

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

of proposed Private Plan Change 51
to the Queenstown Lakes District
Plan

**STATEMENT OF REBUTTAL EVIDENCE OF BEN ESPIE
(LANDSCAPE ARCHITECT) FOR PENINSULA BAY JOINT VENTURE**

Dated 26 August 2016

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INTRODUCTION

1. My name is Benjamin Espie. My qualifications and experience are set out in my statement of evidence dated 1st August 2016.
2. I have read the supplementary evidence of Dr Marion Read dated 9th August 2016 and wish to make the following comments that I consider may be helpful to the Commissioners.

DR READ'S DISCUSSION OF LANDSCAPE CATEGORISATION

3. Section 2 of Dr Read's supplementary evidence discusses landscape categorisation. She provides more commentary to support her finding regarding the location of the line which marks the southern extent of the outstanding natural landscape (the ONL line).
4. In her paragraph 2.55 and others, Dr Read comments that under the Operative District Plan (ODP), landscape categorisation does not only apply to Rural General Zoned land. I agree with this comment and note that Sections 4.2.4 and 4.2.5 of the ODP apply across all zones of the district. Parts of the district's ONLs are covered by various zonings such as the Quail Rise Zone, Jacks Point Zone and Rural Visitor Zone.
5. In her section 2.4, Dr Read discusses Variations 15 and 25. As she notes, I was involved in the assessment of both of those variations and was also a witness in the Environment Court when it heard the appeal on Variation 15. I confirm that I reviewed my previous assessments and evidence, and the evidence of Ms Lucas, when preparing my assessment report for PC51, and before preparing my evidence.
6. Regarding the Environment Court's hearing of Variation 15, Dr Read states that the only landscape witness that proposed a specific alignment for the ONL line was Ms Lucas (who was assisted in evidence preparation by Ms Anne Steven). That is not correct. In the evidence that I gave to the Court, I found that the line between the ONL that includes Lake Wanaka, and the VAL that takes in the agricultural land surrounding Wanaka, was at the top of the steep lakeside escarpment

that roughly corresponds with the northern boundary of the Peninsula Bay site. I showed my ONL line (at a broad scale) on Appendix 7 of my evidence to the Court, which I attach to this evidence as Attachment 1.

7. As Attachment 2 to this evidence, I reproduce paragraphs 4.6 to 4.17 of my evidence to the Court. This is my analysis of the landscapes in relation to the Pigeon Bay Factors. Ultimately, I concluded that the landscape that includes Lake Wanaka (and the steep lakeside escarpment) is an ONL while the more modified, farmed landscape that surrounds Wanaka is a VAL.
8. Therefore, Dr Read's statement that "*Ms Lucas was the only witness willing to identify a boundary of the ONL. Thus if the Court considered it necessary to determine a boundary, hers was it*" is not correct. The Court had my ONL line before it and Ms Lucas' ONL line. It had jurisdiction to accept either line or to accept part of one line and part of the other. Both ONL lines were supported by analysis in relation to the Pigeon Bay Factors.
9. In her paragraph 2.4.7, Dr Read discusses Variation 25 and notes that in the Commissioners' decision making process, the northern edge of the proposed Low Density Residential Zone (LDRZ) was moved to the south, away from the rounded ridgeline (i.e. away from the ONL line as found by C010/2005 Environment Court decision). She is correct, but as I explain in paragraph 7(iii) of my primary brief of evidence, this was not because any of the LDRZ was found to be within the ONL, it was because 7 or 8 metre high buildings within the proposed LDRZ would have been visible from the lake surface to the north.
10. Section 2.5 of Dr Read's supplementary evidence discusses her "Landscape Boundaries Project", for which she was engaged by the QLDC to map the District's landscape boundary lines. Dr Read's report to the QLDC for this project states (in respect of her determination of the location of landscape boundary lines) that her work;

*"is not a landscape assessment of the District from first principles. In determining the appropriate location of the landscape lines an underlying assumption has been made that, in a general sense, the ONLs and ONFs that have been previously identified have been identified appropriately"*¹,

and

*"the process has generally entailed a process of matching like with like. Most, but not all, of the lines to be determined have been partially drawn, or features have been identified in the text of the Plan. Thus an analysis of the characteristics of the landscape on either side of the already determined line or described feature provides the necessary information to extend those lines"*².

11. Dr Read goes on (in paragraph 2.5.7 of her supplementary evidence) to describe her ONL line as it passes from Albert Town to Beacon Point. Moving east to west, her line runs through the Northlake Special Zone land, through the Sticky Forest site, through the Peninsula Bay site, and on past the Penrith Park Zone. Despite her statement that *"an underlying assumption has been made that, in a general sense, the ONLs and ONFs that have been previously identified have been identified appropriately"*, Dr Read does not adopt the ONL line as determined by the Environment Court, she moves the line to the south so that practically all of the PC51 site falls within her ONL. She shows her ONL line graphically on Appendix 4 to her supplementary evidence.
12. I have not examined the Northlake Special Zone land. I note that the ONL line that passes through the Northlake Special Zone was

¹ *Report to the Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features*, Marion Read, 1st April, 2014, paragraph 2.1.

² *Ibid*, paragraph 2.1.2.

determined as part of the PC45 process with input from a number of landscape witnesses. Dr Read obviously supports this line and notes that it is "*located at the top of a hummocky ridgeline (similar in origins to that on the Peninsula Bay site)*". Locating the ONL line on top of a hummocky ridgeline is exactly what Dr Read argues against on the Peninsula Bay site. For current purposes, I will assume that the ONL line as it passes through the Northlake Special Zone is in an appropriate location.

13. Moving west from the Northlake Special Zone, Dr Read then describes her ONL line as it passes through the Sticky Forest site. The Sticky Forest site is entirely covered in a Douglas fir plantation. She chooses to follow an alignment for her ONL line that corresponds with the top of a broad, rounded ridge such that her line arrives at the eastern boundary of the Peninsula Bay site approximately half way between the northern and southern boundaries of that site (as can be seen on Appendix 4 to her supplementary evidence).
14. Having arrived at this point, Dr Read opines that there are therefore three options for the ONL line to cross the Peninsula Bay site east to west. She ultimately decides in favour of her line as shown on her Appendix 4.
15. The points of disagreement that I have with Dr Read's ONL line and the logic on which she bases it are:
 - As discussed above, Dr Read sets out that her "Landscape Boundaries Project" was based on accepting landscape lines that had already been determined, and then filling in the gaps. Despite this, she draws her ONL line as if she is bound by the Northlake Special Zone line and by her Sticky Forest line but not by the C10/2005 line, even though this is the only line that has been determined by the Court.

- At the time of the Court's hearing of Variation 15 (that lead to the C010/2005 decision) the Court had ample evidence before it to draw the ONL line wherever it thought best.
- Dr Read's main disagreement with the C010/2005 landscape line appears to relate to how an ONL line across the Peninsula Bay site might connect to the ONL on adjacent sites. The ONL line on adjacent sites (i.e. through the Sticky Forest site) has not been determined by any Council or Court decision. The only information that we have regarding the Sticky Forest site is an ONL line that Dr Read has drawn. Therefore, where an ONL line might be on the Sticky Forest site is unknown and of limited relevance to PC51. The only ONL line that has been examined in detail by the Court and determined by a decision is the C010/2005 ONL line.
- In the three options for the ONL line as it crosses the Peninsula Bay site that Dr Read sets out in her paragraph 2.5.7(vii), all her options accept her Sticky Forest line as being determined and immovable. This is not the case. There are a number of options that would connect the Northlake Special Zone ONL line to the C010/2005 ONL line in a way that is logical. Dr Read's Sticky Forest line follows the top of a rounded ridge (exactly what she argues against on the Peninsula Bay site). There are a number of rolling ridges that cross the Sticky Forest site that would provide an appropriate ONL line alignment that connect the Northlake Special Zone ONL line to the C010/2005 ONL line. Sticky Forest is covered in a uniform monoculture of Douglas fir forest. Due to the homogeneity of natural character across that site, one rounded ridgeline is as suitable as the next. On Attachment 3 to this evidence, I depict an ONL line across the Sticky Forest site that links the Northlake Special Zone ONL line to the C010/2005 ONL line. The line that I show follows a ridgeline such that it includes the northeast facing bowl of the

Sticky Forest site, as well as the northern pronounced knob within the Sticky Forest site, within the ONL.

16. In her paragraph 2.5.8, Dr Read comments that the "*location of the line was made without a full assessment being made of landscape quality in terms of the Pigeon Bay Factors*". She then goes on to provide a commentary relating to the Pigeon Bay Factors. While Dr Read's comment may be correct in relation to her proposed ONL line, it is not the case in relation to the ONL line that was determined by the C010/2005 Environment Court decision. At the time of the Court's hearing of Variation 15, my evidence provided a full discussion of the Pigeon Bay Factors and ultimately promoted the ONL line alignment at the top of the steep lakeside escarpment. Ms Lucas' evidence (in which she was assisted by Ms Steven) also included a full discussion of the Pigeon Bay Factors and promoted her favoured ONL line (being the line following the top of the rounded ridge that the Court ultimately found in favour of). Hence the Court had the benefit of considerable evidence regarding the Pigeon Bay Factors when it decided upon the location of the ONL line as it crosses the Peninsula Bay site.
17. I make the following comments regarding Dr Read's discussion of the Pigeon Bay Factors in her paragraph 2.5.8:
 - In relation to geology and geomorphology, Dr Read finds that the glacial moraine formations of the north end of the Peninsula Bay site and the "Sticky Forest Ridgeline (her ONL line as it passes through the Sticky Forest site) are substantially unmodified and natural. This is true but it is also true of all of the Sticky Forest site; it is not a reason to locate the ONL line where she has.
 - Dr Read states that the Sticky Forest Ridgeline is a "*high steeply sided ridge*". This is roughly correct (although it is a very rounded and imprecise ridge) but this ridge is no more natural than a number of other ridgelines that cross the Sticky

Forest site. As I mention above, given the homogeneity of exotic vegetation cover across the Sticky Forest site, other ridgelines could logically be followed by the ONL line in a way that appropriately links the Northlake Special Zone ONL line to the C010/2005 ONL line, as I demonstrate on my Attachment 3.

- Dr Read finds that *"most of the older moraine ridge is significantly modified by the Douglas fir forest which has been planted on it. The more northern end of it retains areas of kanuka where it has been too steep to easily plant conifers"* and *"while the naturalness of the Sticky Forest ridge is compromised to a degree by the conifer plantation, its lower western margins and northern slopes are more natural in character, particularly where kanuka occurs"* and *"while the naturalness of the higher moraine ridge is compromised to a degree, its lower slopes and the northern ridgeline have high natural character and high memorability. The latter, in particular, has high aesthetic value"*. I agree and therefore cannot see why Dr Read draws her ONL line so far south into the Sticky Forest site. Drawing the line further to the north would allow it to marry up with the ONL line across the Peninsula Bay site that has been determined by the Court and would include the most natural and prominent part of the Sticky Forest site within the ONL.
- Dr Read finds that *"both moraine ridges are highly expressive of their underlying formative processes"*. I consider that this is an overstatement. For an observer that is not trained in geomorphology, I consider that the formative processes that created the Sticky Forest landform would not be readily legible or apparent. The steep lakeside escarpments would perhaps be recognisable to a lay observer as being the result of glacial shaping but I do not consider that this can be said for the exotic forest covered land of Sticky Forest.

- I generally agree with Dr Read's statement that the Sticky Forest area is "*a very popular recreational area and the hope that it would one day become public open space has been expressed many times over many years*". This demonstrates the value that the community places on the recreational attributes of the Sticky Forest area (and this is reflected by public submissions) but recreational value does not contribute to an area being categorised as an ONL.
- Dr Read finds that consideration of the Pigeon Bay Factors "*clearly confirms that the northern ridgeline and the northern part of the eastern OSZ are appropriately assessed as ONL*". I disagree and note that her own comments show that the northernmost part of the Sticky Forest site has considerably more natural character than most of that site and hence the ONL line as it crosses Sticky Forest could be drawn in a more northerly position so that it connects logically with the C010/2005 line that crosses the Peninsula Bay site. Furthermore, Ms Lucas' (with the assistance of Ms Steven) undertook an analysis in relation to the Pigeon Bay Factors at the time of the Variation 15 Court proceedings and found the ONL line to be in the location that was ultimately favoured by the Court.

18. For all of the reasons above, and those set out in my evidence dated 1st August 2016, I consider that the ONL line that was determined by the Court is correct. To the north of this line, one has the experience of being within a vast, open, highly memorable and highly natural landscape that includes Lake Wanaka and majestic mountain slopes. To the south of this line one has the experience of being within a pleasant and attractive landscape but one that is dominated by human modification and occupation. Dr Read does not recognise this human modification and occupation in her assessment at all, let alone the extent to which this has increased

since she undertook her landscape project for the Council in 2011-2014.

MS STEVEN'S EVIDENCE FOR FOREST AND BIRD

19. Ms Steven presented evidence in relation to landscape categorisation and the position of the ONL line. I wish to make some brief comments that may assist the Commissioners in relation to that evidence.
20. Ms Steven notes that she assisted Ms Lucas in preparing landscape evidence that was presented to the Court at the time of the Variation 15 proceedings. That evidence examined the relevant landscape(s) (including analysing them in relation to the Pigeon Bay Factors) and promoted the ONL line that follows the crest of the rounded moraine ridge at the north end of the Peninsula Bay site. This line found favour with the Court and was confirmed as the ONL line by the C010/2005 decision. Ms Steven's evidence does not explain why she no longer supports this line.
21. Ms Steven includes two photographs (her Photos 5 and 6) of the Peninsula Bay site as it was at the time of Variation 15. She notes that the south facing slopes of the rounded ridgeline and the adjacent paddock land were considered to be part of a VAL. Her photographs show that, at that time, the non-ONL land was much more natural, open and unmodified than it is today. Despite this, she concludes that this land should now be correctly considered to be part of the ONL, even though its values and characteristics have reduced since the time it was identified as being part of a VAL.
22. Ms Steven's Photograph 2 is taken from part of Scurr Heights Track to the east of Forest Heights/Edgewood Place. Ms Jones refers to views from this track in her supplementary evidence (at paragraph 4.2(f)). In views from this track, the south facing slopes of the Peninsula Bay rounded ridgeline can be seen (as is illustrated by Ms Steven's Photograph 2). Under the existing zoning, a line of

dwellings will appear along the lower edge of this south facing slope, being the dwellings on the northern side of Infinity Drive. Under PC51, an additional single line of dwellings will appear behind these. This additional single line of dwellings will be more elevated (in terms of floor level) by approximately 2 to 3 metres in comparison to the buildings anticipated by the existing zoning. I agree that these additional dwellings (generally on Lots 7 to 19) will have some effect on views from the Scurr Heights Track. The rounded ridgeline that acts as a foreground to the more distant slopes of The Peninsula will become more modified and less natural than it is currently. However, I consider that this change will not significantly alter the primary composition of these views because:

- The rounded ridgeline that currently forms the foreground to The Peninsula will become partially obscured by buildings whether PC51 proceeds or not;
- The additional buildings that will be enabled by PC51 will not entirely obscure the rounded ridgeline; it will continue to read as a foreground ridge to The Peninsula, albeit that it will be more modified;
- Views from this track overlook the entire suburb of Peninsula Bay. While this suburb is the foreground, the backdrop consists of Lake Wanaka and distant mountain slopes and peaks. Given that the entire suburb is visible, the addition of a small number of new dwellings will be difficult to notice;
- By far the most prominent, dramatic and memorable aspect of view from the Scurr Heights Track is the vast lake surface and majestic surrounding mountains. In terms of the composition of views, the PC51 area is of minor significance;
- Overall, I consider that the visual amenity that is enjoyed from this track will remain very high.

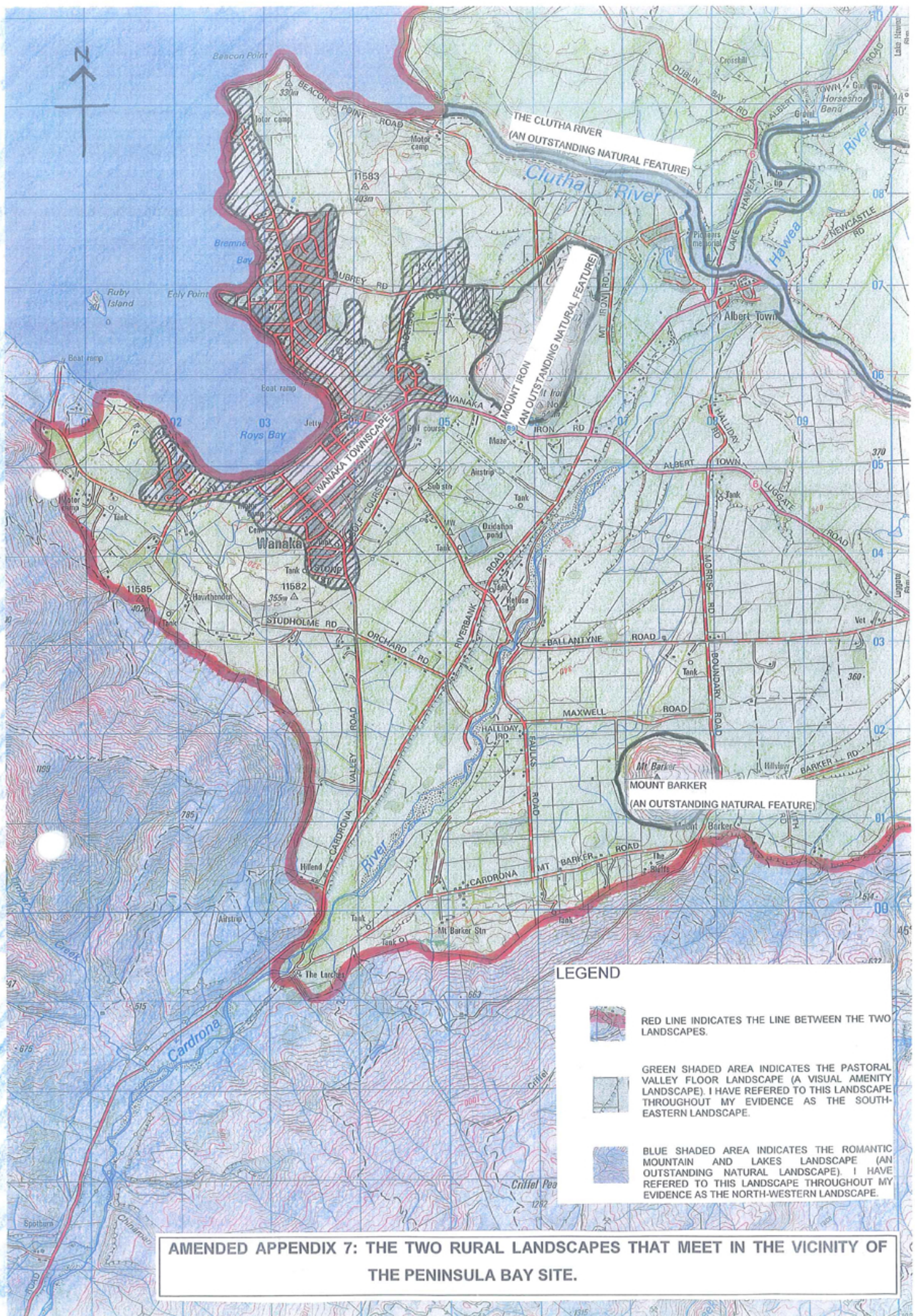
CONCLUSION

23. I disagree with Dr Read's ONL line as it crosses the Peninsula Bay site. I consider that she has been unreasonably bound by a line that she has drawn across the Sticky Forest site (which I disagree with in any event). I agree with and rely on the ONL line as determined by Environment Court decision C010/2005.

Ben Espie (Landscape Architect)

vivian+espie

26 August 2016



involved. This map shows that the relatively flat, but rolling, farmland that runs from Waterfall Creek round the toe of the mountains to Mount Barker is a part of a visual amenity landscape. The exact position of the line that separates the outstanding natural landscape of the Criffel range from the visual amenity landscape of the floor of the upper Clutha basin has not been determined but all parties involved in the reference regarding this line have agreed that the line is somewhere in the general vicinity shown. Similarly, all parties have agreed that Mount Barker is an outstanding natural feature. In the rural area to the immediate northwest of Albert Town, Environment Court decision C185/2003 determined that the land is part of a visual amenity landscape and that the Clutha River is an outstanding natural feature⁶.

4.6 I believe that two landscapes meet in the vicinity of the Peninsula Bay site. These are shown in Appendix 7 of this evidence. The south-eastern landscape (which includes the Peninsula Bay site) is a rolling agricultural type of landscape that demonstrates the following characteristics:

- Geology is almost exclusively deposited material in the form of tills and gravels. Topography and ecology are reflective of this but also include many aspects of human modification in the form of clutter of structures, roads and very extensive exotic ecology in the form of pasture grasses and introduced tree planting.
- Aesthetic values are consistent with a farmed valley floor. The observers experience in this landscape is of being in a relatively open rurally populated landscape surrounded by distant mountain peaks. The immediate surroundings appear more modified and domesticated than the natural backdrop.
- Formative processes are legible to a moderate extent. They are partially obscured by the trappings of human modification.
- Transient values are visible in the mountain backdrop to this landscape in the form of variable light and weather conditions, and in the seasonal change in agricultural activity and deciduous vegetation.
- I believe it is generally shared and recognised by observers that this landscape has traditionally been used for agriculture.

4.7 The north-western landscape shown on Appendix 7 is a more remote and dramatic landscape that demonstrates the following characteristics:

⁶ Environment Court Decision C185/2003, D Crawford and S Schikker vs. Q.L.D.C, paragraphs 19 and 44.

- Geology is largely upthrust schist bedrock that has been weathered by glaciation. Topography is generally steep and ecology generally unkempt and natural or naturalised.
- Aesthetics are those associated with a romantic mountainous landscape. The foreground of views is often a vast area of lake surface with majestic mountain peaks rising from it, made hazy by atmospheric perspective. The observer's experience in this landscape is of a relatively remote landscape with less human clutter in the form of buildings, roads and noise.
- The formative processes of weathering by the actions of ice and water and transient values in the form of changeable light on variable topography and seasonal weather changes are often visible at an immediate distance.
- I believe it is generally shared and recognised that this is a natural and 'wild' landscape in which past action and land use by humans has made little impact.

4.8 The above descriptions of the two landscapes that I have identified are generalisations. There are pockets within each landscape that share characteristics of the other. The necessity to classify landscapes for resource management purposes requires us to draw a line where one landscape stops and another begins. Such a line is to some extent arbitrary, as discussed previously. I have drawn a line between two landscapes at the northern boundary of the Peninsula Bay site because this represents a separation point between the two sets of landscape characteristics described above.

4.9 On the Peninsula Bay site an observer feels separation from the dramatic landscape to the north, feels separation from the nearby townscape, but feels that the characteristics of the site are in common with those of the landscape that continues to the east and southeast.

4.10 An observer on the lake surface or in an area such as The Peninsula or Roy's Peninsula feels separation from the Wanaka townscape and from the more managed agricultural lands that occupy the rolling floor of the upper Clutha basin.

4.11 Having established the extent of the landscapes that involve the subject area we can now categorise them. I have done this by considering the analysis of the site and its context and by considering the broad description of the three landscape categories contained in part 4.2.4 of the Proposed District Plan.⁷

4.12 Part 4.2.4 of the proposed District Plan describes outstanding natural landscapes as:

⁷ Queenstown Lakes District Proposed District Plan, Section 4.2.4, page 4/8.

"The outstanding natural landscapes are the romantic landscapes – the mountains and the lakes – landscapes to which Section 6 of the Act applies."⁸

4.13 I consider the north-western landscape identified in Appendix 7 to be an outstanding natural landscape for the following reasons:

- It is natural in that the landform and relief legibly demonstrate their formative processes. When read as a whole this landscape is uncluttered by structures and obvious human influence. The ecology is generally natural or naturalised and contains significant areas of native vegetation particularly at higher altitudes. It contains the vast surface of a natural lake.
- It is outstanding on a district wide and national basis due to the memorability and romantic nature of the landscape. These qualities result from natural and dramatic aesthetics that include high rugged ice carved mountain peaks and distinctive glacial formations combined with long views across the surface of Lake Wanaka.

4.14 Part 4.2.4 of the Proposed District Plan describes visual amenity landscapes as:

"The visual amenity landscapes are the landscapes to which particular regard is to be had under Section 7 of the Act. They are landscapes which wear a cloak of human activity much more obviously – 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. The extra quality that these landscapes possess which bring them into the category of "visual amenity landscape" is their prominence because they are:

- *adjacent to outstanding natural features or landscapes; or*
- *on ridges or hills; or*
- *adjacent to important scenic roads; or*
- *a combination of the above."⁹*

4.15 I consider the south-eastern landscape identified in Appendix 7 to be a visual amenity landscape for the following reasons:

- It is not outstanding on a district wide or national basis. It demonstrates aesthetics consistent with a managed rural landscape that are not particularly remarkable or eminent in the context of the nation's or district's rural environment.

⁸ Ibid.

⁹ Ibid.

- It is not particularly natural in that many aspects of its appearance have been brought about by the deliberate actions of humans. The landscape is cluttered by elements of human influence in the form of shelter, forestry and amenity planting, roads, structures and the trappings of agriculture. Vegetation is largely introduced and has the appearance of ongoing human influence.
- It is prominent in that it is immediately adjacent to an outstanding natural landscape and contains variable topography including prominent slopes and hills.

4.16 I have considered whether or not the Peninsula Bay site contains any outstanding natural features. The site certainly contains some natural features, including some outcrops of schist, some natural stands of kanuka and topographic features formed by glacial moraine deposition. I do not believe that any of these features are outstanding on a national or district-wide level, indeed, similar natural features can be found throughout most of the rural land of the district. They are not eminent or memorable in the way that Mount Barker, Mount Iron or the Clutha River are, which I consider to be outstanding natural features.

4.17 In summary, I find that the Peninsula Bay site is part of a visual amenity landscape and does not contain any outstanding natural features. It is immediately adjacent to Wanaka townscape and an outstanding natural landscape. I note that this position is the same as the position that was circulated by the Upper Clutha Environmental Society Incorporated in June 2001, which is shown on a map prepared by Di Lucas that I have attached to this evidence as Appendix 8. I understand that this position is also the same as that of the Infinity Group.

5. EFFECTS OF THE PROPOSED REZONING ON THE LANDSCAPE

5.1 The variation proposed by the Council is to change the zoning of the Peninsula Bay site from Rural General Zone to Peninsula Bay Zone. This would allow residential development of the site in accordance with a structure plan and an associated suite of objectives, policies, rules and assessment criteria. The structure plan consists of five activity areas:

- Activity Area 1 is to generally provide for low density residential use, similar to that in the Low Density Residential Zone to the south.
- Activity Area 2 is to generally provide for a very low density residential use, similar to that in the Rural Residential Zone to the west.
- Activity Area 3 is to generally provide for high density residential use.



ONL line as per C010/2005
Environment Court decision.

Top of the pronounced knob
in the Sticky Forest site.

ONL line as per PC45
(North Lake Special Zone).

An example of a logical ONL Line alignment through the Sticky Forest site that would connect the PC45 line and the C010/2005 Lines.

Moving east to west, this dashed line follows a high rounded ridge crest that runs in a curve round towards the north. The dashed line then follows a saddle to the north-west to meet the C010/2005 line and retains the pronounced knob of the Sticky Forest site within the ONL. This knob is the start point for a number of mountainbike tracks including Starfish, Tunnel of Love, Sick Boy and Woohoo.