

EVIDENCE IN CHIEF OF B GILBERT FOR QUEENSTOWN LAKES DISTRICT COUNCIL

Appendix 4: October 2020 VIF and PA ONFL JWS

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2018-331-000019

UNDER of the Resource Management
Act 1991

AND

IN THE MATTER of appeals under clause 14
Schedule 1 of the Act against
decisions of the Queenstown
Lakes District Council on Stage
1 of the Proposed Queenstown
Lakes District Plan

BETWEEN **DARBY PLANNING LIMITED**

and all other appellants
concerning Topic 1 of Stage 1
of the Proposed Queenstown
Lakes District Plan

Appellants

AND

**QUEENSTOWN LAKES
DISTRICT COUNCIL**

Respondent

**JOINT STATEMENT ARISING FROM EXPERT PLANNER AND
LANDSCAPE CONFERENCING IN RELATION TO STRATEGIC POLICIES
AND PRIORITY AREA EXPERT CONFERENCING
TOPIC 2: RURAL LANDSCAPES**

A. INTRODUCTION

1. This joint statement is the outcome of planner and landscape expert witness conferencing for Topic 2, regarding the following policies to be added to Chapter 3 (Strategic Directions):
 - (a) Values Identification Framework (**VIF**) for the identified Priority Areas of the Outstanding Natural Features (**ONF**) and Outstanding Natural Landscapes (**ONL**), and for Priority Area Rural Character Landscapes (**RCL**) of the Upper Clutha Basin;
 - (b) The extent of the Priority Areas for the Outstanding Natural Features and Outstanding Natural Landscapes;
 - (c) Landscape Assessment Methodologies; and
 - (d) Monitoring policies in relation to rural landscapes.
2. Expert conferencing sessions were held on 29 September 2020 in QLDC's Queenstown office.
3. The participants also assisted with the completion of the JWS from 7 October through to 29 October 2020.
4. The experts who attended the conferencing sessions are set out below.
 - (a) Craig Barr - planning (QLDC);
 - (b) Helen Mellsop – landscape (QLDC);
 - (c) Chris Ferguson - planning (Darby Planning);
 - (d) Yvonne Pfluger – landscape (Darby Planning);
 - (e) and
 - (f) Di Lucas – landscape (Upper Clutha Environmental Society Incorporated (UCESI))
5. On 29 September 2020 Bridget Gilbert – landscape (QLDC) attended remotely via audioconferencing facilities.
6. Mr Brown landscape (Queenstown Park Limited) could not attend the Conference, however a draft statement was made available to Mr Brown and his input has been recorded in this statement.
7. On 8 October 2020, the following landscape experts undertook

conferencing Auckland, to determine the extent of the ONF/L PA:

- (a) Di Lucas;
- (b) Stephen Brown;
- (c) Helen Mellsop;
- (d) Bridget Gilbert; and
- (e) Yvonne Pfluger.

8. Prior to conferencing, all participants have reviewed the relevant information, including:

- (a) The Environment Court's interim decision 2.2 dated 19 December 2019;
- (b) The Environment Court's decision 2.5 dated 21 September 2020;
- (c) Council's draft provisions, elaborating upon the interim decision text and placeholders provided by the Court in Annexure 1 of Decision 2.2. The draft provisions were circulated by the Council on the evening of 23 September 2020;
- (d) The potential landscape assessment guidelines, submitted as part of Ms Gilbert's supplementary evidence (Topic 2) dated 29 April 2019, were circulated on 28 September 2020.

9. This joint statement records the extent of the Outstanding Natural Feature and Outstanding Natural Landscape PAs as agreed by the landscape experts during conferencing on 8 October 2020. A separate joint statement will be prepared by the landscape experts on the Upper Clutha RCL PAs.

10. This joint statement has been prepared in accordance with Section 4.7 of the Environment Court Practice Note 2014.

11. In addition, all attendees have read, and agree to abide with, Appendix 3 to the Environment Court Practice Note 2014, which comprises the Protocol for Expert Witness Conferencing.

B. Strategic Directions provisions relevant to VIF, landscape assessment methodology and monitoring

12. Attached as **Appendix A** are the proposed VIF, landscape assessment methodology and monitoring strategic policies (SP). Relevant strategic objectives (SO) and SPs have also been included for context and as a reference point for the participants. Amendments are proposed to some of these provisions to better integrate the proposed VIF, landscape assessment methodology and monitoring SPs. The participants agree that these amendments are necessary and consequential in light of the additional SPs, and that the interim drafting by the Court in its Topic 2.2 decision was of a preliminary nature, as it relates to the future VIF, landscape assessment methodology and monitoring SPs.
13. The following specific comments are offered to explain the amendments to the SOs and SPs:
- (a) SO 3.2.5.xx - the amendments are to simply record the location of the landscape assessment methodology SPs in 3.3.XB. It is understood by the participants that these will be numbered in a more orthodox sequence following determination of the provisions.
 - (b) SP 3.3.29x - the amendments clarify the role of each of limbs (a) and (b) to respectively relate to PAs being identified and landscape capacity identified through the separate policy frameworks in 3.3.XA for PAs, and 3.3.XB for non-PAs.
 - (c) SO 3.2.5v - amendments for minor grammatical clarity.
 - (d) SP 3.3.31X - amending limb (a) by specifying the PAs are within the upper Clutha Basin and in the identification of values would be in accordance with the values identification framework in 3.3.XA, and that subsequent applications would still apply the landscape assessment methodology. Amending limb (b) to clarify that the landscape assessment methodology framework in 3.3.XB is applicable to all areas outside of identified priority areas. For both limbs (a) and (b), the participants prefer 'best practice' to 'sound landscape methodology'.
 - (e) SP 3.3.32X - amendments to emphasise that the maintenance of landscape character, and maintenance or enhancement of visual amenity values, relates to the identified landscape character.
 - (f) SP 3.3.32y - amendments to limbs (a)(i)-(ii) and (b) to address

concern from the participants at the risk of landscape assessments being inadvertently confined to a small area and potential undesirable consequences for the wider landscape context not being taken into account.

14. Mr Barr notes that any amendments to these interim decisions Topic 2.2 provisions are to integrate the subsequent VIF, landscape assessment methodology and monitoring SPs, but does not support any amendments that alter the environmental qualification or outcomes expressed in those SPs. Mr Barr does not consider the directed conferencing to be an opportunity to revisit substantive policy outcomes and any amendments to these provisions were undertaken in the least invasive way possible, respecting the Court's drafting of the Topic 2.2 provisions.

C. Amendments to Landscape Assessment Matters in Chapter 21 Rural Zone

15. As part of the conferencing on 29 September, the participants discussed whether and how a list of the values and attributes requiring consideration as part of a landscape assessment would be incorporated into the VIF. It was agreed that the Landscape Assessment Matters in part 21.21 of Chapter 21 Rural Zone provide a sound basis for undertaking an assessment of landscape attributes and it would be efficient for the VIF to cross reference these existing provisions. The participants reviewed the agreed in principle amendments to the landscape assessments, following mediation on those provisions undertaken in January 2020 as part of Topic 18 (subtopic 7).
16. For context, following the Topic 18 mediation, the agreed in principle amendments to the Landscape Assessment Matters were parked for reconsideration following the outcome of the values identification framework process and completion of court directed joint witness conferencing.
17. The participants have suggested some amendments to the Chapter 21 Landscape Assessment Matters, and these are attached as part of the package of provisions in **Appendix A**. The participants acknowledge that the Chapter 21 Landscape Assessment Matters are subject to the Topic 18 Subtopic 7 appeals and mediation processes.

D. VIF for the identified Priority Area ONFs and ONLs

- 18.** The participants acknowledge that the Environment Court in Decision 2.5 confirmed the following ONFs and parts of the ONL as Priority Areas:
- (a) The Outstanding Natural Features of Peninsula Hill, Ferry Hill, Shotover River, Morven Hill, Lake Hayes, Slope Hill, Feehly Hill, Arrow River, Kawarau River, Mt Barker, and Mt Iron.
 - (b) The Outstanding Natural Landscapes of West Wakatipu Basin, Queenstown Bay and environs, Lake Hayes and Slope Hill, Northern Remarkables, Central Wakatipu Basin Coronet Area, East Wakatipu Basin and Crown Terrace Area, Victoria Flats, Cardrona Valley, Mount Alpha, Roys Bay, West Wanaka, Dublin Bay, Hawea South North Grandview, and Lake McKay Station and environs.
- 19.** The participants note that the Slope Hill and Lake Hayes has been recorded as both a landscape and a feature. This was identified as being incorrectly recorded in the memorandum of Council, as an ONL as well as an ONF.
- 20.** Lake Hayes and Slope Hill are identified on the PDP District Plan Maps as an ONF, all participants agree that Slope Hill and Lake Hayes need only be referenced as an ONF.

Structure of the VIF

- 21.** The drafting structure of the VIF for both the ONF/L and RCL are the same and are set out as follows:
- (a) A policy that identifies the respective PA, noting that in some cases only part of the relevant area is to scheduled, due to the areas being zoned both Rural Zone and an exception zone (i.e. Peninsula Hill is part zoned Rural and Jacks Point Zone). These are proposed policies XA1 (ONF/L) and XA4 (RCL);
 - (b) A policy that provides the fundamental instruction for the promulgation of future schedules, of PAs, to be added to Chapter 21 Rural Zone. These are policies XA2 (ONF/L) and XA5 (RCL); and
 - (c) A policy for each of the ONF/L (policy XA3 for ONF/L and Policy XA6 for the RCL) that directs the district plan to be changed to implement the scheduling of PAs.
- 22.** The participants understand, and expect that the outcome of the Topic

2.2 VIF process, will be that the maps of the respective PAs will be added to Chapter 21, serving more or less as a placeholder in a schedule until such time as the district plan is amended to add the schedules.

23. The landscape experts discussed the matter of reference to 'visual amenity values' in a number of the RCL provisions (i.e. SO 3.2.5.2, 3.2.5.iv, 3.2.5.v and SPs 3.3.31x, 3.3.32x and 3.3.32y) and how this may flow through to the respective VIF policies. The reason being that the landscape experts preferred the reference to 'visual' be deleted because the multi-sensory experience of landscapes includes more than solely visual aspects of amenity. The landscape experts acknowledge that this would result in substantive amendments and create inconsistencies with other SOs and SPs that were not included in the provisions attached in **Appendix A**.
24. The participants did not discuss any dates by which the plan should be amended, and understand this matter to be subject to separate directions from the court.

Matters Agreed

25. The participants agree with the drafting of the VIF SPs attached as **Appendix A**, being new proposed SPs XA1, XA2 and XA3.

Matters Disagreed

26. There is not any disagreement.

E. Extent of the Priority Area of the ONFs and ONLs

27. The landscape experts agree that the DPAs (Development Pressure Areas) (identified by QLDC) are nested within or overlap landscape units, and in turn, landscapes.
28. The landscape experts agree that the mapped Priority Areas (PAs) need to be considered within the context of the broader landscape setting and ONF/L.
29. The landscape experts agree that it is likely there will be a number of landscape character units within a single PA that will need to be recognised in the ONF/L Schedule. Examples of where this is likely to be the case include (but are not limited to): Ferry Hill and Queenstown Hill PA; Lake Hayes and Slope Hill PA; Remarkables North PA; Shotover River PA; Kawerau River PA; Arrow River PA; Clutha River PA; Mt

Dewar PA; East Wakatipu Basin and Crown Terrace PA; Victoria Flats PA; Cardrona Valley PA; West Wanaka PA; Dublin Bay PA; North Grandview PA; Lake McKay Station PA; Southwest Lake Hawea PA.

30. Further, the landscape experts acknowledge that some landscape character units are likely to extend beyond the mapped PA.

ONFs

31. **Peninsula Hill PA:** the landscape experts agree that Peninsula Hill qualifies as an ONF, and that the ONF extends into Jacks Point Zone (JPZ). The PA should include the entire ONF (i.e. not just the land zoned Rural, outside JPZ). The PA mapping has been amended to delineate the boundary between the Peninsula Hill PA and the adjacent Lake Wakatipu ONL along the lake side of Peninsula Hill, which follows the top of the steep lake edge landforms.
32. **Feehly Hill PA:** the landscape experts agree that the extent of the PA should capture the entire landform feature (as opposed to the extent of the existing Feehly Hill ONF mapping). The Feehly Hill PA mapping has been amended to reflect this.
33. **Ferry Hill and Queenstown Hill PA:** the landscape experts agree that the extent of the PA mapping corresponds to the extent of the Ferry Hill ONF and a wider ONL including Queenstown Hill. The Ferry Hill PA mapping has been amended to reflect this.
34. **Shotover River PA:** the landscape experts agree that the extent of the PA mapping corresponds to the extent of the Shotover ONF.
35. **Morven Hill PA:** the landscape experts agree that the extent of the PA mapping corresponds to the Morven Hill landform and ONF boundaries.
36. **Kawarau River PA:** the landscape experts agree that the extent of the PA should be defined by the upper edges of the landforms framing the Kawarau River corridor. The Kawarau River PA mapping has been amended to reflect this.
37. **Arrow River PA:** the landscape experts agree that the PA mapping should be extended northwards to capture the full extent of the river corridor up to the limit of the existing mapped PA in the vicinity. The Arrow River PA mapping has been amended to reflect this.
38. **Mt Barker PA:** the landscape experts agree that the extent of the PA mapping corresponds to the Mt Barker landform and ONF boundaries.

39. **Mt Iron PA:** the landscape experts agree that no changes to the PA mapping are required.

40. **Clutha River PA:** the landscape experts agree that no changes to the PA mapping are required.

ONLs

41. **Remarkables PA:** the landscape experts agree that this PA comprises two distinct landscape units: **Northern Remarkables PA** and **Western Remarkables PA**. The landscape experts agree that: the delineation between these two PAs should coincide with a ridgeline at the northern end of the western side of the Remarkables; the extent of the Western Remarkables PA should extend southwards to Wye Creek; and the eastern extent of the Northern Remarkables PA should coincide with a ridge that divides the Wakatipu Basin mountains from the Gibbston Valley mountains. The PA mapping has been amended to reflect these changes.

42. **Queenstown Bay PA:** the landscape experts agree that the PA mapping should be amended along the lake edge near Sunshine Bay/Fernhill, so that it aligns with the road edge. They also agree that the PA boundary should be amended to align with the West Wakatipu Basin PA mapping in the vicinity. The Queenstown Bay PA mapping has been amended to reflect these changes.

43. **Homestead Bay PA (proposed):** notwithstanding that the Council has not included this area as an ONL PA, the landscape experts agree that this area of Lake Wakatipu and its margin is deserving of consideration as a PA given the development pressure and landscape values associated with the lake and its margins. The proposed Homestead Bay PA mapping agreed by the landscape experts captures the lake margins and immediate lake edge extending from approximately Peninsula Hill southwards to Lakeside Estates.

44. **West Wakatipu Basin PA:** the landscape experts agree that PA mapping should be amended so that the eastern boundary aligns with Gorge Road and the line work around Sunshine Bay reflects the ONL boundary confirmed by the Environment Court. The West Wakatipu Basin PA mapping has been amended to reflect these changes.

45. **Mt Dewar PA:** the landscape experts agree that no changes to the PA mapping are required.

46. **East Wakatipu Basin and Crown Terrace PA:** the landscape experts agree that no changes to the PA mapping are required.
47. **Victoria Flats PA:** the landscape experts agree that the PA mapping should be amended to include the proximate mountain faces up to ridgelines. The Victoria Flats PA mapping has been amended to reflect this.
48. **Cardrona Valley PA:** the landscape experts agree that the PA mapping should be amended to include the areas proposed for extension of the SASZ, with elevated ridgeline systems and marked changes in vegetation used to define the extent of the area added to the PA. The Cardrona Valley PA mapping has been amended to reflect this change.
49. **West Wanaka PA:** the landscape experts agree that the PA mapping should be amended: to include Hospital Flat; follow the toe of the slopes framing the Motutapu River valley; and include the low-lying land at the upper reaches of the Motutapu River flats. It is noted that this PA includes Roys Peninsula ONF. The West Wanaka PA mapping has been amended to reflect these changes.
50. **Roys Bay PA:** the landscape experts agree that minor amendments are required to the PA mapping so that it adjoins the neighbouring PA at Beacon Point. The Roys Bay PA mapping has been amended to reflect this change.
51. **Dublin Bay PA:** the landscape experts agree that the PA mapping should be extended to include the lake frontage in the vicinity of Mt Burke on the northern side of Dublin Bay. The Dublin Bay PA mapping has been amended to reflect this change.
52. **Lake McKay Station PA:** the landscape experts agree that the PA mapping should be extended southwards to take in a series of peaks to the south of the area. The Lake McKay Station PA mapping has been amended to reflect this change. It is noted that the eastern boundary of the ONL will need to be updated to reflect the ONL determined by the Court.
53. **North Grandview PA:** the landscape experts agree that the PA mapping should be extended eastwards up to the Grandview Ridge (aligning with District boundary), and southwards to Lagoon Valley. The North Grandview PA mapping has been amended to reflect this change.
54. **Southwest Lake Hāwea PA:** the landscape experts agree that the PA

mapping should be extended: to capture the Mt Maude ridgeline crest to the west; to follow the toe of the slopes on the eastern side of Lake Hawea; and northwards over Lake Hāwea. The Southwest Lake Hāwea PA mapping has been amended to reflect these changes.

55. The Outstanding Natural Features and Outstanding Natural Landscapes PAs, as identified to be amended by the landscape experts in paragraphs 31 – 54 above, are available for viewing via the following weblink:

<http://gldc.maps.arcgis.com/apps/webappviewer/index.html?id=09766231fa5a4eb096f1a019baa27b6e>

Username: PDPAppeals_QLDC

Password: PDPstage12018

Matters Agreed

56. The landscape experts agree with the extent of the PAs as identified above.

Matters Disagreed

57. There is not any disagreement.

F. VIF for the Priority Areas of the Upper Clutha Basin RC;

58. The participants agree with the drafting of Policy XA5, noting that while the emphasis for PAs in the RCL is focusing on development pressure, and cumulative degradation from rural living and other residential activity, it is appropriate for the schedules to potentially contemplate landscape capacity from a range of activities, in addition to rural living as elaborated upon in Policy XA5.h.
59. The participants agree with local context criteria being applied to the RCL VIF policy XA5, including references to the relationship between the PA and landscape character area, the relationship between the ONFs within the Upper Clutha Basin, and the ONLs that frame the Upper Clutha Basin.
60. The participants considered adding reference to cumulative degradation to Policy XA5, but consider that this matter is sufficiently canvassed in the preamble of XA5 by way of reference to landscape capacity.

Matters Agreed

61. The participants agree with the drafting of the VIF SPs attached as **Appendix A**, being new proposed SPs XA4, XA5, XA6 and XA7.

Matters Disagreed

62. There is not any disagreement.

G. Landscape Assessment Methodologies

63. The landscape assessment methodology policy framework comprises two policies.
64. Policy XB1 provides guidance as to the landscape assessment methodology for any area where landscape matters are at issue (i.e it is able to be applied to all rural zones (both within the ONF/L and the Rural Zone RCL, and exception zones).
65. Policy XB1 directs landscape assessments be undertaken in accordance with best practice landscape methodology, and shall describe landscape values, landscape capacity, and apply a consistent adverse effects rating scale. This shall be implemented by applying the identified evaluation processes and methodology set out in limbs (a) to (g).
66. An advice note is provided following Policy XB1 that refers to the QLDC Landscape Assessment Guidelines, which provide assistance in the application of best practice landscape methodology and should be considered as part of implementing Policy 3.3.XB. It is intended that these are the landscape assessment guidelines provided by Ms Gilbert in her supplementary evidence 29 April 2019¹. The guidelines would be accessible via a weblink in the advice note.
67. The second policy, Policy XB2, provides guidance as to when Policy 3.3.XB is to be implemented. The rationale for Policy XB2 is to clarify that while it would be expected to be applied for all plan changes, and for potentially more complex discretionary or non-complying resource consent applications, notwithstanding the activity status, discretion may be applied to dispense with the need to undertake a landscape assessment in accordance with policy XB1, particularly where the transaction costs of doing so are out of proportion to the actual and potential adverse effects on landscape values.

1 Supplementary evidence of Bridget Mary Gilbert for Queenstown Lakes District Council. Topic 2 – Rural Landscapes 29 April 2019.

Matters Agreed

68. The participants agree with the drafting of the landscape assessment methodology SPs attached as **Appendix A**, being new proposed SPs XB1 and XB2.

Matters Disagreed

69. There is not any disagreement.

H. Monitoring policies in relation to rural landscapes

70. Two SPs are proposed that prescribe particular monitoring requirements of the Rural Zone provisions, at a frequency of not more than two and half years (policy XC1).
71. Proposed policy XC2 engages with the effectiveness of the outcomes of those PA where schedules have been added to the district plan (i.e limbs (b) and (c)). Limb (d) provides monitoring guidance on whether SP 3.2.5 is being achieved, and in particular whether the landscape capacity has been met or exceeded as it relates to a range of identified land uses.
72. Policy XC2(e) encourages the identification of areas that are subject to particular development through field reports.

Matters Agreed

73. The participants agree with the drafting of the landscape monitoring SPs attached as **Appendix A**, being new proposed SPs XC1 and XC2.

Matters Disagreed

74. There is not any disagreement.

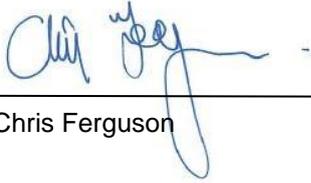
I. ATTACHMENTS

Attachment A: Provisions agreed by all participants,

DATE: 29 October 2020.



Stephen Brown



Chris Ferguson



Di Lucas



Yvonne Pfluger



Helen Mellsop



Bridget Gilbert



Craig Barr