

BEFORE THE HEARINGS PANEL

**FOR THE PROPOSED QUEENSTOWN LAKES DISTRICT
PLAN**

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

EVIDENCE OF

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ON BEHALF OF

John May and Longview Environmental
Trust
Submitters

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2 INTRODUCTION

- 1 My full name is Ralf Friedrich Wilhelm Krüger. I have been in practice as a self-employed landscape architect and environmental planner since 1992. I am a director of GreenBelt RKL Limited – trading as Ralf Krüger Landscape Architect. I have been based in Queenstown between 1994 and 2022. Currently, my wife and I divide our lives between New Zealand and Europe – my New Zealand base is Te Horo Beach.

3 QUALIFICATIONS AND EXPERIENCE

- 2 My qualifications are as follows:
 - Masters Degree in Landscape Architecture and Environmental Development from the University of Hannover, Germany
 - Diploma in Horticulture
 - Fellow of the New Zealand Institute of Landscape Architects
 - Registered NZILA Landscape Architect
 - Former member of the NZILA Associateship/Registration Panel
 - Registered Workplace Assessor (New Zealand Horticulture Training Organisation)
- 3 Due to the integrated nature of my training and apart from standard landscape architecture qualifications and expertise, I have qualifications and expertise in the following related fields:
 - Landscape planning and statutory planning – I have received formal training in Germany. I do not claim specific qualifications in statutory planning in New Zealand although I have acquired significant knowledge in this field.
 - Ecology – I have received formal training in landscape ecology and plant ecology. I am less familiar with faunistic aspects of ecology.
 - Urban design – both from my training background – and specifically from my research into the history of urban open spaces in New Zealand. As part of my Masters thesis – “Urban Open Spaces in 19th Century New Zealand”¹ – I have researched the origins of reserving public open space in the development of New Zealand towns and cities. I have also followed the development of these spaces through the decades to this day and the effect of loss of open space on communities, town hygiene and town planning.
 - History of open space politics and development, history of landscape design, landscape heritage, landscape conservation, landscape archaeology
- 4 Apart from my academic qualifications, I am a trained landscape gardener and horticulturalist. Between 1978 and 2012, I have operated a landscape construction and landscape management business – the first 16 years in Europe, the last 18 in New Zealand.

¹ KRÜGER, RALF; Stadtgrün in Neuseeland im 19. Jahrhundert – Von der Kolonie (1840) zum Dominion (1907), Diplomarbeit am Institut für Grünplanung und Gartenarchitektur der Universität Hannover, 1992, unpublished

Title translated by the author: “Urban Open Spaces in 19th Century New Zealand – From Colony (1840) to Dominion (1907)”. Masters Thesis, Institute for Open Space Planning and Landscape Architecture, University of Hannover (Germany), 1992, unpublished

- 5 I have won a Silver Award at the 2004 New Zealand Landscape Awards “Pride of Place” (Landscape Planning and Environmental Studies section) from the New Zealand Institute of Landscape Architects for my series of briefs of evidence that assisted the Environment Court in making findings at the various hearings for the “Queenstown Landscape Decisions 1 to 8”. This was the highest award presented in this category in the year 2004.
- 6 My experience in assessing and evaluating landscapes throughout New Zealand spans almost 30 years. I have presented evidence at numerous hearings, both, on territorial authority level and in the Environment Court.
- 7 As a Fellow and a registered member of the Tuia Pita Ora - New Zealand Institute of Landscape Architects (NZILA), I respect and I am bound by the Constitution, the Code of Ethics and the Code of Conduct of this professional organisation.
- 8 Although this is not an Environment Court hearing, this evidence has been prepared in full compliance with the Environment Court Practice Note 2023, Part 7: Code of Conduct for Expert Witnesses.
- 9 The evidence provided is entirely within my area of qualifications and expertise and I have not relied on other experts’ evidence. Where I agree or disagree with other experts, I do this in full understanding of their evidence, because this evidence has been assessed by me and it is also within my field of expertise. My opinions have been developed from assessing and processing available data and information. Where I refer to such documents, I make this clear.
- 10 I am familiar with the district in general and the PAs in particular. I have carried out landscape architectural work (landscape assessment and landscape design) in this particular part of the district for more than 25 years. Here, I have been involved in a number of applications for resource consent and appeals to the Environment Court, including the Matukituki Trust appeals (2), the Parkins Bay hearing and appeal, the Moonrise Bay appeal resolution (later to be named “Emerald Bluffs”), the Brewer application and initial implementation of consented landscape work, the Clevermaker Ltd application (Kiesow), the Apres Demain Limited application, landscape planning and design work for Emerald Bluffs and work on the Just One Life Ltd (JOLL) land. I have been involved in numerous discussions in front of the Environment Court about landscape boundaries in the Queenstown Lakes District. I was a member of the Queenstown Lakes District Council Wanaka 2020 technical team.
- 11 I have carried out substantial large-scale landscape assessments in preparation for the above cases and projects.
- 12 I have not carried out site visits specifically relating to this evidence, but I have viewed many parts of the two PAs I refer to on numerous occasions and I am very familiar with their landscape, topographical details, natural character, vegetation as well as human modifications. Furthermore, I have viewed and analysed the surrounding landscape on several occasions unrelated to this application but in conjunction with other landscape assessments in the vicinity.

1 EXECUTIVE SUMMARY

I have reviewed the documentation relating to the proposed variation to the Queenstown Lakes District Plan regarding variation to Chapter 21 Rural Zone of the Proposed Queenstown Lakes District Plan, to introduce Priority Area Landscape Schedules 21.22 and 21.23.

The work by the Landscape Schedule team (LS team) has generally been carried out in accordance with best practice in landscape architecture and landscape planning. The resulting work is professionally presented and I agree with many parts of it.

Notwithstanding this appreciation, I have some reservations about the system to schedule landscape values and about several aspects of it. My points of criticism relate to aspects in the methodology, preventing the Landscape Schedules (LS) from achieving what is desired.

Methodological aspects that I am critical of are the choice of scale for the LS, which I regard as too large, and the way landscape capacity ratings are developed, presented and applied.

I am of the opinion that the scheduling as is proposed by this variation will not advance the protection of landscape values for Part 2 s6(b) purposes, or maintenance or enhancement for s7(c) purposes. Furthermore, the schedules will not enable an objective and useful identification of the capacity of the landscapes to absorb subdivision, use and development in ONF/Ls and RCLs.

I am of the opinion that the LS add a layer to the decision-making framework without adding sufficiently relevant particulars to the system. The LS can create confusion and do not succeed in providing a systematic, objective approach, delivering certainty and consistency.

In summary and with regard to the appropriate landscape scale for the LS, I conclude and recommend:

- that the scale selected for the LS is too large
- that strategic policy 3.3.37 asks for the use of “*an appropriate landscape scale*” for the preparation of the LS
- that further LS need to be prepared at a scale that allows more detailed, meaningful and accurate assessment ratings and subsequent capacity assessments
- that - in my opinion – the adequate, proper and appropriate scale is indeed at landscape unit level
- that the Court has given sufficient latitude to use a “*proper landscape scale*” which technically includes the landscape unit scale and does not per se exclude this scale as is purported in QLDC documentation and evidence

In summary and with regard to the capacity ratings within LS, I conclude and recommend:

- The Court has directed that a capacity rating evaluation and scale must be included in the LS. This is accepted fact but in my opinion, contrary to best practice in landscape planning. To make the capacity rating system function appropriately, this part of the system must be further developed and refined.
- Firstly, I recommend that the newly added category “*very limited to no landscape capacity*” is removed and that the rating scale be reinstated as a 4-point-scale as originally proposed in the notified version of the variation.
- Secondly, I recommend clarifying within the schedule that cumulative effects of additional development (in accordance with the listed activities/ land uses) and within the assessed capacity rating for each activities/ landuse may be assessed as adverse or not, depending on the magnitude of the proposed development – regardless of the rating provided.

- Thirdly, I recommend removing the “soft” terminology used to describe the ratings. From here, two options should be considered:
 - After removal of all explanatory and descriptive text, leave the four capacity ratings stand for themselves and explain that the appropriateness and potential magnitude of future development within the LS area is subject to a compulsory site-specific assessment.¹
 - or
 - Develop 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 BP as well as measurable criteria as to architectural layout such as breaking up the maximum footprint into smaller building units with a defined maximum footprint for each. Such a tangible system of opportunities and restrictions can include numerous other aspects such as strict limitations (or permissions where appropriate) of earthworks and minimum amount of vegetation establishment.

4 PURPOSE OF THIS EVIDENCE, BACKGROUND AND PRELIMINARIES

4.1 BACKGROUND

- 13 In July 2022 I was asked by John May and the Longview Environmental Trust (LET) – the submitter - to provide an opinion on Queenstown Lakes District Council’s proposed variation to the Queenstown Lakes Proposed District Plan (PDP). This variation is identified as follows:

Variation to Chapter 21 *Rural Zone* of the Proposed District Plan, to introduce proposed landscape schedules 21.22 and 21.23.

- 14 At that time and initially, I have prepared an internal report, expressing my opinions on the proposed variation. I was later asked to prepare a statement, summarising my opinions, to form the basis for the submission lodged on behalf the submitter by Ian Greaves. This statement was attached to the submission.

4.2 PURPOSE AND SCOPE OF MY EVIDENCE

- 15 Subsequently, I have been asked by John May and Longview Environmental Trust (LET) to review the above variation and prepare this brief of landscape evidence to assist the Commission in making findings as to several aspects relating to the mapping of the Priority Areas (PA), the Landscape Schedules (LS) and the surrounding framework of strategies, objectives, and policies to be included in the QLD Plan. Because the Environment Court has directed QLDC to prepare these documents, the existence of those and their proposed inclusion into the plan are beyond challenge.

- 16 I am of the opinion that the PA and LS could become a reasonably sensible and useful part of the PDP, but I am currently of the view that they lack thrust and certainty. Therefore, analysis and discussion of several details involving mapping, scale, weighting, terminology, and considerations about the positioning of the LS within the resource management processes will be subject of my evidence. Where appropriate, I will suggest improvements, alterations, and amendments, that I consider necessary to furnish the LS with the weight they could achieve and allow them to fully gain more value for streamlining landscape assessment.
- 17 I was not briefed to review those parts of the variation relating to Rural Character Landscapes.
- 18 I will endeavour not to be repetitive and will note agreement with other landscape experts (where applicable) rather than doubling up. Descriptive components of my evidence may be taken from other experts' evidence and will be marked as such.

4.3 DOCUMENTS REVIEWED

- 19 I have reviewed and will refer to the following documents:
1. All relevant parts of the QLD Proposed District Plan (PDP)
 2. Environment Court Decisions
 - Interim decision Topic 2: Rural Landscapes [2019] NZEnvC 205
 - Interim decision Topic 2: Rural Landscapes [2019] NZEnvC 206
 - Interim decision Topic 2: Rural Landscapes [2020] NZEnvC 158
 - Interim decision Topic 2: Rural Landscapes [2021] NZEnvC 61
 - Interim decision Topic 2: Rural Landscapes [2021] NZEnvC 124
 - Interim decision Topic 2: Rural Landscapes [2021] NZEnvC 155
 3. Section 32 Evaluation: Variation to Proposed District Plan for Variation to Introduce into Chapter 21 Schedules of Landscape Values, 30 June 2022
 4. Joint Witness Statements
 5. Statement of Evidence in Chief by Bridget Gilbert, 11 August 2023
 6. Statement of Evidence in Chief by Jeremy Head, 11 August 2023
 7. Section 42a Report by Ruth Evans on behalf of QLDC, 11 August 2023
 8. Studies and documents relating to the natural environment in general and the landscape of the Queenstown Lakes District in particular, across the past 30 years.

5 THE ENVIRONMENT COURT DECISIONS

- 20 It is important to understand the origin of the LS and what they are to achieve. In the course of the review of the QLD Plan (started in 2018), significant debate erupted about the issues of landscape protection and future use and development within this valuable resource. Similar to the previous plan review in the late 1990s, but advanced from it, this debate remains a complicated and controversial matter. The many appeals to the Environment Court of New Zealand necessitated several hearings.

- 21 Arising from those, the Court has issued a series of decisions on landscape protection matters in the Proposed Queenstown Lakes District Plan (PDP). Not unlike the 1990s review, identification and evaluation of the most important, valuable and most vulnerable landscapes has been identified as lacking weight and substance in the draft plan provisions. Therefore, one outcome was the Court's direction to QLDC to prepare maps, identifying landscape priority areas (PA) and landscape schedules (LS), identifying landscape values, vulnerability and also potential capacity to absorb future development. within the district's Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF)² ³These schedules and the accompanying changes to the PDP strategies, objectives and policies are the subject of the proposed Plan Change.
- 22 What is going to be achieved? Essentially, it comes down to achieving compliance with the RMA, Part 2, s6(b) and s(7c). But when viewed in more detail – and reading between the lines - other factors play a role. Throughout my professional history, not only the Environment Court has sought – crudely formulated - a more objective approach amongst landscape expert witnesses. Witness conferencing helped to a degree and the relatively new Landscape Assessment Guidelines of 2021⁴ assist the profession in applying the same baselines, when conducting their work. But, a functioning, scheduled and structured landscape assessment framework such as the one proposed in this variation would go a long way in the direction of perceived objectivity.⁵
- 23 Furthermore – from the perspective of Council and that of potential applicants (and ultimately that of the Court) - a significantly streamlined process of landscape assessment is a tempting perspective. Again – what is proposed in this variation clearly points in this direction.
- 24 During my analysis of the PA and LS, I will refer to those parts of the Court's fundamental decision - [2019] NZEnvC 205; Topic 2; Decision 2.2 - leading up to the subject variation that I regard as important for my review.

6 IMPLEMENTATION OF THE ENVIRONMENT COURT DIRECTIONS

- 25 In this part of my evidence, I will review how the project team of landscape architects (LS team) has implemented the Environment Court's directions. I will briefly describe the steps taken and will then provide my professional opinion as to how the schedules may or may not succeed in achieving the desired outcomes.

² I omit to reference in detail the interim decisions and final decisions expressing these directions, since this information is readily available throughout the documentation.

³ From here on, I will use the summary term "ONF/L", when mentioning both landscape classifications simultaneously.

⁴ Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment Guidelines, May 2021

The Environment Court has played a role in and was supportive of the establishment of this document.

⁵ I use the word perceived, because I am sceptical of real objectivity in a scientific sense, when it comes to landscape assessment

6.1 PURPOSE OF THE SCHEDULES

- 26 Essentially and coarsely described, the implementation of the Court's directions involved a 3-step process:
1. Mapping the PA
 2. Creating landscape schedules
 3. Tying these into the PDP strategic framework
- 27 The schedules are aimed at streamlining the landscape assessment process for future Applications for Resource Consent and Plan Changes. It is anticipated by the Environment Court and QLDC that the LS will be helpful in providing almost instantaneous information on the potential appropriateness of a development proposal within a certain part of the district (being within in one of the PAs), avoiding (or reducing) lengthy and controversial debate between landscape professionals. Consequentially, the LS are supposed to assist in creating a degree of planning certainty and simplified Applications for Resource Consent or Plan Changes.
- 28 The schedules will be incorporated into Chapter 21 of the PDP and principally interrelate with provisions in chapter 3, 6 and 21.
- 29 The schedules have been prepared by the LS team with the assistance of other disciplines where needed. Best practice methodology in landscape assessment has been utilised to prepare the documentation. The 2021 "Te Tangi a Te Manu – Aotearoa New Zealand Landscape Assessment Guidelines" (prepared by the New Zealand Institute of Landscape Architects (NZILA) as "Guidelines for Landscape Assessment in a Statutory Planning Concept") have been the underlying practice guide in the preparation of the schedules.

6.2 METHODOLOGY GENERAL

- 30 It is my view that the LS team has generally followed best practice principles. I am of the opinion that the requirements set by the Environment Court have been generally fulfilled. While I accept that the framework of PA, LS and proposed Strategic Directions, determined by the Court, is beyond challenge, I am of the principal opinion that the concept trying to schedule complex landscape values and resultingly determine a broad capacity of areas to absorb development, is fraught with flaws. I have also detected that the Court has provided significantly greater latitude in the methodology outlined for the preparation of the LS, which has not been exhausted by QLDC and ultimately the LS team.
- 31 However, some adjustments to this framework that I will suggest and discuss in my evidence, may assist in improving the LS towards better useability.
- 32 I will now review and critically discuss some of the aspects of the proposed variation to the Proposed District Plan.

6.3 THE PRIORITY AREAS : SCALE

- 33 The priority areas (PA) have been selected and finally delineated by the LS team in accordance with directions given by the Environment Court to Queenstown Lakes District Council.
- 34 This important process has ultimately led to the geographical definition of each PA and subsequently constituted the basis for each individual LS. The arrival at the geographical definition is rather convoluted and based on Court directions, adopted definitions from best practice documentation, expert opinions and to a degree on individual interpretation of the LS team. Since I have a significant degree of doubt about the LS's value, and since I believe that the PA – or better the landscapes underlying the schedules - are not delineated sufficiently detailed, I find it necessary to traverse this topic rather pedantically.
- 35 I want to explore if:
- the LS team has followed the Environment Court's directions adequately
 - the strategic Directions and the PA mapping approach align
 - the LS team expresses their own doubts and – if yes - why
 - other options are available within the framework directed by the Court to adjust the PA and make the LS more useful
- 36 Since the mapping of the landscape relevant for the LS is such an important precondition for their preparation, and since it is obvious that issues remain to arise from the scale and extent of the mapped PA and the subsequent schedules, it is essential to discuss the professional definitions of the various landscape-related terms used by the Environment Court, QLDC and the expert witnesses. It has been generally accepted that the use of the document "Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment Guidelines" (May 2021) conforms best practice in landscape assessment.
- 37 Because of the importance of landscape scale for the usability and effect on the LS, I will try to highlight the key steps in the mapping process and the outcomes.

6.3.1 Landscape Scale – Professional Background

- 38 Firstly, the Landscape Assessment Guidelines provide some orientation as to the selection of the assessment scale:

Identify the relevant landscape (its extent and context)

Identify the extent of the relevant landscape. This is a key matter that has implications what is deemed to be an area's character and values. Differences between the findings of different landscape assessors are sometimes down to the extent of landscape considered relevant.

Small landscapes nest within larger landscapes. As a guide to selecting the relevant scale:

- *Take a practical approach having regard to the **purpose** of the assessment.*
- *Identify the scale **most relevant** to the purpose of the assessment – but also outline that landscape's place in the wider context.*
- *Consider each landscape **as a whole**: do not overly 'dice and slice'.*
- *Be mindful that landscapes can overlap and have blurred boundaries. Often it is the **general extent** that is relevant rather than the precise delineation.*

- *Determine the extent from each landscape’s **own character and attributes** – the sense that you are in a particular landscape as opposed to another (it may be a hydrological catchment, a visual catchment, a neighbourhood – depending on the purpose of the assessment)⁶*

39 The guidelines describe several application options – the “area-based” assessment is the one relevant for the evaluation of the landscapes relating to this variation:

An ‘area-based’ assessment ... (such as a baseline assessment of a region/district for Plan/Policy Statement) will range more broadly and comprehensively. Such an assessment is likely to map the landscape resource of the whole region/district and identify the character and values of different features and areas. It is likely to include such purposes as identifying outstanding natural features and landscapes, and/or areas of the coastal environment with outstanding natural character. But, as with other types of assessment, the essence will be landscape character, values, the attributes on which the values depend, and measures to manage those attributes.⁷

40 I have also reviewed the Joint Witness Statements (JWS) – having arisen from expert conferencing relating to the Topic 2 hearings. These discuss, determine and deal with matters of scale and definitions. The experts closely adhere to the Landscape Assessment Guidelines and generally adopt terminology and definitions.

Is it a “landscape” or “feature”

(a) Typically, ‘landscapes’ display characteristics such that they are distinctive from adjacent landscapes and can be identified and mapped. However, in some circumstances the attributes are more subtle and/or common to more than one area, making it more difficult to define the spatial extent of a landscape. In such circumstances it may be appropriate to focus on whether the landscape can be meaningfully perceived as ‘a whole’. It is important that where this approach to the identification of a landscape is applied, it is clearly transparent in the assessment.

(b) Landscapes may also overlap, or smaller landscapes may be nested within larger ones (DL).

*(c) A feature typically corresponds to a distinct and clearly legible biophysical feature (eg. *rôche moutonnée*, volcanic cone, water body). It is acknowledged that scale and context will play a role in determining whether the area is a feature or landscape.*

(d) A landscape character area displays a distinctive combination of landscape attributes that gives the area an identity and distinguishes it from other nearby areas.⁸

...

There is no defined physical scale for ‘landscape’ and ‘landscape character area’ assessment, as these are context dependent (eg region- or district-wide assessment).⁹

41 This last statement from the Landscape Assessment Guidelines is very relevant insofar, as the context for this exercise is definitely region- or district-wide. This reflects in the JWS and draws mutual agreement:

The landscape experts agree that the mapped Priority Areas (PAs) need to be considered within the context of the broader landscape setting and ONF/L.

⁶ Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment Guidelines, May 2021, 5.15-5.16

⁷ *ibid*, 5.35

⁸ Gilbert, B; Evidence in Chief, Appendix 6: Topic 2 JWS January 2019, par1.2

⁹ *ibid*, par1.9(a)

The landscape experts agree that it is likely there will be a number of landscape character units within a single PA that will need to be recognised in the ONF/L Schedule. Examples of where this is likely to be the case include (but are not limited to): Ferry Hill and Queenstown Hill PA; Lake Hayes and Slope Hill PA; Remarkables North PA; Shotover River PA; Kawerau River PA; Arrow River PA; Clutha River PA; Mt Dewar PA; East Wakatipu Basin and Crown Terrace PA; Victoria Flats PA; Cardrona Valley PA; West Wanaka PA; Dublin Bay PA; North Grandview PA; Lake McKay Station PA; Southwest Lake Hawea PA.

Further, the landscape experts acknowledge that some landscape character units are likely to extend beyond the mapped PA.¹⁰

42 Up to this point, I also agree but my opinion differs when it comes to this aspect:

The landscape experts agree with the extent of the PAs as identified above.¹¹

43 Technically, I can agree with the extent of the PA but I do not see the PA as the correct reference scale for the LS. I will return to this topic later.

6.3.2 Definitions and Explanations

44 Because “landscape” can be a different concept in the perception of individual people, but the process of assessment and evaluation requires a high degree of objectivity and consensus, it is essential to use established and commonly accepted definitions and explanations.

45 Another reason why to rely on established definitions and explanations lies in the intricate connection between the element of “scale” and the “type” of area that is subject to be assessed and evaluated. This connection is particularly relevant in this case. As already explained above, the landscape architectural profession now has a highly valuable tool at its fingertips – the “Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment Guidelines”. From these, I have extracted the relevant attempted definitions¹² and explanations and summarised them:

Landscape (A)

A ‘landscape’ is the primary unit (single and complete) for landscape assessment.¹³

46 I have labelled this term with the letter (A) to demonstrate that the primary unit (“the mother of all regional/local landscapes”) provides the nest for the smaller landscapes within.

Landscapes (Aa to Az)

Small landscapes nest within larger landscapes¹⁴

47 These smaller landscapes could be labelled (Aa), (Ab), (Ac). This could be used to schematically describe that within landscape (A), two, three or more smaller landscapes are identifiable.

Landscape Character Area or Landscape Unit

‘Landscape character area’ is used to describe either smaller areas within a landscape (e.g., a rural village), or larger areas of contiguous landscapes with a common character¹⁵

48 As is obvious, the landscape unit is the next level down in the hierarchy.

¹⁰ Gilbert, B; Evidence in Chief, Appendix 4: October 2020 VIF and PA ONLF JWS, pars28-30

¹¹ ibid, par56

¹² I use the term “attempted definitions” because “hard”, scientific definitions are neither provided, nor are they possible to provide.

¹³ Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment Guidelines, May 2021, 5.47-5.49

¹⁴ ibid

¹⁵ ibid

Landscape Feature

A feature is a discrete and distinct element (hill, river, island, rock, headland, wharf, building, park, street). While normally part of a landscape, a feature may be sufficiently large (a large island for example) to encompass several landscapes or to traverse different landscapes (e.g. a river, highway). The essence of a feature is not so much size, as singularity and distinctness.¹⁶

- 49 The primary characterisation of the landscape features is its distinctiveness, its standalone character.

Landscape type

A landscape type is a kind (class) of landscape sharing certain generic characteristics. A type may be a contiguous area (e.g., South Island High Country has a generic character, and each individual landscape has specific character) or non-contiguous (e.g., karst landscapes, rural landscapes, cultural landscapes). A typical part of a landscape (e.g., river terraces, streetscapes) may also be considered a type.¹⁷

Land typing, on the other hand, is a specific approach to assessing areas based on underlying biophysical elements and processes. The approach includes assessment of the interaction between land systems and their component landforms, bioclimatic zones, ecological districts as indicated by historical indigenous vegetation, and ecological units. It includes an assessment of current land use and condition, and identification of management issues/recommendations.¹⁸

- 50 In my opinion, land typing is closely related to the identification of large-scale landscapes, rather than being a standalone process. Defining such landscapes on the basis described above can be an adequate way to identify landscapes of regional scale.

Area

- 51 In the context of this variation, and since Priority Areas are the subject of debate, one spatial term is essential to include - the term "Area". The word "area" is not related to landscape terminology, but is purely descriptive and based on geography. It does simply describe a "*part of a place, town, etc., or a region of a country or the world.*"¹⁹

6.3.3 Environment Court

- 52 Having gone through the professional terminology, I will briefly review the Environment Court's use of the terms and how the Court's language provides guidance in its directions. I will now extract those parts of the decisions, where the Court has considered the approach to the mapping of the PA and ultimately provided guidance as to the appropriate landscape scale for the landscape schedules. The following excerpts from the relevant decision outline this process.

"Given the stage now reached in the updating of the ODP through this review, we find it particularly important that those principles can be applied to the further remediation of the ODP, through Sch 1 plan change processes in relation to Priority Areas that the new strategic policies will specify. As noted, those Priorities Areas are to be determined by reference to where the most significant development pressures are anticipated during the life of the ODP. The identification of an area as a Priority Area is not intended to connote any higher relative ONF/L or RCL quality rating. If need be, the SPs could make that explicit."²⁰

¹⁶ *ibid*

¹⁷ *ibid*

¹⁸ *ibid*, par5.48

¹⁹ Oxford Dictionary, online version

²⁰ [2019] NZEnvC 205; Topic 2; Decision2.2, par167

53 The Court then considers the scale of the PA to be mapped:

“In the case of ONF/Ls, we agree with Mr Barr that this landscape assessment methodology should direct that assessment be undertaken at a scale sufficient to account for the feature or landscape as a whole (rather than at the smaller landscape character unit preferred by Mr Ferguson).

Hence, assessments need to determine the geographic extent of related landscape(s) and/or feature(s). We accept Ms Scott's point that such an approach properly responds to s6(b) RMA.”²¹

54 Critically, the Court accepts two fundamental aspects in terms of scale for the PA mapping:

- The need to determine the geographic extent of related landscape(s) and/or feature(s)
- The fact that assessment should be done at landscape/feature scale, rather than at landscape unit level

55 The Court, so I think, correctly applies the terms “landscape” and “landscape unit” in the sense of the professional definitions outlined above.

56 Accepting the opinions of experts and submissions by counsel, the Court found:

“We go further in finding mapping in the ODP also has an important role for ONF/L Priority Areas. That is because the identification of Priority Areas needs to be at a proper geographic landscape scale.”²²

57 When drafting the principles for the preparation of the framework, the Court directed QLDC to prepare a specific methodology for landscape assessment; including the requirement to “specify a geographic scale” for the PA.

“...(e) each set of SPs is to specify an appropriate landscape assessment methodology for the Priority Areas;

(f) for ONF/L Priority Areas, that methodology is to specify a geographic scale that encompasses relevant landscape(s) and/or feature(s) (not being confined to landscape character units);”²³

58 The Court finally directs:

“To further progress matters, we now give directions, or reserve leave, on various matters signalled in this decision: ...

1. (ii) associated maps, suitable for inclusion in the DV, depicting the geographic extent, at proper landscape scale of Priority Areas to which those SPs for ONF/Ls and for the Upper Clutha RCL will apply to:”²⁴

59 Concluding, the Court has refrained in its directions from requiring a particular scale but has referred the matter to the experts, who are to prepare mapping and LS. The clear requirement is to “specify a geographic scale” for the PA. Therefore, such mapping is to be carried out at “a proper geographic landscape scale” or as put later in the decision “at proper landscape scale”.

60 As already explained above, I acknowledge that the Court has eventually accepted the geographic extent of each PA as appropriate. Having read and re-read the decisions, I understand the Court’s rationale to “break up” the ONF/L into PA to initiate a strategic process, culminating in an “orderly”

²¹ *ibid*, pars171-172

²² *ibid*, par175

²³ [2019] NZEnvC 205; Topic 2; Decision2.2, par262

²⁴ *ibid*, par525

planning instrument consisting of objectives, policies, rules, supported by a district-wide scheduling system, categorising, evaluating and quantifying as many landscape-related criteria as possible. The aim is a streamlined assessment and decision-making process. However, it is my opinion that the “*proper landscape scale*” has a deeper meaning, going beyond the identification of the PA, extending into the strategic framework and terminating in the subsequent preparation of the LS.

61 I will return to the critical aspect of “proper scale” later in my evidence.

6.3.4 PDP – Proposed Strategic Direction

62 As explained above, the Court - in the various topic 2 decisions - has given directions to QLDC. From these, the subject variation flows.²⁵ As far as I understand, the planning experts involved in the appeals; in conjunction with the LS team; have subsequently refined the Court’s directions and manifested these in the proposed Strategic framework.

63 In relation to selection of a scale for the mapping of the landscape areas in preparation of the LS, these proposed strategic policies are determining:

Values Identification Framework for Priority Areas for Outstanding Natural Features and Outstanding Natural Landscapes

3.3.36 Identify in Schedule 21.22 the following Rural Zone Priority Areas within the Outstanding Natural Features and Outstanding Natural Landscapes shown on maps held on [QLDC reference file]:

a. parts of the Outstanding Natural Features of Peninsula Hill, Ferry Hill, Shotover River, Morven Hill, Lake Hayes, Slope Hill, Feehly Hill, Arrow River, Kawarau River, Mt Barker, and Mt Iron.

b. parts of the Outstanding Natural Landscapes of West Wakatipu Basin, Queenstown Bay and environs, Northern Remarkables, Central Wakatipu Basin Coronet Area, East Wakatipu Basin and Crown Terrace Area, Victoria Flats, Cardrona Valley, Mount Alpha, Roys Bay, West Wanaka, Dublin Bay, Hāwea South and North Grandview, and Lake McKay Station and environs.

3.3.37 For the Priority Areas listed in SP 3.3.36, according to SP 3.3.38, describe in Schedule 21.22 at an appropriate landscape scale:

a. the landscape attributes (physical, sensory and associative);

b. the landscape values; and

c. the related landscape capacity.

6.3.5 “... at an appropriate landscape scale ...”

64 The term “*at an appropriate landscape scale*” – contained within the proposed Strategic Policy 3.3.37 – presumably derives from the Court’s directions “*depicting the geographic extent, at proper landscape scale*”.²⁶ The Court had accepted expert advice to map the PA “*at a scale sufficient to account for the feature or landscape as a whole (rather than at the smaller landscape character unit ...)*”²⁷

65 What is the appropriate landscape scale for the purpose of preparing rather detailed LS, supposedly assisting early-stage decision-making in landscape assessment and capacity for change within the

²⁵ Deriving principally from: [2019] NZEnvC 205 Topic 2.2

²⁶ [2019] NZEnvC 205; Topic 2; Decision2.2, par525

²⁷ *ibid*, par171

district's ONF/L? This – in my opinion – is the critical question, as the selection of the correct, the appropriate scale, will govern the outcome. The two extremes are:

- Scale to large
If the scale of the study area is selected too large, the contained landscape(s) could be varied and diverse. As a result, the assessed values can become too broad and ultimately may be meaningless when trying to make informed decisions on specific areas, parts or sites within that landscape.
- Scale too small
If the selected scale is too small, the study landscapes are “diced and sliced” too intricately to provide a concise planning instrument, suitable for the purpose determined by the Court.

66 Therefore – as I see it – the appropriate scale is located in between the extremes.

67 As outlined above, the Court has not fixed an appropriate scale but has left it to the implementing experts to opt for the “*proper landscape scale*”. Furthermore, the strategic policies govern how the LS are to be created. In particular the already mentioned policy 3.3.37 is determining:

3.3.37 For the Priority Areas listed in SP 3.3.36, according to SP 3.3.38, describe in Schedule 21.22 at an appropriate landscape scale:

- a. the landscape attributes (physical, sensory and associative);*
- b. the landscape values; and*
- c. the related landscape capacity.*

68 In my opinion, this policy invites or better prompts the LS team to stipulate the appropriate scale in order to arrive at the relevant results, listed further down in the strategic policy framework.

69 The question arises – has this determination of appropriate scale been done and - if yes – how?

6.3.5.1 Priority Areas

70 Ms Gilbert has explained the iterative process of mapping the priority areas. The PA boundaries have been drawn by the LS team and associated experts in accordance with the Court's directions given. The Environment Court has eventually approved the PA as appropriate.²⁸

71 Because all PA are parts of ONL or are parts or identical with ONF, they are technically “landscapes” under Part 2 s6(b) RMA, because they have been identified as “landscapes” of national importance. However, this is as far as it goes in regard to landscape terminology.

72 In my professional opinion, the PAs are merely arbitrarily delineated geographical areas. From my perspective as a landscape professional, they have little to no relation with defined landscapes - the very matter they have been created for.

73 In the methodology statement, the LS team writes:

“The PA Landscape Schedules work is not required to address the merits or otherwise of the PA ONL, and RCL spatial mapping itself, as these have been set by the Environment Court. Further, the mapped extent of a priority area is not necessarily a ‘landscape’ in its own right, and typically forms part of a broader landscape.”²⁹

²⁸ [2020] NZEnvC 158; par83

²⁹ Gilbert, B et al; ONF, ONL AND RCL PRIORITY AREA LANDSCAPE SCHEDULES, Methodology Statement FINAL, May 2022, par1.7

74 While I regard the last sentence as correct, I am critical of the LS teams' assumption made in the first sentence. While the Court has approved the geographic extent of the PA, it has also approved the strategic framework, including policy 3.3.37 and herewith transferred the responsibility to selecting an appropriate scale to QLDC and ultimately to the LS team. In other words - it is my opinion that the LS team was free to select a scale it regarded as appropriate to prepare the schedules.

75 It has become evident, that no other scale than that created for the PA was chosen to further the work on the LS.

76 Once again, the methodology statement continues to follow this line of argument:

*"As explained earlier, for the PA Landscape Schedules project, the physical extent of each PA has been determined by the Environment Court. However, it is important to note that the grain of landscape description and evaluation applied in the PA Landscape Schedules is inevitably coarser grained than a site-by-site landscape evaluation process. It will be important that this distinction is made in any future planning documents that incorporate the PA Landscape Schedules. As mentioned previously, some of the PA's assessed do not constitute complete landscapes but are in some cases landscape character units within a broader landscape."*³⁰

...

"In this regard, it is expected that a Guidance Note along the lines of the PDP Chapter 24 Wakatipu Basin Schedule 24.8 Guidance Note is likely to be required to assist the use of the PA Landscape Schedules.

The PA Landscape Schedules Guidance Note should explain that:

- *the landscape attributes and values identified, relate to the PA as a whole and should not be taken as prescribing the attributes and values of specific sites;*
- *the landscape attributes and values may change over time;*
- *a finer grained location-specific assessment of landscape attributes and values would be required for any plan change or resource consent; and*
- *'other' landscape values may be identified through these finer grained assessment processes.*³¹

77 With respect and without wanting to unfairly criticise the overall excellent work done by the LS team – I disagree with this approach. I am of the view, that the LS team is quietly re-writing the criteria for the PA to justify its departure from some of the Environment Court directions. Simultaneously, they introduce some additional "pre-conditions" and exemptions.

6.3.5.2 Another Scale?

78 Ms Gilbert, in her evidence in chief, uses this heading:

*"Clarification that the PA Schedules are high-level and a finer grained landscape assessment will be required for plan development or plan implementation purposes"*³²

³⁰ *ibid*, pars2.16-2.17

³¹ *ibid*, pars2.16-2.17

³² Gilbert, B; Evidence in Chief, Appendix 6: Topic 2 JWS January 2019, p35

79 In the section following under this heading, she tries to explain (and justify), that the scale and intention of the LS is “high-level”.

“While the intention of the PA Schedules was always to provide high level guidance with respect to landscape attributes, and values and landscape capacity for each PA, I acknowledge that the intended purpose of the PA schedules is not as clear as it could be in the Preamble text.”³³

80 With respect, I could not detect any directions by the Environment Court that the LS should be “high level” or “relatively high level” – the Court has asked for “a proper landscape scale”. According to my search, the term “high-level” does not appear anywhere in the documentation other than in Ms Gilbert’s evidence in chief and in the Methodology Statement. Here, “high-level” appears once and in a rather different context - in conjunction with “... commentary with respect to landscape capacity...”.³⁴ I remain of the impression that the LS team insists on the PA level for the preparation of the schedules.

81 My opinion is based on a number of statements from the documentation provided for this variation, where the LS team expresses doubt, suggests that other scales for the LS areas are indeed thinkable and proposes changes to the strategic framework, trying to overcome the issues arising from the large scale of the PA and the subsequently too broad assessments and capacity ratings.

“The authors have considered the utility of dividing the priority areas into landscape character units or ‘sub areas’ as they have worked through the drafting of the PA Landscape Schedules to assist an understanding of values. This has not been deemed necessary in any of the PAs.”³⁵

...

“The authors acknowledge that while they have some knowledge of some of the ‘sites’ within many of the priority areas, detailed site visits have not been made to assist the drafting of the PA Landscape Schedules. It is expected that as QLDC work through the notification process, detailed site visits are likely to be appropriate to assist the refinement of the schedules.”³⁶

82 In the methodology statement, the LS team explains that a division of the PA into landscape units had been considered but dismissed as not necessary. Two notes are helpful here:

- The Court had already excluded the landscape unit level when discussing the scale of the PA and areas to be encompassed by the LS. In requesting the use of a “proper landscape scale” for the preparation of the LS, the Court has qualified that statement. In my opinion, the use of landscape units was not to be excluded per se.
- From a professional perspective, the preparation of LS on landscape unit level has a lot of merit – so I think. To simply dismiss this level as “not necessary” is simplifying the context. Schedules at such a geographic detail would be significantly more refined, detailed and consequentially more usable in the assessment and decision-making framework.

83 The most surprising aspect of the quotation from paragraph 5.26 of the methodology statement above though, is the comment that the LS team anticipates a “refinement of the schedules”. This implies that potential changes are foreseen – to details and geographic scale?

³³ Gilbert, B; Evidence in Chief, Appendix 6: Topic 2 JWS January 2019, par7.12

³⁴ Gilbert, B et al; ONF, ONL AND RCL PRIORITY AREA LANDSCAPE SCHEDULES, Methodology Statement FINAL, May 2022, par3.8

³⁵ ibid, par5.24

³⁶ ibid, par5.26

6.3.5.3 Evidence in Chief by Bridget Gilbert

84 Ms Gilbert – in her evidence in chief – discusses various submissions requesting numerous changes to the LS, the geographical extent and the sale of the PA:

“... that landscape character units, landscape types or smaller landscapes are identified within a PA

... that the attributes, values and landscape capacity for the PA are amended applying a finer-grained approach (for example, the ‘landscape character unit’ approach applied in the Wakatipu Basin Land Use Planning Study)

... that a more fine-grained approach is applied that results in (what they consider would be), a more helpful framework to guide appropriate development within the PAs. Part and parcel of several of these submissions is a criticism that the PA is not a ‘landscape’ in itself, and the assertion that due to the large size of the PA there are landscapes nested within the PA.”³⁷

85 I sympathise with all of these changes sought and support some. Ms Gilbert then explains the rationale behind the choice of scale:

*“The Topic 2.5 Decision (September 2020) directs at [171], that the assessment of the ONF/L Priority Areas be undertaken for the feature or landscape **as a whole** (rather than at a landscape character unit scale). (Emphasis added.)”³⁸*

86 To a degree, the Court’s directions are correctly reflected in this statement. However, there are two aspects to consider when interpreting it:

- “[F]or the feature or landscape as a whole” is not sufficiently restrictive that the resulting geographical areas can only result in the PA as they stand. The definition of “landscape” allows for a number of scales. In other words: The chosen PA are not necessarily the smallest permissible of level of landscape and could be subdivided into nested landscapes and ultimately into landscape units, while remaining compliant with the Court’s broad set of requirements.
- For example the West Wānaka PA contains a variety of nested landscapes and – most notably – the significant ONF of Roys Peninsula.³⁹ Breaking up this PA into smaller PA (or sub-PA) and using landscape units as underlying scale, would be in complete compliance with the above directions by the Court.

“The landscape expert PA Schedule authors carefully considered the utility of identifying landscape character units within each PA, in terms of identifying the important landscape attributes and values that needed to be protected, and landscape capacity.

The PA Methodology Report explains at [5.24] (refer s32 Appendix c1), that the authors did not consider it necessary to undertake landscape character unit delineation to inform an understanding of landscape values (and in turn, landscape capacity). However, this is not to say that localised variances in values and landscape capacity do not occur across a PA. The PA Schedules have been drafted to acknowledge this variance in two ways:

(a) By acknowledging more localised nuances in the main body of the Schedule of Values and Landscape Capacity comments (where appropriate).

(b) By signalling ‘upfront’ in the Preamble to Schedule 21.22 and 21.23 that: the landscape attributes, values and capacity relate to the PA as a whole and should not be taken as prescribing the attributes, values and capacity of specific sites; and a finer grained site-specific assessment of a plan change, or resource consent

³⁷ Gilbert, B; Evidence in Chief, Appendix 6: Topic 2 JWS January 2019, pars6.1-6.2

³⁸ *ibid*, par6.3

³⁹ I will return to this topic later in my evidence

process may identify different attributes, values and capacity to that identified in the PA Schedule.”⁴⁰

- 87 Again, the LS team – as I see it – has missed one possible step in the process. Scaling down to smaller, nested landscapes would not only have been possible but, in my opinion, sensible and desirable. Once again, I continue to see the landscape unit scale as a permissible and favourable option.
- 88 Additionally, in (a) above, Ms Gilbert refers to those parts of some of the schedules, where the LS team singles out “sub areas”. In my opinion, the LS team has found itself in these cases (where they have identified sub areas) in a dilemma - broad-brush, PA-based assessments and capacity ratings for this PA as a whole were irrelevant to such an extent, that they almost moved into the “incorrect” territory.
- 89 For example four such sub areas are listed for the Mt Alpha ONL PA, whereas none such sub areas are identified for the much more complex West Wānaka Outstanding Natural Landscape. I regard this approach as inconsistent and incomplete.
- 90 In (b) above, Ms Gilbert explains that – in simple words – the assessment conclusions, as well as those conclusions relating to capacity ratings in the schedules may be wholly or partially irrelevant, once a finer grained assessment has been performed. It is this aspect, that – in my opinion – constitutes the essence of my criticism. The scale is incorrect to produce meaningful schedules. In their current format, the LS provide a very high level of broad guidance as to landscape values, broad-brush landscape capacity ratings, leaving the plan users (professionals and lay people) with a significant degree of uncertainty.
- 91 Additionally, “... signalling ‘upfront’...” that something is not as it should be cannot be regarded as proper methodology. I regard this as an excuse for having selected incorrect or inappropriate parameter to set up a system.
- 92 Ms Gilbert then continues to explain, why she does regard changes to the PA/ scheduled landscapes as non-beneficial for plan users.

“Having read thousands of submission points in relation to the PA Schedules and reflected on these issues, I am of the view that the identification of landscape character units, landscape types or smaller landscapes within PAs is unlikely to provide an appreciable benefit for plan users. I set out my reasons below:

(a) It is my expectation that to achieve methodological consistency, accurately identifying landscape character units would require detailed field work across all of the PAs. The inaccessibility of many parts of the larger PAs suggests the potential for significant practical constraints and inaccuracies. So, while it may introduce a finer grain of information for some of the more accessible PAs, it would promote a varying grain of landscape assessment (and landscape capacity evaluation) across the PAs which is methodologically questionable.”⁴¹

- 93 I disagree with two aspects of this statement. The (national) importance of the task at hand justifies any amount of field work. I have been involved in landscape architecture and landscape planning in the district for almost 30 years. Reading through some of the documentation in relation to this district plan review creates disturbingly many déjà vu moments. During the process of the previous plan

⁴⁰ Gilbert, B; Evidence in Chief, Appendix 6: Topic 2 JWS January 2019, pars6.6-6.7

⁴¹ Gilbert, B; Evidence in Chief, Appendix 6: Topic 2 JWS January 2019, par6.8

review in the late 1990s,⁴² “the amount of work necessary”, “the time it takes” and “the cost involved” to prepare sound, landscape assessment, landscape studies or other long-term structural studies has been lamented at great length – in particular by QLDC. No cohesive, sensible expert landscape work was undertaken and - in the end - the Environment Court had to write the relevant parts of the plans. Draft ONF/L boundaries were defined by the Court and haphazardly and painstakingly (via consent processes) confirmed or adjusted bit by bit. I note that the Court in the Topic 2 decisions has been critical of these processes. For 20 years +, the resulting framework had to be used to deal with massive population growth, an incredible rise in tourist numbers and the resulting immense development pressure. Almost all medium- to large-sized tourism, subdivision and rural living projects within the ONF/L and Visual Amenity Landscapes (VAL) had to go all the way to the Environment Court. I am not an economist, but I have been closely associated with many projects, involved in the financial reality of these and I am therefore acutely aware of the costs involved – for all parties – to go through the process. It is my opinion that a concerted and well-organised process of establishing professional assessment documentation on a district-wide basis in the late 1990s/early 2000s would have led to highly consistent, well located, well designed outcomes with significantly decreased costs for all parties - and a lot less strain on the judicial system.

- 94 While having digressed a little, it is my view that these thoughts are relevant to this variation. Again, the value of the resource “landscape” in the district, for the district and the nation remains incredibly high. Therefore, almost all efforts to protect this resource and manage it well are justified. To that extent, I find agreement with the Court:

“Nor do we accept arguments to the effect that the task of assessing relevant ONF/Ls and scheduling their values is too large. Rather, the task is part of QLDC’s planning authority responsibility...”⁴³

- 95 Secondly, I am critical of Ms Gilbert’s remarks about a potentially questionable methodology. She opines that – if easily accessible parts of a PA would undergo a finer grained analysis, and if more remote parts would not be treated the same, inaccuracies would result. To start with, it is my opinion that the necessity of a major effort to access more remote areas (on foot, by helicopter, across unsealed 4WD tracks, etc) indicates less development pressure in a general sense. This fact also – almost automatically and by definition – indicates a no-capacity rating to absorb development. Additionally, Ms Gilbert’s arguments also blaze a trail for subdividing the PA into smaller landscapes. In her example, the easily accessible land would most likely be part of a Landscape (Aa), while the remote portion would be part of another Landscape (Ab).⁴⁴ Alternatively, some of these landscape areas could be landscape units.

- 96 Ms Gilbert continues in her evidence:

“(b) I am also of the view that overly dissecting the PA ‘landscapes’ runs the risk of confusing (or, at worst, obscuring), the interconnectedness of landscape values within a PA, which contributes to its outstanding value.”⁴⁵

⁴² I was involved as a landscape witness called by the Wakatipu Environmental Society Inc (WESI) in the hearings leading to the “Queenstown Landscape Decisions”.

⁴³ [2019] NZEnvC 205; Topic 2; Decision2.2, par131

⁴⁴ I have labelled in accordance with my “landscape hierarchy” above.

⁴⁵ Gilbert, B; Evidence in Chief, Appendix 6: Topic 2 JWS January 2019, par6.8

97 I disagree. The PA are segments of the well-known ONF/L or of the RCL. The values of these landscapes may not be universally appreciated and recognised but – broadly spoken - they are well enshrined in the local, regional and national conscience. To most people, these landscapes are one – the scenic, wild and breath-taking landscape of the southern mountains. Subconsciously, they might differentiate between lake landscapes, mountainous landscapes or rural landscapes. This is as far as generally goes. The PA and LS are technical matters that will not interest the majority of people living in the district because they simply have little or no connection to planning and development. For those who do, the hierarchical view of landscapes, down to the detail level is of interest. “Dissecting” the PA would not confuse, but would provide deeper insight in landscape values and all matters associated with those. Given the amount of submissions considering another scale or breaking down the PA into smaller landscapes, it is my view that this should be contemplated by Queenstown Lakes District Council.

“(c) Further, relying on my experience of a landscape character unit approach to landscape assessment in the Whakatipu Basin (in relation to evaluating the absorption capacity for rural living only), I am also of the view that it is unlikely to achieve the grain of analysis (and perhaps most importantly, capacity evaluation) that many submitters are in fact seeking. This is because, in many instances, submitters are seeking the identification of landscape attributes, values and capacity in the PA Schedules that corresponds to a site-specific level analysis rather than a PA level analysis. The (notified and) Response to Submissions Version of the Preambles to Schedule 21.22. and 21.23 are clear that the PA Schedules are not a replacement for site-specific assessment for consenting and other processes. This was recognised through the Topic 2 appeal process and, in my opinion, supports the proposition that the PA Schedules are intended to provide guidance on landscape values which informs how to achieve the strategic direction, rather than the absolute answers. Were the schedules to provide a complete replacement for site specific assessment, I consider this would amount to a structure planning exercise for the PAs and be an unreasonable, if not, impossible level of detail to achieve.”⁴⁶

98 I agree with Ms Gilberts statement in her first sentence of sub-paragraph (c). The level of detail many submitters are seeking is mostly site-related. This accuracy or scale is not achievable. I also agree “... that the PA Schedules are not a replacement for site-specific assessment for consenting and other processes.” But I remain of the opinion that:

- The LS at current scales are of little use to achieve their purpose
- The preparation of LS (sub-LS) for smaller scale landscapes or landscape units (sub-PA) is a legitimate proposition, significantly increasing the useability and accuracy of the assessments and capacity ratings.

99 I continue to quote from Ms Gilbert’s evidence:

“(d) It is also important to note that the finer grained Whakatipu Basin landscape character unit work was specifically tasked with identifying the areas of the basin where a particular landuse type (rural living) could be successfully absorbed, as a tool to guide District Plan zoning and policy. This amounts to a landscape assessment to inform a plan change which I consider to be quite a different landscape assessment context, to the preparation of PA Schedules of Landscape Values for a District Plan framework in which the relevant policies and mapping are settled.”⁴⁷

⁴⁶ ibid

⁴⁷ ibid

“(e) I also consider that the landscape capacity findings are necessarily high level, as there is no proposal to change zonings or introduce any new provisions that flow from the landscape capacity ratings.”⁴⁸

100 I disagree with this statement. To produce meaningful landscape capacity ratings, a high degree of accuracy is required. I do agree that this level of accuracy can generally only be achieved by zooming into the landscape to landscape unit or even to site level. If the degree of accuracy with regard to landscape capacity cannot be achieved with the current format of the LS, it is my opinion that the schedules are of very little extra value – at best - and that they can be deceptive at worst.

101 I will return to these thoughts towards the end of my evidence and provide my conclusion.

6.4 THE LANDSCAPE SCHEDULES

6.4.1 General

102 As already stated above and at the risk of repeating myself. The schedules have been prepared by the LS team with the assistance of other disciplines where needed. Best practice methodology in landscape assessment has been utilised to prepare the methodology. The 2021 document “Te Tangi a Te Manu – Aotearoa New Zealand Landscape Assessment Guidelines” (prepared by the New Zealand Institute of Landscape Architects (NZILA) as “Guidelines for Landscape Assessment in a Statutory Planning Concept”) has been the underlying practice guide in the preparation of the schedules. It is also my view that the LS team has generally followed best practice principles. I am of the opinion that the requirements set by the Environment Court have been generally fulfilled.

103 I have discussed and critically commented on the scale of the Priority Areas and their low relationship with the term “landscape”. I note that Ms Gilbert – in her evidence in chief and contrary to any of the other documents she authored – has introduced and used the term PA ‘landscape’. I am uncertain about reasons for that.

6.4.2 Environment Court

104 I briefly summarise the underlying directions by the Court for the preparation of the LS.

“The new Strategic Policies (for the Values' Identification Frameworks) would serve to give policy direction to future plan change(s) for the following purposes:

(a) for the ONF/Ls, to add to Ch 21 schedules of landscape values and landscape capacity for identified mapped Priority Areas (possibly in tandem with s293 directions in relation to particular ONF/Ls); and ...”⁴⁹

105 This is the general direction that schedules are to be prepared and included into the plan.

106 Next, the Court specifies the information to be provided by the schedules.

“Schedules to be informed by landscape assessment and landscape capacity assessment

...

In principle, in the development of a district plan, there should be an iterative relationship between landscape assessment and landscape capacity assessment in calibrating the plan's response to ss6(b) and 7(c), RMA as follows:

⁴⁸ ibid

⁴⁹ ibid, par152

(a) landscape assessments serve to elicit values sought to be protected, for s6(b) purposes, or maintained or enhanced for s7(c) purposes so as to help test the settings in the district plan for enablement of subdivision, use and development in ONF/Ls and RCLs;

(b) landscape capacity assessments serve to test the capacity of initially identified values to tolerate land use change or development, particularly as may be anticipated over the life of the district plan;

(c) both landscape assessment and landscape capacity assessment serve to ensure judgments on what the district plan seeks to protect, for s6(b) purposes, or maintain or enhance for s7(c) purposes, are properly informed.”⁵⁰

107 The Court describes the iterative process of landscape assessment with an assessment of landscape capacity flowing from it.

“With reference to our findings in Part B, we identify the following drafting design principles for development of new SPs for the Values' Identification Frameworks:

(a) the overall purpose of the SPs is to provide policy direction for future Sch 1 plan change processes that would include Ch 21 schedules of landscape values and landscape capacity, informed by assessments, and other related provisions as we describe for Priority Areas;

...

(d) the SPs should allow some flexibility as to how landscape values and related landscape capacity are described, in the Ch 21 schedules. The choice of prescriptive or flexible language should be dependent on the state of knowledge about landscape values drawn from assessments. However, while schedules can allow for further particularisation of identified value(s) through resource consent application processes, those processes should not be used to add new values or ignore scheduled values in the Priority Areas;

...

(f) for ONF/L Priority Areas, that methodology is to specify a geographic scale that encompasses relevant landscape(s) and/or feature(s) (not being confined to landscape character units);”⁵¹

108 In the above paragraph of the decision the Court specifies details relevant to the proposed methodology of the schedule system. A significant degree of latitude is given to QLDC (and ultimately to the LS team) as to scale and detailed processes.

6.4.3 Methodology and Template

109 I have no issues with the template and the setup of the LS.

6.4.4 Preamble to Schedules

6.4.4.1 Preface/ Introduction - As Notified

110 The preface to the schedules in Chapter 21.22⁵² seems, at first glance, a simple introduction and set of information and directions for the user.

⁵⁰ *ibid*, pars165-166

⁵¹ [2019] NZEnvC 205; Topic 2; Decision2.2, par262

⁵² Proposed Queenstown Lakes District Plan; 21.22 Schedule of Landscape Values: Outstanding Natural Feature and Outstanding Natural Landscape Priority Areas

111 However, at closer inspection, several of the paragraphs send messages of caution and express a degree of doubt about several aspects.

“The schedules are a tool to assist with the identification of the landscape values that are to be protected within each priority area and related landscape capacity. They contain both factual information and evaluative content. The description of each priority area must be read in full. Each description, as a whole, expresses the landscape values.”

112 The use of “assist” in itself is not alerting but it indicates for the first time within the documentation that the schedules are only one piece in the assessment and decision-making matrix. Having studied numerous submissions received by QLDC in regard to this variation, I sense that the schedules are widely perceived as the number one tool to provide landscape assessment information and a landscape capacity rating. Should I be correct in this assumption, this would be a dangerous tendency. I am of the opinion that the users are not correctly informed about the degree of values these schedules have in the context of potentially complex applications within the ONF/Landscape.

“The landscape attributes and values identified, relate to the priority area as a whole and should not be taken as prescribing the attributes and values of specific sites.”

113 This statement demonstrates the large scale of the schedules. Firstly, it is advised that the attributes and values relate to the PA and not necessarily to a landscape, nested landscape or a smaller landscape unit. The statement acknowledges that the identified attributes and values rather relate to an arbitrarily delineated geographical area. Flowing from this, it is made clear that the attributes and values of a smaller landscape within the PA and ultimately those of a/the specific site maybe different to those of the PA as a whole.

“A finer grained location-specific assessment of landscape attributes and values would be required for any plan change or resource consent. Other landscape values may be identified through these finer grained assessment processes.”

114 This “warning” is most concerning. The wording chosen exhibits a degree of uncertainty how “to break the news” that with or without the LS, a finer grained assessment is required. The subjunctive phrase “... would be required ...” is ambiguous insofar, as the real meaning of the sentence is “a finer grained location-specific assessment of landscape attributes and values is required for any plan change or resource consent”.

115 It becomes obvious that the schedules cannot replace the “... finer-grained location-specific assessment ...” This, in turn essentially implies that the schedules are of little more value than providing a broad overview. I acknowledge Ms Gilbert’s explanations in her evidence, that – in her view – the LS’s role is that of “strategic” documents. But I am uncertain that:

- this reflects the true and pure intent of the Environment Court
- this is what QLDC desires to have developed
- this is necessary to underline the landscape values of landscapes already identified as ONF/L
- this is what is perceived by submitters
- this is what is hoped for in the district’s community

116 From a professional perspective, I accept that these schedules can never replace (nor are they intended to do so) the necessary degree of assessment accuracy for plan changes and applications for resource consent. However, as already alluded to on several occasions above, I am of the view that:

- the LS “pretend” to be exactly such a useful tool when they are not
- they have no use beyond a very high-level coarse assessment⁵³
- the LS can potentially achieve a significantly higher degree of accuracy without contravening the Court’s directions

“The capacity descriptions are based on the scale of the priority area and should not be taken as prescribing the capacity of specific sites; landscape capacity may change over time; and across each priority area there is likely to be variations in landscape capacity, which will require detailed consideration and assessment through consent applications.”

117 Once again and this time relating to the landscape capacity. The capacity descriptions and ratings relate to the whole PA. They may or may not have any meaning for the specific site and the immediately embedding landscape. “[D]etailed consideration and assessment through consent applications” is required, thus relegating the schedules to the role of a bystander.

6.4.4.2 Preamble to Schedules – As Varied in s42a Report

118 In the s42a Report by Ms Evans,⁵⁴ the proposed preamble (as it is now called) was significantly modified. It is stressed that the changes were made in response to submissions. While I accept that this to be one of the reasons, I also detect a not insignificant shift in approach, compared with the preamble as notified. I will explain my concerns by analysing those passages of the modified preamble⁵⁵ where I believe this shift is evident.

119 I have used the following typing to denote: **added** – ~~deleted~~.

Purpose

From:

“The schedules are a tool to assist with the identification of the landscape values that are to be protected within each priority area and related landscape capacity. They contain both factual information and evaluative content ...”

To:

*The ~~PA S~~schedules are a tool to assist with the identification of the landscape values that are to be protected within each ~~priority area~~ **PA** and related landscape capacity. They contain both factual information and evaluative content **and are to inform plan development and plan implementation processes.***

120 The last part of the last sentence contains the phrase “*plan implementation processes*”. I have searched the documents relating to this variation and I have checked in the PDP for that term. I could not find it anywhere else. It is my presumption that the phrase equates to “application for resource consent” or “application for plan change”. If that is what is intended, I can see no issue.

⁵³ Refer to my section of this evidence “Another Scale?”

⁵⁴ Evans, R; Section 42A Report of Ruth Evans on Behalf of Queenstown Lakes District Council, 11 August 2023

⁵⁵ Proposed Queenstown Lakes District Plan; 21.22 Schedule of Landscape Values: Outstanding Natural Feature and Outstanding Natural Landscape Priority Areas

From:

“... The description of each priority area must be read in full. Each description, as a whole, expresses the landscape values.”

To:

*“The description of each priority area must be read in full. Each description, as a whole, expresses **at a high level**, the landscape values **and the attributes on which those values derive**.”*

121 The introduction of the term “at a high level” corresponds with Ms Gilberts statement that “... the intention of the PA Schedules was always to provide high level guidance with respect to landscape attributes, and values and landscape capacity for each PA, I acknowledge that the intended purpose of the PA schedules is not as clear as it could be in the Preamble text.”⁵⁶ Once again: I could not detect any directions by the Environment Court that the LS should be “high level” or “relatively high level” – the Court has asked for “a proper landscape scale”.

Landscape Attributes and Values

From:

“The landscape attributes and values identified, relate to the priority area as a whole and should not be taken as prescribing the attributes and values of specific sites.”

To:

*“The landscape attributes and values identified, relate to the PA as a whole and should not be taken as prescribing the attributes and values of specific sites **within the PA**.”*

From:

“A finer grained location-specific assessment of landscape attributes and values would be required for any plan change or resource consent. Other landscape values may be identified through these finer grained assessment processes.”

To:

*“**Given the relatively high level landscape scale of the PAs, A finer grained location-specific assessment of landscape attributes and values ~~would~~ will typically be required for plan development or plan implementation purposes (including any plan changes or resource consent applications). The PA Schedules are not intended to provide a complete record and ~~Other~~ location specific landscape values may be identified through these finer grained assessment processes.**”*

122 Firstly, the phrase “relatively high level” reappears. This has already been critically discussed. Secondly, above I have expressed criticism about the subjunctive phrase “... would be required ...” This has now been replaced by the phrase “will typically be required”. This - in my opinion and begging for pardon about my choice of words - is “pussyfooting around” the subject. I remain of the view that the correct term has to be “is required”. There is no way around finer grained assessment processes in conjunction with applications for plan changes or resource consents. The choice of words is part of the chain of indicators relating to issues about the choice of scale for PA and LS.

⁵⁶ Gilbert, B; Evidence in Chief, Appendix 6: Topic 2 JWS January 2019, par7.12

- 123 Interestingly, the phrases “*plan development*” and “*plan implementation*” reappear in this paragraph once again. This time, my assumption that they are more or less synonymous with plan changes or resource consent applications has been confirmed by way of including these terms in explanatory brackets.
- 124 It is my opinion that the proposed changes to the preamble will not assist in remedying the deficiencies arising from the scale of PA and LS. There are obvious attempts to instil a degree of added value to the LS by the amendments - but I regard this as unsuccessful.
- 125 The preamble continues with explanations on landscape capacity. Because of continuity and cohesion, I will discuss these aspects a little further down under the heading “Landscape Capacity Assessment”.

6.4.5 Assessment of Landscape Attributes and Values

- 126 There is generally little criticism to be expressed about the quality and content of the landscape assessment part of the schedules. The descriptive part, as well as attributes and values have been thoroughly and comprehensively included. I am of the opinion that relevant and generally correct conclusions have been drawn by the LS team.
- 127 The points of criticism I have relate to the geographical delineations. I have elaborated about this topic in detail above. The unfortunate consequences of the scale-selection does not reflect on the correctness of the landscape assessment. It does, however, reflect on the level of detail when it comes to the landscape capacity ratings.

6.4.6 Landscape Capacity Assessment

6.4.6.1 Landscape Capacity

- 128 The PDP defines landscape capacity with regard to ONF/L:

“3.1B.5 In this Chapter:

...

b. ‘Landscape capacity’:

i. in relation to an Outstanding Natural Feature or Outstanding Natural Landscape, means the capacity of a landscape or feature to accommodate subdivision and development without compromising its identified landscape values;”

- 129 In the methodology statement, the LS team explains:

“The purpose of this aspect of the PA Landscape Schedules project is to provide guidance to plan users by assessing and recording the landscape capacity of the PA for subdivision, use, and development activities for a range of different land uses.

In addition, the authors note that assessments of landscape capacity of this nature are typically aimed at assisting the management of cumulative adverse landscape effects.

As discussed earlier, the meaning of ‘landscape capacity’ within the context of the district’s ONF/ONL and RCL areas has been defined by the Court in the Topic 2.9 interim decision. These definitions of landscape capacity have informed the corresponding assessment within the PA Landscape Schedules.”⁵⁷

⁵⁷ Gilbert, B et al; ONF, ONL AND RCL PRIORITY AREA LANDSCAPE SCHEDULES, Methodology Statement FINAL, May 2022, pars3.1-3.3

130 I agree with this and want to begin my discussion of issues relating to landscape capacity assessment in the LS, by analysing the amended wording of the preamble for the LS⁵⁸.

131 As above, I have used the following typing to denote: **added** – ~~deleted~~.

Landscape Capacity

Added:

“The landscape capacity ratings used in the PA Schedules, which are described below, are intended to reflect the capacity of the landscape or feature to accommodate various types or forms of development, without compromising the identified landscape values. The definition of landscape capacity applied in the PA Schedules is set out in 3.1B.5(b).”

132 Agreed.

Added:

“The capacity ratings, and associated descriptions, are based on an assessment of each PA as a whole, and should not be taken as prescribing the capacity of specific sites within a PA.”

133 The capacity descriptions and ratings relate to the whole PA. They may or may not have any meaning for the specific site and the immediately embedding landscape. The originally proposed preface/introduction to chapter 21.22 of the PDP made this more obvious:

Deleted:

“The capacity descriptions are based on the scale of the priority area and should not be taken as prescribing the capacity of specific sites; landscape capacity may change over time; and across each priority area there is likely to be variations in landscape capacity, which will require detailed consideration and assessment through consent applications.”⁵⁹

134 In my opinion, the statement explaining that “... across each priority area there is likely to be variations in landscape capacity, which will require detailed consideration and assessment through consent applications” has been more honest and upfront – and simultaneously revealing – about the inadequacies of the LS when it comes to providing meaningful and useable information for plan users.

Added:

“The descriptions in the PA Schedules are relatively ‘high level’ and focus on describing potential outcomes that would likely be appropriate within each PA. These descriptions are not a replacement for any relevant policies, rules or standards in the District Plan, and are intended to provide guidance only. Landscape capacity is not a fixed concept, and it may change over time as development occurs or landscape characteristics change. In addition, across each PA there is likely to be variation in landscape capacity, which will require detailed consideration and assessment through future plan changes or resource consent applications.”

135 The first sentence in this amended paragraph raises significant interest:

“The descriptions in the PA Schedules are relatively ‘high level’ and focus on describing potential outcomes that would likely be appropriate within each PA.”

⁵⁸ Proposed Queenstown Lakes District Plan; 21.22 Schedule of Landscape Values: Outstanding Natural Feature and Outstanding Natural Landscape Priority Areas

⁵⁹ Proposed Queenstown Lakes District Plan; 21.22 Schedule of Landscape Values: Outstanding Natural Feature and Outstanding Natural Landscape Priority Areas

136 This sentence provides the user with a quadruple dose of uncertainty - I will dissect it now:

The descriptions in the PA Schedules are “*relatively high level*” (*relative to what?*) and focus on describing “*potential*” (*vague; maybe, maybe not*) outcomes that “*would*” (*vague; subjunctive*) “*likely*” (*vague; possibly, probably*) be appropriate within each PA.

137 The paragraph continues to talk about the descriptions providing “*guidance only*”; [*l*]andscape capacity ... *not* [being] a fixed concept; and the fact that “*across each PA there is likely to be variation in landscape capacity.*” With respect – this paragraph is simply saying that the value of the PA-level landscape capacity assessment and the subsequent landscape capacity ratings have little to no meaning when it comes to guiding plan users in site-specific application situations.

6.4.6.2 Capacity Rating

138 In the notified version of this variation, the LS team have introduced a 4-point scale to measure landscape capacity.⁶⁰ While I have serious concerns about measuring landscape capacity in any form, I principally recognise and applaud the approach of excluding ratings such as “high” or “moderate-high”. The approach demonstrates that the LS team recognises that the vulnerability of the landscapes within the PA as high, that the opportunity for appropriate change is generally low⁶¹ and that extra care is required with each proposal for change.

139 The Landscape Assessment Guidelines employ a 7-point scale to measure effects on landscape values. This should not be confused with a capacity rating scale. No such scale exists in the framework of the Landscape Assessment Guidelines. I will discuss the reasons for this later in my evidence.

140 Some submissions have requested the deletion of the “no capacity” rating. Rather than delete “no capacity”, the LS team has decided to introduce another rating. Consequentially, the group of rating categories has now been amended from originally four (4) to five (5)⁶² by adding “very limited to no landscape capacity” to the rating scale:

“This has resulted in the introduction of a fifth capacity rating of very limited to no landscape capacity. (The definition of this new landscape capacity rating is explained shortly.)

This review process (as set out in paragraph 9.8 above) has also led to the reconsideration of the landscape capacity rating for a number of landuses.

Recommended changes from ‘no landscape capacity’ to ‘very limited to no landscape capacity’

To assist an understanding of where there has been a change in landscape capacity rating between the notified PA Schedules and the Response to Submissions Version of the PA Schedule (in Appendix 2), I have prepared a Summary Table which sets out the recommended landscape capacity rating for each PA by landuse type in Appendix 1: Response to Submissions Version PA Schedules, Capacity Summary Table (attached). The table in Appendix 1 also identifies the notified rating in blue text.

PA ONF/Ls

For PA ONF/Ls, there is a change from ‘no landscape capacity’ (in the notified PA Schedules) to ‘very limited to no landscape capacity’ for visitor accommodation, farm buildings, small scale renewable energy generation and rural living in many of the PA ONF/Ls.⁴² This is typically in recognition of the extremely modest level of existing development of that type

⁶⁰ Gilbert, B et al; ONF, ONL AND RCL PRIORITY AREA LANDSCAPE SCHEDULES, Methodology Statement FINAL, May 2022, par3.10

⁶¹ Using “low” in this context does not relate to the term “low” in the capacity ratings.

⁶² Amended in via the s42A report.

*evident in the PA ONF/L (either as built or consented but unbuilt development), which is of a scale and character that does not detract from landscape values. In my opinion, the (revised) rating of 'very limited to no landscape capacity' appropriately recognises that future development of this type can be appropriate in the PA ONF/L (subject to the location and /or character specific guidance set out in the Capacity section of the PA Schedule, and of course the relevant PDP objectives and policies)."*⁶³

141 Ms Gilbert states that the change for the ONF/L from "no landscape capacity" "to very limited to no landscape capacity" for a defined set of land uses (including rural living) has been done "... in recognition of the extremely modest level of existing development of that type evident in the PA ONF/L (either as built or consented but unbuilt development), which is of a scale and character that does not detract from landscape values..." I entirely disagree with that position. In particular, the terms "rural living" (and to a degree "visitor accommodation") within ONF/L and "extremely modest level" do not co-exist well in one sentence. From my experience, numerous applications (for the purpose of explaining my position further I include consented and built, consented and unbuilt and declined structures) are far from "extremely modest". Many structures in the ONF/L are of dimensions that exceed the size of the average dwelling in New Zealand significantly (2010: 200 m² – 2019: 156m²).⁶⁴ Here are a few examples from my professional practice of the past 15 years. All these are located within the Upper Clutha ONF/L:

- Residential dwelling 513m²
- Residential dwelling 436m²
- Residential building platform 1,050m²
- Visitor accommodation lodge 2,700m²
- Residential building platform 995m²
- Residential building platform 985m²
- Residential building platform 377m²
- Visitor accommodation lodge 945m²
- Residential building platform 385m²

142 While smaller dwellings and consents exist within the ONF/L, the dimensions of my examples dimensions are far from "extremely modest" in the context of the average home size. I am uncertain, from which sources Ms Gilbert has drawn her overall assumption, as stated above.

143 It is my opinion that the inclusion of the "intermediate" capacity rating "very limited to no capacity" dilutes and diffuses the rating scale. If a landscape has no capacity to absorb further change because of its high landscape values, vulnerability or resulting adverse cumulative effects, this landscape has no capacity to absorb such change. If a landscape has some capacity to absorb development, then its capacity rating can be expressed accordingly: "very limited", "limited" or "some". There are no in-betweens.

144 For those reasons, I oppose the inclusion of the additional rating level.

⁶³ Gilbert, B; Evidence in Chief, Appendix 6: Topic 2 JWS January 2019, pars9.9-9.12

⁶⁴ Result of internet search for: "average home world comparison"

145 I now turn to the capacity rating scale. To do this, I will use the most voluminous addition to the preamble, where the definitions used for identifying the levels of landscape capacity appear.⁶⁵ The phrases shaded in grey have no relevance for this part of the discussion – I will come to an explanation further down in my evidence.

This paragraph was added to the preamble:⁶⁶

“For the purposes of the PA Schedules, landscape capacity is described using the following five terms:

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

Notified version (change underlined)

“Some landscape capacity: typically this corresponds to a situation in which a careful or measured amount of sensitively located and designed development of this type will not materially compromise the identified landscape values.”

146 A change has occurred. The notified version of the explanation used the phrase “*will not materially compromise*” while the current version reads “*is unlikely to materially compromise*”.

147 I regard this change a further weakening of the rating. If something will not create an adverse effect, then this is a given. If that something is unlikely to create that adverse effect, the potential that the adverse effect is created nonetheless remains. A significant difference in a decision-making process.

Current version (change underlined)

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

Notified version (change underlined)

Limited landscape capacity: typically this corresponds to a situation in which the landscape is near its capacity to accommodate development of this type without material compromise of its identified landscape values and where only a very modest amount of sensitively located and designed development will not materially compromise the identified landscape values.

148 A change has occurred. The notified version of the explanation used the phrase “*a very modest amount of sensitively located and designed development will not to materially compromise*” while the current version reads “*only a modest amount of sensitively located and designed development is unlikely to materially compromise*”.

149 Again, in my opinion the rating is weakened by these changes. Firstly, “*a very modest amount*” has been changed to “*a modest amount*”. While I principally do not place much value on the quantitative terminology used – I will discuss this further down in my evidence – the change increased the potentially permissible amount of development.

150 Secondly, the other change is identical with the one discussed under “limited capacity rating”.

⁶⁵ Proposed Queenstown Lakes District Plan; 21.22 Schedule of Landscape Values: Outstanding Natural Feature and Outstanding Natural Landscape, Preamble

⁶⁶ Evans, R; Section 42A Report of Ruth Evans on Behalf of Queenstown Lakes District Council, 11 August 2023, Chapter 21.22, Preamble

Current version (change underlined)

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

Notified version (change underlined)

“Very limited landscape capacity: typically this corresponds to a situation in which the landscape is very close to its capacity to accommodate development of this type without material compromise of its identified landscape values, and where only a very small amount of sensitively located and designed development is appropriate.”⁶⁷

151 A change has occurred. The notified version refers to landscapes “where only a very small amount of sensitively located and designed development is appropriate”. The current version, on the other hand, refers to the same landscape and states “where only a very small amount of sensitively located and designed development is likely to be appropriate”.

152 Once again, I think this is weakening the rating. If a development can be permitted within a landscape where it is appropriate, the certainty is high. If the development is likely to be appropriate, it could as well be inappropriate, thus rendering a potentially consenting decision incorrect.

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

153 Since this capacity rating has been introduced after notification, no previous version exists.

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

154 I have not detected a different version in the notified documentation.

“It is intended that the use of this five-tier landscape capacity terminology, along with a description of the characteristics that are likely to frame development that is appropriate (from a landscape perspective), and the description of the landscape attributes and values of the PA will assist in providing high level guidance with respect to the scale, location and characteristics of each landuse type that will protect landscape values in each PA ONF/L.”

155 I have serious difficulties with the terminology and the weighting/ quantification parameter used. Before I discuss my concerns, I quote relevant paragraphs from the Landscape Assessment Guidelines:

*“‘Sensitivity’ and ‘capacity’ are widely used generic attributes. Such generic attributes can be useful where future proposals are not yet known (e.g., for issue-based assessments). In those circumstances, ‘sensitivity’ means the susceptibility of a landscape’s **values** to the **potential effects** of certain kinds of activity – for example, the susceptibility of an area’s rural character to life-style development in general. ‘Capacity’ is an estimate of how much of that activity could be accommodated while still retaining the specified values. ‘Vulnerability’ and ‘resilience’ are related attributes. The following caveats apply to the use of such generic attributes:*

- *Sensitivity and capacity (and other such generic attributes) derive from a landscape’s specific attributes (the generic depends on the specific) and relate to a certain type of activity (a landscape is sensitive **to** something – it is meaningless to simply state that a landscape has a certain degree of sensitivity).*

⁶⁷ *ibid*, par3.13

- *The **reasons** are key when assessing such attributes. For example, a landscape may be sensitive to lifestyle development (say) **because** it has certain wildlife values, or because it is the backdrop to a scenic location, or because it is adjacent to an historical place or wāhi tapu that warrants a contemplative setting. It is essential to provide the reasons.*
- *Generic attributes such as ‘sensitivity’ and ‘capacity’ are necessarily **imprecise** because they **estimate an unknown future**. They can be useful and necessary in area-based’ or ‘issues-based’ assessments, or in comparing alternative routes/locations, but they become redundant once there is a specific proposal and the actual effects can be assessed directly. Using ‘sensitivity’ and ‘magnitude’ to assess the significance of effects is not recommended (see paragraphs 6.41 - 6.42).⁶⁸*

156 The LS team in the methodology statement also quotes from that paragraph:

“As TTatM explains: an evaluation of (landscape) capacity is a necessarily imprecise process because it involves estimating an unknown future.

For this reason, commentary with respect to landscape capacity is relatively ‘high level’ and focusses on describing the characteristics of development outcomes that are likely to be appropriate within the specific priority area rather than a series of measurable standards (such as a specified building height or building coverage control).⁶⁹

157 But the LS team omits to include an important part from that paragraph: *“Using ‘sensitivity’ and ‘magnitude’ to assess the significance of effects is not recommended ...”* This part, however is extremely important when it comes to measuring and quantifying capacity to absorb development.

“Using matrices to measure the significance of effect as a function of ‘sensitivity’ and ‘magnitude’, as used in some overseas guidelines, is not recommended for the following reasons:

- *The complex and varied values of landscapes do not lend themselves to reduction to a single generic attribute such as ‘sensitivity’, neither does ‘magnitude’ adequately address both the nature and degree of effects on landscape values.*
- *Such matrices falsely imply that landscape effects can be practically measured as a type of mathematical function. At most they illustrate a concept. They suggest an objectivity that is not warranted.*
- *Such matrices are an abstraction (an additional step) that introduces an additional chance of error.*

*Instead, it is more **direct and transparent** to describe the **actual** nature and degree of effect on the landscape’s **specific values** (and attributes) and explain with **reasons**.⁷⁰*

158 The guidelines recommend to refrain from using *“... matrices to measure the significance of effects”*. Since capacity evaluation is a direct result of a values and effects assessment and since it flows from the evaluation of potential adverse effects (significance of effects), capacity should also not be measured in matrices. Hence – I disagree with the rating scale.

159 In the quoted explanations of the five ratings above, I have **shaded in grey** phrases that I am critical of. Most of these phrases are quantitative, aiming at describing the suggested (by the LS team) amount of development the PA can absorb. In my opinion – and implied by the Landscape Assessment Guidelines - such a system of measuring landscape capacity (as a function of adverse effects) should be avoided.

⁶⁸ Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment Guidelines, May 2021, par5.46

⁶⁹ Gilbert, B et al; ONF, ONL AND RCL PRIORITY AREA LANDSCAPE SCHEDULES, Methodology Statement FINAL, May 2022, pars3.7-3.8

⁷⁰ *ibid*, pars6.41-6.42

Furthermore – underlining the doubtful usefulness of this approach – the terminology employed to quantify the potentially appropriate level of change is seriously flawed.

160 The phrases I am critical of are:

- “a careful or measured amount”
- “a modest amount”
- “a very modest amount”
- “a very small amount”
- “an extremely small amount”

161 Throughout my career as a landscape architect, I have regarded phrases of this uncertain type as insignificant at best, ambiguous and ultimately useless at worst. The way I would characterise these terms include the adjectives “subjective”, “emotional”, “vague”, “non-descript”, to name a few. I am aware that they are used frequently by the landscape profession and related disciplines but this does not improve their standing, in my opinion. I will explain in some more detail.

162 For a rural living and/or visitor accommodation proposal on a site within one of the PA, a “careful or measured amount” could be 2-3 houses, a “modest amount” could be 4 houses (or 2?), a “very modest amount” could be 1-2 dwellings, a “very small amount” could be 1-2 (or 2-3) houses and an “extremely small amount” could be 1 dwelling, a garage and a small barn.

163 As is obvious, I am fantasising about the meaning of these phrases. Without geographical context, site-specific landscape assessment and numerous other parameter, they do not make any sense whatsoever. And in the context of trying to create a useful landscape assessment framework, assisting in simplifying and streamlining the consenting process, such terms are unhelpful at best.

164 Rather more specifically and considering one of the PA that I have analysed, these terms appear doubtful and difficult to apply. The landscape capacity analysis for rural living in the LS for PA West Wānaka states:

“... The exception to this is views from Roys Peak, where rural living development should be extremely visually recessive. Developments should be of a modest scale; have a low key ‘rural’ character; integrate landscape restoration and enhancement; enhance public access; and protect the area’s ONL values.”⁷¹

165 Firstly, more vagueness appears: “modest scale” (which I do not equate to “modest amount”) and a “low-key ‘rural’ character” are mentioned. The magnitude of a “modest scale” is so subjective that it cannot possibly be quantified appropriately. In the eyes of a New Zealander, a 150m² house could be modest. An Australian citizen, where the average home size is 214m², would possibly consider this 150m² as “small” or even “very small” and a person from the EU with an average dwelling size of less than 100m² might consider the same dwelling as of excessive size. Finally, considering the way of thinking of a very wealthy person from anywhere in the world – a person not unlike many who have taken a liking to the Queenstown Lakes District in the immediate past. This person might already own one or more dwellings across the globe – some of which are 500, 800 or even 1,500m² in footprint.⁷² Such a person would most likely consider a house of 400-600m² as “modest” or “small”. A reality in the Queenstown Lakes District.

⁷¹ Proposed Queenstown Lakes District Plan; 21.22 Schedule of Landscape Values: Outstanding Natural Feature and Outstanding Natural Landscape Priority Areas, 21.22.19 xii

⁷² In my professional practice, I have worked with people who fall into that category in the district.

166 Secondly, what is the meaning of “low-key”? Small footprint, low roofline, black, beige or green colours? A non-descript and useless term. And thirdly – ‘rural ’character. The use of this phrase is common in the context of landscape assessment and evaluation. Rural landscape character is expressed by landscapes containing agricultural use and production. Landscapes expressing typical values and exhibiting typical elements of New Zealand heritage. Farms, woodlots, hedgerows, forestry lots, irrigation ponds, woolsheds, barns and a homestead are some of those elements creating rural character landscape. So – is a residential dwelling that pretends to be a barn more appropriate than a contemporary building of similar size and choice of materials and colours? I do not think so.

167 The next group of terms is less quantitative but partially qualitative:

- “unlikely to materially compromise”
- “likely to materially compromise”

168 Firstly, as already elaborated about above, “likely” and “unlikely” are of little use, as they are vague and too inclusive – anything can happen. Secondly, “materially compromise” has no meaning. Are 1,800m³ of earthworks materially compromising the landform of a roche moutonnée or would 85m³ constitute the same adverse effect? A 120m² or a 550m² dwelling? “Materially” is simply not measurable and would not withstand legal scrutiny in any forum.

169 The next group of phrases are these:

- “sensitively located and designed”
- “very sensitively located and designed”

170 There are three aspects to consider in the context of these phrases. Firstly, the term “sensitively located”. In professional terms, this can be narrowed down to selecting a location, which is topographically contained, offers some vegetation to integrate and complies with the requirement that the dwelling is reasonably difficult to see. If used in this sense, I am in agreement and accept that it makes sense. Secondly, “sensitively designed” can encompass parts of the criteria just listed. But this is where it stops. Architects can argue that all of their buildings are sensitively designed. They have been tailored to the clients’ needs and they sit well on their sites – so they may argue. I am aware of a proposed, contemporary dwelling of more than 500m² on the slopes of a roche moutonnée within an Outstanding Natural Feature. It has been described as “sensitively located and designed”. It also expressed rural character, as the designer argued. And thirdly, if a structure is “sensitively located and designed” how can this be improved to make it “very sensitively located and designed”?

171 Lastly, this phrase forms part of the rating scale’s explanations:

- likely to be appropriate

172 I have discussed my concerns about it earlier in my evidence and will not repeat myself here.

173 I will return to these thoughts towards the end of my evidence and provide my conclusion.

7 CONCLUSION AND RECOMMENDATIONS

174 I have provided sectional and topical conclusions throughout my evidence and will not repeat these here. In this part of my evidence, I will provide:

- an overall conclusion of my opinion of the Priority Areas and the Landscape Schedule
- conclusion and recommendations on the subject of scale
- a conclusion and recommendations on the subject of landscape capacity

7.1 OVERALL CONCLUSION

7.1.1 Process and Detail

175 My areas of concern about this proposed variation to the PDP are listed in the paragraph above. These concerns are tightly interrelated and interdependent. Before I go into further detail, I quote from decision 2.2, where the Environment Court has provided some anticipatory thoughts with regard to success and failure:

“We accept that district plans can make choices that landscape experts may later disagree with. However, conceptually, that is no different from the choices that are made by mapping ONF/L areas in a district plan. Provided that the choices for or against protection made by district plan mapping and scheduling are soundly informed by expert and other s32 analysis, those choices help to fulfil the RMA's purpose.

We acknowledge the risk that ONF/L schedules may be poorly drafted or not properly underpinned by landscape assessment. However, managing those risks is an inherent aspect of the planning authority's responsibilities under s32, RMA. As the responsible planning authority, QLDC is in a position to ensure choices about what is to be protected are properly informed. Planning processes allow ample opportunity for contested consideration of these matters, through submissions and further submissions, and hearings. Furthermore, properly drafted descriptions of landscape values in schedules can allow for what is intended. Language can be readily and deliberately prescriptive or open-textured, depending on the intention. Hence, we do not accept Ms Gilbert's recited examples as demonstrating that scheduling has no value.”⁷³

176 Firstly, I have expressed my opinion that I regard the LS as generally professionally drafted (not “poorly drafted”), as well as “properly underpinned by landscape assessment”. However – and I have made clear on several occasions within this evidence that I am of that view – I regard the schedules as they stand, as not fit for “what is intended”. The scale applied to assessment and capacity ratings is incorrect. More on my recommendations on that subject later.

177 Secondly, I note that Ms Gilbert - one of the principal members of the LS team - has obviously expressed some reservations about the success and usefulness of scheduling in the course of the hearings.⁷⁴

178 I principally agree with Ms Gilbert’s sentiment about the value of scheduling landscape values and consequential landscape capacity ratings. More precisely, it is my opinion that scheduling of the

⁷³ [2019] NZEnvC 205; Topic 2; Decision2.2, pars129-130

⁷⁴ I do not know the details about her reservations, and I have not followed this up. Therefore, I will refrain from further comments.

proposed type at incorrect scales has little to no value. Having said that, it is my view that the value and usefulness will increase with zooming in to smaller landscapes and eventually landscape units.

179 I understand that the concept enshrined in this proposed variation is beyond challenge. I accept that as a matter of fact, although I do not agree with several aspects. Therefore, I have expressed constructive criticism where necessary and will provide some recommendations that I regard as valuable in proving the workability and usefulness of the LS.

7.1.2 Certainty

180 I summarise the anticipated and desired result of the variation as follows:

- Smaller landscape units – the Priority Areas - break down the ONF/L and RCL into more detailed reference areas for plan users
- The Landscape Schedules provide:
 - lists of descriptive commentary, lists of assessed landscape values and a rating of the landscape values for each PA
 - landscape capacity ratings for various potential future activities/ land uses within the PA
- The Landscape Schedules are supposed to:
 - streamline the landscape assessment process for future Applications for Resource Consent and Plan Changes
 - provide almost instantaneous information on the potential appropriateness of a development proposal within a certain part of the district
 - assist in avoiding (or reducing) lengthy and controversial debate between landscape professionals and opposing parties
 - assist in the reduction of documentation, hearing time and potential appeals
- Consequentially, the Landscape Schedules are supposed to assist in creating a degree of planning certainty and simplified Applications for Resource Consent or Plan Changes.

181 It is my opinion that the LS in their current form are of little value when it comes to achieving all or even any of the above objectives. I am of the view that the chosen broad scale – or as the LS team has phrased it “high level” does not provide any certainty at all.

182 The professionally assembled template conspires with a thorough assessment of the landscape on the chosen PA level to present a comprehensive image of the area’s (not landscape’s) attributes and values. These values are summarised for the PA as a whole. From the landscape value rating flows a landscape capacity assessment. From this capacity assessment, a rating scale is derived for various future activities/ land uses within the PA. Again, these ratings are applied to the PA as a whole. In some PA, the LS team has chosen to nominate “sub areas” for which the ratings are specified separately.

183 All this has been composed with profound professional expertise and in accordance with best practice guidelines. The LS are comprehensive, detailed (in accordance with their scale) and defensible. The documentation is compiled in a logical and legible format and – while using professional terminology (as it should) – I regard it as comprehensible by the average plan user. Overall – a well-presented and professional reference document. There is little to criticise.

184 As such, the LS seem to offer confidence to the plan user. The supplied information and assessments exude objectivity and expertise. The use of LS suggests a major benefit by providing a degree of certainty as to the values the landscape, surrounding fictitious landowners holding and what level of future activity may be permitted on the block.

185 An example. A person considers buying land on Roys Peninsula within the West Wānaka PA. She/he contemplates building a 250m² residential dwelling with ancillary visitor accommodation for a maximum of 8 guests. He/she consults the District Plan, Chapter 21.22.21 West Wānaka ONL. The scheduled landscape capacity ratings give this information:

“Visitor accommodation and tourism related activities (including campgrounds) – very limited landscape capacity for visitor accommodation and tourism related activities that: are co-located with existing consented facilities; are located to optimise the screening and/or filtering benefit of natural landscape elements; designed to be visually recessive, of a modest scale and have a ‘low-key’ rural character; integrate appreciable landscape restoration and enhancement; enhance public access; and protect the area’s ONL values.

Rural living – very limited landscape capacity for rural living development located on lower-lying terrain and sited so that it is contained by landforms and vegetation – with the location, scale, and design of any proposal ensuring that it is barely discernible from external viewpoints. The exception to this is views from Roys Peak, where rural living development should be extremely visually recessive. Developments should be of a modest scale; have a low key ‘rural’ character; integrate landscape restoration and enhancement; enhance public access; and protect the area’s ONL values.”

186 The person wants to buy the land because she/he appreciates the high landscape values and the natural beauty. He/she finds confirmation of this perception by the landscape value assessment and the high ratings. She/he further considers her/his proposal. The dwelling is of a modest scale and the 8 guest beds could be designed into 2 cottages with 2 bedrooms each – low-key. Cedar cladding, black roof – rural character, no doubt. All tucked into a small gully, accessible by a 250m driveway. Some earthworks will make this work – these will be *“sympathetically designed to integrate with existing natural landform patterns.”* Only a small amount of vegetation is present but there is no issue with a lot more planting – surely this will qualify as landscape restoration and enhancement. Should be an easy exercise to gain consent.

187 Further discussion with the real estate agent instils some caution. The agent’s advice is, to better consult a solicitor. Who in turn suggests to invite a planner to the meeting. On this occasion, the team reveals the remainder of the planning provisions for this site within that landscape. Objectives, policies and rules, precedential Court decisions relating to the Roys Peninsula ONF and other matters are presented. Engaging the solicitor, the planner plus a landscape architect and an ecologist seems to be the minimum to prepare an application for resource consent. The chance for success – maybe 50/50? Better drop the visitor accommodation – the success rate could improve to 60/40. What about the Landscape Schedule and the information on the capacity rating? It sounded rather encouraging. Sorry, this was a high level assessment – you cannot rely on this, as it related to the whole PA. For your site, you need to confirm that it is suitable to absorb the development you have in mind. It did actually say so in the preamble - a *“finer grained site-specific assessment of a plan change, or resource consent process may identify different attributes, values and capacity to that identified in the PA Schedule.”*

188 A typical case in my opinion and from my 29 years of professional experience in the district. So far, this process has been traversed without the LS. In the future, one of the schedules in Chapter 21.22 is supposed provide initial guidance.

189 I believe to have demonstrated that the reliance that can be placed on the LS is low. The professional appearance is deceptive, the broad-brush, area-as-a-whole set of values delivers at such a high level, that it approaches zero. Certainty must be real, not only perceived.

7.1.3 An Extra Layer?

190 Does the introduction of the LS create an even more serious issue? Does it create an extra layer in the process of managing the resource landscape?

191 I cannot detect an official requirement to consult the LS. But I predict significant debate in planning processes when expectations – as in development ambitions - raised by the LS are not fulfilled in the course of more detailed assessment and evaluation. Some weight will be placed by resource management practitioners on the landscape capacity ratings and the perceived opportunities offered by these.

192 In other words – instead of directly coming to the point to discuss different viewpoints as to the appropriateness of a proposal in the ONF/L, an extra layer of debate about a possible controversy between the findings of the LS and those of the fine grained assessment may result.

7.1.4 Landscape Study?

193 At this point in my evidence I make some comment on a matter that is not subject of this variation. It may, however, have some bearing on the future of the LS system.

194 The Court has criticised – correctly, so I think – that signify sections of regional decision-making on the future of Part 2 s6(b) landscapes, and particularly so their delineations, has been made via resource consent processes.

“The evidence reveals that the DV ONL/F and RCL provisions are based on relatively confined landscape analysis in informing the choices made in the NV concerning the mapping of ONF/Ls and Upper Clutha Basin RCLs. Specifically, the election to have resource consent processes used to determine ONF/L and Upper Clutha RCL values has been made without meaningful evaluation of transactional efficiency, as to the relative benefit/cost implications.”⁷⁵

195 I have partaken in numerous such cases and agree: No application for Resource Consent in any given area within the district - no firming up on the Court’s “dashed ONF/L line”. An approach relating more to a lottery rather than responsible management of a precious resource.

“ Ms Gilbert favours QLDC undertaking a study of land uses and landscape character for the Upper Clutha Basin RCL ('UCBLS'). She envisages that part of such an UCBLs would be a "mapping exercise". That was to identify "various character units" or "characteristics" that would allow for cross-referencing to an ODP policy that would help elicit what is sought to be maintained or enhanced in the mapped character area of the RCL.”⁷⁶

⁷⁵ [2019] NZEnvC 205; Topic 2; Decision2.2, par133

⁷⁶ ibid, par53

196 While Ms Gilbert’s thinking on a landscape study for the Upper Clutha landscapes - in this case - relates only to the RCL, I regard her considerations as highly valid. For approximately 25 years, I have favoured the preparation of a district-wide landscape study. As already touched on in my discussion of Ms Gilbert’s evidence in chief, I remain of the opinion that the (national) importance of the task at hand justifies any amount of field work - the value of the resource and the district’s dependence on it is not measurable in monetary terms, making time and funds spent a long-term investment of significant merit.

197 The Court seems to agree:

“Nor do we accept arguments to the effect that the task of assessing relevant ONF/Ls and scheduling their values is too large. Rather, the task is part of QLDC’s planning authority responsibility ...”⁷⁷

“... QLDC raise concerns about the potentially significant costs that would be imposed on participants in the current proceedings, were the court to direct scheduling in determination of these appeals. However, as we have noted, district plans have a statutory purpose of fleshing out and contextualising pt 2 RMA (including ss 6(b) and 7(c)). While there would be transactional costs for ratepayers in Sch 1 plan changes, those are as a consequence of the proper exercise of QLDC’s planning authority responsibility.”⁷⁸

198 Clearly accepting that the outcome of this variation cannot be the preparation of a landscape study, I am of the opinion that the further refinement of the LS with the aim of achieving a significantly higher level of detail and a much improved certainty for the land user should be the minimum that can be done.

7.2 SCALE - CONCLUSION AND RECOMMENDATIONS

7.2.1 Conclusions

199 I have expressed my opinion that the low value of the LS in terms of useability is a direct function of the chosen scale. In other words, the scale of the landscapes to be assessed for the schedules is intrinsically tied to the practical usability and applicability of the LS.

200 The PA, as delineated by the LS team and approved by the Court, are a starting point. I have explained that I am of the view that the opportunity to refine the areas for which LS have been prepared has been missed. I have tried to tease out that – as I see it – the Court has left sufficient latitude for QLDC to prepare schedules “at an appropriate landscape scale”.

201 The latter term, I have analysed and interpreted at length. My conclusion is that there are two potential pathways:

1. Generic: Based on the PA, prepare LS at a scale that is based on a landscape
2. Specific: Not based on the PA, but remaining within their combined outer boundaries, define landscapes and prepare LS for these

202 In both cases, I see compliance with the requesting phrase “at an appropriate landscape scale”.

⁷⁷ 2019] NZEnvC 205; Topic 2; Decision2.2, pars131

⁷⁸ *ibid*, par138

203 I have previously in my evidence referred to the LS team's apparent openness to changes to the LS's structure. In the methodology statement a "*refinement of the schedules*"⁷⁹ is anticipated. This implies that potential changes are foreseen and I suggest these should include LS at smaller geographic and therefore appropriate landscape scales.

7.2.2 Measurability

204 Before turning to my thoughts on the preferred scale for the LS, I regard it as prudent to touch on a subject that simmers in the back of the mind of many participants in landscape assessment and evaluation as well as all subsequent processes.

205 Measuring the water quality in Paddock Bay, levels of oxygen are found to be low while nitrogen and phosphorus content high. Combined with other data, this exercise provides an instantaneous picture of the lake's aquatic condition in that area. Subsequently, the values can be compared with limits set by science and authorities. Steps can then be taken to discover the source of the pollution and act on remedial and preventative processes.

206 A scientific process, based on the measurability of objective parameter. Applicable to landscape assessment?

207 For a long time, resource management practitioners, the Court, territorial authorities and members of the public – have expressed desires to potentially introduce a degree of measurability into landscape assessment practice. A systematic, objective approach, delivering certainty and consistency.

208 During my university years in the 1980s, research into a functioning, universal and objective landscape assessment system using numeric values – and even currency values – was of major focus to some senior staff at the Institute for Open Space Planning and Landscape Architecture.⁸⁰ Outcomes such as determining the monetary value of a protected landscape area, offsetting loss of valuable landscape areas by way compensation payments or calculation of environmental compensation measures were sought. In the end, as far as I can remember, the approach was abandoned.

209 Measuring landscape values simply did not work. I note that the discussion around the Landscape Assessment Guidelines has not included thinking around such methods. Approaches using scales and ratings are extremely difficult to produce, leaving the rating of the degree of effects on landscape values the only "rating scale" used in the Landscape Assessment Guidelines.⁸¹

210 It is my opinion that the proposed variation has an underlying tendency, attempting the introduction of "measurability" into the landscape evaluation and protection framework for the district and for the reasons set out in my evidence, I oppose this.

7.2.3 Recommendations – Scale of Areas for Landscape Schedules

211 Since a template and completed LS for 29 PAs already exist(s), it is efficient to build on this foundation. Therefore, the pathway I have described above as "generic" may be the most sensible way forward.

212 In broad terms, I recommend to prepare LS "at an appropriate landscape scale" by analysing each PA and identifying landscapes.

⁷⁹ *ibid*, par5.26

⁸⁰ I did not participate in those studies but followed the processes closely as part of my training.

⁸¹ Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment Guidelines, May 2021, par6.21

- 213 Currently, the structure presents 29 LS for 29 PA. As I have explained on several occasions, the accuracy of assessment results and the subsequent landscape capacity increases with a decreasing scale. Consequentially, I recommend to select a scale that facilitates more exact, more precise and more reliable results, providing a higher level of certainty and guidance for the plan user.
- 214 First of all, the underlying area for each LS should constitute a landscape in terms of the professional definitions. As has been explained, smaller landscapes nest within larger landscapes. The next level down in the landscape hierarchy is the landscape unit. The Court has not favoured this scale when using the term “proper landscape scale”. Therefore, it is to be concluded, that the smallest nested landscape is the smallest permissible scale to be used for the preparation of the LS. Disregarding, that I am not satisfied with that scale and for the moment, the landscape unit scale would be my preferred scale.
- 215 However, studying the Court’s decision there are a few hints that a significantly larger amount of liberty is present:
- “... Planning processes allow ample opportunity for contested consideration of these matters, through submissions and further submissions, and hearings. Furthermore, properly drafted descriptions of landscape values in schedules can allow for what is intended. Language can be readily and deliberately prescriptive or open-textured, depending on the intention...”⁸²*
- 216 The current procedures are one such planning process and a refinement (as is already foreseen by the LS team) of the LS is - as I see it from the non-legal standpoint of a landscape expert – within the commission’s scope for a decision.
- 217 For that reason, I go that one step further and suggest that LS should be prepared at scales that reflect their variability. I explicitly include the landscape unit level, as I think that is indeed the most appropriate scale to prepare meaningful schedules. This will still not serve the plan user with site specific information, because it cannot serve that purpose, but the degree of guidance would be at a level where even the lay person might be able to transfer LS findings to their own land.
- 218 I also include land typing as an opportunity and legitimate option for defining sensible and meaningful areas for LS. There could be PA, where cohesive land types form a logical base for a LS. I do this because a document exists for the Queenstown Lakes District – and as far as I know still may be part of the official Plan resources. At landscape level, much of the research into the three-dimensional values system – particularly strongly into the physical environment - has been carried by Lucas Associates in 1995: “Indigenous Ecosystems – An Ecological Plan Structure for the Lakes District”. This is an in-depth study, originally prepared for QLDC and has been an officially scheduled resource of the old district plan. Even though it has been prepared a quarter of a century ago it still possesses a high degree of validity.
- 219 These thoughts raise a question. Do all PA have to be structured the same? Could some be more detailed than others to reflect a greater bandwidth of values and development capacity opportunities? I think yes. The existing template is sufficiently universal and can be applied to any level of landscape scale.

⁸² [2019] NZEnvC 205; Topic 2; Decision2.2, par130

220 What are the “appropriate landscape scales”? It is my suggestion to prepare LS at landscape unit level. I also recommend flexibility and include the consideration to use land types where appropriate or small-scale landscape, where consistency allows.

221 This relevant passage in the methodology statement can be adjusted as follows:

The PA Landscape Schedules Guidance Note should explain that:

- ~~the landscape attributes and values identified, relate to the PA as a whole and should not be taken as prescribing the attributes and values of specific sites;~~
- *the landscape attributes and values identified, relate to the landscapes and/or landscape units, represented by each schedule. They should not be taken as prescribing the attributes and values of specific sites*
- *the landscape attributes and values may change over time;*
- *a finer grained location-specific assessment of landscape attributes and values ~~would be~~ is required for any plan change or resource consent; and*
- *‘other’ landscape values may be identified through these finer grained assessment processes.*⁸³

222 The following paragraph is part of the methodology statement:

*“The authors acknowledge that while they have some knowledge of some of the ‘sites’ within many of the priority areas, detailed site visits have not been made to assist the drafting of the PA Landscape Schedules. It is expected that as QLDC work through the notification process, detailed site visits are likely to be appropriate to assist the refinement of the schedules.”*⁸⁴

223 It is apparent that the LS team has already started the process of more detailed field work and foresees the refinement of the schedule. It is therefore simply a matter of extending the processes that have taken the LS to their current format into the next stage of carrying out these refinements to achieve LS “at an appropriate landscape scale”.

224 Having traversed all this detail, having formed my views on the LS and having offered my recommendations how the framework could be improved, I have reservations. I can only see the LS-system working if the chosen scale would be reduced to the landscape unit level.

225 In summary and with regard to the appropriate landscape scale for the LS, I conclude and recommend:

- that the scale selected for the LS is too large
- that strategic policy 3.3.37 asks for the use of “an appropriate landscape scale” for the preparation of the LS
- that further LS need to be prepared at a scale that allows more detailed, meaningful and accurate assessment ratings and subsequent capacity assessments
- that - in my opinion – the adequate, proper and appropriate scale is indeed at landscape unit level
- that the Court has given sufficient latitude to use a “proper landscape scale” which technically includes the landscape unit scale and does not per se exclude this scale as is purported in QLDC documentation and evidence

⁸³ Gilbert, B et al; ONF, ONL AND RCL PRIORITY AREA LANDSCAPE SCHEDULES, Methodology Statement FINAL, May 2022, pars2.16-2.17

⁸⁴ *ibid*, par5.26

7.3 LANDSCAPE CAPACITY – CONCLUSIONS AND RECOMMENDATION

7.3.1 Conclusions

226 I have expressed my views on scale above. With reduced scale, the accuracy of assessment improves and – flowing from that – more precise assertions can be made with regard to the capacity of the landscape to absorb appropriate change.

227 In paragraph 3.15, the Methodology Statement makes reference to the relationship between scale and landscape capacity:

“In a similar vein to the discussion above in relation to landscape attributes and values, it should also be noted that the evaluation and comments with respect to landscape capacity:

a. relate to ‘a moment in time’ and therefore may change over time; and

b. have been undertaken at a ‘priority area’ scale, rather than a ‘site’ scale.”⁸⁵

228 It is interesting that the explanation of the capacity assessment’s scale makes reference to the “...‘priority area’ scale, rather than a ‘site’ scale.” It misses out on the “landscape” scale or the “landscape unit scale”. Once again, it is those scales, so I believe that would instil more meaning and usefulness into the schedules.

229 If the scale was reduced to that of landscape units, a more precise evaluation of the landscape’s ability to absorb such change can be provided.

7.3.2 Recommendations – Landscape Capacity

230 I have made detailed commentary on my opinion of the insufficiencies of landscape capacity ratings. I generally regard the process of quantifying the potential ability of a landscape to absorb development of any kind as flawed. Therefore, rating such as the ones used in the schedules are of little assistance to the plan user. Combined with the described vagueness emanating from the terminology, I regard the resulting capacity ratings as not effective and of no actual value within the framework of landscape assessment. They do not provide guidance to the plan user and could even be mis-leading.

231 In my professional opinion, the only way to properly assess whether or not a landscape can absorb further change is by way of considering a proposed development - by assessing the specific development proposal on specific sites, assessing and rating the effects on landscape attributes and values and then determining whether or not this proposal constitutes appropriate change. All this happens on the site-scale and without the need to consult “high level” assumptions.

232 The LS team have described the landscapes within the PA, have assessed their attributes and values and have applied their findings to rate the landscape values in accordance with 7-point-scale recommended by the Landscape Assessment Guidelines. As already made clear, it is my opinion that the LS team has negotiated these processes highly professionally, using best practice methodology.

⁸⁵ Gilbert, B et al; ONF, ONL AND RCL PRIORITY AREA LANDSCAPE SCHEDULES, Methodology Statement FINAL, May 2022, par3.15

233 Regardless of my criticism, I am less concerned about the LS team's findings as to the potential landscape capacity, but I am seriously concerned about how this is depicted, described and what value can be placed on it.

234 Considering for the moment that LS have been prepared for landscape units, what can be improved?

Rating scale

235 If the rating scale is supposed to remain, it is my opinion that the newly added category "*very limited to no landscape capacity*" should be removed and that the rating scale be reinstated as a 4-point-scale as originally proposed in the notified version of the variation. I have provided sufficient arguments for that step in my evidence above.

Terminology

236 I have severely criticised the terminology used in the quantitative descriptions of the capacity ratings. The phrases used are "spongy" and "soft", not providing any guidance as to what an appropriate level of development in the given landscape (unit) might be.

237 I acknowledge the difficulty of this aspect. I re-quote the phrases from the LS:

- "a careful or measured amount"
- "a modest amount"
- "a very modest amount"
- "a very small amount"
- "an extremely small amount"

238 How can these phrases be substantiated and made more specific? In my opinion, adjustments in phrasing can be a first step. A few examples:

- "... these ~~should~~ **must** be designed and located so that they are not visually prominent."
- "...rural living development ~~should~~ **must** be extremely visually recessive"
- "... integrate ~~appreciable~~ **ecologically valuable** landscape restoration and enhancement"
- "... landscape capacity for earthworks that protect naturalness and expressiveness attributes and values; and are sympathetically designed to integrate with existing natural landform patterns."

239 In the last example, I have not made any changes, because I believe that here the ability to use words to improve the descriptive value of the ratings has terminated. This is where other measures need to come into play for the capacity ratings to make sense and have effect.

240 I dare say it – solid, limiting figures may be worth considering when it comes to specifying the "soft ratings". This thinking has reared its head on several occasions in the past decades.

241 On the subject of earthworks, quantitative rules already exist in the District Plan. Although- as far as I am aware - some are under appeal, stringent volumes must be applied to each category. This relatively straightforward set of rules and standards could be achieved in the course of the current appeals.

- 242 For other activities/ land uses it becomes more difficult to set numeric standards that are realistic, fair and defensible. Rural living and visitor accommodation would qualify to be considered. I believe it is worth contemplating both, maximum building platform areas and maximum footprints for the capacity ratings “some”, “limited” and “very limited”. These could derive from the size of the site. In Greece for example, where “off-plan” rural residential development is permitted on a minimum-lot-size basis, strict rules apply to the size of dwellings. With increasing landholding, the permissible size of the building increases, but stops at a maximum. This maximum size for a house, including garaging, balconies, patios and other ancillary small structures is 220m². The “maximum-size-part” of the rules prevents that additional land purchase provides allowance for increased building size.
- 243 I am not saying that the rule itself is a success – to the contrary. In combination with the main culprit – minimum lot size – spread of residential activity in productive and cultural landscape areas has occurred. However, the impact of each dwelling can be controlled, minimised and massive mansions can be prevented.
- 244 Transferring this to New Zealand could mean that the combination of prescribing maximum building platforms (say: 600m²), maximum building footprint (say: 280m²) and maximum footprint per individual building element within the BP (say: 80m²) can create a broadly acceptable scenario. Different rules could possibly apply for the different capacity ratings – if need be. This – of course – would be an additional assessment matter, not replacing any of the existing parts in the District Plan.
- 245 I accept that this suggestion does not sit well within the effects-based assessment frameworks. However, and since objective, quantifiable, and scheduled solutions are sought by the Court and the authorities, a departure from that thinking in this respect may be necessary. What has been presented in the landscape capacity rating part of the LS is, in my opinion, not feasible and will not have a positive impact on the variation’s primary goal of protecting the ONF/L landscape values in the Queenstown Lakes District.
- 246 As they stand, the capacity ratings are of little value. In another environment with a reduced scale for the LS – say to landscape units – they will be more accurate and provide better guidance. In the end, they will always remain intangible, imprecise, and toothless.
- 247 In summary and with regard to the capacity ratings within LS, I conclude and recommend:
- The Court has directed that a capacity rating evaluation and scale must be included in the LS. This is accepted fact but in my opinion, contrary to best practice in landscape planning. To make the capacity rating system function appropriately, this part of the system must be further developed and refined.
 - Firstly, I recommend that the newly added category “*very limited to no landscape capacity*” is removed and that the rating scale be reinstated as a 4-point-scale as originally proposed in the notified version of the variation.
 - Secondly, I recommend clarifying within the schedule that cumulative effects of additional development (in accordance with the listed activities/ land uses) and within the assessed capacity rating for each activities/ landuse may be assessed as adverse or not, depending on the magnitude of the proposed development – regardless of the rating provided.

- Thirdly, I recommend removing the “soft” terminology used to describe the ratings. From here, two options should be considered:
 - After removal of all explanatory and descriptive text, leave the four capacity ratings stand for themselves and explain that the appropriateness and potential magnitude of future development within the LS area is subject to a compulsory site-specific assessment.⁸⁶
or
 - Develop 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 BP as well as measurable criteria as to architectural layout such as breaking up the maximum footprint into smaller building units with a defined maximum footprint for each. Such a tangible system of opportunities and restrictions can include numerous other aspects such as strict limitations (or permissions where appropriate) of earthworks and minimum amount of vegetation establishment.

7.4 FINAL STATEMENT OF OPINION

248 It is my professional opinion that the recommended changes and amendments to the LS system will improve the useability of these. However, I remain anxious that the expectations loaded upon this proposed variation to the PDP may not lead to the desired successful instrument.

249 Should the commission be inclined to follow my recommendations and those of some other submitters, the LS may gain in clout and value. To what degree, remains to be seen and is in parts subject to the skills of the LS team tasked with further work.

250 Ultimately, should the commission not favour the refinement of the LS or should the refinements fail to achieve what is desired, it is my opinion that the LS should be “downgraded” to a high level orientation document. This document should – in my opinion and coarsely spoken - reside outside the strategic framework and become part of an appendix in the plan.

Koroni (Greece), 09 September 2023
Ralf Krüger MLA DipHort FNZILA
Registered NZILA Landscape Architect

⁸⁶ Such an assessment is required anyway within the ONF/Landscape. However, it would be useful to explicitly clarify this.