

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

IN THE MATTER OF

appeals under clause 14(1) of the First Schedule to the
Resource Management Act 1991

BETWEEN

**FEDERATED FARMERS OF NEW ZEALAND
(INCORPORATED) MACKENZIE BRANCH**
ENV-CHC-2009-000193

**HIGH COUNTRY ROSEHIP ORCHARDS LIMITED
AND MACKENZIE LIFESTYLE LIMITED**
ENV-CHC-2009-000175

MOUNT GERALD STATION LIMITED
ENV-CHC-2009-000181

MACKENZIE PROPERTIES LIMITED
ENV-CHC-2009-000183

**MERIDIAN ENERGY LIMITED AND GENESIS
ENERGY LIMITED**
ENV-CHC-2009-000184

THE WOLDS STATION LIMITED
ENV-CHC-2009-000187

FOUNTAINBLUE LIMITED & OTHERS
ENV-CHC-2009-000190

**R, R AND S PRESTON AND RHOBOROUGH DOWNS
LIMITED**
ENV-CHC-2009-000191

HALDON STATION
ENV-2009-CHC-000192

Appellants

AND

MACKENZIE DISTRICT COUNCIL

Respondent

**EVIDENCE IN CHIEF OF BENJAMIN ESPIE
(LANDSCAPE ARCHITECT)
ON BEHALF OF FOUNTAINBLUE LIMITED AND OTHERS
19 August 2016**

1 QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Benjamin Espie. I reside in Queenstown. I hold the qualifications of Bachelor of Landscape Architecture (with honours) from Lincoln University and Bachelor of Arts from Canterbury University. I am a member of the Southern Branch of the New Zealand Institute of Landscape Architects and was the Chairman of that branch between 2007 and 2016. Since November 2004 I have been a director of Vivian and Espie Limited, a specialist resource management and landscape planning consultancy based in Queenstown. Between March 2001 and November 2004 I was employed as Principal of Landscape Architecture by Civic Corporation Limited, a resource management consultancy company contracted to the Queenstown Lakes District Council.
- 1.2 The majority of my work involves advising clients regarding the protection of landscapes and amenity that the Resource Management Act 1991 (the Act) provides and regarding the landscape provisions of various district and regional plans. I also produce assessment reports and evidence in relation to proposed development. The primary objective of these assessments and evidence is to ascertain the effects of proposed development in relation to landscape character and visual amenity.
- 1.3 Much of my experience has involved providing landscape and visual amenity assessments in relation to resource consent applications and plan changes in rural landscapes. I have compiled many assessment reports and briefs of evidence regarding the landscape and visual amenity aspects of proposed regimes of District Plan provisions to provide for development in the rural areas of a number of districts.
- 1.4 I have been involved in work relating to Proposed Plan Change 13 (PC13) since it was originally notified. This work has involved considering and advising on the landscape and visual amenity outcomes of various iterations of PC13 as it relates to the Mackenzie Basin landscape. I have given evidence to the Court on these matters and have overseen the work of Dr Michael Steven, who also gave evidence to the Court regarding PC13, while he was employed by Vivian and Espie Ltd.
- 1.5 I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note of November 2014 and agree to comply with it. This evidence is within my area

of expertise, except where I state that I am relying on information I have been given by another person. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed herein.

2 PURPOSE AND SCOPE OF THIS EVIDENCE

- 2.1 I have examined the PC13 provisions that were notified by the Mackenzie District Council (MDC) in May 2016 pursuant to Section 293 of the Act (the notified provisions). I have also examined the evidence circulated by the MDC in July 2016. I have been engaged by Fountainblue Ltd who are the owners of Pukaki Downs Station that lies on the western side of Lake Pukaki and have been asked to consider and comment on the appropriateness of the notified provisions insofar as they are relevant to Pukaki Downs Station. In doing this I have considered the notified provisions in general terms; how they will manage the landscape and visual amenity resources of the Mackenzie Basin, and therefore will comment on the general appropriateness of the notified provisions. However, there are a few matters within the notified provisions that Fountainblue Ltd are entirely unconcerned with (such as the proposed Scenic Grasslands, Scenic Viewing Areas and Lakeside Protection Areas provisions) and I have therefore not considered these matters as part of this brief of evidence.
- 2.2 I have structured my evidence such that I will firstly comment on the notified provisions and then will comment on the evidence of Mr Densem.

3 THE NOTIFIED PROVISIONS

- 3.1 The evidence of Ms Harte and Mr Densem that was circulated in July of 2016 suggest some minor changes to the notified provisions. I have taken account of these suggestions in my comments below.
- 3.2 Mr Vivian has been engaged by Fountainblue Ltd to provide resource management planning evidence. Many of the issues that I comment on below are also commented on by Mr Vivian in his evidence. I have endeavoured not to stray into planning matters and will not duplicate Mr Vivian's comments and recommendations in relation to the relevant provisions but I will make some references to his evidence.

- 3.3 For ease of reference, in this section of my evidence I will set out the provision that I wish to comment on and then give my comments below it. For the sake of conciseness (and at the risk of sounding negative) I will only comment on the provisions that I have some disagreement with.

SECTION 3 – DEFINITIONS

Farm Base Area: means a Farm Base Area identified in Appendix R of this District Plan

- 3.4 I agree with Mr Vivian’s evidence that a more descriptive definition would be useful and I agree with Mr Vivian’s suggested wording. I consider that the readability and helpfulness of the District Plan would be considerably increased if a user of the District Plan is given some understanding of what the farm base areas (FBAs) are in a physical sense and is given some of the reasoning regarding their locations and extents.
- 3.5 I understand that Appendix R of the District Plan is to be finalised via a process that is separate from the current Section 293 process. In relation to Pukaki Downs Station, I understand that an agreement has been reached between MDC and Fountainblue Ltd regarding the location and extent of FBAs within the station and that this will be reflected in Appendix R, once it is finalised.
- 3.6 As is discussed in the Court’s first interim decision, the concept of FBAs has evolved over the course of the PC13 process¹. The current situation (subject to Appendix R being finalised) is that some FBAs cover many hectares. Mr Densem points out in his evidence that:

“Under traditional regimes, which dominated until the 1990’s, improved ‘green’ paddocks existed within the sheltered homestead block, while over the wider run, tussock variably intermingled with oversown exotic browntop grasses, forming a visually ‘brown’ dry grassland landscape”.

and in relation to recent pastoral intensification activities that:

“The new houses, sheds, irrigators, farm roads and improved paddocks arising from these generally occur in the wider landscape and not within the traditional cultural pattern of Farm Base Areas (homesteads, home paddocks)”².

¹ Environment Court decision 2011 NZEnvC 387, High Country Rosehip Orchards Limited and others vs. Mackenzie District Council, paragraphs 171 to 173.

- 3.7 I agree with Mr Densem's comments above and with his implication that the FBAs as currently identified equate to what were often traditionally referred to as homestead blocks or home paddocks. It is on the basis of these sometimes large FBAs that the Court made its interim decisions and that the notified provisions have been prepared. The notified provisions provide for subdivision within FBAs to a minimum lot size of 4 hectares with the exception that up to 10 smaller lots (of sizes up to 1 hectare) may be created within any given FBA.
- 3.8 Taking into account all of the above, I agree with Mr Vivian's more descriptive definition of FBA. This definition clarifies the concept of FBAs. Additionally, the location and extent of the FBAs will be set out in Appendix R of the District Plan.

Policy 3B1 – Recognition of the Mackenzie Basin's distinctive characteristics

To recognise that within the Mackenzie Basin's outstanding natural landscape there are:

- (a) ***Many areas where development beyond pastoral activities is either generally inappropriate or should be avoided;***
- (b) ***Some areas with greater capacity to absorb different or more intensive use and development, including areas of lesser landscape sensitivity and identified Farm Base Areas.***

Explanations and Reasons:

- ***A distinctive 'Mackenzie Country' character has developed, based on the visual and physical qualities of the Basin, combined with the land use practice and the social pattern of run holders, workers and extensive stations. Despite its modified and managed land surface as a working landscape, the entire Basin remains 'outstanding' in terms of landscape values. This is because of the uniqueness, natural and visual qualities of the high mountain basin environment, lakes, land forms, land use, community and Mackenzie identity.***
- ***The Basin has a diversity of conditions with a north to south altitude gradient and west to east rainfall gradient. To this can be added the topographic and soil variability of outwash, moraine, valley, lake, hillside and mountain environments and the variability of closeness to or remoteness from the state highways and other roads.***
- ***The 2007 report "The Mackenzie Basin Landscape; character and capacity" by Graham Densem assesses the Mackenzie Basin landscape, identifying its various character areas and describes their characteristics and values.***
- ***The sensitivity of the landscape to change is a key matter in determining the ability of an area to absorb that change without adversely impacting the outstanding natural landscape of the Basin. This sensitivity comprises visual sensitivity (incorporating general visual exposure of an area, number and types of viewers and potential to mitigate visual effects of proposed changes) and landscape character (incorporating natural patterns such as geomorphology, hydrology, vegetation patterns and processes, cultural patterns, landscape condition and aesthetic factors such as naturalness and remoteness).***

² Statement of evidence in chief of Graham Hugh Densem on behalf of Mackenzie District Council, 15 July 2016, paragraphs 52 and 56.

3.9 In relation to these provisions, I take some issue with the Explanations and Reasons. The evidence of Ms Harte recommends that an additional bullet point is added that references the “Visual Vulnerability Map” produced by Mr Densem in his 2007 report³. I disagree with this recommendation because:

- it is unnecessary since no provisions refer to this map or to the three categories of visual vulnerability that it identifies;
- it will add confusion for a reader of the District Plan since the map that a reader is referred to has no relevance to the District Plan’s provisions. The inclusion of Ms Harte’s suggested point in no way is an explanation or a reason for the relevant policy;
- as has been discussed by Mr Densem and as I will expand on subsequently, the map has been done at a very broad scale and is therefore very limited in its accuracy and usefulness. Also as Mr Densem explains, the concept of visual vulnerability is of limited use and he no longer gives it the emphasis that he once did.

3.10 For the above reasons, I also consider that the third bullet point of the Explanations and Reasons is unhelpful. It refers a reader of the District Plan to Mr Densem’s 2007 report. Again, no provisions refer to this report or to the high, medium and low visual vulnerability categories that it discusses. As I will expand on subsequently, no accurate mapping of the landscape sensitivity of the Mackenzie Basin has been done. While Mr Densem’s 2007 report is undoubtedly a useful and valuable background document for the MDC (and perhaps for members of the community), I do not consider that it is appropriate for the District Plan provisions to refer to it; it does not assist an understanding of Policy 3B1.

3.11 In relation to the fourth bullet point of the Explanations and Reasons, I consider that “sensitivity” should be added after “landscape character” in the second sentence, such that it reads:

³ Statement of evidence in chief of Patricia Harte on behalf of Mackenzie District Council, 15 July 2016, paragraph 139.

This sensitivity comprises visual sensitivity (incorporating general visual exposure of an area, number and types of viewers and potential to mitigate visual effects of proposed changes) and landscape character sensitivity (incorporating natural patterns such as geomorphology, hydrology, vegetation patterns and processes, cultural patterns, landscape condition and aesthetic factors such as naturalness and remoteness).

3.12 The reasons for the above suggested insertion are given in my January 2016 paper that Mr Densem appends to his evidence⁴ (and that I append to this evidence) and I will expand on these subsequently in this evidence. In short, landscape sensitivity is a combination of visual sensitivity and landscape character sensitivity.

3.13 Mr Vivian also suggests adding the following note immediately below the Explanations and Reasons:

“Note: In relation to the above provisions, landscape sensitivity should be assessed in accordance with a recognised methodology; for example, the methodology set out in the document ‘Landscape Character Assessment: Guidance for England and Scotland. Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity’, the Countryside Commission and Scottish Natural Heritage, 2004.”

3.14 I agree with the inclusion of Mr Vivian’s suggested note. While (as I will discuss), “*areas of lesser landscape sensitivity*” need not necessarily be mapped and identified by the District Plan, it should be made clear that there are appropriate, recognised methodologies for identifying such areas. Therefore, if a future applicant for a resource consent or a plan change is seeking to argue that a certain area within the Mackenzie Basin is an area of lesser landscape sensitivity, they will have to justify their argument with an independent assessment of landscape sensitivity that uses an appropriate, recognised methodology.

Policy 3B2 – Subdivision and Building Development

To ensure adverse effects, including cumulative effects, on the environment of sporadic development and subdivision are avoided or mitigated by:

(4) Strongly discouraging non-farm buildings residential units elsewhere in the Mackenzie Basin outside of Farm Base Areas.

3.4 Non-complying Activities – Buildings

⁴ Statement of evidence in chief of Graham Hugh Densem on behalf of Mackenzie District Council, 15 July 2016, Appendix 1.

3.4.5 Non-farm buildings and extensions of these buildings within the Mackenzie Basin Subzone outside of defined Farm Base Areas (refer Appendix R) including all non-farm buildings within Lakeside Protection Areas, Scenic Viewing Areas, Scenic Grasslands and land above 900m in altitude identified on the Planning Maps or in Appendix V (Areas of Landscape Management).

- 3.15 In relation to these provisions, Mr Vivian recommends that they are amended such that non-farm buildings outside of FBAs are discretionary activities, while subdivision remains a non-complying activity (unless lots of over 200 hectares are created in which case the activity is discretionary). Mr Vivian recommends some associated changes to Policy 3B2, particularly in relation to clause (4) that I cite above.
- 3.16 From a landscape perspective, I agree with Mr Vivian's recommendations. As is mentioned in Mr Densem's evidence and in his various previous reports, the fragmentation or visual division of the empty, open landscape of the Mackenzie is a significant threat to its character and the visual amenity that it provides. In this respect, subdivision for rural living purposes (outside of the identified FBAs, once they are finalised) is an activity that should be carefully regulated.
- 3.17 It is not uncommon for the large stations of the Mackenzie Basin to accommodate a number of dwellings and other non-farm buildings. These stations are often run by a number of generations of a family and frequently also accommodate the families of farm managers, shepherds etc. in separate dwellings. Increasingly, stations are owned and run by companies with a number of shareholders. The collection of dwellings that a station supports are not always clustered together in one part of the station. In my experience, the locating of an individual dwelling in a part of a station that is separated from the FBA does not cause adverse effects on landscape character or visual amenity, provided it is designed and located in a careful way and provided it is not associated with subdivision. A station or farm can potentially accommodate a number of dwellings in carefully chosen locations in such a way that the landscape character and visual amenity that define the Mackenzie Basin are entirely maintained. I therefore consider that a discretionary activity process (as recommended by Mr Vivian) can appropriately regulate these activities. Under this regime, a resource consent application for a non-farm building outside of an FBA could be publicly notified and could be carefully scrutinised by the MDC (the assessment matters of section 16.2 of the notified provisions would suitably guide assessment in this regard). All details such as building location, design, height, materials and colours, landscaping and vegetation, the location and

extent of a defined curtilage area, etc. could all be examined by the MDC and, of course, any application could be refused. I can understand that some particularly sensitive parts of the basin (Scenic Viewing Areas, Scenic Grasslands and Lakeside Protection Areas) would suitably be regulated by a non-complying regime in respect to non-farm buildings, but outside of these areas, I support a discretionary regime as set out by Mr Vivian.

- 3.18 I agree that the fragmentation and compartmentalisation that subdivision can potentially bring are more significant threats to the Mackenzie Basin landscape and therefore agree with the notified provisions in relation to subdivision outside of FBAs. Mr Vivian's recommendations in relation to Policy 3B2 correspond with this.

Policy 3B3 – Development in Farm Base Areas

(1) Within Farm Base Areas subdivision and development (other than farm buildings) shall maintain or enhance the outstanding natural landscape and other natural values of the Mackenzie Basin where possible by:

- (a) Confining development to areas where it is screened by topography or vegetation or otherwise visually inconspicuous, particularly from public viewpoints and from views of Lakes Tekapo, Pukaki and Benmore provided that there may be exceptions for development of existing farm bases at Braemar, Tasman Downs and for farm bases at the stations along Haldon Road**
- (b) Integrating built form and earthworks so that it nestles within the landform and vegetation**
- (c) Planting local native species and/or non-wilding exotic species and managing wilding tree spread**
- (d) Maintaining a sense of isolation from other development**
- (e) Built development, earthworks and access having a low key rural character in terms of location, layout and development, with particular regard to construction style, materials and detailing**
- (f) Mitigating the adverse effects of light spill on the night sky**
- (g) Avoiding adverse effects on the natural character and environmental values of waterbodies, groundwater and sites of natural significance**
- (h) Installing sustainable systems for water supply, sewage treatment and disposal, stormwater services and access;**

- 3.19 I generally agree with the above provisions but consider that points (a) and (d) are confusing and need clarification or deletion.

3.20 Given that the notified provisions provide for non-farm buildings within FBAs as controlled activities and provide for subdivision within FBAs as a restricted discretionary activity, I consider that the wording of point (a) is overly restrictive. From a landscape perspective, FBAs are the home paddock areas (in Mr Densem's words⁵), that are separated from each other by vast expanses of open, relatively empty, high-country landscape. It is a central premise of the notified provisions that generally restricting development to being within the FBAs will essentially maintain the landscape character and visual amenity of the Mackenzie Basin landscape. Because of this, and given that only 30 FBAs are identified for the Mackenzie Basin⁶, often in quite remote locations, I do not see that development within the FBAs need be "screened by topography or vegetation or otherwise be visually inconspicuous". I consider that the FBAs should appropriately appear as clusters of treed, visually soft built development that incorporate considerable open space and have a rural (but not vast, open and empty) character. Points (b) to (h) of the Policy appropriately guide development in this regard. Having identified the FBAs and provided for appropriately restricted development within them, I do not see that we need to be embarrassed about that development. In my opinion, it can be visible but should be appropriate in appearance. By definition, these areas will be few and far between and will be separated by the important open, empty landscape that defines and maintains the character of the Mackenzie Basin.

3.21 For the above reasons, I agree with Mr Vivian's revised wording for this Policy.

3.22 Point (d) is confusing. It could be interpreted to mean that each building or instance of development within an FBA must be isolated from other development within that FBA. I understand that it should be interpreted to mean that one FBA should be isolated from the other FBAs. I consider that this can be (and is) achieved by the identification and mapping of the FBAs, albeit that Appendix R is yet to be finalised, and that this point is not needed within the Policy.

Policy 3B4 – Potential residential, rural residential and visitor accommodation activity zones and environmental enhancement

(3) Any development within such zones shall maintain or enhance the significant and outstanding natural landscape and other natural values of the Mackenzie Basin by:

⁵ Statement of evidence in chief of Graham Hugh Densem on behalf of Mackenzie District Council, 15 July 2016, paragraph 52.

⁶ Subject to the finalisation of Appendix R to the District Plan.

- (a) *Confining developments to areas where it is visually inconspicuous, particularly from public viewpoints and from views up Lakes Tekapo and Pukaki, provided that there may be exceptions for development of existing Farm Base Areas at Braemar, Tasman Downs and for farm bases at the stations along Haldon Arm Road*
- (b) *Integrating built form and earthworks so that it nestles within the landform and vegetation*
- (c) *Planting local native species and/or non-wilding exotic species and managing wilding tree spread*
- (d) *Maintaining a sense of isolation from other development*
- (e) *Built development, earthworks and access having a low key rural character in terms of location, layout and development, with particular regard to construction style, materials and detailing*
- (f) *Mitigating the adverse effects of light spill on the night sky*
- (g) *Avoiding adverse effects on the natural character and environmental values of waterbodies, groundwater and sites of natural significance*
- (h) *Installing sustainable systems for water supply, sewage treatment and disposal, stormwater services and access.*

3.23 Points (a) to (h) of this Policy have largely been copied from Policy 3B3 that is discussed above. In my opinion, while these points generally provide useful guidance regarding how development within FBAs should unfold, they do not provide good guidance regarding how new zones should be located and configured in order to appropriately maintain landscape character and visual amenity.

3.24 I agree with Mr Vivian's proposed revised Policy 3B4 in that, rather than focusing on the form of development within these potential future zones, the revised wording gives guidance regarding how and where the zones should be located as well as giving broad guidance regarding the development within them. Obviously, any new proposed zone will be subject to a full plan change process and will be assessed in relation to the other Objectives and Policies relating to the Mackenzie Basin. Therefore, I consider that the broader guidance of Mr Vivian's revised wording is more appropriate than the notified provision.

3.3 Discretionary Activities – Buildings

3.3.3 Farm Buildings outside a defined Farm Base Area (see Appendix R) within the Mackenzie Basin Subzone which comply with the following standards shall be a Restricted Discretionary Activity:

3.3.3e Minimum separation of 1km from an existing farm building, other than an existing farm building within a defined Farm Base Area.

I understand that this provision seeks to discourage a scattering of farm buildings that could adversely affect the openness and emptiness of the Mackenzie Basin landscape. Therefore, it seeks that farm buildings outside FBAs are well separated. Mr Vivian recommends a revised standard in this regard in that a farm building outside of a FBA must be either within 50 metres of, or more than 1 kilometre from, an existing farm building. I agree with Mr Vivian's recommended provision in that it is not uncommon or inappropriate to see a small cluster of farm buildings (perhaps a hayshed, water tank and small implement shed) surrounded by open space. Farm buildings of this sort are often located together for practical purposes and I can see no advantage in forcing them to be scattered, provided they are surrounded by sufficient open space. Relevantly, the assessment matters included in the notified provisions at Section 16.2k already encourage clustering.

ASSESSMENT MATTERS – RESOURCE CONSENTS

16.2 Buildings

16.2.k Farm buildings

- i. Whether the farm building(s) would be located away from main surfaces, ridgelines and skylines of landforms. (Refer to the report "The Mackenzie Basin Landscape: character and capacity" Graeme Densem Landscape Architects November 2007, and "Intensification and Outstanding Natural Landscape: Landscape Management of the Mackenzie Basin in the Light of Court Decisions" Graham Densem Architects November 2015 for descriptions of areas to be avoided in terms of their vulnerability to change.)*

3.25 In relation to these assessment matters, Mr Vivian recommends deleting the first assessment matter cited above and replacing it with a matter that asks whether a proposed building is located within an area of lesser landscape sensitivity. Mr Vivian also recommends that a similar assessment matter is added to the list that relate to non-farm buildings (16.2.l).

3.26 I agree with Mr Vivian's recommendations. As discussed above in my paragraph 3.10, I believe that it would be confusing and unnecessarily complex for the provisions to refer to Mr

Densem's 2007 report. I consider that the assessment matter should reflect the over-arching Policy 3B1 which refers to areas of lesser landscape sensitivity.

4 THE EVIDENCE OF MR DENSEM

- 4.1 Mr Densem's evidence gives some general commentary on activities that potentially adversely affect the Mackenzie Basin landscape, responds to consultation that was done in relation to the notified provisions and generally justifies (from a landscape perspective) the notified provisions. I consider that I can give some comments on Mr Densem's evidence that may be helpful to the Court and I include these below. In the previous section of my evidence I have commented on some issues that Mr Densem discusses and I will not duplicate my comments.
- 4.2 Mr Densem appends to his evidence a graphic attachment of maps that he refers to in his evidence⁷. While this is perhaps helpful in the understanding of his text, it must be noted that all of these maps contain a number of inaccuracies and are now of no relevance in relation to the notified provisions; the provisions do not refer to them.
- 4.3 When discussing the potential effects of activities on the Mackenzie Basin landscape, Mr Densem mentions a number of times that his past emphasis (when giving advice regarding plan provisions) has been on visual matters and that he now wishes to place more emphasis on landscape character. In this regard he refers to "a paper by the UK Landscape Institute and others"⁸.
- 4.4 What Mr Densem is in fact referring to is the "Guidelines for Landscape and Visual Impact Assessment" produced by the UK's Landscape Institute and Institute of Environmental Management and Assessment⁹ (GLVIA). This is a hard-cover book in its third edition (it was first published in 1995) that is very widely used by the landscape planning profession in the UK and Europe and is also very influential in New Zealand.

⁷ Statement of evidence in chief of Graham Hugh Densem on behalf of Mackenzie District Council, 15 July 2016, paragraph 10.

⁸ Ibid, paragraph 64.

⁹ The Landscape Institute and Institute of Environmental Management and Assessment (2013), Guidelines for Landscape and Visual Impact Assessment, Third Edition, London, Routledge.

4.5 A central premise of the GLVIA is that the types of effects of activities that landscape planning is concerned with can be divided into “landscape effects” and “visual effects”. Neither is given more emphasis than the other, both are considered together to give an overall assessment of landscape and visual effects of an activity¹⁰.

4.6 Landscape effects (in New Zealand often referred to as landscape character effects) are:

“the effects of change and development on landscape as a resource. The concern here is with how the proposal will affect the elements that make up the landscape, the aesthetic and perceptual aspects of the landscape and its distinctive character”¹¹.

4.7 Visual effects are:

“the effects of change and development on the views available to people and their visual amenity. The concern here is with assessing how the surroundings of individuals or groups of people may be specifically affected by changes in the content and character of views as a result of the change or loss of existing elements of the landscape and/or introduction of new elements”¹².

4.8 I therefore agree with what (I think) Mr Densem is saying; when we formulate provisions to appropriately deal with the effects of activities on the Mackenzie Basin landscape, we need to do so with the knowledge that landscape character effects and visual effects are both equally important. I consider that the notified provisions (subject to the amendments that I have discussed) successfully achieve this.

4.9 Mr Densem also discusses landscape sensitivity and the mapping of it. He appends to his evidence a paper that I prepared in relation to the landscape sensitivity mapping of Pukaki Downs Station (my paper)¹³. Although he appends my paper and its associated Landscape Sensitivity Table, he does not append the two maps that are also part of the paper. For clarity and ease of reference, I append my paper, the associated Landscape Sensitivity Table and the two maps and to this evidence as Appendix 1.

¹⁰ Ibid, paragraphs 3.20 and 3.21.

¹¹ Ibid, paragraph 5.1 and Glossary.

¹² Ibid, paragraph 6.1 and Glossary.

¹³ Statement of evidence in chief of Graham Hugh Densem on behalf of Mackenzie District Council, 15 July 2016, Appendix 1.

- 4.10 As I set out in my paper, considerable expert work has been done in recent years by the British Countryside Agency and Scottish National Heritage in relation to landscape capacity and sensitivity, culminating in the very useful “*Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity*”¹⁴, which is appended to Mr Vivian’s evidence. Without reiterating the detail of my paper, my response to Mr Densem’s mapping of “vulnerability to development” and/or “visual vulnerability”¹⁵ was that what would have most usefully been mapped was landscape sensitivity. In relation to a particular landscape unit or landscape description area¹⁶, landscape sensitivity is a combination of landscape character sensitivity (i.e. the sensitivity of that unit to landscape character effects) and visual sensitivity (i.e. the sensitivity of that unit to visual effects)¹⁷.
- 4.11 I have assessed and mapped the landscape sensitivity of Pukaki Downs Station as is set out in Appendix 1 to this brief of evidence. If landscape sensitivity mapping is to be included in the District Plan in any way, I consider that it must be at least done at the scale and accuracy as the mapping that I have done in relation to Pukaki Downs Station. The areas of differing “visual vulnerability” or “vulnerability to development” shown on Mr Densem’s maps are so broad and course that they are of little use. This is one of the reasons why I recommend against referring to Mr Densem’s maps in the wording of Policy 3B1, as I discuss in my paragraph 3.10 above. I accept that to do mapping for the entire Mackenzie Basin as I have done for Pukaki Downs Station would be a mammoth task and therefore I consider that it is appropriate that the objectives and policies refer to “areas of lesser landscape sensitivity” and that these are not mapped (as is the case in the notified provisions). In relation to these objectives and policies, it will be open for future applicants for resource consents or plan changes to argue that a particular area is of lesser landscape sensitivity but obviously they would need to provide appropriate evidence to justify their case.

5 CONCLUSIONS

¹⁴ *Landscape Character Assessment: Guidance for England and Scotland, Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity*, the Countryside Commission and Scottish Natural Heritage, 2004. This document is available free online at <http://publications.naturalengland.org.uk/publication/5601625141936128>

¹⁵ Statement of evidence in chief of Graham Hugh Densem on behalf of Mackenzie District Council, 15 July 2016, Graphic Attachment, sheets 2 and 4.

¹⁶ Subset areas within a landscape; the constituent parts or building blocks that make up a landscape; areas within a landscape over which there is a recognisable and consistent landscape character and degree of exposure to views.

¹⁷ *Landscape Character Assessment: Guidance for England and Scotland, Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity*, the Countryside Commission and Scottish Natural Heritage, 2004, Figure 1(a).

- 5.1 In relation to landscape and visual amenity matters, I generally support the notified provisions but agree with the recommended amendments set out in the evidence of Mr Vivian.
- 5.2 I agree with Mr Densem in that the provisions should be formulated in a way that recognises that landscape character effects of activities are as important as visual effects. I consider that the notified provisions (subject to Mr Vivian's recommendations) achieve this.
- 5.3 I agree with the notified provisions in that they do not refer to any landscape sensitivity maps. I consider that any landscape sensitivity mapping or assessments to identify areas of lesser landscape sensitivity within the Mackenzie Basin should be done in accordance with an appropriate recognised methodology.

Ben Espie

vivian+espie

19 August 2016.