

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER of a hearing on submissions on a proposed Variation to Chapter 21 Rural Zone of the Proposed District Plan to introduce Landscape Schedules

ON BEHALF OF Mata Au Investments Ltd (17)
Exclusive Developments Ltd (45)
Wanaka Station Trust et al (08)
Montreal Trustees 2024 Ltd (32)
D & S Brent as trustees of Hawthenden Trust (22 and 30)
Lake McKay 2024 Ltd Partnership (16)
Grandview Grazing Ltd (09)
Devon Dairy Holdings Ltd (as successor to Devon Dairy Farms Ltd) (29)
J & C Leith (20)
Jolly Holdings Ltd (21)
Laing Dairy Ltd (35)
Sunnyheights Ltd (37)
SIO No12 Limited (26)
Scott Aubrey Family Trust (43)
PLDC Trustees Ltd and A Wright (19)

EVIDENCE OF BENJAMIN ESPIE (LANDSCAPE ARCHITECT)

26th June 2026

INTRODUCTION AND SCOPE OF EVIDENCE

1. My name is Benjamin Espie. I hold the qualifications of Bachelor of Landscape Architecture (with honours) from Lincoln University and Bachelor of Arts from Canterbury University. I am a member of the New Zealand Institute of Landscape Architects and was the chairman of the Southern Branch of the New Zealand Institute of Landscape Architects between 2007 and 2016. Since November 2004 I have been a director of Vivian and Espie Limited, a specialist resource management and landscape planning consultancy based in Queenstown. Between March 2001 and November 2004, I was employed as Principal of Landscape Architecture by Civic Corporation Limited, a resource management consultancy company contracted to the Queenstown Lakes District Council (**QLDC**).
2. The majority of my work involves advising clients regarding the management of landscapes and amenity that the Resource Management Act 1991 provides and regarding the landscape provisions of various district and regional plans. I also produce assessment reports and evidence in relation to proposed development or proposed Regional and District planning provisions as they relate to landscape issues. The primary objective of these assessments and evidence is to ascertain the effects of proposed activities or provisions in relation to landscape character, values and visual amenity.
3. Much of my experience has involved providing landscape and amenity assessments relating to resource consent applications and plan changes both on behalf of District Councils and on behalf of private clients. I have compiled many assessment reports and briefs of evidence relating to the landscape and amenity related aspects of proposed regimes of District Plan provisions in the rural areas of a number of districts including the Queenstown Lakes District.
4. The purpose of this evidence is to assist the Hearings Panel on matters within my expertise of landscape architecture and landscape planning in relation to various submissions on the Variation relating to the proposed Upper Clutha Landscape Schedules. My evidence covers general points regarding the schedules and also covers points regarding some specific individual schedules. When discussing specific schedules, the areas of land that my evidence relates to are areas that I am familiar with and have visited many times.
5. I have been engaged by the various submitters listed on the cover page of this evidence. In relation to my area of expertise, I have reviewed the relevant submissions, the s42a report and its appendices, and the evidence of Ms Bridget Gilbert.
6. I have read the Environment Court Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023 and agree to comply with it. I confirm that the opinions expressed in this statement are within my area of expertise except where I state that I have relied

on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

7. The methodology for my assessment work has been guided by Te Tangi A Te Manu, Aotearoa New Zealand Landscape Assessment Guidelines (TTatM)¹.

THE UPPER CLUTHA LANDSCAPE SCHEDULES GENERALLY

The landscape planning need or utility of landscape schedules for non-priority areas

8. The background to the proposed variation is summarised in Section 5 of the s42a report and in Section 4 of Ms Gilbert's evidence. My understanding accords with paragraph 5.3 of the s42a report, that in its decisions on the Strategic Objectives and Policies of the Strategic Chapters (Chapters 3 to 6) of the Proposed District Plan (PDP), the Environment Court referred to the Man O' War decision² and found that identifying and mapping Outstanding Natural Landscapes and Features (ONLs and ONFs) is not, in itself, sufficient to give effect to Part 2 of the RMA; it is also important to set out what is to be protected, i.e. to list the values of the ONL/ONF, and this is where schedules are useful³.
9. In relation to the above issues, neither the Man O' War decision nor the [2019] NZEnvC 160 decision refer to non-ONL/ONF landscapes.
10. As set out in paragraph 5.4 of the s42a report, witness conferencing at the direction of the Court (that I was not involved in) established a list of Priority Areas, some of which (in the Upper Clutha area) were outside of any ONL or ONF. The Environment Court went on to settle the Strategic Chapters of the PDP and this includes the now-operative Objectives and Policies of Chapters 3 and 6 that refer to landscape schedules⁴. To give effect to those Objectives and Policies, landscape schedules are required. When referring to schedules, all of those Objectives and Policies are expressly referring to the Priority Areas.
11. No Objectives or Policies refer to the need or utility of landscape schedules in relation to areas that are not Priority Areas. I cannot see that schedules for non-Priority Areas would give effect to any Objectives or Policies of the PDP, nor be an appropriate way to achieve the same.
12. Furthermore, there is no clear reasoning in terms of the identification of these particular RCL areas to be scheduled as compared to other non-priority area landscapes in the District. For example, there are many

¹ Te Tangi A Te Manu, Aotearoa New Zealand Landscape Assessment Guidelines, Tuia Pito Ora New Zealand Institute of Landscape Architecture, July 2022 (TTatM).

² Man O' War Station Ltd vs Auckland City Council [2017] NZCA 24.

³ [2019] NZEnvC 160, paragraphs 30 and 31.

⁴ PDP Objectives/Policies 3.2.5.2, 3.3.29, 3.3.33, 3.3.34, 3.3.36, 3.3.37, 3.3.39, 3.3.40, 3.3.40, 3.3.47, 3.3.38, 6.3.3.6, 6.3.4.6.

ONL and ONF areas that are not identified as Priority Areas and have no schedules associated with them. In terms of the framework of the PDP, I can see no logic why these particular RCL areas, all in the Upper Clutha, should be selected for this treatment.

13. Whether these landscape schedules for non-priority RCLs are included in the PDP or not, all of the relevant areas will continue to be subject to the same landscape-related Objectives, Policies and provisions of Chapters 3, 6 and 21 of the PDP. Most relevantly, these include the Strategic Objectives of Section 6.3.4 and 3.2.5, and all the Rural Zone provisions. In combination these are a strong set of provisions that require landscape character to be maintained, and visual amenity values to be maintained or enhanced. In terms of appropriately managing landscape effects, I can see no risk in terms of achieving those policy directions, and otherwise achieving Section 7(c) of the RMA, if the currently proposed schedules are not included.
14. I accept that the Mata-au Clutha River and its corridor are an ONF and a Priority Area and that a Landscape Schedule in relation to this feature is logical and appropriate.

Areas based landscape assessments and their scale

15. TTatM notes:

Policy-driven assessments are those carried out to inform policy relating to the landscape values, such as identifying and managing the landscape values of an area (area-based assessments) or to address certain issues (issue-based assessments)⁵.

16. The currently proposed schedules are the result of area-based assessment work, as is explained in Ms Gilbert's evidence. Unusually in this case, the area-based assessment is not being used to inform policy; no amendments or additions to the Objectives or Policies of the PDP are proposed by the current variation, and no Objectives or Policies refer to these schedules.

17. One of the main results of the area-based assessments and the resulting schedules is that capacities are identified. In relation to capacity, TTatM notes that:

'Sensitivity' and 'capacity' are widely used generic parameters. Such parameters 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 types of activity—for example, the susceptibility of an area's rural character to life-style development. 'Capacity' is an estimate of how much of that activity could be accommodated while still retaining the specified values. 'Vulnerability' and 'resilience' are related parameters

⁵ TTatM, page 35, note 25.

Generic attributes such as sensitivity and capacity are necessarily imprecise because they estimate a future. They can be useful and necessary in policy-based assessments, or in comparing alternative routes/localities, but they become redundant once the actual effects of a specific proposal can be assessed directly⁶.

18. This accords with the preamble, as attached to the s42a report, which notes that:

The identified landscape attributes and values, are based on an assessment of Priority Area Assessment Extent or Schedule Area Assessment Extent as a whole and are not intended to describe the attributes and values of specific sites.

Given the scale of the landscape assessment underpinning the Schedules, a finer grain proposal-specific assessment of landscape attributes and values will typically be required for plan implementation purposes. Through any proposal-specific assessment, the identified landscape value/s recorded in the Schedules may not be relevant to a site, and/or additional values may be identified.

The landscape capacity ratings, and associated descriptions are high level and are not intended to describe the relevant capacity of specific sites within Rural Zone Priority Area or Rural Zone Schedule Area. These descriptions are not a replacement for any relevant policies, rules or standards in the District Plan, and are intended to provide guidance only.

Landscape capacity is not a fixed concept and it may change over time as development occurs or landscape characteristics change. In addition, within each Rural Zone Priority Area or Rural Zone Schedule Area there is likely to be variation in landscape capacity, that will require detailed consideration and assessment through future resource consent applications⁷.

19. This text also appears in the Priority Area Schedules Preamble, which were resolved through a separate variation process, prior to the current variation.
20. Setting aside ONFs which are discrete by definition, the Priority Areas (both the ONL and RCL identified areas) are significantly larger areas of landscape than many of the Upper Clutha Landscape Schedule areas. Over a large area of landscape, generalised, “broad brush” description and capacities make sense. A schedule that describes (for example) the Cardrona Valley ONL or the Northern Remarkables ONL in a broad, generic way is useful in providing a big-picture baseline description of landscape attributes, values and capacities at a Priority Area scale. By contrast, assessing and describing the attributes, values and capacities of a smaller area (such as the proposed schedule areas of East of Wanaka Mount Aspiring Road, Studholme Road and others) is necessarily much less of a generalisation; the assessment and description becomes practically site-specific, hence this is at odds with the citations from the preamble given above. In my opinion, including schedules for areas of this small scale (sometimes one or two

⁶ TTatM, 5.49.

⁷ Proposed preamble, paragraphs 4.2, 6.3 and 6.4.

landholdings) discords with the purpose of the schedules as is set out in the preamble and becomes much more targeted and onerous on the landowners, particularly since a detailed on-site investigation has not been done.

21. For example, I was involved in the District Plan Review process that resulted in the Rural Visitor Zones (RVZ) that are now operative parts of the PDP. These areas of RVZ are of comparable size to the smaller UCLS areas. The RVZ provisions involve areas of differing landscape sensitivity. In order to assess and consider the extent of the RVZ areas and the sensitivity within them, detailed site-scale assessment was done using site visits, detailed contour information, viewshed information, etc. This is what I would expect for area-based assessment of a relatively small area. That sort of assessment was appropriate given that these were to be areas of zoning, separate from the Rural Zone, and from which different rule frameworks might derive. In the case of the currently proposed schedule areas, these are not to be separate areas of zoning; they are part of the Rural Zone and are to be subject to all of the landscape-related provisions that apply to activities in that zone. In short, I consider that a number of the UCLS areas are too small to be suitable for the sort of schedule that is described in the preamble⁸. Additionally, I can see no justification for a finer-grained area-based assessment of these areas since any proposed activities on them will already be subject to all of the landscape-related provisions that apply to the Rural Zone. I will give some additional commentary on this point in relation to specific proposed schedule areas subsequently.

Urban expansions

22. A capacity rating for urban expansions is given in the proposed schedules and urban expansion is defined in the preamble as “a change from rural activity to urban development”⁹. Chapter 4 of the PDP deals with urban development and includes strong Policies regarding urban expansions such as:

4.2.1.3 Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing towns and rural settlements, urban development is avoided outside of those boundaries.

23. Urban growth in the District is an issue that is generally managed via processes other than resource consent applications; i.e. Spatial Plan processes and Plan Changes. All other activities listed in paragraph 7.1 of the proposed preamble are activities that would be sought via resource consent applications (which is what the schedules are formulated to primarily apply to¹⁰). For this reason, I understand that legal submissions will question the inclusion of urban expansions in the list of activities that are given capacity ratings. From a landscape planning perspective, if the schedules are to remain at all (mindful of my

⁸ Most relevantly, schedule areas 21.23.6, 21.23.7, 21.23.9, 21.23.11, 21.23.12, and 21.23.16.

⁹ Proposed preamble, paragraph 7.1.

¹⁰ Proposed preamble, paragraphs 3.2.to 3.4.

comments above regarding their utility in achieving policy direction), I see no risk in excluding urban expansions from the schedules, because such expansions will always be subject to other rigorous processes and Objectives/Policies, as described above.

EVIDENCE REGARDING SPECIFIC SCHEDULES AND AREAS

21.22.25 Mata-au Clutha River

24. Original Submission (OS) 17 seeks some amendments to wording within this schedule in relation to Lot 1 DP555863, a large pastoral property at the northern end of Halliday Road that takes in part of the steep north-facing escarpment that forms the southern bank of the Clutha, immediately east of its confluence with the Cardrona River. Submissions 29 and 45 also (in part) relates to this area.
25. Compared to the banks of the Clutha River generally, the Lot 1 DP555863 part of the enclosing escarpment is unusually modified in terms of the presence of roughly formed vehicle tracks and wilding pine infestation.
26. Private tracks are mentioned in paragraph 10 of the s42a version of the schedule. Wildings are mentioned in paragraph 8(b) and under the Plant and Animal Pests heading. I consider that some wording could appropriately be added to this paragraph to clarify the wilding infestation on Lot 1 DP555863, and paragraph 36 could appropriately refer to wilding spread as well as plantations. As per the preamble's mention of pests (at paragraph 5.5), the considerable presence of wilding pines on Lot 1 DP555863 represents an opportunity for future natural character enhancement.
27. I agree with OS17 that under the heading of "Particularly important views to and from the area", the views referred to are all from within this schedule area, and views to it from outside are not described. Perhaps the most experienced views to this ONF are from State Highway 6 in the vicinity of Albert Town Bridge. This could be recognised and the schedule could note that (perhaps unfortunately) these views take in the wilding-covered and somewhat eroded escarpment that is within Lot 1 DP555863.
28. Paragraphs 8(d) and 11 recognise the relatively intense dairy farming on the true left banks of the Clutha between Albert Town and Rekos Point, including pivot irrigation. Approximately 310ha is under pivot irrigation in this area. I therefore consider that paragraph 36 of the schedule should be amended to take better account of this significant modification.
29. OS45 also seeks some amendments to this schedule to recognise the immediate proximity of the Northlake / Hikuwai suburban areas to the Clutha corridor. I agree that this is appropriate. Further to my comments above regarding capacity ratings for urban expansions, in some locations adjacent to Northlake / Hikuwai and to Albert Town, the Urban Growth Boundary (UGB) and ONF boundary follow the straight lines of cadastral boundaries or follow the straight line between Operative District Plan zoning

and PDP zoning, rather than following any geomorphological or topographical boundary delineating the ONF Clutha corridor.

30. It may be that future Spatial Planning and Plan Change processes refine these edges in a more topographically responsive and nuanced way, as has recently been done across the Sticky Forest site, for example¹¹. I agree with the submission that, if anywhere, these are likely to be the locations where urban expansions will be appropriate. However, I again find that giving a capacity rating for urban expansions in schedules that will sit in the Rural Zone chapter is not helpful, efficient, or effective, and does not serve to achieve any policy directive of the PDP.

21.23.6 East of Wanaka Mount Aspiring Road

31. OS8 and OS32 relate to this schedule.
32. My commentary regarding general matters in my paragraphs 20 and 21 are particularly relevant to this schedule area. It is 98ha in area and is essentially held by two landowning entities. It is of complex rolling and terraced topography such that a detailed analysis (that has not been done) would likely reveal spatially varying sensitivity and capacity.
33. At the time the landscape category maps were notified as part of the PDP, Dr Marion Read undertook landscape categorisation assessment work¹², and this was peer reviewed by Ms Anne Steven¹³. Both reports agreed that this area was of a different landscape character to the ONL that lies to the northwest and that Ruby Island Road is the line of separation, being “*the transition area from being near town to heading out into the country*”¹⁴.
34. In broad terms, this schedule area is of a pleasant rural character akin to many Rural Character Landscapes (RCLs) but perhaps more transitional in character, being at the edge of suburbia and accommodating vineyards and tasting room, olive groves, a native plant nursery, horse trekking and arena, and a number of dwellings. It is certainly substantially distinct from the ONL that lies to the west. I consider that if this 98ha area was contiguous to a broad RCL, then it would be logical to categorise it as part of that RCL. However, the scheduled land is isolated from any broader RCL. Adjoining it to the east and south are the suburban areas of Sargood Drive and Far Horizon. To the west is Rural Lifestyle zoning and development. To the north is the ONL of Lake Wanaka and to the northwest is the ONL that takes in

¹¹ [2024] NZEnvC 182.

¹² “Report to QLDC on appropriate landscape classification boundaries within the District, with particular reference to ONLs and ONFs”, Marion Read, 01/04/2014, pages 12 and 13.

¹³ “Peer review of landscape assessment – Outstanding Natural Landscape of the Upper Clutha part of the Queenstown Lakes District”, pages 13 and 14,

¹⁴ Ibid.

Mount Alpha. The scheduled area is not part of the ONLs, is isolated from any other non-ONL rural landscape and is too small to be a landscape itself. Essentially it is a remnant area left over after previous zonings and landscape categorisations¹⁵. Historically, it was once part of a broad rural landscape that ran to the south towards the Cardrona Valley, but urban zoning has advanced on its southern side such that it is an isolated remnant sandwiched between the urban area and the ONLs. In this regard, I consider it to be akin to the 50ha area of land in the Sticky Forest vicinity that was annotated in the PDP as RCL but was found by the Environment Court to be “*essentially a small remnant of an original rural character landscape that is now far too small to constitute a landscape*”¹⁶ and therefore not appropriately categorised as RCL. I consider that the same applies to the 21.23.6 area and this reinforces my opinion as per my paragraphs 20 and 21 that a schedule is not appropriate for this area.

35. Again echoing comments from the general section of my evidence, the 21.23.6 area is immediately adjacent to suburbia and to an Urban Growth Boundary (**UGB**) on its eastern, southeastern and southern sides. As Schedule 21.23.6 notes, the southern and northern parts of the UGB as they adjoin the schedule area are abrupt cadastral boundaries, not edges that are suitably formed by any topographical or landscape edge¹⁷. It may be that in upcoming years, Spatial Planning processes (in response to the National Policy Statement on Urban Development and planning for urban growth generally) find merit in some degree of expansion of the current suburban area. Any expansion of that sort would be subject to rigorous planning processes and again, I see no landscape planning risk if capacity ratings for urban expansions are not included in the schedules.
36. If a schedule is to be included for the 21.23.6 area, I make the following comments on its text in relation to the s42a version of the schedule and OS8 and OS32.
37. Paragraph 4(a) of the schedule relates to native vegetation. The regenerating kanuka along the lake shore is very largely outside of the 21.23.6 area, it is to the north of the western part of the schedule area. Therefore, this should not be described within the schedule. Additionally, I am aware of very little “*grey shrubland and bracken fern across steeper hummocky terrain and escarpments*”. I consider that this needs revision.
38. Paragraphs 18, 32 and 41 refer to the schedule area as a “*greenbelt*”. Paragraphs 27 and 39(b) use the term “*parkland*”. I consider that these are unsuitable terms since they have connotations associated with public or reserve space that is protected in some way. The purpose of the schedules is to record landscape attributes and values. I consider that the attributes/values that are actually sought to be

¹⁵ This is reflected in the first sentence under the “*General Description of the Area*” heading in proposed Schedule 21.23.6.

¹⁶ [2024] NZEnvC 182, paragraphs 78 and 82.

¹⁷ s42a Schedule 21.23.6, paragraph 11(d).

described here are perhaps open space or rural character. These terms describe a value without the connotations of the terms greenbelt or parkland.

39. Paragraph 23 records horseback riding and equestrian activity as a recreation attribute/value. It should be noted that this is a private land use and is relatively recently established by a lease. It is not a recreational value for the general public. The nearby lakeside track (outside of the schedule area) is the main recreational attribute in this vicinity.
40. Paragraph 25 discusses views from the schedule area. It should be made clear that views from Rippon Vineyard are private views, distinct from the Mount Aspiring Road views that are also mentioned. With reference to my paragraph 34 above, even if this area is identified as an RCL, the relevant strategic provisions of the PDP give primacy to protecting visual amenity as experienced from public places¹⁸. Paragraph 25 of the schedule also mentions a sense of connection to the rugged Alpha Range landscape to the north. Certainly views to the ONL from the schedule area are valued (although mostly by the few private residents, so again these are of less relevance to the strategic Objectives/Policies), however, as per the general description at the start of the schedule (and my comments in paragraphs 33 and 34 above), there is a strong sense that the landscape character of the schedule area is distinct from the ONL; being considerably more tamed.
41. As per the general description and paragraph 1 of the schedule, this area comprises two roche moutonnée landforms, surrounded by glacial till / alluvial terraces. Paragraph 29 describes the area as a “book-end” and paragraph 41 notes moderate physical values associated with landform. However, as discussed, the schedule also notes that parts of the suburban edge are simply cadastral boundaries that are unrelated to landform. While the roche moutonnée forms are important and perhaps memorable, I do not consider the same is true of the flatter landform which is identical to that which underlies the suburban area. While the roche moutonnée are distinct, there is generally no strong edge here until one reaches the identified ONL. My consideration is that paragraph 29 should reflect this and the moderate physical values are in fact particular to the roche moutonnée and not the flats.
42. Moving to capacity ratings and noting the definitions in paragraph 6.5 of the s42a preamble, the area appears well-suited to commercial recreation of the type described on Schedule 21.23.6 (i.e. small-scale, low-key, optimised screening, etc)¹⁹. I consider this capacity is better described as “limited”, rather than “very limited”.
43. The s42a Schedule gives capacity for rural living as “very limited” and again notes that parts of the suburban edge follow arbitrary cadastral boundaries and hence are not “defensible”. In my opinion, the

¹⁸ Most relevantly Policy 6.3.4.8.

¹⁹ Schedule 21.23.6, (i) under the heading of Landscape Capacity.

fact that (for reasons of land ownership in relation to long-past plan changes) parts of this edge simply follows a cadastral boundary, means that we should not necessarily seek to “defend” it. On the west side on Mount Aspiring Road, Rural Lifestyle Zoning extends north to meet the ONL, where a different landscape character begins. This has created an appropriate, pleasant, green, transition from suburbia to the ONL. If appropriately designed (with sensitive treatment of the roche moutonnée and appropriate road and lake edge setbacks, etc), some similar treatment could suitably be reflected on the eastern side of Mount Aspiring Road in my opinion. Given we are dealing with Rural Zone land, any such proposal would be subject to rigorous scrutiny via a resource consent process (unless a plan change is sought which would also be subject to a strong scrutiny). Consequently, I consider that capacity would best be described as “limited” but with the caveat that this excludes the roche moutonnée landforms.

21.23.7 Studholme Road

44. OS22 and OS30 relate to this schedule.
45. Again, the commentary in my paragraphs 20 and 21 are particularly relevant to this UCLS area. It is 80.5ha in area and is held by two landowners. An assessment of this area would essentially be a site-specific assessment, which is at odds with what the schedules are purported to be (as set out in the preamble). Again, a site-specific assessment would involve detailed on-site and data analysis (contours, viewsheds, etc) and would be helpfully informed by the context of a particular proposal under consideration.
46. The schedule’s general description of this area as pastoral farmland is broadly agreeable (albeit that Lots 1, 2 and 3 DP23940 form a rural living property), however, again this 80.5ha area of Rural Zone land is isolated from any broader RCL. Adjoining it to the northwest and north is the suburban Far Horizon area. To the east is the Studholme Road Rural Lifestyle Zone, and to the south is the ONL of the Alpha face. Again, this pocket of land is isolated from any other non-ONL rural landscape and is too small to be a landscape itself, being a remnant area left over after previous zonings and landscape categorisations²⁰. Historically, this land was part of a sweep of rural terrace land that ran south to adjoin the Cardrona Valley, but zoning has superseded that situation such that it is now an isolated remnant. In geomorphological terms, this land is identical to the Rural Lifestyle Zone land that adjoins it to the east. Once more, I consider this is akin to the Environment Court’s Sticky Forest situation discussed in my paragraph 34 and therefore consider that the most appropriate response is to not categorise this area as RCL and not apply a schedule to it. In that event, it would remain regulated by the provisions of the Rural Zone which are comprehensive in relation to landscape and amenity matters.

²⁰ This is reflected under the “General Description of the Area” heading in proposed Schedule 21.23.7.

47. If a schedule is to be included for the 21.23.6 area, I make the following comments on its text in relation to the s42a version of the schedule and OS22 and 30.
48. As discussed in my paragraph 38 above, I consider the use of the term “greenbelt” is problematic and the schedules purpose is to focus on describing/listing attributes and values. This relates to paragraphs 10(c), 16, 20 and 28 of Schedule 21.23.7. In this context, the attribute/value that is being alluded to is more correctly “open space”.
49. Paragraph 9 of the schedule takes note of the small-scale rural living lots (Lots 1, 2 and 3 DP23940). I consider that this should be reflected in paragraphs 15 and 26(c) to acknowledge that not all of the schedule area is working farmland.
50. Paragraph 18 describes particularly important views to and from the area. While the schedule area may be visually appreciated as a fan, I consider that it should be made clearer that it is distinct from the larger, more prominent Alpha Fan, which is part of the ONL.
51. Moving to capacity ratings, I have some sympathy for the submission that “modestly-scaled” should be deleted from the description of appropriate farm buildings in point (vi). The schedule repeatedly mentions the working farm character of most of the area. If this area remains RCL and subject to a schedule, the standards of Rural Zone provision 21.8.1 apply to farm buildings and mean that any farm building over 300m² footprint in an RCL requires restricted discretionary resource consent, and hence regulation is applied to larger farm buildings. Given that point and looking at the wording of schedule point (vi), I consider that if a farm building reinforces “*the existing rural character*”, then it is very likely to be appropriate, regardless of its size.
52. Schedule 21.23.7 gives “some capacity” for urban expansions as identified in the Spatial Plan. “Extremely limited or no” capacity is then given to rural living since this land use is likely to stymie urban future expansions. I refer back to my paragraphs 22 and 23 above. Schedules that sit in the Rural Zone chapter of the PDP and that are used in relation to the assessment of resource consent applications are not the appropriate tool to guide urban expansions in my opinion. The fact that rural living development may stymie future urban use is not a landscape-based consideration and should not appropriately appear in a landscape schedule, the purpose of which is to record landscape attributes, values and (landscape-based) capacities. However, I accept that preventing rural living from stymying future urban use is an entirely valid town planning consideration. If we confine ourselves to considering landscape factors, my opinion is that capacity for rural living is best described as “some”.

21.23.10 Northern End of Criffel/Pisa Range Foothills

53. OS16 relates to this schedule. The 21.23.10 area is a 5.3km² area that is very largely comprised of elevated outwash terraces of improved pasture.
54. Regarding the schedule's general description of the area, and paragraph 13, I note that the operative Criffel Rural Industrial Sub Zone takes in a strip of land within the current schedule area along SH6, opposite Mustang Lane. The most logical response in my opinion is to exclude this from the schedule area. Additionally, the schedule should suitably record the large, recently-completed QLDC reservoir infrastructure on the southern side of State Highway 6, opposite the airport.
55. Regarding paragraphs 12 and 31 of the schedule, resource consents RM210912 (as varied) and RM230996 provide for 7 building platforms within the southern part of the schedule area in addition to the existing dwelling on Lot 2 DP 543396. This should be recorded in relation to "land use patterns and features" and "naturalness attributes and features".
56. Paragraph 24 recognises that the steep escarpment close to SH6 is the most visually prominent part of the schedule area. A feature and unusual attribute of this area is the expanse of elevated terrace land that is hidden from outside view. Only when on the terrace is it appreciable the size of flat area that is otherwise not seen from any public location. Given that this is unusual within the Upper Clutha Basin, I consider it appropriate that this is recorded, most appropriately within paragraphs 24 and/or 25, and should also be reflected in paragraphs 21 and 22; that the scenic approach to Wanaka and the foreground of the Criffel Range is (of course) provided by the visible land and not by the hidden terrace land.
57. Given the above comments regarding views to and from this schedule area, I consider that a uniform rating for capacity across the area is inappropriate, particularly in relation to rural living activity. The RM210912 resource consent application, which created 6 buildings platforms on elevated land on the southern side of the terrace land (including one platform in the ONL) was granted on a non-notified basis, primarily due to a lack of visibility and therefore the maintenance of landscape character and visual amenity. I consider that this reflects what is evident when on the flat terrace land of the 21.23.10 area; that appropriately designed rural living development (which would of course be subject to resource consent processes that apply to Rural Zone RCL land) can be accommodated on this landform. I consider that a split capacity rating is appropriate in this regard that records "some" capacity in relation to the terrace land that is not within public views.

21.23.11 East of Luggate

58. OS43 relates to this schedule area, which is largely comprised of improved, irrigated farmland of flat terrace topography.

59. Yet again, my paragraphs 20 and 21 are particularly relevant to this schedule area. The vast majority of this schedule area is in one landholding, being Luggate Farm. Including a schedule in the PDP of this sort is practically including an analysis of one landowner's property, despite no detailed on-site assessment being done. In my opinion this is at odds with the purpose of the schedules as described in the preamble.
60. I agree with OS43 that the capacity rating for mineral extraction's reference to extraction from the Clutha River is confusing since the Clutha River is not within this schedule area. I also agree that the capacity for extraction activities that "maintain or enhance quality of views, naturalness and aesthetic values²¹" need not be given as "very limited". If these descriptors are met, there is likely to be more capacity (i.e. limited).

21.23.13 Kane Road and Luggate Tarras Highway

61. OS9 and parts of OS29 relate to this schedule area which is generally a large area of expansive outwash terraces that support farming.
62. Regarding the Hawea Flats area of the district generally (the 21.23.13 and 21.23.15 areas), some of the history of landscape categorisation is informative. In the early 2000s the then-proposed District Plan was subject to a number of Environment Court decisions that grappled with the issue of how best to respond to Sections 6(b) and 7(c) of Part 2 of the RMA. The outcome of those decisions²² was ultimately that a District Plan should identify landscapes to which 6(b) applies, landscapes to which 7(c) applies, and landscape to which neither of those apply. The latter category (third-tier landscapes) came to be known as "Other Rural Landscapes (ORL)". These third-tier landscapes never came to be mapped in the District Plan, however, some relevant findings were made by the Environment Court, such as:

The obvious area most likely to qualify as an ORL is part of the extensive Hawea Flats. If there is a sufficiently large area in that location which cannot be readily seen into from a distance, especially if trees are planted in sufficiently thick strips along the boundaries, then it might be appropriate to allow considerable residential development – perhaps even urbanisation – within such an area²³.

63. The PDP did not follow the approach of the Operative District Plan in including a third-tier category of landscape, apparently based on an assumption that Section 7(c) applies to all non-ONL landscapes. With reference to my paragraph 33, while the PDP formulation process involved a landscape assessment identifying ONLs and ONFs, there was no similar assessment identifying which landscapes qualify in relation to Section 7(c) values; rather RCLs were a default categorisation for Rural Zone land that was not categorised as ONL or ONF. Numerous other District Plans do include third-tier rural landscapes (Central Otago, Southland, Waitaki and Timaru Districts being examples). Notwithstanding that, as we

²¹ S42a Schedule 21.23.11, Landscape Capacity (vii).

²² Most relevantly, decisions C180/99, C186/2000, C75/2001 and C129/2001.

²³ C75/2001, paragraph 27.

see in relation to the Sticky Forest Environment Court decision referenced in my paragraph 34, not all rural land need be categorised as ONL or RCL. I reiterate my point from paragraphs 8 to 11, that landscape schedules in relation to non-Priority Areas do not give effect to any Objective or Policy. Schedules are of even less applicability or utility in relation to areas of landscape that are found to not be RCL (such as the Sticky Forest instance).

64. In any event, the above Environment Court citation shows that, in broad terms, the large areas of flat land within the Hawea area that have minimal exposure to popular views, have more capacity for development than most rural landscapes of the District.
65. Paragraph 11 of the proposed schedule appropriately takes account of the intensive farming that characterises much of this schedule area. Large-scale farm buildings, stockyards, long and straight shelterbelts and farm tracks, pivot irrigation, and informal airport infrastructure are all mentioned. A number of farm-base or homestead nodes of buildings and associated activity are also present within this schedule area and I consider it appropriate to also record these in relation to land use patterns and features.
66. Regarding landscape capacities, I note that “some capacity” is given for farm buildings, with the guiding description being “*modestly-scaled buildings that reinforce the existing rural character*”. In paragraph 11, the schedule already notes the presence of large-scale farm buildings. This landscape schedule area is the district’s largest expanse of dairy farming. As such, it is logical that it accommodates large-scale farming infrastructure. Dairying can involve some particularly large farm buildings and other modifications to the landscape. With reference to my paragraph 51 and the fact that any farm building over 300m² footprint will need to navigate a resource consent process, I again consider that the inclusion of the words “modestly scaled” is not helpful. Larger farm buildings that “*reinforce the existing rural character*” are just as likely to be appropriate as smaller ones.
67. Capacity for mineral extraction is given as “*limited capacity for farm-scale quarries and expansion of existing quarries that that maintain or enhance the quality of views, naturalness values and aesthetic values*”. I accept that “limited capacity” is logical for new extraction that is not for farm use. Farm quarries are small scale and are a common and integral part of farming operations for the maintenance of tracks etc. I note that such a quarry that is over 1,000m² per annum will require discretionary activity consent in any event²⁴. With reference to the definitions of capacity ratings in the preamble, I consider that “some capacity” is more logical for farm-scale quarries.

²⁴ PDP provision 21.4.34.

68. I also note the presence of the two larger mineral extraction operations near the southern end of McKay Road²⁵. The Fulton Hogan quarry on the southern side of SH8A is undergoing a resource consent process in relation to a proposed expansion (RM260196). Both of these quarries are well hidden in terms of public views. Given the resource consent processes that any expansion is subject to, I again consider that expansions to existing commercial quarries is best described as having “some” capacity. Gravel extraction is a vital activity for a district’s infrastructure and construction industries, and it is an activity that only ever occurs in rural landscapes. In a productive, non-ONL rural landscape, it is not an uncommon activity. I consider that expansions can be separated from new quarries in terms of this landscape’s capacity to accommodate them.
69. I consider the schedule to be appropriate in that a “some capacity” rating is given to activities such as commercial recreation, visitor accommodation, intensive agriculture, farm buildings, and renewable energy generation. Based on the schedule’s description (relatively intensive farming with buildings, pivots and other agricultural trappings, flat planar topography with some considerably hidden areas), and on my discussion above of historic findings of the Environment Court, I consider that this is an area with a higher capacity to accommodate rural living development. I accept that rural living may (or may not) disrupt farming but I see that as an economic issue for landowners rather than a landscape issue. Again, I suggest that a spilt capacity rating is appropriate in terms of rural living activity; some capacity for the parts of this schedule area that are away from broad public views, and very limited capacity for the parts that are not.

21.23.14 Hawea Moraine

70. OS19 and parts of OS29 relate to this schedule area which takes in some of the terrace flats topography subject to intensive dairying (south of the line of Watkins Road and west of Loess Lane) and also the rolling, north-facing slopes of the terminal moraine landform.
71. Paragraph 10 of the schedule logically recognises intensive dairying on the flats at the southern part of this schedule area. This is also the location of the home paddocks area and quite expansive farm infrastructure base of the large Devon Dairy operation²⁶. I consider that this would appropriately be accounted for in the schedule, most usefully at paragraphs 10 and 23. In relation to this and other productively farmed parts of this schedule area, I echo my comments from paragraphs 51, 65 and 66 above; I see no merit in specifying “modestly scaled” in the farm buildings capacity rating.
72. With reference to my paragraphs 62, 64 and 69 above, there are parts of this schedule area that are also expansive flats with limited visibility (west of Watkins Road and west of Loess Lane). As per my rationale

²⁵ The Central Machine Hire Quarry (RM150294) and the Fulton Hogan Luggate Quarry (RM190888, RM060120, RM260196).

²⁶ I note that the relevant submission (OS29) was made by Devon Dairy Farms Ltd, who have been succeeded in this submission by Devon Dairy Holdings Ltd.

above, I consider there is “some” landscape capacity for rural living. I also note the schedules comment that the Rural Residential Zone (RRZ) adjacent to the northern part of the schedule area has straight, cadastral edges rather than edges formed by any landscape related line. Similarly to my comments in paragraph 43 above, I consider that there is capacity to potentially expand rural living activity in a way that creates a more appropriate, landscape-based edge that follows topographical lines (tentatively, such as an western expansion along the southern side of Newcastle Road, bounded by the escarpment slope to the south and west). Again, this indicates that a split capacity rating for rural living is appropriate.

21.23.15 Hawea Basin

- 73. OS20, OS21, OS35, and parts of OS29 relate to this schedule area which comprises the expansive flats between Lake Hawea in the north and the terminal moraine escarpment in the south. My points regarding the Hawea Flats that I set out in paragraphs 62 to 64 equally apply to this schedule area, as do my previous comments regarding urban expansions and the scale of farm buildings. If a schedule is included for this area, I make the following additional comments.
- 74. Paragraph 15 of this schedule takes account of the mineral extraction operation on the south side of Camp Hill Road and notes that it is screened from external view. As per my comments in paragraphs 67 and 68, mineral extraction is an important and not out-of-place activity in rural landscapes. Expansion of existing operations has more logic than entirely new operations. The particular operation that is recorded in the schedule has its effects well mitigated. I again consider that a split capacity rating would be most useful, with expansion of existing operations (and individual farm quarries) being given “some” capacity.
- 75. Echoing my comments from paragraph 69 above, I consider that the parts of these flats that are away from broad public view are best described as having “some” capacity for rural living, hence I suggest a split rating.

21.23.16 Crosshill

- 76. OS37 relates to this schedule area which takes in a series of river terraces, glacial outwash flats and elevated land that adjoins Mount Brown.
- 77. The schedule area is 5.2km² in area. While larger than the smallest of the proposed schedule areas (21.23.6 and 21.23.7), this is still a relatively small area and is almost all held by one landowner (Sunnyheights Ltd). With reference to my paragraphs 18 to 21, the schedules purport to provide high-level, generalised descriptions and capacities over large areas, with any single schedule often applying to a great many landholdings. In that sense, a schedule may be a useful broad-scale landscape planning tool. However, when the description and capacity ratings apply to essentially one landowner, they become

much more pointed and onerous. I consider that this is at odds with purpose that is given for the schedules in the preamble, and again I question the need or utility of a schedule of this sort.

78. If a schedule is to be included for this area, I make the following comments.
79. With reference to paragraph 22 of the schedule, regarding shared and recognised values, the term “breathing space” is perhaps applicable, the Crosshill area (in conjunction with other land) providing open space between Albert Town and Hawea. However, I consider that the term “hinterland” is too strong. It implies remoteness or a backcountry quality which does not comfortably describe the 21.23.6 area. I consider this term would best be excluded from paragraphs 22 and 34 of the schedule.
80. Paragraph 27 of the schedule describes views to and from the relevant area, and “*planar, open, working rural character of the terraces*” is noted. One of the characteristics of the terraced form of the Crosshill area is that there are a number of areas that are well hidden from view. I consider that this paragraph should be amended to take account of that and to note that it is the parts of the schedule area that are seen from public areas are the parts that contribute to the visual qualities that are described.
81. Regarding paragraph 41 and associative values, I consider that based on the commentary in paragraphs 16 to 23 of the schedule, this schedule area is not particularly highly rated in terms of associations over and above the district generally. I consider that “low-moderate” is a better description of associative values.
82. Given the description within this schedule generally, I consider that commercial recreation in the form that it is described in paragraph (i) under the heading of Landscape Capacity, is likely to be suitable within this area with minimal landscape effects. Given the resource consenting processes that would apply (and given the caveats in that paragraph of the schedule), I consider that capacity would better be described as “limited”.
83. Given my comments in paragraph 80 above, and noting the definitions of the capacity ratings set out in the preamble, I consider that within this schedule area, a split capacity rating for rural living activity is appropriate, leaving the “very limited” capacity as it is already described in the schedule but adding wording to the effect that a “limited” capacity rating is added in relation to a discreet cluster or clusters of rural living development where this activity can be located so as to be inconspicuous when experienced from public places and where a dominant rural landscape character can be maintained.

CONCLUSIONS

84. The concept of including landscape schedules that relate to Priority Areas in the PDP gives effect to Strategic Objectives and Policies. This is not the case in relation to non-Priority Areas. The Strategic

Objectives and Policies that require landscape character to be maintained, and visual amenity values to be maintained or enhanced will continue to apply, whether the currently proposed schedules are included or not. From a landscape planning perspective, I do not consider the schedules to be necessary.

85. The proposed schedule areas are generally considerably smaller in area than the Priority Areas, therefore the descriptions and the assignment of values and capacities becomes significantly more pointed and imposing on landowners. This is at odds with the nature of the schedules as they are described in the preamble, being purportedly high-level and non-site-specific. Given the small scale of some of the schedule areas, an assessment of the landscape sensitivity or capacity of areas of this sort would generally involve more detailed analysis involving site work and detailed data. That sort of analysis has not been done, nor would I expect it to be done in relation to a District Plan formulation or Variation process.
86. Expansions to urban areas or urban zones are generally managed via Spatial Planning and Plan Change processes. The proposed schedules are to sit in the Rural Zone Chapter of the PDP and are to primarily be used in relation to resource consent applications. I do not see that the inclusion of capacity ratings for urban expansions in the schedules is useful.
87. If the proposed schedules are to proceed, I recommend various amendments to their wording. A brief summary of my main points in this regard is:
 - Schedule 21.22.25 (Mata-au Clutha River) should include references to the modified and wilding covered area of escarpment within Lot 1 DP555863, the 310ha of pivot irrigated improved pasture on the true left bank, and the immediate proximity to Northlake/Hikuwai and Albert Town where zone/UGB and landscape category boundaries currently follow cadastral lines.
 - Schedule 21.23.6 (East of Wanaka Mount Aspiring Road) should recognise that this is a small area held by two landowners that is an isolated remnant of non-ONL Rural Zone that is not connected to any RCL and is hence best not categorised as RCL. Given that the schedule recognises that some parts of existing zone boundaries follow cadastral lines and do not have topographical logic, the capacity ratings should reflect that rural living activity is likely able to be accommodated, provided important landforms are maintained. Terms such as “greenbelt” or “parkland” should be avoided as descriptors.
 - Schedule 21.23.7 (Studholme Road) should also recognise that this is a small area in two landholdings that is isolated from any RCL and is best not categorised as such. It should be made clear that this area is distinct from the more prominent Alpha Fan. As with other schedules, if the capacity rating for farm buildings encourages the reinforcement of existing rural character, it need not refer to building size. As above, a capacity rating for urban expansions is not helpful

and a rating for rural living should be based on actual landscape capacity rather than a town planning motivation to avoid stymieing future urban growth, hence it should be a higher rating than currently given.

- Schedule 21.23.10 (Northern End of Criffel/Pisa Range Foothills) should exclude the Criffel Rural Industrial Sub Zone or make it clear that this as an area of specific zoning. The schedule should take account of existing but undeveloped building platforms and of the large areas of flat terrace topography that are not broadly visible and that have some capacity for rural living land use.
- Schedule 21.23.11 (East of Luggate) should clarify the capacity for mineral extraction such that there is more than very limited capacity in instances where views and the appreciation of the current level of naturalness can be maintained.
- Schedule 21.23.13 (Kane Road and Luggate Tarras Highway) and Schedule 21.23.15 (Hawea Basin) would usefully include references to previous Environment Court decisions that indicate this is a part of the district's rural landscape with more capacity to accommodate change than most and again is not necessarily suitably categorised as RCL. This should be reflected in the capacity for rural living, particularly in relation to the parts that are inconspicuous in public views. This area of landscape includes some of the district's most intensive agriculture including farm bases, large farm buildings, farm quarries and other farming infrastructure. This area also includes larger commercial quarries that have been configured such that effects are well mitigated. These issues should be made clearer in the schedule and be reflected in the capacity ratings.
- Schedule 21.23.14 (Hawea Moraine) should clarify that part of this area is intensively farmed flats that include significant farming infrastructure as described in the above paragraph. Additionally, parts of this area are less sensitive, inconspicuous areas of flat topography that have some capacity for rural living activity. The schedule should record this.
- Schedule 21.23.16 (Crosshill) should recognise that this area is almost entirely one landholding. As discussed, a landscape sensitivity/capacity assessment of one landholding would expectedly involve detailed, not high-level, analysis. This schedule area should not be referred to as "hinterland", and it is not particularly highly valued in an associative way. It is an area that could suitably accommodate commercial recreation, and the schedule should again recognise that the planar terraced topography includes areas that are not broadly seen and have capacity for rural living land uses.