

Before Queenstown Lakes District Council

In the matter of The Resource Management Act 1991

And The Queenstown Lakes District proposed District Plan Topic 13
Queenstown Mapping

EVIDENCE OF JAMES ARTHUR BENTLEY LANDSCAPE ARCHITECT FOR

Universal Developments (177), Peter and Margaret Arnott (399), Hansen Family Partnership (751), FII Holdings Limited (847) and The Jandel Trust (717)

Dated 09 June 2017

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1.0 QUALIFICATIONS AND EXPERTISE

- 1.1 My name is JAMES ARTHUR BENTLEY I am a Principal Landscape Architect at Boffa Miskell Limited, a national firm of consulting planners, ecologists and landscape architects. I am a registered member (NZ, 2010) of the New Zealand Institute of Landscape Architects (NZILA) as well as an elected chartered member (London, 2002) of the British Landscape Institute (CMLI). I hold a post-graduate diploma (2000) in Landscape Architecture as well as a Bachelor of Arts with Honours Degree in Landscape Architecture (1998) from the Cheltenham and Gloucester College of Higher Education (now the University of Gloucestershire) in the UK. I am also a member of the Resource Management Law Association (RMLA).
- 1.2 I have worked on a wide variety of often complex projects throughout the country and within the UK where landscape issues have been at the forefront of the project. Many of the projects I have been involved in have been within sensitive landscapes, where RMA Section 6a and Section 6b matters have been debated.
- 1.3 I was involved with the six-lot resource consent application proposed by the Hansen Family Partnership in 2016¹ and presented landscape evidence at the hearing held on 30 November 2016 to Commissioners A. Henderson and D. Clarke. The decision that followed, dated 3 March 2017 approved the six lot subdivision. I will make comment on the findings of the decision in relation to the ONL in my evidence below.

2.0 CODE OF CONDUCT

- 2.1 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving oral evidence before the hearing committee. Except where I have stated that I am relying on the evidence of another person, this written evidence is within my area

¹ RM151046.

of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

3.0 SCOPE OF EVIDENCE

3.1 My evidence for this District Plan Review (DPR) will focus on the alignment of the boundary of the Outstanding Natural Landscape (ONL) within the vicinity of five landowners², as illustrated on **Figure 1: Land Owners** and referred to as 'The Site'. My evidence will also comment on the likely landscape and visual effects of the proposed Business Mixed Use Zone proposed on the Site and in line with the submission to the PDP. My assessment will also be made in light of the evidence of Dr. Marion Read, landscape consultant on behalf of Queenstown Lakes District Council (QLDC).

3.2 Specifically I will structure my evidence accordingly:

- Description of the Site and the broader existing environment
- Discussion regarding the extent of the ONL, particularly following the RM151046 decision
- Discussion around the likely effects on the ONL resulting from the change of zoning to proposed Business Mixed Use Zone in the Proposed District Plan.

4.0 SITE AND EXISTING ENVIRONMENT

4.1 The Site is located on the lower alluvial outwash fan sandwiched between the *roche moutonnée*³ land forms of Ferry Hill, K Number

² Landowners include: (1) Margaret Mary Arnott & Peter Raymond Arnott; (2) Lynley Grace Hansen, Walter John Rutherford and William Thomas Cooney; (3) FII Holdings Limited; (4) Universal Developments Limited; and (5) Jaron Lyell McMillian.

³ A *roche moutonnée* is a rock hill shaped by the passage of ice to give a smooth up-ice side and a rough, plucked and cliff-girt surface on the down-ice side. The upstream surface is often marked with striations (*Sugden, DE, 1970 Landforms of*

2⁴, Sugar Loaf, Queenstown Hill and the Frankton Flats as illustrated on **Figure 2: Local Context Plan** and is roughly rectangular in shape. The topography is steeply decreasing in elevation from west to east with the majority of the Site being virtually flat and at grade adjacent to SH6 (Frankton – Ladies Mile Highway) which forms the Site’s south-eastern boundary, and as illustrated on **Figure 3: Elevation Plan**. Further north-westwards, the topography continues to gain in elevation, and deep gullies have been formed that drain this landscape. Furthermore, localised undulations in between these gullies and the larger hills add another complexity to the nature of the landform.

- 4.2 Culturally, the area’s clear geomorphological boundaries have been blurred to varying extents by cultural interventions. The land has been cleared of its original vegetation cover and is predominantly used for pastoral farming. Any vegetation is sparse or associated with lot boundaries on lower slopes assisting in visually dividing the Site into ‘areas’. On the Site there are three residential dwellings on the flatter land (that are associated with the Arnott land, FII Holdings Limited and Universal Developments). To the immediate south of the Arnott’s land, is a transmission substation, where overhead electricity transmission towers extend in a north-easterly direction, traversing through the Site. To the north is the Quail Rise development and a water race.
- 4.3 The southern part of the Site retains a relatively open character due to the limited vegetation present (apart from around the Arnotts house), with greater enclosure experienced within the northern part of the Site. The airport and the development of the Five Mile area are visible from the Site. Resource Consent RM151046 has approved the establishment of four houses west of the Site, on the more elevated land. These cultural overlays visually associate the Site with the developed Frankton Flats.

deglaciation in the Cairngorm Mountains, Scotland. Transactions of the Institute of British Geographers, 51: 201-219)

⁴ Whilst this roche moutonnée is unnamed on the topographic maps, it is understood that the name ‘K Number 2’ was its former, unconfirmed name. For the purposes of this assessment and orientation, it shall be referred to as ‘*the hill formerly known as K No. 2*’.

- 4.4 The north-eastern parts of the Site (Universal Developments and Jaron Lyell McMillian) are, to the most extent, screened from State Highway 6 due to a mature evergreen shelterbelt flanking the road and cutting provided by the state highway as it starts to descend north-eastwards towards the bridge over the Shotover River. The north-western boundary is formed by Trench Hill Drive, a road off of Ferry Hill Drive, part of the Quail Rise subdivision.
- 4.5 Beyond the Site, to the north, is the Quail Rise subdivision, which effectively occupies the lower slopes of Ferry Hill up to State Highway 6.

5.0 EXTENT OF THE ONL FOLLOWING RM151046 DECISION

- 5.1 Within my evidence⁵ presented to the commissioners for the application by the Hansen Family Trust to subdivide land at 55 Hansen Road, there was some discussion regarding the extent of the ONL which traverses through this area. Within the notified Proposed District Plan, the extent of the ONL extends in a north-easterly direction through the centre of the Site and generally follows the toe of the hill, as illustrated on **Figure 3: Elevation Plan**. Within my evidence for the Hansen Family Trust, I considered on closer examination and due to the cultural interventions that this alignment should be reviewed, and that a more robust and defensible alignment would be the water race, located further westwards and contained mainly within the ownership of the Hansen Family Trust. The water race, whilst a reasonably distinctive feature in the landscape, acts as a more defined boundary, in a part of the landscape with little clear definition.
- 5.2 The consultant Landscape Architect⁶ engaged by QLDC to review the landscape report of the application supported the current alignment of the ONL line within the Proposed District Plan. I queried the rationale of an ONL boundary extending within and

⁵ Statement of Evidence of James Arthur Bentley, Landscape Architect 14 November 2016 on behalf of the Hansen Family Trust (RM151046).

⁶ Richard Denny, Landscape Architect

through a proposed urban zone⁷ and within the Urban Growth Boundary, particularly noting the other local existing land uses⁸.

- 5.3 I considered that, on closer inspection, the Site and the land to the immediate west of the Site does not hold the high landscape qualities and values that warrant ONL status. To this end, I recommended a more robust and defensible alignment of the ONL be along the water race, rather than the toe of the hill. Furthermore, the geomorphological method of identifying the toe of the hill is not consistent with how the ONL boundary has been applied elsewhere around Ferry Hill.
- 5.4 Within the Hansen Family Partnership (RM151046) decision the commissioners approved the resource consent. A discussion regarding the alignment of the ONL was contained within the decision from paragraphs 54 through to 59.
- 5.5 The commissioners stated that: *'We note that this proposed ONL line is overlain by the Medium Density Residential Zone. We agree with Mr Goldsmith's submission that this is not a logical place for a landscape line'*.⁹
- 5.6 The discussion through paragraphs 56 and 57 detail that the commissioners generally prefer the evidence of Mr. Denny over mine, stating that the water race *'forms a faint line across the landscape, similar to a farm track or fence line, but does not delineate a distinct change in landform, land use, ecology, vegetation pattern or landscape character'*.
- 5.7 Within paragraph 58 the commissioners state: *'We have also considered where the line should sit. We recognise that the proposed District Plan places the line below the top of the terrace at the lower end of the site. We also note that the proposed Plan includes part of the land through which this line runs in the proposed Medium Density Residential Zone. We do not consider*

⁷ The Site is proposed to be a Medium Density Residential Zone within the Proposed District Plan. Within the Operative District Plan the Site is Rural General.

⁸ Existing adjacent development, such as the Quail Rise development extends onto the lower slopes of Ferry Hill.

⁹ Paragraph 55 of the Hansen Family Partnership Decision (RM151046).

that this is an appropriate location, and consider the line would be better located along the top of the terrace to better reflect the point at which the topography and vegetation cover change. In the least, we consider that the line would be better placed following the urban growth boundary. We recognise, however, that this line will be the subject of detailed evidence at the District Plan Review Hearings’.

- 5.8 Based on this, the commissioners stated that the proposed six lot subdivision would be *‘entirely within an Outstanding Natural Landscape (ONL), and consider that the line is better placed somewhere between notified in the proposed District Plan and the southern boundary of the site’.*
- 5.9 As I stated within my evidence, the Hansen land (and indeed the Site under this evidence) is located between two large *roche moutonnée* hills, Ferry Hill to the east and the hill formerly known as K No. 2 to the west. The Site is also adjacent to the modified Frankton Flats and the associated development of Remarkables Park and Five Mile.
- 5.10 These *roche moutonnée* landforms are two of a number of such landscape features that pepper the Wakatipu Basin, and have been identified, quite rightly, as outstanding natural features some within an outstanding natural landscape. These hills act as local natural landmarks¹⁰, noted for their very high legibility and natural form (amongst other things). Where development around the features has been spared, a clear geomorphological mapping exercise can be applied. Where cultural interventions have been established, notably around lower slopes, alternative mapping techniques need to be considered.
- 5.11 As is usually the case, it is not a straightforward exercise to ‘join’ two distinctive features that are physically and visually separated by a lower area of land (a saddle in this case) where no clear or obvious boundary to this ONL can be determined. The interlocking land positively contributes to the setting of both the hills as well as to the broader basin, providing a legible and highly natural

¹⁰ 694masl for Ferry Hill and 781masl for K No. 2

connection albeit not being as elevated and should be included itself as part of the outstanding landscape. The question arises as to where the extent of the ONL line be delineated?

- 5.12 From a purely geomorphological perspective¹¹, the toe of the hill (which would incorporate the part of the Site) would be a logical boundary. This is the preferred option of Council within the Proposed District Plan as notified¹², but not of the Commissioners who heard the Hansen Family Partnership application.
- 5.13 However, the notified ONL starts to become problematic when you consider the cultural overlays that are very much associated with this landscape, which now include the consented six lot subdivision. Furthermore, from a broader perspective, this concept does not fit well with what has already occurred within the immediate context. The ONL boundary does not follow the geomorphology of the area consistently, instead it steps up in areas where development is located. Reference to the Quail Rise development to the east of the Site is a clear example, where residential development has encroached onto the toe of Ferry Hill.
- 5.14 The Hansen land along with part of the Site forms of a 'saddle' of land that connects the two adjacent hills. The Site is located on the lower portions of this broader landform. The approved house platforms are proposed to be at lower elevations than the water race.
- 5.15 The principal landscape values that underpin the ONL delineation relate to the large and impressive landscape containing the *roche moutonnée* hills, Lake Johnson and the interlocking land. The part where the values that underpin this landscape start to decrease is where the boundary of the ONL should be placed or where the land starts to become less natural and less outstanding. Further north-eastwards, the boundary of the ONL appears to follow the lower

¹¹ Geomorphologically the '*entire feature of Ferry Hill, K Number 2 and the vicinity of Lake Johnson [is] a single schistose feature of different geological origins than the immediately adjacent Queenstown Hill*'. Dr. Marion Read, paragraph 5.6 of her evidence.

¹² As noted by Dr. Marion Read in her evidence, paragraph 5.16

slopes of Ferry Hill, avoiding the development of Quail Rise which rises slightly on the lower slopes of the hill. The boundary of the ONL does not follow completely, the geomorphology of Ferry Hill. Instead, the boundary has been influenced by the cultural overlay of that development.

- 5.16 The land to the south of the water race is more modified than the land to the north. This southern land retains a different character than that of the land associated beyond the water race. The land south of the water race retains a more compartmentalised character than the more open elevated land, achieved principally by vegetated gullies and roadside vegetation. This will become even more compartmentalised with the establishment of the proposed four houses and will erode part of the open pastoral character. Modifications in the form of power lines, a road and houses are also apparent.
- 5.17 Further south, development on the flats has changed the character of this area, where big box retail and new roads have replaced once open paddocks.
- 5.18 The Site is sandwiched between the ONL to the north and a very modified valley floor. The modified character will encroach further towards the ONL under the Proposed District Plan. Therefore, the boundary of the ONL, to enable better protection, is best placed further away from this area, and the water race represents a meaningful 'line in the landscape'. The broader Hansen land with its four approved (but not yet constructed) houses, acts as a transitional area. To apply the methodology applied by Dr. Read in her evidence is inconsistent in my opinion, with how the broader ONL boundary has been delineated. The geomorphological approach, whilst normally a sound approach, does not reflect what is currently delineated, where cultural references have clearly influenced the alignment of the boundary of the ONL and affected the values that underpin this special landscape in this area. A purely geomorphological approach is therefore incorrect in this location.

5.19 In my opinion, the water race is an appropriate boundary between the ONL and the lower valley landscape. This method as explained in my assessment has been used in other situations (refer to Environment Court decision C216/2001) as an appropriate delineation in the landscape when there is really nothing else definitive to follow. This option is valid for the following reasons:

- The land below the water race retains a more domestic and compartmentalised appearance, assisted by the consented four house sites, the division of the gullies and topographical variation where the landscape is more contained in comparison to the more open character of the land north of the water race;
- The lower toe of this hillside is influenced more by the land use activities on the Frankton Flats (i.e. presence of power lines and buildings) and the water race represents a more definitive line in the ground.
- The water race is itself an unnatural element in the landscape and is a useful line in this landscape where no other feature is.
- The boundary of the ONL would be consistent with how other areas of the Ferry Hill ONL have been determined, where cultural overlays play an important landscape indicator in this respect.

5.20 Based on this, I consider that especially now the baseline has shifted further (with the approval of four residential buildings further west of the Site), that the water race indicates a more robust and defensible alignment to the ONL boundary than either the top of the slope suggested by the Commissioners in the Hansen decision or the bottom of the slope (in part) as recommended by Dr. Read.

6.0 EFFECTS OF NOTIFIED AND REQUESTED DISTRICT PLAN ZONING

6.1 The proposed District Planning maps illustrate that the majority of the Site is proposed to be a Medium Density Residential Zone (MDR). A small portion close to the south-eastern corner is proposed to remain as rural. The boundary between the two zones is proposed to follow the Queenstown Airport Outer Control Boundary. The Site is within the urban growth boundary.

6.2 This submission supports rezoning the Site for MDR and/or BMU¹³ activities. This section of my evidence will examine:

- The effects associated with rezoning of the Site, based on the extent within the PDP (which aligns with cadastral boundaries) with the ONL boundary being located to the watercourse; and
- The effects of development on the Site limited to Dr. Read's ONL boundary (i.e. development not in the ONL)

Effects associated with the Site rezoned with ONL boundary realigned to the water race

6.3 Based on the proposed current zoning in the PDP, the Site will change character, from a predominantly rural fringe outlook, towards a more urbanised character. This urbanised character is already apparent opposite the Site within the Frankton Flats site.

6.4 Due to the topography of the adjacent hillside, a typical layout may mean that development takes the form more of block-orientated development potentially more than three storeys in height to capitalise on space. From the main viewing corridor of State Highway 6, the Site will appear visually and physically connected with the development that has already occurred on the Frankton Flats, over the road. Further north-eastwards (adjacent to the Universal Development Limited land and Jaron Lyell McMillan land),

¹³ Business Mixed Use Zone (which provides for complementary commercial, business, retail and residential uses that supplement the activities and services provided by town centres).

the development would be visually difficult to detect, due to the setback and road cutting of the State Highway in this area.

- 6.5 Within this north-eastern area, Dr. Read proposes a buffer between the Quail Rise houses off Trench Hill Drive and Ferry Hill Drive, which I support. This will assist in ensuring some rural outlook is maintained for those houses in Quail Rise.
- 6.6 The location of the ONL away from this area (i.e. aligned along the water race) will be, for the most part, not seen from the principal viewing area of SH6, due to intervening built forms curtailing views and due in part to the steeper topography immediately beyond.
- 6.7 Due to the relocation of the ONL along the water race, an open semi-rural buffer will ensure that adverse landscape effects to the values than underpin the overlay are not significantly affected.

Effects associated with the Site rezoned keeping the ONL boundary in its current position

- 6.8 Dr. Read considers that development should not occur within an ONL. I concur with this, however this also depends on where the ONL boundary is and the contextual character of the wider area. In a practical, land management sense, I am suggesting that the boundary of the ONL in this location be adjusted to follow a more robust feature in the landscape, where cultural interventions are less apparent and the landscape starts to become 'obviously' outstanding. Dr. Read also considers that activities that occur outside of an ONL can also detract from the ONL's character and quality. Dr. Read considers that the most appropriate type of development to occur in this area is either LDR or MDR as they are the urban zoning types which require the most attention to amenity.
- 6.9 Keeping Dr. Read's ONL boundary at the toe of the slope and providing opportunities for building along State Highway 6 (i.e. out of the ONL) would, in many ways, create a similar or the same visual effect as experienced along the State Highway. Buildings would be apparent (close to the road), which would visually change the appearance of the Site from semi-rural to urban. The buildings

themselves would assist in screening the rural (or ONL) land beyond.

- 6.10 However, this scenario would, by its very inception, affect the values that underpin the ONL greater than if the ONL boundary was shifted to the water race. This is principally due to the fact that the ONL boundary would be adjacent to the proposed zoning, with no buffer. Furthermore, the other cultural modifications including transmission lines would continue to be present in the ONL.
- 6.11 As stated, the quality of the land (which includes the grassy slopes) would be further degraded with the presence of the built forms. This scenario would not only create the same or very similar visual outcomes from State Highway 6, but would degrade the values that underpin the ONL further.

Opinion

- 6.12 In my opinion, there will be high adverse effects to the perceptual and associative values of the ONL if the extent of the ONL maintains its current alignment through the Site. The visual effects of large block-orientated development on the Site will severely affect the legibility of the ONL, notably its aesthetic values regarding openness and naturalness.
- 6.13 The geomorphology methodology employed by Dr. Read to delineate the boundary of ONLs, whilst sound in other areas of the Wakatipu Basin, is inconsistently applied in its application in this location and within the broader Ferry Hill area. Cultural activities have dictated a new alignment here, which excludes much of the lower toe of Ferry Hill.

JAMES ARTHUR BENTLEY
LANDSCAPE ARCHITECT
Boffa Miskell Limited
9 June 2017

Hansen Land & Other Submitters

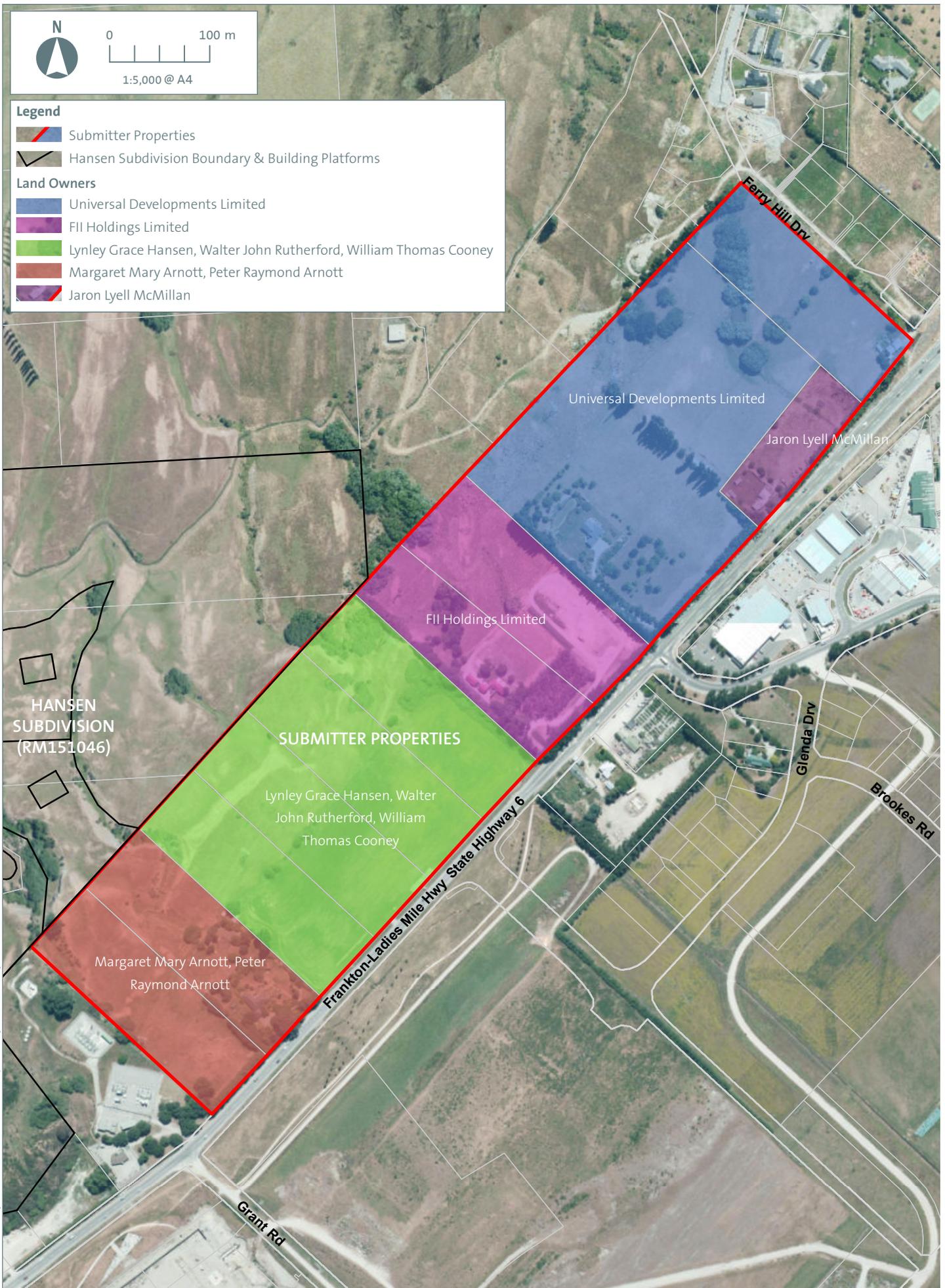
District Plan Submission

Graphic Supplement to support the evidence of James A Bentley

June 2017

The logo for Boffa Miskell, featuring a large, stylized white 'B' shape on a blue background.

Boffa Miskell

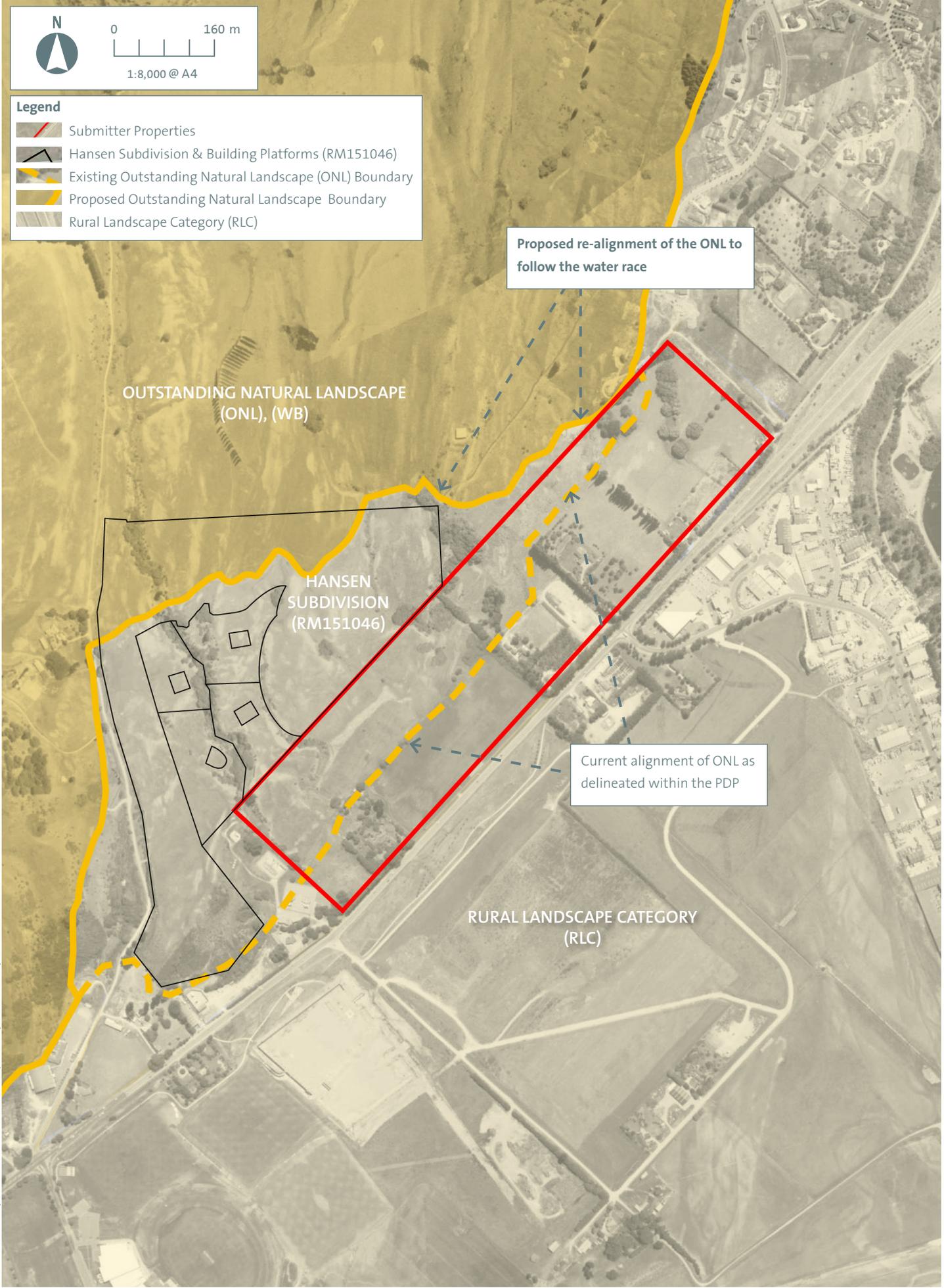


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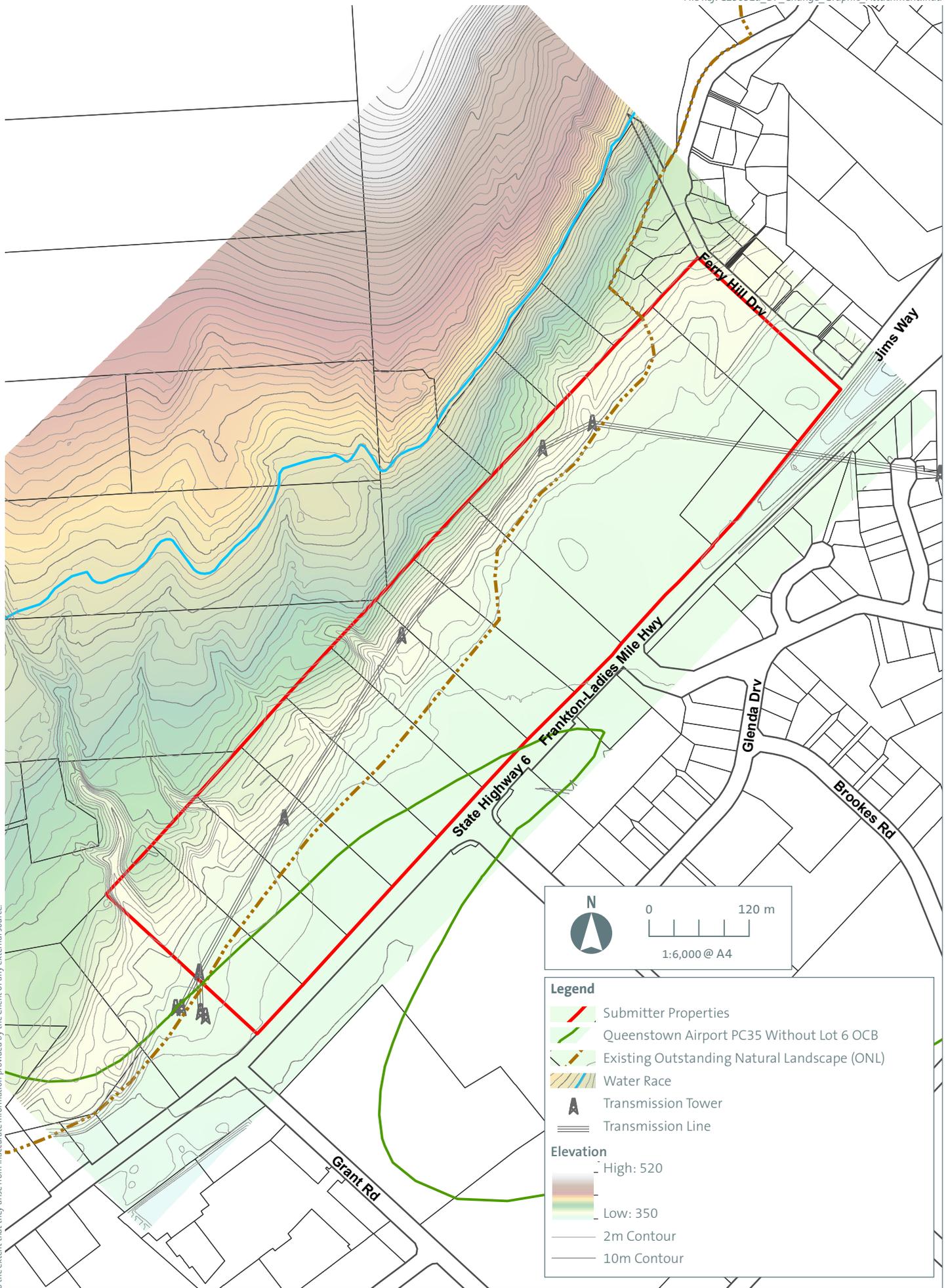
Legend

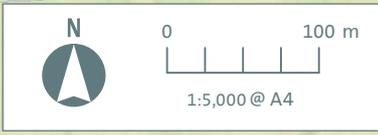
- Submitter Properties
- Hansen Subdivision & Building Platforms (RM151046)
- Existing Outstanding Natural Landscape (ONL) Boundary
- Proposed Outstanding Natural Landscape Boundary
- Rural Landscape Category (RLC)



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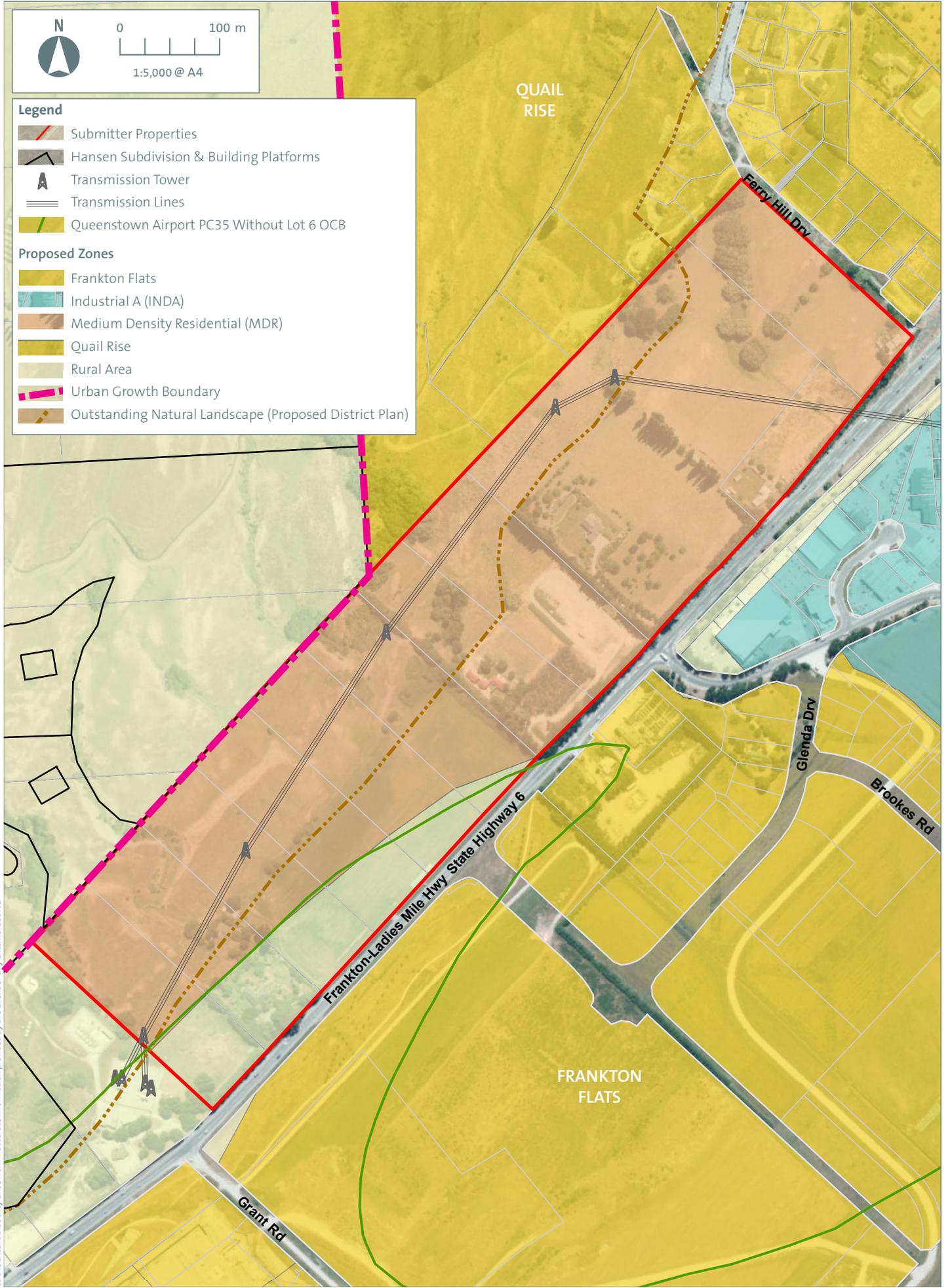


Legend

- Submitter Properties
- Hansen Subdivision & Building Platforms
- Transmission Tower
- Transmission Lines
- Queenstown Airport PC35 Without Lot 6 OCB

Proposed Zones

- Frankton Flats
- Industrial A (INDA)
- Medium Density Residential (MDR)
- Quail Rise
- Rural Area
- Urban Growth Boundary
- Outstanding Natural Landscape (Proposed District Plan)



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