

**BEFORE QUEENSTOWN LAKES DISTRICT COUNCIL**

**In the Matter of**                      the Resource Management Act 1991

**And**                                      of a submission in opposition to  
submissions by Gertrude's Saddlery  
Limited and Larchmont Developments  
Limited seeking rezoning of land at 111  
and 163 Atley Road from Rural to both  
Lower Density Suburban Residential  
and Large Lot Residential

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**STATEMENT OF STEPHEN BROWN**

In respect of a further submission by the Arthurs Point Outstanding Natural  
Landscape Society Incorporated (Submitter)

6<sup>th</sup> December 2022

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## **INTRODUCTION**

### **Qualifications and Experience**

1. My name is Stephen Kenneth Brown, and this statement has been prepared in respect of the further submission by the Arthurs Point Outstanding Natural Landscape Society Incorporated (“the Society”). The further submission opposes the original submissions by Gertrude’s Saddlery Ltd and Larchmont Developments Ltd, seeking rezoning of land at Atley Road, Arthurs Point from Rural to Lower Density Suburban Residential and Large Lot Residential.
  
2. I hold a Bachelor of Town Planning degree and a post-graduate Diploma of Landscape Architecture; and I am a Fellow and past President of the New Zealand Institute of Landscape Architects. I have practised as a landscape architect for 40 years, and have undertaken a large number of strategic landscape studies, including those of the Auckland and Waikato Regions, the Whangarei, Far North, Otorohanga, Wairoa and Thames Coromandel Districts and the Kawhia and Aotea Harbour catchments. This year, I completed a study of the West Coast Region for both its regional and district councils. I have also been involved with the assessment of effects associated with a wide variety of development projects, including:
  - The Waitaki Hydro-electric Scheme;
  - Expansion of the Port of Tauranga and Northport at Marsden Point;
  - A variety of residential development projects throughout NZ;
  - Wind farms both locally and in Australia (Waverley, Turitea, Te Rere Hau, Project Central Wind, Sidonia Hills, Allandale and Ballarat); and
  - Various public projects, including the Waterview Connection Project (Auckland), the Hagley Cricket Oval, Eden Park (for the Rugby World Cup in 2011) and even the channel Tunnel Rail connections in the UK.
  
3. I have appeared in the Environment Court well over 100 times.

### **EXECUTIVE SUMMARY**

4. Although the Gertrude Saddlery and Larchmont submissions primarily pertain to rezoning of land on the Shotover Loop, subject to a master plan prepared by Boffa Miskell Ltd, they also bring into sharp relief issues related to the ‘re-naturalising’ of Queenstown’s landscape and the protection of both the District’s ONLs and ONFs.

5. Yet, as most of my evidence also predates the distribution of evidence prepared by Ben Espie and Yvonne Pfluger in relation to this matter, while the clearance of exotic trees across the Shotover Loop was both instigated and has continued through the course of my evidence preparation, there is also the sense that the ground has rapidly shifted in the course of my evidence preparation – and this is not over.
6. Reflecting on all of these matters, I want to focus on just a few key conclusions that I have reached in preparing this statement:
  - a) The first is that the proposed rezoning would ‘plonk’ two forms of essentially suburban residential development on the crest and side slopes of that part of the Shotover Loop that is largely undeveloped and rural at present. This represents an unambiguous change to the character of that part of the Shotover Loop, notwithstanding the insinuation that a degree of buffering will occur because of the proposed mitigation planting and revegetation.
  - b) Secondly, the subject properties are currently located within the Western Whakatipu Basin ONL and on the edge of the Shotover River ONF. Even if the argument posed by Ben Espie and Yvonne Pfluger about the ONL status of the Arthurs Point and Shotover Loop residential areas being anomalous is accepted, this does not – in its own right – reduce the landscape sensitivity of the subject properties. Both lie within the landscape ‘frame’ (section 6(b)) of the Shotover River and are important components of its natural character ‘context’ (section 6(a)). Moreover, the Shotover River is, in many regards, the archetypal landscape feature that not only provided the foundation for Queenstown’s original gold rush, but also underpins its current one focused on tourism. The river has a public profile and presence that is a key part of Queenstown’s signature.
  - c) Thirdly, the on-going removal of exotic trees will reshape the Shotover Loop: it will inevitably appear less natural, coherent and aesthetically appealing than it has until very recently. Yet, this is also the case in relation to the slopes below and either side of Coronet Peak, but no-one has suggested that those slopes should lose their ONL status. This is only a temporary state and eventually, a natural equilibrium will be restored. The historic descriptions and photographs I have seen confirm for me the Site has significant value whether the conifers remain or not, and over time, if

left subject to rural zoning, the Loop landscape will heal and revegetate – hopefully, in a more natural fashion. However, this is most unlikely to happen if the crest of the Loop and its more elevated and prominent, side slopes are covered in residential development.

- d) Fourthly, without tree cover, the non-developed part of the Shotover Loop will be even more sensitive to change and development than it has been in the recent past. Its schistose cliffs, slopes and knolls will be laid bare, and its convex profile – elevated well above the Shotover River, Gorge Road, Watties Track, the residential enclave around Atley Road and Matthias Terrace, and other local vantage points – have very limited ability to visually absorb or integrate new development. To the contrary, the subject properties have a high degree of intrinsic sensitivity to change, and this will not be easily offset by a few strands of mitigation planting and revegetation, even less so over coming years, perhaps decades.
- e) Lastly, this sensitivity is only increased by the southern Loop's exposure to a wide range of public and private vantage points that include:
- Parts of Littles Road;
  - Parts of Arthurs Road;
  - The Nugget Point hotel / residential node;
  - The residential catchment around Atley Road, Matthias Terrace, Larkins Way and Larchmont Close, stretching up to Arthurs Point Road and Morning Star Terrace;
  - Gorge Road, especially so near the informal lookout created by the bus stop and parking area opposite the old pub / hotel site;
  - The community of residential properties found across the slopes south of Gorge Road, around Arthurs Road, McChesney Road and Crows Nest Road;
  - Public trails, including the Twilight Track and Watties Track;
  - A number of residential properties, together with The Canyons B&B and Trelawn Place (hotel) north-east of Gorge Road; and
  - Parts of the Shotover River and Big Beach.

7. As a result, the proposed rezoning would give rise to a fundamental change to the character and values of the southern end of the Shotover Loop: that part which is most crucial in terms of public perception of the Shotover River and its margins,

and which is also critical to the sense of connection between the ONL at Arthurs Point and the rest of the Western Whakatipu Basin ONL – linked via the river corridor and terraces / promontories either side of it. The southern end of the Loop and associated river corridor are also fundamental to the ONL's engagement with the alpine domain that encloses it, most notably from Bowen Peak through to Queenstown Hill and the Sugar Loaf, creating the 'sublime landscape' described by Dr Read in 2017.

8. These various considerations suggest to me that the proposed development is completely contrary to any notion of protection for ONL values, or indeed the regeneration of such values, as will be crucial to all ONLs affected by exotic tree removal in coming years. In addition, it would encroach on the margins of the Shotover River ONF to a degree that threatens the very integrity of that outstanding natural feature – one of considerable renown and importance for Queenstown.
9. Irrespective, therefore, of whether or not Council agrees with me that the Western Whakatipu Basin ONL should remain 'as is', the Gertrudes Saddlery / Larchmont proposals would have a high level of effect on the landscape values of both Arthurs Point and the Shotover River. In my opinion, those effects cannot be effectively avoided, ameliorated or mitigated, and as such, it is also my assessment that they would be contrary to key provisions in Chapters 3, 4 and 6 of the PDP and – at the very least – section 6(b) of the RMA; conceivably section 6(a) as well.

## **CODE OF CONDUCT**

10. I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. This evidence is within my area of expertise, except where I state that I am relying upon material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

## **SCOPE OF EVIDENCE**

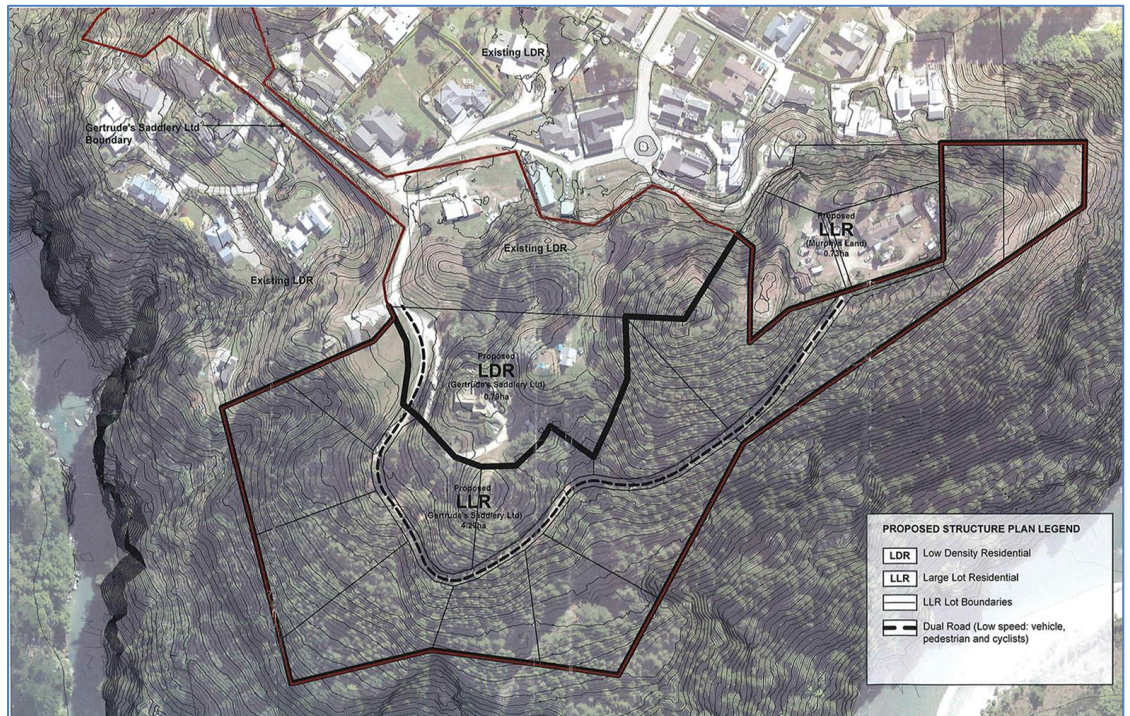
11. My evidence addresses the submissions of Gertrude's Saddlery Limited and Larchmont Developments Limited in relation to physically contiguous properties at 111 and 163 Atley Road. These are located on a promontory at Arthurs Point, known as the 'Shotover Loop', that sits within the Western Whakatipu Basin ONL and on the edge of the Kimiākau (Shotover River) ONF.
12. My evidence addresses the following matters:

- a) My understanding of The Gertrude's Saddlery and Larchmont proposals in relation to the Urban Growth Boundary and residential zoning at Arthurs Point;
- b) The subject site and its wider landscape context;
- c) Key values and sensitivities associated with Arthurs Point and the subject site;
- d) Past assessments, evidence and decisions addressing Arthurs Point;
- e) The statutory framework applicable to the Site, the ONLs and ONFs;
- f) The effects of residential development on the subject site;
- g) Key findings;
- h) A review of the proposed rezoning against relevant statutory instruments in light of the effects identified; and
- i) My conclusions.

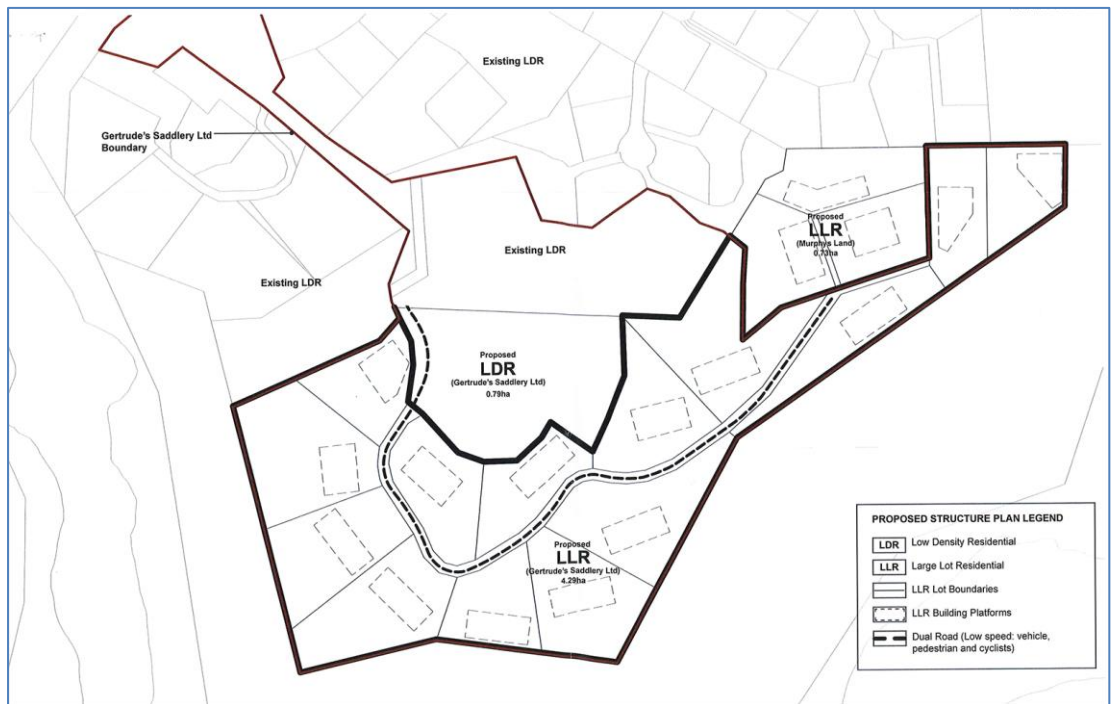
## **THE PROPOSAL**

- 13. The history of the Gertrude's Saddlery and Larchmont submissions is summarised at paragraphs 5.1 to 5.11 of Ruth Cameron's Section 42A Report. However, the submitters' combined proposals have been refined since their initial submissions in 2017 and (I understand) are now encapsulated by a 'draft master plan' that was prepared by Boffa Miskell Ltd and submitted to QLDC on the 14<sup>th</sup> of October 2022, together with the evidence of Andrew Fairfax, Yvonne Pfluger and Ben Espie.
- 14. Under that master plan, the existing area of Lower Density Suburban Residential development around Atley Road would extend southwards, so that it starts to traverse the 'ox-bow' ridge or Shotover Loop below Edith Cavell Bridge that the Kimitiākau / Shotover River physically circumscribes.
- 15. Under the PDP, residential allotments of 450m<sup>2</sup> (or residential units of 300m<sup>2</sup>) could be established within the proposed LDR Zone extension, abutting residential development already found off Atley Road and Larchmont Close, while an area of Large Lot Residential is proposed to extend outwards onto the shoulders of that same ridge, closer to the river corridor. Eleven 11 lots would be concentrated within the smaller LDR extension atop the schistose landform, while an outer half-ring of large lot residential development would accommodate up to 19 dwellings on the elevated slopes around it .

16. Figures 0, 1 and 3 (below and overleaf), taken from the 'draft master plan' encapsulate the main zoning changes proposed.



**Proposed Structure Plan – Overlay (Figure 0)**



**Proposed Structure Plan (Figure 1)**





**Proposed Structure Plan – Planting Overlay (Figure 3)**

17. Both the LDSR and LLR zones are urban zones under the PDP, within the Urban Environment chapters in Part 3 of the PDP, which is a different and distinct planning framework compared to the existing rural zoning under Part 4. I have therefore assumed that the submitters' relief is seeking to remove the ONL/ONF in its entirety from the submitters' properties and relocate this demarcation, and the UGB to the outer extent of the property. The master plan does not identify any of these features.
  
18. In relation to the form and densities of development accommodated by both proposed zones, it is clear that the Lower Density Suburban Residential Zone makes few concessions to its landscape setting. As explained in the LDR "Zone Purpose":

*The Lower Density Suburban Residential Zone is the largest residential zone in the District. The District Plan includes such zoning that is within the urban growth boundaries, and includes land that has already been developed - as well as areas that will continue to be developed over time.*

*Fundamentally the zone provides for both traditional and modern suburban densities and housing forms. Houses will typically be one to two storeys in height, detached and set on sites between 450 and 1000 square metres in area. In addition, and to help meet the needs of the community, the zone also enables increased density by allowing sites down to 300 square metres in area and larger comprehensively designed developments. ....*



19. Consequently, development within the LDR is not designed to 'fit in with' or specifically complement the landscape attributes and values of particular locations. It is simply an urban zone that is generally applied to locations considered suitable for residential development. The potential for development of greater intensity – down to the Restricted Discretionary limit of 300m<sup>2</sup> per lot – would inevitably increase any such dissonance.
20. In contrast, the PDP's Large Lot Residential Zone has a general housing density of one residence per 2,000m<sup>2</sup>. While larger allotment sizes are specified in the master plan, residential land uses are encouraged (Objective 11.2.2) and the zone does not contain any policy protection for landscapes of any type, with only Policy 11.2.1.1 requiring "*larger allotment sizes in those parts of the zone that are subject to significant landscape and/or topographical constraints (Area B)*".
21. The zone contains a number of built form standards that are geared to manage built form effects in a residential, urban setting, but not to an ONL / ONF or even amenity landscapes. Application of LLR zoning to the subject properties would therefore rely on the use of various measures – perhaps including micro-siting, use of recessive building colour and materiality, bunding and planting – to try and integrate development into the subject sites. However, none of these measures are required, so that LLR zoning actually promises no more than conventional residential development across the proposed master plan lots, albeit at a lower density than some other residential zones.

## **THE SUBJECT SITE & ITS WIDER SETTING**

22. Arthurs Point lies at the southern end of Mt Dewar, with its elevated ridge or peninsula projecting out from the mountain to create three distinct features:
  - The deviated course of the Kimiākau / Shotover River, with its incised corridor wrapping around the schistose landform of the Shotover Loop;
  - The deeply etched profile of its gorge, extending down from above the Piano Terrace, past Gorge Road, to just below the loop' approaching Big Beach; and
  - The schistose knoll or ridge and series of secondary knolls on the Shotover Loop, including its cascading sequence of slopes that extend down to the Shotover River and its largely tree-lined skyline.

23. These characteristics coalesce and become most pronounced from a public perspective near Gorge Road (south of Edith Cavell Bridge), in the vicinity of the Shotover Jet headquarters, around Watties Track, and around the more open river fairway of Big Beach. The dark aquamarine to turquoise waters of deeper sections of the river provide the centrepiece for this landscape, merging with the fast running shallows at the jet boat facility and Big Beach, while the jagged profile of the gorge and schist slopes hanging above it provide a dramatic close-up frame. In turn, these are firmly linked to the alpine geomorphology and profiles of Mt Dewar, Bowen Peak and the Sugar Loaf – which enclose the river channel and Arthurs Point on three sides.
24. The existing residential settlement both sides of the river is also apparent, but for the most part it sits ‘in’ this spectacular alpine landscape, as opposed to appearing ‘plonked on top of’ it. Particularly crucial in this regard is the progressive stepping of development up the slopes south of Gorge Road – intermixed with vegetation of various kinds – and its location on shallower flats and terraces around the Shotover Loop.
25. Vegetation across and around the settled parts of Arthurs Point further complements the screening afforded by (for the most part) reasonably recessive placement of most existing residential development within the locale’s terrain. In particular, a mature canopy of larch and Douglas fir was, until recently, firmly established across most of the undeveloped, and less developed, crown of the main schistose peninsula / knoll – as well as around its periphery. This enclosed and buffered most of the existing residential development on flatter terraces around Atley Road, Matthias Terrace, Larkins Way and Larchmont Close, to the extent that there is only limited awareness of this residential catchment’s proximity to, and engagement with, the Shotover River from most public vantage points
26. This vegetation cover also added a veneer of naturalness, visual cohesion and continuity to a landscape that actually contains a wide range of activities, structures and modification within it. Inevitably, therefore, the very recent felling of most of the trees across the Gertrude’s Saddlery land has already had an impact on these and other qualities associated with both the ONL and its ONF margins. I address these in some detail later in my statement.
27. Focusing more specifically on the key landscape attributes and values associated with both the Kimiākau (Shotover River) ONF and the more wide-spread Western Whakatipu Basin ONL, the following are my interpretations of both.

## The Kimiākau (Shotover River) ONF

28. For most of its passage between Edith Cavell Bridge and Big Beach the river course comprises the following key **biophysical elements**:
- a) A deeply etched chasm and river channel that is downcut between the tongue of montane terrace that comprises the Shotover Loop and the rapidly descending slopes of Bowen Peak, Queenstown Hill and the Sugar Loaf that arc around it from west to south-east. As described in paragraph 37 (addressing Environment Court decision EnvC 03 [2002]), the loop / tongue is a key part of what is described by Mr D J A Barrell of the Institute of Geological and Nuclear Sciences Ltd as being “*the best preserved, most easily accessible example of a glacier terminus in the Wakatipu Basin*”, while the gorge created by glacial retreat has, in part, also created the narrow defile that is now known as the Shotover Gorge.
  - b) A steep-sided sequence of schistose escarpments, cliffs, bluffs and rock outcrops that line the gorge itself – merging with the more rounded battered, profile of still steep slopes above and around it. On the Shotover Loop this clearly defined, river channel ‘rolls over’ into the rounded profile of the remnant ‘schistose knob’ (Helen Mellsop) that has, until recently, remained covered in deciduous forest, and whose convex landform continues to separate the ONF from the main bulk of residential development around Atley Road and Matthias Terrace.
  - c) The boulder and rock outcrop strewn margins of the actual river at the foot of the gorge which are especially notable down both of its flanks near Edith Cavell Bridge, but which are often interspersed with narrow gravel ‘beaches’ as the river starts to curve from south to east above Big Beach. These narrow strips of shingle often become larger braids around this corner, extending down-river.
  - d) The river channel, which is marked by azure blue waters within the deeper, steeper chasm just below Edith Cavell Bridge. These become more turquoise and multi-hued as the channel depths become more variable near the main turning point in the river, extending eastwards.
  - e) A canopy of pines, larch, Douglas fir and other exotic trees, together with rosehip and other weed shrub species that, until recently covered the higher gorge slopes and the rounded crown of the Shotover Loop. This cover – dominated by pines closer to Edith Cavell Bridge and larch further

south – is now fragmented by recent clear felling, although exotic shrubland still covers much of the mid-gorge and higher slopes, extending into the residential area around, and above, Gorge Road.

29. In terms of the ONF's **perceptual values** near the Shotover Loop, the following are particularly significant in my opinion:

- a) The high level of perceived naturalness of the river waters, gorge defile and their composite margins – including the elevated, convex profile of the Shotover Loop's schistose knob – that provide both the visual centrepiece and 'frame' for views of the river. In views from some locations this visual frame expands to include surrounding slopes and peaks, such as Queenstown Hill and the Sugar Loaf viewed from Arthurs Road or Crows Nest Road, and Bowen Peak looking south from Watties Track. In such views there is no differentiation between areas inside and outside the ONF, as the steeper slopes and scarps found closer to the river at the southern end of the Shotover Loop merge seamlessly with the more elevated slopes and schistose knolls / ridges on, and near, its skyline. There is no natural 'break' in terms of this biophysical continuum and its naturalness until near the A frame and water tanks atop 111 Atley Road. Although recent logging has provided a different form of discontinuity, I accept that this is temporary and it does not, in its own right, transplant human-made structures either into the Kimiākau ONF or across the margins that influence perception of it.
- b) Focusing more on the ONF's legibility as a feature and, by extension, both its memorability and aesthetic values, the river's ravine – like channel is highly legible. It carves a very distinctive course through the folds in the mountain landscape around Arthurs Point that is accentuated by its sharply etched cliffs and dark blue/ turquoise waters. The flow of water down the gorge adds a dynamic quality to the ONF that, together with the other qualities outlined above, establishes the foundation for the fame of Shotover Jets and the river's appeal for other recreational uses. Most of the river is hidden from easy public viewing, so that Arthurs Point, Watties Track and – in particular – glimpsed views from Gorge Road, provide the main 'front door' to the Shotover River. Even though views of the actual river are often limited, there remains awareness of its presence, and its immediate landscape frame includes both the actual ONF / gorge and the higher slopes of the Shotover Loop – without any visual demarcation or separation between them.

- c) The gorge's more formative characteristics are clearly apparent in many of the elements that I have already described, from its downcutting waters and steep bluffs to the sequence of remnant schistose knolls and ridges atop the southern Shotover Loop. Together, these 'speak to' the glacial deposition and retreat that has (respectively) left a tongue / terrace of land projecting southwards from Mt Dewar and the scouring out of valley corridors that are associated with both the lower Shotover River and Malaghans Road. The long-evolved course of the Shotover River has cemented and now strongly articulates this geophysical evolution. In this regard the residual, elevated crown of the Shotover Loop is just as significant as the sheer scarps, rock outcrops, braids and beaches within the river ONF. They are all part of a geophysical continuum that culminates in both the river course and channel – at the centre of this dynamic system – and the knolls and ridges that comprise its skyline. Indeed, this sequence of elements and its overall centrality is particularly apparent in more expansive views from (for example) the Twilight Trail, Watties Track and Crows Nest Road, which are sufficiently elevated to provide more of an overview of the river and its surrounds.
- d) In terms of shared and recognised values, various studies undertaken into public attitudes about landscape values have shown that the more natural a landscape is, the more appeal it has. Those include studies of the Auckland Region, Westland, Kaikoura, the Coromandel Peninsula, Otago and other tourism 'hot spots'<sup>1</sup>, all of which emphasise the value of protecting natural landscape's values to maintain their public and visitor / tourism appeal. In addition, the very ubiquity of tourism knowledge about the Shotover Jets experience casts a strong spotlight on the ONF within which such activities occur and its wider setting.

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<sup>1</sup> *An Analysis of the Relationships Between Multiple Values and Physical Landscapes at a Regional Scale Using Public Participation GIS & Landscape Character Classification*; Landscape & Urban Planning 107 (2012), pp.317-331; Lars Brabyn & Greg Brown

*Public Perceptions of Outstanding natural Landscapes In The Auckland Region, Research Report No. 273*, John R Fairweather, Simon R Swaffield, David G Simmons. 2004.

*Understanding Visitors' Experiences In Kaikoura Using Photographs Of Landscapes & Q Sort. Report No. 5.* John R Fairweather, Simon R Swaffield, David G Simmons. 1998.

*Understanding Visitors' And Locals' Experiences Of Rotorua Using Photographs Of Landscapes & Q Sort. Report No. 13.* John R Fairweather, Simon R Swaffield, David G Simmons. 2000.

*Visitors' And Locals' Experiences Of Westland, New Zealand. Report No.23.* John Fairweather, Bronwyn Newton, Simon R Swaffield, David G Simmons. 2001.

*Public Perceptions Of Natural And Modified Landscapes Of The Coromandel Peninsula, New Zealand. Research Report No. 241.* John R Fairweather, Simon R Swaffield. October 1999.

- e) The ONF's visual coherence and sense of intactness relies very heavily on the avoidance of modification of its geomorphological character, the retention of a unified and consistent surficial land cover – vegetation primarily, and the avoidance of incursion by human development and structures. Both of these are clearly breaking down under the weight of the recent tree felling, although the geomorphological nature of the river corridor and most of the schistose knob is still intact and structural / built form incursion onto it is also quite limited at present. It is possible that the coherence and intactness of the ONF and its margins could recover eventually as a native vegetation regime is established across the slopes enclosing the river, but this alone will take decades. To unfold.
30. In terms of the Shotover River's **associative** values, it clearly has strong connections with the gold mining that flourished at Arthurs Point around 1862 and the Gorge Road route to the gold field that remains to this day. Since then, Arthurs Point and the Shotover River (once called the 'Tummel', then the 'Overshot') has become much more renowned as a tourism destination, combining a spectacular river landscape with the thrills and spills of jet-boat technology, and other recreational pursuits – including rafting and canoeing. It has also been eulogised in art works and stamps, while southern banks of the river now provide the setting for a hotel, b&b and wedding venue.
31. Viewed in the round, it is clear that the Kimiākau ONF has significant visual and recreational / tourism presence. It embraces a dynamic and highly distinctive river corridor that is nationally, if not internationally, renowned. However, it cannot be readily separated out from its wider landscape setting that includes surrounding peaks, but also the more elevated slopes and skyline of the Shotover Loop's schistose knob. That feature alone – both inside and outside the ONF – is recognised by the Environment Court as a geomorphological feature that has value in its own right: not sufficient to qualify as an ONF on its own, but nevertheless intertwined with the Shotover River corridor that does. Although the top of the river's main scarps and bluffs theoretically separates the ONF from the rest of the Shotover Knob, I regard that differentiation as being quite artificial.
32. There is, in reality, a seamless merger of the geomorphological features and landscape of both; and in this context, it is difficult to see how the values of the ONF could be protected (in terms of s.6(b) of the RMA) without effective management of the landscape 'curtilage' of the schistose knob that is so directly associated with the river corridor.

### The Western Whakatipu Basin ONL

33. Turning from the quite specific locality of the Shotover River at Arthurs Point to the much grander scale of the Western Whakatipu Basin ONL, it is clear that Arthurs Point, the Shotover Loop and adjacent parts of Shotover River comprise a small-scale 'sub-set' of the ONL. As is common elsewhere throughout the district, the Kimiākau ONF is nested within this ONL, so that there is, in my opinion, a degree of overlap between their respective values. Moreover, because the residential settlement at Arthurs Point is also nested within the ONL, in a rather unusual fashion, its values should remain subservient to those of the ONL or, at worst, be neutral and benign in relation to them.
34. Key among those **biophysical** characteristics and values of more relevance to Arthurs Point are the following.
- a) The course of the Shotover River, including its gorge and its deeply incised form framed by the Shotover Loop and lower-mid slopes of Queenstown Hill, the Sugar Loaf, Bowen Peak and Mt Dewar.
  - b) The terrace / tongue of glacial deposition below Mt Dewar that is the Shotover Loop.
  - c) The wider sequence of glacially eroded landforms across the western Whakatipu Basin that include the main river valleys around the Shotover River and Malaghans Road.
  - d) The sequence of river braids, scarps, bluffs and slopes within and around the Shotover Gorge.
  - e) The presence of suburban and commercial development at Arthurs Point that is a subservient to neutral component of the ONL.
35. More **perceptual** attributes and values include:
- a) The interplay of landforms across the basin and around its margins – ranging from river valleys, gorges and outwash plains / terraces to more elevated ridges, terraces (such as the Shotover Loop) and other *roche moutonnée* features, then the basin's sub-alpine margins. These convey a strong sense of its formative glacial processes and underpin its residual naturalness.



- b) At a macro level, this is augmented by the interplay of the basin landscape with the grandeur and spectacle of the mountain / alpine landscapes that enclose it; whereas at the local level it is reinforced via exposure to more specific features, such as the Shotover River ONF.
  - c) It is further assisted by the visually subservient presence of most residential and commercial development, which is more generally contained by landforms, but also vegetation cover in some specific locations – such as has been the case around the western to south-eastern flanks of the Shotover Loop until very recently. Within some areas of settlement, such as near Atley Road and Matthias Terrace, the sense of enclosure generated by both landforms and vegetation cover also creates the feeling of being contained within, and part of, the Western Whakatipu Basin ONL. At Arthurs Point, this is accentuated by the close proximity of a range of alpine peaks that both enclose and frame its settlement areas.
  - d) The visual legibility and aesthetic appeal derived from exposure to the interplay of landforms, land uses, vegetation and hydrological patterns at key points on local roads and tracks. Such locations include (for example) Gorge Road traversing Edith Cavell Bridge, Arthurs Point Road near Nugget Point, Littles Road near Big Beach, the Twilight Track and Watties Track. Some of these tracks also impart feelings of isolation, remoteness and wildness that amplify the perceived naturalness of parts of the basin, while the progression along these public thoroughfares is also critical to developing a mental map of the basin and appreciating its degree of cohesion and intactness as a whole.
36. Turning finally to the ONL's **associative** attributes, some key parts of it have a long-standing connection with Queenstown's history as a gold mining centre and its emergence as both a major recreation destination and NZ's adventure tourism capital. Key features and routes within the western Whakatipu Basin, including the Shotover River and Gorge Road, have key roles to play in this regard. Consequently, they are both central to retention of public perception and appreciation of the ONL: sustenance of its values relies on the protection of the values associated with nested ONFs like the Shotover River and key gateways in and out of it, such as that afforded by the Gorge Road.

#### Summary

37. Among the key points to emerge from this assessment are the following:

- a) Public perceptions of Arthurs Point and the Shotover Loop have traditionally been linked to Gorge Road, and over more recent years, with jet boating, rafting, canoeing and other ventures directly connected with the Shotover River. Even more recently, however, these connections and associations have further expanded to embrace new public 'routes' and vantage points, including the likes of the Moonlight Track and Watties Track – so that a range of perspectives are now offered of the locality, additional to those experienced by local residents.
- b) The Shotover River does not exist as a feature in its own right: it is intrinsically linked to the gorge, schistose slopes and knolls, and wider alpine landscape, that surround and visually frame it. The landform of the river corridor is critical to both its physical character and human perception of its value, and therefore to the combined spectacle and drama of its incised, down-cut fairway and dynamic water channel.
- c) The area around the river is still dominated by 'natural' landscape elements, patterns, and processes, notwithstanding the presence of housing, roading and tourism ventures around its margins. As such, the integration of development with the natural landforms of Arthurs Point is critical to the retention of the locality's core values. To date, this has been largely supported by the presence of vegetation on both the Shotover Loop and across surrounding slopes, irrespective of the fact that most of that cover is exotic.
- d) The Shotover River also displays high levels of wildness in places and, as a whole, is highly distinctive and memorable. Consequently, even though it is not identified as of the broader ONL's postcard views or features, I interpret the analysis of the ONF as implying that it nonetheless remains very important in terms of Queenstown's identity and sense of place.
- e) The Western Whakatipu Basin ONL retains sufficient naturalness in the vicinity of Arthurs Point to remain intact as an ONL, while the Kimiākau (Shotover River) ONF consistently displays relatively high levels of intactness and integrity. There is no reason to question its value as an ONF.
- f) Finally, Arthurs Point has a long history of being associated with gold prospecting and mining: it is now the 'back door' to Queenstown and affords important links to Coronet Peak, the Shotover Jet and other

tourism activities that are fundamental to Queenstown’s present-day ‘gold rush’.

## **PAST ASSESSMENTS, EVIDENCE & DECISIONS**

38. I very recently received and reviewed Council’s Section 42A Report. As indicated above, it helps to explain the more recent history of submissions pertaining to the PDP and Atley Road. In addition, I have reviewed two recent Environment Court decisions that directly address the Shotover Loop and the subject properties, together with a series of statements that address the Gertrude’s Saddlery and Larchmont submissions.

Environment Court Decisions [2019] NZEnvC 150, [2001] C 20 & (2002) C03

39. Of particular relevance to the current submissions is Environment Court Decision [2019] NZEnvC 150, which makes a number of key points. Thus, at page 6 of the decision, Judge Jackson refers to the Man O War decision (Waiheke Island)<sup>2</sup> in pointing out that the management of activities within ONLs does “*not relate to the quality of the landscape at the time the necessary assessment is made; rather, they relate to subsequent actions that might or might not be appropriate within the ONL so identified.*” Put very simply, activities consented within ONLs should be consistent with the attributes and values extant when the ONL is identified: ONLs and their boundaries should not be rearranged on the basis of anticipated change within them.
40. Secondly, at page 7 of the decision, the slightly anomalous situation of having urban areas within ONLs is addressed. This situation is unusual, but not a complete ‘one off’: for example, the village of Cardona finds itself in a similar situation. In both cases, relatively small scale, contained, urban settlements have been deemed to be physically and perceptually subservient to their respective alpine settings – although this inevitably raises issues in relation to the naturalness of those landscape surrounds and whether they remain sufficiently natural to be part of an ONL. In this instance, however, Judge Jackson goes on to make the point at paragraph 11 of his decision that no submission sought the demarcation of a non-ONL area at Arthurs Point or within the Shotover Loop, which renders such matters moot.

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<sup>2</sup> Decisions [2017] NZCA 24; (2017) 19 ERLNZ 662; [2017] NZRMA 121 al [31(a)]

41. Decision [2002] NZEnvC 03 more narrowly addresses some of the specific values of Arthurs Point, notably its geomorphological values in the context of the WESI factors associated with ONL identification. That decision contains the following information about such values (paragraphs 8-10):

[8] *Mr R F W Kruger, the landscape witness for WESI produced a report ..... by Mr D J A Barrell of the Institute of Geological and Nuclear Sciences Ltd. The IGNS report suggests that in the last glaciation (about 20,000 years ago) a steep off-shoot of the main Wakatipu glacier (which filled the valley where Lake Wakatipu is now) flowed north through Queenstown gorge, but was stopped by the Shotover River which then ran through Malaghan's valley at the foot of the Mt Dewar Coronet Peak Range. Of the Arthur's Point Dalefield area, only the very top of the ridge between the Shotover River and Malaghans Road was not covered by the glacier, as evidenced by a straight line of moraine (glacial rubble) on the south side of that ridge. The glacier gouged out the valley floor (underneath what is now Big Beach in the Shotover River), the steep sides of Queenstown gorge and the escarpment east of and above the Paterson land.*

[9] *When the glacier melted and retreated - starting about 15,000 years ago – the Shotover River cut its present course leaving a large piece of dead ice isolated on the north side of the river (immediately north-east of the Paterson land). Geological features such as moraines and kettle holes are evidence of that pattern of events. Another consequence of the ice's retreat was that very large landslides of schist (previously supported by the ice) fell down the northern valley sides giving them their lumpy shape.*

[10] *The IGNS report summarises the significance of the landforms as follows:*

### **3.3 Significance of Arthur's Point landforms**

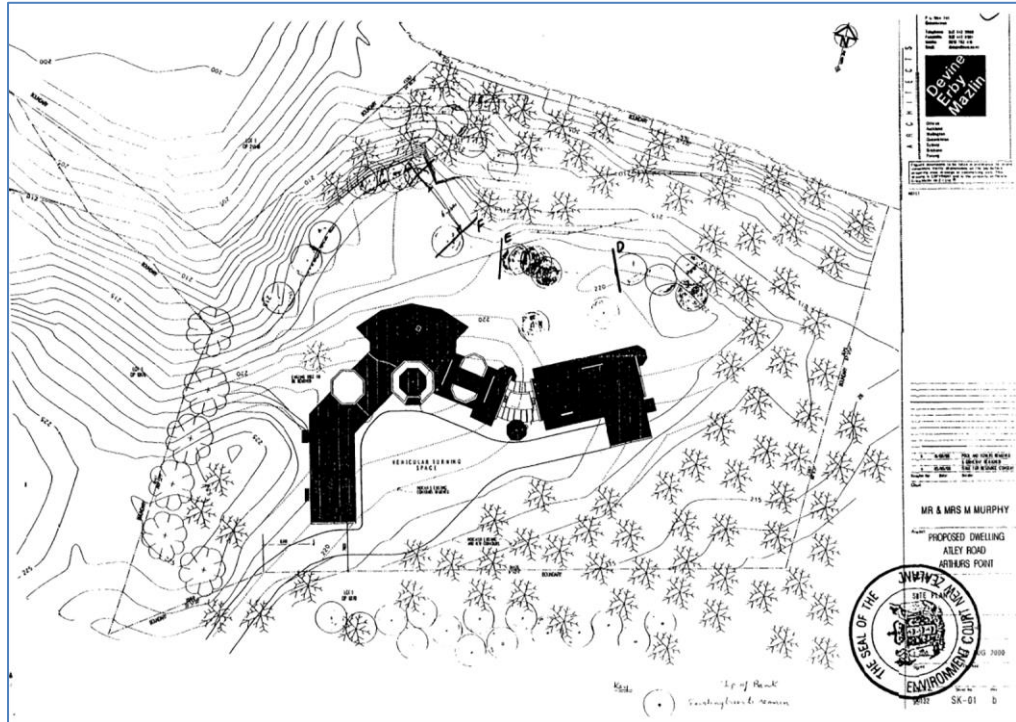
*The moraine, ice-sculpted bedrock, terrace and landslide landforms of the Arthurs Point area provide dramatic evidence of the nature, relationship and timing of the events and complex processes that have formed the general Wakatipu landscape. The ice-evacuated basin, and sequence of outwash terraces complete with remnant moraines and kettle holes, between the Shotover River and the Malaghan-Dalefield Rd intersection, is the best preserved, most easily accessible example of a glacier terminus in the Wakatipu Basin. It has the advantage of having clear features that could be readily explained to and understood by a layperson ..... The Arthurs Point landforms are as good a set of examples of these features as can be found anywhere in New Zealand, although other similar examples exist elsewhere in the South Island.*

*Of particular scientific significance is the evidence, preserved by landforms near Arthurs Point, of how glacial advances have modified the course and behaviour of the Shotover River. ....*

*In summary the landforms in this small area between Arthurs Point and Dalefield*

*contain all the key elements that both specialists and lay-people need to gain an insight into the processes that created the Wakatipu Basin landscape. They include the best and clearest examples of Last Glaciation glacier terminus moraine and outwash landforms in the Wakatipu Basin.*

42. Despite considerable modification of the Shotover Loop, primarily to accommodate residential development, these geological elements and exposures remain clearly apparent in the bold form of the Loop and profile of the Shotover Gorge. At a more fine-grained level, they are also apparent in the jaggedly striated, schist escarpments lining the river channel and, well above it, in the remnant knoll and other morainic landforms near the current ends of Atley Road, Matthias Terrace, Larkins Way and Larchmont Close (**Attachments 5, 8, 10, 12 & 15-18**).
43. Finally, in Decision [2001] NZEnvC 20, focusing much more specifically on the Murphy property off Atley Road, consent was granted by the Court for the construction and use of a sizeable residential dwelling. Granted with the agreement of the landowner, there are two notable features of the consent order: the requirement for location of a sizeable earth bund (1m high) between the house site and the Shotover River; and the retention and maintenance of larch trees around the house site “(including replanting if necessary)” – as per “Plan C” from the decision overleaf. The second of these conditions also states that: “*Those trees shall not be pruned to any extent that would compromise the ability of the trees to act as an effective screen*”.
44. This decision reflects the significance that Judge Jackson appeared to attach to the larch trees across the Shotover Loop, both in terms of its character and values, while the condition addressing their screening function clearly responds to the perceived need to maintain a buffer between the Shotover River and residential development nearby – such as that on the Murphy property.



**Decision 2001/20: Plan “C” – with earth bunding required between Points D and F, to be at least 1.0m high between Points D and E**

Evidence of Ben Espie, Dr Marion Read and Helen Mellsop

45. Focusing more directly on the alternative landscape evidence presented in support of, and opposition to, the Gertrude’s Saddlery and Larchmont proposals, the past evidence of Ben Espie, Dr Marion Read and Helen Mellsop convey somewhat different interpretations of the situation within and around the Shotover Loop. The following are brief excerpts from their assessments and statements that appear to summarise their various positions in relation to the values and sensitivity of the Shotover Loop and the margins of the Kimitiākau / Shotover River ONF

**Ben Espie (2017)**

46. In Mr Espie’s statement on behalf of the Gertrude’s Saddlery and Larchmont submissions, dated 9<sup>th</sup> of June 2017, his position in relation to the West Whakatipu Basin ONL appears to be encapsulated in the following paragraphs:

*5.12 The result is that Arthur’s Point is essentially an island of development zoning (LDRZ and RVZ) surrounded by a mountainous landscape that has a high degree of natural character when considered as a whole. It is important to note that the Environment Court hearings that led to these decisions (and the evidence that was heard) did not examine the Arthur’s Point area in any detail; they simply used the already existing zone boundaries as the ONL boundary. For this reason, no ONL boundary lines are shown on Appendix 8A of the ODP in the Arthur’s Point area.*

8.4 *In relation to landscape categorisation, the vicinity of the subject site has not been examined in detail by any past assessments. I consider that the part of the subject site that is outside of the Shotover Gorge is not part of an ONL. Its landscape character is significantly modified and is not particularly natural.*

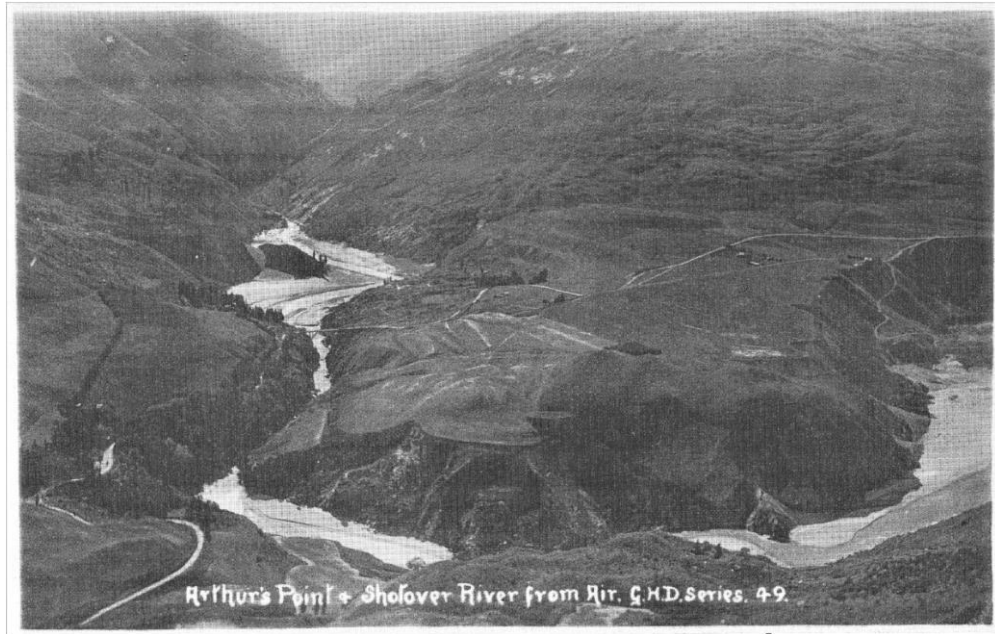
47. Commenting on the extent of the area that lies within the Shotover Gorge and the ONF that would conceivably be more effected by LDR and LLR development, Mr Espie comments as follows:

5.8 *I have considered the question of what is the upper extent of the Shotover Gorge on the northern side of the river in this vicinity. The Oxford Dictionary defines gorge as “a narrow valley between hills or mountains, typically with steep rocky walls and a stream running through it” and notes the origin of the noun as an Old French term for “throat”. On Appendices 1 and 2 I show a dashed line marking the upper extent of the extremely steep rocky walls that contain the Shotover in this vicinity. There is some merit in the argument that this line is the upper extent of the Shotover Gorge, since:*

- *in the truest sense, this is the extent of the steep rocky walls that contain the river;*
- *if this was to be the upper extent of the ONF then this would have some symmetry with the situation on the opposite (western) side of the river where Gorge Road sits at this level and marks the bottom edge of the operative and proposed LDRZ (as can be seen on Appendices 1 and 2).*

48. Mr Espie also references an historic postcard of the Shotover Loop at his Appendix 4 (copied overleaf), and appears to use this to support his position about the delineation of the gorge – as depicted in his Appendices 1 and 2, of which the latter is also copied overleaf (green line).

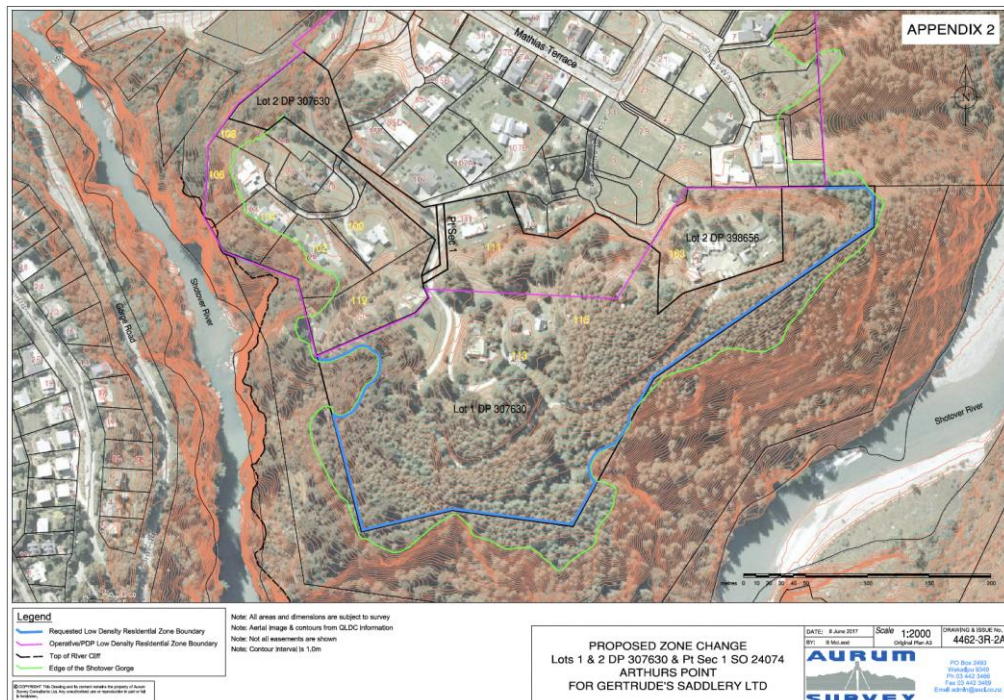




ESPIE APPENDIX 4 – HISTORIC PHOTOGRAPH FROM NEAR THE TOP OF SUGARLOAF ABOVE WATTIES TRACK

vivian+espie  
www.vivian-espie.co.nz

Ben Espie: Appendix 4.



Ben Espie: Appendix 2.

49. Finally, on the subject of the screening of current and proposed development on the subject sites, Mr Espie comments as follows:

6.9 In these existing views, the trees of the subject site are an important factor; they screen much of the existing built form within the site and give the site the appearance of a forest. As mentioned, these trees are self-seeded Douglas fir and larch. I understand that they could be cleared as a permitted activity. If this was to be done the site would look very different; much more built form

would be seen than is currently the case; including that which is unbuilt but is enabled by existing zoning. The site would appear much more open and human modification (buildings, roads, outdoor activities) would be much more evident.

**Dr Marion Read (2017)**

50. In Dr Read's review of submissions to the draft PDP, dated the 24<sup>th</sup> of May 2017, a somewhat different approach from Mr Espie was adopted. At paragraph 9.5 she described Arthurs Point as:

9.5 ..... A hard schist rock peninsula around which the Shotover River flows; the eastern facing mountain slopes of Bowen Peak to the west of the Shotover River; and the lower slopes of Mount Dewar to the east and to the north of the Shotover River. The mountains and peninsula are schist and a platform to the north of the peninsula has been formed by glacial till which the river has eroded along the western side, creating a set of river terraces. The topography of this area is complex, the river passing through a narrow gorge around the western end of the peninsula with steep cliffs dropping precipitously to the river. Bluffs of 60 to 80m follow the river along much of its true left through this area. .... It is a highly dynamic landscape with the river changing its level and flows; the autumn colours of the larches and poplars, in particular; and the presence of snow on the surrounding peaks in winter. Despite the invasion of conifers it has moderately high natural character, and high aesthetic value. It is highly expressive of its glacial and fluvial origins.

51. She then goes on to describe the area as including areas of (ODP) LDR and Rural Visitor zoning, but nevertheless states (paragraph 9.6) that "on the basis of the characteristics and qualities described above" it is appropriately nested within the much wider ONL that captures the western Wakatipu Basin. She also states that:

9.7 Of particular importance in this landscape is the corridor of the Shotover River. Its gorge around the peninsula and its corridor to the east is a spectacular landscape feature in its own right. Consequently I consider it important that the remaining natural character and high scenic value of this feature is maintained. ....

52. Focusing more directly on the Gertrude's Saddlery and Larchmont properties, Dr Read concludes as follows (pp. 35 and 36):

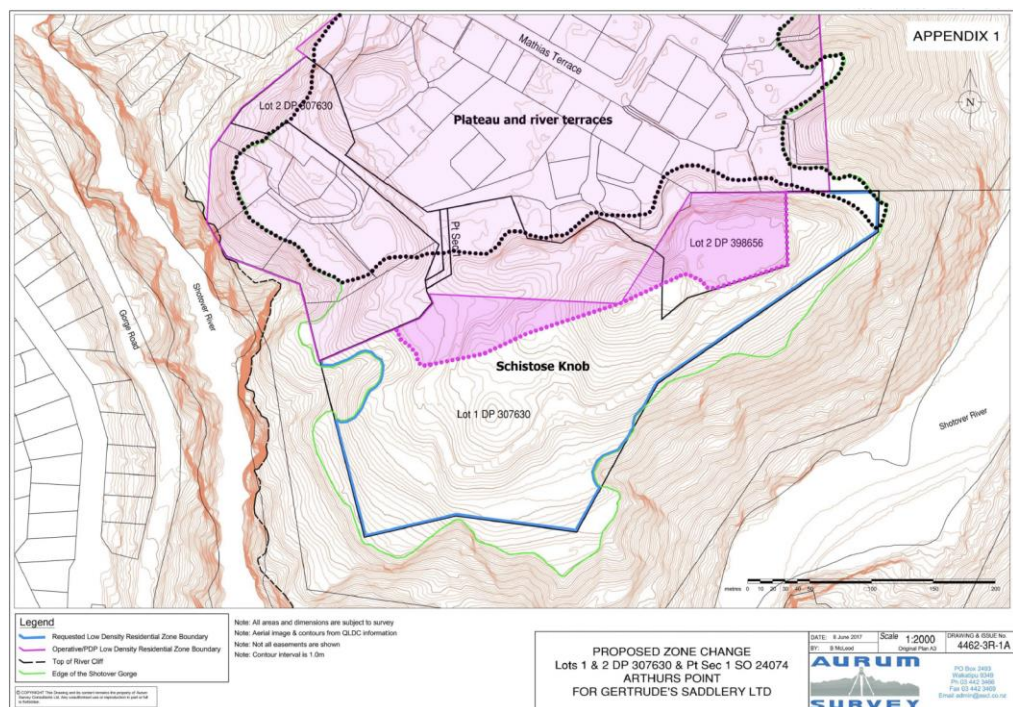
**163 Atley Road:**

..... Submission 527 requests that the border of the LDR zone be located at the boundary of the neighbouring property. This is down slope towards the river to both the north east and south and consequently I do not consider that this would avoid adverse effects on the river corridor.

**111 Atley Road:**

*The majority of this part of the site is hummocky, rather than flat or hilly. The area proposed to be rezoned follows the drive to the dwellings on Lot 2 DP 398656. This driveway is located on land sloping down to the south east and the river corridor. I consider that this location is too far to the east to ensure that adverse effects on the river corridor would not occur. The more westerly land, however, could absorb LDR development without significant effects.*

53. Consequently, Dr Read supported part of the relief sought by both submitters, but in so doing sought to maintain a clear topographic buffer between areas of residential development and the Shotover River. As a result, she delineated a boundary for the proposed LLR Zone as shown on the following map, with residential development to be contained 'inside' her pink dotted boundary



**Dr Marion Read: proposed LLR extension and boundary (in pink)**

54. In her Rebuttal Statement of the 6<sup>th</sup> of October 2017, Dr Read went on to confirm her findings in relation to Arthurs Point and the Shotover Loop remaining within the wider Western Whakatipu Basin ONL. She also commented on the trees covering much of its rocky peninsula:

2.1 *I understand there was some question at the hearing regarding the contribution of the trees on the subject site to its classification as a part of the Outstanding Natural Landscape (ONL). These trees are wilding species that have spread from adjacent plantings. While they contribute some aesthetic value, particularly in autumn (they are predominantly larches with orange/red autumn colours) the knoll without them*

*covered in pasture or regenerating indigenous vegetation would in my view remain justifiably part of the ONL.*

55. In returning to the issue of the extent of the ONL relative to Arthurs Point, Dr Read commented as follows:

*2.2 I reiterate that in my opinion the entire landscape in which the Arthurs Point Low Density Residential (LDR) and Rural Visitor Zone (RVZ) are embedded is ONL. The natural character of the landscape varies from very high, mostly in the higher reaches of the surrounding mountains and on the steeper slopes adjacent to the river, to moderate in the vicinity of the settlement areas and on the face of Mount Dewar. This diminishment in natural character is principally the result of past land uses including farming and forestry resulting in the spread of wilding species and interventions in the landscape such as tracks and other earthworks. It has other important qualities which warrant its inclusion as an ONL and these include its aesthetic qualities, and its historic associations. It is, in my opinion, indisputably a part of the sublime landscape of the surrounding mountains.*

### **Helen Mellsop (2022)**

56. Helen Mellsop's review of the Gertrude's Saddlery and Larchmont submissions for Council's Section 42A Report is detailed. Among the points that she makes are the following:

#### *Visibility:*

8.4 *This change in landscape character from partly vegetated knoll with a few well-integrated dwellings, to urban form, would be seen from many places within the Arthurs Point basin. These places include (refer to Appendix C for a location map and associated photographs):*

- a) The LDRZ to the north on Atley Terrace;*
- b) A section of Arthurs Point Road north of Atley Terrace;*
- c) Walking/cycling tracks in the Department of Conservation (DOC) reserves leading down to the river;*
- d) The floodplains and surface of the Kimitākau Shotover east of the submission sites;*
- e) Little's Road further to the east;*
- f) The McChesney Road area of Arthurs Point settlement;*
- g) Gorge Road near the site of the former Arthurs Point Tavern; and*
- h) Watties Track and dwellings on this road that look north towards the knoll*

#### *Effects:*

8.6 *From viewpoints to the north on Atley Terrace, development enabled by the proposed LDRZ development would be largely screened by the rising topography, and by future development within the 1.6ha area of 111-115 Atley Road already zoned LDRZ. More*



*of the urban spread would be seen from the elevated vantage points on Arthurs Point Road. Any additional loss of tree cover would be clearly noticeable and any intensification of development at 163 Atley Road is likely to be prominent. ....*

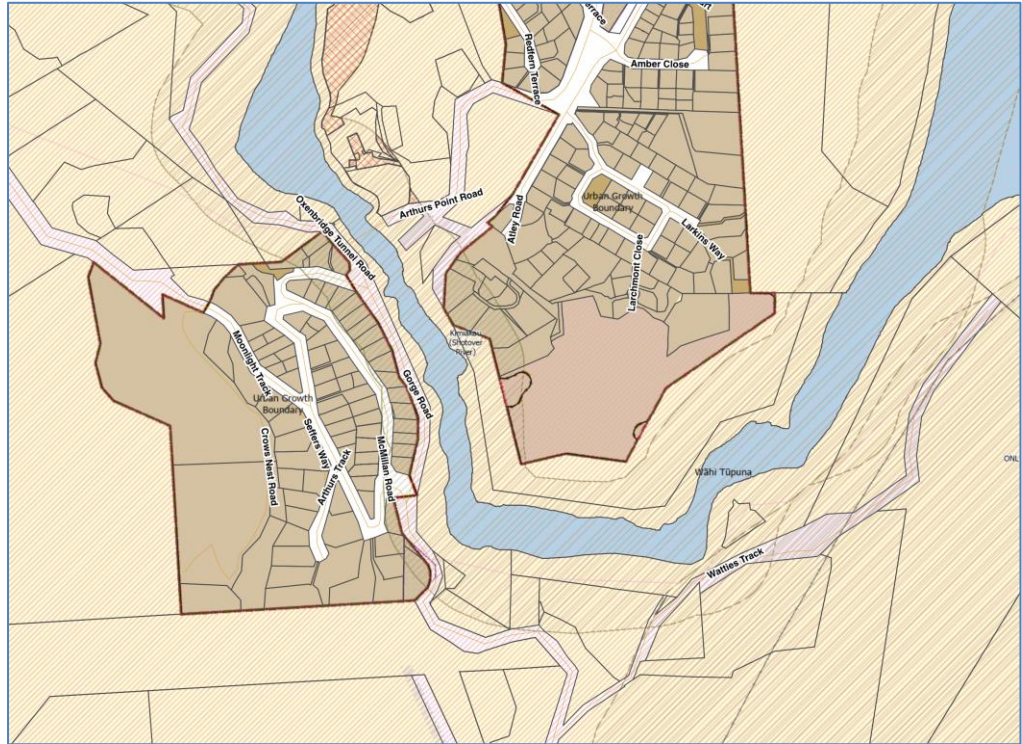
- 8.7 *The naturalness, legibility and memorability of the knoll would be adversely affected in these views, but given the existing and anticipated LDR development on the landform, I consider that adverse effects on the character and values of the landscape would be low- moderate in extent.*
- 8.8 *When viewed from the tracks leading down to the river and the river surface and floodplains to the east, I consider that spread of urban form over the crest, and eastern and southern slopes of the knoll would be obvious. This change would also be visible from Littles Road and prominent from Gorge Road, Watties Track and the McChesney Road area. Development would be in close proximity to the informal track and lookout accessed from the end of Larkins Way. From all of these areas, the development would detract from the naturalness, legibility and memorability of the knoll, which would no longer form a natural landmark and 'bookend' to the Atley Terrace settlement or a natural enclosure to the Shotover gorge. While openness is not a valued attribute of the knoll, extension of LDRZ would remove the open character created by recent wilding conifer removal.*
- 8.9 *In my opinion, adverse effects on the physical, perceptual and associative values of the wider ONL would be moderate in extent. This is because the knoll is a prominent, legible and memorable element within the Arthurs Point basin. It contributes to the quality of available scenic views and to the shared and recognised values of the mountainous ONL setting of Arthurs Point.*
- 8.10 *Where existing urban development is not currently visible (for example on Gorge Road, Watties Track and some parts of the river floodplains), the rezoning would detract from the significant naturalness of the river ONF and from its scenic and wildness / remoteness attributes. While the LDRZ on the southern side of the knoll might not be within the ONF, it would be within the river corridor. The steep escarpments within the ONF can be differentiated from the slightly less steep slopes of the knoll, but they are perceived as a single enclosure to the river from the west and south. Rezoning would consequently affect the values of the adjacent ONF and in my view, adverse effects would be moderate-high in extent.*
- 8.11 *Rezoning may adversely affect the cultural values of the landscape for mana whenua. However consultation with affected iwi and 27upu would be required to determine the nature and magnitude of any effects.*
- 8.12 *In summary, I do not consider the rezoning relief sought would protect the values of the ONL and Kimiākau Shotover River ONF in the receiving landscape.*
57. Clearly, these findings are 'poles apart' from those of Ben Espie and reflect a more fine-grained analysis of effects than Dr Read – who was addressing multiple submissions – could hope to undertake.

## Summary

58. In looking at these statements, I note that Mr Espie criticises Dr Read’s assessment of the situation at Arthurs Point (pp. 16 and 17 of his statement) and her delineation of the ‘gorge’ without the benefit of surveyed contours, of the kind shown in Mr Espie’s Appendix 2. Moreover, over the last few weeks (September to October 2022) much of the exotic woodland canopy across both submitter properties has been removed. This has dramatically altered the appearance of the crown of the peninsula at the heart of the Shotover Loop – a change that, although anticipated in both the Espie and Read statements, had yet to unfold in 2017.
59. Ms Mellsop, on the other hand, has had the opportunity to view the Shotover Loop subsequent to the tree felling on both subject properties. Consequently, her assessment is contextualised by that activity, which has resulted in the central knoll having an “*unkempt appearance*”, but also retaining a “*moderately high level of naturalness*” (Mellsop: paragraph 7.4). She also offers the opinion that despite this clearance, the “*three existing dwellings on the submission sites are still relatively well integrated by remaining vegetation and are not highly visible, except from Atley Terrace and Arthurs Point Road to the north*” (Mellsop: paragraph 7.3).

## **THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

60. I understand the following PDP map (overleaf) shows all of Arthurs Point within the Western Whakatipu Basin ONL, while the Kimiākau / Shotover River ONF generally follows the contours just below the proposed LLR Zone boundary – although part of the associated wāhi tūpuna overlay intrudes into the western side of proposed LLR Zone. The UGB extends around the parameter of the confines of the urban zoning, delineating between the urban and rural landscapes.



PDP map showing the Western Whakatipu Basin ONL overlaid on all of Arthurs Point while the Kimiākau / Shotover River ONF corridor follows the escarpment / gorge terrain margins both sides of the river.

61. A range of objectives and policies address the protection of the District's ONLs and ONFs. The following are particularly relevant to the current submissions in my opinion:

### **Chapter 3.**

#### **Outstanding Natural Features and Outstanding Natural Landscapes**

**3.2.5.2** *Within the Rural Zone, new subdivision, use and development is inappropriate on Outstanding Natural Features or in Outstanding Natural Landscapes unless:*

- a) *where the landscape values of Priority Areas of Outstanding Natural Features and Outstanding Natural Landscapes are specified in Schedule 21.22, those values are protected; or*
- b) *where the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are not specified in Schedule 21.22, the values identified according to SP 3.3.45 are protected.*

**3.2.5.3** *In locations other than in the Rural Zone, the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development.*

#### **Natural Environment**

**3.3.20** *Manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting*



*capacity is safeguarded; and natural character is maintained or enhanced as far as practicable.*

### **Outstanding Natural Features and Landscapes and Rural Character Landscape**

- 3.3.29** *For Outstanding Natural Features and Outstanding Natural Landscapes, identify landscape values and landscape capacity:*
- a) *for Priority Areas identified in Schedule 21.22, in accordance with the values identification framework in SP 3.3.36 - 3.3.38 and otherwise through the landscape assessment methodology in SP 3.3.45 and through best practice landscape assessment methodology;*
- 3.3.30** *Protect the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes.*
- 3.3.31** *Avoid adverse effects on the landscape values of the District's Outstanding Natural Features and Outstanding Natural Landscapes from residential subdivision, use and development where there is little capacity to absorb change.*
- 3.3.34** *For any Priority Area of any Rural Character Landscape where landscape character and visual amenity values and related landscape capacity are identified in Schedule 21.23, ensure that new subdivision and development for the purposes of Rural Living:*
- b) *maintains that landscape character;*
  - c) *enhances any visual amenity value that Schedule 21.23 specifies to be enhanced: and*
  - d) *otherwise maintains those identified visual amenity values.*

## **Chapter 4.**

### **Policies**

- 4.2.1.5** *When locating Urban Growth Boundaries or extending towns and rural urban settlements through plan changes, protect the values of Outstanding Natural Features and Outstanding Natural Landscapes.*

## **Chapter 6.**

### **Managing Activities in the Rural Zone**

- 6.3.2.7** *Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes in proximity to an Outstanding Natural Feature or Outstanding Natural Landscape does not compromise the landscape values of that Outstanding Natural Feature or Outstanding Natural Landscape.*

### ***Managing Activities on Outstanding Natural Features and in Outstanding Natural Landscapes***

**6.3.3.1** *Recognise that subdivision and development is inappropriate on Outstanding Natural Features or in Outstanding Natural Landscapes unless:*

- a) *Landscape values are protected; and*
- b) *in the case of any subdivision or development, all buildings and other structures and all changes to landform or other physical changes to the appearance of land will be reasonably difficult to see from beyond the boundary of the site in question.*

**6.3.3.5** *Ensure that the protection of Outstanding Natural Features and Outstanding Natural Landscapes includes recognition of any values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenua, including tōpuni and wāhi tūpuna*

## **LANDSCAPE EFFECTS**

62. I have visited the area around the subject site on many occasions in the past, as a regular visitor to Queenstown. I also undertook site visits to specifically address the matters raised by the Society on the 29<sup>th</sup> of June and the 14<sup>th</sup> of October 2022 – both before and after the felling of trees on the Shotover Loop. The photos found in my **Attachments 2-15** are mainly from the first of those site visits, but some of these images – from the same or similar viewpoints – cover both site visits, so that comparisons can be drawn between the situations with and without part of the Loop’s tree cover. I understand further tree removal has occurred since and I will attempt to revisit the site again before the hearing.
63. On the basis of these site visits, I have concluded that I largely agree with Helen Mellsop’s identification of locations that would be affected by development under the proposed zoning. This includes (moving from more remote vantage points towards the Shotover Loop: Mellsop, para. 8.4):
- Parts of Littles Road;
  - Parts of Arthurs Road;
  - The Nugget Point hotel / residential node;
  - The residential catchment around Atley Road, Matthias Terrace, Larkins Way and Larchmont Close – stretching northwards towards part of Arthurs Point Road and Morning Star Terrace;
  - Gorge Road, especially so near the informal lookout created by the bus stop and parking area opposite the old pub / hotel site;

- The community of residential properties found across the slopes south of Gorge Road, around Arthurs Road, McChesney Road and Crows Nest Road more directly, but also properties off Seffers Way and the Moonlight Track;
  - A more limited catchment of residential properties, together with The Canyons B&B and Trelawn Place (hotel) north-east of Gorge Road;
  - Watties Track; and
  - Parts of the Shotover River and Big Beach.
64. Those potentially more affected by residential development on the subject sites include:
- Local residents;
  - Local road users;
  - Visitors and tourists using the road network and staying at local visitor accommodation facilities;
  - Locals and visitors alike walking the local tracks – more particularly Watties Track and the Moonlight Track, or jet boating, canoeing, rafting and fishing up and down the Shotover River;
  - Wedding parties and other groups at the likes of The Canyons B&B;
65. The following summaries address the impact that the proposed rezoning (carried through to Boffa Miskell's master plan) would have on the different catchments and audiences that I have identified – focusing on effects related to my evaluation of the attributes and values associated with the Kimiākau (Shotover River) ONF and the Western Whanaka Basin ONL. My rating of effects for each catchment employs the following rating scale, which is consistent with the approach suggested in the NZILA's best practice guideline document – *Te Tangi a ate Manu* – that was published in May 2022 (overleaf):

Adverse Effects:		Adverse Effects Rating:	RMA Effects Rating:
1	No appreciable change to landscape character, together with landscape & natural character (river) values	Very Low	Less Than Minor
2	Limited change to landscape character; very little appreciable change to landscape & natural character (river) values	Low	
3	Increasingly evident change to landscape character; limited change to landscape & natural character (river) values	Low - Moderate	Minor
4	Appreciable change to parts of the local landscape, with a more obvious impact on some landscape & natural character (river) values	Moderate	More Than Minor
5	Marked change to parts of the local landscape, with an obvious impact on landscape & natural character (river) values	Moderate - High	
6	Obvious changes to landscape character with significant degradation of landscape & natural character (river) values	High	Significant
7	Severe modification of landscape character accompanied by degradation of landscape & natural character (river) values	Severe	

### Little's Road:

66. Looking from Little's Road across Big Beach, the curving arc of the Shotover River is contained by the slopes that rise up from its edge to the terrace around Atley Road and Matthias Terrace. This clearly defined, landform edge is amplified by the massed vegetation which traverses those same slopes, culminating in the elevated crown of larch, pines and Douglas fir at the end of the Shotover Loop (**Attachments 1 and 2**, Photos 1 & 2). Further contained by the alpine backdrop of Bowen Peak, with Queenstown Hill and Mt Dewar to the left and right respectively, a sliver of residential development caps the crest of the terrace above the Shotover River, but it remains entirely subservient to the array of mountains and river margins that enclose it.
67. Some areas of cut and clearance are already visible within the mature canopy of evergreen vegetation at the southern end of the Shotover Loop. Even so, it remains largely intact, helping to augment the more elevated sequence of knolls at that end of the Loop and providing an apparently natural frame for the adjoining river. The proposed LLR rezoning would amplify the level of vegetative clearance at the 'near end' of this area and spread residential development across the main knoll's profile. This would roll back over the Loop's main ridge / knoll, supplanting the current mixture of schistose landforms and vegetation that currently enclose and 'bookend' the current Matthias Terrace / Atley Road development area.
68. Inevitably, this would reduce the signature nature of (Ms Mellisop's) 'schistose knob' or promontory, and its inherent naturalness, with new housing across its elevated crest and upper slopes transitioning from a relatively low key, subservient, role

within the wider Shotover River landscape to becoming more prominent to dominant. Although such effects would be limited in absolute terms by the viewing distance from Littles Road to the Shotover Loop and the slightly oblique angle of viewing to it from this viewing area, these anticipated changes would still be clearly apparent and would have a moderate level of effect in my assessment.

### **Arthurs Point Road:**

69. In views from parts of Arthurs Point Road the broader expanse of housing around Atley Road and Matthias Terrace becomes much more apparent, whereas the side slopes and vegetation falling towards the Shotover River is more peripheral (**Attachment 3**, Photo 3). Even so, that vegetation cover remains a continuous feature of the terrace bank below this residential area, and it culminates in the more elevated profile of both the schistose knob and mature trees across and near the subject properties. Again, this amalgam of landforms and vegetation helps to create a buffer between the housing area and adjoining river corridor. Just as important, it creates a soft, green, edge that merges within the natural alpine backcloth of the Sugar Loaf and Queenstown Hill, and the lower slopes of Bowen Peak.
70. Although, therefore, housing is much more front and centre in views from this quarter, there remains a sense that the Atley Road / Matthias Terrace residential area is defined and contained, and that its alpine surrounds remain the main building blocks of the local landscape. Having housing clamber over the schistose knolls and ridge at the end of the Shotover Loop would reduce some of the containment that I have just referred to (both physical and visual) and it would harden up the interface between the expanded housing area and the mountain landscape that frames it. Some of the aesthetic appeal and naturalness associated with the elevated promontory at the far end of the 'village' would also be lost.
71. On the other hand, such views would be quite fleeting, and the closer margins of the road corridor are clearly dominated – in the course of travelling through Arthurs Point – by existing residential and, in some locations, visitor accommodation and commercial development. On balance, therefore, I consider that the effects derived from the anticipated zoning proposals would be of a low order.

### **Nugget Point:**

72. Similar views are offered from the small hotel / residential enclave off Arthurs Point Road (above Onson Hot Pools) towards both subject properties. In this case, however, more of the river corridor, terrace banking and associated band of trees and other vegetation below Matthias Terrace becomes visible (**Attachment 4**, Photo 4). While the river and its downcut valley are central to such views, the rising mass and striated profiles of the Sugar Loaf, Queenstown Hill, and Bowen Peak are powerfully symbolic of the mountain- building processes that have shaped much of the Queenstown area. A glimpse through to Cecil Peak beyond Lake Wakatipu reinforces this expression of the area's formative processes, as too does the rounded-off profile of the river terrace flanking the Shotover River, which speaks to the glaciation that has also shaped the more immediate landforms and landscape.
73. Again, the vegetation scrambling up its banks, together with that across the schistose knob, helps to reinforce these underlying topographic patterns, ensuring that most of the existing residential development – even that climbing up the visible slopes south of Gorge Road – sits low down, 'in' its landscape setting. As a result, that development doesn't intrude into the Shotover River's physical margins or disturb the larger landscape patterns at play, focused on the rest of the river and its alpine surrounds. This includes the continuum of natural elements and features stretching from the near river terrace and Big Beach through to Cecil Peak in a very strongly articulated, 3-dimensional, fashion.
74. Tree clearance and development across the knolls at the end of the Shotover Loop would erode some of this continuity and have the other effects described in relation to views from Arthurs Point Road – only in a slightly more pronounced and static fashion. Accordingly, it is my opinion that the effects on this quarter would be of a low-moderate level.

### **The Atley Road / Matthias Terrace Residential Area:**

75. As **Attachments 5** and **6** (Photos 5-8) show, the residential enclave around Atley Road and Matthias Terrace, Larkins Way and Larchmont Close is attractively contained by the surrounding mountains, together with the schistose knolls at the southern end of the Shotover Loop and the (until recently, at least) the trees covering most of those landforms. The vegetation lining side slopes which fall more directly towards the Shotover River is generally less obvious, although it continues to provide mediation between the greater bulk of local housing and the river

corridor. This situation is readily apparent, both in relation to close up views and more distant views.

76. Thus, whereas the 'uplifted' state of the schistose knolls and hillocks at the southern end of the 'Loop' is especially obvious in views from near the end of Atley Road and Larchmont Terrace, the broader profile and mass of the schistose knob, and its crown of trees, registers most clearly in slightly more distant views, such as from an elevated Morning Star Terrace (**Attachment 7**). In either case, there is a clearly legible terminus to the current residential area: the 'bookend' that I referred to earlier. It is both a feature in its own right and a point of transition into the alpine domain surrounding Arthurs Point (**Attachment 5**, Photo 6).
77. The clearance of trees and development of housing across this bookend would noticeably reduce its legibility and significantly diminish its perceived naturalness - much as described for the preceding viewing catchments. Indeed, the marker poles erected by Gertrude's Saddlery and Larchmont in mid-October appear to suggest that new housing within both proposed zones would simply roll over the natural landforms that I have just described to create a new built 'edge'. As some of my more recent photos taken from Herron Park, Atley Road and Larchmont Close show (**Attachments 8 and 9**, Photos 11-13), such a transition would appreciably reduce the residual expression of formative values, legibility and aesthetic values within the residential catchment.
78. Overall, some of the balance between natural and cultural landscape elements and values would be lost. Inevitably, such effects would also affect the perceived sense of place and identity associated with Arthurs Point. Although most of these changes would not directly affect the various attributes and values specifically identified in my assessment of the Shotover River ONF and West Whakatipu Basin ONL, they would still erode some of the Perceptual (Sensory) and Associative factors commonly associated with ONLs and ONFs in the first instance.
79. Of course, such concerns also have to be balanced against the predominance of urban development and infrastructure both sides of Arthurs Point Road, and the reality that most of the landscape elements, patterns and features just described are more obvious from a 'sub-set' of locations within this residential area, rather than in general. Moreover, I am inclined towards the view that many of the concerns I have raised are ultimately more significant in relation to amenity values, as opposed to protection of the Kimiākau (Shotover River) ONF and the Western Whanaka Basin ONL. On balance, therefore, it is my assessment that the proposed rezoning would have a low-moderate effect on this catchment.

### **Gorge Road:**

80. Travelling down Gorge Road from the south, towards Edith Cavell Bridge, the rising relief of the Shotover Loop comes into view below the bus stop and car park, and remains clearly visible until just past that facility. The car park is a natural stopping point for visitors and tourists, who can be frequently seen getting out of cars and camper vans to take photos of the Shotover River and its narrow defile. Although such views are quite confined and limited to just one part of the river corridor, they capture views of the actual river, often accompanied by jet boats and screaming tourists. This is also the case at Edith Cavell Bridge, although there is no pedestrian access to that structure and no easy place to stop and view the river and its narrow chasm (**Attachments 10 & 11**, Photo 14), lined by steep cliffs and scarps. Currently, views from the bridge are also more affected by housing development, although a band of pines and Douglas firs provides a line of demarcation between that development off Atley Road and the river corridor.
81. Views from the more accessible bus stop and car park are perhaps slightly less dramatic and dynamic, with trees cascading down to the river's edge and gravel banks replacing a meandering canyon defined by schist cliffs and outcrops, but is also more all-embracing of the river course and the landforms and tree cover on its far side. Very little development is currently visible: a power line traversing the river and one or two distant rooftops, but no more than that. For many locals and tourists alike, this is a key point of contact with the gorge section of the Shotover River, as public access to it is otherwise primarily through the 'turnstiles' of the Shotover Jet company. It conveys a sense of the river within a dramatically confined, and also largely natural, geophysical setting. It also contrasts with the reasonably recessive, but still clearly visible, residential development climbing up the slopes south of Gorge Road.
82. As I have already indicated, the removal of trees across part of the ridge / 'knob' crown opposite has already reduced some of the visual coherence and continuity of that immediate river backdrop. Some of the proposed house poles are also visible within the felled area (**Attachment 11**, Photos 16 & 17) and if, as Ms Espie appears to anticipate, the rest of the exotic trees across the Shotover Loop are likely to be removed in the foreseeable future, then the house sites and future housing would be even more prominent. Indeed, precisely because of the schistose knob's convex form, this would leave few places 'to hide' for such development. The current river corridor, dominated by its deeply etched river channel, braids, steep slopes and a coherent framework of (albeit) exotic tree cover would be replaced by a much narrower river corridor that is overlooked by a mixture of LDR



and LLR development. Indeed, that development would dominate the skyline and most of the elevated slopes directly opposite Gorge Road and the car park.

83. I get the impression that somehow Mr Espie appears to consider this is the inevitable future for the Shotover Loop, and because of this the residential development proposed by Gertrude's Saddlery and Larchmont would somehow 'fit in' more readily. Yet, as the current degree of tree clearance starts to reveal, the opposite would be the case: the proposed spread of residential development across the Loop's crown and side slopes would produce a landscape encompassing the Shotover River that is markedly less coherent, less continuous and intact, less natural, and less aesthetically appealing. Much of the river's discreteness, intimacy, picture postcard qualities and memorability would also be compromised. Although the current tree felling may well trigger some of this change anyway, the proposed housing development would greatly amplify this transition.
84. In my opinion, there is no question that this would have a significant and adverse impact on the ONF values of the Shotover River and the ONL values of the area around it. The transition that I have just described would be both dramatic (in its own right) and quite fundamental. As such, it is my assessment that then even though most of the proposed development would leave views from Edith Cavell bridge relatively unscathed, it would have a profound and high level of impact on perception to the river corridor elsewhere – even where the river itself remains unseen. Indeed, given the close proximity of the proposed development to the river and its inevitable interaction with its course, I am also bound to wonder if this change potentially raises issues in relation to section 6(a) of the RMA (not just section 6(b)) – by adversely affecting the outstanding natural character values of the Shotover River.

#### **The Arthurs Rd / McChesney Rd / Crows Nest Rd Residential Area:**

85. Looking down from the elevated streets and residential properties that are terraced up the slopes south of Gorge Road, a quite different perspective of the Shotover River and its relationship with the Shotover Loop residential area is offered (**Attachments 12-14**, Photos 18-23). While only those properties closer to the top of Crows Nest Road and Arthurs Road can clearly see the actual river and its bed, the schistose knob and its tree cover – stretching up to Edith Cavell Bridge – has until recently provided a clear landmark that helps to both locate and frame the river corridor, and also complement the rural-natural landscape found across the river, almost literally in the shadow of Queenstown Hill and the Sugar Loaf. It has

helped to articulate the river's passage and make it legible even for those locations that have difficulty seeing its actual course. Its combination of remnant schistose knolls and ridges, combined with continuous tree cover has also helped to imbue the far side of the Shotover with a degree of naturalness that Arthurs Point would otherwise struggle to maintain, given its significant residential content.

86. The recent tree felling has helped to achieve two things: it highlights the extent to which development within the proposed LDR and LLR zones would, in the future, displace both the natural landforms and vegetation cover of the southern promontory, and the degree to which the combination of vegetation clearance and residential development would change the nature of the promontory. It would cease to be a landmark in its own right, and would become much less of a natural or semi-natural adjunct to the river ONF that complements both its and the natural ONL values of the wider landscape.
87. New residential development would dominate the high ground above the river corridor and the critical mass of the promontory and 'forest' that currently supports its values would be very largely lost. Again, the convex form of the schistose knob, but also the elevated nature of views from most of the community within Arthurs Point down on the Shotover Loop, would leave nowhere to effectively screen or 'hide' the proposed housing. It would be prominent in relation to a wide range of public and private vantage points that leave a cumulative impression on the local community.
88. Consequently, even though the viewing perspective from many of the public vantage points and private properties in this area would be quite different from that associated with Gorge Road, the nature and magnitude of effects would be very similar; in particular, the current balance and largely harmonious relationship between residential development on the Shotover Loop and the largely natural river fairway 'next door' would be appreciably compromised. While therefore accepting that many of the effects associated with this catchment – and raised by the property owners that I have met – have a significant amenity component, it is my view that the effects in relation to ONF and ONL values would still be of a quite fundamental nature and high order overall.

#### **The Residential Area & Visitor Accommodation North of Gorge Road:**

89. Looking towards the subject site from the likes of The Canyons B&B, the Trelawn Place Hotel, the Dery property at 3 Gorge Road and a small number of other local landholdings, the sort of sublime landscape described by Dr Read – including of

the Shotover River corridor juxtaposed with its wider alpine setting – is revealed. Lawns and trees frame a landscape in which the river is the central feature, but the schist promontory of the Shotover Loop is integrally connected with both (**Attachments 15 and 16**, Photos 24-27). Despite the close proximity of residential development in general, Gorge Road, and even the regular roar of jet boats up and down the Shotover River, the composite values expressed by this landscape include:

- a high level of naturalness and intactness;
- a high degree of both biophysical and visual cohesion and continuity;
- a high level of expressiveness – reflecting and articulating the river valley's formative processes and values;
- a degree of level of legibility and aesthetic value; and
- a high degree of distinctiveness – which translates to high levels of memorability, with reference to Queenstown's shared and recognised (picture postcard) values.

90. Consequently, even though the schistose knob or promontory, together with its skyline and mid to lower slopes, are not within the ONF they make a critical contribution to its character and values when viewed from this quarter. They also provide an emphatic counterbalance to the residential development also found within the ONL. Again, as for views from Gorge Road and the elevated streets and properties of Arthurs Point south of it, the knob / promontory is a feature in its own right; one that coalesces with the river channel and margins to create Dr Read's sublime landscape.

91. The recent clearance of trees across the Gertrude's Saddlery property is – as with other locations – indicative of the change that rezoning would bring: the A-frame house clearly visible atop the current site from the Dery property (**Attachment 16**, Photo 26) is much more remote than the houses that would be located on the crest of the nearer schistose knolls and surrounding slopes, while clearance of the remaining trees by the landowners and Council could only highlight their presence above the river.

92. With the remaining vegetation around the proposed sites left as is, that development would still be disruptive and intrusive – greatly exacerbating the effects of the recent tree felling alone. With further vegetation clearance, perhaps

across all of the 'schistose knob' and its river margins, both the central node of LDR properties on the main knoll and a ring of LLR development below it would command attention. Over time, domestic use of the proposed sites would compound this incursion and related disruption of the values currently associated with the southern promontory and its river margins.

93. In the longer term, therefore, the sort of effects that I have described in relation to views from Gorge Road and the residential area south of it would unfold, but the even greater value and sensitivity attached to views from this catchment would inevitably increase their magnitude. Perhaps of most importance, the sense of relative isolation that the Shotover River currently enjoys – separated from the Shotover Loop residential area – would be lost. In turn, the integrity and intactness of a key part of the Shotover River landscape would be dissipated, and this would very markedly reduce its coherence, aesthetic appeal and memorability.
94. Although future revegetation of the kind indicated in Boffa Miskell's master plan, would help to gradually soften the profile of the new housing anticipated, it could not hope to overcome the vulnerabilities posed by the 'knob's' convex landform, its very open and exposed nature once vegetation clearance has been completed, and the elevated nature of views to it. As such, I consider that the effects generated by rezoning would be of a very high order.

#### **Watties Track:**

95. I consider that much the same would be the case in relation to Watties Track, as it passes both the Dery property and The Canyons B7B on the way towards Big Beach (**Attachments 17 and 18**, Photos 28-31). Although the remaining trees across the near end of the Shotover Loop would help to contain the development proposed in the short term, the sort of more wide-spread vegetation clearance considered realistic by Mr Espie and apparently anticipated by his submitter clients (hence, the recent tree felling) would lay bare both the proposed LDR / LLR sites and the area around them which, presently at least, provides a degree of screening and buffering.
96. Consequently, while the greater bulk of proposed development would remain screened for as long as that current vegetative buffer remains intact, the longer term effects associated with the proposed rezoning would be similar to those described for the adjoining residential / visitor accommodation enclave, both in terms of their nature and magnitude. Again, therefore, they would be of a very high order.

## Shotover River & Big Beach:

97. I have only viewed the gorge corridor from one of the Shotover Jet's many jet boats, and its many years since I last visited Big Beach. As a result, I am unable to offer a view about the effects of the proposed rezoning on either the actual river or its Big Beach margins.

## KEY FINDINGS

98. The following table summarises the effects that I have identified for the various receiving environments / catchments set out above.

RECEIVING ENVIRONMENT / CATCHMENT:	LANDSCAPE EFFECTS RATING:
1. Littles Road	Moderate
2. Arthurs Point Road	Low
3. Nugget Point	Low-Moderate
4. Atley Road / Matthias Terrace Residential Area	Low-Moderate
5. Gorge Road	High
6. Arthurs Road / McChesney Road / Crows Nest Road Residential Area	High
7. Residential / Visitor Accommodation Area North of Gorge Road	Very High
8. Watties Track	Very High
9. Shotover River & Big Beach	No Rating

99. Returning, therefore, to my evaluation of the current ONF and ONL attributes / values, it is my assessment that in relation to the Kimiākau (Shotover River) ONF, the proposed rezoning would:
- Not protect the terrain and remnant natural landforms of the Shotover Loop, in particular those at the southern end of the peninsula that are integrated with those of the Shotover River Gorge and its margins in general;
  - Erode the formative process values of the Shotover Loop and the river corridor;
  - Not contain urban growth and development near the river and its margins and, indeed, would achieve the opposite outcome;
  - Diminish the “*highly attractive and intimate composition created by the fast-flowing watercourse framed by the dramatic scarps, escarpments, bluffs, and*

*vegetation-clad cliffs throughout the gorge sections*", thereby also eroding the 'dominance of natural elements, patterns and processes within the ONF' and the 'generally subservient nature of development' both within the ONF and close to it;

- e) Appreciably reduce the wildness of a key part of the gorge; and
- f) Erode the identity of the river and much of the 'important natural and historic landscape context provided for Arthurs Point', together with the "*identity of the river as an important natural and historic landscape context for Arthurs Point*".

100. In terms of the Western Whakatipu Basin ONL, it is my opinion that the rezoning would:

- a) Not protect the values of the ONL;
- b) Not reinforce the 'general confinement of visible built development' at Arthurs Point, but instead would result in residential development that is highly visible from a wide range of vantage points;
- c) Not maintain "*the dominance of 'natural' landscape elements, patterns, and processes evident within the ONL, along with the generally subservient nature of built development within*" it;
- d) Not protect important 'dramatic short and mid range views to both the river and its wider alpine setting';
- e) Fail to protect and maintain "*the sense of Queenstown and Arthurs Point tucked in at the toe of a majestic mountain setting*"; and
- f) Erode a strong sense of the sublime arising from "*sheer scale, dramatic character and undeveloped appearance of*" locations that include Gorge Road, together with a "*sense of remoteness and wildness*" that is also attached to locations that include Arthurs Point.

## **STATUTORY REVIEW**

101. Returning therefore to key provisions of the PDP, the following are summaries of my key findings in relation to each:

- a) ***Whether the proposed subdivision and development would protect the values of scheduled Priority Areas, ONFs and ONLs:***

Commentary: I have relied on my own evaluation of the Shotover River ONF and Western Whakatipu Basin ONL. Nevertheless, it is my opinion that the proposed rezoning and subsequent development would have a significant and adverse effect on the attributes and values of both.

- b) ***Whether subdivision and development would avoid adverse effects on the values of the District's ONFs and ONLs arising from residential subdivision, use and development where there is little capacity to absorb change:***

Commentary: The avoidance of adverse effects sets a very high bar in relation to what level of adverse effect is acceptable in this environment, which is reflected in concluding statements for both the ONF and ONL that there is no capacity for further urban expansion or rural lifestyle development. Perhaps unsurprisingly, therefore, it is my assessment that the proposed rezoning would manifestly fail to achieve to avoid having an adverse effect on the sensitive landscape that both sites are part of. That landscape is simply not able to absorb the level of change that would result from changes to the UGB and the proposed rezoning.

- c) ***The extent to which buildings, other structures and all changes to landform or other physical changes to the appearance of land, will be reasonably difficult to see from beyond the boundary of the site:***

Commentary: Although the remaining band of trees around the subject affords the illusion that development on them would be quite discrete, this is unlikely to remain the case in the longer term, almost irrespective of where it's viewed from. The site's convex landform, with future development traversing the schistose knob's main spine and upper slopes, together with the impending clearance (or more gradual loss) of vegetation around it, would result in both dwellings and their curtilage being exposed to a range of public vantage points – including parts of Littles Road, Arthurs Point Road, the residential enclaves around Mattias Terrace, Atley Road and Morning Start Terrace, Gorge Road and the residential road network perched above it, the Moonlight Track and Watties Track, and even parts of the Shotover River and Big Beach (in all likelihood). Guests and visitors at the B&B and hotel facilities next to Watties Track would also be exposed to future development, more so as the current trees below 111 Atley Road are progressively lost.

New planting around the proposed LLR Zone, as shown on Figure 3 of Boffa Miskell's Draft Master Plan, might help to screen part of the proposed development, but it would be 'fighting against' the natural lie of the land, while those future residents living on sites overlooking the Shotover River valley are unlikely to voluntarily turn their back on such an outlook – including views towards Bowen Peak, Queenstown Hill and the Sugar Loaf – without stringent covenants or other regulation, and long-term Council oversight. Inevitably, therefore, housing and related structures would be both visible and highly intrusive in relation to areas of public (as well as) private activity alike.

d) ***The extent to which the proposed subdivision, development will affect any values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenua, including tōpuni and wāhi tūpuna:***

Commentary: The proposal would result in the flattening and removal of a series of knolls on the skyline of the 'schistose knob' – in effect, some of its remnant geological features and skyline, as described by the Environment Court in [2002] NZEnvC 03. In my assessment, this represents a significant change to the geophysical character and values of the Shotover Loop, that would significantly impact on its legibility, its expression of formative processes and values, and its overall naturalness. In this regard, it is my opinion that the current LDR zoning across the Shotover Loop may have already gone too far, and further modification of the southern promontory would have even more significance and cumulative effect on the ONL values. To be very clear on this matter, **Attachment 19** shows where I consider the UGB for development within the Shotover Loop should have been drawn (overlaid on Figure 9 from the s.42A Report, which shows the extent of LDSRZ supported by Helen Mellsop).

In relation to cultural and spiritual values, I have not had contact with local iwi to inform my views on this matter. I do, however, note that part of the ONF boundary and wāhi tūpuna following the Shotover River intrudes into the western side of the proposed LLR Zone.

102. I also note that the explanatory statement at the front of Section 21.21.1.1 of the PDP states that successful applications for development within ONLs and ONFs must be "*exceptional cases where the landscape or feature can absorb the change*". In my opinion, such exceptionality is primarily driven by the nature of the development proposal, its location, and the nature of the site and its wider



landscape setting. In my opinion, there is nothing that indicates the proposed changes to the UGB and associated development would meet this 'exceptionality' threshold.

103. Finally, I note that Strategic Objective SO3.2.2.1(e) states that urban development is to occur Urban development is to occur in a logical manner so as to “*protect the District’s rural landscapes from sporadic and sprawling urban development*”. In my opinion, the proposed rezoning would be directly contrary to this provision.

## **CONCLUSIONS**

104. Overall, I agree that the inclusion of the existing residential development on the Shotover Loop within an ONL appears to be an anomaly. Nevertheless, the rest of the Western Whakatipu Basin ONL retains values that important in terms of its overall integrity, and the subject sites also abut the Kimiākau (Shotover River) ONF, whose values also require protection under various provisions of the PDP and section 6(b) of the RMA. Instead, it is my assessment that the proposed rezoning would compromise those values and exacerbate the anomalous situation that I have just referred to.
105. Consequently, even if the Western Whakatipu Basin ONL were to be rearranged so that the development on the Shotover Loop becomes an area of non-ONL nested within the remaining ONL, it would still have to protect the values of both that outstanding landscape and the adjoining ONF, which I regard as being appropriately defined. In my opinion, such protection would not be consistent with relocation of the UGB or rezoning of the land outside that current boundary.
106. While acknowledging that the recent tree felling across much of the Shotover Loop has inevitably had a very substantial impact on the aesthetic coherence and related values of that landscape and the Shotover River margins, I say that this would be the case for the following reasons:
- a) The recent and any future tree felling can only open up views to the proposed LDR and LLR sites from a wide variety of both public and private vantage points. It will result in greater reliance being placed on the Loop’s natural landforms for both the screening and integration of any further development.
  - b) The increased openness of the Shotover Loop will emphasise the morainic characteristics of its landforms, merging with the cliffs, scarps, braids and

beaches of the Shotover River with the scraped, ice sheered and exfoliated high points above. In other words, the 'expression' of its formative processes and values – evident in the Loop's residual, increasingly exposed, landforms – will become more marked with tree removal.

- c) Even if this irreparably damages the Loop's localised ONL values, the greater openness that has already emerged and that will continue to unfold, can only reinforce the sense of engagement between the Shotover River ONF and the slopes, then schistose knolls and ridges, above it. Consequently, even if the ONL values of the Shotover Loop are, for the present, materially affected by the recent tree felling, protection of the ONF will increasingly rely on the avoidance of further development and residential encroachment into its margins – both inside and outside the ONF boundary.
- d) Finally, it is clear that the current tree removal will have a significant effect in its own right. Over time, however, both native revegetation within the river margins and management of the felled areas on private land has the potential see rejuvenation of a more natural / native vegetative regime across much of the non-developed Loop. Yet, this will not occur if most of its schistose crown and side slopes are covered in residential structures and curtilage. Whereas the current zoning holds the promise of enhanced values within the ONL and around the ONF margins, the changed zoning regime proposed would simply displace those highly sensitive landscapes with yet more residential development.

107. Taking all of these factors into account, it is my opinion, that the adverse effects associated with the proposed rezoning can only increase as the remaining exotic trees are cleared off the Shotover Loop. This process will, in my assessment, make the currently undeveloped slopes of the 'schistose knob' even more sensitive to change than has been the case in the past. It may well raise questions about re-evaluation of the Western Whakatipu Basin ONL and its boundaries in the longer term – though not at present – and can only make protection of the Kimiākau (Shotover River) ONF even more critical from a landscape standpoint.

108. In this regard, it is my assessment that the Gertrude's Saddlery and Larchmont rezoning proposals cannot meet the various tests proposed for development within the District's ONLs or affecting neighbouring ONLs and ONFs. Instead, relocation of the Urban Growth Boundary and related rezoning, as proposed, would generate effects that would significantly and adversely affect both the Kimiākau (Shotover

River) ONF and the Western Whakatipu Basin ONL. As such, I do not believe that the current rezoning proposals represent appropriate development relative to section 6(b) of the RMA.

A handwritten signature in blue ink, appearing to read 'S. Brown', with a long horizontal flourish extending to the right.

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Stephen Kenneth Brown

6<sup>th</sup> December 2022