

**BEFORE THE INDEPENDENT HEARING PANEL FOR THE  
PROPOSED QUEENSTOWN LAKES DISTRICT PLAN**

**UNDER**

the Resource Management Act 1991 (RMA)

**IN THE MATTER**

of a variation to Chapter 21 Rural Zone of the  
Proposed Queenstown Lakes District Plan, to  
introduce Priority Area Landscape Schedules 21.22.22  
Dublin Bay.

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STATEMENT OF EVIDENCE OF STEPHEN RUSSELL SKELTON  
11 SEPTEMBER 2023

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## **Introduction**

- 7 My name is Stephen Russell Skelton. I am the Director of Patch Limited (Patch), a landscape architecture and landscape planning consultancy based in Queenstown.
- 8 I have been asked to provide evidence on behalf of Northlake Investments Limited (NIL) in relation to its submissions to the variation of the Queenstown Lakes Proposed District Plan (PDP) Landscape Schedules 21.22 with particular regard to Schedule 21.22.22 Dublin Bay Outstanding Natural Landscape (ONL) Priority Area (PA).

## **Qualifications and Experience**

- 9 I hold the qualifications of a Bachelor of Arts in Communication from Northern Arizona University and a Master of Landscape Architecture (First Class Hons) from Lincoln University. I am a registered member of the New Zealand Institute of Landscape Architects.
- 10 I have been involved in landscape consultancy work for ten years, working in both the public and private sector. I held the position of landscape planner with Lakes Environmental before it was absorbed by the Queenstown Lakes District Council. I then held the position of Landscape Architect at another landscape architecture practice in Queenstown for approximately 4 years before founding Patch Limited.
- 11 I founded Patch in 2016 and our work includes all facets of landscape architecture and landscape planning through the range of small and large-scale projects. My work involves master planning, residential and commercial landscape design, preparation of native restoration planting plans, preparation of landscape management plans and preparation of landscape assessments for resource consent applications and plan changes.
- 12 Of relevance to the PDP, I have been engaged by several landowners and interested parties over the years to provide landscape advice and evidence on various matters associated council hearings, and

Environment Court appeals. Those matters include Topic 2 – Rural Landscapes, Topic 30 and Topic 31 Wakatipu Basin and Topic 3B – Rural Visitor Zone.

- 13 With respect to the Dublin Bay ONL PA and the NIL submission, I worked on the original plan change and development of the Northlake Special Zone (NSZ) when I was employed at Baxter Design. During that time, I viewed the north facing aspects of the Dublin Bay ONL from the surface of Lake Wanaka through an assessment 'lens'. Also, during that period I rode the Dublin Bay mountain bike track and Deans Bank track while undertaking an assessment of landscape attributes and values. I have since been involved with several development proposals in Northlake including the Northbrook Retirement Village and Plan Change 54.
- 14 In a personal capacity I lived in Wanaka in 2002-2003 and have spent some time camping at the Outlet Camp. I have been water skiing in Dublin Bay, and I have rafted down the Clutha River, putting in at the Clutha River Outlet. I have mountain biked most of the trails in and around Sticky Forest as well as the Lakeside / Outlet Track. I am very familiar with the Dublin Bay ONL, the surrounding landscape, its seasonal and diurnal changes and have observed it in a professional and personal capacity as the landscape has changed (or not changed) over time.

### **Code of Conduct**

- 15 I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023. Accordingly, I have complied with the Code in the preparation of this evidence and will follow it when presenting evidence at the hearing. Unless I state otherwise, this assessment is within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

## Scope of Evidence

- 16 My evidence addresses the following:
- Where is the Dublin Bay ONL category boundary located?
  - Is the Dublin Bay ONL PA boundary appropriately located?
  - How will plan users utilise the Landscape Schedules?
  - Schedule Methodology and Capacity Ratings,
  - Landscape Capacity – xii Rural Living.

## Where is the ONL category boundary located?

- 17 I refer to and rely on the evidence prepared by Morgan Shepherd of Brown and Company which address the jurisdictional and planning matters with regard to the ONL category boundary. I consider the NSZ, which includes a retirement village does not display any ONL attributes or values. The ONL boundary is appropriately located as shown below in the Decisions Version Stage 1 Planning Map 18 (Figure 1).

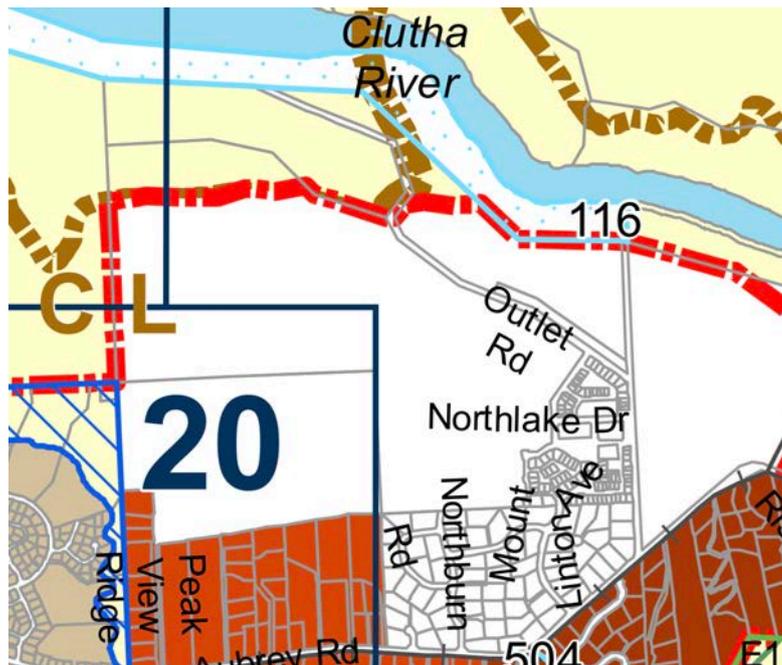


Figure 1: Decisions Version Stage 1 Planning Map 18.

### Is the Dublin Bay ONL PA boundary appropriately located?

- 18 The notified Dublin Bay ONL PA category boundary does not align with the ONL boundary (Figure 2). Instead, it extends further south into Activity Area E1 – Recreational Area and the NSZ.



Figure 2: Northern extent of NSZ (white and yellow), the Decisions Version ONL category boundary (red (note ONF and ONL boundary is the brown dotted line which contains the ONL PA)), proposed Dublin Bay ONL PA (hatched) and under construction retirement village (yellow).

- 19 The bulk of the PA's intrusion into the NSZ is within Activity Area E1 – Recreational Area, and a small part of the PA's intrusion into the NSZ occupies an area where an urban character element, the Northbrook Wanaka Retirement Village, is currently being constructed. As I discussed above, these areas do not have the outstanding attributes and values which form the basis of the location of the ONL boundary. From a landscape perspective, there are no physical indicators that suggest that the Dublin Bay ONL PA should extend southwards beyond the boundaries of the ONL. On the contrary, there is a legible line in the landscape (e.g., a ridge crest) separating the ONL PA from the NSZ which acts as an appropriate biophysical boundary between landscapes (Figure 2).
- 20 The notified 21.22.22 Landscape Schedule does not mention of the NSZ or urban character elements which are consented and under construction within the notified PA. If the notified PA boundaries were to be upheld, the Schedule should acknowledge the presence of the recreational activity area, NSZ and the urban character of the retirement village and include descriptions of those elements into the '*General description of the area*', '*Important land use patterns and features*', and

'Remoteness and wildness attributes and values' parts of the Schedule. However, in my opinion, the more appropriate solution is to realign the PA boundary with the ONL boundary such that the NSZ activities do not form part of the PA.

### **How will plan users utilise the Landscape Schedules?**

- 21 Since the release of the NZEnvC 58 Decision on Topic 18, which was concerned with changes to the Rural zone provisions in Chapter 21 of the PDP, Patch has undertaken several landscape assessments for resource consent applications in the Rural zone. As part of our assessment under 21.21.1.1 (a), we have developed a table which we populate with the text from the notified landscape schedules on one side, and on the other side, we provide an assessment of the proposal with regard to the notified values and attributes. This is similar to our approach when assessing proposals in the Whakatipu Basin where Schedule 24.8 applies.
- 22 While it is useful to have landscape descriptors at the forefront of assessment, we find that much of the descriptors in the Schedules are not applicable to site specific attributes and values. The use of the schedule in this way results in a significant amount of work and expense which is often not relevant to the subject application or site and as such, is not useful to the assessment of effects on a site-specific basis. While we have utilised the Schedules in this manner, this is our approach, and is not stipulated by the Proposed District Plan (Plan). I am unaware how other landscape practitioners have utilised the Schedules and to what level of usefulness the Schedules provide in assessing site-specific proposals.

### **Schedule Methods and Capacity Ratings**

#### *Methodology*

- 23 It is my understanding from reading the *Methodology Statement*<sup>1</sup> that, while deriving much of their methods from the *Te Tangi a Te Manu*, or

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<sup>1</sup> ONF, ONL and RCL Priority Area Landscape Schedules, Methodology Statement, Final, May 2022

Aotearoa Landscape Assessment Guidelines (TTatM), the authors of the Landscape Schedules (the Authors) have created a unique method in preparing the Landscape Schedules. It is worth noting the TTatM does not specify a method for undertaking such studies. If the landscape architects had undertaken a Landscape *Sensitivity* Study, they would have had the benefit of adopting established methodologies for undertaking such a study.<sup>2</sup>

- 24 The methodology in preparing the Landscape Schedules was, in my opinion, correct in its approach to identify the scope and location of the PAs and identify and rate landscape attributes and values. However, I note that one cannot 'estimate' how much of an unknown future activity could be accommodated when there are potentially activities, including scale, location, form and external appearance, which we have not yet imagined.

#### *Capacity*

- 25 Assessing capacity is imprecise<sup>3</sup> and accepts that there is an unknown future of landscape where creative land uses may be conceived and applied for in a resource consent application.
- 26 In creating their own landscape capacity rating (of an unknown future), the Authors developed a scale consisting of the word 'some' (at the highest end of the scale) and the word 'no' (at the lowest). This, in my opinion, sets the pretext that, as a starting point, the PAs have a low capacity. There is no capacity rating higher than some, such as 'high or 'lots'. Similarly, the use of the word 'no' is determinative for an 'imprecise' study in the face of an unknown future.
- 27 The scale employed in the Schedules is also inconsistent with that used in Schedule 24.8 of the PDP for the Whakatipu Basin. This is confusing

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<sup>2</sup> Including : "An approach to landscape sensitivity assessment – to inform spatial planning and land management." June 2019 Christine Tudor, Natural England and

'Landscape Sensitivity Studies' NatureScot

<sup>3</sup> TTYatM Part 5.49 "*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 directly.*"

to plan users and unnecessarily alters assessment terms between landscapes which are often adjacent to each other.

- 28 Also, a four-point scale (as notified and now amended to a five-point scale) does not have a middle pivot point. I understand the authors have now added a fifth rating scale of 'very limited to no'. This provides for a middle pivot point but does not address the aforementioned pretext of the word 'some' and determinative nature of the word 'no'. I consider a five-point rating is more appropriate in this context as it is not overly complex, can be easily interpreted, employs a middle pivot point and can better assist plan users and the community as to anticipated activities and consequent change to landscapes.
- 29 The above discussion is a preamble to the part of the NIL submission that a rating of 'No Capacity' cannot be given unless an assessment of all sites within a PA has been undertaken. I agree with this submission point and, as discussed above I consider that the word 'no' is too determinative, especially with the understanding that landscape capacity/sensitivity is imprecise and can change over time.
- 30 The NIL submission states that it may be appropriate to delete the 'No Capacity' and rely on a three-point scale of 'Some', 'Limited' and 'Very Limited'. I disagree and consider it most appropriate to rely on a five-point scale. The five-point scale below is often used by landscape practitioners when describing a landscape's capacity for, or sensitivity to change:
- 1. Very High 2. High 3. Medium 4. Low 5. Very Low<sup>4</sup>*
- 31 I provide a description of these ratings below based on a modified version of what Landscape Architect Bridget Gilbert sets out in part 9.26 of her evidence. Any changes I suggest are highlighted in red.

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<sup>4</sup> As recommended by:  
Scotland's Nature Agency, Landscape Sensitivity Assessment Guidance. Part 2.21  
and  
"An approach to landscape sensitivity assessment – to inform spatial planning and land management." Part 2.4, June 2019 Christine Tudor, Natural England

**Very high ~~Some~~ landscape capacity:** typically this corresponds to a situation in which ~~a careful or measured amount of~~ sensitively located and designed development of this type is unlikely to materially compromise the identified landscape values.

**High ~~Limited~~ landscape capacity:** typically this corresponds to a situation in which the landscape ~~is nearing its-~~ has limited capacity to accommodate development of this type without material compromise of its identified landscape values and where ~~only~~ a modest amount of sensitively located and designed development is unlikely to materially compromise the identified landscape values.

**Medium ~~Very Limited~~ landscape capacity:** typically this corresponds to a situation in which the landscape ~~is very close to its~~ has some capacity to accommodate development of this type without material compromise of its identified landscape values, and where only a ~~very~~ small amount of sensitively located and designed development is likely to be appropriate.

**Low ~~Very Limited to No~~ landscape capacity:** typically this corresponds to a situation in which the landscape is ~~extremely very~~ close to its capacity to accommodate development of this type without material compromise of its identified landscape values, and where only ~~an extremely very~~ small amount of ~~very~~ sensitively located and designed development is likely to be appropriate.

**Very Low-~~No~~ landscape capacity:** typically this corresponds to a situation where development of this type is likely to materially compromise the identified landscape values.

*Preamble to Schedule 21.22 and Schedule 21.23*

32 I have considered Ms Gilbert's proposed Preamble to Schedule 21.22 and Schedule 21.23.<sup>5</sup> I consider the text she has proposed is appropriate. However, if the capacity rating of 'no' is incorporated in the Schedules, I do not consider the preamble is enough to ensure Plan

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<sup>5</sup> Bridget Gilbert's Evidence 11 August 2023, Part 9.26

users, particularly Council staff, will understand that 'no capacity' is 'not a fixed concept'.

- 33 As discussed above, capacity ratings are imprecise, and I consider the clear language contained within part 5.49 of the TTatM and reproduced above (footnote # 3) should be included in the preamble.
- 34 It is my experience that Plan users, particularly Council staff, take a hard stance when strong language, such as the word 'no' is used. If the intention of the capacity ratings is relatively 'high level', 'is not a fixed concept' 'may change over time' and is not intended to prescribe 'the capacity of specific sites within the PA'<sup>6</sup> then I consider the capacity ratings should be changed to those terms suggested above in my evidence, or alternative suitably flexible / open-textured language.

### **Landscape Capacity - xii Rural Living**

- 35 I have reviewed the proposed changes to Landscape Capacity for 'Rural Living' sought by NIL and those adopted by Landscape Architect Jeremy Head. I consider the changes adopted by Mr Head as shown in his amended Landscape Schedule for Dublin Bay largely appropriate. However, I do not consider the words '*in the rural living area of Dublin Bay*' to be useful in the capacity text.
- 36 The Schedule uses the following descriptors for the Dublin Bay ONL PA:
- '*The area of rural living on the flats and undulating gentle slopes of Dublin Bay*',<sup>7</sup>
  - '*Rural living/hobby farming on large lots of between 4ha and 38ha around Dublin Bay, with four small lots clustered in the centre of the bay. Associated visitor accommodation and events*',<sup>8</sup>
  - '*Rural living*'<sup>9</sup>
  - '*Rural living land uses*',<sup>10</sup> and
  - '*The low-density rural living character of Dublin Bay*'.<sup>11</sup>

<sup>6</sup> Bridget Gilbert's Evidence 11 August 2023, Part 9.26

<sup>7</sup> Schedule 21.22.22. General Description of the Area.

<sup>8</sup> Schedule 21.22.22. Important land use patterns and features.

<sup>9</sup> Schedule 21.22.22. Naturalness attributes and values.

<sup>10</sup> Schedule 21.22.22. Remoteness and wildness attributes and values.

<sup>11</sup> Schedule 21.22.22. Aesthetic attributes and values.

37 However, the Schedule does not specifically define a ‘Dublin Bay rural living area’. It is my reading that part of Dublin Bay’s attributes and values include rural living.

38 I suggest the following be amended in the landscape capacity portion of the Dublin Bay ONL PA Landscape Schedule (red is my proposed changes):

ix. **Rural living** – ~~very limited~~ **Low** landscape capacity for additional development ~~in the rural living area of Dublin Bay~~ – with the location, scale and design of any proposal ensuring that it is generally ~~not-discernible~~ difficult to see from external viewpoints. Developments should be of a modest-scale; have a low key ‘rural’ character; integrate landscape restoration and enhancement and enhance public access; ~~and protect the area’s ONL values.~~

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Steve Skelton  
11 September 2023