

**BEFORE THE QUEENSTOWN LAKES DISTRICT
COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Queenstown Lakes Proposed District Plan
Upper Clutha Mapping

EVIDENCE OF Ralf Krüger MLA DipHort FNZILA
Registered Landscape Architect

1 INTRODUCTION

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- 1 My full name is Ralf Friedrich Wilhelm Krüger. I have been in practice as a self-employed landscape architect and environmental planner since 1992. I am a director of GreenBelt Limited and the Principal of Ralf Krüger Landscape Architect. I have been based in Queenstown since 1994.
- 2 My qualifications are as follows:
 - Masters Degree in Landscape Architecture and Environmental Development from the University of Hannover, Germany
 - Diploma in Horticulture
 - Fellow Member of the New Zealand Institute of Landscape Architects
 - Registered Landscape Architect
 - Past member of the NZILA Associateship Panel
 - Registered Workplace Assessor (New Zealand Horticulture Training Organisation)
- 3 Due to the integrated nature of my training and apart from standard landscape architecture qualifications and expertise, I have qualifications and expertise in the following related fields:
 - Landscape planning and statutory planning – I have received formal training in Germany. I do not claim specific qualifications in statutory planning in New Zealand although I have acquired good knowledge in this field.
 - Ecology – I have received formal training in landscape ecology and plant ecology. I am less familiar with faunistic aspects of ecology.
 - Urban design – both from my training background – and specifically from my research into the history of urban open spaces in New Zealand. As part of my Masters thesis – “Urban Open Spaces in 19th Century New Zealand”¹ – I have researched the origins of reserving public open space in the development of New Zealand towns and cities. I have also followed the development of these spaces through the decades to this day and the effect of loss of open space on communities, town hygiene and town planning.
 - History of open space politics and development, history of landscape design, landscape heritage, landscape conservation
- 4 Apart from my academic qualifications, I am a trained landscape gardener and horticulturalist. Between 1979 and 2012, I have operated a landscape construction and landscape management business for over 33 years – the first 16 in Europe, the last 17 in New Zealand.
- 5 I have won a Silver Award at the 2004 New Zealand Landscape Awards “Pride of Place” (Landscape Planning and Environmental Studies section) from the New Zealand Institute of Landscape Architects for my series of briefs of evidence that assisted the Environment Court in making findings at the various hearings for the “Queenstown Landscape Decisions 1 to 8”. This was the highest award presented in this category in the year 2004.
- 6 I have presented evidence at numerous hearings, both, on territorial authority level and in the Environment Court.

¹ KRÜGER, RALF; Stadtgrün in Neuseeland im 19. Jahrhundert – Von der Kolonie (1840) zum Dominion (1907), Diplomarbeit am Title translated by the author: “Urban Open Spaces in 19th Century New Zealand – From Colony (1840) to Dominion (1907)”. Masters Thesis, Institute for Open Space Planning and Landscape Architecture, University of Hannover (Germany), 1992, unpublished

- 7 As a registered member of the New Zealand Institute of Landscape Architects (NZILA), I respect and I am bound by the Constitution, the Code of Ethics and the Code of Conduct of this professional organisation.
- 8 This evidence has been prepared in full compliance with the Environment Court of New Zealand Practice Note 2014.
- 9 The evidence provided is entirely within my area of qualifications and I have not relied on other experts. Where I agree or disagree with other experts, I do this in full understanding of their evidence, because this evidence has been assessed by me and it is also within my field of expertise.
- 10 I am familiar with the District in general and the site in particular. I have been involved in a number of applications in the vicinity of this site, namely: Parkins Bay, various sites on Roys Peninsula (including the Matukituki Trust appeal) the Moonrise Bay appeal resolution, the Brewer application and work on the Just One Life Ltd (JOLL) land. I was a member of the Wanaka 2020 team.
- 11 Up to and including 2011, I have been involved in all hearings – mostly directly, in one case indirectly - in relation to the review of the Environment Court's landscape boundary² or the fixing of such delineations in the Wakatipu area where the Court has not provided a suggestion:
- Slopehill/ Lower Shotover: *Stalker, WESI, Farrar vs QLDC, C87/2002*
 - Crown Terrace: *WESI vs QLDC, C87/2002*
 - Malaghan Road: *WESI, Stewart vs QLDC, C3/2002*
 - Kawarau River to Arrow River Confluence³: *WESI vs QLDC, C203/2004*
 - Coneburn Area: *WESI vs QLDC, C90/2005*
 - Walter Peak: *WESI et al vs QLDC*
- 12 I have carried out substantial landscape assessments in preparation for these hearings. With some exceptions – in particular on the Crown Terrace - the Environment Court has largely accepted my suggested boundaries.
- 13 In the Wanaka area I have been involved in the discussion of landscape boundaries in the Dublin Bay area as part of the Environment Court hearing in respect to ENV-2006-CHC-000381 *UCESI v QLDC*. In that case I have carried out a comprehensive landscape assessment for the area from the Maungawera Valley to the Clutha River about 1km downstream from the Outlet and have identified the landscape boundaries. I have also been involved in landscape boundary discussions in the Environment Court hearing in respect to [2012] NZEnvC 3 *Upper Clutha Tracks Trust et al v QLDC*.
- 14 I have visited the application site specifically in preparation for providing this landscape evidence on 09 January 2017.
- 15 Furthermore, I have viewed and analysed the embedding landscape on a number of occasions unrelated to this application but in conjunction with other landscape assessments in the vicinity.

² As graphically shown and described in C180/1999

³ Indirect involvement

2 PURPOSE OF THIS EVIDENCE

- 16 I have been asked by the Longview Environmental Trust (LET) to provide an expert opinion on the landscape status of a parcel of land, subject to the submission by Solobio Limited (SL). This land is contained within Matukituki Station. LET, being further submitter 1282, has provided a further submission – shown below – opposing the submission by SL.
- 17 I am very familiar with the entire region, I have broadly assessed the subject landscape and I have visited the site within the containing landscape. I have read the submission by SL and have formed an opinion on the landscape status in the area. This evidence provides reasoning for my opinion.

2.1 SUBMISSION BY SOLOBIO LIMITED

“Part Seven - Maps > Map 7 - West Wanaka, Lake Wanaka, Upper Shotover Support

I seek the following decision:

The river flats within Matukituki Station should be classified as Rural Landscape Classification.

My submission is:

Oppose the identification of ONL on the flats and downs within Matukituki Station, the flats and downs should be classified as Rural Landscape Classification to facilitate continued agricultural activities.”

2.2 FURTHER SUBMISSION BY LONGVIEW ENVIRONMENTAL TRUST

“The particular part of the submission the Trust opposes is:

The proposed classification of the flats and downs within Matukituki Station as Rural Landscape Classification rather than Outstanding Natural Landscape.

The reasons for the Trust’s opposition are:

It is well established that the Matukituki Valley is an Outstanding Natural Landscape and in the absence of any landscape assessment which finds to the contrary the flats and downs which lie between the Matukituki River and the mountain slopes that rise on either side should be classified as forming part of the Outstanding Natural Landscape.

The Proposed District Plan acknowledges the role that farming plays in managing the District’s landscapes and enables farming activities, including buildings, within the Outstanding Natural Landscape. It is therefore unnecessary to classify the flats and downs of Matukituki Station as Rural Landscape Classification to facilitate continued agricultural activities and the enabling of farming activities is not justification in itself to amend the landscape classification.”

3 LANDSCAPE AND SITE

- 18 The subject land (“site”; “the site”) is an integral part of this remarkable river and mountain landscape. The river terraces of the Matukituki River – along that stretch of the river where the true right of the river forms part of Matukituki Station - follow a roughly North-South direction for the first 8.5km north of the southern boundary and then curve to an almost East-West direction - following an almost 90 degree bend of the river – for the remaining 2.5km on Matukituki Station land.
- 19 The overall landscape is displaying the grandeur of the Southern Alps. Dramatic mountain ranges - shaped by glacial and erosional forces – form backdrop and enclosure to the Matukituki River valley. The braided river’s dynamics are visible in the wide area of fluvial deposits, dissected by dry and wet channels – forever moving, driven by flow rates and water forces. The site is surrounded by, and embedded in, a spectacular mountainous environment.
- 20 This landscape is a distinct part of the south-western New Zealand alpine region. A number of land types and ecosystems are represented in this textbook cross-section of the geomorphology typical for this section of the country. Landscape components, such as braided river fill, valley floor swamps (Big Boggy Creek being a good example), floodplain terraces and some fans created by tributaries are evident. These are partially overlaid by more recent events such as deep incisions by ephemeral water courses and related younger fans, some landslide activity in the steeper parts - exhibiting the dynamics of ongoing landscape transformation and clearly displaying formative processes when viewed from the distance and from closer proximity. All these components make up the whole of this landscape.
- 21 In addition to the natural components, some human influence is visible on the river terraces. The farmhouses, agricultural structures and buildings, the road and fences evidence the presence of people and their activities on the land. This is further underlined by modifications in the vegetation cover. Such modifications vary in intensity – from more intensively cultivated land on the fertile fans (for cropping and more intensive grazing), via lesser modified areas of extensive grazing on the river fill terraces, to almost unmodified areas of more sporadic grazing on the least fertile land. The above describes the cultural component of the landscape.
- 22 Having said that – the site is not a cultural landscape. In fact, the site is not a landscape at all.

4 LANDSCAPE AND LANDSCAPE UNITS

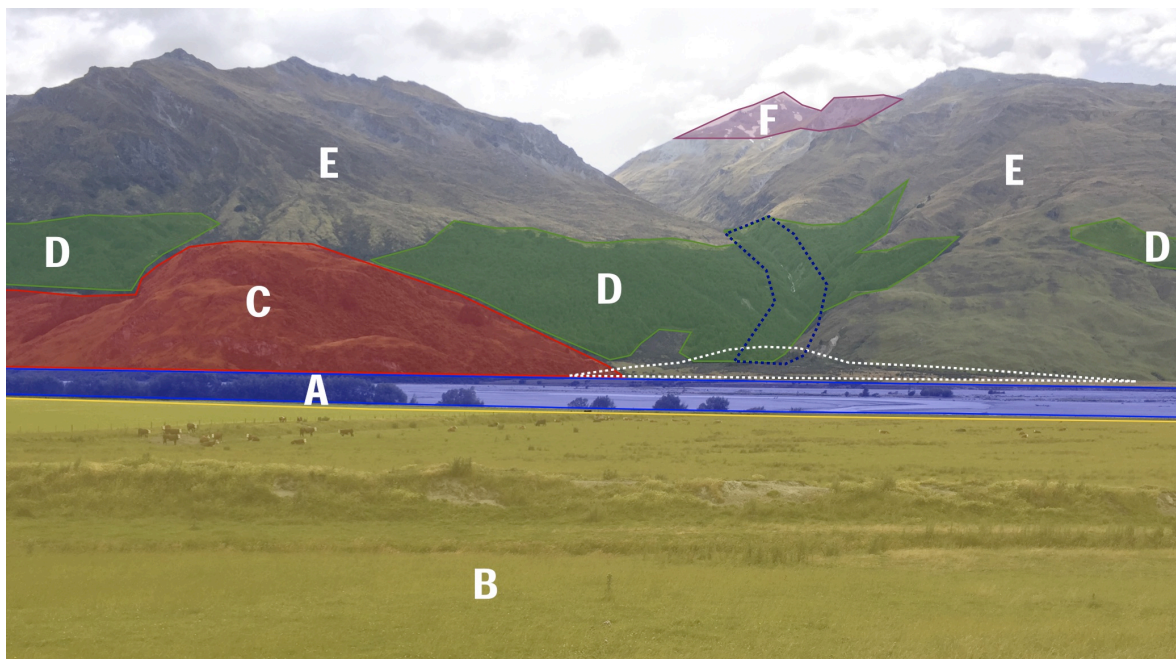
“Landscape is reflecting 'the cumulative effects of natural and cultural processes’.”⁴

- 23 This definition concisely describes the fact that landscapes are complex “organisms”, composed of numerous components. In professional terms, these “components” are generally described as land

⁴ NZ INSTITUTE OF LANDSCAPE ARCHITECTS; definition of landscape

types, ecosystems and landscape units. These terms shall be used in this evidence to further describe and dissect landscape for the purpose of analysis.

- 24 The site is not a landscape. Why?
- 25 The site is not a landscape because it is part of a landscape – more precisely, it is part of a landscape unit. The 1995 Land Type Study by Lucas Associates for the Queenstown Lakes District⁵ has proved to be a valuable tool for understanding the landscapes of the district. This study has been widely used and has been accepted by the Environment Court on numerous occasions.
- 26 The study has identified the site to be part of land type 12 – major river and valley fill. The mountain ranges to the east are part of land type 9 - the Wanaka-Hawea Mountains and the ranges to the west of the river are part of land type 8 – Richardson. I agree with this assessment.
- 27 These large areas have been labelled as “land types” or “ecosystems” – they are neither landscapes nor are they landscape units. These large entities contain various landscapes, while these landscapes again are composed of numerous landscape units.
- 28 Zooming in on the site, it is relatively simple to explain the generally accepted approach of breaking down landscapes into landscape units as part of the landscape assessment process.



Te Wahipounamu, Mount Aspiring, New Zealand



- A | braided river and valley fill
- B | river terraces
- C | ice-sculpted rock formation
- D | submontane slope, forested
- E | submontane + montane slopes
- F | mountain tops (above bush line)
- white dash | outwash fan
- blue dash | incised submontane gully

⁵ LUCAS ASSOCIATES, Indigenous Ecosystems: An Ecological Plan Structure for the Lakes District, 1995, unpublished

- 29 Above, I have attempted to illustrate this methodology, using a photo taken on the site. The viewing direction is towards the east. All of the image's content – plus more of the adjacent terrain – is the actual landscape: "... reflecting 'the cumulative effects of natural and cultural processes'."⁶ More precisely, the image depicts a part of the larger landscape.
- 30 The labelled areas are a relatively crude and quick delineation of the landscape units contained within this section of the landscape. The areas surrounded by dashed lines could be called "sub-landscape units", as they overlay or are partially overlaid by other landscape units. A more refined assessment will most likely identify more precise boundaries and possibly a range of other landscape units and hierarchies. But this is not the purpose of this evidence.
- 31 Essentially, what becomes clear from this illustration is the fact that the subject site is entirely contained within landscape unit B – the river terraces (or "flats and downs", to use the terminology of the submission).
- 32 In other words, the site is not a landscape but part of a landscape unit.

5 LANDSCAPE SIZE

- 33 The site is not a landscape. Why? The same question again. In this section of the report, some legal reasons are introduced to the discussion with respect to dimensioning of landscapes. Various divisions of the Environment Court have established criteria for identifying a "landscape" by its size. Several of these findings have been made in decisions relating to the Queenstown Lakes District.
- 34 In accordance with my measurements, the site has roughly the following dimensions:⁷
- length of the "corridor" – 11km
 - widest point (from toe of mountain slopes to boundary) – 1,300m
 - narrowest point – less than 100m
 - approximate area – 850ha
- 35 In one of the decisions following up on the Eight Queenstown Landscape decisions, the Court held:
- "That evidence suggests that in most circumstances in the district a flat area that has the following characteristics may begin to be considered as a separate landscape:*
- (a) it must contain at least one (preferably more) rectangle with at least 1.5 x 2 kilometre sides;*
 - (b) no part of the landscape maybe 'more than 1 kilometre' from such a rectangle;*
 - (c) it must contain a minimum area of 600 hectares*
 - (d) internal corners should be rounded"*⁸
- 36 The determination made by the Court in respect to the landscape classification (formerly: landscape category) of the Fernburn area (in Glendhu Bay) was not made with confidence:

⁶ NZ INSTITUTE OF LANDSCAPE ARCHITECTS; definition of landscape

⁷ I have measured these off the QLDC Webmaps resource

⁸ ENVIRONMENT COURT – Decision C73/2002: *WESI et al v QLDC*; par20

“We do not decide that such a quantitative measure of scale is appropriate, but introduce it to the parties as an inference from the common stance of the landscape experts in these proceedings, in case it is useful in the future. An area that meets the above areal and shape characteristics is not necessarily a separate landscape, but may meet the minimum objective features...”⁹

37 I will apply now the Court’s criteria (a) to (d) to the site:

(a) it must contain at least one (preferably more) rectangle with at least 1.5 x 2 kilometre sides

At no point can such a rectangle be situated on the site (the widest point of the site is 1,300m)

(b) no part of the landscape maybe ‘more than 1 kilometre’ from such a rectangle

Even if it could, this criterion could not be met because of the site’s long and narrow character (the site is 11km long)

(c) it must contain a minimum area of 600 hectares

With 850ha in size, this criterion is met

(d) internal corners should be rounded

I have never understood this criterion and have therefore not ased it.

38 It is my conclusion, that the site cannot be a landscape in legally established terms, because it does not meet all of the criteria suggested by the Environment Court.

6 NATURALNESS

39 Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF) must be “outstanding” and “natural”. In the case of the embedding (or wider) landscape, this has been generally agreed and established in various hearings and is manifested in both, the Queenstown Lakes District Plan and the Proposed District Plan. This is graphically evidenced in Map 7 of the Proposed District Plan. The submission by SL seeks the flats of the Matukituki River within the boundaries of the Matukituki Station to be removed from that category and to be classified as Rural Landscape.

40 I accept the relativity of naturalness – some landscape are more natural than others. In another report on landscape in the vicinity, I had previously stated:

“On a journey from Wanaka township to the head of the Matukituki valley, a traveller will experience varying degrees of naturalness. Immediately after leaving the town and travelling on the road between the footslopes of Mt Alpha and Roys Peak through the ice-sculpted and moraine landscape adjacent to the lake, high levels of natural values are experienced. Although disturbed by signs of human habitation here and there, the feeling of entering a wild and grand landscape dominates. Although the farmed node at Glendhu Bay (together with the motor camp) signifies a larger level of human modification, naturalness is not reduced to a low level in general. Leaving the bay area, a complete feel of naturalness prevails for a while until the Cattle Flats area is reached. Here, in a similar way – but considerably lesser - to Glendhu Bay, the human overlay

⁹ ENVIRONMENT COURT – Decision C73/2002: *WESI et al v QLDC*, pars 20-22

mixes with the dominant natural landscape but a strong perception of naturalness dominates the mind.”

- 41 I remain in agreement with this opinion.
- 42 The relatively small portion of landscape overlaid by some human activity (the site: approximately 850ha) inside this large landscape is a node, which is not inconsistent in New Zealand landscapes and does not automatically change naturalness from high to low. Admittedly, naturalness is lower in some parts of the area but it is never low. The presence of clearly legible geomorphological formations, natural streams, the immediate presence of the Matukituki River, significant remnants of indigenous vegetation, the Big Boggy Creek Conservation Area, combined with a distinct lack of large and dominant structures, retains a high level of natural values even in areas of clear human overlay.
- 43 Secondly, almost the entire site is in fact an almost unmodified component of the landscape. Unmodified in the sense of not containing significant structures or having been drastically altered by earthworks. Modification by land management or coverage by exotic plants is minor and does not automatically disqualify a landscape, a landscape unit or a part thereof from being “natural”.
- 44 In my opinion, the naturalness of the site itself remains high.

7 INSEPARABLE

- 45 Another aspect important in the assessment of landscape is the holistic concept and inseparability underlying the structure of landscape. While the technical approach of breaking down a landscape into smaller units is legitimate for the purpose of understanding and analysing it, visual assessment and the simple viewing of landscapes (not necessarily by experts) must take into consideration the whole landscape. This is important, because all components interact with each other, depend on each other and visually merge into the entity that is the landscape.
- 46 A landscape is always the sum of various components. This was underlined in the Environment Court’s findings in the Eighth Queenstown Landscape Decision:

“... That is because when appreciating or evaluating a landscape one does not look at one part – say the valley floor – in isolation. A valley floor is only a floor because there are walls. Referring to the container metaphors that have been used for the Wakatipu Basin, the smaller Arthur’s Point bowl (roughly a circle centred on Big Beach) only has a bottom (the river flats, and the Paterson terraces) because it has the mountains and the escarpment as its sides. As Mr Kruger observed when under cross-examination by Mr Todd his water cup would not be a cup if it did not have a bottom: it would not hold water...”¹⁰

- 47 This metaphor can be directly applied to the Matukituki Valley; including the site.
- 48 At no point within the site is the site alone visible. The containing mountains and the formative band of the Matukituki River are ever present and form a cohesive whole of all landscape components. Furthermore, all of the surrounding landscape is Outstanding Natural Landscape or Outstanding

¹⁰ ENVIRONMENT COURT – Decision C3/2002 *WESI et al v QLDC*; par33

Natural Feature. This is impressively constituted on planning map 7 – not one area of landscape on this map (with the exception of the north-western tip of Wanaka; being at 19km direct line distance) is not classified as ONL or ONF.

- 49 My conclusion for this section of the landscape evidence is, that the site is part of a larger landscape and cannot be separated from this.

8 LANDSCAPE CLASSIFICATION

- 50 The submitting company opposes “... the identification of ONL on the flats and downs within Matukituki Station ...” and seeks that “...the flats and downs should be classified as Rural Landscape Classification ...”

- 51 I cannot support any of the two components of this submission. The flats and downs of Matukituki Station (being the river terraces of the Matukituki River) are an integral part of the alpine landscape in this part of the country. The submitted request is applying a too narrow view on landscape classification, disregarding common ground in landscape assessment. The submitter focuses – incorrectly – on an arbitrary part of a landscape unit (which happens to be in the control of the submitting company). Focussing on landscape units rather than on the overall landscape - when attempting to classify landscapes that maybe subject to Section 6(b) of the RMA 1991 - is an approach that is incorrect in two ways – legally and from the perspective of professional landscape assessment.

- 52 I have provided my assessment and reasons above and summarise as follows:

- The site is not a landscape but part of a landscape unit – it can therefore not be classified as a separate landscape.
- The site does not qualify as a separate landscape because its dimensions do not meet the minimum criteria for landscapes as held by the Environment Court of New Zealand.
- The site cannot be separated from the larger landscape in both, natural and visual terms.

- 53 The “evacuation” of the site from this large, complex, natural and outstanding landscape cannot be justified in landscape architectural terms. It is my opinion, that the site must remain part of the embedding Outstanding Natural Landscape.

Ralf Krüger
09 March 2017

9 ADDENDUM

- 54 Since writing this statement of evidence, I have received and read the evidence prepared by landscape architect Dr Marion Read (22 March 2017). I agree with Dr Read's landscape description, her analysis and her conclusion with respect to the landscape classification.