets should be updated to reflect that a degree of landscape change is anticipated within those locations (as a consequence of their Precinct zoning), and to also clarify the appropriate rural residential development outcome for each location, including mention of where specifically the retention of openness might be appropriate. To this end, I have assisted in the preparation of the amended Chapter 24 provisions attached to Mr Barr's reply evidence. The scope to make this change is also addressed briefly in the Council's reply legal submissions.
- 2.6** I also suggested to the Panel that should they be minded to accept at least some of the Precinct zoning within the Basin, it would be helpful to amend the Schedule 24.8 LCU mapping so that it aligns with the Precinct to avoid confusion for plan users. It is my understanding that the QLDC GIS staff responsible for the Wakatipu Basin mapping work is currently on leave and that such a mapping amendment can be made upon his return in September.

LCU 1 MALAGHANS VALLEY (Very Low)

3. LANDSCAPE FEATURE SETBACK 'LINE' ON THE EAST SIDE OF HUNTER ROAD, OPPOSITE THE D HAMILTON & L HAYDEN PROPERTY (2422)

- 3.1** In my rebuttal evidence, I recommended an amendment to the extent of the Landscape Feature Setback line (and the alignment of the Precinct boundary) in relation to the D Hamilton & L Hayden (2422) property on the west side of Hunter Road.²

² Rebuttal Evidence of Bridget Gilbert on behalf of QLDC dated 27 June 2018, at section 3, pages 4-6.

- 3.2** The Panel has asked me to consider whether the proposed change on the west side of Hunter Road (76 Hunter Road) might have implications for the configuration of the Precinct boundary and extent of the Landscape Feature Setback line on the east side of Hunter Road, effectively opposite the Hamilton & Hayden land.
- 3.3** My response to the Panel during the hearing was that it would not alter my recommendations with respect to the location of the Precinct boundary on the east side of the road (due to the considerably smaller area of low-lying land on the east side of the road in comparison to the west side); however, the Landscape Feature Setback line should be deleted from the low-lying portion of land on the east side of the Hunter Road, consistent with the approach adopted on the western side (i.e. the Hamilton & Hayden land).
- 3.4** The **Figure 1** mapping below illustrates the revised extent of the Landscape Feature Setback line on the east side of Hunter Road that I recommend. It should be noted that the Landscape Feature Setback line now applies to land on either side of Hunter Road that sits above the 435m contour, with the setback removed from the low-lying land flanking either side of the road where no such 'landscape feature'³ is evident. Such an approach is considered to be methodologically consistent.

³ Noting that the Landscape Feature Setback is described in my Section 42A/Statement of Evidence Report of Bridget Gilbert dated 28 May 2018 (**EiC**) at paragraph 63.18 (c) as applying to escarpment and river cliff edges.

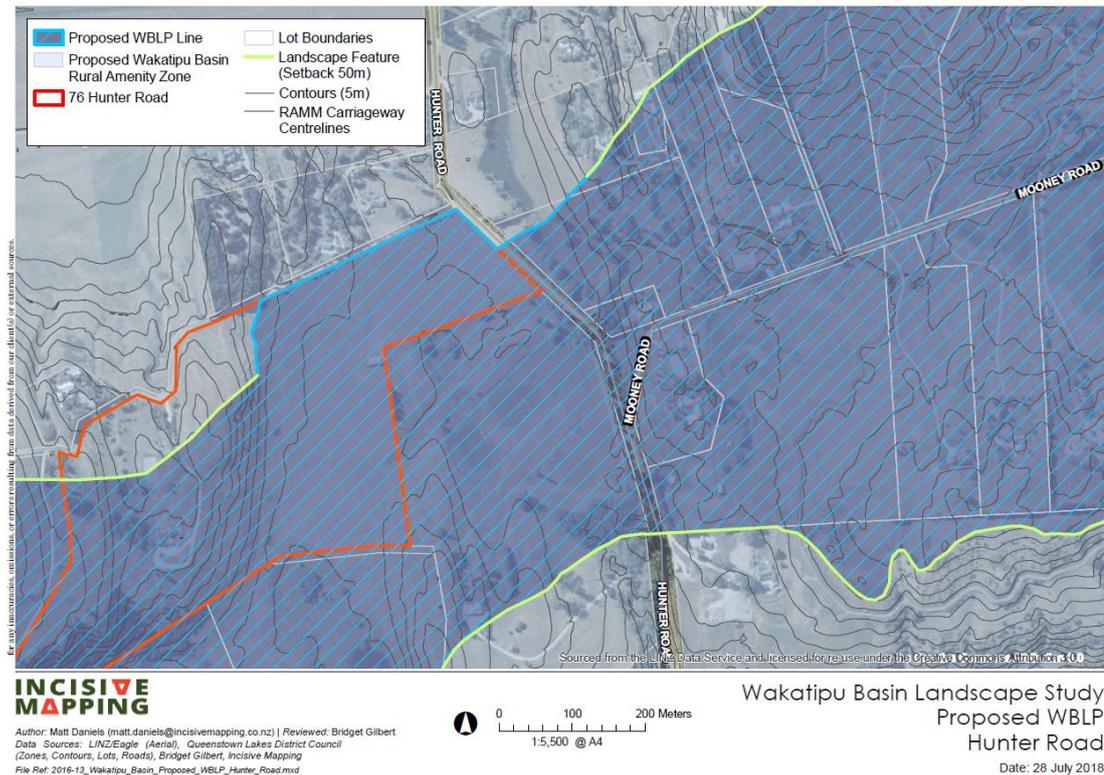


Figure 1: Proposed Landscape Feature Setback line mapping amendment on the east side of Hunter Road, opposite 76 Hunter Road (Hamilton & Hayden land). Light green line depicts combined Precinct boundary and Landscape Feature Setback line. Light blue line depicts Precinct boundary only.

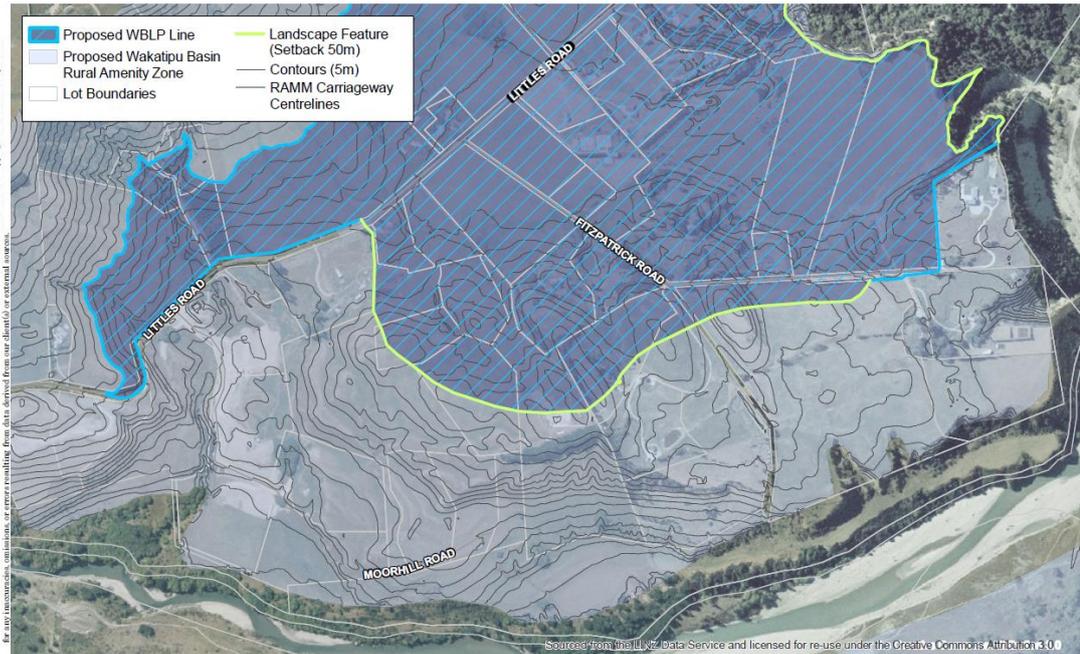
3.5 I consider the scope for this amendment arises as a consequence of addressing the submission by Hamilton & Hayden (2422) opposing the Landscape feature Setback on their property on the west side of Hunter Road.

LCU 2 FITZPATRICK BASIN (High)

4. CONFIGURATION OF THE LCU AND (CONSEQUENTLY) THE PRECINCT BOUNDARY THROUGHOUT THE SOUTHERN EXTENT OF LCU 2 FITZPATRICK BASIN ADJACENT LCU 3 SHOTOVER RIVER TERRACE

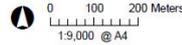
4.1 During the hearing, the Panel commented that it was their impression that the southern extent of LCU 2 Fitzpatrick Basin included land that ‘rolled over’ into the Shotover River terraces, which may be better identified as part of LCU 3 Shotover River Terrace. This has potential implications for both the LCU and Precinct mapping in this part of the Basin.

- 4.2** I have reviewed detailed Elevation, Contour and Slope Analysis mapping for the area in question, together with site photographs.
- 4.3** I confirm that the notified mapping of the southern margins of LCU 2 Fitzpatrick Basin (and therefore the Precinct) has inadvertently included land that drops away to the Shotover River.
- 4.4** The area in question reads as part of LCU 3 Shotover River Terrace and demonstrates a similar sensitivity to landscape change and capability to absorb additional development as outlined in the Schedule 24.8 description for LCU 3 Shotover River Terrace (i.e. a **low** absorption capability).
- 4.5** For these reasons, it is recommended that the alignment of the Precinct boundary in this portion of the Basin is amended to reflect the mapping in **Figures 2** and **3** below.
- 4.6** For completeness, the amended alignment of the Precinct boundary follows the crest of a ridgeline throughout the central portion of the revised mapping area.
- 4.7** In the absence of a clear geomorphological feature in the western sector, the boundary is aligned along the road corridor, to 'join up' the Precinct on the north and south side of Littles Road.
- 4.8** The eastern area also suffers from the absence of a clear geomorphological boundary and in this instance, the amended Precinct boundary follows property boundaries.
- 4.9** I note that should the Panel be minded to accept this recommendation, a consequential amendment will be required to the Schedule 24.8 LCU mapping. I also note that Mr Langman's reply evidence outlines the scope for this amendment.



INCISIVE MAPPING

Author: Matt Daniels (matt.daniels@incisivemapping.co.nz) | Reviewed: Bridget Gilbert
Data Sources: LINZ/Eagle (Aerial), Queenstown Lakes District Council (Zones, Contours, Lots, Roads), Bridget Gilbert, Incisive Mapping
File Ref: 2016-13_Wakatipu_Basin_Proposed_WBLP_Fitzpatrick_Basin.mxd

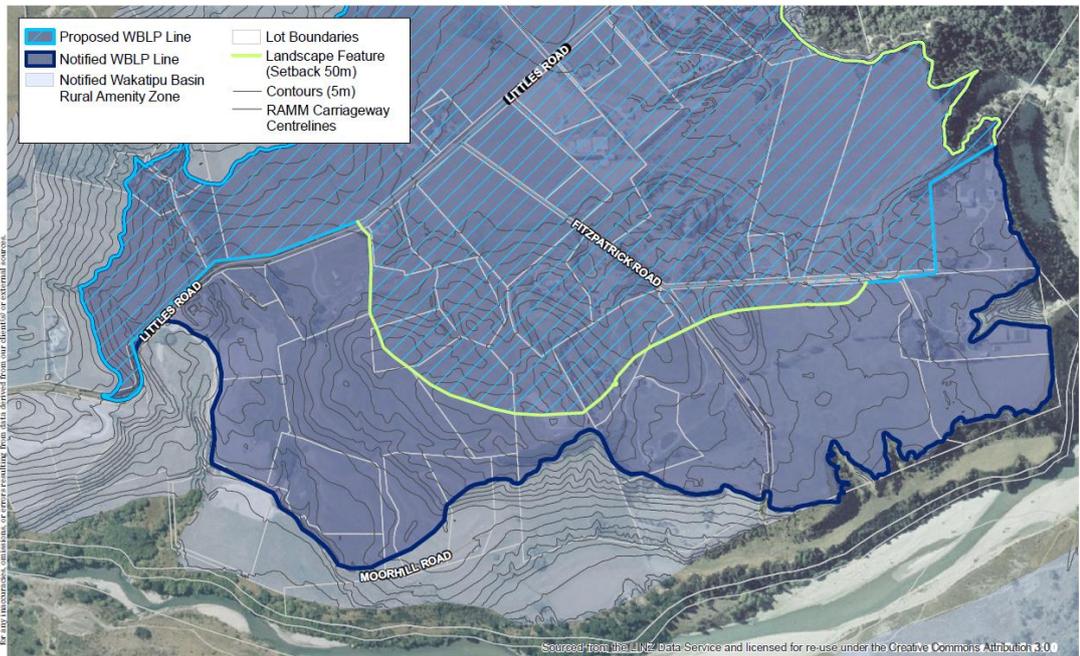


Wakatipu Basin Landscape Study
Proposed WBLP
Fitzpatrick Basin

Date: 28 July 2018

Figure 2: Proposed (i.e. amended) extent of Precinct and Landscape Feature Setback line in the vicinity of LCU 2 Fitzpatrick Basin and LCU 3 Shotover River Terrace.

Light green line depicts combined Precinct boundary and Landscape Feature Setback line. Light blue line depicts Precinct boundary only.



INCISIVE MAPPING

Author: Matt Daniels (matt.daniels@incisivemapping.co.nz) | Reviewed: Bridget Gilbert
Data Sources: LINZ/Eagle (Aerial), Queenstown Lakes District Council (Zones, Contours, Lots, Roads), Bridget Gilbert, Incisive Mapping
File Ref: 2016-13_Wakatipu_Basin_Notified_Proposed_WBLP_Fitzpatrick_Basin.mxd



Wakatipu Basin Landscape Study
Notified & Proposed WBLP
Fitzpatrick Basin

Date: 28 July 2018

Figure 3: Notified and Proposed (i.e. amended) extent of Precinct and Proposed extent of Landscape Feature Setback line in the vicinity of LCU 2 Fitzpatrick Basin and LCU 3 Shotover River Terrace.

Light green line depicts combined Precinct boundary and Landscape Feature Setback line. Light blue line depicts Precinct boundary only. Dark blue line depicts notified Precinct boundary. (NB Notified Landscape Feature Setback line not shown in this map).

LCU 4 TUCKER BEACH (Central and Eastern end: High; Western End: Low)

5. IDENTIFICATION OF THE PROPOSED PRECINCT BOUNDARY ON PHOTOGRAPHS OF TUCKER BEACH

- 5.1** The Panel have requested annotated photographs of LCU 4 Tucker Beach that illustrate the location of my proposed Precinct boundary (i.e. the 400m contour line) 'on the ground'.
- 5.2** The photographs in **Appendix 1** illustrate the approximate location of the Precinct boundary in three views from Domain Road to the Tucker Beach area. **Appendix 1** Sheet 4 shows the location of each photograph.
- 5.3** The methodology applied in determining the location of the Precinct boundary in each photograph involved examining Precinct line mapping overlaid on Council aerial and Google Earth mapping to determine landmarks (such as vegetation features, buildings and roads).
- 5.4** The photographs demonstrate the intention to confine new rural residential development within this part of the Basin to the low-lying fringe of 'existing development' that flanks Tucker Beach Road (noting that the existing development patterning relied on in my analysis in this regard includes consented and unbuilt platforms).

LCU 6 WHAREHUANUI HILLS (High)

6. LANDSCAPE AND VISUAL AMENITY EFFECTS OF THE 'LCU 6 PRECINCT' ON BENDEMEER

- 6.1** The Panel has asked me to consider the potential landscape and visual effects of the proposed Precinct within LCU 6 Wharehuanui Hills on Bendemeer.
- 6.2** Bendemeer comprises a residential subdivision on the elevated hummocky landform to the east of Lake Hayes and north of Morven

- 6.5** In relation to views to the west and north west, this takes in the patterning of rural residential development fringing Lake Hayes and parts of Millbrook. The photograph in **Appendix 2** demonstrates the typical character of the outlook that is likely to be afforded from dwellings (and potential future dwellings) throughout the north western margins of Bendemeer that overlook LCU 6 Wharehuanui Hills.
- 6.6** For houses with a more north easterly aspect, LCU 6 Wharehuanui Hills is likely to be peripheral to the outlook (if not obscured by intervening landform and / or vegetation) and the urban settlement of Arrowtown is likely to be seen along with the rural residential node around Arrow Junction and The Hills golf course (LCU 22).
- 6.7** Importantly, whilst quite extensive urban and rural residential development areas are seen from these vantage points, their considerably lower elevation (relative to the viewer) combined with the moderating effects of distance, and, in many instances, the integrating benefits of building colours and flanking vegetation, means that they do not draw visual attention in a manner that detracts from the character or quality of the wider mountain landscape panorama.
- 6.8** Existing dwellings (and potential future dwellings) located away from the edges of the Bendemeer plateau enjoy similarly magnificent views of the surrounding mountain context; however, the lower lying basin tends to be obscured from view by intervening landform and / or vegetation patterns.
- 6.9** I note that development within Bendemeer to date has been of a high quality and the maintenance of 'internal' visual amenity values within the structure plan area would appear to have been carefully considered.
- 6.10** The proposed Precinct area throughout the eastern margins of LCU 6 will be visible from existing (and future dwellings) at the north western margins of Bendemeer at a distance of approximately 2.3km (at its closest point), and will see the (potential) introduction of rural

residential development into a portion of the outlook that currently reads as relatively spacious and undeveloped.

- 6.11** The higher elevation of the viewing audience at Bendemeer relative to LCU 6 Wharehuanui Hills means that new rural residential development will not obscure or obstruct views to the wider mountain setting.
- 6.12** The Amenity zoning of the steep escarpment landforms that separate LCU 6 Wharehuanui Hills from LCU 8 Speargrass Flat will ensure that new rural residential development in LCU 6 does not read as a continuous sprawl of the existing (and proposed) rural residential enclave at the northern end of Lake Hayes.
- 6.13** The Amenity zoning of the elevated landform at the far western end of Millbrook will ensure this distinctive landform feature remains legible in the outlook. This feature together with the configuration of Millbrook such that it does not appear to roll over onto the Wharehuanui Hills in views from this orientation, serves to avoid the perception of development sprawl in this part of the view.
- 6.14** Critically, the proposed Precinct assessment criteria call for the careful consideration of building colours (including roof colours), paving materials, external lighting, and planting which will ensure that new rural residential development in this part of the Bendemeer outlook sits comfortably within the wider view.
- 6.15** On balancing these considerations (and using the effects rating scale attached as Appendix A to my rebuttal evidence), it is my opinion that adverse landscape and visual effects in relation to the Bendemeer audience rate as **Low**.

7. CONSIDERATION OF THE EXTENT OF THE PRECINCT THROUGHOUT THE EASTERN END OF LCU 6

- 7.1** The Panel has queried the extent of the Precinct at the eastern end of LCU 6 Wharehuanui Hills, specifically in relation to:

- (a) the steep land separating the Mooney Road 'basin' from Millbrook; and
- (b) the elevated spur landforms in the vicinity of the X Ray Trust and Avenue Trust properties (2619) where the hill landforms effectively 'roll over' towards LCU 8 Speargrass Flats.

7.2 In considering effects in relation to Bendemeer, I have also reviewed the Precinct mapping in these locations, closely examining detailed Elevation, Contour and Slope Analysis mapping together with my site photographs.

7.3 On reflection, I consider that the Panel have raised valid concerns and the extent of the Precinct in these locations should be adjusted as depicted in **Figure 5** and **Figure 6** below.

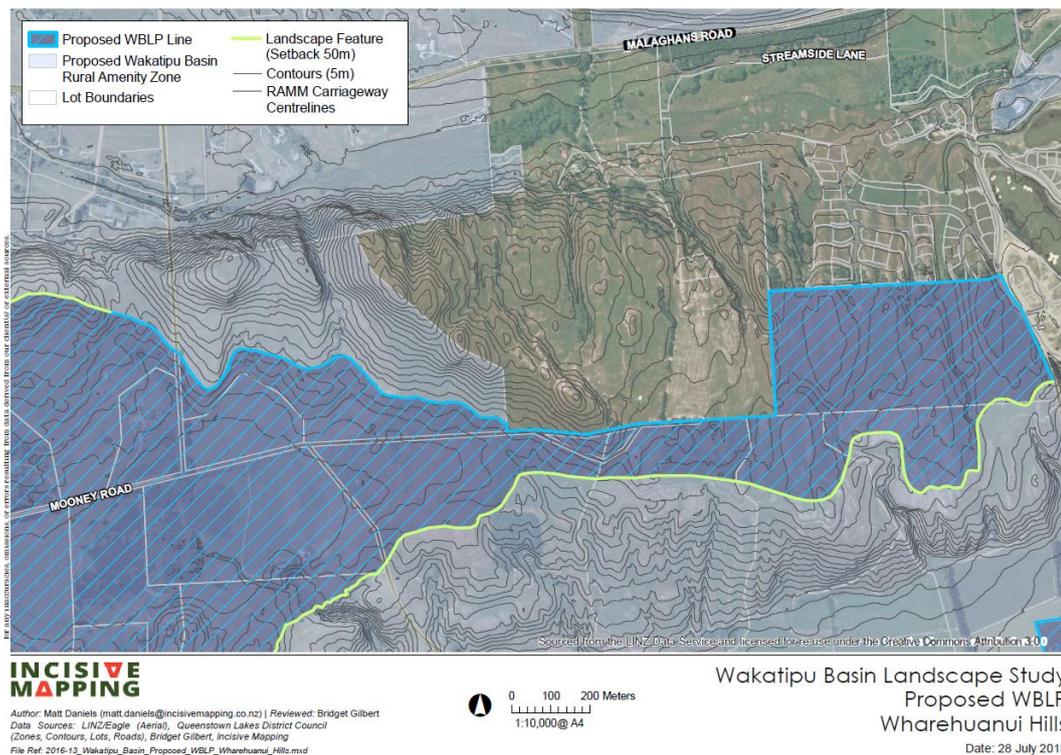


Figure 5: Proposed (i.e. amended) extent of Precinct and Landscape Feature Setback at the eastern end of LCU 6 Wharehuanui Hills.

Light green line depicts combined Precinct boundary and Landscape Feature Setback line. Light blue line depicts Precinct boundary only.

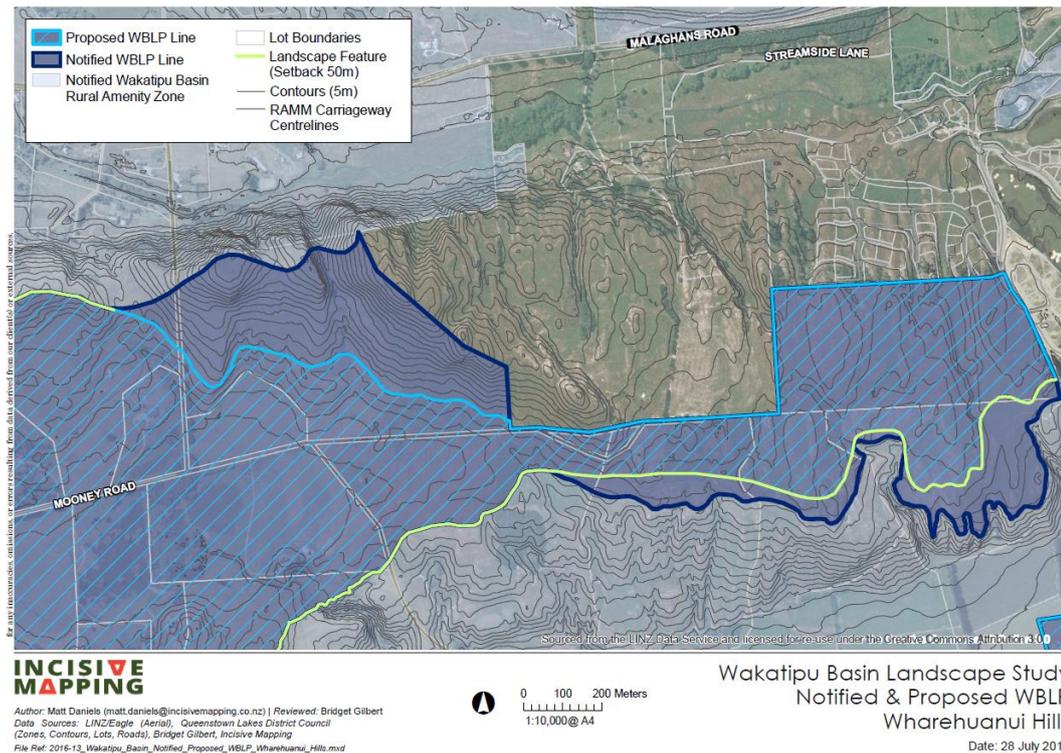


Figure 6: Notified and Proposed (i.e. amended) extent of Precinct and Landscape Feature Setback at the eastern end of LCU 6 Wharehuanui Hills.

Light green line depicts combined Precinct boundary and Landscape Feature Setback line. Light blue line depicts Precinct boundary only. Dark blue line depicts notified Precinct boundary. (NB Notified Landscape Feature Setback line not shown in this map).

7.4 With respect to the steep land separating the Mooney Road ‘basin’ from Millbrook, my amended Precinct line runs along the base of the steep landform, resulting in the steeply sloping land being identified as Amenity Zone.

7.5 In recommending this specific amendment, I have also considered whether the small portions of steeper land framing the north side of the Mooney Road ‘basin’ (and to the west of amended area shown in **Figure 6**) are also deserving of exclusion from the Precinct. In my opinion, the very limited scale (extent) and the fragmented patterning of these steeper slopes, together with the patterning of existing rural residential development (which sees buildings throughout these fragmented steeper areas, albeit on localised elevated land that is of an easier contour) suggests a reduced landscape sensitivity. Further, the Precinct assessment criteria that promote the retention of existing landform patterns and the retirement and restoration of steep slopes, and require the consideration of visual effects in views from public places and neighbouring properties, in combination with the

Landscape Feature Setback (50m) will ensure the Precinct is appropriate in these discrete locations.

- 7.6** In relation to the elevated spur landforms in the vicinity of the X Ray Trust and Avenue Trust properties (2619), where the hill landforms effectively 'roll over' towards LCU 8 Speargrass Flats, I recommend that the Precinct boundary (and Landscape Feature Setback) is 'pulled back' (i.e. moved northwards) to exclude the 'roll-over' portions of the hill landforms, as it is acknowledged that rural residential development in these locations has the potential to adversely impact on the low-lying Amenity Zone area nearby, despite the Landscape Feature Setback.
- 7.7** A combination of contour patterning and slope analysis has guided the delineation of the Precinct boundary (and consequently the Landscape Feature Setback line, where appropriate) in each of these locations.
- 7.8** I consider that each of these amendments will better protect and maintain the landscape character and visual amenity values of the Basin in comparison to the notified version of the Precinct mapping that applies to these areas.
- 7.9** I note that should the Panel be minded to accept these recommendations, a consequential amendment will be required to the Schedule 24.8 LCU Mapping (in relation to the hill side 'roll-over' area) and the Schedule 24.8 LCU 6 Wharehuanui Hills Description (in relation to the steep land between the Mooney Road basin and Millbrook, clarifying that this part of LCU 6 has a **Low** capability to absorb additional development).⁵
- 7.10** I consider there is scope for each of these amendments as follows:
- (a) Exclusion of the steep land separating the Mooney Road 'basin' from Millbrook via the DS Moloney (2129) and

⁵ Noting that the latest set of provisions appended to My Barr's evidence have been amended to reflect this change.

Nancekivell (2171) submissions, which oppose the Precinct throughout the Mooney Road area.⁶

- (b) Exclusion of the elevated spur landforms where the LCU 6 Wharehuanui Hill landforms effectively 'roll over' towards LCU 8 Speargrass Flats via the X Ray Trust & Avenue Trust submission (2619), which opposes the Precinct on the portions of their properties that coincide with LCU 6 Wharehuanui Hills (i.e. the elevated land). It should be noted that a small sliver of land on the neighbouring property west of this submission area is also affected by this amendment. The Moloney (2129) and Nancekivell (2171) submissions seeking the deletion of the Precinct address this site and thus provide scope for this portion of the suggested amendment.⁷

LCU 22 THE HILLS (Moderate)

8. TROJAN HELMET PHOTOMONTAGES (2387)

- 8.1** I have reviewed the photomontages for Houses Sites 4 and 5 within The Hills Resort Zone (**THRZ**) prepared by SITE Landscape Architects (Mr Richard Tyler) and attached to Ms Rebecca Wolt's Memorandum dated 3 August 2018 that has been provided since the end of the hearing.⁸
- 8.2** I confirm that I visited the area with Mr Tyler to confirm the locations of the photomontage viewpoints.
- 8.3** I suggested to Mr Tyler that it would be helpful to model the full extent of development enabled on House Sites (**HS**) 4 and 5 (as a controlled activity), together within an indication of the potential level of development anticipated by the Precinct (as a restricted discretionary activity), given that the application relates to a plan change (rather than a resource consent). I agreed that if Mr Tyler so wished, a 'second' graphic could be prepared for each viewpoint that included

6 EIC of Bridget Gilbert dated 28 May 2018, at section 20, page 48.

7 Ibid: Figure 18, page 48.

8 S2387-TrojanHLtd-T14-WoltR-MemoOfCounsel Photomontages
<https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/PDP-Stage-2/Stream-14-Evidence-Post-Hearing/S2387-Trojan-Helmet-T14-WoltR-Memorandum-of-Counsel.pdf>

typical building imagery. I also advised that the photomontages should model planting after five years growth (maximum), with the plant growth rate assumptions included on the photomontage sheets.

8.4 In my opinion, the photomontages that have been prepared are somewhat misleading and do not assist an accurate understanding of the landscape and visual effects in relation to this aspect of THRZ. In particular:

- (a) Mr Tyler has modelled a dwelling that has a footprint of 300m² on HS4 and HS5 whereas, the provisions most recently provided by the submitter allow for a 750m² footprint as a controlled activity (i.e. 25% coverage of 3,000m² site size, with the 'House Site' site size derived from The Hills Resort Zone Masterplanning Report (section 6.2) that was attached to the original submission).
- (b) In only modelling views with 'real' houses in them that are of a smaller scale to that enabled by the THRZ provisions, Mr Tyler has potentially downplayed the effects of development enabled by THRZ plan change request.
- (c) Unusually, Mr Tyler has adopted a different planting growth rate assumption for these 'new' views to that applied in the Advance Terrace Photomontage that formed part of the original submission⁹ (and is included in the 'new photomontage package'). In the Advance Terrace Photomontage, Mr Tyler assumed the proposed plantings would be between 3-6m high after 5 years growth. In the more recent HS4 and HS 5 photomontages, Mr Tyler has assumed that all proposed plantings will have achieved 5m height after 5 years growth. I see no references in either THRZ Structure Plan or provisions that informs this variance in planting strategy between the two areas. Further, it is my expectation that within a landscape such as the Wakatipu Basin, 5m growth in 5 years suggests the use of very fast growing exotic

9 Trojan Helmet (2387) The Hills Resort Zone Masterplanning Report, 21 February 2018 SITE Landscape Architects

species. I consider that whilst the judicious use of such species around rural residential dwellings within the Basin is reasonable to expect, their 'wholesale' use is highly unlikely given their potential to block long range mountain views and winter sun in the medium to long term.

8.5 For these reasons, I recommend that the Panel apply caution in their reliance on the HS4 and HS5 Photomontages prepared by Mr Tyler in guiding their consideration of this aspect of THRZ proposal.

8.6 For completeness, the various changes that have made in relation to this aspect of THRZ, including: amending the activity status of the house sites from controlled to restricted discretionary with allowance for the consideration of effects on 'visual and landscape values'; the relocation of HS 5 and imposition of a 6.5m height control (to avoid a building in this location being seen on the skyline in views from Hogans Gully Road); and, the introduction of a building coverage control (25% coverage) will go some way in managing the adverse effects discussed in paragraphs 16.10 to 16.13 of my rebuttal evidence.

8.7 However, I consider that this aspect of THRZ will see visible development throughout the slopes that are intended to backdrop and form a clear buffer to the Precinct. In particular (and in light of my earlier comments in relation to the scale of building modelled and planting assumptions), the visibility of HS 5 from Hogans Gully Road has the potential to compromise the integrity of this patterning, thereby signalling the potential for development creep south eastwards along Hogans Gully Road.

9. LANDSCAPE CHARACTER AND VISUAL AMENITY EFFECTS

9.1 During the hearing, the Panel sought comment as to whether landscape-related effects in relation to the Queenstown Trail primarily focussed on visual amenity effects. I do not consider this to be the case.

9.2 By way of background, and to assist an understanding of where visual amenity effects ‘fit’ in the consideration of landscape effects more generally, there has been a body of case law developed around how both landscape experts and the Environment Court should seek to understand the values of a landscape. This sees a landscape (and not just RMA s 6(b) landscapes) described in terms of the following three components¹⁰:

- (a) the biogeographical (or biophysical) elements, patterns and processes;
- (b) the associative or relationship contributions (the ‘meaning’ of the landscape); and
- (c) the perceptual (or visual) aspects.

9.3 Such an approach to describing the landscape is widely accepted by the landscape profession and endorsed in the NZILA Best Practice Note Landscape Assessment and Sustainable Management 10.1 2010.

9.4 I have attached a full list of the sort of matters that may be considered under each component as **Appendix 3**. The list derives from the *Upper Clutha Tracks* decision¹¹ (and also the *Lammermoor* case¹²) and essentially expands on the modified Pigeon Bay (or WESI) factors. Clearly, the range of matters to be considered will vary with the specific context and the nature of the proposed development, and the list may need to be shortened or extended in some circumstances. There is also often a degree of overlap between many of the descriptors; for example, the memorability and aesthetic values of a landscape will frequently influence its perceptual (visual) values.

9.5 In essence, landscape character forms an ‘overarching umbrella’, beneath which sit the biogeographical, associative and perceptual factors.

¹⁰ For example see NZEnv C 147 (*Western Bay of Plenty*): paragraphs 100, 103 and 113.

¹¹ Decision No [2010] NZEnvC 432.

¹² Decision No C103/2009.

- 9.6** Further, it is widely agreed that landscape character is more than just a ‘sum of the parts’ exercise, but rather derives from a holistic consideration of the various (relevant) factors.
- 9.7** This tripartite grouping of factors guided the development of the worksheets that formed part of the landscape assessment component of the WB Study and, more specifically, assisted an understanding of the landscape values of the area
- 9.8** As stated in my evidence in chief, the WB Study found the wider Basin landscape to be an “Amenity Landscape”.¹³
- 9.9** My use of terminology here deliberately avoided using the “Visual Amenity Landscape” descriptor favoured in the Operative District Plan, as I considered (and continue to do so now), that the values of the Basin landscape extend beyond simply visual (or perceptual) matters and embrace associative values, including: very high recreational values; and, a distinctive and highly memorable ‘sense of place’, largely as a consequence of the almost unbroken connection with the surrounding ONL / ONF context, but also due to the spacious and open, more ‘working rural landscape’ that is evident throughout parts of the Basin.
- 9.10** It is for this reason that the proposed objectives, policies and assessment criteria in Chapter 24 repeatedly reference both landscape and visual amenity values.
- 9.11** With reference to the Queenstown Trail, I consider this to be one of the key recreational features of the area suggesting a high sensitivity to landscape change.
- 9.12** Whilst landscape changes near the Trail have the potential to adversely impact on the visual amenity enjoyed on the Trail, I consider potential adverse effects also encompass the associative aspects of landscape character connected with the Trail.

13 EIC of Bridget Gilbert, at paragraph 5.5.

9.13 In my opinion, inappropriate development near the Trail could significantly detract from:

- (a) the distinctive and memorable 'sense of place' associated with parts of the Trail that convey an impression of tranquillity and 'getting away from it all' (for example, the section of the Trail extending southwards from Morven Ferry Road, across farmland and along the Kawerau River margins to the south of Morven Hill); and
- (b) the recreational values of the Trail more generally, as a consequence of the change in its scenic qualities and 'sense of place'.

10. CUMULATIVE ADVERSE LANDSCAPE RELATED EFFECTS

10.1 During the hearing, the Panel invited the landscape and planning experts to comment as to how they might best address the issue of cumulative adverse effects in relation to the various bespoke rezoning requests.

10.2 It is my impression that the discussion of cumulative adverse effects by landscape experts on behalf of submitters seeking bespoke resort zonings has generally focussed on visual (perceptual) effects. My understanding is that the general thrust of the argument in support of these rezoning requests is that as long the new resort zone has a very limited visibility in close to mid-range views from the surrounding area and you cannot see the new resort area in combination with either existing or other proposed resort areas in longer range views, cumulative adverse landscape related effects are minor.

10.3 I consider this focus on visual effects to be an oversimplification of cumulative adverse landscape related effects.

10.4 Drawing from my discussion in Section 9, cumulative adverse landscape related effects embrace biogeographical, perceptual and associative factors and there is often a degree of 'overlap' between perceptual and associative factors.

- 10.5** I consider that, by and large, cumulative adverse biogeographical effects are of limited importance in this instance, given the modified nature of much of the Basin landscape (including the proposed bespoke resort zone locations, albeit to a varying degree).
- 10.6** With reference to perceptual factors, elevated vantage points such as the zig zag lookout and Tobins Track allow longer range views out over much of the area where resort type developments (or, what I have termed as urban parkland type developments) are proposed in the Basin.
- 10.7** **Appendix 4** contains an excerpt from the Hills Resort Zone Graphic Supplement prepared by Boffa Miskell Limited in support of the Trojan Helmet submission. I have marked on that photograph the (very) approximate location and extent of The Hills Resort Zone (**THRZ**), Hogans Gully Farm resort area, the Ayrburn Zone, the consented Arrowtown South SHA, and Millbrook.
- 10.8** **Appendix 5** then illustrates the view from the zig zag lookout with the (very) approximate extent of the proposed Hogans Gully Farm resort area and Morven Ferry Visitor area delineated.
- 10.9** In coming to my conclusions on this matter, I have also referenced material that has been provided after the hearing, including:
- (a) the Visual Simulations prepared by Virtual View 3D Visualisation Specialists of the Hogans Gully Farm Resort Zone (file referenced on QLDC website as ‘S2313 Hogans Gully Farm P Baxter Virtual View’¹⁴); and
 - (b) Indicative Scheme Plans for Activity Areas A9 and A4 for The Hills Resort Zone prepared by SITE Landscape Architects (and attached to Ms Rebecca Woltz’s Memorandum of Counsel for Trojan Helmet (2387)).¹⁵

14 <https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/PDP-Stage-2/Stream-14-Evidence-Post-Hearing/S2313-Hogans-Gully-Farm-T14-Baxter-P-Virtual-View.pdf>

15 <https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/PDP-Stage-2/Stream-14-Evidence-Post-Hearing/S2387-Trojan-Hel-T14-Woltz-R-Memorandum-of-Legal-Counsel.pdf>

10.10 In my opinion, The Hills Resort Zone Indicative Scheme Plans speak to the similarity in the density and patterning of the proposed resort zone to portions of Millbrook. I acknowledge that THRZ anticipates a quite different architectural and planting aesthetic to Millbrook; however, I remain of the view that THRZ development outcome will, like Millbrook, read as an urban parkland type character that is overtly 'not rural' and displays a relatively domesticated character. In my opinion, this is the consequence of:

- (a) the density of the proposed built patterning which is essentially urban in character;
- (b) the scale of the development clusters which are, in most instances, considerably larger than a typical rural hamlet (around 8-12 dwellings);
- (c) the highly manicured character of the golf course 'open space' areas between the development clusters (and noting that these open space areas are, in landscape planning terms, likely to be relatively 'exclusive' given that they typically do not allow any active and passive recreation uses other than golf);
- (d) the frequency (patterning) of the clusters within a cohesive golf course setting such that, despite the varying architectural styles envisaged for each cluster, they will inevitably read as a coordinated development of up to 150 residential units that extends over some 162ha of the basin; and
- (e) the inevitably quite urban type infrastructure character associated with developments of this nature (e.g. formed footpaths, street lighting, formed kerb and channel); and noting that the latest set of provisions provided by THRZ (discussed shortly) gives no confidence that an alternate development character might eventuate.

10.11 In my opinion, all of these factors come together to result in a development character that is distinctly different to the established mixed rural and rural residential character of the Basin. In particular, THRZ lacks:

- (a) the working pastoral qualities of the more traditional rural parts of the basin (e.g. Malaghans Valley, Crown Terrace, Morven Eastern Foothills); and
- (b) the diversity and richness associated with rural living landscapes as a consequence of the varied lot sizes, and the varied landownership patterning and management strategies evident on each lot (e.g. the established rural residential areas at the north end of Lake Hayes and throughout Dalefield), and noting that this variance and diversity plays an important role in moderating the perception of domestication.

10.12 The dense patterning of buildings evident in the Hogans Gully Farm Simulations reinforces my impression of the distinctly non-rural character of this proposed resort development. Ms Mellsoop has addressed this proposal in more detail in her evidence; however, I would also add that the inevitably artificial configuration of the proposed indigenous vegetation setting for the development that is driven primarily by the golf course layout will, in my view, significantly undermine any claimed landscape character benefits with respect to such associative aspects as naturalness and landscape legibility.

10.13 In considering the issue of cumulative landscape-related effects and the nature of the significant change to the landscape character that will inevitably arise with such zonings, I am also mindful that unless the golf course components of such resort developments are very securely enshrined in the planning provisions as open space areas upon which no additional residential or commercial development is considered to be appropriate, such areas can be highly vulnerable to the pressures of development creep. I consider that the high development pressures within the Basin together with its high amenity values suggest a high risk of pressure of this nature in the future.

- 10.14** Turning to the consideration of cumulative perceptual and associative effects, referencing **Appendices 4 and 5** it is apparent that more than one of the existing and proposed resort zonings will be visible from these elevated vantage points, albeit at varying distances. Whilst I accept that the careful consideration of building location, form, scale (height/footprint etc), colours and materials together with mitigation planting can assist with the successful integration of built development at this range, the overall development patterning of each proposed resort will read as distinctly different to its surrounding mixed rural and rural residential context, including the other nearby resort proposals.
- 10.15** The sheer scale of each resort proposal (THRZ: approximately 162ha; Hogans Gully Farm resort area: approximately 159ha ; Morven Ferry Visitors zone: approximately 68ha; Aryburn Zone: approximately 45ha; Millbrook: approximately 384ha; and amounting to a collective footprint of 818ha) together with their contrasting visual patterning and character will serve to heighten their visual importance in these elevated views, shaping an impression of the eastern portion of the basin (excluding the Crown Terrace) as a relatively densely developed and distinctly non-rural, domesticated landscape.
- 10.16** I consider this visual impression of a non-rural or domesticated character will be reinforced by the experience of each of the resort landscapes as one moves through them, translating to a significant change in the associative values (or sense of place, meaning and identity) of the landscape.
- 10.17** I also note that the patterning and extent of resort type development throughout the eastern portion of the Basin (excluding the Crown Terrace) would significantly undermine the WB Study strategy of creating nodes of development throughout the Basin interspersed with more open, rural areas (at least in appearance) to manage cumulative adverse effects.¹⁶ As discussed at the hearing, I consider this spatial strategy to comprise a delicate balance and any

¹⁶ See my EIC Section 513-5.16 and Annexure 1 paragraph 1.2 (reference to the importance of open land as breathing space in the basin and as a backdrop to more intensive areas) and my EIC Section 6 (discussion of the ODP Discretionary Regime).

development 'additions' (be they Precinct or resort type landuses) run the risk of undermining the overall landscape planning strategy.

- 10.18** It is also my expectation that the scale and intensity of development associated with these developments will collectively detract from the impression of development decreasing as one moves eastwards across the basin from Ladies Mile. In particular, the Hogans Gully Farm and Morven Ferry developments will introduce a level of domestication into an area of the Basin that currently displays a relatively low-key, quiet and working rural character. I consider that such an outcome would comprise an adverse landscape character effect.
- 10.19** Overall, it is my expectation that were all of the current resort proposals within the eastern portion of the Basin (excluding the Crown Terrace) to be enabled, there would be a significant change in the character and identity of the landscape. In my view, the balance would be tipped from an Amenity Landscape that is valued as a place to 'visit', to 'work in' (primarily in relation to rural type landuses) and to 'live in' (as evidenced by the quite extensive rural residential development and pressure for such development throughout the basin), to one which is overwhelmingly dominated by a domesticated urban parkland or resort type character (i.e. a landscape to 'visit' and 'work in', albeit in a non-rural type activities).
- 10.20** As a consequence, I consider that such a change would significantly detract from the landscape character of the wider Basin landscape.
- 10.21** As to the question of whether one (or more) of the proposals might be appropriate (from a landscape perspective) in its own right, I note that Ms Mellsop's evidence addresses the merits of the Morven Ferry and Hogans Gully farm proposals.
- 10.22** I consider that the Ayrburn Farm Structure Plan is entirely inappropriate for the reasons set out in my rebuttal evidence at section 10.

10.23 With respect to THRZ, Section 16 of my rebuttal evidence sets out my reservations in terms of the effects on the associative values (sense of place, identity) of this part of the Basin. My rebuttal evidence goes on to explain why I consider that, should the Panel be minded to enable additional resort land use in the Basin, The Hills is a reasonable candidate from a landscape perspective.

10.24 An updated set of provisions has been provided by Ms Rebecca Woltz since the close of the hearing.¹⁷ I have reviewed those provisions and summarise the aspects with which I am concerned below.

- (a) Activity status for buildings in the (identified) Activity Areas:
 - (i) Council's discretion in relation to buildings as a Controlled Activity has been expanded to include consideration of "effects on visual and landscape amenity of the area including coherence with the surrounding buildings". Whilst this amendment goes some way to addressing my concern that Council needs to be able to review buildings within THRZ, I consider it does not go far enough. I remain of the view that given the Amenity Landscape context of THRZ, together with the relatively limited information and detail within the provisions to guide an appropriate built development (for example, there are no detailed Design Guidelines that clearly articulate and visualise the intended development outcome), I consider a restricted discretionary activity status for buildings (consistent with the Precinct) is appropriate, consistent with the landscape planning approach proposed for the Precinct.
- (b) Walkway
 - (i) I note that the updated provisions do not require the walkway to be constructed until 40 residential units have been constructed. As such, my concerns in this

17 S2387 Trojan-Hel-T14-Wolt-R-Brown-J-HRZ-Provisions

regard remain as set out in paragraph 16.9 of my rebuttal evidence.

11. MINIMUM AND AVERAGE LOT SIZE STRATEGY

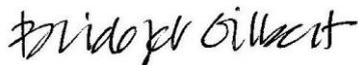
- 11.1** Throughout the hearing it was evident that the Panel is concerned that the proposed Precinct minimum and average lot size regime may send a signal to plan users that: *as long as subdivision applications comply with those standards, they will be granted consent*. I understood this concern to be that the proposed Precinct restricted discretionary regime may, in fact, function in practice as a 'default controlled activity' regime.
- 11.2** From a landscape perspective, I consider such an outcome to be entirely inappropriate.
- 11.3** The Precinct provisions were drafted taking into consideration the wide range of factors (including consent conditions) that typically inform recently consented and successfully integrated rural residential subdivisions within the Basin. Such an approach was considered appropriate given the high amenity values of the landscape and the observation that in many locations, the landscape was at, or very near, its limit to absorb landscape change.
- 11.4** It was also expected that, at a very detailed level, rural residential development would not be appropriate everywhere throughout the proposed Precinct (for example: on localised knolls that are visible from the local catchment or interrupt views to the surrounding mountain context; in areas with mature vegetation that contributes to the landscape character and visual amenity values of the local or wider area; or on localised steep slopes where buildings and accessways will necessitate substantial landform modification). The restricted discretionary activity status, with landscape-driven assessment criteria, seeks to ensure that development is excluded from those localised inappropriate positions to manage landscape and visual amenity effects.

- 11.5** The 'familiarity' of Council with such factors (based on their processing of previous consent applications) can give a degree of confidence that Council officers will be acquainted with the sort of issues that need to be considered on a 'site by site' basis to ensure an appropriate development outcome (from a landscape perspective).
- 11.6** However, I share a concern that there may well be pressure from plan users to 'relax' the consideration of landscape issues in the Precinct given the effective 'down zoning' of the balance of the Basin (i.e. the Amenity Zone areas).
- 11.7** In my opinion, I consider there are two strategies that could assist in this regard:
- (a) the introduction of text in the Precinct policy wording that clearly signals that where the adverse landscape character and visual effects of rural residential development within the Precinct are significant, consent is likely to be declined.; and
 - (b) The development of non-statutory Precinct Subdivision Design Guidelines to demonstrate what appropriate subdivision development is likely to 'look like' for the various landscape conditions within the Precinct (e.g. flat greenfield land; flat established rural residential areas; hummocky greenfield land; hummocky established rural residential areas; sloping established rural residential areas). In my experience, such guidelines provide a useful tool for plan users; and as a non-statutory document, the guidelines can be easily updated to address emerging issues.

12. LAKE HAYES CATCHMENT'S SHARED AND RECOGNISED VALUES

- 12.1** I heard the evidence from Friends of Lake Hayes and it has occurred to me that their evidence constitutes a level of community engagement in landscape management and association with a landscape that is of relevance to an aspect of landscape character referred to as Shared and Recognised Values.

- 12.2** Shared and Recognised Values sit within the associative factors of landscape description and analysis. Landscapes that exhibit Shared and Recognised Values that tend towards the higher end of the spectrum are often the subject of long-term and reasonably continuous community 'input' and engagement. They may also be landscapes that are widely recognised by the public (and usually beyond the local community) for their high landscape values (for example, in literature, art, music, tourism guides, etc).
- 12.3** The Wakatipu Basin Study alluded to the Shared and Recognised Values of the area under the discussion of recreational and visual amenity values, sense of place etc. In summary, the Basin landscape generally tends towards the higher end of the spectrum in terms of Shared and Recognised Values as a consequence of its very high recreational values, popularity as a tourist destination, and repeated reference in tourism publications, calendars, etc.
- 12.4** However, the evidence from the Friends of Lake Hayes points to an even higher level of Shared and Recognised Values associated with the Lake Hayes catchment as a consequence of the group's long-established interest and active involvement in attempting to manage the effects of land use on the water quality of Lake Hayes.
- 12.5** In my opinion, this points to a heightened landscape sensitivity due to the higher Shared and Recognised Values associated with this specific part of the Basin.



Bridget Gilbert
10 August 2018



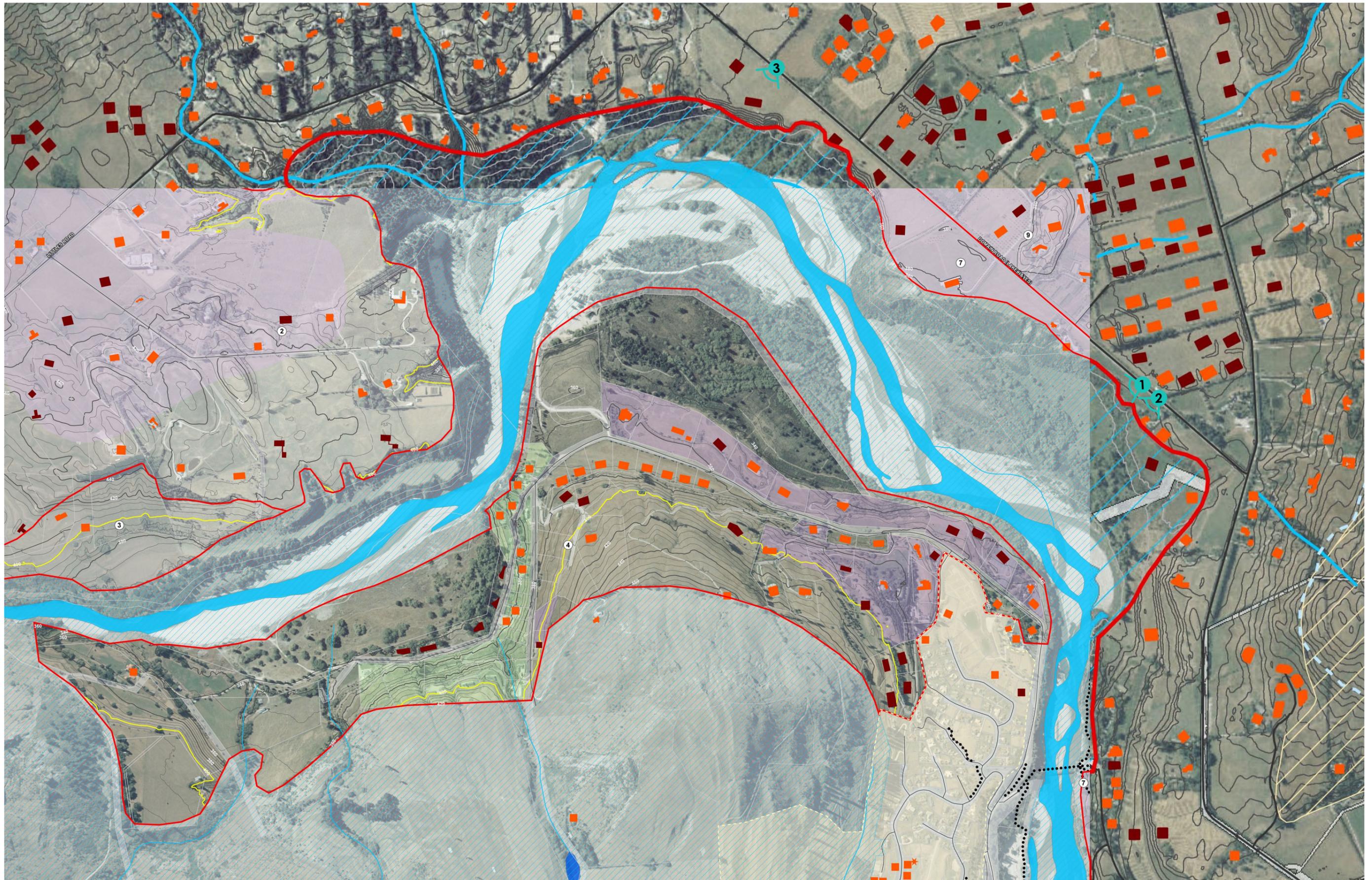
----- Approximate location of the Precinct (i.e. 400m contour line)

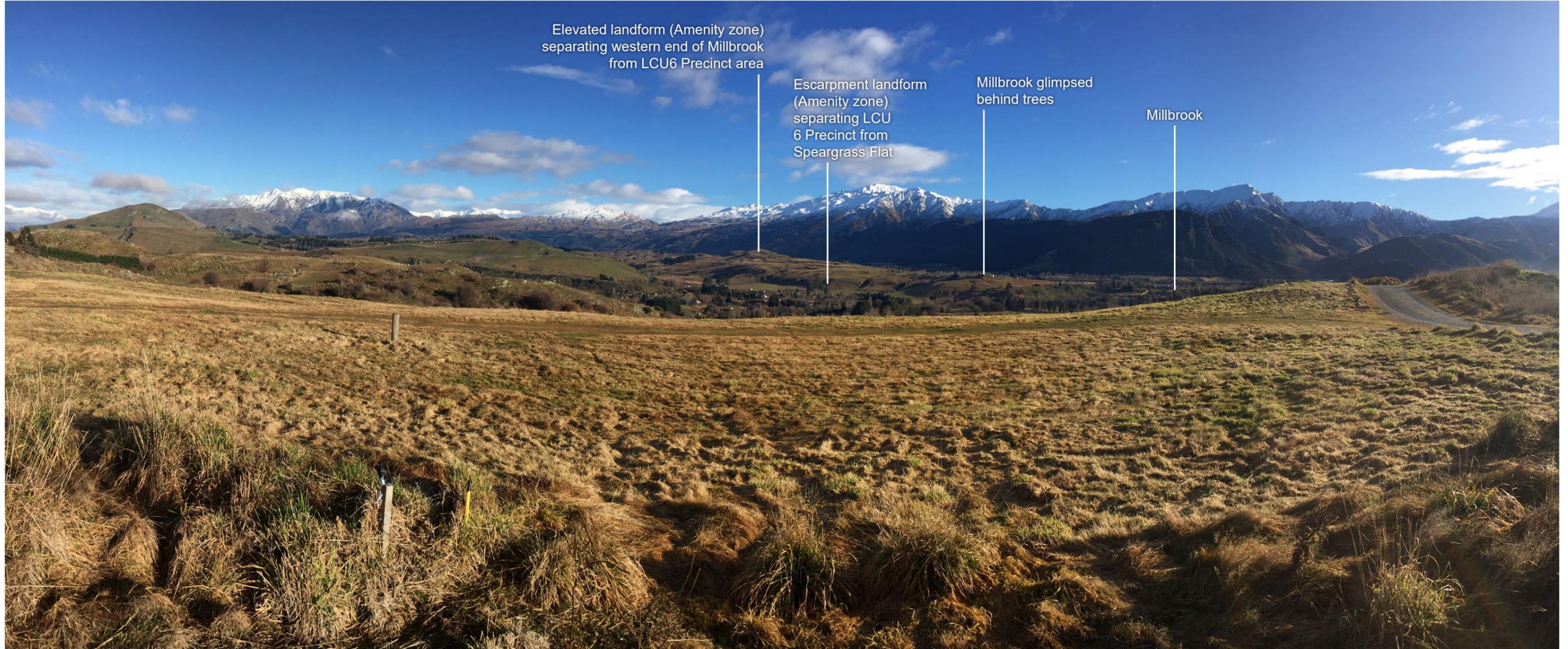


----- Approximate location of the Precinct (i.e. 400m contour line)



----- Approximate location of the Precinct (i.e. 400m contour line)





Landscape Description and Landscape Values

Extract from Decision No. [2010] NZEnvC 432

[50] The latest response to criticisms that earlier discussions by the court of ‘landscape’ did not include land uses, and that they mixed objective and subjective elements, is in *Maniototo Environmental Society Incorporated and others v Central Otago District Council and Otago Regional Council (the Lammermoor case)*. There the Environment Court gave its understanding of a ‘landscape’ within the meaning of section 6(b) of the Act¹. It wrote:

... In our view a landscape is four-dimensional in space and time within the given environment – often focussed on a smaller relevant space such as an application site – which is the sum of the following:

(1) a reasonably comprehensive (but proportionate to the issues) description of the characteristics of the space such as:

- the geological, topographical, ecological and dynamic components of the wider space (the natural science factors);
- the number, location, size and quality of buildings and structures;
- the history of the area;
- the past, present and likely future (permitted or consented) activities in the relevant parts of the environment; and

(2) a description of the values of the candidate landscape including:

- an initial assessment of the naturalness of the space (to the extent this is more than the sum of the elements described under (1) above);
- its legibility – how obviously the landscape demonstrates the formative processes described under (1);
- its transient values;
- people and communities’ shared and recognised values including the memories and associations it raises;
- its memorability;
- its values to tangata whenua;
- any other aesthetic values; and
- any further values expressed in a relevant plan under the RMA; and

¹ *Maniototo Environmental Society Incorporated and others v Central Otago District Council and Otago Regional Council* Decision C103/2009 at paragraphs [202] to [204].

(3) a reasonably representative selection of perceptions – direct or indirect, remembered or even imagined – of the space, usually the sub-sets of:

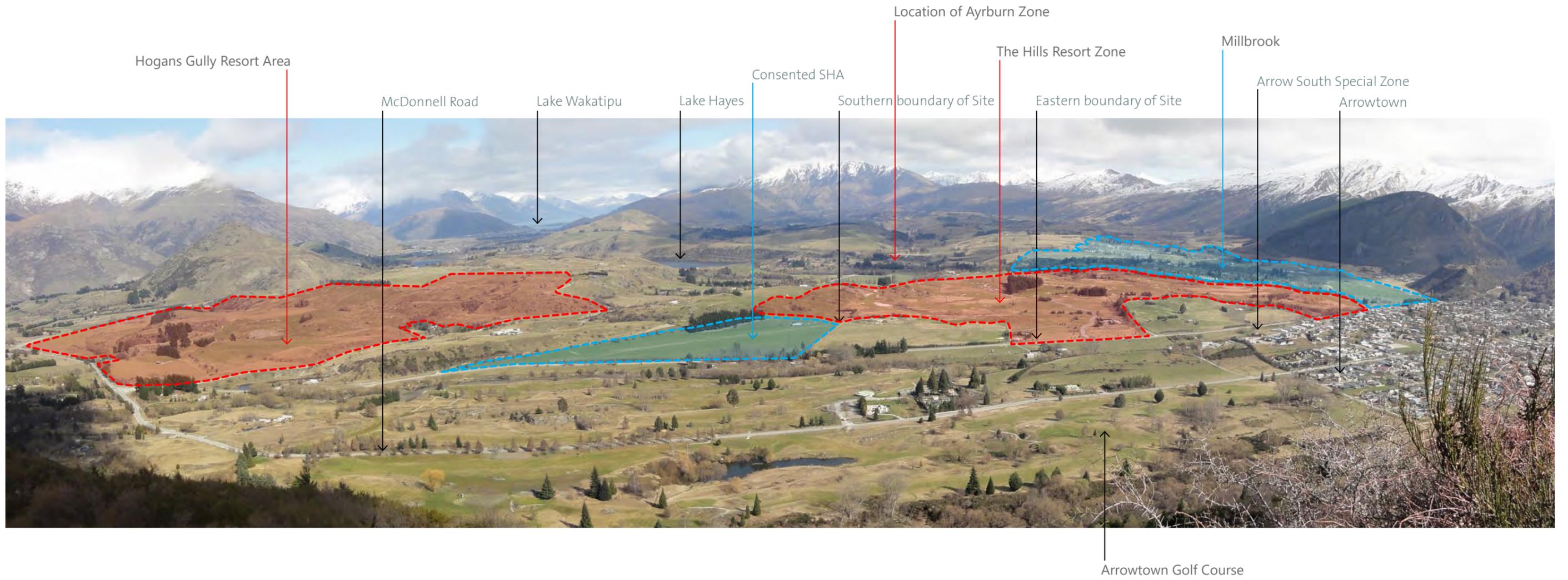
- (a) the more expansive views of the proposed landscape²; and
- (b) the views, experiences and associations of persons who may be affected by the landscape.

... There is some repetition within the sets. For example the objective characteristics of the landscape go a long way towards determining its naturalness. More widely, the matters in the third set influence the perceptions in the second.

... To describe and delimit a landscape a consent authority needs at least to consider the matters in set (1) and, to the extent necessary and proportionate to the case, those in sets (2) and (3) also...

We broadly agree with that, although we might be inclined to place “the history of the area” in (2) the associative or relationship values; and move legibility to (3) as a perceptual value.

² *Kircher v Marlborough District Council* Decision C90/2009 (Judge McElrea) at para [76].



Precinct – Morven Ferry Subzone
(Rural Visitor Zone out of sight)

Hogans Gully Farm Resort Area

