

BEFORE THE QUEENSTOWN-LAKES DISTRICT COUCIL

IN THE MATTER of a hearing on submissions to the Requested
Queenstown Lakes District Plan pursuant to clause 8B
of the First Schedule to the Resource Management Act
1991

ON BEHALF OF **JEREMY BELL INVESTMENTS LIMITED (820)**
Submitter

**EVIDENCE OF BENJAMIN ESPIE
(LANDSCAPE ARCHITECT)**

4th APRIL 2017

1. INTRODUCTION

- 1.1 My name is Benjamin Espie. I reside in Arrowtown. I hold the qualifications of Bachelor of Landscape Architecture (with honours) from Lincoln University and Bachelor of Arts from Canterbury University. I am a member of the Southern Branch of the New Zealand Institute of Landscape Architects and was the Chairman of that branch between 2007 and 2016. Since November 2004 I have been a director of Vivian and Espie Limited, a specialist resource management and landscape planning consultancy based in Queenstown. Between March 2001 and November 2004 I was employed as Principal of Landscape Architecture by Civic Corporation Limited, a resource management consultancy company contracted to the Queenstown Lakes District Council (**QLDC**).
- 1.2 The majority of my work involves advising clients regarding the protection of landscapes and amenity that the Resource Management Act 1991 provides and regarding the landscape provisions of various district and regional plans. I also produce assessment reports and evidence in relation to requested development. The primary objective of these assessments and evidence is to ascertain the effects of requested development in relation to landscape character and visual amenity.
- 1.3 Much of my experience has involved providing landscape and amenity assessments relating to resource consent applications and plan changes both on behalf of District Councils and private clients. I have compiled many assessment reports and briefs of Environment Court evidence relating to the landscape and amenity related aspects of requested regimes of District Plan provisions in the rural areas of a number of districts. I have provided Environment Court evidence in relation to the landscape categorisation of various parts of the Upper Clutha Basin, in relation to a number of requested plan changes in the area and in relation to many resource consent applications.
- 1.4 I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note of November 2014 and agree to comply with it. This evidence is within my area of expertise, except where I state that I am relying on information I have been given by another person. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed herein.

- 1.5 In preparing this evidence I have reviewed a statement of evidence prepared by Helen Mellsop dated 17 March 2017 (**Ms Mellsop's evidence**).

2. SCOPE OF EVIDENCE

- 2.1 The purpose of this evidence is to assist the Hearings Panel on matters within my expertise of landscape architecture and landscape planning in relation to submission 820 on the Requested District Plan. I have been asked by Jerry Bell Investments Limited to prepare evidence in relation to the landscape and visual effects of the area of Rural Lifestyle Zone (**RLZ**) that is requested by Submission 820.

3. EXECUTIVE SUMMARY

- 3.1 The evidence of Ms Mellsop and the further submission of UCESI (1034) both oppose the requested area of zoning on the grounds of landscape and visual effects. I consider that neither Ms Mellsop or UCESI have conducted a suitable detailed assessment of the effects of development that would be enabled by the requested zone.
- 3.2 Paul Smith of vivian+espie prepared a Landscape and Visual Effect Assessment Report regarding the requested zone dated 5th June 2015 (**the Criffel RLZ assessment report**), which accompanied Submission 820. I agree with the findings of the Criffel RLZ assessment report and consider that the requested RLZ sits comfortably in the landscape and in relation to landscape planning principles and the relevant district wide provisions of the Operative and Requested District Plans (**ODP and PDP**).

4. SUBMISSION 820 AND MR SMITH'S LANDSCAPE AND THE CRIFFEL RLZ ASSESSMENT REPORT

- 4.1 Submission 820 seeks a new area of RLZ on terrace landform at the northern toe of the Criffel Range. I supervised and reviewed the assessment work of Mr Smith that resulted in Criffel RLZ assessment report and I agree with, and adopt, the findings of that report. The Criffel RLZ

assessment report considers all of the landscape and visual effects of the requested zone and arrives at the following overall conclusions:

- *In relation to landscape character, the proposal will change the character of the two terraces from a pastoral and agricultural landscape character to a rural living character. The rural living character of the zone will continue to allow for some agricultural activities to occur, however these may differ from the current agricultural activities. The requested zone area is well contained by topographical boundaries and is less sensitive and less valued in terms of landscape character than the adjacent steep mountain slopes. Overall, I consider the requested zone will have a moderate effect on the character of the landscape.*

- *In relation to visual effects:*
 - *Future development within the requested zone will be potentially visible from short stretches of both Mt Barker Road and SH6.*
 - *Relatively brief glimpses of future development will be potentially gained through vegetation and over rolling hills from Ballantyne Road and Morris/Boundary Roads.*
 - *In the short term, initial construction and some dwellings on the upper terrace will potentially be visible from the abovementioned stretches of road.*
 - *In the long term, it is likely that amenity tree planting and vegetation will screen the majority of future built form. Amenity planting will bring about a slight increase in the domesticity of the site. Overall future development when visually experienced from these surrounding public places and adjacent private land will have a slight to moderate degree of adverse effects.*

- *Overall, I consider that the landscape and visual effects of the requested zone have been well mitigated and, if further rural living zones are to be provided in the upper Clutha area, there is considerable logic to the proposal in terms of landscape planning.*

4.2 Additionally, the Criffel RLZ assessment report sets out Mr Smith's opinion regarding the alignment of the ONL line as it traverses the northern toe of the Criffel Range, which I agree with. The notified PDP adopts the ONL line described in the Criffel RLZ assessment report. I

understand that no submissions seek to alter this ONL line. The entirety of the requested RLZ is outside of the identifies ONL as can be seen on Attachment CV1 of Mr Vivian's evidence.

- 4.3 Since the time of the submission, the relief sought has been amended in that it is now proposed to reduce the allowable height of buildings to 6 metres and to give extra clarity regarding outcomes, as is set out in the evidence of Mr Vivian.

5. THE UCESI FURTHER SUBMISSION

- 5.1 The only further submission received in relation to Submission 820 is Further Submission 1034 by the Upper Clutha Environmental Society Incorporated (**UCESI**). The UCESI further submission is very broad and, in relation to landscape effects, simply states that the requested area of RLZ will have significant adverse effects of landscape values. For all of the reasons given above and in the Criffel RLZ assessment report, I disagree that the requested RLZ will have significantly problematic landscape or visual effects; it will be logically located, its effects will be well mitigated and QLDC will retain control over important aspects of its ultimate development.

6. MS MELLOP'S EVIDENCE

- 6.1 Paragraphs 8.67 to 8.72 of Ms Mellsop's evidence deal with the requested RLZ and Submission 820. Ms Mellsop states:

"I agree with Mr Smith's comment in the Vivian and Espie report provided by the submitter, that Rural Lifestyle zoning of the site would alter the current agricultural landscape character to a rural living character and result in moderate adverse effects on the natural character, open pastoral character and visual amenity values of the rural landscape."¹

- 6.2 In this statement, I consider that Ms Mellsop is misrepresenting the full findings of the Criffel RLZ assessment report. The Criffel RLZ assessment report finds that:

¹ Statement of Evidence of Helen Juliet Mellsop, dated 17th March 2017, paragraph 8.69.

- In relation to landscape character, the alteration of the site itself from a farming character to a rural living character will have an overall moderate effect on landscape character. Rural, pastoral character will be decreased, but in a relatively contained and sympathetic way².
- In relation to views and visual amenity, users of Mt Barker Road, users of SH6, users of Ballantyne and Morris/Boundary Road, and occupiers of a specific area of private land are potentially affected, in all cases the actual degree of effect will be slight, except that it will range up to being of a moderate degree when experienced from some individual dwellings and outdoor living areas³. In this regard, it is relevant that no private land owners (indeed, no one other than the UCESI) have lodged further submissions.
- The location of the requested RLZ is not as sensitive to change as other locations within the Rural General Zone⁴.
- Landscape and visual effects have been well mitigated and there is considerable logic to the proposal⁵.

6.3 Ms Mellsop's evidence notes that *"buildings and domestic planting within the zone would be seen from the Wanaka Luggate Highway (SH6), and the change in landscape character would therefore be perceived by a wider group of people"*⁶. The issue of visual effects as experienced by users of SH6 is addressed in the Criffel RLZ assessment report⁷. These views are at distances of between 2.8 and 4.4 kilometres. The zone area appears as a small and relatively inconspicuous horizontal sliver of land at the base of the Criffel Range in these views. Instances of built form will be discernible but will be visually softened by vegetation within the zone. These views are illustrated by the Viewpoint Location 1 photographs appended to the Criffel RLZ assessment report. I confirm that, in my opinion, any visual effects as experienced from SH6

² Paul Smith, Criffel Station Requested Rural Lifestyle Zone – Landscape and Visual Effects Assessment Report, dated 5th June 2015, paragraph 38.

³ Ibid, paragraphs 38, 46, 51, 55 and 60.

⁴ Ibid, paragraphs 37 and 38.

⁵ Ibid, paragraph 65.

⁶ Statement of Evidence of Helen Juliet Mellsop, dated 17th March 2017, paragraph 8.69.

⁷ Paul Smith, Criffel Station Requested Rural Lifestyle Zone – Landscape and Visual Effects Assessment Report, dated 5th June 2015, paragraphs 47 to 51.

will be slight and visual amenity as experienced from this highway will very largely remain as it currently is.

- 6.4** Ms Mellsop opines that the requested RLZ would detract from the landscape quality, natural character and visual integrity of the ONL mountain slopes of the Criffel Range⁸. I consider that the terrace landform on which the requested RLZ sits is distinct from the mountain slopes in terms of geomorphology, land use, vegetation patterns and visual appearance. This is reflected in the relevant ONL line being located where it is. The landscape quality and natural character of the ONL mountain slopes will remain exactly as they are now; they will not change. There is the potential that development on the terrace landform will visually sit in front of the ONL mountain slopes, thereby detracting from their visual integrity. However, given the degree of visibility that will actually arise (as set out in the Criffel RLZ assessment report), I do not consider that this effect will actually occur. Views in which RLZ development will sit in front of the mountain slopes are from long distances. The development of the RLZ will appear as a small horizontal sliver of treed development that will slightly blur the very bottom of the mountain slopes when it is seen in these views. I do not consider that it will in any way diminish the appreciation of the Criffel Range ONL.
- 6.5** Ms Mellsop finds that the effects of the requested RLZ would be cumulative with the effects of the existing RLZ that lies west of Mount Baker⁹. The relevant area can be seen on Appendix 4 of the Criffel RLZ assessment report. The existing RLZ is separated from the requested RLZ by a distinct spur that is followed by the Criffel Diggings Track and by Mount Barker itself. Consequently, the two areas of RLZ (existing and requested) are in quite separate visual and experiential catchments. The requested RLZ is only experienced to the east of Boundary/Morris Road. The existing RLZ is only experienced to the west of Boundary/Morris Road. I do not see that the effects of these two zones will combine to form a cumulative effect.
- 6.6** Ms Mellsop considers that future vegetation within rural living lots enabled by the requested RLZ could have a domesticating effect and draw attention to the zone¹⁰. In this district RLZs generally develop to be relatively treed areas as owners seek privacy and shelter. They generally have a pleasant, leafy character, albeit one that is less open and unoccupied than

⁸ Statement of Evidence of Helen Juliet Mellsop, dated 17th March 2017, paragraph 8.70.

⁹ Ibid.

¹⁰ Ibid, paragraph 8.71.

the Rural General Zone areas. The landscape treatment of the RLZ as it develops is something that the consent authority has control (or discretion) over at both the subdivision stage and the stage of building dwellings. I consider that these controls can be used to ensure a consistent and appropriate vegetative character develops across the zone.

6.7 Ms Mellsop ultimately concludes that *“the rezoning area may have some capacity to absorb sensitively designed development that is screened from the wider basin by landform, the requested Rural Lifestyle zoning of the site would be inappropriate from a landscape perspective”*¹¹.

6.8 Again, I consider that it is important to take into account that a RLZ zoning does not allow unrestricted development. The provisions of the RLZ allow considerable control by the consent authority in relation to subdivision design and layout (including landscape treatment) as well as individual building design and the treatment of each lot. Overall, I consider that this will allow appropriate comfort regarding the final treatment of the zone. I do not see that development must be entirely screened by landform in order to be appropriate. I note that the relevant Objectives and Policies relating to non-ONL landscapes (in both the ODP and PDP) do not seek that development is invisible or is difficult to see, which they do seek in relation to ONLs.

7. CONCLUSIONS

7.1 I agree with and adopt the findings of the Criffel RLZ assessment report. I consider that the location of the requested RLZ is not as sensitive to change as many locations within the Rural Zone. I also consider that the landscape and visual effects of the requested RLZ will be well mitigated and that there is considerable logic to the proposal in terms of landscape planning.

7.2 I consider that Ms Mellsop has not assessed the effects of the requested RLZ in detail and she has not considered the control (or discretion) that the consent authority will have in relation to the manner in which the zone ultimately develops.

Ben Espie

vivian+espie

4th April 2017

¹¹ Ibid, paragraph 8.72.