Report to Queenstown Lakes District Council on appropriate landscape classification boundaries within the District, with particular reference to Outstanding Natural Landscapes and Features

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1.0 Introduction

1.1 This report was originally commissioned by Council's policy team in 2011 as a part of the review of the District's rural zones. Its goal, then, was to determine the appropriate locations of the lines separating the landscape categories defined in the District Plan (henceforth referred to as 'landscape lines'). These landscape categories are Outstanding Natural Landscape or Feature (ONL or ONF), which are those landscapes the protection of which is required by the Section 6(b) of the Resource Management Act 1991 (RMA91); Visual Amenity Landscapes (VAL), which are considered to be landscapes protected by Section 7(c) of the RMA91; and Other Rural Landscapes (ORL) for which there is no particular requirement for protection or management under the Resource Management Act. From an administrative perspective, the outstanding natural landscapes within the District have been further divided, in the main on the basis of the perceived development pressure relating to them, into those of the Wakatipu Basin (ONL(WB)) and those of the rest of the district known as the Outstanding Natural Landscapes, District Wide (ONL(DW)).

1.2 In the intervening years the RMA91 has undergone further scrutiny resulting in amendments in 2013 and the publication of the 'Resource Management Summary of Reform Proposals' by the Ministry for the Environment, also in 2013. This document indicates the intention, by the current government, to further amend the RMA91 and these proposed amendments include the requirement that Councils 'specify in relevant plans and/or policy statements the outstanding natural features and landscapes in their community, and protect these'[1]. It is considered that this report should contribute to this process. The original report extended beyond this brief in a number of areas. These discussions have been retained and updated, where necessary, also, as it is considered that they contribute usefully to the pool of information available for application to the ongoing review of the rural zones.

1.3 The issue of determining the District's outstanding natural landscapes and features was first addressed authoritatively in the Environment Court's C180/99 decision. Putative lines were established in that decision separating the Outstanding Natural Landscape (Wakatipu Basin) from the Outstanding Natural Landscape (District Wide) and from the Visual Amenity Landscape of the Wakatipu Basin floor. This decision was based on the evidence of landscape witnesses, and I understand the evidence of Mr Ralf Kruger, who appeared for the Wakatipu Environmental Society in that hearing, was particularly influential[2]. These lines as drawn by the Court were incorporated into Appendix 8 of the District Plan indicated as dotted lines. No such process was ever completed within the Upper Clutha Basin, although a map was compiled in 2001 with input from QLDC, the Upper Clutha Environmental Society and the Wanaka Landcare Group. A number of portions of these lines in the Wakatipu Basin have

[1] Ministry for the Environment; Resource Management Summary of Reform Proposals 2013;P12
[2] Ralf Kruger, pers comm, 2010

been confirmed by the Environment Court as a part of various appeals, both of the Plan provisions and of resource consent applications and these have been entered on the Appendix 8 maps as solid lines. Some solid lines and features have been confirmed in the Upper Clutha Basin. This has not succeeded in removing levels of contention regarding the location of some of these lines, or the appropriate landscape classifications for some areas of the District. Further confusing the issue is that, from a legal standpoint the landscape classification of a site is a matter of fact and thus any given determination applies to that specific site or location at that specific time only. (This is one of the issues which the proposed RMA amendments seek to address). Consequently it may be appropriate to reconsider the location of some of these lines in the light of current conditions and with regard to the consideration which was given to their location in the first instance.

2.0 Methods

2.1 This 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. Consequently the process has entailed identifying the boundaries of areas which have been previously identified, and identifying other similar areas. In addition a number of sources have been drawn upon.

2.1.1 Firstly, the characteristics of the three landscape categories have been defined in Section 4 of the District Plan. They are:

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

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*
- *landscapes which include ridges, hills, downlands or terraces; or*
- *a combination of the above*

The other rural landscapes are those landscapes with lesser landscape values (but not necessarily insignificant ones) which do not qualify as outstanding natural landscapes or visual amenity landscapes.[3]

These definitions are not without problems. It is the case that the definition of Visual Amenity Landscape was developed with reference only to the Wakatipu Basin landscape. This definition is of limited relevance to the Upper Clutha Basin, for example, as that landscape has quite a different character, but not necessarily a lesser value, than that of the Wakatipu Basin. These definitions do, however, form the basis on which this analysis has been undertaken and on the analyses of other works which have been called upon to inform this work.

2.1.2 Secondly, 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. This updated report is also informed by the 'Guidelines for Landscape and Visual Assessment[4]' recently published by the Landscape Institute of Great Britain in conjunction with the Institute of Environmental Management and Assessment. While not officially adopted as guidelines by the New Zealand Institute of Landscape Architects it has been recently promoted by the Institute and is comprehensive and systematic in its approach. In its terms the approach of this report is to identify broad scope landscape character areas which have equivalent value to others already identified.

2.1.3 Thirdly, the District Plan provides a process which it is expected will be brought to bear in every landscape assessment and which is intended as a means of undertaken the evaluation of landscapes in term of the requirements of the RMA91. This process is located at Section 5.4.2.1 of the District Plan and is known as the 'modified Pigeon Bay criteria'. It is worth noting that while these are widely referred to as such, they are not actually criteria at all. A criterion is defined by the Oxford Compact English Dictionary as 'a principle or standard that a thing is judged by'. The modified criteria are not principles or standards but aspects of landscape. As such they should, arguably, be attended to in any assessment but they do not provide, explicitly, a means by which to assess the quality or importance of one particular landscape over another. While various alternative frameworks exist (such as that within the 'Landscape Character Assessment: Guidance for England and Scotland'[5]) they all have similar foundations and similarly lack definitive criteria. Alternatively, importance is placed on ensuring that cogent and transparent arguments are used to support evaluations and that these should reference public consultation and the use of

[3] Queenstown Lakes District Plan S4.2.4, Pp4-8 – 4-9
[4] Landscape Institute and Institute of Environmental Management and Assessment; (2013); Guidelines for Landscape and Visual Impact Assessment; Routledge: London.
[5] Scottish National Heritage & The Countryside Agency; (2002); Landscape Character Assessment: Guidance for England and Scotland; http://publications.naturalengland.org.uk/publication/2671754?category=31019

works in the public sphere such as art and literature.

2.1.4 In addition pre-existing reports on policy issues and those relating to resource consent applications and proposed plan changes have been considered. Consequently some of the material in this report is either a direct or close repeat of work found in other reports, in particular the Lakes Environmental report to QLDC on the town boundaries of Wanaka and Queenstown.[6]

2.2 It has been considered important to ensure a consistent approach is taken both in spatial terms and through time. The input of others remains important and it is recommended that this report should be peer reviewed by landscape architects within the District prior to being included within any consultation documents. This is particularly the case with the Upper Clutha basin where few boundaries have been confirmed. I consider that the further input to this process which could be gained in this manner would be invaluable and likely to reduce any future challenges to the location of the lines.

2.3 The conclusions of the assessments have been illustrated on the maps which have been scanned and compiled by Council's GIS staff. These maps are attached and labelled 'Landscape categorisation: Wakatipu' and 'Landscape categorisation: Wanaka'. The original maps were printed at a scale of around 1:15 000. The lines were drawn on these maps using a felt pen and the width of the resultant line is 1.5mm which, at the scale of 1:15 000 is equivalent to a line of 22.5m wide. This introduces what could be, in some situations, a significant margin of error. While of little significance in most circumstances, 22.5m could become an issue should it bisect a potential house site, for example.

[6] Lakes Environmental (2009) Queenstown Town Boundaries Study: Landscape Assessment Report; and Lakes Environmental (2009) Wanaka Town Boundaries Study: Landscape Assessment Report.

3.0 WANAKA AND THE UPPER CLUTHA BASIN

Fig 1: Map of the Wanaka / Upper Clutha Basin area

3.1 General Issues[7]

3.1.1 As noted above, the definition of Visual Amenity Landscape enshrined in the District Plan has been based on the developing landscape of the Wakatipu Basin, and on a picturesque aesthetic. More specifically, the definition of 'Visual Amenity Landscape' allows for the inclusion of both pastoral and arcadian characters as exemplars of the landscape type (note that it states pastoral **or** arcadian). Nowhere does the Plan define these terms and as a consequence they are a constant source of debate and disagreement.

3.1.2 The Oxford Compact Dictionary defines 'pastoral' as 'relating to or associated with shepherds or flocks and herds; used for pasture'. This definition implies some sort of agricultural use and it is clear that it applies to much of the landscape of the downlands of the District. It is modified in the definition by the requirement that it be poetic and picturesque rather than functional, however, which implies that it may, or perhaps should be more developed, incorporating more exotic trees and more dwellings than a functionally pastoral landscape.

[7] This section about the meaning of 'arcadian' with regard to landscapes is largely taken from a landscape assessment report written regarding an application for resource consent in the Wakatipu Basin, RM130298

3.1.3 The Oxford Compact Dictionary defines 'arcadian' as 'ideally rustic', and 'arcady' as an 'ideal rustic paradise'. This concept of arcady underlies the picturesque aesthetic and found its basis in the works of the early picturesque painters.

Fig 2: Jean-Victor Bertin (1767-1842) 'Arcadian Landscape'

Fig 3: Thomas Cole (1801-1848) 'Dream of Arcadia'

These two examples are typical of the genre and were painted at the time the picturesque aesthetic was becoming naturalised in the western European psyche. The characteristics which can be identified in these paintings are as follows:

- the landscape of the fore and mid-ground is fine-grained and broken into small, reasonably discrete areas by vegetation and topography;
- there are areas of rugged topography (cliffs, waterfalls);
- the fore and mid-ground landscape contains many large trees;
- the mountainous context of the site is distant and its detail indistinct;
- buildings are always visible and these are often temples;
- there are animals present, usually sheep or goats;
- there is water present which can be a river, lake, pond or the sea;
- there are always people present, usually resting if they are a worker (shepherd or goatherd) or recreating as is the case in both of these paintings.

3.1.4 Arcadian landscapes are finely grained and expansive views across them are generally obstructed by topography, trees or both. They are closely associated with rugged topography which would, in the context of the District, generally mean associated with Outstanding Natural Landscapes or Features. They are reasonably heavily treed landscapes. Buildings are present and visible. There is some pastoral use made of the land, or the potential for a pastoral use but this is not driven by economic necessity. These landscapes are idealised rural landscapes, ones in which people aim to gain what we usually refer to as 'rural amenity' but not to participate in productive rural activity. In conclusion, it is my opinion that it is the areas of the Wakatipu Basin which have been developed for lifestyle purposes (the creation of the idealised rural) rather than the less developed areas that exhibit the arcadian character most clearly.

3.1.5 While the landscape of the Upper Clutha Basin has been formed by similar glacial and fluvial processes to those of the Wakatipu, the Upper Clutha has a different character. It is not, in the main, arcadian, although there are areas close to Wanaka that are beginning to gain some of this character. Rather the landscape of the Upper Clutha Basin is a 'big sky' landscape with a more functional, pastoral character.

3.1.6 Almost anywhere within the wider Upper Clutha basin, except perhaps within the Clutha River corridor, expansive views are available to distant mountain ranges, some in excess of forty five kilometres distant. The soaring river terraces and level outwash plains introduce strong horizontal lines to the landscape. Roche moutonee are common features within the basin, around and within Lake Wanaka, and within the Matukituki Valley providing quite startling topographical variation, particularly where they pierce the outwash plains. The surrounding mountains are high and wild in appearance. The ecology of the Upper Clutha Basin and the lower lying area adjacent to Lakes Wanaka and

Hawea has been significantly modified by pastoral farming, however, significant areas of remnant and regenerating indigenous vegetation are present throughout the Basin and the surrounds of the Lakes. A number of major rivers feed the lake systems including particularly the Makarora, Matukituki, Hunter and Dingleburn, and the delta of the Makarora River is listed in the Geological Society's inventory of important geological sites and landforms[8]. The delta systems of all of these rivers are dynamic, changing according to the behaviour of the rivers. The Upper Clutha Basin is cut by, and much of its topography created by, three major rivers: the Hawea, the Clutha and the Cardrona. The outlet of Lake Wanaka is one of few remaining in the South Island which has not been modified and controlled in some manner, generally relating to the generation of electricity. The Clutha is the largest river, in terms of flow volume, in the country.

3.1.7 To an observant eye the glacial and fluvial origins of the landscape of the upper Clutha are readily evident. The glacial forms of the broader valley walls, the very obvious terminal moraines and the large number of roche moutonee show the glacial origins of the area. The soaring river terraces provide equally clear evidence of the force of the rivers in forming the landscape. Evidence of rock falls; the behaviour of the rivers; the changing river deltas and significant outwash fans all demonstrate the dynamic nature of the landscape. Contrasts between the greens of the more manicured areas, and the less manicured in the spring, and the browns of summer and autumn provide transient variation to the landscape as does the presence of snow on the mountains in winter.

3.1.8 The Clutha River (Mata-au) is an area of Statutory Acknowledgement for Ngai Tahu. It was a part of a mahika kai trail leading inland from the eastern coast and was also significant for the transportation of greenstone from the west. The river was the boundary between the Ngai Tahu and Kati Mamoe[9]. Settlement of the upper Clutha basin by Europeans began in the 1860s driven by gold mining and pastoralism. Mining sites on the edges of the river are still identifiable by the scouring caused by sluicing and by the location of stone piles; cottage remnants and groves of Lombardy poplars which have often resulted from the construction of 'temporary' yards for stock or horses.

3.1.9 While sometimes considered less aesthetically pleasing than the Wakatipu area it is simply less classically picturesque and its aesthetic appeal is its more raw, natural and untamed character. That this landscape is highly valued is indicated by the number of submissions and appeals brought by members of the Wanaka community against development

[8] Hayward, B W & Kenny, J A; (1998); Inventory and Maps of Important Geological Sites and Landforms in the Otago Region; Geological Society of New Zealand: Lower Hutt.

[9] http://www.orc.govt.nz/Documents/Content/Regional%20Policies%20Plans/27.%20Appendix%202%20Ngai%20Tahu%20Claim s%20Settlement%20Act%20Statutory%20Acknowledgements.pdf

proposals which they perceive to present a threat to the landscape's quality and integrity. This landscape has a lesser degree of protection than that of the Wakatipu Basin and this may be justifiable on the basis of a lesser level of residential development pressure. The threats to the Upper Clutha landscape are different and it is my opinion that this needs ot be acknowledged so as to manage these wild and expansive landscapes effectively.

3.1.10 Also at issue are the potential Outstanding Natural Features of the Upper Clutha. Roys Peninsula was so determined by the Environment Court in its C29/2001 decision. Other features often described as outstanding include Mount Iron, Mount Barker and the Clutha, Hawea and Cardrona Rivers. Mount Iron has been assessed in the Wanaka Town Boundaries report that assessment is reproduced in this report. The Clutha River has been assessed but it is complicated by the presence of the Hydro Generation Special Zone which overlays the river and its lower surrounds. A landscape classification cannot influence consent decisions for activities within this zone. However, I have effectively chosen to ignore it as its purpose is very specific and it bisects the river corridor. I will effectively work around the Upper Clutha Basin in a clockwise direction starting from western Wanaka.

3.2 Parkins Bay and Glendhu Bay

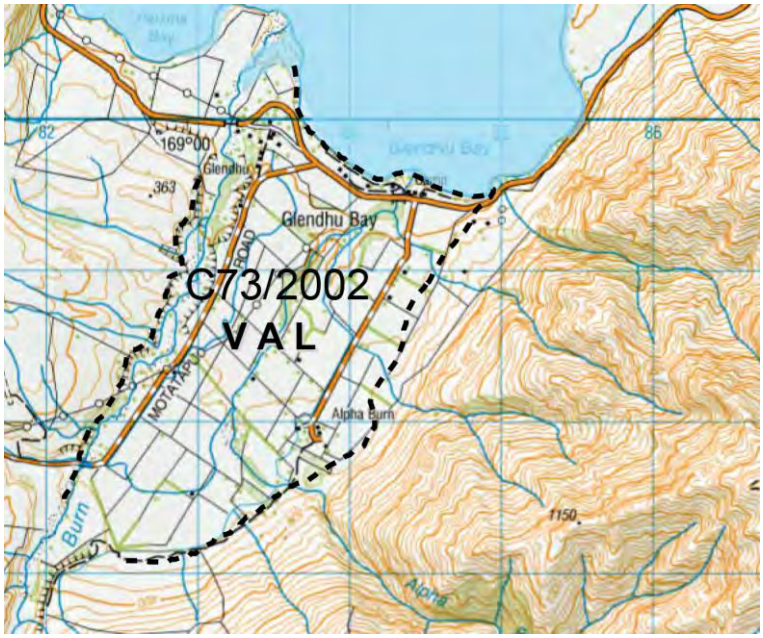

Fig 4: Map of Parkins Bay and Glendhu Bay taken from Appendix 8B of the District Plan

3.2.1 The Environment Court, in its C432/2010 decision, concluded that Parkins Bay and Glendhu Bay are a part of the ONL of western Wanaka. The Court did note that the:

'ONL around the site is a very complex landscape and that it includes two highly modified areas which are very different from most of the embedding landscape.

These areas are the Fern Burn Flats and the Matukituki River delta. These areas, especially the latter, are pastoral in the English sense'.[10]

I agree with this conclusion that despite the obvious modifications of the Fern Burn flats and the Matukituki delta, the landscape of the lake and mountains surrounding the area is so dominant that it is them which provide the character and quality of the overarching landscape experience. The dotted lines on the Appendix 8B map should be removed.

3.3 Roys Peninsula

Fig 5: Roys Peninsula showing ONF boundary of as accepted by the Environment Court. Taken from Appendix 8B of the District Plan

3.3.1 Roys Peninsula was accepted by the Environment Court to be an Outstanding Natural Feature in the C29/2001 case. The landward boundary of this landform has not been determined, however. In my opinion this boundary should be located at the foot of the slope where the roche moutonee rises up from the alluvial fan of the Matukituki River. The flank of Roys Peninsula rises quite steeply from the fan, and the vegetation cover changes almost immediately from improved pasture to rougher grasses and patches of scrub. The location of this boundary is illustrated on Fig 6 below.

[10] C432/2010; Para 81, P 32

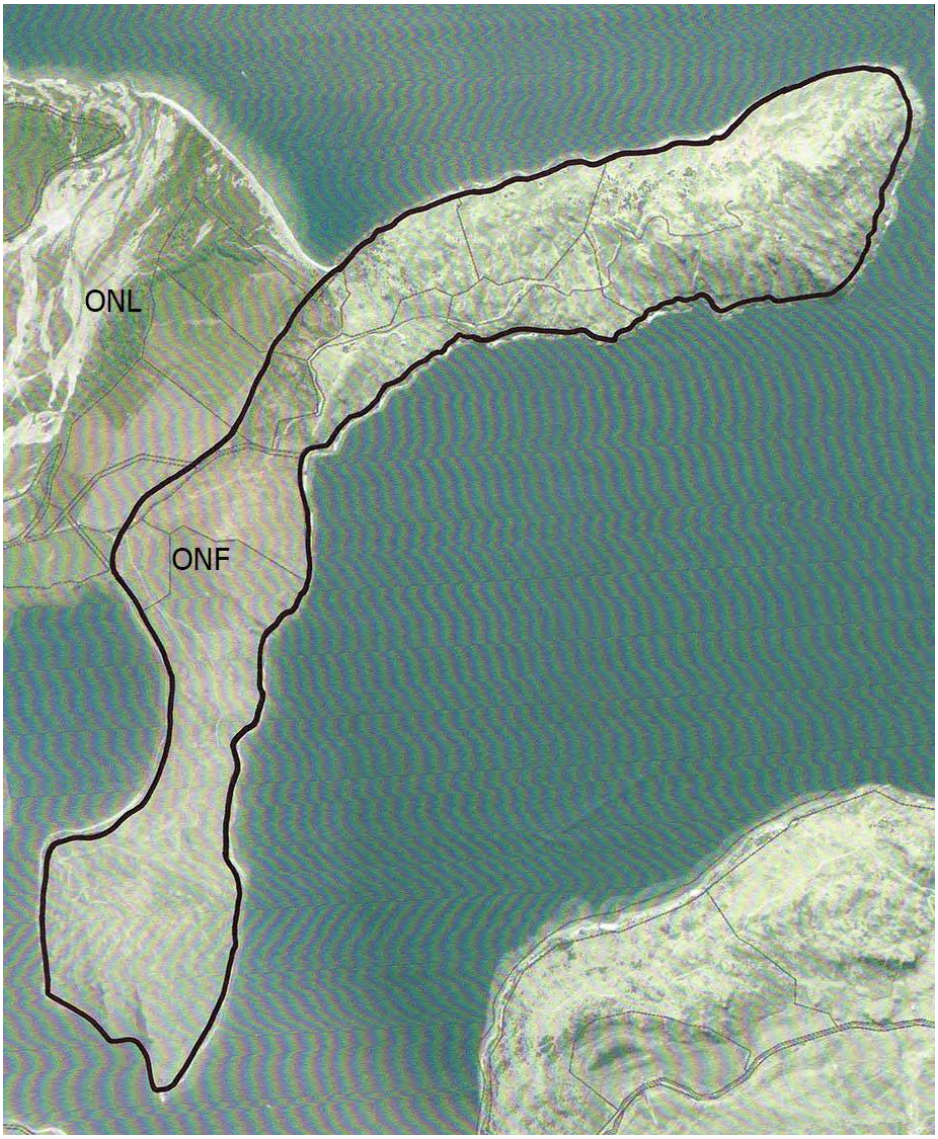

Fig 6: Location of the proposed landward boundary of the Roys Peninsula ONF

3.4 Waterfall Creek

3.4.1 In its C73/2002 decision the Environment Court confirmed the boundary line between the ONL of Mount Alpha and the VAL of the Upper Clutha basin. To the north of the confirmed line the putative line, illustrated in Fig 7 below, follows the boundary of the Rural Residential and Rural Lifestyle zones until it crosses the Wanaka Mount Aspiring Road where it turns south eastward. From this point it follows firstly the road and then the legal boundary between the Mills property (Rippon Vineyard) and the Blennerhassett property located between the vineyard and Waterfall Creek.

Fig 7: Map of Waterfall Creek area showing the putative ONL boundary taken from Appendix 8B of the District Plan.

3.4.2 The location of this boundary is problematic. It is my assessment that the landscape of the Blennerhassett property to the east of Ruby Island Road is more similar to that of the Mills property (the Rippon Winery) than that of the landscape immediately to the north west of Waterfall Creek. Ruby Island Road runs in a direct line to the north, approximately following the course of Waterfall Creek. The margins of the creek between the road and the creek itself exhibit a high level of natural character. In my opinion the boundary of the ONL of the lake margin and Mount Roy should follow the western margin of Ruby Island Road. This is not to say that there are not areas of the Blennerhassett property along the lake margin, in particular the Kanuka reserve covered by a QEII National Trust Covenant, which should be classified as ONL but in my opinion it should be considered a part of the ONL of the lake and its margins. This line is illustrated in Fig 8 below.

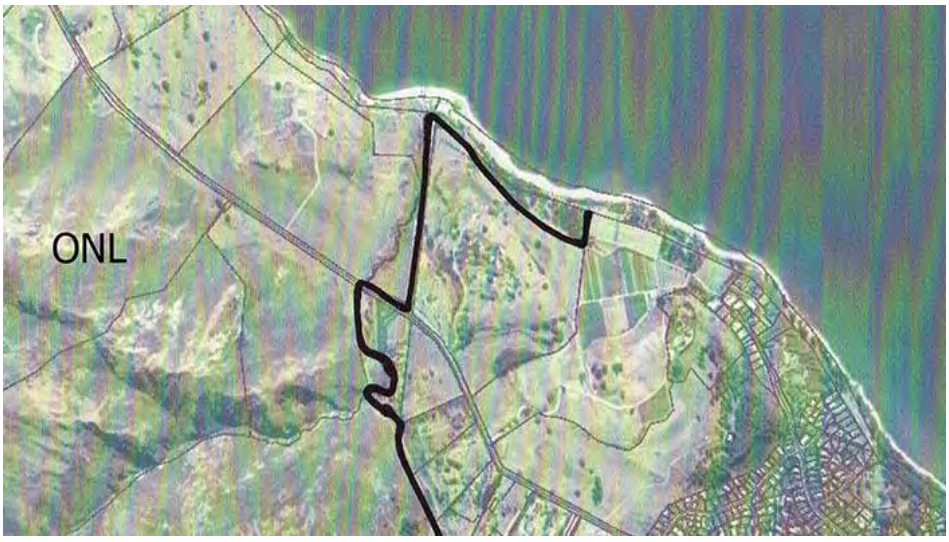

Fig 8: Proposed boundary of the ONL of Mount Alpha and Mount Roy

3.5 Mount Iron / Little Mount Iron[11]

3.5.1 In geological terms Mount Iron is an example of a roche moutonee landform. The underlying rock is schist which, owing to its being harder than the surrounding rock, has forced the glacier to ride up and over it. As a consequence the upstream faces to the north west are relatively gently sloping but the downstream faces to the south and east are precipitous and ice plucked. While there are many roche moutonee in this district Mount Iron is described as, 'A particularly good example…'[12] by the Geological Society of New Zealand and its isolation from both other roche moutonee and adjacent mountains makes it highly memorable and readily legible.

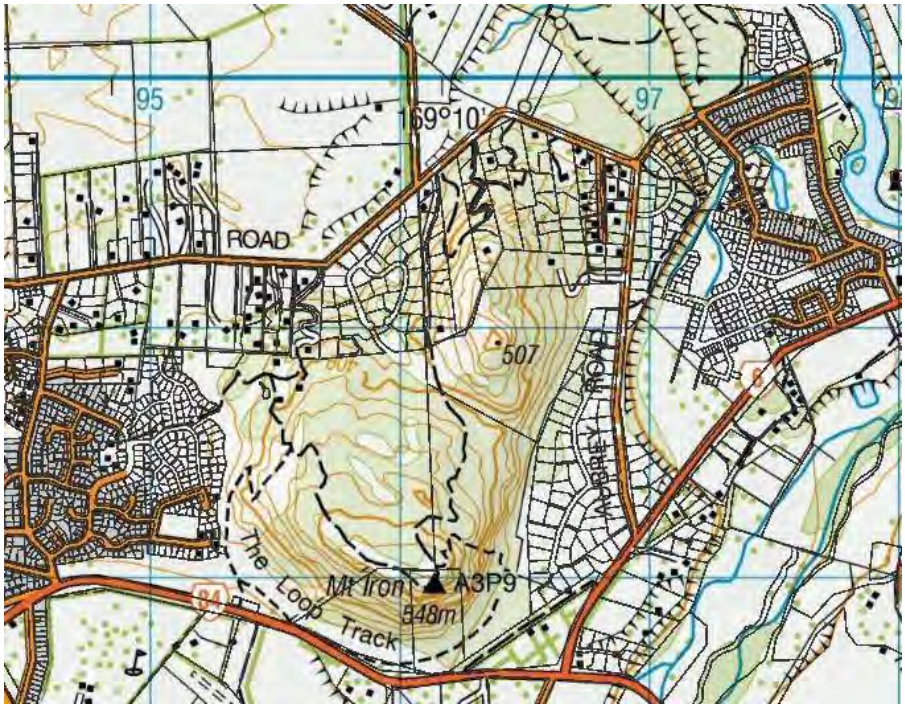

Fig 9: Mount Iron located between Wanaka to the west and Albert Town to the east.

3.5.2 Mount Iron has two summits, Mount Iron itself which stands at 547masl and Little Mount Iron to the north which stands at 507masl. This means that the main summit rises approximately 220m above most of Wanaka township and its surrounds and as a consequence Mount Iron is a highly notable feature of the context of Wanaka, visible for some distance from the surrounding countryside. While the western slopes have remnants of pasture the predominant vegetation cover is matagouri and coprosma scrub with extensive stands of kanuka extending over the higher slopes from the west to the foot of the eastern faces. The occasional wilding conifer is present, but not in sufficient numbers to be particularly noticeable. The unmodified nature of most of the mountain, particularly its

[11] This section of this report has largely been taken from the earlier report to Council entitled Wanaka Town Boundaries: Landscape Assessment, December 2009

[12] Hayward, BW & Kenny, JA (eds); (1998); Inventory and Maps of Important Geological Sites and Landforms in the Otago Region; Geological Society of New Zealand: Lower Hutt. P 36

eastern faces, gives it moderately high natural character. Subdivision and development for housing has been undertaken on the western and northern slopes. This has compromised the natural character to some extent, although the northern subdivision is nestled into the kanuka, diminishing some of its impact on the greater feature. Patterns of light and shade at differing times of the year play on the mountain, particularly on the eastern faces, and kanuka flowering adds seasonal change. I am not aware of the mountain having any particular significance to Tangata Whenua save that it is called Matukituki[13], nor am I aware of any particular European historic significance. It is listed in the Geological Society of New Zealand 'Inventory and Maps of Important Geological Sites and Landforms in the Otago Region'[14] as a site of national importance. I also note that the classification of Mount Iron as an Outstanding Natural Feature was accepted by the independent commissioners who heard the recent resource consent application RM130117[15]. In conclusion I consider that Mount Iron is both sufficiently natural in character and outstanding in its quality to be considered to be an outstanding natural feature in the terms of S6(b) of the RMA91 and in the terms of the QLDC District Plan.

3.5.3 Determining the line which distinguishes the outstanding natural feature from its surrounding context is not such a simple challenge. Arguably, it should be located at the point at which the roche moutonée protrudes through the surrounding moraine and alluvial river terrace surfaces, however, development and zoning have already been allowed to spill over this boundary and to significantly compromise the edges of the feature, particularly to the west and the north. For this reason I consider that the boundary should follow the Rural General zone boundary except around its southern flanks. To the south east of the mountain the boundary of the feature, indicated by the change in gradient between the steep cliff faces and the alluvial river terrace moves away from the zone boundary and the feature boundary should be located at this point. To the south west of the mountain the boundary traverses the terrace to enclose the landform.

[13] http://www.nzetc.org/tm/scholarly/tei-TayLore-t1-body1-d12.html
[14] Hayward, BW & Kenny, JA (eds); (1998); Inventory and Maps of Important Geological Sites and Landforms in the Otago Region; Geological Society of New Zealand: Lower Hutt.
[15] Taylor, DJ & Overton, L, Commissioners; Decision RM130117 issued 30 January 2014.

Fig 10: Aerial photograph of Mount Iron showing proposed ONF boundary.

3.6 Mount Brown and the Maungawera Valley

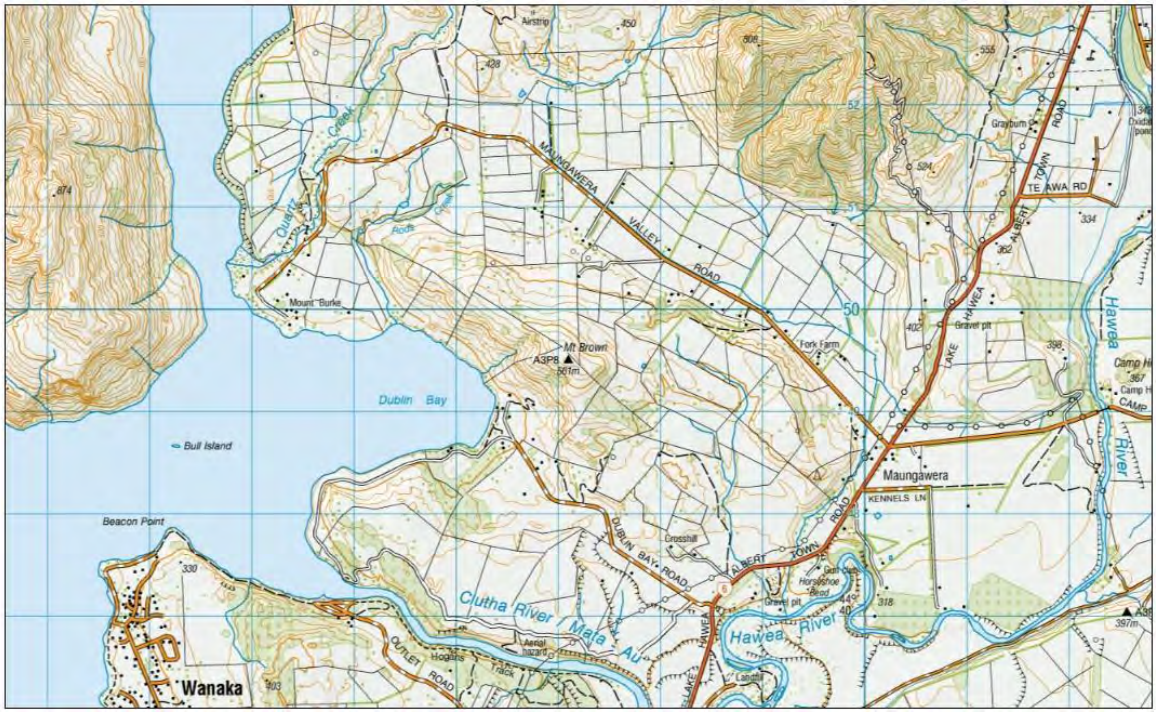

Fig 11: Map of Mount Brown and the Maungawera Valley

3.6.1 In its C114/2007 the Environment Court adopted a line determining the lakeward portion of Mount Brown to be a part of the Outstanding Natural Landscape of Lake Wanaka. This line continues to the south of Dublin Bay and incorporates the northern headland and northern river terraces associated with the Clutha River outlet. The Court did not discuss a location for the north eastern side of Mount Brown. The following is the map of this line taken from Appendix 8 of the District Plan.

Fig 12: Appendix 8B map illustrating the VAL/ONL boundary in the vicinity of Dublin Bay and Mount Brown

3.6.2 In a landscape assessment for a resource consent application in Maungawera Valley Road (RM090775) Mr A Rewcastle made the following comment regarding the landscapes of the vicinity. He said:

> *Due to the organic and informal nature of topography and landscape elements, in many parts, landscape characteristics blur the boundary between the ONL associated with the north eastern slopes of Mount Brown and the VAL associated with the flat plains of the Maungawera Valley.*[16]

I agree with this observation. Mr Rewcastle did, however, propose a line delineating these two landscapes and I agree, fundamentally with its location. This line is illustrated in Fig13 below.

[16] Rewcastle, A; RM090775 Landscape Assessment; 12 January 2010

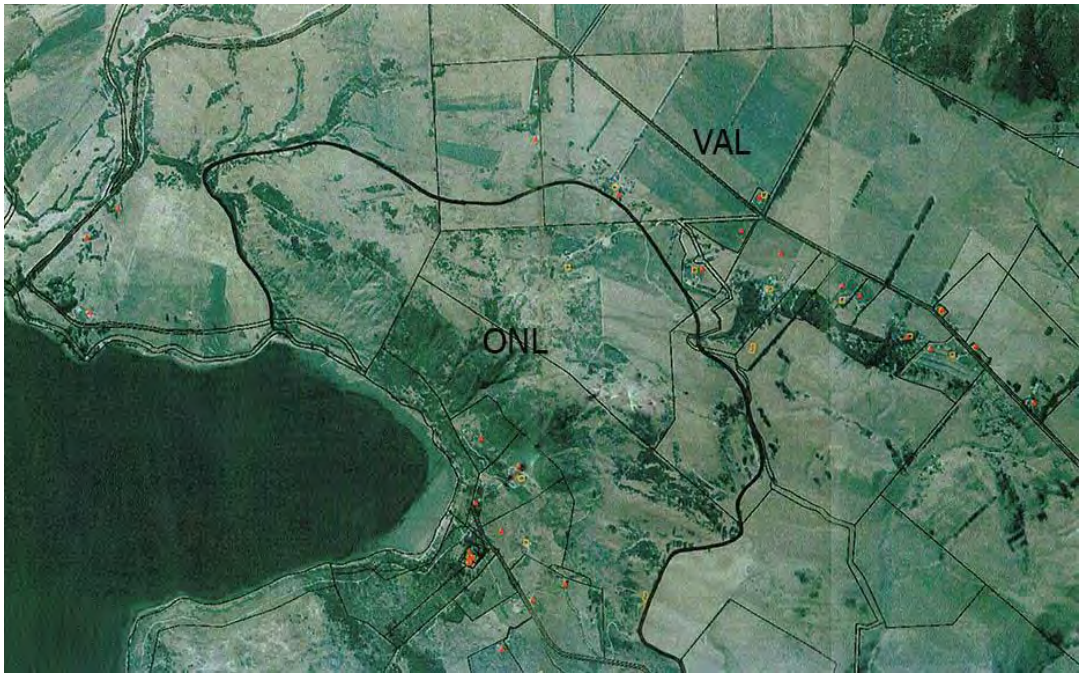

Fig 13: Mount Brown ONL boundary

3.6.3 Mr Rewcastle also drafted an indicative line separating the VAL of the Maungawera Valley floor from the ONL of Mount Maude and Mount Burke. While I agree substantially with the location of this line it is my opinion that the terrace complex associated with Quartz Creek is of sufficiently high natural character and aesthetic value, and sufficiently similar to the more elevated areas of ONL (and dissimilar to the surrounding VAL) to warrant its inclusion within the ONL. It is the case, particularly when in the most western reaches of the Maungawera Valley Road in the vicinity of the Mount Burke Station homestead complex that the proximity of the Peninsula to the west, Mount Brown to the south, and Mount Burke and Mount Maude to the north, overpower the degree of modification of the landscape which is evident in the form of grazed pasture, exotic trees, and farm buildings. This is a similar situation to that experienced in the Fern Burn valley in west Wanaka where the outstanding natural landscape surrounding is of such scale and dominance that the level of modification of the surrounding landscape becomes irrelevant.

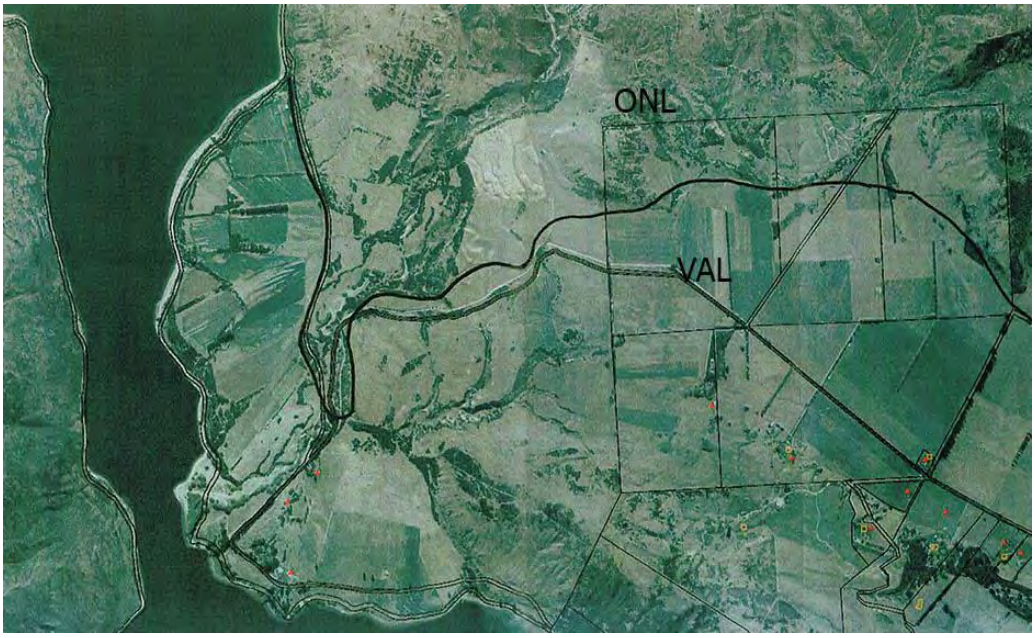

Fig 14: VAL/ONL boundary on the northern side of the Maungawera Valley

3.7 Hawea / Upper Clutha Basin

This area is very large and for simplicity I shall break it into a number of smaller units. These are west Hawea / Mount Maude; north eastern Hawea; south eastern Hawea; the Luggate / Tarras Road; and Luggate / Mount Barker.

3.7.1 West Hawea / Mount Maude

Fig 15: Map of West Hawea / Mount Maude

3.7.1.1 The Wilson Farm Partnership case, C158/2005, was an appeal against a QLDC decision to decline consent for a subdivision of some of the elevated land at the southern base of Mount Maude and the northern entrance to the Maungawera Valley. While not directly addressing the

issue of the location of the boundary in the vicinity of the site the Environment Court commented that '...the witnesses in this case were agreed that the ONL extended at least as far south as Lot 6 of the earlier subdivision. It is likely to reach as far as the building platform on that allotment'[17]. The Court further noted that all parties agreed that the site was located within the Visual Amenity Landscape.

3.7.1.2 I agree with this assessment. While the hummocky moraine material situated at the northern foot of Mount Maude is distinct from the floor of the Maungawera Valley it is also distinct from the wilder slopes of that mountain. The vegetative cladding is notable for the extensive planting of exotic trees and it clearly wears the cloak of human occupation more clearly than the higher slopes of the mountain range.

3.7.1.3 A rough terrace at an approximately similar altitude to the spur discussed above continues along the eastern foot of Mount Maude to the north. Having similar geological and geomorphological character to this spur it has been more readily developed and modified and has a similar character to that of the spur. Similarly, this character is more similar to that of the basin floor than of the steeper mountainside above. It is the case that there are a number of stands of exotic conifers scattered along this mountainside but their size and distribution suggest that they are self-seeded in the main and they do not detract significantly from the relatively high natural character of the upper mountain slopes. The line should descend to the margin of SH 47 just to the south of the Lake Hawea outlet and should follow this route until just north of the outlet, noting, of course, that the outlet has been significantly modified in order to raise the level of the lake. This line is illustrated in Fig 16 below.

Fig 16: ONL/VAL boundary around Mount Maude and north western Hawea

[17] C158/2005 Para 5, P2

3.7.2 North eastern Hawea

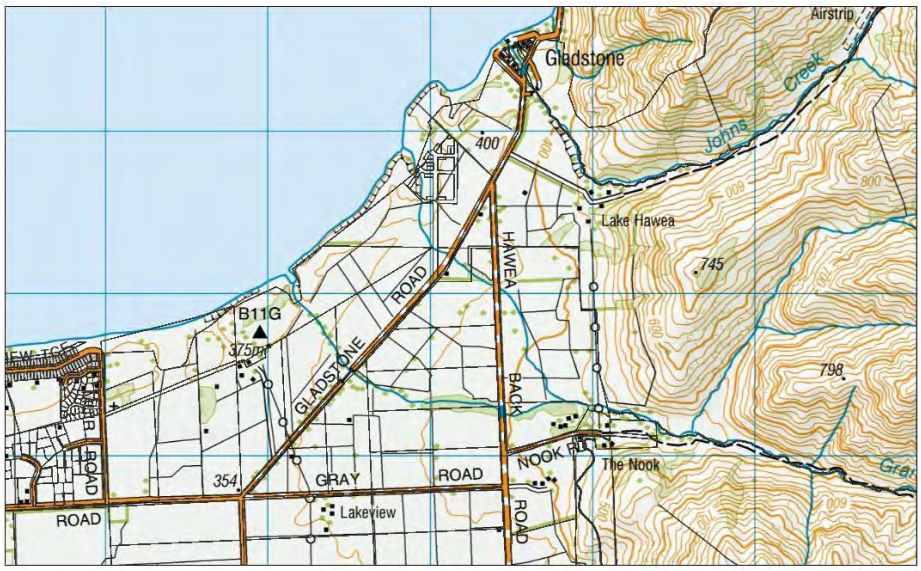

Fig 17: North eastern Hawea

3.7.2.1 While Lake Hawea is an artificially raised hydro lake, it is the case that, water level excepted, it is subject to predominantly natural processes and warrants classification as an Outstanding Natural Landscape. Consequently I consider that the margin of the lake along its southern edge should similarly be considered to be a part of that landscape. While the level of naturalness of this margin is arguable, it nonetheless demonstrates the processes of interaction between water and land and is clearly associated with the lake.

3.7.2.2 Hawea township has been constructed on the western half of the terminal moraine of the last Hawea glaciation. The eastern half is currently devoid of significant development in terms of notable earthworks and buildings (although I note that a consented walkway has been constructed through the moraine system). Most of the terminal moraine of Lake Wakatipu is located outside of the QLDC district. The Lake Wanaka moraine has been overtaken by recent development within Wanaka township. This eastern portion of the Hawea moraine is the last piece of lakeside terminal moraine which retains a reasonably unmodified natural character. It is highly legible and contributes to the viewer's understanding of the formative processes of the district. While its ecology has been modified by agriculture is does have some regenerating indigenous vegetation present. Consequently I consider that the eastern half of the terminal moraine should be included within the Outstanding Natural Landscape of Lake Hawea. This is illustrated on Fig 18 below.

Fig 18: ONL/VAL boundary in northeastern Hawea Flat

3.7.2.3 It is the case that the moraine has been modified by outwash material at its eastern most extent. This outwash fan is largely occupied by the settlement of Gladstone which forms the core of a Rural Residential zone. Consequently the line needs to separate this zone from the Lake to its north west. To the south west of Gladstone there is another small village surveyed which is located within a cutting in the moraine probably created by a stream. While there is a network of named roads and there are residential lots identified there is no obvious evidence that this village ever existed, and all of the land is currently zoned Rural General. Thus any development on the lots would be subject to the rules of the Rural General zone and it is arguable that most of these residential sections are not within the area of the moraine anyway. This can be seen on Fig 18 above.

3.7.2.4 From the north eastern corner of the Hawea Flats I consider that the boundary follows the foot of the Breast Peak and Mount Grandview Range. I undertook a detailed assessment of the location of the line separating the VAL of the flats from the ONL of the mountains for a report on a subdivision consent, RM070222 (McCarthy Bros). I continue to consider that this was a rigorous assessment and that the location of the line which I identified was appropriate[18]. This is illustrated in Figs 18, 19, and 20.

[18] It was the case that the Commissioners hearing the application effectively added my assessment and the applicant's landscape architect's assessment together, resulting in a demarcation between VAL and ONL different to that of either myself or that landscape architect.

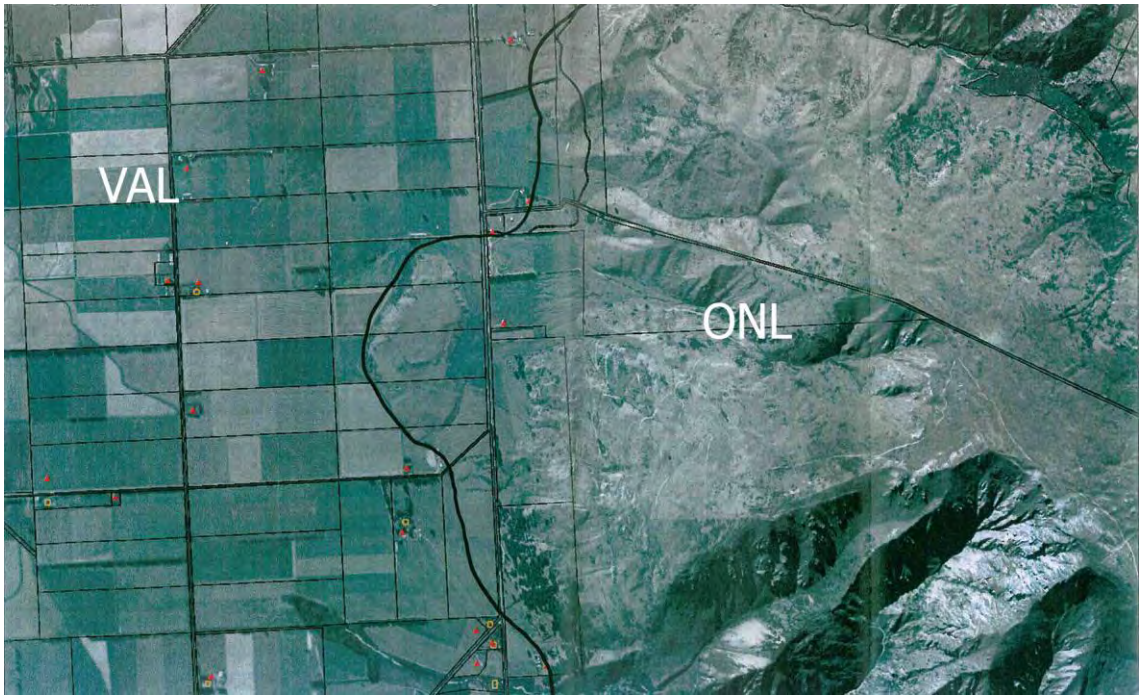

Fig 19: VAL/ONL boundary along the eastern side of Hawea Flats

3.7.3 South eastern Hawea Flats

Fig 20: Map of south eastern Hawea Flats

3.7.3.1 The location of the boundary line between the ONL and VAL at the south eastern corner of the Hawea Flats is difficult to determine because of a lack of clear features. This corner of the flats is the location of the intersection of the terminal moraine from an earlier glaciation, the schistose mountain range of Mount Grandview, and outwash deposits from this mountain range. This area was the location of the outflow of an older, higher Lake Hawea and that the valley which runs along the foot of the mountain range to the south is the paleo-channel of this outflow. The small lakes at the northern end of this valley are entirely artificial. The hummocky and elevated land forms to the east of Kane Road at the

south eastern corner of Hawea Flats are clad with conifers. It is considered that the landscape on the top of the moraine, the moraine and outwash plain, is not a part of an outstanding natural landscape. It is now my opinion that the boundary should follow the top of a shallow spur, the land behind which has been determined previously to be ONL, and then loop over the landform to the east until the Grandview Range proper is met, and from that point it should follow the foot of the Grandview Range south. This line is illustrated in Fig 21 below.

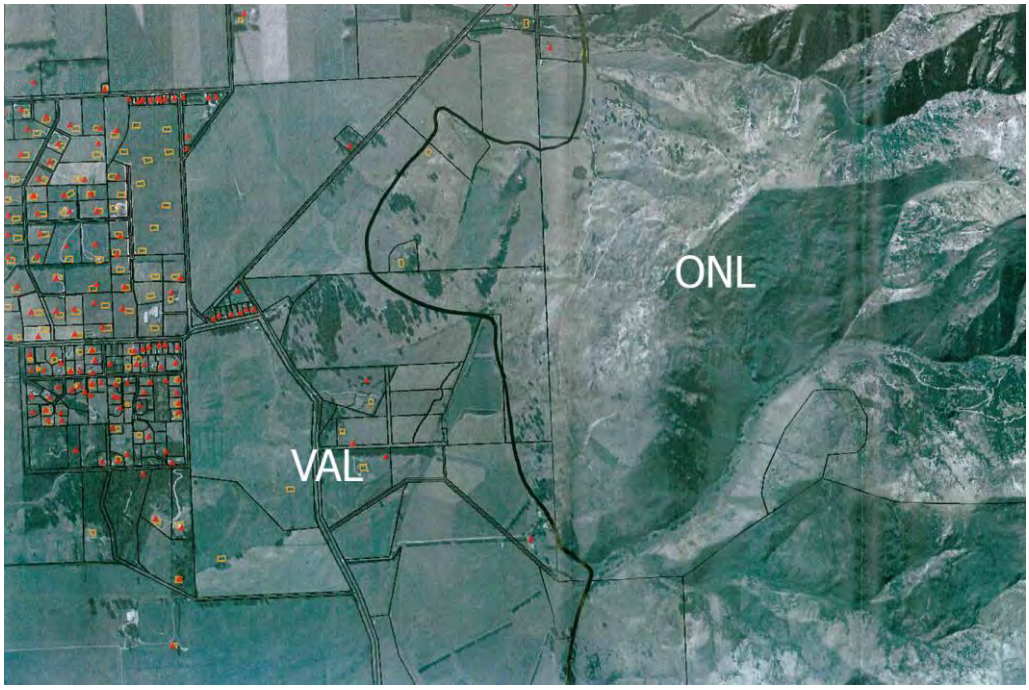

Fig 21: The ONL/VAL boundary in the south eastern corner of Hawea Flat

3.7.4 Kane Road / Mount Grandview / Tarras Road

3.7.4.1 That the landscape boundary should be located at the foot of the Grandview Range along the valley floor to the east of Kane Road is probably not readily disputable. In the southern reaches of this area, however, in closer proximity to the Clutha River the landscape, once again, becomes complex. To the east of McKay Road areas of elevated outwash terraces are present at the foot of the mountain and are bisected by the Crook Burn. To the north west of the Crook Burn this forms a long spur jutting out from the lower slopes of the Mount Grandview Range. It is of sufficient size that its upper surface, which is relatively flat, has been cultivated and divided into a number of large paddocks separated in some places by conifer wind breaks. These shelter belts and pivot irrigators are features of these elevated areas. The escarpment faces of this land form, however, are notable for their indigenous vegetation and their strong visual similarity to the more elevated slopes of the mountain range. To the south east of the Crook Burn there is another similar but somewhat smaller spur.

Fig 22: The Kane Road / Tarras Road area of elevated outwash terrace deposits.

3.7.4.2 In geomorphological terms the broader landscape in which these spurs occur is predominantly that of outwash terrace deposits. It entails large flat and flattish areas interspersed with steep escarpments and cut with gullies and river terraces. They form, in my opinion, a highly legible landscape in terms of its formative processes. The ecology of the area has been significantly modified by farming practise although the gullies and other areas which have proved difficult to cultivate often show evidence of remnant indigenous vegetation. The predominant vegetative cover, however, is pasture with conifer and poplar windbreaks along paddock boundaries and exotic conifers in occasional forestry blocks. In my opinion this landscape has high memorability. It is a very brown landscape. The terraces form strong horizontal lines across the landscape which are often suddenly truncated in steep escarpments which provide striking contrast. The blue- green of the conifer windbreaks forms another striking contrast to the predominantly brown grasses. The presence of the windbreaks and forestry blocks mean that this landscape does wear a cloak of human activity fairly obviously. In my opinion it is sufficiently distinct from the adjacent mountain land forms that it is distinguishable. This landscape is adjacent to the Outstanding Natural Landscapes of the Grandview Mountains to the east and the Pisa Range to the south. It encompasses downlands and terraces. Consequently I consider that this landscape is correctly categorised as a Visual Amenity Landscape and I have located the landscape line across the tops of these spurs at the base of the mountain slopes.

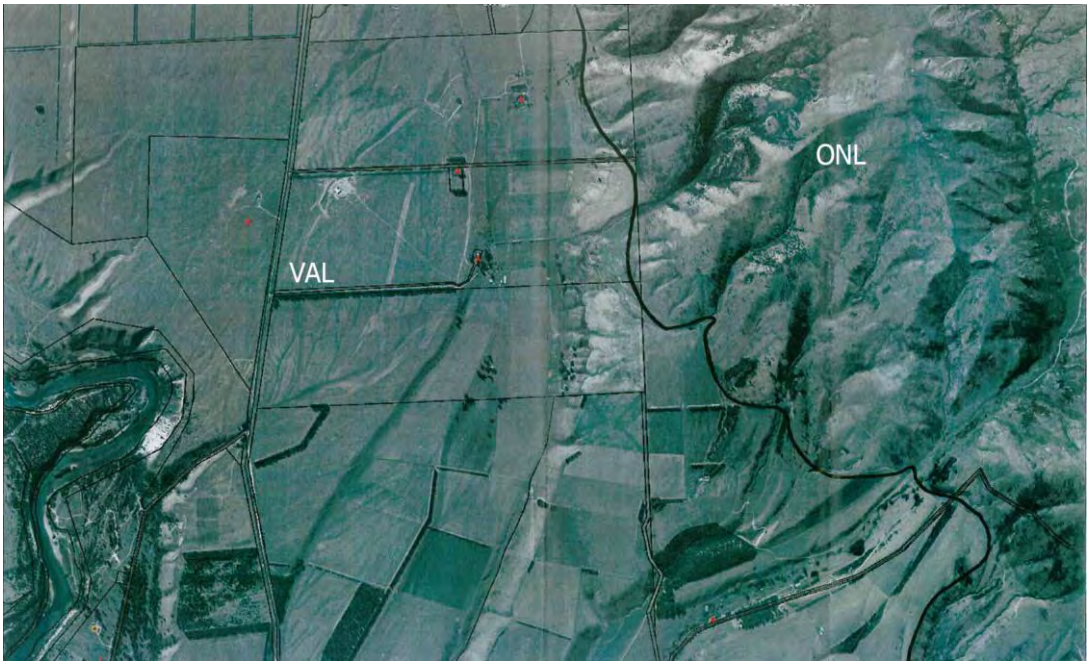

Fig 23: Proposed boundary in the vicinity of the Crook Burn – Mc Kay Road – Tarras Road

3.7.5 Luggate to Mount Barker

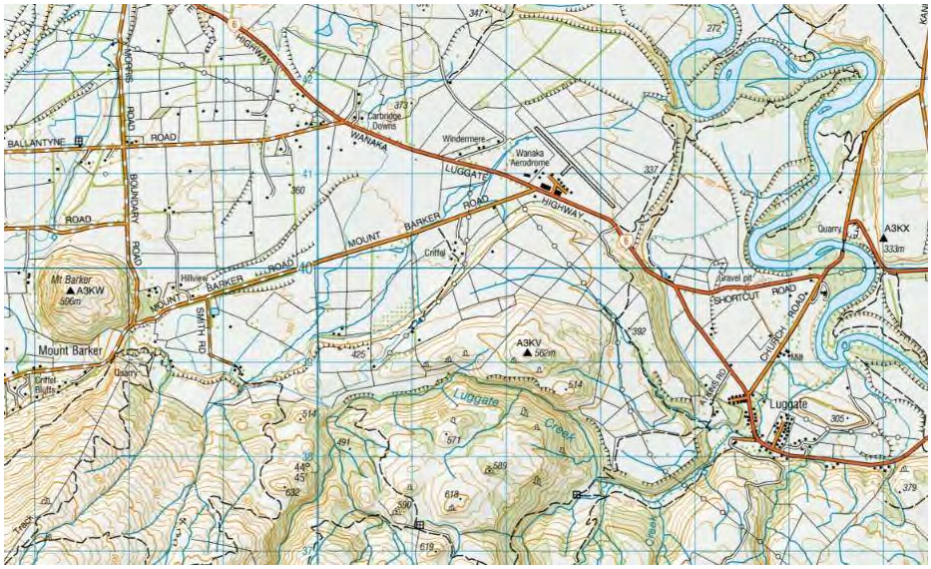

Fig 24: The northern margin of the Pisa Range between Luggate and Mount Barker.

3.7.5.1 This too is a complex landscape. The higher faces of the Pisa range have a high natural character; are memorable and clearly warrant the designation of ONL(DW). Between these slopes and the basin floor expansive terraces exist which are intensively farmed. In my opinion the boundary of this ONL should follow the base of the Pisa Range from the District boundary skirting around behind Luggate along the boundary of the residential zoning and then follow the true right bank of Luggate Creek. It should cross the creek to the south of the knob 'A3KV' to incorporate the bluff system beyond its left bank within the ONL. The line should then follow the southern and western edge of the north facing terrace until the

vicinity of Mount Barker is reached. This incorporates the farmed terraces within the ONL(DW) and is consistent with the Environment Court's decision in the Bald Developments case[19].

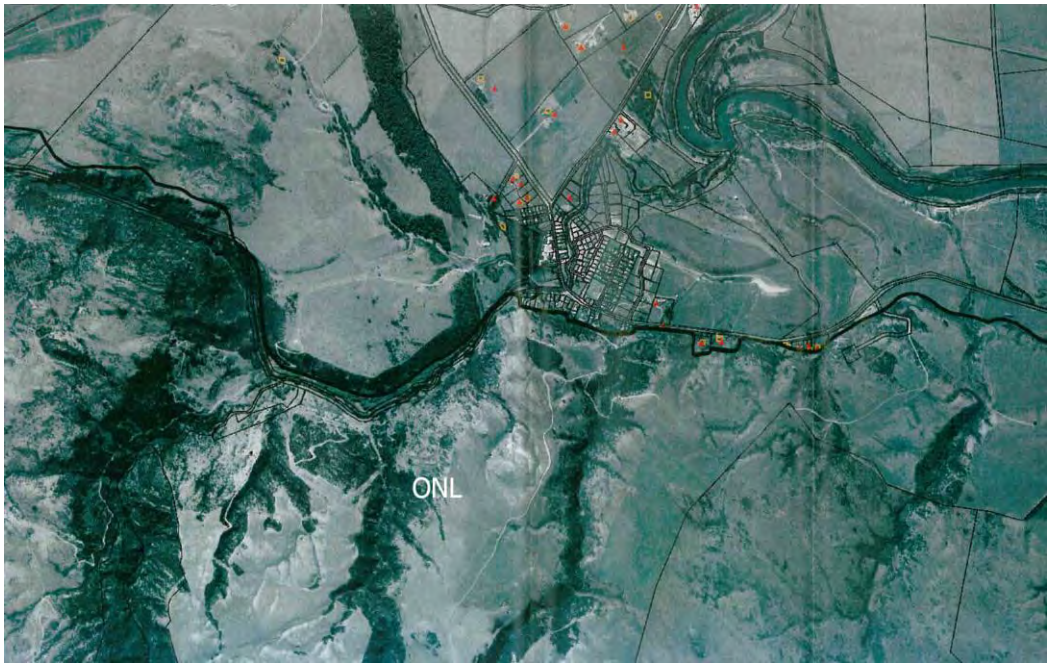

Fig 25: Proposed ONL boundary to the South of Luggate

3.7.5.2 Mount Barker has been reasonably consistently assessed as an outstanding natural feature in consent applications in its vicinity. It is a classic roche moutonee and although colonised by conifers and other exotic weeds is a distinctive and readily legible landform visible from much of the upper Clutha Basin. I consider that the ONF of Mount Barker and the ONL of the Pisa Range are contiguous. The line should then continue along the slope and follow the boundary of the Rural Lifestyle zone until reaching the putative line at the mouth of the Cardrona Valley.

[19] C?/2009

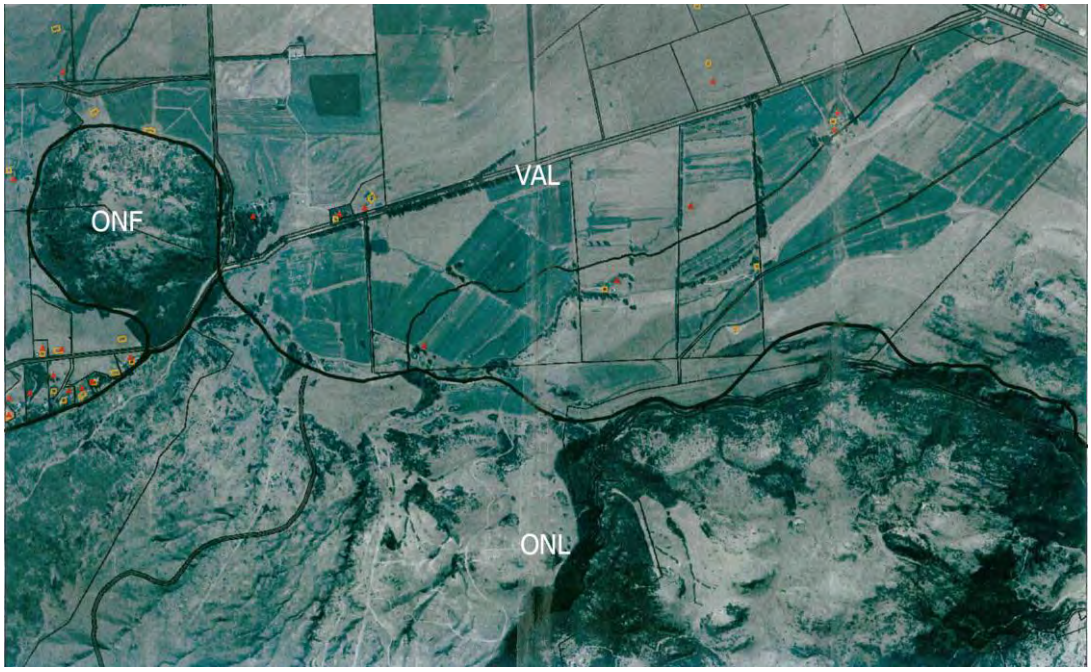

Fig 26: Proposed boundary between Luggate and Mount Barker

3.7.6 Clutha River Corridor

3.7.6.1 The landscape of the northern portion of the Clutha River Corridor is that of the glacial moraine which has been cut through by the actions of the river. At its highest point within this sub-area the moraine reaches 403masl, which is the highest point of the moraine in the vicinity of Wanaka. This point is located within an area which is currently under a pine plantation known as 'Sticky Forest'. While the land form slopes steadily to the west towards the lake from this high point, to the north, south and east it has a much more hummocky but gently declining topography dropping towards the confluence of the Cardrona and Clutha Rivers to the east of Albert Town. The Clutha runs between steeply cut terrace faces for much of its length through this part of its course. The land is clad, in the main, by rough pasture. Where the land drops away more steeply to the Clutha in the north the vegetative cover includes conifers and a mix of indigenous scrub.

3.7.6.2 The outlet of the Clutha River was determined to be an outstanding natural feature in the Crosshills Farm case (C114/2007) and it is the case, arguably, that the entire river corridor is also. The Clutha River outlet is particularly significant in that, of the major lakes in the District, it is the only one which remains unmodified. The outlet and the upper reaches of the river are contained within a distinct channel with steep terrace escarpments on both sides. While it is the case that the Outlet Camping Ground is located within this area, the amount of built form is low and the type is rustic and nestled within indigenous scrub. Maintaining this level of development in this location would not threaten the landscape quality or the integrity of the river feature.

3.7.6.3 Most recently the landscape classification of this part of the river corridor has been

addressed in the assessment of Plan Change 45, known as the North Lake plan change. This plan change was proposed for a block of land located between Aubrey Road and the Clutha River to the east of Sticky Forest. As this land is adjacent to the Clutha River and the lake outlet the location of the margins of the Outstanding Natural Landscape of the lake and the Outstanding Natural Feature of the Clutha River were considered. While a decision on that hearing has not yet been made, the landscape architects (M Read for QLDC and Baxter Design Group for the applicant) agreed on the location of the lines demarcating these landscape classifications. This line has been incorporated into the final proposed map and is illustrated in Fig 27 below.

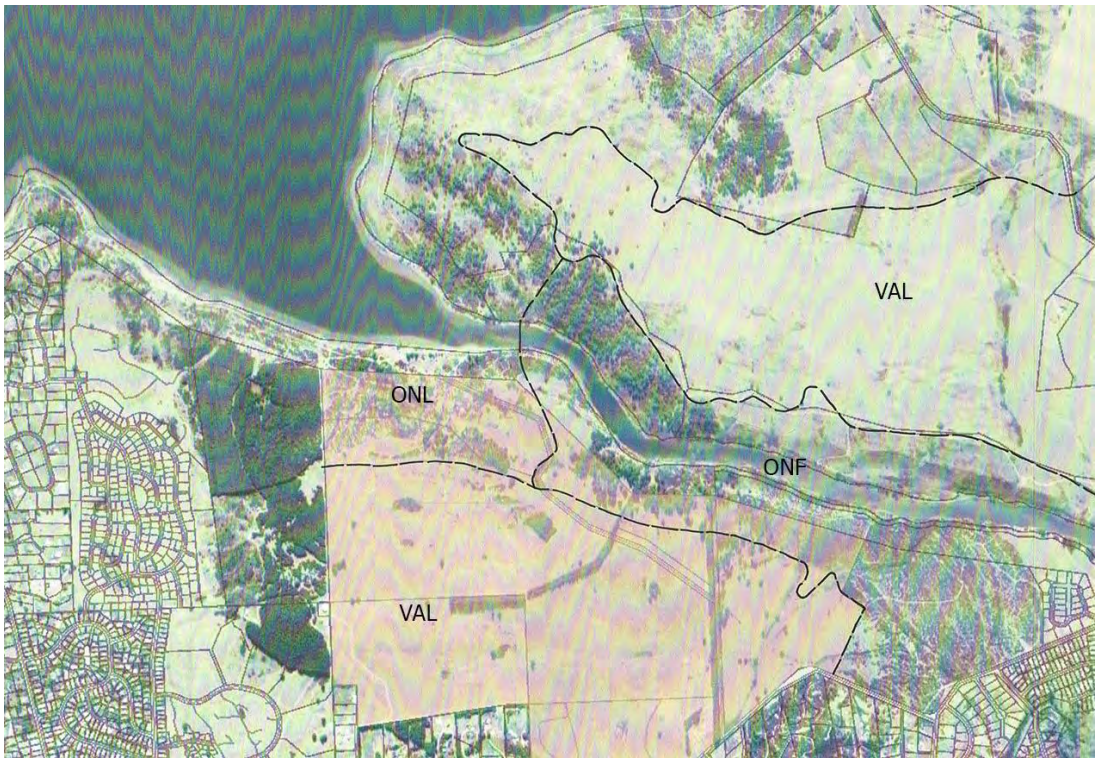

Fig 27: Proposed ONL, ONF and VAL boundaries at the Lake Wanaka outlet as agreed for Plan Change 45

3.7.6.4 Not given consideration at that time was the location of the landscape classification boundary on the adjacent 'Sticky Forest' site, and further west, on the Peninsula Bay site. While the 'Sticky Forest' site is highly modified in terms of its vegetative cover, it is also a remaining unmodified (in terms of earthworks and development) summit of the terminal moraine and I consider that it has some significance because of this. The more northern portion of the Peninsula Bay site to the west of Sticky Forest has also been determined to be appropriately classified as ONL. The proposed location of this portion of the boundary is illustrated in Fig 28 below.

Fig 28: Proposed ONL boundary in the vicinity of Sticky Forest and Peninsula Bay

3.7.6.5 As one moves down the river corridor the river terraces move away from and towards the river on alternate sides. Arguably the Hikuwai Reserve should be included within the ONF of the river. However, the open flood plain between it and Albert Town on the true right of the river could not as it is too highly modified incorporating much of Albert Town itself. The area to the east of the confluence of the Hawea and Clutha rivers has been subject to a thorough assessment by Mr Richard Denney in a report on a Resource Consent application (RM110287). I paraphrase Mr Denney's assessment here[20].

> The terrace landscape of the valley floor of the Clutha River is derived from glacial outwash and alluvial fans that have subsequently been cut into creating a series of broad sweeping terraces. These terrace forms extend from Wanaka down to Cromwell and are a distinct geological feature of the upper Clutha valley. The terraces on the eastern side of the confluence of the Hawea, Clutha and Cardrona rivers are relatively uniform in topography providing wide open areas of flat land. The well-defined terrace faces vary in height from around 60m to only a few metres.
>
> The confluence of the Hawea and Clutha rivers provides a converging arrangement of terraces that overlap. The terrace faces and the lower terraces are distinct landforms which are visible from Albert Town, State Highway 6, and a number of local roads including Camp Hill Road and Butterfield Road. The long tapering terrace faces sweep around the apex formed by the convergence of the two rivers providing varying aspects from the north around anti clockwise to the south. The abrupt changes in topography between terrace face and terrace flat creates a spatial depth between the terraces that is highlighted by the changing light conditions throughout the day and seasons.
>
> The landscape is open with generally a monoculture of pasture and very little other vegetation except for isolated areas of kanuka. It is the simplicity and scale of openness of the landscape towards the Clutha and Hawea Rivers that is most

[20] R Denney, RM110287 Landscape Assessment, June 7th 2011.

memorable. Apart from pasture and two shelter belts the landscape appears largely undisturbed by development.

To the north the Butterfield Road terrace face is clearly dominant in the landscape rising some 60m above the flat terrace below. Its tall face is clear reflection of the erosive behaviour of the Hawea River. South of the Butterfield road terrace, the landscape becomes broader with open terraces and with multi layers as the Clutha River comes more into play. The landform is a layered series of terrace and terrace face and is easily read as being formed by the adjacent rivers. The broad scale of the landscape enables panoramic views and provides clear association between terrace, terrace face and active river flood plain.

The changing light of the day on such a broad landscape provides a clarity to the topographic relief that is relatively undisturbed by buildings, roads, and even trees. The open pasturelands wrap to the contour and provide a fine grain texture to which the changing light captures every fine detail of the relief. This creates a landscape in which the natural landform is highly dominant and impressive, forever changing throughout the day and seasons. This effect is more dominant towards the south where the proportion of open land is generally greater.

Further south down the valley the similar and associated landscape of the upper Clutha terraces, known as Sugarloaf, adjacent to State Highway 6 in the vicinity of Lake Dunstan and Lowburn Inlet is identified by the Central Otago District Council District Plan[11] as an Outstanding Natural Feature. The New Zealand Geological Survey of New Zealand described the terrace landscape of the upper Clutha valley as "spectacular flights of terraces cut in glacial outwash and tributary fans"[12].

As noted previously, the Clutha River is a traditional focus of seasonal migrations and transport route providing access to the lakes Hawea and Wanaka, and to the west coast. The river has also been a tribal boundary.

3.7.6.6 While Mr Denney concluded that this area should be considered to be a part of the ONF of the Clutha River, I consider that it should be determined to be an Outstanding Natural Landscape. My reason for separating this area from the Outstanding Natural Features of the rivers is a matter of scale, the area being too great to really be considered to be a feature in a landscape. The terrace escarpment along the eastern side of this area which encloses it could be considered to be an Outstanding Natural Feature in its own right, however, I have included it within the ONL at this stage.

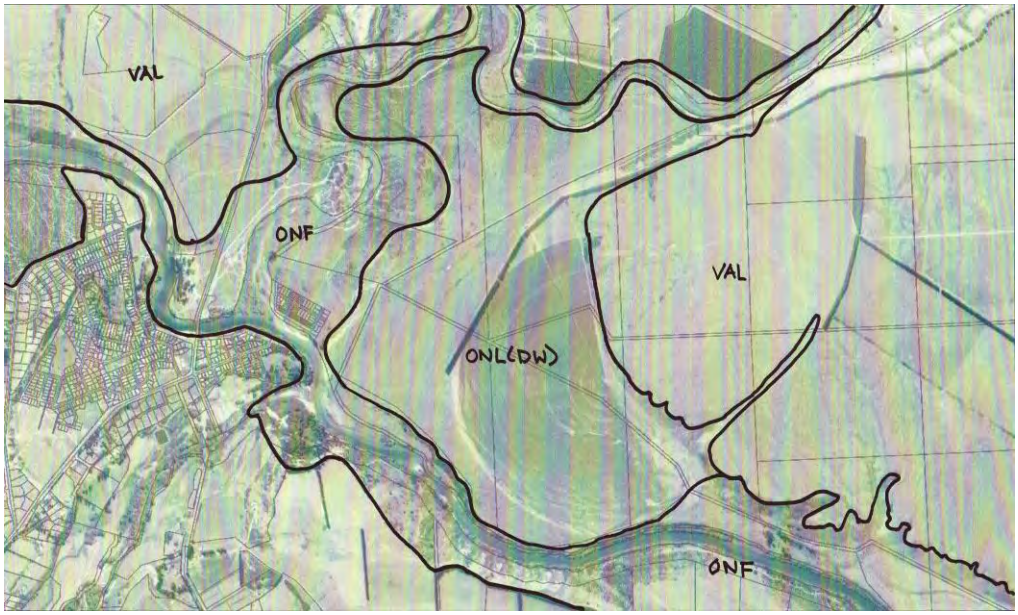

Fig29: Proposed landscape boundaries at the confluence of the Clutha and Hawea Rivers

3.7.6.7 As one moves further east past the terrace system at the confluence of the Hawea, Clutha and Cardrona Rivers the channel of the river narrows and is enclosed by the high terraces on both sides, with further narrow lower terraces also before the land drops away to the course of the river itself. In this enclosed corridor the power of the river in creating the channel is clearly evident. They evince high natural character, have extensive indigenous vegetation cover, and are highly legible landforms illustrating the effects of the meandering course of the river through time. I have not continued my assessment to the east of the Red Bridge as, at the time of undertaking field work in this vicinity, that portion of the River was not readily accessible. From a desk top study, however, I consider that the boundary of the ONF should follow the top edge of the lower terrace on the true right of the river. This is, in the main, because of the location of Luggate township and other development on the next terrace. On the true left of the river the line should similarly follow the top of the lower terrace. The upper terrace in this vicinity is expansive and its intensive agricultural use has imbued it with the qualities of a visual amenity landscape.

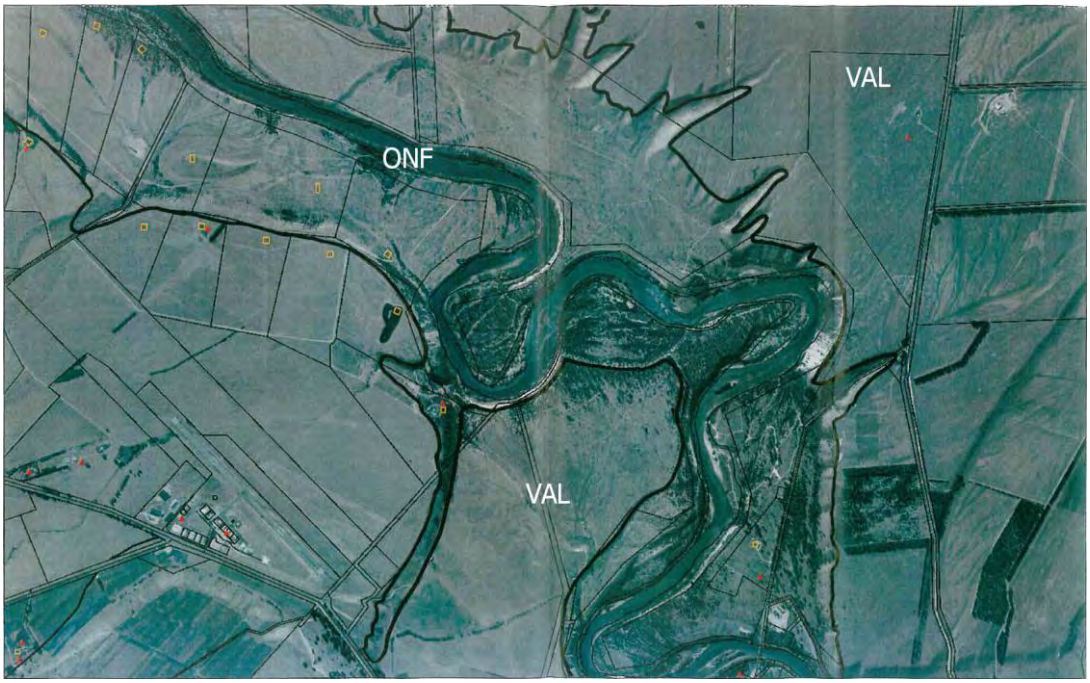

Fig 30: Clutha River ONF in the vicinity of Wanaka Airport

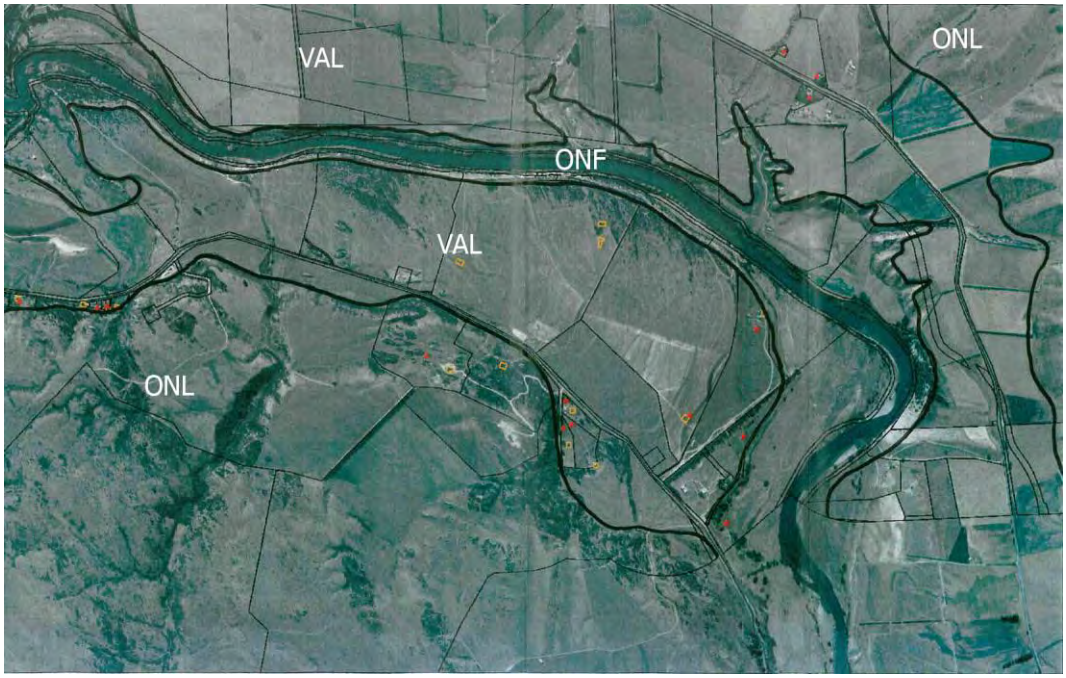

Fig 31: Clutha River east of Luggate

3.7.6.8 Two factors complicate the assessment of this corridor as an ONF. The first is the presence within the feature of the Hydro Generation Special Zone. However, I note that Section 12.13.3 of the District Plan states that, "Any activity not defined as hydro generation activity for the purposes of this Plan shall be subject to Part 5, Rural General Zone provisions". Consequently it would seem appropriate that the ONF categorisation be considered when assessing any such other activity. Secondly, west of Luggate the lower flood plain has been subject to a residential subdivision which created eight lots, six of approximately 20ha in area, one of

approximately 30ha and one of approximately 40ha in area, each with a registered building platform. The Commissioners considered (on the basis of the landscape assessment provided) that the landscape was VAL. I consider this categorisation to be in error. However, the degree to which this subdivision could adversely affect the ONF of the river corridor is mitigated by the size of the lots and the fact that the sub-divider voluntarily covenanted a 50m wide boundary setback to enable the regeneration of the kanuka to reduce the visibility of any dwellings from the river. While it is possible that the use of the land for other permitted activities (the subdivision application discussed viticulture) could have a domesticating effect I consider that the character of the soaring river terrace escarpments and the extensive indigenous vegetation in the vicinity of the river would likely mitigate the adverse effects of such activities, and that the classification of ONF is appropriate.

3.7.7 Hawea River Corridor

3.7.7.1 The Hawea River enters the area of the confluence with the Clutha River by undertaking a significant meander to the west and flowing around the western margin of the area defined above as an Outstanding Natural Landscape. The terrace system around the river margins is complex. In my opinion, however, the upper terrace surfaces on the true left of the river are within the Outstanding Natural Landscape discussed above, and the feature of the river is restricted to the lower terraces and the margins of the river itself. These terraces and the margins of the river in this southern area are clad with regenerating scrub and have a highly natural character. This is illustrated in Fig 29 above. Moving up the river this feature becomes narrowed, to the point where it contains only the river margins for most of the feature's length. Willows and poplars are present along the margins of the river itself form much of its length. Indigenous vegetation is also present, however, and the character of the river corridor remains highly natural. The outlet of Lake Hawea, which is via a control gate in the Hawea Dam, is not considered to be a part of the Outstanding Natural Feature of the river.

3.7.8 Cardrona River Corridor

3.7.8.1 Within the Cardrona Valley the Cardrona River is, rightly in my opinion, generally considered to be a part of the Outstanding Natural Landscape through which it flows. Through this portion of its flow it does not exhibit sufficient distinction from its context, which is its flood plain, to warrant its definition as an Outstanding Natural Feature of the landscape.

3.7.8.2 When the river exits the Cardrona Valley it becomes a more significant feature in the landscape in a similar manner as the Clutha and Hawea Rivers. That is, it too exhibits sequences of terraces where it has cut through the glacial and fluvial materials which form the

Upper Clutha basin. It is the case, however, that, other than the flow of the river itself, there is little natural character remaining, and its aesthetic value has been compromised. The river bed has been and still is extensively quarried for gravel. Areas of semi industrial development have been consented on its flood plains. It is infested with broom, lupins and wilding conifers along most of its length. In other words, the river corridor between the Cardrona Valley and the confluence with the Clutha River is significantly degraded and does not warrant classification as an Outstanding Natural Feature.

3.7.9 The Islands of Lakes Wanaka and Hawea

3.7.9.1 The significant islands of Lake Wanaka are Mou Waho, Mou Tapu, Stevensons Island and Ruby Island. These are roche moutonee similar in geological form and origins to Mount Iron and Roys Peninsula. In my opinion these islands should all be identified as Outstanding Natural Features within the Outstanding Natural Landscape of the lake itself. Mou Waho, Mou Tapu and Stevensons Islands all have a highly natural character, being clad in regenerating indigenous forest. Ruby Island has a somewhat modified character having had exotic trees planted on it. Its proximity to Wanaka township has resulted in it becoming a highly valued feature. Its central location in the Rippon Winery publicity photographs and its use on their labels give the Island international exposure, and contribute to its being a readily identifiable and significant feature.

Fig 32: Rippon Vineyard publicity photograph with Ruby Island at centre[21]

[21] http://www.rippon.co.nz/

3.7.9.2 Silver Island, located within Lake Hawea, should also be identified as an Outstanding Natural Feature. As with Mou Waho and Mou Tapu it is clad with regenerating indigenous vegetation and has a highly natural character.

4.0 QUEENSTOWN AND THE WAKATIPU BASIN

Fig 33: Map of Queenstown and the Wakatipu Basin

4.1 The Wakatipu Basin has been subject to considerable scrutiny with regard to the landscape classifications within it. The C180/99 decision of the Environment Court located the putative boundary lines and subsequent decisions of the Court have 'tweaked' the location of these lines. A number of anomalies exist, however, and a number of further 'tweaks' are considered necessary to ensure a consistent and comprehensive system of classifications.

4.2 Kawarau River corridor

4.2.1 Within the Wakatipu Basin no distinction is made, in a planning sense, between the Outstanding Natural Landscape (Wakatipu Basin) and Outstanding Natural Features. Consequently, unless an ONF is not contiguous with an ONL, as is the case with Lake Hayes and Slope Hill, there is no need to identify it. The Arrow River is such a feature, being subsumed into the ONL(WB) of the Crown Terrace escarpment.

4.2.2 I consider that the Kawarau River is an Outstanding Natural Feature. It exhibits high natural character and aesthetic quality along its course. The Kawarau River Water Conservation Order[22] includes the river's outstanding wild and scenic qualities under its protection.

[22] Water Conservation (Kawarau) Order 1997

4.2.3 The Environment Court established landscape boundaries in the vicinity of the Kawarau River near the outlet of Lake Wakatipu in its C203/2004 and C90/2005 decisions. These lines both exclude the section of the river from the outlet to a point some 2.2km downstream from within the ONL(WB).

Fig 34: Extract from Appendix 8A map showing location of ONL(WB) boundaries around Peninsula Hill and the Remarkables

This section of the river is indistinguishable in terms of its qualities from that further downstream and I consider that the boundaries of the ONL(WB) should be moved to incorporate this part of the river.

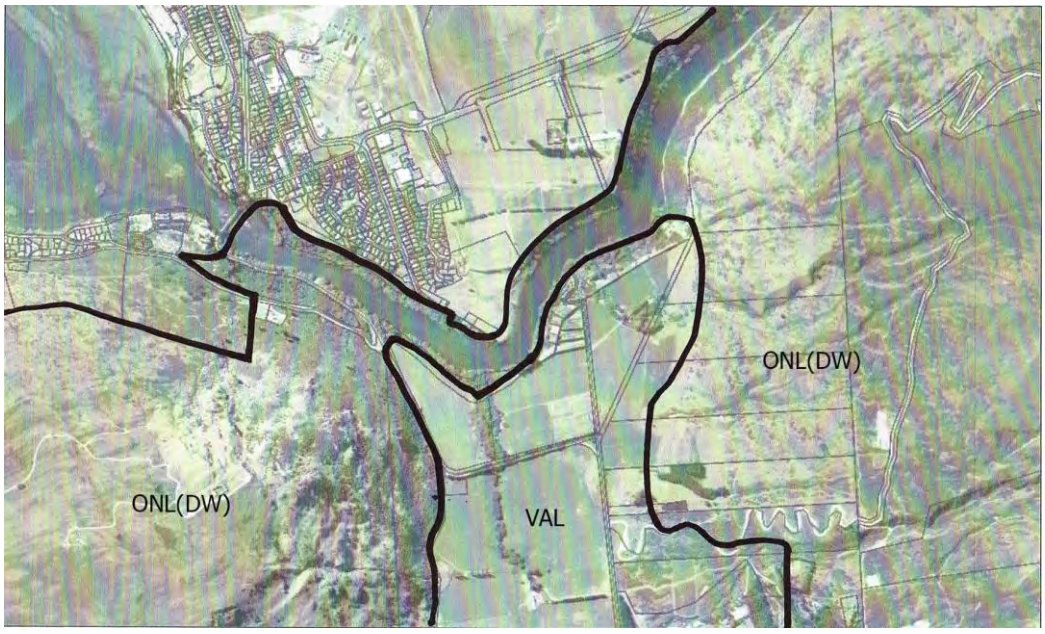

Fig 35: Kawarau River incorporated into the adjacent ONL(WB) areas

4.2.4 The other area in which the river needs to be distinguished from its context is through the Gibbston Valley and on down the boundary of the District until it enters CODC at Roaring Meg. I am uncertain of the value of mapping the river in this vicinity as a feature and

consider that it may be better to simply define it within the Plan's text as an ONF extending from the landward boundary of any marginal strip or other public land adjacent to the river.

4.2.5 I note that there is a potential cross boundary issue relating to the landscape classification of the Kawarau River from its confluence with the Nevis River to the District's boundary. Through this length of the river the true right bank is within CODC and not within QLDC's jurisdiction.

4.2 Frankton Arm

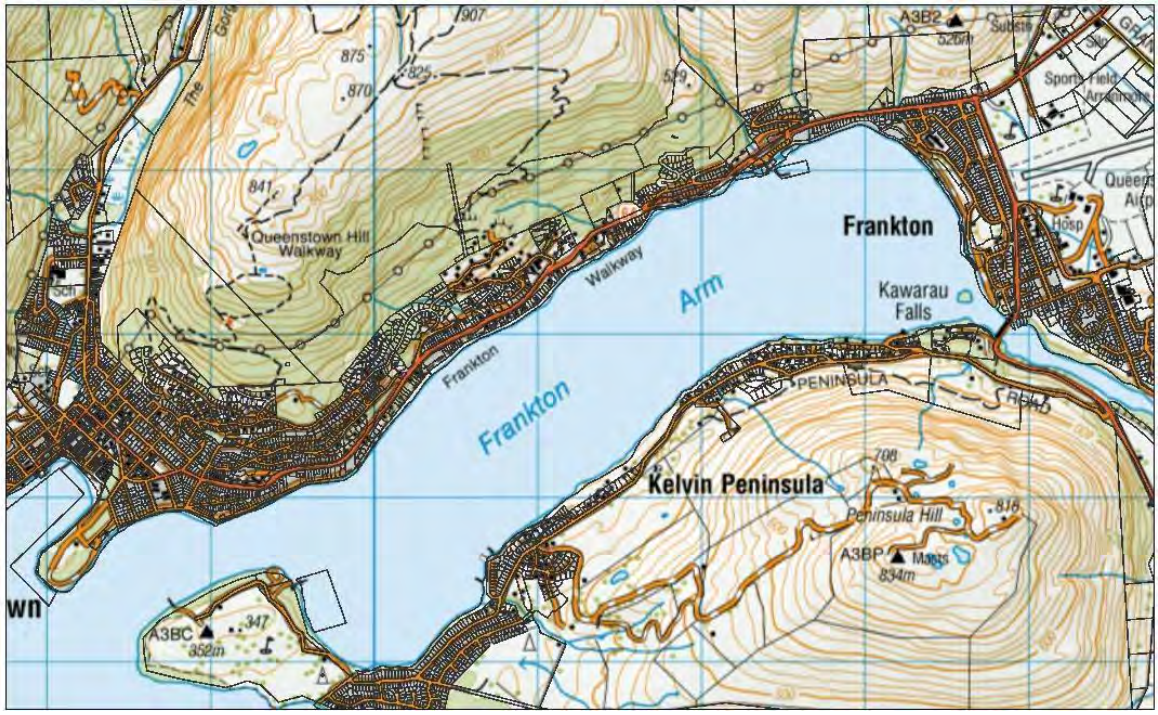

Fig 36: Map of Frankton Arm

4.2.1 The landscape classification of the Frankton Arm of Lake Wakatipu is problematic. The C180/99 decision states at paragraph 107 that:

> *We find as facts that:*
>
> *…*
>
> *(2) Lake Wakatipu, all its islands, and the surrounding mountains are an outstanding natural landscape.*

At paragraph 111 the same decision states that the line distinguishing the ONL:

> *…inside which the landscape is <u>not</u> an outstanding natural landscape but is at least in part visual amenity landscape…[follows]*
>
> - *around Peninsula Hill excluding urban zoned land in Frankton*
> - *then back to Sunshine Bay around the lake edge as shown on Appendix II.*

The relevant portion of the Appendix II map is reproduced below.

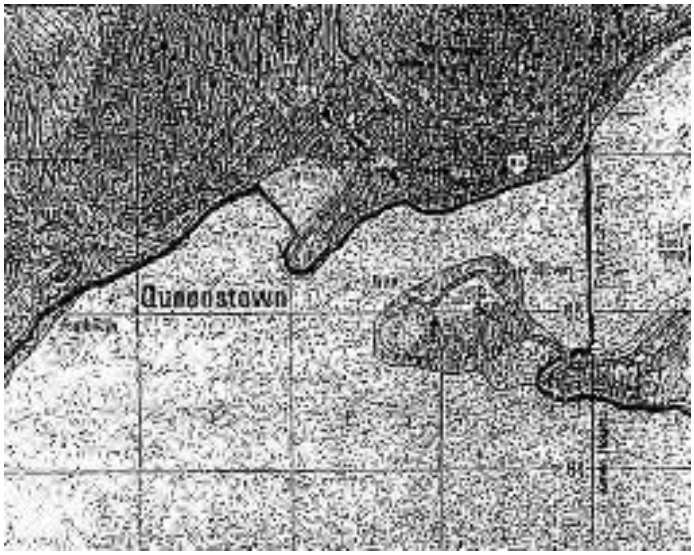

Fig 37: Excerpt from Map included in Decision C180/99

4.2.2 The line which separates the Frankton Arm from the body of Lake Wakatipu includes the Kelvin Heights Golf Course peninsula within the ONL(WB) and excludes the Botanic Gardens Peninsula. The location of this line is not defensible in landscape terms. These two peninsulas are identical in geomorphological terms, and indeed are probably remnants of the same moraine which has been breached by the lake. Both are significantly modified in terms of their ecological integrity and their obvious vegetative cover. Both significantly penetrate the lake's surface and consequently gain much of their character from being surrounded by water. Both are zoned Rural General. The line running from Kelvin Heights to the northern shore of Frankton Arm runs due north – south. It does not appear to connect with any significant landscape feature on either shore but runs from the northern corner of the low density residential zone on Kelvin Heights to an apparently arbitrary point on the northern shore. Further, the line separating Frankton Arm from the body of the lake includes, at its western end, a significant area of lake surface.

4.2.3 While the character of the north eastern shore of the Kelvin Peninsula may be less developed than the more eastern, suburban portions of Kelvin Heights it is nonetheless the location of the Kelvin Heights Yacht Club, several jetties, numbers of moorings and slip ways including the Earnslaw's dry dock, all features which are similar to those found along the waterfront to the east. While one might logically determine that the level of development on and around the Frankton Arm give it a character distinct from that of the main body of the lake, one would expect that a line denoting that distinction would cross the neck, that is the narrowest point which distinguishes one body of water from another. A line in such a location would run from the northern most point of the Kelvin Peninsula across the shortest distance to the northern shore.

4.2.4 These apparent contradictions within the text and illustrations regarding the Frankton Arm have been matched by landscape assessments which have variously determined the Frankton Arm to be a part of the Outstanding Natural Landscape (WB); as a part of the ONL(DW); as a part of the VAL of the Wakatipu Basin; and as an Other Rural Landscape (ORL). Despite all of these various assessments I cannot find a single example of a resource consent application for an activity on or within the Frankton Arm which has been declined on the basis of the adverse effects it was likely to have on the landscape although it is certainly the case that applications, particularly for moorings, have been modified because of the assessed adverse cumulative effects on the landscape of the Arm.

4.2.5 It is the case that the District Plan requires that all land zoned Rural General must be subject to landscape classification. The margins of the lakes are so zoned as well as their surfaces and it is presumed that this is in order to satisfy the requirements of S6(a) of the Act in addition to S6(b). The Frankton Arm of Lake Wakatipu has a character which is different to that of most, if not all, of the rest of the lake. It is more enclosed than any other part of the lake. It is surrounded by residential development, the only exception being the north eastern side of the Kelvin Peninsula. There are large numbers of boat moorings, jetties, slipways, and boat sheds along its margins from adjacent to Park Street and the Botanic Gardens right around to the northern head of the Kelvin Peninsula. It is the location of much recreational and some commercial boating. It is my opinion that the Frankton Arm and its margins should either be given its own zone, or an activity overlay which removes from it the requirement for any landscape categorisation. This zone or activity overlay would entail its own objectives and policies which should focus on the maintenance of the amenity of the Arm and on its importance as a site of lacustrine activities. In this regard the treatment of Queenstown Bay would provide a model.

Fig 38: Proposed Frankton Arm overlay area boundaries

4.2.6 Queenstown Bay is, in part at least, zoned 'Town Centre Zone'. This zone has explicit policies and objectives for the management and development of activities within the Bay. In many ways Queenstown Bay is similar to Frankton Arm in the sense that its quality is both a function of its naturalness, as a part of the lake, and its development, in the main jetties and boating activities. Together these provide for a vibrant and exciting foreshore which forms a focus for the township but which remains subservient to the natural landscape. A similar regime should be considered for Frankton Arm.

4.3 Queenstown Township and Environs

4.3.1 There are a number of issues around the township regarding the locations of the boundary of the ONL(WB). The major issue in this vicinity is the location of the westernmost boundary between the ONL(DW). Further, more minor, issues arise in regard to the location of the boundary of ONL(WB) in the vicinity of the Sunshine Bay Low Density Residential zone and the landscape classification of the One Mile Creek catchment.

4.3.2 Location of the boundary between the ONL (Wakatipu Basin) and the ONL (District Wide) in Sunshine Bay

4.3.2.1 The putative boundary between the Outstanding Natural Landscape (Wakatipu Basin) and the Outstanding Natural Landscape (District Wide) was located by the Environment Court in C180/99. For the majority of its extent the line follows the ridgeline of the mountain ranges which enclose the Wakatipu Basin and the area in the vicinity of Queenstown township. Four exceptions exist to this pattern:

- The line across the Kawarau River gorge runs in a straight line between the summits of Cowcliff Hill and Mount Scott.
- The line across the Arrow River gorge runs in a straight line between the summit of Mount Scott and the summit of Big Hill.
- The line forming the southernmost boundary of the Wakatipu Basin ONL descends from the ridgeline of the Remarkables Range into the bed of Wye Creek and from there descends to the lake edge.
- The line forming the western most boundary of the Wakatipu Basin ONL descends in a straight line from Point 1335 on the southern ridge of Ben Lomond to the lake edge in Sunshine Bay.

4.3.2.2 With regard to the location of the line across the Kawarau and Arrow River gorges, while neither of these lines follow any sort of land features or visible landscape boundaries, both are outside of the visual catchment of the Wakatipu Basin. That is, from all locations where you know you are in the Wakatipu Basin the location of these lines is hidden

from view by intervening spurs and other land forms. The bed of Wye Creek, while not a clearly defining terminating feature of the Basin, is nonetheless a natural feature which is clearly visible from within Queenstown and its surrounds and so the location of the line contiguous with that feature has some logic. The location of the line running from Point 1335 on the southern ridge of Ben Lomond is both within the visual catchment of the Queenstown township and Wakatipu Basin and follows no natural feature.

4.3.2.3 In the C180/99 decision the Court stated that, 'We consider that outstanding natural landscapes and features should be dealt with in (at least) two parts: the Wakatipu Basin and the rest of the district'[23]. The Court continued:

> *The Wakatipu Basin is more difficult to manage sustainably. The outstanding natural landscapes and features of the basin differ from most of the other outstanding natural landscapes of the district in that they are more visible from more viewpoints by more people…for these reasons, the Wakatipu Basin needs to be treated as a special case and as a coherent whole.*[24]

4.3.2.4 From the available vantage points – from Wye Creek, the Remarkables Ski Field Road, the Cardrona Ski Field, Queenstown Botanic Gardens, the Kelvin Heights golf course – the southern ridge of Ben Lomond provides a notable point of enclosure to both the township and the basin protruding, as it does, into the lake. There is no alteration in topography, underlying geomorphology, vegetation cover or degree of visibility to indicate why the line in this vicinity should not follow the ridgeline as it does so around the rest of the Wakatipu Basin. Consequently it is my opinion that the line separating the ONL (Wakatipu Basin) from the ONL (District Wide) should follow the ridgeline from the place where its tip exits the lake, and follow that ridgeline to its summit of Ben Lomond. This is illustrated on Fig 39 below.

[23] C180/99 P80, Para 135
[24] ibid P81, Para 136

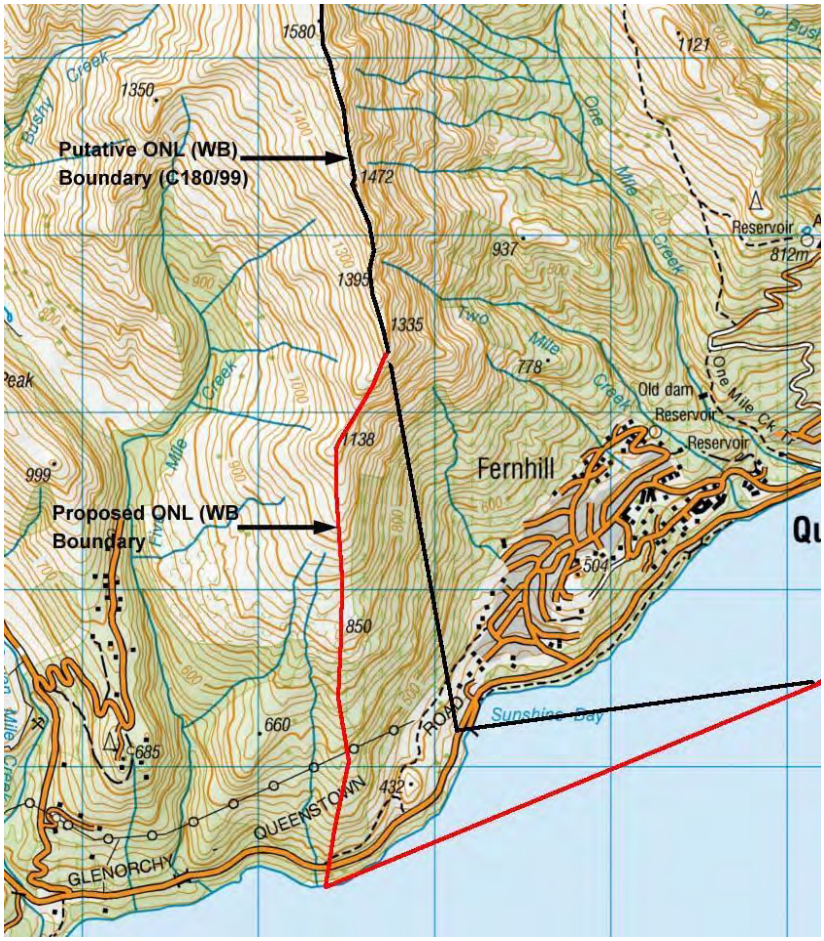

Fig 39: Map showing locations of putative and proposed boundaries between the ONL (WB) and the ONL (DW)

4.3.3 The location of the putative ONL (Wakatipu Basin) line in relation to the western edge of the Sunshine Bay Low Density Residential Zone.

4.3.3.1 An anomaly exists with regard to the location of the boundary of the ONL (Wakatipu Basin) within Sunshine Bay. Text of C180/99 states that the Wakatipu ONL excludes all lands zoned residential, industrial or commercial. Consequently the putative line delineating the inner boundary of the ONL generally follows the zone boundary. At the western edge of Sunshine Bay, however, it is located approximately 400m to the west of the Low Density Residential zone incorporating an area of Rural General land within the township. In my opinion the appropriate position for the boundary line is contiguous with the zone boundary in this location, there being no identifiable features to distinguish this land from that adjoining it to the west.

4.3.4 The One Mile Creek catchment

4.3.4.1 The One Mile Creek catchment forms a natural interruption between the residential development to the west of the town centre and that of Fernhill and Sunshine Bay. Edging the gully containing the creek are two blocks of Council owned land. The first is a block of

approximately 8ha of land off Fernhill Road in which Council has developed the Wynyard mountain bike park and while it is zoned Low Density Residential it is also included within the recreation reserve which encompasses most of the southern face of Ben Lomond and Bowen Peak behind the township. The second is an area of approximately 13ha on the eastern side of One Mile Creek, bisected by the road corridor which contains the Ben Lomond track. This block of land is subject to the Queenstown Commonage Reserve Management Act 1876 which requires the land to be held in trust for the use of the inhabitants of Queenstown. The putative landscape line follows the upper boundaries of these lots excluding the lower gorge of One Mile Creek from the ONL(WB).

4.3.4.2 The One Mile Creek gorge is a natural feature of some beauty and integrity. The walkway which extends up it from the Power Station and which meets up with the access road to the Skyline building wends its way through remnant beech forest. While not being of sufficient significance to qualify as an outstanding natural feature in its own right it is a natural feature of some importance and, arguably, an important heritage landscape feature also containing as it does the relic remains of Queenstown's first hydroelectric power station. In my opinion the One Mile Creek gorge should be included within the ONL (WB) which would require locating the line further south, crossing the gully in the vicinity of the power station. This is illustrated in Fig 40 below.

Fig 40: Aerial of Sunshine Bay and Fern Hill showing proposed boundary between the ONL(DW) and ONL (WB) with the amendments around Sunshine Bay, Fern Hill and One Mile Creek

4.3.5 Queenstown Urban Area (Gorge Road / Queenstown Hill / Frankton Road)

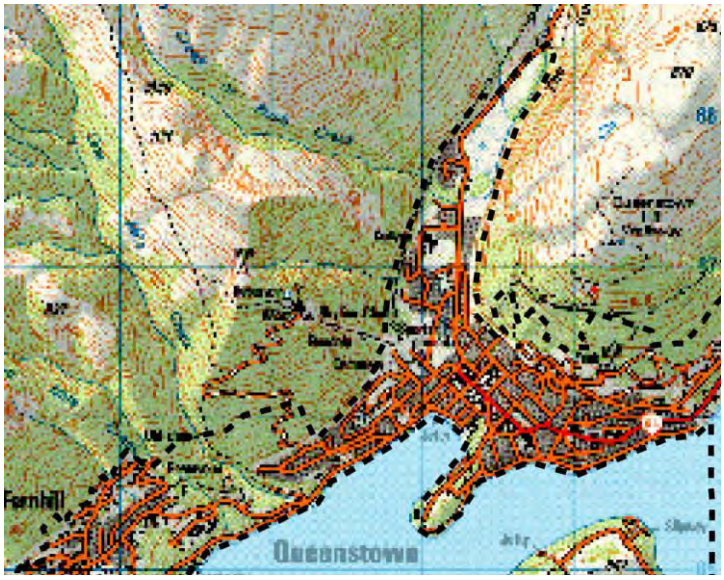

Fig 41: Extract from the Appendix 8A maps showing the putative ONL(WB) boundary around Queenstown township

4.3.5.1 It is the case that the mountain slopes around Queenstown township provide a spectacular container for the town. As such, despite the obvious modifications such as the Skyline Gondola and the presence of wilding conifers over the mountainsides, the appropriateness of their classification as ON(WB) would seem indisputable. Consequently, it would seem that the logical boundary of the ONL would follow the boundary of the Rural General zone. While in landscape terms this does not necessarily follow a distinct landscape feature it is the case that, at least between Brecon Street and the gorge, that it approximates the point at which the lake terrace and the mountainside intersect. Within the gorge the open land immediately adjacent to the township is reserve land owned by Council and the location of a significant wetland. I consider that this area should be included within the ONL(WB) as it is has high natural character and forms a foreground for the cliffs on the western side of Queenstown Hill.

4.3.5.2 The putative ONL line follows the foot of the Queenstown Hill escarpment down the eastern side of the gorge which is appropriate. The quality of the western escarpment of Queenstown Hill is notable. The soaring cliffs are quite spectacular, although the faces of the cliffs are being invaded by conifers and hawthorn which reduce the quality of the feature. The demarcation between the valley floor and the hillside remains very distinct. This is illustrated in Fig 42 below.

4.3.5.3 The location of the landscape boundary on Queenstown Hill has been, and remains problematic. This is in part because Rural General zoned land on the upper margin of the Low Density Residential zone has been subdivided into residential sized lots. In the Trident

case, which related to one of these lots, it was argued that the site was not a part of the Outstanding Natural Landscape and was a part of the township. The High Court's ruling was that all Rural General land within the District must be subject to a landscape classification and if the site was not part of the ONL and could not be classified as part of a VAL then it must be classified as Other Rural Landscape (ORL). I consider that the pragmatic solution is to locate the boundary of the ONL on the edge of the Low Density Residential zone but also excluding the existing residential lots which have been created within the Rural General zone. This would result in these lots being assessed as ORL which would facilitate their development which is clearly anticipated.

4.3.5.4 The putative landscape line determining the boundary of the ONL of Queenstown Hill and the residential development above Frankton Road runs along the edge of the Low Density Residential zone. These contiguous boundaries head up the hill side approximately a third of the way along the Frankton Arm from the town centre and run at a higher elevation from then on extending up into a major gully on the mountainside before descending again right to the Frankton Road. This configuration of both the zoning and the landscape boundary reflect the underlying topography, the areas zoned Low Density Residential being less steep than the Rural General land above. In this sense, therefore, the boundary is appropriate.

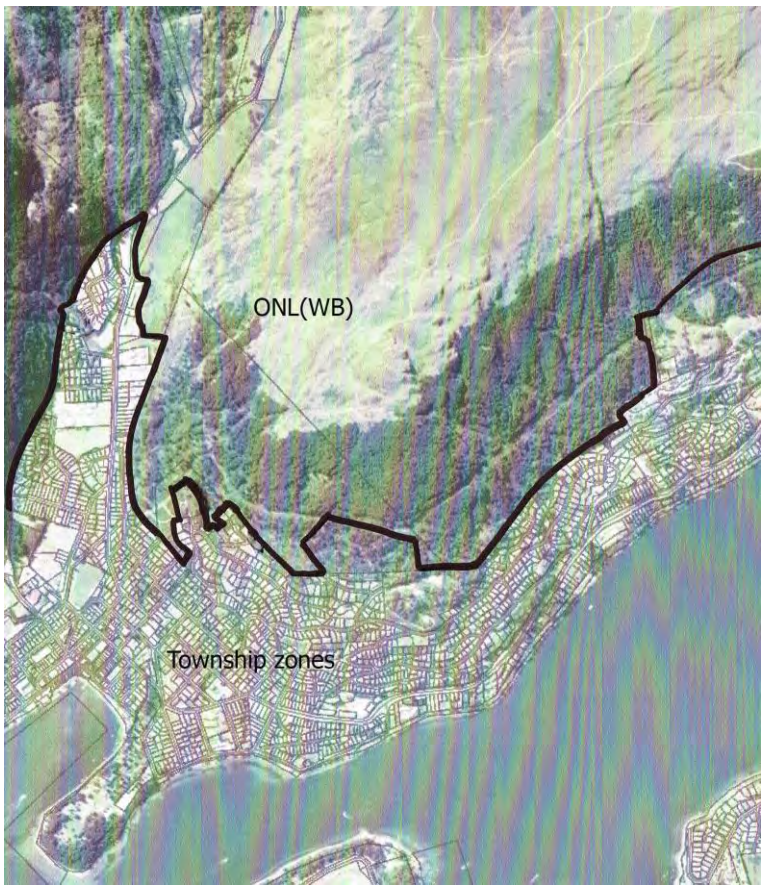

Fig42: Proposed ONL(WB) boundary around Queenstown township

4.4 Ferry Hill / Shotover River

Fig 43: Ferry Hill ONL from Appendix 8A of the District Plan

4.4.1 The putative landscape line dividing the Low Density Residential zones above Frankton Road from the ONL of Queenstown Hill descends to the State Highway just to the west of Frankton and then extends along the foot of the slope behind the Terrace Junction development adjacent to the Rural General zone boundary. To the east of the intersection with Hansens Road the line begins to delineate the extent of the ONL within Rural General zoned land on the Frankton Flats. The Frankton Flats are a part of an outwash fan of the Shotover River which was formed when the lake level was higher than currently. From a geomorphological perspective this outwash fan has been deposited up to the flanks of the roche moutonee land forms of Ferry Hill, K Number 2 and Queenstown Hill. From a visual perspective the intersection between the outwash fan and these schist hills is very clear. The putative landscape line distinguishing the landscape of the flats from the Outstanding Natural Landscape of the hills runs along the intersection of these land forms for most of its extent across the Frankton Flats and this is appropriate.

4.4.2 The situation gets a bit more complicated at the northern corner of the Frankton Flats. Here the outwash material intersects with moraine and other terrace alluvium which predates the Flats landscape. These deposits form a hummocky terrace elevated some twenty metres higher than the surface of the Flats. The intersection of this material with

the roche moutonee landform of Ferry Hill is not quite so distinct. However, it is still discernable and, in my opinion, the transition between the landscape of the lower land forms and the Outstanding Natural Landscape is the point at which the boundary should be located. This crosses some of the land within the Quail Rise Special zone but where this crosses residential lots it is, in the main, contiguous with the boundary of the area designated G Activity Zone within that zone's structure plan.

4.4.3 A portion of the ONL line around Queenstown Hill was determined by the Environment Court in its C109/2000 decision. This line is associated with a row of poplars which is evident across the slope and is considerably more elevated than the change in topography identified as the appropriate boundary between the landscape categories further south. In 2009 Ms H Mellsop undertook an assessment of the appropriate location of the line in relation to a resource consent application within Quail Rise (RM090658). Her assessment stated:

> *The precise boundary between this feature and the adjacent visual amenity landscape of the outwash terrace has not been determined. However in the vicinity of the application site I consider the boundary would be located at the change in gradient between the moderate upper slopes of the terrace and the steep face of Ferry Hill. This change in gradient runs through the western part of residential properties south of the subject site on Abbottswood and Coleshill Lanes, below a small Douglas fir plantation, behind the building platform on proposed Lot 2 and below the group of immature poplars on proposed Lot 1 (see Attachment A and Photographs 1 and 2 below). This line is supported by the underlying zoning, which shows the boundary of the Residential 2 Activity Area running through the lower parts of the properties south of the subject site, with retention of all land above this line as open space.*

I agree with this assessment and have adopted it and included it in the illustration in Fig ? below.

4.4.4 To the north of Ferry Hill the putative landscape line follows the same contour as the confirmed line until approximately the vicinity of the Rural Residential zoned land in Hansens Road. Here it follows, firstly the top of the steep escarpment behind the residential zone, and then the bottom of the mountainside around an area of remnant river terrace before dropping to the Shotover which it crosses to the river's true left bank. The actual appropriate location of this boundary is currently a matter of contention in an appeal to the Environment Court regarding a proposed subdivision in Hansens Road. I have examined the evidence presented by both the appellant's and Council's landscape architects and am of the opinion that Ms Mellsop provides the more compelling argument. Consequently I adopt the location of the boundary which she has proposed and this is reflected in Fig 44 below.

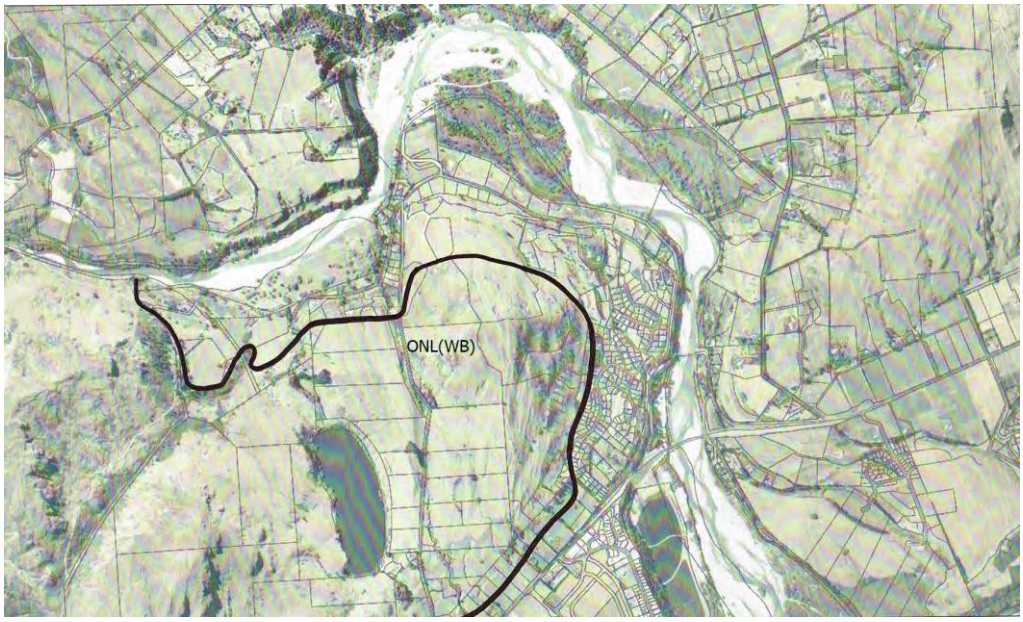

Fig 44: Proposed ONL(WB) boundary on Ferry Hill

4.5 Arthurs Point East

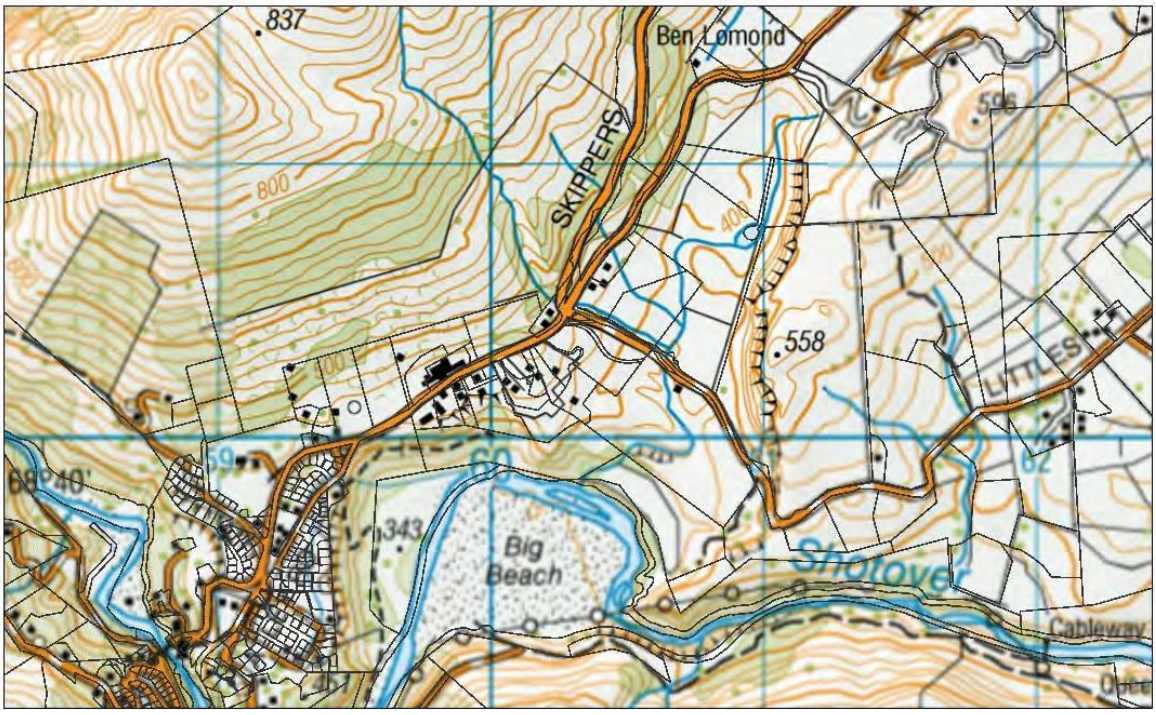

Fig 45: Map of Arthurs Point East

4.5.1 The landscape classification boundaries in relation to Arthurs Point were determined by the Environment Court in their C3/2002 decision. This decision primarily related to the location of that line within the Arthurs Point basin located to the north east of Arthurs Point itself. The decision placed the boundary between ONL and the VAL along the ridge known as the 'Tremain Boundary'; had it cross over North Ridge and then follow that ridgeline, more

or less, in a south westerly direction until it reached the Shotover River. This is illustrated in Fig 46 from the Appendix 8A maps of the Plan. Subsequent to the hearing of C3/2002 a memorandum was sent to the Court raising the point that the 'landscape lines' as determined appeared to include the Arthurs Point Low Density Residential Zone and the Arthurs Point Rural Visitors Zone within the Outstanding Natural Landscape (Wakatipu Basin). In response to this the court drew a discontinuous line on the planning map 'for the avoidance of doubt' which they stated was to mark 'the inside line of the ONL as we find it to be'[25].

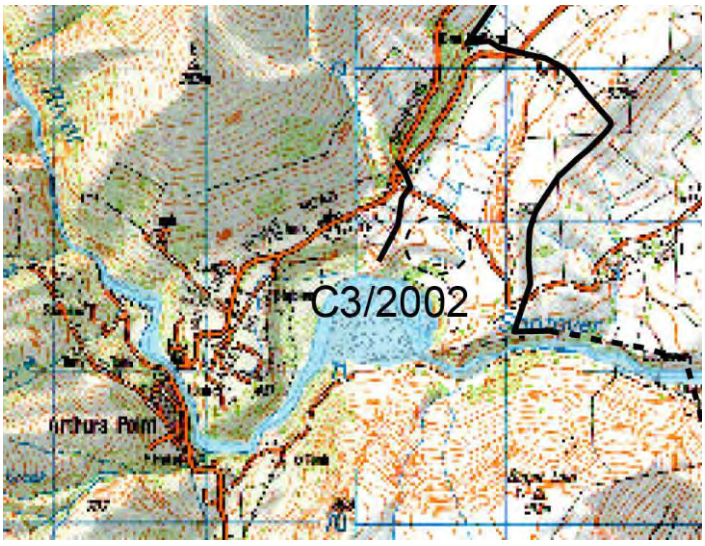

Fig 46: Map of Arthurs Point area from Appendix 8A of the District Plan

4.5.2 Far from removing doubt this line is highly problematic. It is difficult to understand why such a line should have been considered necessary as the landscape categories do not apply to land zoned Low Density Residential and may be applied within the Rural Visitor zone only in the assessment of non-complying activities[26]. It appears that the line was intended to be read in conjunction with the planning maps and that its aim was to cleave off a corner of the Rural General zoned land adjacent to the Rural Visitor zone. As this area cannot be described as a landscape in its own right it then appears necessary to consider it as ORL. However, the land in question, while located on the edge of the Rural General zone, is not distinct from the rest of the zone around it in terms of its geomorphology, its vegetative cover or its land use save that it is the location of a number of dwellings. I do not consider that the presence of these dwellings, while reducing the naturalness of the landscape in the vicinity, have sufficient impact on the quality of the broader landscape to alter its classification from ONL to ORL.

4.5.3 Further, it is the case that the Arthurs Point Low Density Residential and Rural Visitor zones are in fact located entirely within an outstanding natural landscape. This is what

[25] C3/2002, para 40, P20
[26] J E McDonald, Solicitor, for Macalister Todd Phillips. Letter to QLDC dated 12 February 2007

provides the settlement with its character and amenity. It is also clear that the landscape related assessment matters only apply to discretionary activities within the Rural General zone. Consequently there is no impediment to development within the Low Density Residential zone at Arthurs Point created by its embeddedness within the outstanding natural landscape. It would seem entirely appropriate that the Objectives and Policies of Section 4.2.5 should apply to non-complying activities within the Rural Visitor zone as the District Wide Objectives and Policies form the baseline for all development within the District. Consequently it is my opinion that this discontinuous line should be removed from the Appendix 8A maps.

4.6 Hawthorn Triangle

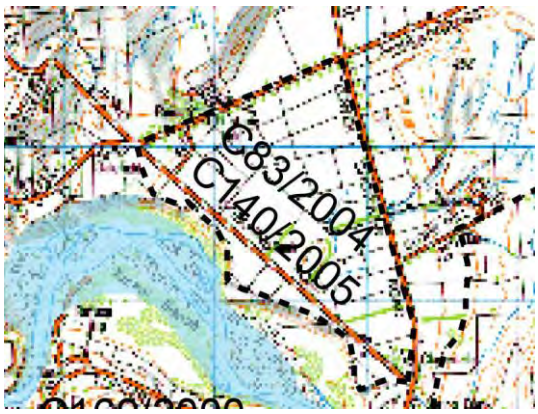

Fig 47: Hawthorn Triangle ORL from Appendix 8A of the District Plan

4.6.1 The Environment Court ruled in its C83/2004 decision that the 'Triangle' as it is known locally, and land along its western margin, was correctly classified as an Other Rural Landscape in the terms of the QLDC District Plan. It is the case that the Court did not definitively determine the boundaries of the area. They did, however, provide indicative boundaries following Lower Shotover Road to the north, Speargrass Flat Road to the west and then along the top of the Shotover River terrace to the south east to close the triangle. The 'Triangle' itself (as opposed to the ORL) is surrounded by a hawthorn hedge which is almost continuous, but for a portion of the Domain Road side, and a significant Lombardy poplar avenue along the Speargrass Flat Road boundary. These are both protected features under the District Plan. This hedge results in a high degree of containment of the land within, and it and the poplar avenue provide a significant contribution to the character of the landscape in the vicinity.

4.6.2 The land on which the 'Triangle' is located is a part of the same outwash material which has formed this area, the Frankton Flats and the Ladies Mile terrace. This larger landform was the outwash fan of the Shotover River created when the lake level was some 60m higher and its outlet was located at what is now Kingston. It is striking for its flatness (although there is a small hillock located in the western portion of the area contained by

the hawthorn hedge) and for the contrast which this provides to the surrounding hills and mountains. This landform extends beyond the putative boundaries in a bulge to the north which extends some 790m to the south west from the intersection of Speargrass Flat and Lower Shotover Roads; some 1.1km north east along Speargrass Flat Road from that intersection and approximately 400m north to the foot of Malaghans Ridge. In addition a small area of land to the south east of the Speargrass Flat / Lower Shotover Road / Hunter Road intersection is a part of this landform.

4.6.3 The area which has been delineated as ORL is not, in my opinion, a landscape, nor even a landscape unit. Neither is it a remnant of Rural General Zoned land which has become isolated from its landscape by zoning. In my opinion these boundaries simply delineate an area in which subdivision has been permitted to a level of intensity which approximates that that of the Rural Lifestyle zone standards but without the appropriate change in zoning. It is also my opinion that this level of development threatens the integrity of the Rural General zone itself. I consider that the rezoning of this area to Rural Lifestyle should be undertaken with urgency.

4.7 Lake Hayes / Slope Hill

Fig 48: Slope Hill and Lake Hayes ONF from Appendix 8A of the District Plan

4.7.1 The C180/99 determined that Lake Hayes and Slope Hill should, together, be classified as an Outstanding Natural Feature. To this end the Appendix 8A maps in the District Plan show the boundary of the ONF as a dotted line with a short section of solid line in the south western corner of the area. The location of this portion of line was determined by the Environment Court in relation to a reference in its C216/2001 decision and it follows, first, a hawthorn hedge and then a water race which traverses the slope of the hill.

4.7.2 The putative landscape line delineating Slope Hill starts close to the margin of Lake Hayes and follows the foot of the escarpment along the north western edge of the Ladies Mile flats. This is an appropriate location for such a line. At its southern most extent this line appears to include a number of residential dwellings and their associated curtilage area and amenity planting within the ONF. These are well established dwellings which are not readily noticeable from public locations and which are set amongst well established amenity trees which, while exotic, do contribute to the natural character of the vicinity. This line then joins the line established by the Court at the hawthorn hedge. The putative landscape line continues along the water race but then descends the hill, running due north, until Slope Hill Road itself is met at which point it turns to the north east and follows the road boundary. I do not consider that this location is appropriate. The water race does provide a clear boundary between the more developed lower slopes of the hill and the more open elevated slopes for much of its length. I consider that it should diverge from the water race in the vicinity of Lot 1 DP 303124, however, rising up the hill to exclude the dwelling on that lot from the ONF. It should then swing to the north east south of the dwelling on Lot 1 DP 27507 and to the south of the building platform on the adjacent Lot 4 DP 2745419. Past this lot it should swing to the south east so as to pass to the south of the basin which encloses the Threepwood subdivision before swinging, again, to the north to include the western escarpment above Lake Hayes within the ONF.

4.7.3 Lake Hayes is considered to be an outstanding natural feature. Its margins are included, presumably because, firstly they are zoned Rural General and thus require landscape categorisation and secondly because under Section 6(a) of the RMA Council is required to protect its natural character. I consider that the boundaries of the ONF of Lake Hayes should follow the boundary of the reserve land and marginal strips around its edge. The land within this strip is modified to varying degrees around the lake but the removal of willows and the re- establishment of indigenous riparian vegetation which is occurring in locations around the lake are increasing the natural character and quality of the lake margins. The proposed boundary of the combined features is illustrated below in Fig 49.

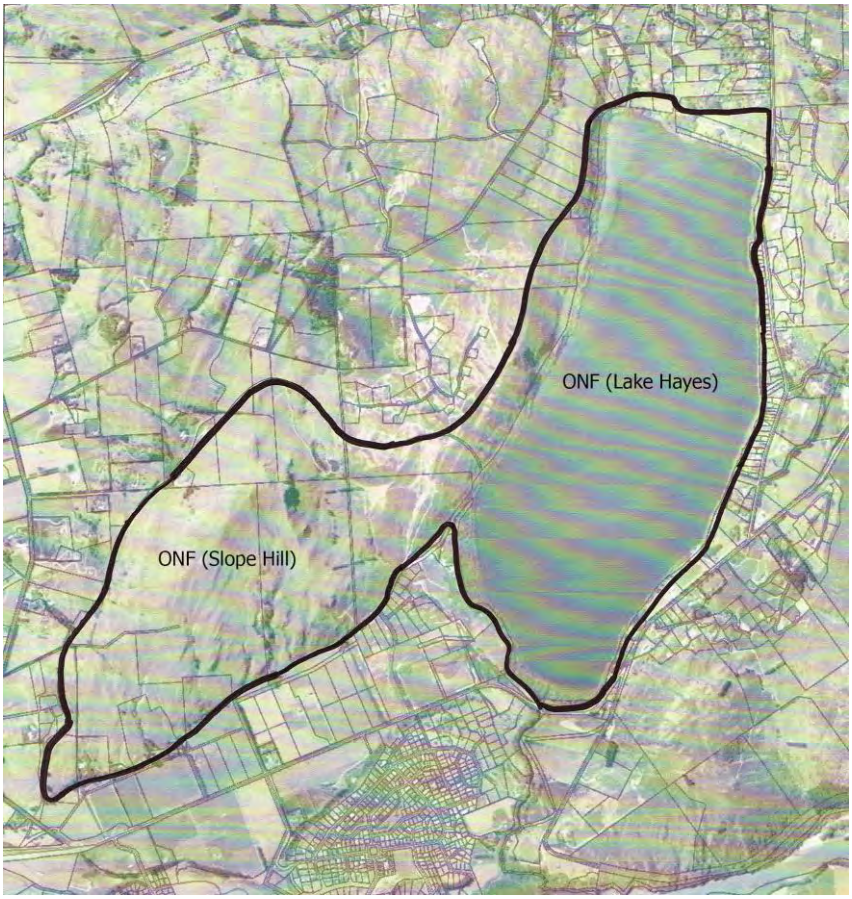

Fig 49: Slope Hill Lake Hayes ONF

4.8 Arrowtown / Coronet Range

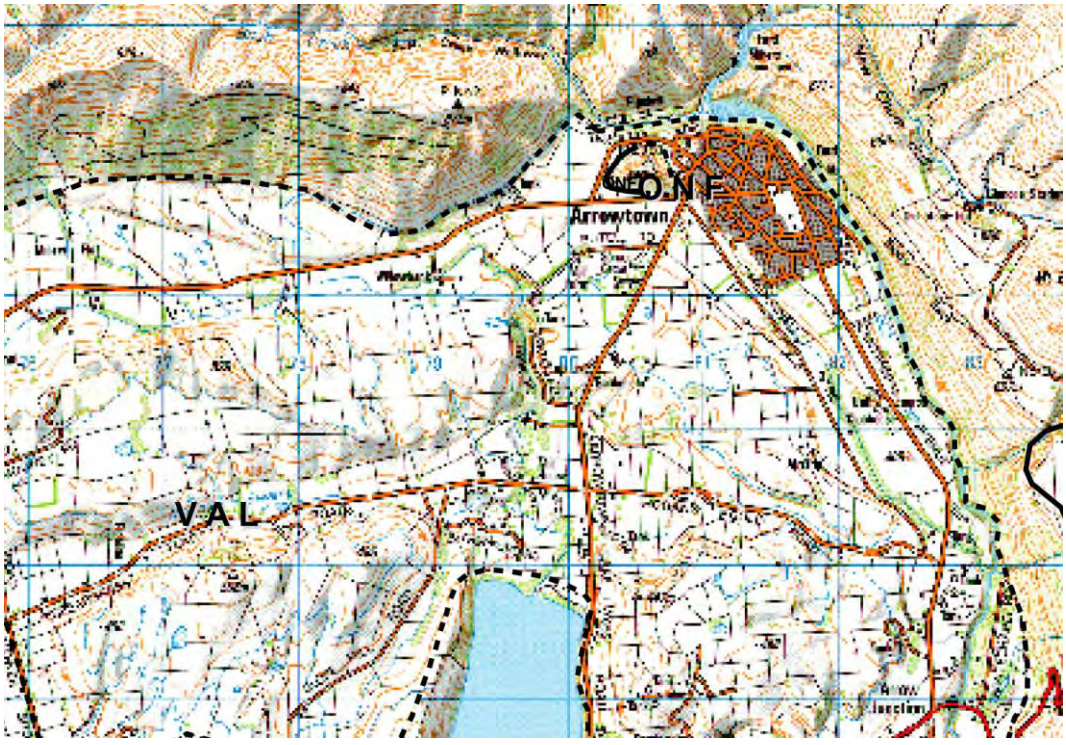

Fig 50: Map of the north east corner of Wakatipu Basin

4.8.1 A discrepancy appears to exist between the putative landscape line which has been included in the District Plan Appendix 8A maps and the line actually proposed by the Environment Court in its C180/99 decision in the vicinity of the eastern portion of Malaghans valley. In its decision the Court located the line along the northern side of Malaghans Road so as to include the dissected terrace landscape at the foot of the Coronet Peak / Brow Peak ridge within the ONL(WB). I understand that the original line followed Malaghans Road all the way along the valley in that original decision but have been unable to locate the original appendix to the decision to check this.

4.8.2 The C3/2002 decision of the Court moved the landscape line from the northern side of Malaghans Road to the foot of the mountainside along the western half of Malaghans valley. This line ends approximately north west of the intersection between Malaghans Road and Hunter Road. It is my opinion that the location of the line to the east of this on the Appendix 8A maps is actually appropriate (even though its justification remains obscure). The location of this western portion of the landscape line was the subject of debate between landscape witnesses within the Spruce Grove appeal case, C147/2011, however, the Court did not make a ruling on the boundary issue. It is my opinion that Council's witness, Ms Mellsop, was correct in the location of the line in this vicinity as provided in her rebuttal evidence. She notes that the line which she has drawn is located where the distinct change in both topography and vegetation cover occurs. To the east of the Middlerigg Lane intersection with Malaghans Road this follows the Arrow Irrigation water race around to the east above Butel Park. To the west its location dips below the race but returns to it briefly before following the transition slope below the Council's plantation forest. This has been incorporated into the proposed map of the vicinity and is illustrated in Fig 51 below.

Fig 51: ONL boundary in the north eastern corner of the Wakatipu Basin

4.9 Shotover River corridor

4.9.1 In its C35/2002 decision The Environment Court determined that part of the upper Shotover Gorge, south of Skippers township, was an ONF. It also discussed the things which could be considered in the determination of such a feature, in addition to its outstandingness and naturalness. These are: that the Plan identifies several river gorges as ONFs; that the protection of rivers and their margins is a matter of national importance under S6(a) of the RMA91; and that the Shotover, as with other rivers in the Wakatipu area, is a tributary of the Kawarau River and protected by the Kawarau River water conservation order. The extent of their consideration of the Shotover River as and ONF was limited to the stretch from Maori Point to Long Gully, however, and in this area they determined that the ONF extended from the top of the cliffs on one side of the river to the top on the other. The Environment Court also included the delta of the Shotover River at its confluence with the Kawarau to be within the ONL(WB) in its C203/2004 decision. From a point approximately 2km west of Tuckers Beach to the boundary between the ONL(WB) and the ONL(DW) the river is subsumed within the ONL(WB) and its definition as an ONF is unnecessary (see S4.4 above). The stretch of river to the east of this area as far as the State Highway 6 Bridge remains unconsidered. This is illustrated in Fig 52 below.

4.9.2 It is my opinion that this stretch of river should receive similar levels of protection to those on either side. Aspects of this stretch of river, particularly the clay cliffs adjacent to Dalefield, are a spectacular feature of the landscape, and their formation by the river's actions is readily perceptible. While parts of the area are weedy with broom and wilding conifers problematic in places indigenous vegetation remains present and natural forces clearly dominate the landscape. The river in this portion transforms from the enclosed single channel of the gorge to the braided form which extends to the confluence with the Kawarau to the south.

4.9.3 In my opinion the topography to the north of the river and of Tuckers Beach provide a clear indication of the appropriate boundary of the ONF of the river. The situation is more complex to the south and east. A rubbish dump was located at Tuckers Beach and gravel extraction activities have occurred there more recently. As the effects of this latter activity are likely to be erased by high water flows this area should not be disqualified from inclusion within the ONF. The area in which, I understand, the dump was located is further to the south and should be excluded. To the east the boundary should follow the edge of the escarpment on which the boundary of the ORL of the Hawthorn Triangle is located. To the south east where domestication has extended closer to the river this should descend to the margin of the river where it should remain, passing under the State Highway 6 Bridge. On the true right of the river the feature should exclude the Tucker Beach reserve and follow riverwards edge of the marginal strip until the formed portion of Tucker Beach Road is reached where it should follow the eastern road margin to the old bridge. From there it

should follow the bank of the river passing under the State Highway Bridge. This is illustrated in Fig ? below.

Fig 52: Proposed Shotover River ONF boundaries

4.9.4 As with the Kawarau River, I consider that the full length of the Shotover River through the ONL(DW) should be considered to be an ONF, but consider mapping it to be problematic. I consider that it should be defined as an ONF in the plan and that the extent of the ONF should be defined as extending from the top of the river escarpment on one side of the river to the top on the other side. The area in which this could be problematic would be in the middle reaches where the river bisects Branches Station. Here the feature, which is braided through most of this area, could be defined as extending from the top of the river bank on one side to the top of the river bank on the other, or to the landward side of the marginal strip, whichever is the further from the watercourse. This would mean that in locations where the river has eroded the marginal strip away, the intrusion of the feature into the surrounding land would be limited to the active water course. Where the marginal strips remain intact only public land would be included within the feature.

5.0 Glenorchy and its Environs

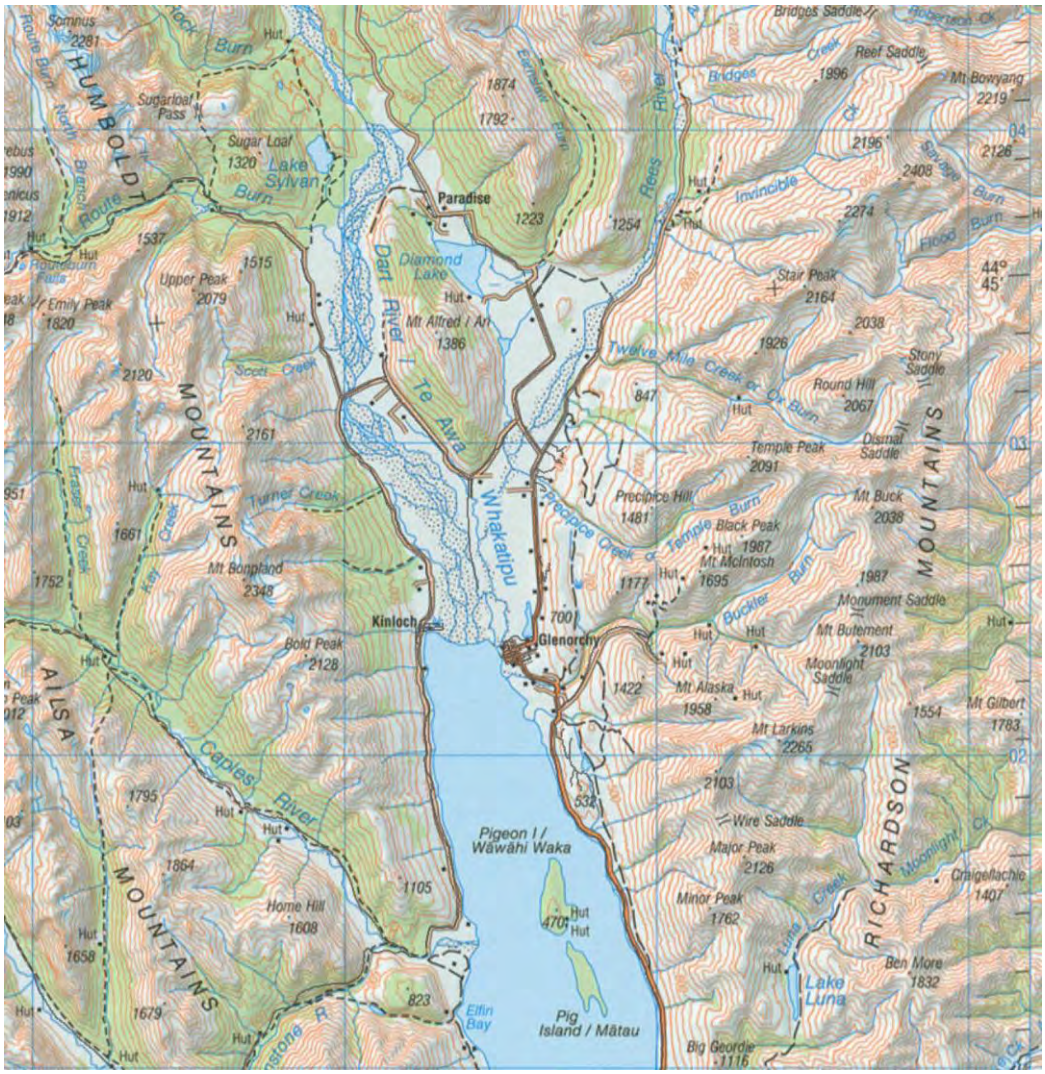

Fig 53: Glenorchy and the head of Lake Wakatipu

5.1 The Glenorchy area is generally accepted to be appropriately classified as part of the Outstanding Natural Landscape (District Wide). The valley floors in this area are significantly modified by agricultural development and exhibit features of the Visual Amenity Landscape. The mountains and rivers, however, are such dominating features of the vicinity that, as with the Fern Burn Valley and Paddock Bay flats in Wanaka, the mountain context cannot be separated from the valleys. Consequently the entire area is considered to be within the Outstanding Natural Landscape (District Wide).

5.2 A number of features exist in the Glenorchy area which could be considered to be of sufficient quality and significance to be identified as Outstanding Natural Features. That they have not been so identified in the past is most likely due to the lesser level of development pressure which exists in this part of the District. It is the case, however, that a

number of features in the area are listed as protected in the District Plan[27] and are thus offered an additional level of protection (on top of their location within an ONL) by S13 of the District Plan. These are the hillocks adjacent to the Dart River Bridge; the face of Bible Terrace to the south of Glenorchy; and the cliff face to the east of Diamond Lake. This latter one appears to be located within the Mount Aspiring National Park. In addition to these I would consider that Mount Alfred, Lake Diamond, the Dart and Rees Rivers and Pig and Pigeon Islands to be candidates for classification as Outstanding Natural Features.

5.3 Mount Alfred

5.3.1 Mount Alfred is a large roche moutonee located at the mouth of the Dart River Valley. It is approximately 9.7km in length and rises to 1386m. It is partially clad with beech forest, and partially with regenerating forest and areas of tussock grassland. The largest area of beech forest is on land managed by the Department of Conservation. The majority of the mountain forms a part of Earnslaw Station and is grazed by cattle which are moved up and down the mountain on a seasonal basis. The mountain has high aesthetic appeal from all directions and is highly memorable. It is highly legible as a glacial landscape feature. It is high enough to be capped with snow in the winter giving it seasonal interest. Scheelite was mined on it at its northern tip and relics of the mine are a protected feature in the District Plan.

5.3.2 I consider that Mount Alfred is both discrete enough and significant enough to warrant classification as an ONF in the terms of the District Plan.

5.4 Diamond Lake

5.4.1 Diamond Lake is a small triangular shaped lake located hard up against the eastern flank of Mount Alfred. At some point in the past the Dart River ran to the east of Mount Alfred. Outwash deposits from the River Jordon and other un-named creeks to its north combined with further deposits from the Earnslaw Burn and Rees River blocked this route and subsequently the River Jordon and the Earnslaw Burn have pooled against Mount Alfred draining along its flank to further create the much smaller Lake Reid and then on to join the Rees River at the southern tip of the mountain. The lake has high aesthetic qualities and forms, in different views, the foreground to Mount Alfred, Mount Earnslaw and to more distant peaks of the Humboldt Mountains. Its legibility is limited, being most obvious in aerial photographs and maps. It has high transient values, being noted for its wildlife. Diamond Lake and Reid Lake along with Diamond Creek are Wildlife Management Reserve established in 1981 in recognition of their wildlife and fisheries value.

[27] QLDC District Plan Appendix A3, P A3-2

5.4.2 I consider that Diamond Lake, Lake Reid and Diamond Creek are both discrete and significant enough to warrant classification as an ONF in the terms of the District Plan. The combined Mount Alfred – Diamond Lake ONF is illustrated in Fig 54 below.

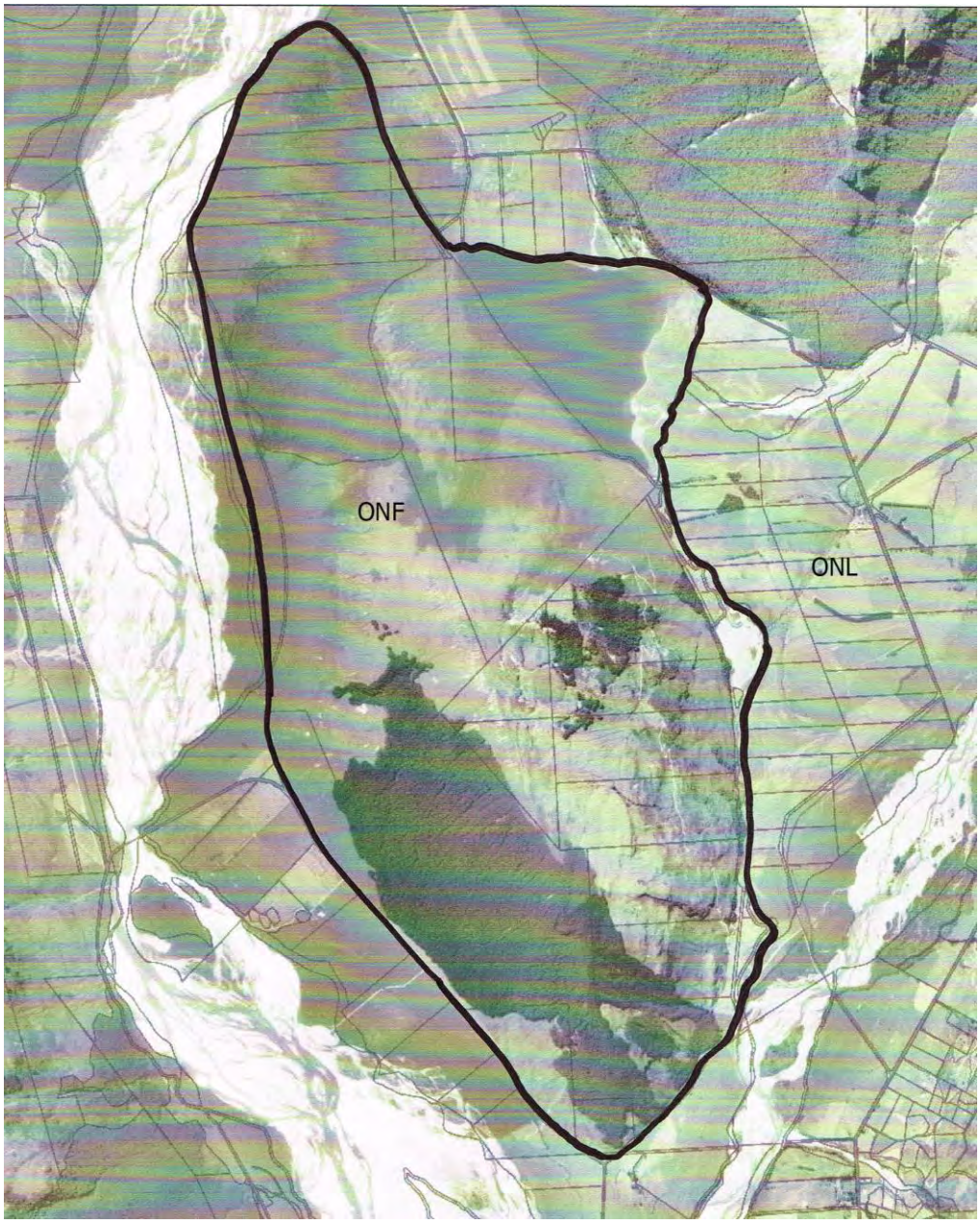

Fig 54: Mount Alfred / Diamond Lake ONF

5.5 Pig and Pigeon Islands

5.5.1 Pig and Pigeon Islands are located in Lake Wakatipu in its northern reaches. The islands are twin peaks of a drowned roche moutonee. A significant forest remnant is present on the island. Because of the warming effect of the lake Pigeon Island this includes an established population of kahikatea, miro and matai along with beech. Forest is regenerating over much of the island, much spontaneously but also assisted by voluntary revegetation. Buff weka

have been released on the island and have established a colony. The vegetation of Pig Island is more modified than that of Pigeon Island but revegetation work has now moved to that island and increasing natural character will ensue. The islands are memorable being the only significant islands within the lake. They have become a significant focus for adventure tourism based in Glenorchy.

5.5.2 I consider that Pig and Pigeon Islands are both significant enough features to warrant classification as ONFs in the terms of the District Plan.

5.6 I note that S4.2.5(5)(a) lists Camp Hill and the Hillocks as ONFs. Both of these features are located within the Glenorchy area.

5.6.1 Camp Hill is a small roche moutonee located to the south of Mount Earnslaw. Its southern and south eastern slopes are clad with indigenous vegetation and an extensive revegetation project is underway to supplement this. In addition a historical arboretum exists on the property. The majority of the hill is located on the adjacent Mount Earnslaw station and is open farmland with some remnant grey shrubland species dotted across the landform. In my opinion the landform is too modified to warrant being considered to be an ONF.

5.6.2 The Hillocks is a kame field located to the east of the Dart River bridge. The Geological Society of New Zealand classifies this field as an 'excellent example' of such a feature of national importance[28]. The hillocks are notable features, some of which are readily observed from the road. They extend over an area of approximately 110ha, however, and it is my opinion that this makes them too indistinct, in totality, to be classified as an ONF.

6.0 MAJOR RIVERS OUTSIDE OF THE UPPER CLUTHA AND WAKATIPU BASINS

6.1 There are a number of major rivers within the District which are not contained within the Upper Clutha or Wakatipu Basins. These are, in addition to the Kawarau and Shotover Rivers discussed above:

- Matukituki
- Makarora
- Hunter
- Greenstone
- Routeburn
- Dart
- Rees
- Von
- Lochy

[28] op cite P 27

6.2 All of these rivers are significant features within the landscape. Those associated with Lake Wakatipu receive varying levels of protection under the Water Conservation (Kawarau) Order (1997). The deltas of the Makarora and Dart Rivers are listed by the Geological Society of New Zealand as sites of regional significance[29]. It is my opinion that all of these rivers warrant the status of Outstanding Natural Features on the basis of their significance within the landscape and their natural character. I do not consider that it is feasible to easily map them, however, and consider that they could be identified in the District Plan in a manner similar to that proposed for the Kawarau and Shotover Rivers. That is, that the outstanding natural feature of the river should extend from the top of the river bank or terrace on one side to the top on the other side, or from the landward boundary of public land such as a marginal strip to a similar location on the other side, whichever is greater. As with the Shotover and Kawarau this would provide the river and its margins with protection under the Plan and the Act but would not impinge overly on any private property.

7.0 CONCLUSION AND RECOMMENDATIONS

7.1 Based on a combination of fieldwork, desktop analysis and drawing on other relevant work and Environment Court decisions a number of landscapes and features have been identified as warranting classification as Outstanding Natural Landscapes or Outstanding Natural Features within the District Plan in addition to those already so defined. These are: Mount Iron; the Clutha River corridor; the Hawea River corridor; the terrace system at the confluence of the Clutha, Hawea and Cardrona Rivers; Mount Barker; the northern portion of Sticky Forest; the islands of Lake Wanaka, Lake Hawea and Lake Wakatipu; the Shotover River corridor; Mount Alfred and Lake Diamond. In addition, the appropriate location of a number of boundaries between Outstanding Natural Landscapes and Features which had already been identified have been refined. Revised maps of the Upper Clutha and Wakatipu areas are appended to indicate these new boundaries, landscapes and features.

7.3 The description of Visual Amenity Landscapes incorporated in the District Plan is based on the landscape of the Wakatipu Basin and does not reflect the character of the Upper Clutha landscape. It is recommended that consideration be given to developing a set of objectives, policies and assessment matters which are based on that area's landscape character so as to better manage landscape change in that area.

7.4 The appropriate landscape classification of the Frankton Arm of Lake Wakatipu has long been a source of confusion, it having been determined to be within all of the categories listed in the District Plan at different times. The character of this part of Lake Wakatipu differs from the rest of the lake in that it derives from the development surrounding it and its

[29] op cite P 22 & P 33

role as a site for boating activities. As a consequence it is recommended that an overlay be developed to apply to the Frankton Arm which would remove the necessity for its landscape classification. This overlay would have its own objectives and policies, most likely aimed at facilitating the use of the arm for lacustrine activities.

7.5 The area of the Wakatipu Basin known as the Hawthorn Triangle and designated as Other Rural Landscape carries a development capacity approximating that of the Rural Lifestyle zone. As it is not a landscape, per se, it is considered that this classification in this location threatens the integrity of the Rural General zone. It is recommended that this area of the Basin be rezoned Rural Lifestyle in order to remove this threat.

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Principal
Read Landscapes