

Before the Hearings Panel

For the Proposed Queenstown Lakes District Plan

**Under the**

Resource Management Act 1991

**In the matter**

of a variation to Chapter 21 Rural Zone of the Proposed Queenstown Lakes District Plan, to introduce Priority Area Landscape Schedules 21.22 and 21.23

---

**REBUTTAL EVIDENCE OF BRIDGET MARY GILBERT ON BEHALF OF QUEENSTOWN  
LAKES DISTRICT COUNCIL**

**29 September 2023**

---



**Mike Wakefield / Katherine Viskovic**

T: +64-4-499 4599

mike.wakefield@simpsongrierson.com

katherine.viskovic@simpsongrierson.com

PO Box 2402 Wellington

## CONTENTS

1. INTRODUCTION .....	1
2. EXECUTIVE SUMMARY .....	5
3. PA MAPPING AND TITLES .....	6
4. PREAMBLES .....	9
5. PA SCHEDULE STRUCTURE AND 'APPROACH' .....	10
6. 'NO LANDSCAPE CAPACITY' RATING .....	15
7. LANDSCAPE CAPACITY RATING SCALE.....	24
8. PA SCHEDULE SPECIFIC COMMENTS.....	34

## **1. INTRODUCTION**

**1.1** My full name is Bridget Mary Gilbert. I am a Landscape Architect and Director of Bridget Gilbert Landscape Architecture Ltd, Auckland. I have held this position since 2005.

**1.2** My qualifications and experience are set out in my Evidence in Chief dated 11 August 2023 (EiC).

### **Code of Conduct**

**1.3** Although this is a Council Hearing, I confirm that I have prepared this evidence in accordance with the Code of Conduct for Expert Witnesses, contained in Part 7 of the Environment Court Practice Note 2023. The issues addressed in this statement of rebuttal evidence are within my area of expertise, except where I state that I am relying on the evidence or advice of another person. The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

### **Structure of rebuttal evidence and collaboration with Mr Jeremy Head**

**1.4** Care has been taken throughout the review of submitter evidence and drafting of Rebuttal Evidence to ensure that Mr Jeremy Head and I are taking a consistent approach. This has involved:

- (a) regular discussions to share observations and discuss our responses to points raised in the submitter evidence; and
- (b) ongoing review of each other's work, including any amendments that are being made to the Rebuttal Version of the PA Schedules.

## Scope of Rebuttal Evidence

**1.5** My rebuttal evidence is structured to:

- (a) Address mapping and PA titling matters raised in the submitter evidence.
- (b) Discuss landscape related matters raised in the submitter evidence in relation to the Schedule 21.22 and Schedule 21.23 Preambles.
- (c) Comment on queries raised in the submitter evidence with respect to the structure and approach adopted in the PA Schedules.
- (d) Discuss concerns raised in submitter evidence with respect to the use of a 'no landscape capacity' rating for certain land uses in some of the PA Schedules.
- (e) Comment on the landscape capacity rating scales suggested in the submitter evidence.
- (f) Introduce my Rebuttal Version of the PA Schedules, amended in response to submitter evidence or annotated to briefly explain why I disagree with the submitter evidence.

**1.6** The 15 PA Schedules that my rebuttal evidence addresses are as follows:

- 21.22.1 Peninsula Hill PA ONF
- 21.22.2 Ferry Hill PA ONF
- 21.22.3 Kimiākau (Shotover River) PA ONF
- 21.22.5 Waiwhakaata (Lake Hayes) PA ONF
- 21.22.6 Slope Hill PA ONF
- 21.22.8 Haehaenui (Arrow River) PA ONF
- 21.22.12 Western Whakatipu Basin PA ONL
- 21.22.13 Queenstown Bay and Environs PA ONL
- 21.22.14 Northern Remarkables PA ONL
- 21.22.15 Central Whakatipu Basin PA ONL
- 21.22.16 Eastern Whakatipu Basin PA ONL
- 21.22.21 West Wānaka PA ONL
- 21.22.23 Hāwea South North Grandview PA ONL
- 21.23.3 West of Hāwea River PA RCL
- 21.23.4 Church Road – Shortcut Road PA RCL

**1.7** I attach the following appendices to my rebuttal evidence:

- (a) Appendix 1: Rebuttal Version of the PA Schedules listed in paragraph 1.6, showing track changes made by B Gilbert.
- (b) Appendix 2: Consent Order re Sir Robert Stewart (OS 84) Mapping Query.
- (c) Appendix 3: Table of Landscape Capacity rating Scales recommended in Submitter Evidence.
- (d) Appendix 4: B Gilbert EiC for Jacks Point Appeal.
- (e) Appendix 5: B Gilbert EiC for Glendhu Bay Appeal.

#### **Documents relied on**

**1.8** The key documents that I have used or referred to in forming my view while preparing my rebuttal evidence are:

- (a) The documents referenced in my EiC.
- (b) Landscape evidence prepared for submitters by the following experts:
  - i. James Bentley for Darby et al (OS 176, OS 177, OS 183).
  - ii. Stephen Brown for Queenstown Park Limited (OS 171).
  - iii. Ben Espie for R Burdon and ors (OS 49).
  - iv. Ralf Kruger for Longview Environmental Trust and J May (OS 74).
  - v. Di Lucas for Upper Clutha Environmental Society (OS 67).
  - vi. Steve Skelton for Treespace No 1 Limited (OS 96) and Passion Developments Limited (OS 186).
  - vii. Nikki Smetham for The Milstead Trust (OS 82).
  - viii. Paul Smith for Second Star Limited (OS 48).

(c) Planning evidence prepared for submitters by the following experts:

- i. Blair Devlin for The Milstead Trust (OS 82), Sir Robert Stewart (OS 84), Hydro Attack (OS 135) and ors.
- ii. Scott Edgar for Alpine Deer NZ LP (OS 146), Upper Clutha Transport Limited (OS 149) and ors.
- iii. Ben Farrell for Tucker Beach Residents Society (OS 90), Off Road Adventures (OS 138), NZSki (OS 165), RealNZ (OS 166) and Queenstown Adventure Park (OS 189).
- iv. Chris Ferguson for Darby et al (OS 176, OS 177, OS 183).
- v. Scott Freeman for Treespace No 1 Limited (OS 96).
- vi. Brett Giddens for Arthurs Point Outstanding Natural Landscape Society Incorporated (OS 122).
- vii. Richard Kemp for Passion Developments Limited (OS 186).
- viii. Morgan Shepherd for J Burdon (OS 182), Gertrudes Saddlery (OS 200) and ors.
- ix. Carey Vivian for Woodlot Properties Limited (OS 114), Queenstown Mountain Bike Club (OS 119) and ors.
- x. Duncan White for Glen Dene Limited (OS 47), Richard Burdon (OS 49) and ors.

(d) The Memorandum of Counsel filed by Anderson Lloyd on behalf of Jon Waterston (OS 145).

**1.9** The fact that I do not specifically refer to or address an aspect of the submitter evidence does not mean that I have not considered it, or the subject matter of that evidence, in forming my opinions regarding the landscape appropriateness of the amendment(s) sought.

**1.10** I use the following abbreviations throughout my evidence:

**EiC:** Evidence in Chief

**ONF:** Outstanding Natural Feature

**ONL:** Outstanding Natural Landscape

**OS:** Original Submission

**PA:** Priority Area

**PDP:** Proposed District Plan

**QLDC or Council:** Queenstown Lakes District Council

**TTatM:** Te Tangi a te Manu

**UCESI:** Upper Clutha Environmental Society Incorporated

## **2. EXECUTIVE SUMMARY**

**2.1** My rebuttal evidence addresses the submitter evidence and concludes that the following changes are appropriate to the PA Schedules that I authored:

- (a) Revert to the labelling and spatial mapping that was associated with the notified version of the PA Schedules for 21.22.3 Kimiākau (Shotover River) PA ONF (with corresponding amendments made to the 21.22.3 PA Schedule text).
- (b) Amending the terminology of 'very limited to no' landscape capacity to 'extremely limited' landscape capacity in the landscape capacity rating scale (resulting in consequential amendments across the PA Schedules).
- (c) Introducing qualifications for certain land uses in some of the PAs where the term 'no landscape capacity' is used, which I consider will 'leave the door open' for an appropriate level of development.
- (d) Retaining a 'no landscape capacity' rating for certain land uses in some of the PAs where I consider that there that there is enough certainty that the particular land use in the specific PA will not protect the relevant landscape values.

**2.2** I have reviewed the submitter evidence requesting changes to the main body of the PA Schedule text. Appendix 1 attached contains a Rebuttal Version of the PA Schedules that I authored, with text changes and explanatory comments (where relevant) annotated in red text. I confirm that all text changes in the 'main body' of a PA Schedules will assist an understanding of landscape values, and that text changes in the Landscape Capacity part of a PA Schedule will protect landscape values.

**2.3** I have reviewed the submitter evidence suggesting alternate landscape capacity ratings scales. In my opinion, the rating approach outlined in the Council rebuttal evidence is the most appropriate for providing high level guidance for plan users with respect to the landscape capacity of each PA for a wide range of land uses (as directed by Chapter 3).

**2.4** My rebuttal evidence highlights a number of detailed points that I suggest are discussed at expert conferencing, including:

- (a) Mr Farrell's concerns with respect to cultural matters.
- (b) The reference to weed and pests species within the PA Schedules and Preambles.
- (c) The potential reference to base stations and terminals under Passenger Lift Systems.

### **3. PA MAPPING AND TITLES**

**3.1** This section of my rebuttal evidence addresses mapping and title queries raised in submitter evidence that are relevant to the PA's that I have authored, along with more general mapping criticisms.

#### **21.22.3 Kimiākau Shotover River PA ONF/L mapping and title**

**3.2** Ms Evan's rebuttal evidence discusses the context to the Kimiākau (Shotover River) PA.



- 3.3** Ms Evans and I have reflected on the complexities of the Shotover Loop land, which has been the subject of a recent decision of the Council. This includes: a separate appeal process currently at play to determine the ONL boundary at this location (via an appeal to the Environment Court that was filed after my EiC and s42A Report was filed); and the Council's position that mapping amendments are outside the scope of the variation.
- 3.4** It is now recommended that the Kimiākau (Shotover River) PA revert to its notified label, which described it as a 'PA ONF' and not a 'PA ONF/L' (as was recommended in my EiC). The Rebuttal Version of 21.22.3 attached in **Appendix 1** has been amended to reflect this change.

#### **21.22.2 Ferry Hill**

- 3.5** The Memorandum of Counsel filed by Anderson Lloyd on behalf of Jon Waterston (OS 145) queries the alignment of the 21.22.2 Ferry Hill PA Mapping in the vicinity of the submitter's land. The Memorandum advises that the mapping attached to the Memorandum (**Memorandum mapping**) reflects the mapping directed by Judge Jackson's division of the Environment Court.
- 3.6** I have checked the Memorandum mapping against the QLDC GIS PA mapping resource that I have access to and confirm that the two align.
- 3.7** I have contacted Mr Geoffrey Everitt (QLDC GIS and planning expert) to enquire as to whether the PA mapping has been updated to reflect the decision of the Environment Court (which would explain the perceived discrepancy outlined in the Memorandum); however, Mr Everitt is on leave until after my rebuttal evidence is due to be filed.
- 3.8** For this reason, I will provide an update on this matter either through expert conferencing, or at the hearing.

### 21.22.15 Central Whakatipu Basin PA ONL mapping

3.9 Mr Blair Devlin’s evidence for Sir Robert Stewart queries the mapping of 21.22.15 Central Whakatipu Basin PA ONL near Coronet Peak Road. At paragraph 74 of his evidence, Mr Devlin comments:

*I note there is a mapping anomaly that may require addressing. In the Joint Witness Statement dated 29 October 2020 which identified the PAs for the Court, the boundary of the PA as it related to the Sir Robert Stewart site is shown in the dark green line below. Also, this was the boundary for the PA that was provided during the informal consultation. However, when the PA maps were notified for the formal submission process, the boundary was amended as per the below light brown shading.*



**Figure 1:** mapping reproduced from Mr Devlin’s EiC depicting his mapping query.

3.10 I have discussed this matter with Council’s GIS (and planning) expert, Mr Geoffery Everitt. I understand from Mr Everitt that the mapping change that occurred between the October 2020 JWS version of the PA mapping and the current version of the PA mapping came about as a consequence of the Consent Order attached as **Appendix 2** to this evidence.

**3.11** For completeness, I confirm that I prefer the PA ONL mapping outlined in the Consent Order (i.e. the brown shaded mapping shown in **Figure 1** above.

#### **Requested PA mapping changes in relation to 21.22.12 Western Whakatipu Basin PA ONL**

**3.12** Messrs Steve Skelton and Richard Kemp's evidence for Passion Developments Limited recommends that the 21.22.12 PA ONL mapping (and ONL and UGB lines) is amended in the vicinity of Fernhill. I understand that this proposed PA ONL mapping change along with any amendments to the ONL and UGB lines is beyond the scope of the Variation and do not consider this matter further.

#### **Grain of Landscape Capacity Analysis and Mapping**

**3.13** With respect to the criticism expressed by Messrs Ralf Kruger<sup>1</sup> and Paul Smith<sup>2</sup> in relation to the grain of landscape capacity analysis and/or mapping, having read the full breadth of submitter evidence in relation to the PA Schedules, I remain of the opinion expressed in my EiC at paragraphs 6.1 to 6.9.

## **4. PREAMBLES**

**4.1** My reading of the landscape evidence prepared on behalf of submitters is that there is general support for the s42A Schedule 21.22 and 21.23 Preambles, subject to the following comments:

- (a) Ms Di Lucas recommends that Schedule 21.23 is amended to address certain corrections.<sup>3</sup> I agree with Ms Lucas, and have made amendments to the Rebuttal Version of Schedule 21.23 Preamble.

---

<sup>1</sup> R Kruger evidence for Longview Environmental Trust and John May, section 6.3.

<sup>2</sup> P Smith evidence for Second Star Limited: [15].

<sup>3</sup> Di Lucas evidence for UCESI, page 10.

- (b) Mr James Bentley suggests alternate wording with respect to the explanatory text that refers to pests and weeds in the PA Schedules.<sup>4</sup> I agree with Mr Bentley’s suggestions and have made amendments to the Rebuttal Versions of Schedule 21.22 and Schedule 21.23 Preambles.
- (c) Mr Skelton suggests that the Schedule 21.22 and 21.23 Preambles are amended to incorporate [5.49] of TTatM:

*“Generic attributes such as sensitivity and capacity are necessarily imprecise because they estimate a future. They can be useful and necessary in policy-based assessments, or in comparing alternative routes/localities, but they become redundant once the actual effects of a specific proposal can be assessed directly.”<sup>5</sup>*

I do not consider this change necessary. The s42A Version of the Preambles is clear that the schedules are ‘high level’, the landscape capacity rating is at a PA scale (rather than a site-specific scale) and that a detailed site-specific landscape assessment will typically be required as part of a resource consent or plan change application. In my view, replicating the above text from TTatM would lead to duplication only.

## **5. PA SCHEDULE STRUCTURE AND ‘APPROACH’**

- 5.1** In their evidence, several landscape experts express general support for the structure and approach applied to the ‘main body’ of the PA Schedules i.e. those parts of the PA Schedules that describe and rate the existing landscape attributes and values of the PA.<sup>6</sup> Others have raised various concerns, as discussed below.

---

<sup>4</sup> J Bentley evidence for Darby et al: [40].

<sup>5</sup> S Skelton evidence for Passion Developments Limited: [22].

<sup>6</sup> For example: Mr James Bentley’s evidence for Darby Partners Limited at his [24], [25], [31], [78]; Mr Ralf Kruger’s evidence for Longview Environmental Trust and John May at his [30]; Ms Di Lucas’ evidence for UCESI at [11]; Mr Paul Smith’s

- 5.2** Mr Ben Espie (in his evidence for R Burdon and ors), expresses the view that the PA Schedules are long and wordy and will become a very large appendix to the PDP.<sup>7</sup> Mr Espie goes on to recommend that the PA Schedules are abridged to include the landscape values and capacity sections only, with what he describes as the analysis and justification information (including discussion of the landscape attributes that lead to the values) contained in a separate report or study that is not part of the PDP. Mr Espie considers that this would assist to make the schedules more “easily usable”.
- 5.3** Mr Duncan White (a planning witness) takes this a step further,<sup>8</sup> suggesting that the Landscape Capacity Summary table attached as Appendix 1 to my EIC has, in his view, a sufficient level of detail for the PA Landscape Schedules.
- 5.4** While Mr Espie has raised a general concern with the length of the PA schedules, he has – in relation to specific schedules – either provided support for their content, or recommended the addition of new text (which would include the analysis and justification that he recommended, at a general level, should be contained in a separate report). For example, Mr Espie appears to generally support the content of Schedule 21.22.23<sup>9</sup> (at paragraph 60 of his Statement of Evidence), and proposes new text for a range of schedules (which are summarised in his paragraphs 86 to 90).
- 5.5** I note that Strategic Policies 3.3.37, 3.3.38, 3.3.40 and 3.3.41 direct that landscape attributes, values and capacity are addressed in Schedules 21.22 and 21.23. To separate the information out in the manner

---

evidence for Second Star at his [16]; Mr Steve Skelton in his evidence for Passion Development Limited in the first part of his [12]. This is also implicit in the Landscape Joint Witness Statement for the Glendhu Bay Appeal which Ms Yvonne Pfluger and Mr Stephen Brown were contributors to.

<sup>7</sup> B Espie evidence for R Burdon and ors: [19].

<sup>8</sup> D White evidence for Glen Dene and ors: [14].

<sup>9</sup> subject to some reasonably minor refinements to the main body of the schedule and his concerns with respect to a ‘no landscape capacity’ rating

suggested by Mr Espie, or via a Summary Table as preferred by Mr White, would not appear to align with those policies.

- 5.6** From a landscape perspective I also have concerns that, were Mr Espie's or Mr White's approach preferred, there is a risk that important landscape attributes (and values) 'diverted' from the PA Schedules into a non-statutory document could be overlooked or argued to be of lesser importance when considering plan changes or resource consent applications in a PA. Given the complex and holistic nature of landscape values along with the importance of the District's PA landscapes, I consider that this would be an inappropriate outcome from a landscape perspective.
- 5.7** Having considered all of the landscape evidence in relation to this aspect of the PA Schedules, I remain of the view set out in my EiC at [8.8] to [8.11].

#### Attributes and values

- 5.8** Ms Nikki Smetham expresses the view that the PA Schedules promote unnecessary confusion between attributes and values, undermining the relationship between attributes and values and the accuracy of some attributes.<sup>10</sup>
- 5.9** Ms Smetham goes on to discuss several aspects of Slope Hill PA ONF concluding that, in her view, it is important that the Schedule recognises the *key values* that contribute to Slope Hill PA ONF and that attributes should be separated out for clarity.<sup>11</sup> Ms Smetham does not explain what she considers the key landscape values to be, nor which attributes she considers should be removed from Schedule 21.22.6 (or any of the other twenty-eight PA Schedules).

---

<sup>10</sup> For example, see N Smetham evidence for Milstead Trust: 7(b).

<sup>11</sup> Ibid: [37].

- 5.10** I remain of the view set out in my EiC [6.10] to [6.18] where I discuss the ‘bundling of landscape attributes and values’. I note Ms Lucas’ support for this approach at pages 8 and 9 of her evidence for UCESI (and noting that this potential issue was initially raised by Ms Lucas in the UCESI submission).
- 5.11** Ms Smetham also expresses a concern that it is not sufficiently clear that the capacity section of the PA Schedules relates to future development.<sup>12</sup>
- 5.12** I do not share Ms Smetham’s concern that the PA Schedules (or perhaps the Preambles), need to explain that the capacity section of the PA Schedules relates to future development, as I consider this to be implicit in any evaluation of landscape capacity i.e. that it is ‘future looking’. The fact that the PA Schedules describe, when appropriate, existing development (or consented development), further highlights the “future” construct of the capacity sections. I also note the wording of the definition of ‘landscape capacity’ in 3.3B.5 which signals that landscape capacity applies to ‘subdivision and development’.
- 5.13** Mr Ben Farrell raises a concern that the PA Schedule work does not consider all relevant and most up-to-date landscape assessment methodologies in respect of cultural matters, for example Āpiti Hono Tātai Hono: Ngā Whenua o Ngāi Tahu ki Murihiku.<sup>13</sup>
- 5.14** No detail is provided by Mr Farrell as to what he recommends in this regard. It is recommended that this matter is discussed further at expert conferencing prior to the hearing.
- 5.15** Ms Lucas expresses concern that the inclusion of references to weeds and pests is problematic, as these are not landscape values to be protected (for PA ONF/Ls) or maintained or enhanced (for PA RCLs).<sup>14</sup> I appreciate the concern raised in this regard. The amendments to the S42A version

---

<sup>12</sup> Ibid: [16].

<sup>13</sup> B Farrell: evidence for Tucker Beach Residents Society and ors: [9](d).

<sup>14</sup> Refer Ms Lucas’ discussion on pages 9 and 10 of her evidence.

of the Schedule 21.22 and 21.23 Preambles seek to clarify this aspect. I recommend that this matter is discussed by the landscape and planning experts at the expert conferencing to determine the best method to manage this matter. For completeness, I remain of the view that this is helpful information in the sustainable management of the District's rural landscapes, but appreciate that there may be a better way to make this information available to plan users.

**5.16** Ms Lucas also expresses concern that the PA Schedules tend to focus on 'what is there' and, in so doing, overlook 'what isn't there' which, in her view, can be an important factor in shaping landscape values.<sup>15</sup> Ms Lucas does not suggest any wording in this regard.

**5.17** Mr Smith expresses concern with respect to some of the terminology used in the PA Schedules such as 'low key' and 'rural character'.<sup>16</sup> Mr Kruger expresses similar concerns, albeit about a considerably wider range of, what he calls 'soft terminology', used in the PA Schedules.<sup>17</sup>

**5.18** My EIC addresses submissions raising concerns with respect to terminology at [8.3] to [8.6]. This included commentary in relation the sort of terminology raised by Messrs Kruger and Smith. While I can understand why these concerns have been raised, and agree that terminology matters; the high-level nature of the landscape capacity evaluation required for the PA Schedules lends itself towards using 'looser' vocabulary to guide the typical character of a land use that is likely to be appropriate in a PA. If precision was required to describe the capacity for certain types of activity or level of activity, then this would require a more fine-grained approach to the assessment of the PAs, and an effective structure planning approach to the assessment exercise.

**5.19** As explained in my EIC, the PA Schedules do not introduce new rules or plan provisions. Further, a detailed site-specific landscape assessment as

---

<sup>15</sup> Di Lucas evidence for UCESI, page 10.

<sup>16</sup> For example, see P Smith evidence for Second Star: [33].

<sup>17</sup> For example, see R Kruger evidence for Longview Environmental Trust and J May: [236].



part of a resource consent or plan change application (as signalled in the Preambles) may determine that, using Mr Smith’s example, a much larger building may be appropriate in a specific part of a PA. However, the high-level nature of the PA Schedules landscape capacity work draws from the general trends of existing and consented development within each PA. In my view, larger buildings are typically located and designed so that they read as relatively ‘low key’, for example, by hunkering the building into a natural (or naturalised) landform and/or setting the building into an established (typically indigenous) vegetation framework.<sup>18</sup>

**5.20** I also remain of the view that the terminology used within the PA Schedules is generally well understood by the landscape profession and is acknowledged and referenced in landscape related case law. So, while such terminology may not be evident in the District Plan, it has an established and accepted use within the lexicon of the landscape profession, and in my view is appropriate given the intended guidance role of the PA schedules.

## **6. ‘NO LANDSCAPE CAPACITY’ RATING**

**6.1** Ms Lucas, Mr Kruger and Mr Giddens express support for the use of a rating of ‘no landscape capacity’ in the PA Schedules.<sup>19</sup>

**6.2** Other landscape experts, and planning witnesses, have not raised concern with the use of a ‘no landscape capacity’ rating, including Mr Brown for Schedule 21.22.14, and Mr Freeman for Treespace.

---

<sup>18</sup> This may have been a consequence of the “reasonably difficult to see” test that existed in earlier iterations of the plan, but I note that this same test continues to exist in Chapter 6.

<sup>19</sup> For example, see Di Lucas evidence for UCESI, [11]; R Kruger evidence for Longview Environmental Trust and J May: [235]; B Giddens evidence for APONLS at [26].

**6.3** However, a number of landscape and planning experts are of the opinion that a ‘no landscape capacity’ rating is inappropriate in the PA Schedules. For example:

- (a) Ms Smetham expresses the view that such a rating “for some activities is absolute, overly persuasive and will undermine future site assessments”.<sup>20</sup>
- (b) Mr Bentley explains that it is not clear to him how a ‘no landscape capacity’ rating can be determined, if (as explained in the Preambles), the PA Schedules are ‘high level’.<sup>21</sup>
- (c) Mr Skelton considers that a ‘no landscape capacity’ rating is determinative for an imprecise study of this nature (i.e. landscape capacity) and considers that such a rating cannot be reached unless all of the sites within a PA have been assessed.<sup>22</sup> Mr Skelton goes on to explain that in his opinion, the explanatory text around capacity ratings is not enough that Council staff will understand that a ‘no landscape capacity’ rating is not a fixed concept.<sup>23</sup>
- (d) Mr Smith says that he disagrees with a rating of ‘no landscape capacity’.<sup>24</sup>
- (e) Mr Devlin considers that from a planning perspective the identification of a PA as having ‘no landscape capacity’ presents a very significant barrier to any consent application and risks being interpreted or applied as similar to a prohibited activity status.<sup>25</sup>
- (f) Mr White describes the ‘no landscape capacity’ as an ‘avoid’ type policy.<sup>26</sup>
- (g) Mr Farrell considers that the ‘no landscape capacity’ rating is inappropriate as it is an absolute.<sup>27</sup>

---

<sup>20</sup> For example, N Smetham evidence for Milstead Trust, [7](a).

<sup>21</sup> J Bentley evidence for Darby Partners: [62].

<sup>22</sup> For example, see S Skelton evidence for Northlake Investments Limited: [26] and [29].

<sup>23</sup> Ibid: [32] and [34].

<sup>24</sup> For example, see P Smith evidence for Second Star: [15].

<sup>25</sup> For example, see B Devlin evidence for Milstead Trust and ors: [27].

<sup>26</sup> For example see D White evidence for Glen Dene and ors: [9].

<sup>27</sup> B Farrell evidence for Tucker Beach Residents Society and ors, dated 13 September 2023: [24].

- 6.4** My EIC addresses the issue of a rating of ‘no landscape capacity’ at [9.7] to [9.24], explaining the circumstances where such a rating has been deemed to be appropriate (from a landscape perspective).
- 6.5** I note that the landscape and planning expert evidence expressing concern about this rating is framed as an ‘in principle’ criticism, rather than an evidence-based critique of why such a rating is inappropriate for a particular land use in a specific PA.
- 6.6** However, I have carefully reconsidered the terminology of ‘no landscape capacity’ rating and whether this could appropriately be deleted or amended, given the concerns raised in expert evidence.
- 6.7** I acknowledge that a ‘no capacity’ rating could be perceived as being absolute in certain cases, and recommend that the notified rating of ‘very limited to no landscape capacity’ is amended to ‘extremely limited landscape capacity’. In my view, this amendment will reduce the risk outlined above with the term ‘no landscape capacity’ across the PA Schedules, without unduly diluting or diminishing the meaning and ‘integrity’ of the landscape capacity rating scales.
- 6.8** However, having re-examined the landscape capacity rating for land uses in the PA Schedules that I authored, I remain of the view that a rating of ‘no landscape capacity’ remains valid for certain land uses in some of the PAs.
- 6.9** I have formed this view based on the specific circumstances involved, and consider that there is enough certainty that the particular land use in the specific PA will not protect the relevant landscape values, and that a rating of ‘no landscape capacity’ is appropriate.
- 6.10** I also consider that there is the potential to qualify the rating of ‘no landscape capacity’ for some land uses in the PA schedules, effectively ‘leaving the door open’ for an appropriate level of development.

**6.11** Table 1 below lists the land uses where I consider that an **unqualified rating of ‘no landscape capacity’** remains appropriate.

**TABLE 1:** Land-use where an unqualified rating of ‘no landscape capacity’ applies in Rebuttal Version of PA Schedules.

PRIORITY AREA	LAND USE WHERE AN UNQUALIFIED NO LANDSCAPE CAPACITY RATING APPLIES
21.22.1 Peninsula Hill PA ONF	Tourism related activities Urban expansions Intensive agriculture Commercial scale renewable energy
21.22.2 Ferry Hill PA ONF	Tourism related activities Urban expansions Intensive agriculture Commercial scale renewable energy
21.22.3 Shotover River PA ONFL	Tourism related activities Urban expansions Intensive agriculture Commercial scale renewable energy
21.22.5 Lake Hayes PA ONF	Visitor accommodation and tourism related activities Urban expansions Intensive agriculture Farm buildings Mineral extraction Renewable energy generation Forestry Rural living Jetties/boatsheds/lake structures/moorings
21.22.6 Slope Hill PA ONF	Tourism related activities Urban expansions Intensive agriculture Commercial scale renewable energy
21.22.8 Arrow River PA ONF	Tourism related activities Urban expansions Intensive agriculture Mineral extraction Commercial scale renewable energy
21.22.12 Western Whakatipu Basin PA ONL	Urban expansions

PRIORITY AREA	LAND USE WHERE AN UNQUALIFIED NO LANDSCAPE CAPACITY RATING APPLIES
21.22.13 Queenstown Bay PA ONL	Visitor accommodation and tourism related activities Urban expansions Intensive agriculture Farm buildings Mineral extraction Commercial scale renewable energy Forestry Rural living
21.22.14 Northern Remarkables PA ONL	Urban expansions Intensive agriculture
21.22.15 Central Whakatipu Basin PA ONL	Urban expansions
21.22.16 Eastern Whakatipu Basin PA ONL	Urban expansions
21.22.21 West Wanaka PA ONL	Urban expansions Jetties/boatsheds/lake structures/moorings
21.22.23 Hawea South North Grandview PA ONL	Urban expansions Jetties/boatsheds/lake structures/moorings
21.23.3 West of Hawea River PA RCL	Urban expansions
21.23.4 Church Road Shortcut Road PA RCL	n/a

**6.12** Table 2 below lists the land uses where I consider that a **qualified rating of ‘no landscape capacity’** is appropriate (noting that the qualification comments are abridged in Table 2). Amendments that have been made between the s42 Version and the Rebuttal Version of the PA Schedules are identified in **red text** (noting that this is abridged text and the Appendix 1 Rebuttal Version of the PA Schedules need to be read in full).

**TABLE 2:** Land-use where a qualified rating of ‘no landscape capacity’ applies in Rebuttal Version of PA Schedules. (Red text denotes change between s42A Version and Rebuttal Version).

PRIORITY AREA	LAND USE WHERE A QUALIFIED NO LANDSCAPE CAPACITY RATING APPLIES
21.22.1 Peninsula Hill PA ONF	Visitor accommodation (excepting the two home sites within JPZ) and consented dwellings at Hanleys Farms Mineral extraction ( <b>excepting very small-scale farm quarries</b> ) Transport infrastructure (excepting trails) Forestry ( <b>applies to exotic forestry only</b> )
21.22.2 Ferry Hill PA ONF	Visitor accommodation (excepting associated with existing consented platforms) Mineral extraction ( <b>excepting very small-scale farm quarries</b> ) Forestry ( <b>applies to exotic forestry only</b> )
21.22.3 Shotover River PA ONFL	Visitor accommodation (excepting associated with existing dwellings and consented platforms) Transport infrastructure (excepting trails) Forestry ( <b>applies to exotic forestry only</b> )
21.22.5 Lake Hayes PA ONF	Transport infrastructure (excepting trails)
21.22.6 Slope Hill PA ONF	Visitor accommodation (excepting associated with existing dwellings and consented platforms) Mineral extraction ( <b>excepting very small-scale farm quarries</b> ) Transport infrastructure (excepting trails) Forestry ( <b>applies to exotic forestry only</b> )
21.22.8 Arrow River PA ONF	Visitor accommodation (excepting associated with existing dwellings and consented platforms) Transport infrastructure (excepting trails) Forestry ( <b>applies to exotic forestry only</b> )
21.22.12 Western Whakatipu Basin PA ONL	Intensive agriculture ( <b>unless reasonably difficult to see</b> ) Mineral extraction ( <b>excepting very small-scale farm quarries</b> ) Commercial scale renewable energy ( <b>unless reasonably difficult to see</b> ) Forestry ( <b>applies to exotic forestry only</b> )
21.22.13 Queenstown Bay PA ONL	Transport infrastructure (excepting trails)

PRIORITY AREA	LAND USE WHERE A QUALIFIED NO LANDSCAPE CAPACITY RATING APPLIES
21.22.14 Northern Remarkables PA ONL	Visitor accommodation and tourism related activities (on the mountain slopes and fans only, excepting glamping) Mineral extraction (excepting farm/vineyard scale quarries) Transport infrastructure (excepting trails and passenger lift systems) Commercial scale renewable energy ( <b>unless reasonably difficult to see</b> ) Forestry ( <b>applies to exotic forestry only</b> ) Rural living ( on the mountain slopes and fans only)
21.22.15 Central Whakatipu Basin PA ONL	Intensive agriculture ( <b>unless reasonably difficult to see</b> ) Mineral extraction ( <b>excepting very small-scale farm quarries</b> ) Transport infrastructure (excepting trails and transport infrastructure associated with Coronet Peak ski area) Commercial scale renewable energy ( <b>unless reasonably difficult to see</b> ) Forestry ( <b>applies to exotic forestry only</b> )
21.22.16 Eastern Whakatipu Basin PA ONL	Intensive agriculture ( <b>unless reasonably difficult to see</b> ) Mineral extraction ( <b>excepting very small-scale farm quarries</b> ) Commercial scale renewable energy ( <b>unless reasonably difficult to see</b> ) Forestry ( <b>applies to exotic forestry only</b> )
21.22.21 West Wanaka PA ONL	Intensive agriculture ( <b>unless reasonably difficult to see</b> ) Mineral extraction (excepting very small-scale farm quarries and gravel extraction in riverbeds) Commercial scale renewable energy ( <b>unless reasonably difficult to see</b> ) Forestry ( <b>applies to exotic forestry only</b> )
21.22.23 Hawea South North Grandview PA ONL	Intensive agriculture ( <b>unless reasonably difficult to see</b> ) Mineral extraction (excepting farm-scale quarries) Commercial scale renewable energy ( <b>unless reasonably difficult to see</b> ) Forestry ( <b>applies to exotic forestry only</b> )
21.23.3 West of Hawea River PA RCL	n/a
21.23.4 Church Road Shortcut Road PA RCL	n/a

**6.13** **Table 2** demonstrates that for several land uses, the PA Schedules signal that there may be tolerance for that type of activity or development within the PA. Noteworthy changes made between the s42A Version of the PA Schedules, and the Rebuttal Version of the PA Schedules are summarised below:

- (a) A change from an **unqualified no landscape capacity** rating to a **qualified no landscape capacity** rating for land uses in PA ONFs such as: mineral extraction and forestry<sup>28</sup>.
- (b) A change from an **unqualified no landscape capacity** rating to a **qualified no landscape capacity** rating for land uses in the larger, land-dominated PA ONLs for land uses such as: visitor accommodation and tourism related activities, intensive agriculture, mineral extraction, commercial scale renewable energy, and forestry<sup>29</sup>.

**6.14** With respect to **Table 1**, I set out below an updated summary of the landscape reasons that support my **unqualified no landscape capacity rating** for the PA Schedules that I have authored.

- (a) **Urban expansions** (including urban expansion into an ONF/L) attracts a rating of 'no landscape capacity' in all of the PA ONF/L Schedules. As explained in the Schedule 21.22 (and 21.23) Preambles, urban expansion means: a land use change to urban development; a change (including any proposed change) in zoning to an urban zone, including any change to the urban growth boundary or any other zone changes (or proposed changes) that would provide for urban development. Relying on this definition, in my view urban expansions will materially compromise the ONF/L so that it will fail to qualify as a RMA s6(b) landscape in terms of

---

<sup>28</sup> Noting that the amendments to the forestry landscape capacity comments, deliberately reference that the no landscape capacity rating only applies to exotic forestry, in response to Ms Lucas' evidence for UCESI.

<sup>29</sup> Again, noting that the amendments to the forestry landscape capacity comments, deliberately reference that the no landscape capacity rating only applies to exotic forestry, in response to Ms Lucas' evidence for UCESI.



'naturalness' (see *Long Bay*<sup>30</sup> and *West Wind*<sup>31</sup>). I consider it difficult to see how this type of activity could protect landscape values.

- (b) With respect to the **PA ONFs**, it is typically the small scale of the landform feature, the physical values of the PA (for example, narrow river corridors or confined roche moutonnée) and naturalness attributes and values which result in a heightened sensitivity to development change (of the type evaluated) that leads to an unqualified rating of 'no landscape capacity' for land uses such as: tourism related activities; urban expansions; intensive agriculture; and commercial scale renewable energy. Further, in many instances, the elevated nature of the PA ONF, lack of any existing development and/or consistent landform and vegetation patterns and 'exposed' character of the area also play an important role.
- (c) For 21.22.1 Peninsula Hill, 21.22.2 Ferry Hill PA ONF, 21.22.3 Shotover River PA ONF, 21.22.6 Slope Hill PA ONF, and 21.22.12 Western Whakatipu Basin, the **close proximity of the PA ONF to existing urban development** is also an important factor in recommending an unqualified rating of 'no landscape capacity' for a range of land uses. This is because ONF/L land close to an existing urban area typically has a heightened landscape sensitivity to development change due to the potential for a perception of (urban) development sprawl along with the important role that such areas serve in clearly distinguishing between the more natural landscape (or feature) and urban areas.
- (d) For the **PA ONF/Ls that are dominated by water**,<sup>32</sup> the physical constraints of the PA and the zoning of the land-based parts of the PA (for example, the lake margins of 21.22.13 Queenstown Bay PA ONL

---

<sup>30</sup> [2008] NZEnvC 78: [135].

<sup>31</sup> [2007] Decision W31/07: [157].

<sup>32</sup> i.e. 21.22.8 Arrow River PA ONF, 21.22.13 Queenstown Bay PA ONL.

ONL are reserve land), is of particular relevance along with the landscape sensitivity of the area. Put another way, in these PAs there is simply 'little to no room' or no 'potential' for landuses such as urban expansions, visitor accommodation, tourism related activities, intensive agriculture, farm buildings, commercial scale renewable energy, forestry and rural living. For these reasons an unqualified rating of 'no landscape capacity' is considered appropriate from a landscape perspective.

- (e) With respect to **jetties, boatsheds, lake structure and moorings**, where relevant, an unqualified rating of 'no landscape capacity' is recommended in recognition of the high landscape sensitivity of lake and river margins to such development. The exceptions to this are 21.22.13 Queenstown Bay and Environs PA ONL where a rating of 'very limited landscape capacity' (subject to the requirement for colocation with existing facilities and character specific outcomes), reflects the important role that this part of the PA plays in enabling people to access and experience Lake Whakatipu (ONL).
- (f) For the PA RCLs, an unqualified rating of 'no landscape capacity' is limited to **urban expansions**. In the case of 21.23.3 West of Hawea River PA RCL, this reflects the important role the PA plays as part of the breathing space between Albert Town and Hāwea settlement.

## 7. LANDSCAPE CAPACITY RATING SCALE

- 7.1 Ms Lucas<sup>33</sup> and Mr Brown<sup>34</sup> express support for the five-point landscape capacity rating scale used in the s42A Version of the PA Schedules. I also note that the planning evidence of Mr Scott Freeman for Treespace, Ms McDonald and Ms Linscott for Federated Farmers, and Mr Brett Giddens

---

<sup>33</sup> D Lucas evidence for UCESI: [28].

<sup>34</sup> S Brown evidence for QPL:[5.4].

for APONLS have not raised concern with the landscape capacity rating scale applied in the s42A version of the PA Schedules.

**7.2** A number of landscape and planning experts have recommended either a new rating scale or a modified rating scale for landscape capacity in the PA Schedules as follows:

- (a) Messrs Espie, Devlin, Edgar and Vivian recommend a new five-point scale outlined at paragraph 28 of Mr Espie's evidence for Burdon and ors (**Mr Espie's Scale**).
- (b) Messrs Bentley and Ferguson recommend a new four-point scale outlined at paragraph 64 of Mr Bentley's evidence for Darby Partners (**Mr Bentley's scale**).
- (c) Messrs Skelton and Kemp recommend a new five-point scale outlined at paragraph 19 of Mr Skelton's evidence for Passion Development Limited (**Mr Skelton's scale**).
- (d) Mr Farrell recommends a slightly different five-point scale to Mr Skelton's, outlined in Mr Farrell's evidence at paragraph 23 (**Mr Farrell's scale**).
- (e) Mr Kruger recommends the use of the four-point scale applied in the PA Schedules, but with modifications (**Mr Kruger's scale**).

**7.3** I also note that Ms Lucas suggests that a 'slightly differently tuned' scale may be appropriate for the PA RCL Schedules.<sup>35</sup>

**7.4** In **Appendix 3** I attach a Table showing the various landscape capacity rating scales proposed by the experts (factoring in the change in terminology from 'very limited to no landscape capacity' to 'extremely limited landscape capacity' that I recommend above).

**7.5** The next section of my evidence discusses each of the 'new' or 'modified' landscape capacity rating scales recommended in the submitter evidence.

---

<sup>35</sup> Di Lucas evidence for UCESI: page 11.

## Mr Espie's Landscape Capacity Rating Scale

- 7.6** Mr Espie explains that, in his opinion, the wording used for the landscape capacity ratings in the PA Schedules is overly precise, unhelpful and does not provide reasons for the capacity ratings, making it discordant with the Methodology Statement and TTatM.
- 7.7** I understand Mr Espie's 'scale' has been developed to:
- (a) Avoid the use of the term 'no landscape capacity' via his lowest rating of 'Very unlikely to be capacity for this activity in any locations within the PA';
  - (b) Introduce what Mr Espie considers is a more consistently 'less absolute' rating scale, in response to the imprecise nature of rating landscape capacity for the purposes of the PA Schedules.
- 7.8** I deliberately use the term 'scale' as I understand Mr Espie's comments to focus on a different way of expressing landscape capacity, as opposed to an actual rating scale. (For example, Mr Espie's scale does not include an explanation of what each of his 'ratings' mean, instead the rating is intended to work in tandem with the outcomes that will need to be achieved in order for section 6(b) to be achieved.)
- 7.9** Mr Espie provides an example of how his recommended landscape capacity rating 'scale' for three land uses in the 21.22.11 Mount Iron PA ONF schedule at paragraph 82 of his evidence. I note that if this approach were taken to all land uses within all PA schedules, the capacity sections would become far longer and would, in effect, capture landscape values and attributes as well.
- 7.10** As alluded to in my discussion of a 'no landscape capacity' rating, I note that Mr Espie has not explained why, in his opinion, a rating of 'no landscape capacity' is inappropriate for the PAs that he addresses in his evidence.

- 7.11** Mr Espie’s ‘scale’ is structured around a threefold ‘likely / unlikely / very unlikely’ breakdown, with ‘location’ comments integrated to achieve a five-point ‘scale’ (i.e. ‘various locations in the PA’, ‘few locations in the PA’, ‘very few locations in the PA’).
- 7.12** I found the relationship between Mr Espie’s theoretical scale (at his [28]) and his practical example for Mount Iron PA ONF (at his [82]) difficult to follow, beyond the ‘likely’ and ‘locational’ aspects, and have focussed on his Mount Iron example in terms of the following comments.
- 7.13** Mr Espie’s scale then goes on to mention the reasons such a rating applies (for example, visually disruptive to the prominent distinctive landform, openness and naturalness of the landform, in his Mount Iron example). Mr Espie then qualifies the rating by saying that such development will be designed and located to protect specific landscape values.
- 7.14** I am not persuaded by Mr Espie’s scale for the following reasons (in no order of importance):
- (a) The ‘likely / unlikely / very unlikely’ terminology is similar in effect to the ‘some / limited / very limited’ terminology of the Council approach and therefore offers little benefit. The difference is not, however, an exercise in semantics, as in my view describing capacity in “likely” terms is a more positive expression than “some”.
  - (b) Adding locational qualifications into the landscape capacity rating scale introduces an additional layer of assessment, and ‘interpretation’ that is likely to make Mr Espie’s landscape capacity rating scale more complex to develop (as it will require finer grained assessment) and perhaps, ironically, in light of the concerns raised by Mr Espie, more precise.

- (c) The application of an upper limit in Mr Espie's landscape capacity rating scale of 'likely to be capacity for this activity in various locations within the PA' infers a presumption that a land use will be acceptable within a PA ONF/L. This seems at odds with the well-established and relatively restrictive, or at the very least, very carefully managed approach to subdivision and development in PA ONF/Ls articulated in the District Plan (which speaks to the shared and recognised aspects of landscape values). Put another way, I consider that the 'upper end' of Mr Espie's scale could be interpreted as too 'permissive' (particularly within a PA ONF/L context) and encouraging development, which potentially skews his scale in an inappropriate manner.
- (d) As noted above, if a scale was used that required explanation of landscape capacity rating relative to specific land uses, location, and the values that need to be protected, this would result in a very lengthy capacity statement for each land use in each PA. It would also likely result in significant contention between landowners and others, particularly in terms of resolving the locational aspects, due to differing aspirations and levels of understanding. Overall, this would amount to a significant shift from the higher-level approach taken by Council. Although serving a quite different purpose to the PA Schedules landscape capacity rating work, I also note that the landscape capacity ratings in the Chapter 24.8 higher-levels do not include detailed reasoning in the manner recommended by Mr Espie and this was not an issue raised in relation to the Topic 30 (Chapter 24) Appeals.

**7.15** I acknowledge that Mr Espie's scale has overcome the perceived concerns with a rating of 'no landscape capacity'.

**7.16** For the reasons set out above, I do not support the landscape capacity rating scale recommended by Mr Espie.

## Mr Bentley's Landscape Capacity Rating Scale

- 7.17** Mr Bentley recommends a landscape capacity rating scale that is aligned with the seven-point scale in TTatM, with the upper three ratings of (Very High, High and Moderate High) excluded from his scale. This leaves a four-point rating scale spanning Moderate to Very Low. Mr Bentley provides an explanation of what each rating means and suggests an alignment with the Council ratings of 'some' through to 'very limited to no' and 'no' landscape capacity.
- 7.18** Again, Mr Bentley's scale has overcome his concerns with a rating of 'no landscape capacity', although I note that Mr Bentley has not explained why, in his opinion, a rating of 'no landscape capacity' is inappropriate for any particular land uses in the PAs that his evidence addresses.
- 7.19** I note that the recalibration of the Council rating scale against Mr Bentley's recommended scale, in which he combines the Council rating of 'very limited to no' and 'no' into one rating of 'very low' landscape capacity, allows him to support the Council ratings (assuming the ratings are reframed).
- 7.20** While I appreciate there is an appealing simplicity in using the well-established and accepted seven-point scale in TTatM, I consider that this is problematic given the nature of the landscape capacity evaluation for the PA Schedules work. An ordinary meaning of the term moderate aligns with terminology such as 'reasonable', 'normal' 'middling' or 'average'. For the same reasons outlined in my discussion of Mr Espie's upper rating, I consider that a scale that includes a rating of 'moderate' as the upper threshold is inappropriate for PA ONF/Ls.
- 7.21** My reading of the definition for a 'moderate' landscape capacity rating provided by Mr Bentley compounds my concerns in this regard: *New development may be accommodated provided it has regard to the character and sensitivity of identified landscape values. There are*

*landscape constraints and therefore the key landscape values must be retained and enhanced.*

- 7.22** In particular, references to ‘may’, ‘have regard to’ and ‘the retention and enhancement of key landscape values’, do not, in my opinion, align well with the policy context for PA ONF/Ls in the District (for example, the ‘protect landscape values’ and the ‘reasonably difficult to see from outside the site’ tests in the PDP (for example, 3.2.5.2, 3.3.23 (a), 3.3.30 and 6.3.3.1). This rating would, in my view, amount to a softer direction and potentially lead to uncertainty as to how and where the PDP policies are to be applied.
- 7.23** Removing a rating of Moderate from Mr Bentley’s scale would leave a three-point landscape capacity rating scale (moderate – low / low / very low) which I consider would reduce the guidance provided to plan users.
- 7.24** Of potentially greater concern is: the established alignment of the TTatM seven-point scale with RMA terminology (‘minor’ etc); and the use of an accepted rating scale for such an imprecise evaluation as is required for the landscape capacity section of the PA Schedules.
- 7.25** In my opinion, there is a real risk that were the seven-point scale (or some derivative of that) used for the purpose of landscape capacity ratings, plan users would seek to interpret the scale in terms of RMA terminology in an effort to align the capacity evaluation with landscape assessments as part of resource consent and plan change applications (acknowledging that this would require an inversion of the TTatM correlation, given that the seven point scale in TTatM relates to adverse effects).
- 7.26** Further, in my opinion, the imprecise nature of landscape capacity assessment (which is acknowledged by almost all of the landscape witnesses<sup>36</sup>), cautions against applying an established and known rating

---

<sup>36</sup> For example, see J Bentley evidence for Darby et al:[49]; B Espie for R Burdon and ors:[23]; R Kruger for Longview Environmental Trust and J May:[155]; S Skelton evidence for Passions Developments Limited: [13]; N Smetham for Milstead Trust: [10].



scale that has been developed for considerably more fixed concepts, such as adverse landscape effects and landscape values.

- 7.27** For these reasons, I do not support the landscape capacity rating scale recommended by Mr Bentley.

### **Mr Skelton's Landscape Capacity Rating Scale**

- 7.28** Mr Skelton recommends the application of a five-point scale: Very High / High / Medium / Low / Very Low. Mr Skelton provides an explanation of his preferred rating system.<sup>37</sup> Mr Skelton expresses the view that there is benefit in using his scale as it is consistent with the scale used in Schedules 24.8 of Chapter 24 Wakatipu Basin.

- 7.29** While Mr Skelton has aligned his rating scale with the explanation of the various ratings in the Council rating scale, I consider that the fundamental language of his scale is problematic and, in particular, the use of the terms 'very high', 'high' and 'medium' for the reasons outlined above in relation to Mr Bentley's rating of 'moderate'. The introduction of Very High and High, by Mr Skelton exacerbates my concerns in this regard.

- 7.30** Further, in my opinion, the common meaning of Mr Skelton's rating scale terminology does not align well with the explanatory text that he suggests and will, in my view, create greater confusion for plan users rather than less. For example, it is difficult to see how a rating of 'Very High' landscape capacity, aligns with Mr Skelton's explanatory definition of that rating as: *typically this corresponds to a situation in which a careful or measured amount of sensitively located and designed development of this type is unlikely to materially compromise the identified landscape values.*

- 7.31** While I appreciate that Mr Skelton's scale uses terminology that is familiar to plan users via Schedule 24.8, as a co-author of the Wakatipu Basin Land use Planning Study (from which Schedule 24.8 derives), I

---

<sup>37</sup> For example, see S Skelton evidence for Passion Developments Ltd, [18] and [19].

consider that the landscape capacity rating exercise that informed, and still informs, Chapter 24 (and the Wakatipu Basin zoning pattern) is very different to that required for the PA Schedules. Schedule 24.8 evaluated landscape capacity for essentially one land use type in the Whakatipu Basin i.e. rural living. As a result, a “High” rating in a Chapter 24 context is generally understood as providing support for a Lifestyle Precinct zoning and development outcome.

**7.32** The wealth of information available with respect to the typical scale and character of such development in the Whakatipu Basin, enabled a degree of confidence in assessing landscape capacity, which in turns supported the use of the more familiar (five or) seven-point scale of TTatM (i.e. Very High to Very Low).

**7.33** This degree of confidence in terms of the typical scale and character is not available for the twelve (and in some instance, more) land uses that are required to evaluated in the PA Schedules. So while there is, what I consider to be, superficial appeal in using a similar rating scale to Schedule 24.8, this would, in my view, be technically inappropriate.

**7.34** For these reasons, I do not support the landscape capacity rating scale recommended by Mr Skelton.

#### **Mr Farrell’s Landscape Capacity Rating Scale**

**7.35** Mr Farrell also supports the use of the Schedule 24.8 rating scale, citing similar reasoning to Mr Skelton (although I note that Mr Farrell prefers the Schedule 24.8 term of ‘moderate’ rather than Mr Skelton’s new ‘medium’ terminology).<sup>38</sup>

**7.36** I also note that Mr Farrell considers that because the landscape capacity ratings have been evaluated at a PA scale and no proposals are likely to be at a PA scale, they provide no meaningful assistance. I disagree for the

---

<sup>38</sup> For example, see B Farrell evidence for Tucker Beach Residents Society, dated 13 September 2023: [20] to [23].

reasons set out in my EiC under my discussion commencing at [6.2] and at [9.37].

- 7.37** For the reasons set out above in relation to Mr Skelton’s rating scale, I do not support Mr Farrell’s landscape capacity rating scale.

### **Mr Kruger’s Landscape Capacity Rating Scale**

- 7.38** Mr Kruger prefers the four-point, landscape capacity rating scale used in the PA Schedules and considers that the landscape capacity ratings should not be qualified as it comprises unhelpfully vague (or ‘soft’) terminology.<sup>39</sup> I have some sympathy with the concerns expressed by Mr Kruger in relation to terminology. However, for the reasons explained in my EiC at [8.3] to [8.6], and in my discussion of the other landscape capacity rating scales recommended in the submitter expert evidence, I consider that the current landscape capacity rating approach (as modified by this evidence) is the most appropriate way to approach what is, inevitably, a complex exercise.

- 7.39** For completeness, I do not support Mr Kruger’s suggestion for the development of a quantitative system, using tangible values such as minimum lot size, maximum amounts and size of building platforms, maximum overall building footprint, maximum number of structures per building platform as well as measurable criteria as I understand that these sorts of controls are already incorporated into the PDP. In drawing on the preambles, the PA schedules are intended to provide landscape related guidance for applications, not become an effective replacement for the other rules, standards and assessment matters included in the relevant zone provisions.

---

<sup>39</sup> See R Kruger evidence, [138] to [144].

### Suggested use of a different landscape capacity rating scale for PA ONF/Ls and PA RCLs

**7.40** Ms Lucas<sup>40</sup> suggests that: “*the proposed five-tier landscape capacity approach might be more tuned to addressing the RCL PA regime*”. I am unclear as to what Ms Lucas is recommending in this regard but am inclined to think that introducing a different scale for the PA RCLs is likely to create greater confusion for plan users. I also consider that such an approach would be methodologically questionable given that the PA Schedules have been evaluated at a consistent scale (i.e. PA scale) and address the same broad range of land uses.

**7.41** Morgan Shepherd’s planning evidence for J Burdon and ors comments that there is a discrepancy between the ‘little capacity’ terminology in PDP 3.3.31 and the landscape capacity rating scale terminology in the PA Schedules. From a landscape perspective, given the ONF/L (RMA s6(b)) and RCL (s7(c)) context of the PAs, it is inevitably varying degrees of ‘little capacity’ that are being assessed in the PA Schedules.

### Summary Comment on Landscape Capacity Rating Scale

**7.42** In my opinion, the rating approach outlined in the Council rebuttal evidence is the most appropriate for providing high level guidance for plan users with respect to the landscape capacity of each PA for a wide range of land uses (as directed by Chapter 3).

## 8. PA SCHEDULE SPECIFIC COMMENTS

**8.1** **Appendix 1** attached to my rebuttal evidence includes the Rebuttal Version of the PA Schedules that I have authored. I have annotated these to show text amendments that have been raised in submitter evidence as either red underlined (where I support the change requested) or ~~red strikethrough~~ text (where I do not support the change requested). I have

---

<sup>40</sup> See D Lucas evidence for UCESI: page 11.

included **comment boxes with red text** at the side of each PA Schedule detailing the relevant evidence and submitter reference.

- 8.2** In the interests of brevity, where I support the text change requested in submitter evidence, I am relying on my landscape evaluation of the relevant PA as explained in my evidence in chief (and this explanation is not repeated in my rebuttal evidence). I confirm that all text changes in the 'main body' of a PA Schedules will assist an understanding of landscape values, and that text changes in the Landscape Capacity part of a PA Schedule will protect landscape values.
- 8.3** Where I do not support the change requested in submitter evidence, I have provided a brief explanation in a **red text comment box**, linked to the relevant part of the PA Schedule text.
- 8.4** With respect to my reasoning cited in response to submitter evidence in relation to 21.22. 1 Peninsula Hill PA ONF and 21.22.21 West Wanaka PA ONL, I have attached my evidence for the Jacks Point Appeal and Glendhu Bay Appeal as **Appendices 5 and 6** respectively. These statements of evidence provide a detailed landscape assessment of the relevant areas. This assessment work underpins my evaluation of landscape capacity and reasons for disagreeing with a relaxation of landscape capacity ratings for some land uses in these PAs that is requested in submitter evidence.

**Bridget Gilbert**

**Date: 29 September 2023**