

Before Queenstown Lakes District Council

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In the matter of            The Resource Management Act 1991

And                            The Queenstown Lakes District proposed District Plan Topic  
12 Upper Clutha Mapping

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**STATEMENT OF EVIDENCE OF BEN ESPIE FOR**

Sunnyheights Limited (previous submitter Crosshill Farms Limited (#531))

Dated 4<sup>th</sup> of April 2017

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**Solicitors:**

Maree Baker-Galloway | Rosie Hill  
Anderson Lloyd  
Level 2, 13 Camp Street, Queenstown 9300  
PO Box 201, Queenstown 9348  
DX Box ZP95010 Queenstown  
p + 64 3 450 0700 | f + 64 3 450 0799  
maree.baker-galloway@al.nz | rosie.hill@al.nz

**anderson  
lloyd.**

## Qualifications and Experience

- 1 My name is Benjamin Espie. I reside in Queenstown. 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 Southern Branch of the New Zealand Institute of Landscape Architects and was the Chairman of that branch 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 protection 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. The primary objective of these assessments and evidence is to ascertain the effects of proposed development in relation to landscape character 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 private clients. I have compiled many assessment reports and briefs of Environment Court 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. I have provided Environment Court evidence in relation to the landscape categorisation of various parts of the Upper Clutha Basin, in relation to a number of proposed plan changes in the area and in relation to many resource consent applications.
- 4 I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note of November 2014 and agree to comply with it. This evidence is within my area of expertise, except where I state that I am relying on information I have been given by another person. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed herein.
- 5 In preparing this evidence I have reviewed:
  - Environment Court Decision C114/2007, Upper Clutha Environmental Society Incorporated vs. Q.L.D.C.

- A report regarding the landscape categorisation of the Upper Clutha area prepared by Dr Marion Read dated the 1<sup>st</sup> of April 2014<sup>1</sup> (**Dr Read's original report**);
- A peer review of Dr Read's original report prepared by Anne Steven dated June 2014<sup>2</sup> (**Ms Steven's peer review**);
- A report prepared by Dr Read that responds to Ms Steven's per review dated the 16<sup>th</sup> of October 2014<sup>3</sup> (**Dr Read's response report**);
- A statement of evidence prepared by Helen Mellsop dated 17 March 2017.

### **Scope of Evidence**

6 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 submission 531 on the Proposed District Plan. I have been asked by Sunnyheights Limited to prepare evidence in relation to the appropriate landscape categorisation of Crosshill Farm, a landholding in Dublin Bay.

### **Executive Summary**

7 There is considerable agreement between myself and Ms Mellsop regarding landscape categorisation in the vicinity of Crosshill Farm. An area of terrace and escarpment landform in the south-east corner of the relevant landholding remains in contention. Ms Mellsop identifies this area as being part of a Clutha and Hawea River confluence landscape that she categorises as an outstanding natural landscape (**ONL**). I disagree and consider that this area is more appropriately categorised as part of the broad surrounding landscape which, while pleasant and of a rural character, is not particularly natural or outstanding.

### **The notified Proposed District Plan**

8 Crosshill Farm is a property of approximately 340 hectares roughly bounded by State Highway 6 (**SH6**) to the east, Dublin Bay Road to the north, Lake Wanaka to the west and the Clutha River to the south. The property is described in more detail in Submission 531. In relation to this submission, I have been asked to examine and comment on the landscape categorisation of the relevant landholding and specifically, the alignment of the boundary between the ONL and the non-ONL (**the ONL line**).

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<sup>1</sup> Marion Read, "Report to QLDC on appropriate landscape classification boundaries within the district, with particular reference to outstanding natural landscapes and features", dated 1<sup>st</sup> of April 2014.

<sup>2</sup> Anne Steven, "Peer review of landscape assessment; outstanding natural landscape of the Upper Clutha part of the Queenstown Lakes District", dated June 2014.

<sup>3</sup> Marion Read, "Report to QLDC on appropriate landscape classification boundaries within the district, with particular reference to outstanding natural landscapes and features: post review amendments", dated 16<sup>th</sup> of October 2014.

- 9 The Environment Court proceedings that led to decision C114/2007<sup>4</sup> examined the landscape categorisation of Crosshill Farm and involved evidence on this matter from four landscape experts. The four landscape experts agreed on the alignment of the ONL line except in two specific locations. In relation to these two locations the Court made its decision based on the evidence of the experts and the ONL line that the Court found in favour of was incorporated into the ODP. The ODP ONL line is shown on Appendix 1 to this evidence.
- 10 In her original report Dr Read endorses the ODP ONL line<sup>5</sup>. In her peer review, Ms Steven suggests that the ODP ONL line is incorrect and she proposes a different ONL line that includes some areas of remnant native vegetation within the ONL and she also includes an area of terraces and escarpments between the eastern end of Dublin Bay Road and the Albert Town Bridge<sup>6</sup>. Ms Steven's suggested ONL line is shown on Appendix 2 of this evidence. In her response report, Dr Read rejects Ms Steven's suggestion regarding the remnant vegetation areas but accepts that the western terrace and escarpment area should be included within the ONL<sup>7</sup>.
- 11 In the notified PDP Ms Steven's landscape categorisation is adopted in the relation to the relevant area<sup>8</sup>. Additionally, the PDP includes a Significant Natural Area (**E39A**) in part of the relevant area. E39A can be seen on Appendix 2 of this evidence and the PDP describes it as a "short tussock grassland and cushion field"<sup>9</sup>.
- 12 Regarding landscape categorisation, the ODP sets out a process in Section 5.4.2.1 for the determination of landscape category. The text of the PDP contains no such process since the intention is that the planning maps will specify landscape categories. The ODP process involves analysis of the landscape in relation to a list of factors that are known as the "amended Pigeon Bay criteria", which were derived from landscape evidence given to the Environment Court over a number of cases in the early to mid 1990s.
- 13 In the landscape planning profession, a number of structures or frameworks for landscape analysis have been put forward by various practitioners and academics, and often there is a high degree of similarity between them. The amended Pigeon Bay criteria is one such framework. A revised and updated version of that framework was set out in the Environment Court decision regarding *Maniototo*

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<sup>4</sup> Environment Court Decision C114/2007, *Upper Clutha Environmental Society Incorporated vs. Q.L.D.C.*

<sup>5</sup> Marion Read, "Report to QLDC on appropriate landscape classification boundaries within the district, with particular reference to outstanding natural landscapes and features", dated 1<sup>st</sup> of April 2014, Figure 27.

<sup>6</sup> Anne Steven, "Peer review of landscape assessment; outstanding natural landscape of the Upper Clutha part of the Queenstown Lakes District", dated June 2014, pages 14 and 15 and appendices.

<sup>7</sup> Marion Read, "Report to QLDC on appropriate landscape classification boundaries within the district, with particular reference to outstanding natural landscapes and features: post review amendments", dated 16<sup>th</sup> of October 2014, paragraphs 3.23 and 3.24.

<sup>8</sup> Proposed District Plan Map 18.

<sup>9</sup> Notified Proposed District Plan, Section 33.8.1.

*Environmental Society Inc. v Central Otago District Council*<sup>10</sup> and some further discussion and suggested refinements were set out in subsequent decisions<sup>11</sup>. I have taken guidance from those frameworks (particularly the revised and updated one) and have also taken guidance from a well-used framework set out in the work of Carys Swanwick<sup>12</sup>, and from the work of the United Kingdom's Landscape Institute and Institute of Environmental Management and Assessment<sup>13</sup>. All of these frameworks for analysis take account of all of the aspects of landscape that are listed in the description of the process that is found in Section 5.4.2.1 of the ODP.

- 14 I have examined and am familiar with the Objectives and Policies of the ODP and PDP that relate to landscape categories<sup>14</sup>. In relation to ONLs, the ODP and PDP both intend that “*subdivision and development is inappropriate in almost all locations, meaning that successful applications will, on balance, be exceptional cases*”<sup>15</sup>. The PDP seeks to “*avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is little capacity to absorb change*”<sup>16</sup>.

#### **Ms Mellsop's Report and points of disagreement**

- 15 On behalf of the QLDC, Ms Mellsop has examined the landscape categorisation of the relevant area to assist in the preparation of the Section 42a report (prepared by Mr Craig Barr). Ms Mellsop also endorses the ODP ONL line (which is the line decided upon by the Environment Court, supported by Dr Read's original report and by Mr Barr's Section 42a report)<sup>17</sup>. I also support this ONL line; it represents the most logical and correct delineation between the ONL and the non-ONL and it is the result of the Environment Court's consideration of extensive expert landscape evidence. The land that is part of the Lake Wanaka landscape (i.e. the topographically lower, basin-like part of Dublin Bay) is included in the ONL; the immediate steep banks of the Clutha River are included in the Clutha River ONF; while the higher, rolling and terraced pastoral land which makes up much of the Crosshill Farm property is outside of the ONL/F and is part of the broad, farming landscape that takes up most of the floor of the Upper Clutha Basin.
- 16 Ms Mellsop finds that the meltwater channel and associated terraces that run in the area south of Dublin Bay Road are not part of the ONL/F. She finds that the

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<sup>10</sup> Environment Court decision C103/09, 28 October 2009, paragraphs 201 to 203.

<sup>11</sup> Environment Court decisions [2010]NZEnvC432, Upper Clutha Tracks Trust vs. Q.L.D.C., and [2011]NZEnvC387, High Country Rosehip Orchards Ltd vs. M.D.C.

<sup>12</sup> Swanwick, Carys. “*Landscape Character Assessment – Guidance for England and Scotland*”. The Countryside Agency and Scottish National Heritage. 2002.

<sup>13</sup> The Landscape Institute and the Institute of Environmental Management and Assessment. “*Guidelines for Landscape and Visual Impact Assessment*”. Spon Press. London and New York, 2002. Chapter 6.

<sup>14</sup> Queenstown Lakes Operative District Plan, Objective 4.2.5 and associated Policies, particularly Policies 2 – 5; and Queenstown Lakes Proposed District Plan (notified version), Objectives 6.3.1, 6.3.3, 6.3.4 and 6.3.5.

<sup>15</sup> Queenstown Lakes Proposed District Plan (notified version), Policy 6.3.1.3; and Queenstown Lakes Operative District Plan, Section 1.5.3(iii)(iii).

<sup>16</sup> Queenstown Lakes Proposed District Plan (notified version), Policy 6.3.4.1.

<sup>17</sup> Statement of evidence of Helen Juliet Mellsop, dated 17 March 2017, paragraphs 8.56 to 8.61.

most appropriate method for protecting the identified area of high ecological values is by identifying a Significant Natural Area, as the PDP does. I agree with Ms Mellisop's landscape categorisation, as discussed above.

17 With reference to my paragraph 14, I consider that the important qualities of the Lake Wanaka landscape are:

- its vastness and openness;
- its unmodified character when assessed as a whole, i.e. considerably intact natural biophysical / ecosystem patterns and processes, geomorphological processes (part of an unmodified system that includes glacial feeding of the lake and the Clutha River), its uncontrolled lake level and the fact that the vast majority of its margins are unoccupied and relatively unmodified;
- its dramatic and sublime aesthetic characteristics, particularly very long views across its surface to surrounding mountain ranges;
- its legibility as a naturally formed lake, being immediately recognisable as such; and
- constantly changing and dramatic transient values (largely aesthetic) associated with the seasons, changing light throughout the day, atmospheric and climatic conditions.

18 I consider that the important qualities of the feature of the Clutha River (or at least the relevant part of it) are:

- its distinct definition and containment by its legible bank escarpments;
- its unmodified and dynamic geomorphology in which ongoing formative processes (alluvial erosion and deposition) are legible;
- significant areas of unmodified vegetation;
- legible and remarkable geomorphological characteristics such as horseshoe bends;
- The unmodified and uncontrolled draining from Lake Wanaka;

- The remarkable and memorable aesthetics that come from a large, sinuous, fast-moving river set within a rugged gorge.

19 In relation to decision 114/2007, the Environment Court's consideration of landscape lines did not extend further south than the point indicated on Appendix 1. To the south and east of this point is an area of stepped terrace land that lies between the eastern end of Dublin Bay Road and the Albert Town Campground. Ms Mellsop opines that the southern part of this terrace land is part of the "*legible Clutha/Hawea confluence fluvial landscape*"<sup>18</sup>, which she categorises as an ONL. I consider that this area is outside the ONL and is part of the rolling and terraced pastoral landscape that takes in much of Crosshill Farm and that continues to the north and east taking in the floor of the Upper Clutha Basin.

20 The relevant area of terrace landform can be seen in the photographs that form Appendix 5 to this evidence. Effectively, Ms Mellsop's area of ONL takes in the lower terrace that accommodates the camp ground, a middle terrace and an upper terrace. Her ONL line runs along the upper edge of a distinct escarpment that is the northern edge of the upper terrace. She includes this area in a broad river corridor ONL that can be seen on her Figures 8 and 9.

21 My assessment regarding the alignment of the relevant area of ONL line is shown on Appendix 4 of this evidence. In short, I agree with the sentiments of Ms Steven's peer review, that the Hawea River corridor is not sufficiently natural or outstanding to qualify as an ONF<sup>19</sup>. This river corridor is simply part of the surrounding landscape, which (as Ms Steven points out) is, while rural and pleasant, not particularly natural or outstanding. Dr Read's response report also agrees with this point<sup>20</sup>. I do not agree with Ms Mellsop's evidence that the relevant area of terrace landform (defined above) should be categorised as part of a "confluence landscape" area of ONL that protrudes from the Clutha River corridor to the north, as is shown on Ms Mellsop's Figure 8.

22 I consider that if there is to be any ONL/F protrusion to the north from the Clutha River corridor in the vicinity of the confluence with the Hawea River, it should only take in the distinct and river corridor itself that immediately surrounds the confluence of the rivers (as is shown on my Appendix 4). This land is:

- genuinely part of the feature of the river itself;

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<sup>18</sup> Ibid, paragraph 8.61.

<sup>19</sup> Anne Steven, "Peer review of landscape assessment; outstanding natural landscape of the Upper Clutha part of the Queenstown Lakes District", dated June 2014, page 16.

<sup>20</sup> Marion Read, "*Report to QLDC on appropriate landscape classification boundaries within the district, with particular reference to outstanding natural landscapes and features: post review amendments*", dated 16<sup>th</sup> of October 2014, paragraph 3.31.

- distinct from the surrounding landscape (which is a pleasant, rural, farming landscape but not one that is particularly natural or outstanding);
- natural in terms of landform (as almost all landscapes are) but is also particularly natural in terms of vegetation, featuring dense and intact native remnant vegetation cover;
- is largely in DOC ownership and therefore has not been modified by many decades of farming use in the way that the surrounding landscape has;
- is dramatic in terms of its aesthetics; a curving sinuous section of river running through an incised, naturally vegetated gorge.

23 With reference to the photographs of Appendix 5, and also to Appendices 3 and 4, I consider that the terrace area included in the ONL by Ms Mellsop is not part of an ONL/F and is more correctly considered as part of the surrounding landscape because:

- it is not part of the feature of the Clutha River corridor (which is agreed by all to be an ONF);
- it is not distinct from the farmed land that runs away to the north and west. Its management, appearance and vegetative cover is identical to that farmed landscape;
- it is no more natural than all of the farmed land that runs away to the north or than the floor of the Upper Clutha Basin in general. While the escarpments are legible as being naturally formed, every part of the Upper Clutha Basin has been formed by natural processes (generally glacial followed by alluvial) and legible landforms of this sort are not uncommon or outstanding;
- The vegetative cover and use of the land is entirely the product of many decades of human use. It has been intensively farmed in the past as paddock land. It is now less used and features considerable exotic weed species. It also accommodates obvious human occupation and activity in the form of the Albert Town Camp Ground and (on the opposite side of SH6) the old Albert Town landfill and gravel pit, as well as the Wanaka Rodeo Club.

- In terms of aesthetics and landscape merit, it is not elevated above the landscape of the floor of the Upper Clutha Basin generally; it is part of the broader farmed landscape.
- It does not display any of the characteristics of the Lake Wanaka ONL or the Clutha River ONF that I set out in my paragraphs 17 and 18.

- 24 In short, I consider that Ms Mellsop has cast her net too widely. I consider that the Clutha River is an ONF, as can be seen on my Appendix 4, this Clutha River ONF (in my opinion) also takes in an area at the confluence with the Hawea River. However, if the Clutha River is to be defined as a feature, the boundaries must be the river corridor itself, not some wide, broad area. I consider that Ms Mellsop's broad "confluence landscape" ONL that she shows on her Figure 8 is too wide and broad to be a feature and does not distinctly define and contain the Clutha River. As well as not being a feature, it is not a landscape in its own right; it is not separate, distinct or different from the landscape that surrounds it. Additionally, it takes in land that is very significantly modified, such as the areas of the Albert Town Camp Ground, the old Albert Town landfill, gravel pit, Rodeo Club and cultivated, pivot irrigated land on the western side of the Hawea River. I consider it much more logical to categorise this land as being part of the surrounding landscape, rather than being part of a river corridor feature or "confluence landscape".
- 25 Consequently, in my assessment, the south-eastern terrace area within the Crosshill landholding should not be categorised as being within an ONL.

### **Conclusion**

- 26 I consider that the landscape in the vicinity of the relevant landholding is best categorised as I show on my Appendix 4.

**4<sup>th</sup> April 2017**

**Ben Espie**