

**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 Streams 1 A
and 1 B – Introduction,
Strategic Direction,
Urban Development
and Landscape

**STATEMENT OF EVIDENCE OF MARION READ
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

LANDSCAPE

19 FEBRUARY 2016

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1. INTRODUCTION

- 1.1 My full name is Marion Read. I am the principal of my own landscape planning consultancy, Read Landscapes. I have been in this position since June 2013.
- 1.2 I hold a Bachelor of Landscape Architecture with Honours from Lincoln University, a PhD in Landscape Architecture also from Lincoln University, and a Masters of Resource and Environmental Planning from Massey University. I have ten years' experience in landscape planning. In addition I have a Bachelor of Arts from Otago University and a Certificate of Proficiency in Landscape Revegetation from Massey University. I am a member of the New Zealand Institute of Landscape Architects and the New Zealand Planning Institute.
- 1.3 I have been engaged by the Queenstown Lakes District Council (**QLDC**) to provide evidence in relation to landscape matters for the Introduction and Strategy proposals of the Proposed District Plan (**PDP**).
- 1.4 I have been involved in aspects of the preparation of the PDP for some years. In 2011 I undertook a study to determine the appropriate locations for the boundaries between the differing landscape classifications in the District as part of QLDC's review of the rural zones. In 2014 I submitted an updated and expanded version of this report to QLDC. Following peer review the report was modified and the boundaries determined as a result became those notified in the PDP. In 2014 I also undertook a landscape character assessment of the Wakatipu Basin. This assessment made a series of recommendations regarding the management of that landscape, including the establishment of several new Rural Lifestyle zones, and, more broadly, of the landscapes of the District. In the course of preparing these reports I undertook extensive site visits, particularly to areas of the Wakatipu and Upper Clutha basins.
- 1.5 I have been providing QLDC with expertise in relation to landscape issues since 2005. I have been involved in a number of plan changes, including PC19 (Frankton Flats), PC26 (Wanaka Airport), PC28 (Trails), PC39 (Arrowtown South), PC41 (Shotover Country), PC44 (Hanley Downs), PC45 (Northlake), and PC50 (Queenstown Town Centre). In addition I provided QLDC with a report regarding the proposed urban boundaries of Queenstown

and Wanaka, which I believe helped inform Plan Changes 20, 23 and 30. I have provided landscape evidence on behalf of both QLDC and applicants with regard to plan changes and resource consent applications at numerous Council hearings. I have appeared in the Environment Court as a landscape witness on behalf of QLDC on numerous occasions regarding both resource consents and plan changes. I am familiar with the rural areas of the District having lived in the area for five years and now worked intensively and extensively within the area for ten.

1.6 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.

1.7 The key documents I have used, or referred to, in forming my view while preparing this brief of evidence are:

- (a) QLDC operative District Plan (**ODP**);
- (b) QLDC proposed District Plan (**PDP**);
- (c) Read Landscapes, 'Report to Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features', 2014;
- (d) Read Landscapes, 'Report to Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features: Post review amendments', 2014;
- (e) Read Landscapes, 'Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment', 2014.

2. EXECUTIVE SUMMARY

2.1 The key conclusions in my evidence are that:

- (a) the division of the landscapes of the District, other than Outstanding Natural Landscapes and Outstanding Natural Features, into Visual

Amenity Landscapes and Other Rural Landscapes in the ODP has not worked as intended, and raises risks of the inappropriate development of remnant rural land;

- (b) the simplification of the landscape classifications to ONL, ONF and Rural Landscape is appropriate and supported. The Rural Landscape classification acknowledges that all of the landscapes of the District are important;
- (c) the approach of mapping and confirming the ONLs and ONFs is supported as a means to increase the certainty with which landholders and assessors can approach development proposals; and
- (d) the policy framework provided by the PDP is clearer than that of the ODP and should be simpler to understand and apply.

3. BACKGROUND

3.1 As noted above, I have provided QLDC with a number of technical reports that have been used in the development of the PDP. I will briefly summarise the two most relevant of these below.

3.2 The 'landscape boundaries' report of 2014¹ was intended to identify the District's outstanding natural landscapes (**ONLs**) and features (**ONFs**) so that they could be identified within the PDP and provided the protection required by the Resource Management Act 1991 (**RMA**). In addition, it identified rivers which differed in classification from their surrounding landscapes. This was in part motivated by the 2013 review of the RMA by the Ministry for the Environment entitled 'Resource Management Summary of Reform Proposals'.² This document foreshadowed intended amendments to the RMA which included requiring Councils to identify their ONLs and ONFs within their district plans.

¹ Read Landscapes. (2014) Report to Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features.

² <http://www.mfe.govt.nz/sites/default/files/improving-our-resource-management-system-discussion-document.pdf>.

3.3 With regard to the methods used to prepare the landscape boundaries report, the following points are important:

- (a) it was not a landscape assessment from first principles.³ To my knowledge no District-wide assessment from first principles has ever been undertaken;
- (b) it assumed that, in a general sense, as the ONLs and ONFs of the District had been identified by numbers of landscape professionals and many tested in the Environment Court, that they had been appropriately identified;
- (c) it applied the landscape descriptions and assessment methods detailed in the operative District Plan; and
- (d) it referred to other works and assessments when relevant including reports on resource consent applications.

3.4 In addition to determining where the boundaries of ONLs and ONFs should be located within the District the report addressed some of the problems which have arisen in relation to the application of the landscape categories as described within the ODP. These problems can be summarised as follows:

- (a) confusion regarding the status of the boundaries as drawn on the Appendix 8A maps;
- (b) the problematic nature of the reference to Visual Amenity Landscapes (**VALs**) being 'arcadian or pastoral' in the descriptor in the ODP;
- (c) the problematic nature of the application of the description of VALs to the landscapes of the Upper Clutha Basin;
- (d) the problematic nature of the Other Rural Landscape classification subsequent to the High Court's decision on the *Trident Case*;⁴ and
- (e) the problematic landscape classification of the Frankton Arm.

3.5 My landscape boundaries report was peer reviewed by two experienced local landscape architects, Mr Ben Espie of Vivian + Espie and Ms Anne Steven of Anne Steven Landscape Architect. The proposed boundaries were modified in

³ An assessment from first principles would study the District as a whole with a rigorous and predetermined assessment process to determine the important landscape issues of the District. This would include, but not be limited to, a determination of Outstanding Natural Landscapes and Features.

⁴ *Queenstown Lakes District Council v Trident International Ltd*, HC Christchurch CIV-2004-485-002426, 15 March 2005.

response to these reviews, and an addendum report provided explaining why the reviewers opinions were, or were not, adopted.⁵

3.6 The second relevant report was the Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment.⁶ This was an assessment of the character of the Wakatipu Basin landscape with regard to its capacity to absorb further residential development. Its findings can be summarised as follows:

- (a) despite problems with applying the ODP to the management of VALS, that the ONLs and ONFs of the Wakatipu Basin have generally been managed successfully by the ODP;
- (b) that residential development and the trappings which go with it (exotic trees, sealed roads etc) have and will continue to alter the character of much of the Wakatipu Basin landscape into the future through already consented development;
- (c) four areas, the Fitzpatrick Basin, the Mooney Road Basin, the Hawthorne Triangle and Alec Robbins Road, were identified as areas in which further residential development could occur without further impacting the wider Wakatipu Basin landscape;
- (d) a number of areas were identified as vulnerable to further development and the recommendation made that subdivision and development should be made more difficult in order to preserve the landscape character of the Basin; and
- (e) the introduction of a minimum lot size was rejected as a method to manage future development pressure within the Basin as it was likely to be ineffective in its more vulnerable areas.

3.7 In addition to these findings the Wakatipu Basin report made a number of general recommendations regarding the content and structuring of the landscape management methods currently in the ODP. In summary these were:

- (a) to remove references to 'arcadia' from the ODP as it is confusing and has been interpreted as a goal rather than a description;

⁵ Read Landscapes (2014) Report to Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features: Post review amendments.

⁶ Read Landscapes (2014). Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment.

- (b) to rewrite the assessment matters so as to clarify the distinction between landscape character and visual amenity;
- (c) to include specific performance standards to manage future development; and
- (d) to clarify the nature of the landscape resource so as to better manage, and avoid, cumulative effects on landscape character.

4. THE NEED TO MANAGE LANDSCAPES

- 4.1** The District has, within its boundaries, some of the most spectacular landscapes within the country. A large proportion of these landscapes are within the Conservation Estate and provided protection under the Conservation Act 1987. The majority of the remaining area of the District is rural land, much of which is extensively farmed. The management of the landscape qualities and value of this land falls within the ambit of QLDC.
- 4.2** Landscapes of the District are highly valued by its residents for their intrinsic qualities, and for their economic value expressed through tourism, which is the District's largest income source.⁷
- 4.3** The District is one of the fastest growing regions in the country. Between 2006 and 2013 the population of the District increased by 22.9%.⁸ Notably the number of dwellings in the District increased in that period by 20.4%.⁹
- 4.4** With a landscape of high value and a high level of population growth I consider it necessary to manage that growth so that it could occur without detracting from the value and quality of the landscape.
- 4.5** In my view the application of the ODP has been of variable success in managing this tension between maintaining the value of landscape and facilitating development. While the management of the areas deemed ONLs, particularly those around the Wakatipu Basin, and ONFs has been reasonably successful, the management of other areas has been less so. As noted in the Section 32 Evaluation Report; Landscape, Rural and Gibbston Character Zone, the Council's Rural Monitoring Report 2009 (on page 12):

⁷ <http://www.qldc.govt.nz/assets/Uploads/Planning/Population-and-Growth/2013-Census-Poster.pdf> downloaded 13 Feb 2016.

⁸ <http://www.qldc.govt.nz/planning/other-planning-information/population-and-growth/> downloaded 13 Feb 2016

⁹ <http://www.qldc.govt.nz/assets/Uploads/Planning/Population-and-Growth/2013-Census-Poster.pdf> downloaded 13 Feb 2016.

... identified that the cumulative effects of development pressure within the Wakatipu Basin were not being effectively managed. The report identified a lack of connection between the objectives and policies of the landscape categories identified within the Plan and the assessment matters. The report suggested that these could more explicitly outline the desired landscape outcome, particularly for the areas subject to the 'Visual Amenity Landscapes category' assessment criteria.

4.6 It may be assumed that some, at least, of the measured increase in population numbers and dwellings has contributed to this situation.

4.7 The District Plan Review (**DPR**) process is an opportunity to improve the effectiveness of the landscape management regimes so that QLDC may better and more effectively fulfil its obligations under the RMA to manage its natural and physical resources.

5. OPERATIVE DISTRICT PLAN

5.1 Under the ODP five landscape classifications are made. These are:

- (a) Outstanding Natural Landscape (Wakatipu Basin) (**ONL(WB)**);
- (b) Outstanding Natural Landscape (District Wide) (**ONL(DW)**);
- (c) Outstanding Natural Feature (**ONF**);
- (d) Visual Amenity Landscape (**VAL**); and
- (e) Other Rural Landscape (**ORL**).

5.2 The first three of these categories encompass those landscapes and landscape features to which Section 6(b) of the RMA applies. The distinction between the ONL(WB) and the ONL(DW) is of a planning nature, and is a response to the greater development pressure on the landscape of the Wakatipu Basin. That is, the rules managing the ONL(WB) are more stringent than those managing the ONL(DW). ONFs are distinguished from ONLs under the ODP. The more stringent rules which apply to the ONL(WB) apply to features no matter where they are located within the District. A landscape feature is a distinctive or characteristic part of the broader landscape, something which has high value but which is not a landscape in its own right.

- 5.3** The VALs are described in the ODP¹⁰ as "*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*". These are landscapes to which it was considered Section 7(c) of the RMA applied.
- 5.4** The ORLs are defined in the ODP as those landscapes which do not qualify as ONL or VAL.
- 5.5** This hierarchical classification system seems logical, and a reading of Section 4.2.4 of the ODP makes it apparent that landscape quality was considered to be distributed along a continuum. VALs are anticipated to be adjacent to ONLs, for example, a reading of the assessment matters in the ODP for development within ORLs makes it clear they are anticipated to be within or adjacent to VALs. However, the ODP has no policies regarding development within these ORLs. In my experience, a number of problems have arisen from this approach to classifying the landscapes of the District.
- 5.6** Firstly, the description of the qualities which characterise the VAL were developed with reference to the Wakatipu Basin. In my opinion, the landscapes of the Upper Clutha Basin are quite different. The application of the characteristics which give value to the landscapes of the Wakatipu Basin result in a failure to value the characteristics and qualities which give value to the Upper Clutha landscapes. Specifically these relate to the legibility and scale of the landforms, the presence of indigenous vegetation, and the 'big sky' spaciousness of that basin.
- 5.7** Secondly, the ORL classification is very permissive. If the spatial hierarchy of the landscape classifications had coincided with their theoretical hierarchy this would have made sense, having the effect of directing development towards the areas which would be least adversely affected by it. This has not occurred for three reasons:
- (a) there has been an unwillingness to identify ORLs within the District. This has been, in my opinion, mainly driven by a belief that all of the landscapes of the District are important;
 - (b) the two ORLs which have been determined by the Environment Court (the Hawthorn Triangle¹¹ and a small area of land close to Beacon

¹⁰ Queenstown Lakes District Council Operative District Plan. Section 4.2.4(2). P4-9.

¹¹ *Hawthorn Triangle: Paradise Rural Estates Ltd v Queenstown Lakes District Council* ENV Christchurch, C140/05, 3 October 2005

Point¹² are immediately adjacent to an ONF (the Shotover River) and an ONL (Lake Wanaka) respectively. There is no provision in the ODP to manage the effects of development within an ORL on an ONL or ONF; and

- (c) the High Court decision in the *Trident* case¹³ ruled that as the ODP required all rural land to be identified as being within one of the landscape classifications, any 'left over' bits of rural zoned land which were not a part of an ONL, ONF or VAL had to be classified ORL. An example of this is the flat land to the north of Ladies Mile which is clearly a part of the landscape of the Frankton Flats and which is, as a result of the rezoning of the Flats, now a remnant adjacent to the ONL of Ferry Hill. The inappropriate development of this land could have a significant effect on the appreciation of the ONL to its north and on a main entrance to Queenstown.

5.8 The ODP requires that every time an assessment is made of a resource consent application in the Rural General Zone, the landscape classification of the site and its vicinity must be determined. In practice, due to a relatively widespread level of agreement amongst experts about landscape classifications, this process is generally undertaken in a somewhat superficial manner unless some controversy exists around the classification. It is nonetheless a time consuming and potentially expensive activity, and one which introduces a level of uncertainty into the process. Only once the landscape classification is determined can the matters by which the application is assessed be determined.

5.9 As someone who has attempted to apply the assessment matters for all landscape classifications numerous times, I can attest to them being confusing, challenging and frustrating. They mix the assessment of effects on landscape character with effects on visual amenity, and raise matters of ecological functioning which are beyond the expertise of most landscape architects. They focus overly on visual effects, failing to recognise that landscape character is a critical aspect of sense of place. The lack of clarity in the assessment matters, and the dominance of the visual, has, in my opinion, contributed to difficulties in the management of cumulative effects. To assess cumulative effects it is necessary to define the resource and estimate its ability

¹² *Prospectus Nominees Ltd v Queenstown Lakes District Council*, ENV Christchurch C238/2001, 21 December 2001.
¹³ *Queenstown Lakes District Council v Trident International Ltd*, HC Christchurch CIV-2004-485-002426, 15 March 2005.

to absorb further change. A character assessment enables the determination of this landscape baseline in a much more empirical and objective manner than an assessment of the visual effects of development alone.

6. PROPOSED DISTRICT PLAN

- 6.1** The primary difference between the ODP and the PDP in terms of its management of the landscapes of the District is in relation to the landscape classification system. All ONLs and ONFs of the District are identified on the notified PDP maps. All other land currently zoned Rural General will then become Rural Landscape, eliminating the distinction between Visual Amenity Landscapes and Other Rural Landscapes.
- 6.2** As noted above, the original impetus for identifying all of the District's ONLs and ONFs was the anticipation that it was to become a requirement of the RMA. This has not occurred (although I consider would be an appropriate requirement in the RMA). Principally this is because it will remove uncertainty for both landowners and those assessing development proposals. I do consider that there are, however, a number of issues to consider in relation to this approach.
- 6.3** The idea that clear boundaries can be established between areas of varying landscape quality is one with its origins in legal and planning thought and one which does not sit well with either the thought processes of landscape architecture, which are holistic in nature, or the reality of the land which most often demonstrates gradations of quality. Thus specific boundaries are often compromises connecting the obvious across the not so obvious. A degree of arbitrariness will often be unavoidable.
- 6.4** The landscape boundaries that are proposed in the PDP were initially drawn by hand on aerial photographs. They were then translated into GIS which provides a very fine boundary line. This means that the GIS boundary on the maps suggests a much higher level of accuracy in the location of the lines than is actually possible on the ground.
- 6.5** The location of landscape boundaries, because it is perceived by landowners to determine the development possibilities of their land, will always be contentious. I understand there are a large number of submissions regarding the locations of the boundaries identified within the PDP and I anticipate that

the consideration of these submissions will be subject to technical evidence in later hearings.

- 6.6 Confirmed boundaries do not allow for ongoing landscape change which may occur with regard to both character and quality.

Strategic Direction Chapter

- 6.7 The Strategic Direction Chapter of the PDP sets out the 'over-arching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the District's special qualities'. Goal 3.2.5 is to protect the distinctive landscapes of the District from inappropriate development. The objectives and policies aimed at fulfilling this goal aim to direct future development into areas with the potential to absorb development. They aim to protect the ONLs and ONFs from the adverse effects of subdivision and development, and minimise the adverse effects of these activities in the Rural Landscapes of the District. The importance of managing the cumulative effects of development on the landscape is emphasised. Underpinning these goals is the recognition that agricultural land uses create the character of the landscape, and that as these practices change the rural landscapes will also change.

- 6.8 I consider that these goals and objectives are generally sound. My only remaining concern is that notified Objective 3.2.5.1 states:

Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.

- 6.9 The RMA simply requires the protection of ONLs and ONFs. Natural character is just one aspect of the character of the landscape. Further, it is the quality of the landscape, rather than its character *per se*, its outstandingness, which means that it qualifies for this protection. Consequently I consider that the Objective should be reworded as follows (and understand this is included in the Revised Chapter attached to Mr Paetz' evidence).

Objective - *Protect the ~~natural character~~ quality of the Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.*

Landscape Chapter

- 6.10** Chapter 6 of the PDP provides the more specific policy framework for the management of the District's landscapes. Mr Barr has addressed submissions specifically and I have read the relevant submissions and commented on his draft responses where I considered it necessary.
- 6.11** In summary, submissions on the landscape provisions of the PDP could be coarsely grouped into those who think the proposed schema is too permissive, those who think it too restrictive and those who want the *status quo*. I have stated above that I agree with the position taken that the ODP has not succeeded in appropriately managing cumulative effects on the landscape across the district. I consider that the proposed schema is marginally more restrictive and consequently should succeed in this regard. Despite it being more restrictive, I am of the opinion, for reasons already outlined, that it is more appropriate than the ODP's approach. I consider the ODP to be clumsy and that the PDP provisions are much less unwieldy and more user friendly.
- 6.12** I consider that it is positive that the specific character of the Frankton Arm is identified by Policy 6.3.6.2. I also consider that it is positive that this area is to be excluded from the landscape categories of the Rural Zones. In my time working in the District I have seen the Frankton Arm assessed as being within all four of the possible landscape classifications (I have never seen it assessed as being an ONF). In that same period I cannot recall a single instance of a proposed development on the Arm being declined because of its adverse effects on the landscape (although some have been modified, and some only partially approved).
- 6.13** In my opinion the landscape classification system of the ODP failed completely to assist in the management of this stretch of Lake Wakatipu, principally because it fails to adequately take the character of the area into account. If there is a potential weakness in the PDP schema for the management of the District's landscapes it is in the approach which seeks to limit adverse effects rather than one which seeks to promote positive effects. While there are objectives (6.3.3, 6.3.4, 6.3.6) which seek to 'protect, maintain or enhance' the Districts ONLs and ONFs, there are no specific policies aimed at encouraging or directing the enhancement of them.
- 6.14** There are, however, assessment matters proposed in the Rural chapter of the PDP which support positive effects. Further, the PDP by default assumes that

the existing landscape character of the District is the most desired landscape character. While I consider that this is a reasonable assumption as the landscape is clearly highly valued, no supporting empirical evidence of this has been provided (and would be difficult to provide in any event).

A handwritten signature in blue ink that reads "Marion Read." The signature is enclosed in a thin black rectangular border.

Marion Read

19 February 2016