

Before the Independent Hearing Panel

Under the	Resource Management Act 1991
In the matter	of the Upper Clutha Landscape Schedules Variation to the Queenstown Lakes Proposed District Plan

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

LANDSCAPE

30 September 2026



Kierra Parker / Shanae Richardson

T: +64 3 968 4021

kierra.parker@simpsongrierson.com

shanae.richardson@simpsongrierson.com

PO Box 874 Christchurch

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. My qualifications and experience are as set out in paragraphs 1.2 to 1.10 of my evidence in chief.

Code of Conduct

- 1.2** Although this is a Council Hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 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 of Reply Evidence

- 2.1** My reply evidence responds to paragraph 9 of Minute 14 of the Panel, which invited me:
- (a) to confirm (but not introduce as new evidence) expert advice around the term ‘modestly scaled’ which experts for Submitters consider to be problematic and difficult to quantify with any certainty.
 - (b) to address the matter raised by Mr Espie around how *Te Tangi a te Manu* (TTatM) recommends the assessment of landscape capacity and redundancy should be approached.
- 2.2** I also confirm that I support the updated versions of 21.22.25 Mata-au Clutha River and 21.23.7 Studholme Road, that I provided to the Panel during the hearing,¹ and that are attached as Appendix 1 to Ms Frew’s reply evidence.

1 Refer to documents uploaded to the Council’s hearings webpage: Bridget Gilbert – Mark up 21.22.25 Mata-au Clutha River – updated post Council evidence – 1 Sept 2026; and Bridget Gilbert – Mark up 21.23.7 Studholme Road – updated post Council evidence – 1 Sept 2026.

3. 'Modestly scaled' terminology

- 3.1** The term 'modestly scaled' is used in the 'qualifying comments' part of the specified landscape capacity rating for many of the land uses in each Schedule. These comments, from a technical landscape perspective, 'make sense of' the capacity rating.
- 3.2** Put another way, the land uses assessed in the landscape capacity section of each Schedule can involve a wide range of development typologies (in terms of their scale and character). For example, farm buildings can be of a relatively small scale to store a tractor and tools, through to a very large structure to store multiple machinery, feed, covered stock facilities, shearing facilities and/or farm supplies – and would have different capacity ratings for the different scale and character. Therefore, some assumptions about scale, location and/or mitigation strategies are needed before landscape capacity can be assessed from a landscape expert perspective. Deleting terms such as 'modestly scaled' would therefore remove one of the parameters necessary for a meaningful assessment of landscape capacity.
- 3.3** As explained in my evidence in chief at paragraph 6.105, the potential difficulty associated with a term such as 'modestly scaled' was also discussed during the Priority Area Landscape Schedules (**PALS**) hearing process, with the landscape experts and, ultimately, the Panel acknowledging that such terminology is of assistance to plan users. I note that this terminology has been carried through to the PALS (confirmed by Environment Court) and that both Messrs Skelton² and Espie³ supported the use of the 'modestly scaled' terminology in the PALS.
- 3.4** I have considered carefully whether there might be an alternate term that might improve certainty. For the PALS, the term 'small scale' was used to replace 'modestly scaled' in some Schedules. However, in my view, that terminology is unlikely to improve any uncertainty. The difficult issue is that, while terms such as 'modestly scaled' and 'small scaled' are partly subjective, matters of scale and character inevitably influence landscape capacity – since, for example, a smaller

2 Refer PALS Council Hearing Landscape JWS: 21.22.12.

3 Refer PALS Council Hearing Landscape JWS: 21.23.3, 21.23.15, 21.23.23.

scaled building is generally less likely to affect the values of the landscape compared to a larger scaled building – and therefore in my view this should be recognised in the Schedules.

- 3.5** As *Te Tangi a te Manu*⁴ (TTatM) explains, objective and subjective matters are inherent in landscape matters.⁵
- 3.6** I note that the provision of more precise guidance around building height and /or coverage would reduce this uncertainty. However, I consider that such an approach would not align with the fundamental premise of the UCLS as providing high level guidance and not replacing any of the district plan objectives, policies and rules.
- 3.7** I also consider that such an approach would not allow for the context specific flexibility that many of the submitters appear to be seeking, due to both their location and land use specific characteristics.
- 3.8** I have considered the application cited by Mr Dan Curley in which (in his view) the ‘modestly scaled’ terminology proved problematic. In my opinion, the following extract from the Commissioner’s Decision (RM230921) is helpful.

All experts seemed comfortable that the revised farm building design, materials and colour proposed in response to submissions, were more appropriate to the context. There was some discussion around the bulk and scale of the farm building amongst the experts, however, we are conscious what constitutes “modestly scaled” is not defined within the PDP. The PDP provides, as a permitted activity, for construction of farm buildings within the Rural Character Landscape, up to a height of 5m and area of 300m². Notwithstanding other site area standards that would need to be met for the building to be assessed as permitted, on the basis of the height and floor area, we could assume that a building that meets the permitted standard is “modestly scaled”. The proposed farm building, at 360m² and with a maximum height of 6.6m, is approximately 20% larger than the permitted standard. Whether the proposed building can be considered modest or not relates to its context, and the ability of the subject site to absorb the building without adverse effects on the character of the locality. In relation to the scale and bulk of the proposed shed, Ms Mellsop considered, within her assessment, that the site has the capacity to absorb a modest farm building, but

4 Aotearoa New Zealand Landscape Assessment Guidelines.

5 For example, see TTatM paragraphs 1.4, 2.36 and Footnote 32.

noted that the proposed shed is of substantially larger bulk and scale than any other farm buildings within the receiving landscape¹⁴. In her section 42A report, Ms Vincent also considers the scale of the farm building to be inconsistent with the rural character of the area¹⁵. By the close of the hearing, both Ms Vincent and Ms Mellsop were largely in agreement with the applicant's position. Taking these opinions into account, we agree with the applicant's experts' conclusion that the scale of the proposed farm building is relatively modest in relation to farm buildings in general and will reinforce existing rural character in this location, rather than being at odds with it.

(My emphasis added. NB Footnotes excluded.)

- 3.9** In my opinion, the approach adopted by the Commissioners on RM230921 of taking into account the size and scale of the farm buildings as enabled by the permitted activity standards, along with the location (or site) specific factors and the characteristics of the proposal (including mitigation measures), collectively contribute to a determination of whether a proposal can be described as 'modestly scaled' aligns with the intended interpretation of this terminology. Further, this example reinforces the difficulty in terms of using more certain terminology (e.g. by way of building coverage/height ranges etc) due to the complex interrelationship of the factors at play.
- 3.10** For completeness, where an application does not align with the 'modestly scaled' terminology (for example, it is a large or very large-scaled farm building), this does not mean there is no landscape capacity for that sort of development within the relevant Schedule area. It simply means that the landscape capacity is unstated.
- 3.11** In such a circumstance, the landscape expert would assess the landscape effects of the large or very large-scaled building to determine whether it 'maintains landscape character' and 'maintains or enhances visual amenity values' within RCL schedule areas, or 'protects landscape values' and 'is reasonably difficult to see' in ONF areas.⁶ From an expert landscape perspective, it follows that if an application aligns with those key landscape related policies, it is likely to not adversely impact on landscape capacity as defined in PDP 3.1B.5(b) (i) and (ii). In my opinion, there is a pathway for development that does not align with the landscape capacity

⁶ Noting that other landscape related policy tests apply in RCL and ONF areas, however the matters listed are the 'key' tests.

qualifying comments to be consented (assuming it is appropriately located and designed).

- 3.12** On the matter of ‘unstated landscape capacity’ for development that does not align with, for example, the ‘modestly scaled’ terminology, I understand that during the hearing Messrs Curley and Espie considered this to be a flaw.⁷ However, in my opinion, the breadth of the land uses addressed in the landscape capacity part of the Schedules means that to specify the landscape capacity rating for a more comprehensive range of development scales and/or characters would result in exceptionally long Schedules and effectively require structure planning of the schedule areas for each land use type. Further, I do not consider that such an outcome would provide for the flexibility that many submitters seek and would not align well with the fundamental premise of the Schedules as providing high level guidance.

4. TTatM approach to landscape capacity

- 4.1** During the hearing, drawing from TTatM, Mr Espie expressed his view that the utility of capacity will fall away once a site-specific assessment is done.⁸
- 4.2** With reference to the discussion of landscape capacity in TTatM raised by Mr Espie, the relevant extract from TTatM is reproduced below:

Generic attributes (sensitivity and capacity)

*[5.46] ‘Sensitivity’ and ‘capacity’ are widely used generic attributes. Such generic attributes can be useful where future proposals are not yet known (e.g., for issue-based assessments). In those circumstances, ‘sensitivity’ means the susceptibility of a landscape’s **values** to the **potential effects** of certain kinds of activity – for example, the susceptibility of an area’s rural character to life-style development in general. ‘Capacity’ is an estimate of how much of that activity could be accommodated while still retaining the specified values.*

7 Also refer to Mr Espie's summary statement at paragraph 17, and Mr Curley's summary statement at paragraph 15.

8 Also refer to Mr Espie's summary statement at paragraph 13, that cites the following from TTatM: *Generic attributes such as ‘sensitivity’ and ‘capacity’ are necessarily imprecise because they estimate an unknown future. They can be useful and necessary in area-based’ or ‘issues-based’ assessments, or in comparing alternative routes/locations, but they become redundant once there is a specific proposal and the actual effects can be assessed directly.*

‘Vulnerability’ and ‘resilience’ are related attributes. The following caveats apply to the use of such generic attributes:

- *Sensitivity and capacity (and other such generic attributes) derive from a landscape’s specific attributes (the generic depends on the specific) and relate to a certain type of activity (a landscape is sensitive **to** something – it is meaningless to simply state that a landscape has a certain degree of sensitivity).*
- *The **reasons** are key when assessing such attributes. For example, a landscape may be sensitive **to** lifestyle development (say) **because** it has certain wildlife values, or because it is the backdrop to a scenic location, or because it is adjacent to an historical place or wāhi tapu that warrants a contemplative setting. It is essential to provide the reasons.*
- *Generic attributes such as ‘sensitivity’ and ‘capacity’ are necessarily **imprecise** because they **estimate an unknown future**. They can be useful and necessary in area-based’ or ‘issues-based’ assessments, or in comparing alternative routes/locations, but they become redundant once there is a specific proposal and the actual effects can be assessed directly. Using ‘sensitivity’ and ‘magnitude’ to assess the significance of effects is not recommended (see paragraphs 6.41 - 6.42).*

‘Sensitivity’ and ‘magnitude’

[6.41] Using matrices to measure the significance of effect as a function of ‘sensitivity’ and ‘magnitude’, as used in some overseas guidelines,¹³⁵ is not recommended for the following reasons:

- *The complex and varied values of landscapes do not lend themselves to reduction to a single generic attribute such as ‘sensitivity’, neither does ‘magnitude’ adequately address both the nature and degree of effects on landscape values.*
- *Such matrices falsely imply that landscape effects can be practically measured as a type of mathematical function. At most they illustrate a concept. They suggest an objectivity that is not warranted.*
- *Such matrices are an abstraction (an additional step) that introduces an additional chance of error.*

*[6.42] Instead, it is more **direct** and **transparent** to describe the actual nature and degree of effect on the landscape’s **specific values** (and attributes) and explain with **reasons**.*

4.3 I agree with Mr Espie, that the utility of a landscape capacity rating in assessing the merits of an application ‘will fall away’ once a proposal specific landscape assessment is undertaken and that this is signalled in TTatM. For the reasons explained shortly, I also consider that this would also occur in practice when using the Schedules as part of the overall construct of the PDP, and as recorded in the

Preambles by recognising that different values or capacity may be identified through a site-specific assessment.

- 4.4** Further, the usefulness of landscape capacity (and landscape sensitivity) type assessment in guiding area-based assessments explained in TTatM and by Mr Espie accords with my experience. For example, the Waitomo District Plan, where landscape capacity work assisted the development of the district plan zoning spatial strategy and provisions. I note that the PDP Rural Visitor Zone is underpinned by such an approach.
- 4.5** In addition, I have used a landscape capacity or sensitivity type assessment when advising clients on the potential feasibility of a development (from a landscape perspective) on a site (or multiple sites), which can often be required as part of due diligence or route/site selection as part of large-scale infrastructure projects.
- 4.6** However, in the case of the Schedules, it is my understanding that the landscape capacity part of the Schedule is intended as a 'high level starting point', or 'red flag starting point' with respect to the broad-brush landscape capacity of an area (rather than a site) for a specific land use.
- 4.7** The evaluation of landscape capacity for a range of land uses is not a requirement of any other Schedules of Landscape Values in Aotearoa New Zealand. This is not a surprise to me, as I am not aware of any other district in the country where all of the rural zoned land is classified as either RMA s6(b) or RMA 7(c), and subject to a similar level of development pressure to that associated with the Queenstown Lakes District.
- 4.8** This specific combination of factors creates a high risk of cumulative landscape effects and for this reason, an evaluation of landscape capacity⁹ or effects on landscape capacity¹⁰ forms part of the PDP, as a tool to assist with the management of cumulative adverse landscape effects.

9 PDP 3.3.41 (g).

10 PDP 3.3.45 (b) (iii).

- 4.9** I consider that this approach aligns with TTatM’s discussion of cumulative [landscape] effects:

*[6.44] **Cumulative effects** are the effects of a proposal in conjunction with those of previous developments. This might relate to such things as expansion of a facility (e.g., shopping mall), intensification of an element of infrastructure (e.g., four-laning a two-lane highway), or additional projects of a certain type in an area (e.g., rural subdivision, wind farms, marine farms).*

[6.45] Cumulative effects should be considered carefully because in one sense all effects are cumulative. Previous lawfully established activities are part of the existing environment against which the effects of a new activity are assessed. Most effects are simply the effects of a proposal on the existing environment. Likewise, a proposal’s different types of effect (for instance noise + visual effects) are simply the proposal’s combined effects rather than what is meant by cumulative effects.

[6.46] Cumulative effects come into play in circumstances where an additional effect takes a landscape beyond a ‘tipping point’ – which would normally require a benchmark against which the effects are to be measured. Such benchmarks might include the character envisaged in the District Plan, or the ‘capacity’ of a landscape to accommodate development before compromising its landscape values (its valued attributes). This is a matter of context and judgement. As with all matters of professional judgement, the key is the reasons justifying the assessment.

(My emphasis added.)

- 4.10** In my experience, cumulative landscape effects are notoriously difficult to evaluate on a project-by-project basis, as is the tipping point, which often goes unrecognised until it is breached. The landscape capacity part of each Schedule seeks to assist with the evaluation of an inevitably difficult matter.

- 4.11** I do not agree with the inference by Mr Espie that because the relevance of landscape capacity ‘falls away’ once a site-specific landscape assessment is undertaken, it is of little to no utility.

- 4.12** Rather it is my view that, in practice, the landscape capacity ratings provide an ‘up front signal’ to plan users with respect to the landscape capacity (or landscape sensitivity) of their site and local area for specific land uses with the associated qualifying comments broadly framing the characteristics of development that is

unlikely to be problematic (from a landscape effects perspective). Of course, those characteristics are not (and cannot be) exhaustive, and as discussed above in relation to the 'modestly scaled' terminology, a pathway exists for development that does not align with the landscape capacity qualifying comments to be consented (assuming it is appropriately located and designed).

- 4.13** In terms of the scope of the landscape capacity discussion in TTatM and the potential inference that landscape experts do not assess landscape capacity in the way that has been used in the PALS (and the current Variation), I expect that the timing of TTatM and the PALS process, meant that the quite unique and specific type of landscape capacity work required under the PDP (as part of a Schedule of Landscape Values), was not addressed in TTatM.
- 4.14** On this point, I note that the PALS are one of three 'projects' that have been shortlisted for a NZILA Award in 2026 in the Resource Management and Strategic Planning Category, suggesting a degree of technical support for the work and the Environment Court has relied on the PALS¹¹ (including prior to their determination via Consent Order).
- 4.15** In my opinion, the focus on landscape capacity as being highly problematic overlooks the fact that the fundamental landscape related tests for an application relate to whether it maintains/enhances landscape character and visual amenity values (RCL) or protects landscape values/is reasonably difficult to see (ONFs) as informed by a landscape assessment. In my experience, if an application satisfies those policies tests, it will inevitably not alter (or 'disturb') the landscape capacity rating for the relevant land use.
- 4.16** So, while there may be an appealing simplicity in suggesting that the landscape capacity part of the Schedules encourages expert disagreement, such expert disagreement stems from a difference in opinion on landscape effects, the alignment of the application with the landscape related PDP policy.

11 For example, the consent appeal *Hydro Attack Ltd v Queenstown Lakes District Council* [2025] NZEnvC 264, the plan change appeal *Sticky Forest* first and second interim decisions *Beresford v Queenstown Lakes District Council* [2024] NZEnvC 182 and *Beresford v Queenstown Lakes District Council* [2024] NZEnvC 298 and the declaration in *Gertrude's Saddlery Ltd v Queenstown Lakes District Council* [2023] NZEnvC 147.

4.17 The matter of effects on landscape capacity (and whether it is exceeded) is consequential to these more 'fundamental' matters. Put another way, removing the landscape capacity portion of the Schedules will not eliminate or necessarily reduce expert disagreement on a site-specific assessment. Nor does it eliminate that fact that some sites will have more or less capacity to absorb development than others, regardless of whether it is recorded in a high level schedule, or assessed later through a site-specific assessment.

30 September 2026

Bridget Gilbert