

LANDSCAPE AND VISUAL EFFECTS ASSESSMENT - PEER REVIEW

CODC PC 14 – NZ CHERRY CORP – SHANNON FARM

PROPOSED PLAN CHANGE TO CREATE A RURAL LIVINGRESOURCE AREA AT RIPPONVALE

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INTRODUCTION

- 1 New Zealand Cherry Corp have requested a Private Plan Change in relation to the Operative Central Otago District Plan (CODP). The proposed Plan Change (PC14) seeks to create a Rural Resource Area 5 (RuRa5) over an area of land at Ripponvale Road in order to create a rural living area. A Structure Plan is proposed and a number of specific provisions.
- 2 Appendix E of the PC14 request is a Landscape and Visual Assessment Report dated the 20th of May 2019, prepared by Rough and Milne (the R&M Report). The R&M Report comprises:
 - the report itself,
 - Appendix 1 – Definitions and Methodology,
 - Appendix 2 – Plant List,
 - a Landscape Strategy and Structure Plan document,
 - a Graphic Supplement to the Landscape and Visual Assessment document.
- 3 The Plan Change Request document prepared by Town Planning Group has also been reviewed. It is understood that the Landscape Strategy and Structure Plan document that is appended to the R&M Report is primarily a site analysis and design document and therefore is not directly part of the Plan Change request (although, it is understood that the Structure Plan and Indicative Circulation Plan do form part of the Plan Change request).
- 4 This report is a peer review of the R&M Report. This report was prepared during April 2020, when New Zealand was at Alert Level 4 in relation to the Covid-19 virus. Consequently, site visits to

consider landscape and visual effects in the field were not possible. Notwithstanding that, the authors are familiar with the vicinity of the site in general and has visited the vicinity many times in the past.

- 5 Through reviewing the R&M Report, all potential effects of PC14 on landscape character and visual amenity have been considered. Full findings of an assessment are not set out in this report. This report gives review comments on the R&M Report and discusses its methodology, findings and conclusions. For the sake of conciseness, this report does not repeat the aspects of the R&M Report that are agreed with. More explanation is given in relation to areas of disagreement. This report generally uses the headings of the R&M Report as a structure to the review comments.
- 6 This report also gives comments on issues raised by public submissions that relate to effects on landscape character and visual amenity.

METHODOLOGY AND THE ROUGH AND MILNE REPORT IN GENERAL

- 7 The R&M Report is very comprehensive and thorough. Its graphic attachments (the Landscape Strategy and Structure Plan and the Graphic Supplement to the Landscape and Visual Assessment) mean that the report is very clear and understandable. The R&M Report follows a clear structure and no significant issues have been omitted or overlooked.
- 8 Appendix 1 of the R&M Report sets out the assessment methodology that has been used. The described methodology largely draws on a methodology set out in a document by the landscape architect Bridget Gilbert that was submitted as evidence to the Environment Court in 2019 in relation to appeals on the Queenstown Lakes Proposed District Plan¹. Ms Gilbert's document represents a concise synthesis of current professional practice in relation to the assessment of effects on landscape character and visual amenity. The authors of this report fully agree with the methodology of Ms Gilbert's document; therefore, we very largely find the methodology of the R&M Report appropriate.
- 9 Some additional aspects of the R&M methodology as set out in Appendix 1 are drawn from a 2018 methodology document prepared by the multi-disciplinary consultancy Boffa Miskell. The authors of this report are not familiar with the Boffa Miskell document and it is not attached to the R&M

¹ ENV-2018-331-000019, 'Supplementary Statement of Evidence of Bridget Mary Gilbert for Queenstown Lakes District Council, Topic 2 – Rural Landscapes', dated 29 April 2019.

Report. However, the parts of the Boffa Miskell document that are cited in Appendix 1 of the R&M Report are clear and appear appropriate.

- 10 It is considered that the discussion of the use of the term "significant" when describing effects that is included in Appendix 1 of the R&M Report is potentially problematic. This discussion is taken from a well-established UK assessment guidance text² and therefore does not take account of the way in which the term significant is used in the RMA. However, this issue is not relevant in relation to the assessment of PC14.

THE EXISTING ENVIRONMENT

- 11 The existing environment is described comprehensively by the R&M Report in its Section 3. When describing the landscape setting at a broad scale, reference to the district-wide landscape assessment conducted in the mid-2000s by LA4 Landscape Architects would have been useful³. That district-wide landscape assessment sets out descriptions and categorisations of the district's landscapes and informed the identification of Outstanding Natural Landscapes (ONL) and Significant Amenity Landscapes (SAL) that is part of the CODP. In any event, it is considered that the R&M Report's discussion of the existing environment has not missed anything of any significance.
- 12 Sheet 8 of the Graphic Supplement to the R&M Report shows the existing ONL and SAL boundaries. Clearly, at a fine scale, they do not follow lines of landform or any other significant lines within the landscape. They have been drawn at a broad scale, as is often the case in relation to district plan maps. The ONL boundary line is discussed briefly in the Section 3.5.1 of the R&M Report. The proposed ONL and SAL boundary lines are not so clearly described, although they are shown on page 36 of the Landscape Strategy and Structure Plan document. Roughly speaking, the proposed ONL and SAL boundary lines appear to appropriately follow landform / landscape character lines; however, from the perspective of an analysis of existing landscape character, more detail on why the existing landscape boundary lines are inappropriate and what alignment is more appropriate and why would be useful. Detailed contour information may have assisted this.

² UK Landscape Institute and Institute of Environmental Management and Assessment Guidelines for Landscape and Visual Impact Assessment (3rd ed, Routledge, Oxford, 2013).

³ Central Otago District Rural Review Landscape Assessment Report and Recommendations, July 2008

- 13 At paragraph 47, the R&M Report defines landscape character as an overall visual impression that gives a landscape an identity and "sense of place".
- 14 The UK landscape assessment guidance defines landscape character as the “*distinct and recognisable pattern of elements in the landscape that make one landscape different from another, rather than better or worse*”⁴. Landscape effects or character effects are defined as “... *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.*”⁵
- 15 The above definitions of landscape character from the UK guidance are reflected in Section 9.1.4 of the methodology document appended to the R&M Report. They also are reflected in the definition of landscape character that the R&M Report gives at paragraph 74. It is considered that paragraph 47 of the R&M Report is somewhat at odds with these definitions of landscape character since it describes landscape character as an overall visual impression. It is considered that landscape character is derived from the patterns, elements and processes that make up the landscape, rather than from views of them or a visual impression of them; landscape character issues being separable from issue of views and visual amenity.

THE PROPOSAL

- 16 Section 4 of the R&M Report describes the proposed Structure Plan and this is shown in the Graphic Supplement. The Plan Change Request document sets out the proposed provisions that give weight to the Structure Plan.
- 17 Paragraph 61 of the R&M Report describes some of the features of the Landscape Strategy and Structure Plan document. It is understood that proposed provisions to be inserted into the CODP refer to the Structure Plan, the Indicative Circulation Plan and the Indicative Planting Schedule and therefore give some weight to these. However, other than these parts, the Landscape Strategy and Structure Plan document is an analysis and design document that, while informative, is not directly part of proposed PC14.

⁴ The Countryside Agency & Scottish Natural Heritage Landscape Character Assessment: Guidance for England and Scotland (2002) at 9.

⁵ Landscape Institute and Institute of Environmental Management and Assessment Guidelines for Landscape and Visual Impact Assessment (3rd ed, Routledge, Oxford, 2013) at paragraph 5.1 and Glossary.

RELEVANT STATUTORY DOCUMENTS

- 18 Section 5 of the R&M Report sets out that the RMA and the CODP have been considered. It is agreed that the landscape-related Objectives and Policies of Section 4 of the ODP are of primary importance; any proposed area of rural zoning (such as is sought) should sit comfortably with these. The R&M Report does not refer to Section 2.3.1 of the CODP, which provides a helpful overview of landscape issues within the district. In any event, compatibility with the relevant provisions of Section 4 will confirm compatibility with Section 2.3.1.
- 19 The R&M Report does not refer to the landscape-related parts of the Operative or Proposed Otago Regional Policy Statement (**RPS**). The landscape-related provisions of the Proposed RPS are subject to Environment Court Appeals that are in the process of being resolved. In very general terms, these parts of the Proposed RPS require the identification of ONLs and highly valued landscapes and set policies in relation to their management. Given that these provisions are subject to appeal, and given that it is considered that the relevant ODP provisions are consistent with the decisions version of the Proposed RPS, it is not considered that the R&M Report has omitted anything of relevance.
- 20 As mentioned in paragraph 11 above, reference to the district-wide landscape assessment completed in the mid-2000s (although not a statutory document) may have provided useful background information.

ASSESSMENT OF LANDSCAPE AND VISUAL EFFECTS

- 21 The R&M Report appropriately discusses landscape effects (or landscape character effects) separately from visual effects.

Landscape Effects

- 22 The discussion of effects on landscape character is divided into the consideration of effects on the Pisa ONL, on the adjacent SAL, on the landscape character and quality of the receiving environment and on the landscape character and quality of the application site. A summary is then given.
- 23 In relation to the ONL, it is understood that no activities will be enabled in the ONL that are not currently enabled. Therefore, it appears that the PC14 will avoid effects on the ONL, rather than

"mitigate or avoid", as stated in paragraph 79 of the R&M Report. Additionally, PC14 will extend the ONL, although relatively slightly in terms of area. It is understood that this ONL extension is perhaps best thought of as a correction of an ONL boundary line that has been drawn inaccurately. Therefore, it is considered that PC14 will bring a (relatively slight) positive effect in relation to the appropriate management of the district's ONLs and will have no adverse effects on the relevant ONL.

- 24 In relation to the SAL, PC14 seeks to amend its boundary line as it crosses the subject site. The proposed SAL boundary line is shown on page 36 of the Landscape Strategy and Structure Plan document that is appended to the R&M Report but is not shown on the Structure Plan. It appears that that RL4 Activity Area and part of the RL5 Activity area are within the proposed SAL. If this is correct, it is understood that the CODP's SAL Policies would apply to these Activity Areas and the specific provisions of these Activity Areas would sit beneath those Policies. In any event, it is considered that the amended SAL boundary line should be shown on the Structure Plan for clarity.
- 25 Section 6.2.2 of the R&M Report discusses effects on the SAL. Again, reference to the district-wide landscape assessment would have been helpful to give some description of the attributes of this SAL so that effects on it could be explained in more detail. This section of the R&M Report explains that native vegetation is to be used for mitigation of residential activities within the SAL, presumably in relation to the control given by proposed provision 4.7.2(ib). While more detail on the existing character of the SAL and explanation of the proposed boundary of it would be helpful, it is considered that the conclusion of the R&M Report, that effects on the visual amenity values of the SAL will be avoided or mitigated, is agreeable.
- 26 In relation to the quality and character of the site and the receiving environment, The R&M Report effectively concludes that the site itself will change considerably but in a way that has been sensitively designed. At a broader scale, development enabled by PC14 will be consistent with the character of the landscape within which it sits and in this regard its effects on landscape character will not be adverse. The R&M Report identifies a low degree of adverse effect on natural character within the non-ONL parts of the site; the areas that will change from a farming use to a rural living use. These conclusions of the R&M report are agreed with; some low-degree adverse effects on landscape character will eventuate but in a way that is relatively confined. In terms of broad-scale patterns of landscape character, the changes brought by PC14 are considered to be consistent with their setting.

Visual Effects

- 27 The R&M Report uses 10 selected viewpoints to set out its discussion of effects on views and visual amenity. As well as discussing each viewpoint, general comments on visual effects are given. The Graphic Supplement document then shows the location of each viewpoint and includes a marked-up photograph from each. All selected viewpoints are public places. Paragraphs 97 and 99 the R&M Report set out that:

"The most salient viewpoints are those at which a tourist, visitor or local is likely to stop and appraise the mountain setting in the foreground of which the application site located. These are likely to be the most sensitive views given that people undertaking commercial or farming activities are likely to be less sensitive to seeing human modifications within this landscape"; and

"An assessment of visual effects for each viewpoint is undertaken with consideration of the amenity conveyed by the existing environment, the current zoning, as well as the sensitivity of the viewer"

- 28 The above comments are appropriate and are reflected in the methodological information in Appendix 1 of the R&M Report and also in the UK landscape assessment guidance text previously referred to⁶. However, these methodological documents also set out that residents at home that appreciate a particular view are also particularly sensitive to change. Therefore, private views also need to be considered. Often this is done in relation to public submissions that are received.
- 29 In relation to each of the 10 chosen viewpoints, the R&M Report gives a finding regarding the magnitude of change to the relevant view, and then also a finding regarding the degree of effect on visual amenity. It is important to note that these are not the same thing. The visibility of some change in the landscape is not an adverse effect in itself. A new element only brings an adverse effect on visual amenity if it discords with, or degrades the visual amenity that would otherwise be experienced.
- 30 When evaluating the degree of a visual effect, the R&M Report uses the scale given in the table on page 44 of its Appendix 1. These findings of the R&M Report are given in the following table.

⁶ UK Landscape Institute and Institute of Environmental Management and Assessment; 2013; 'Guidelines for Landscape and Visual Impact Assessment – 3rd Edition'; Routledge, Oxford. Paragraphs 6.32 to 6.35.

Viewpoint	R&M finding regarding magnitude of change	R&M finding regarding degree of effect on visual amenity
1	mod-low	mod-low
2	mod	mod
3	mod	mod
4	low	low
5	mod	mod
6	mod	mod
7	mod	mod
8	mod	mod
9	mod	mod
10	very low	very low

31 The R&M Report's discussion of the visual amenity effects for each viewpoint does not include a discussion of whether or not the effect is adverse in relation to the view in question. The table on page 45 of Appendix 1 of the R&M Report sets out a definition of what constitutes an adverse, neutral and positive effect on visual amenity. Only at the end of its assessment of effects on views and visual amenity (paragraph 139) does the R&M Report give the finding that:

"it is considered that the effects of the proposal in the receiving landscape will not be at odds with the existing patterns of development in the surrounding environment and will not represent an adverse change".

32 It is considered that the R&M Report's discussion of effects on views and visual amenity would have been more effective if, in relation to each viewpoint, an assessment was made of the magnitude of visual change, and then whether the visual change will affect visual amenity in an adverse, neutral or positive way, and to what degree. That is to say that the assessment of the degree of an effect on visual amenity should be made in combination with an assessment of whether the effect is adverse or not.

33 As a consequence of the above issue, the R&M Report's findings on effects on visual amenity may be misinterpreted. In its paragraphs 100 to 138, it sets out the effects on visual amenity as given in my table above. Often the degree of effect is described as moderate. Then in its paragraph

139, the R&M Report gives the statement above, that the effects of the proposal are not at odds with existing patterns and therefore, in relation to visual amenity, are not adverse.

34 With reference to paragraph 4, the authors of this peer review report have not visited the site or the various viewpoints. However, based on knowledge of the vicinity and on the photographs of the R&M Report's Graphic Supplement, the following tentative comments are given.

Viewpoint	Peer review comment
1	It appears that the parts of the PC14 site that are visible in this view are very largely no-build areas. A small part of upper RL5 appears visible which may lead to visible built form and a decrease in the visual simplicity and naturalness of the slopes but this would be difficult to discern. An adverse effect on visual amenity of a very low degree.
2	Some visibility of RL3 and RL5 as part of the treed valley floor part of the site. An increase in visual busyness but in a way that ties in relatively well with existing patterns in the landscape. The RL5 area will be seen to decrease simplicity and naturalness of the northeastern gully part of the site (which is within the SAL). The overall scene that is taken in from this viewpoint (and similar ones) is complex. An adverse effect on visual amenity of a moderate-low degree.
3	Very similar to Viewpoint 2. Some loss of simplicity and naturalness of a midground element. An adverse effect on visual amenity of a moderate-low degree.
4	It appears that upper parts of RL4 and RL5 may be visible on what are currently open slopes. These activity areas provide for low density rural living such that they will comprise of ample open space. From this viewpoint it appears that any visual change will be hard to discern and an adverse effect on visual amenity will be of a very low degree.
5	Visibility of the valley-floor activity areas RL1, 2 and 3 will visually tie in well with the existing treed valley floor patterns. RL4 and 5 will be seen to alter the northeastern gully, decreasing the open simplicity of these SAL hill slopes. Again, RL4 and 5 provide for low density rural living with ample open space; therefore, not a particularly built type of visual pattern. Visual amenity will be affected adversely, to a moderate-low degree.
6	Much of the site is visible in this view but at a considerable distance and as part of a very broad scene. Development provided for by PC14 will increase the visual complexity of the midground/background of the view but at this distance, the change will blend in considerably with its context. An adverse effect on visual amenity of a low degree.
7	Similar to Viewpoint 6 but less of the site is visible and very little of the activity areas that will provide for development. Any effect on the visual amenity of an observer will be of a very low degree at most.
8	Similar to Viewpoints 6 and 7 but only particularly small parts of RL5 will be visible and at long distances as part of a complex scene. A very low degree of effect on visual amenity at most.
9	Much of the site is visible in this view. Development enabled by RL1, 2 and 3 will potentially be discernable but will tie in well with other horizontal valley floor elements such that it accords well with existing patterns. Much of RL5 that spreads up to higher elevations is hidden, thus the hillslopes will remain very largely as they currently are. Again, the site is a small part of a complex scene. Effects on the visual amenity of an observer will be of a low degree.
10	No development enabled by PC14 will be visible. Visual amenity will not be affected.

- 35 It is considered that setting out findings regarding effects on visual amenity as per the table above is perhaps more useful than measuring the degree of effect in relation to each viewpoint and then making an overall finding about whether the effects are adverse or not. In any event, we do not see significant disagreement with the ultimate findings of the R&M Report regarding effects on visual amenity, however, it is considered that from some viewpoints there will be adverse effects on visual amenity that sometimes range up to a moderate-low degree. These effects are generally derived from a loss of visual simplicity and naturalness of the slopes that are within the SAL.

LANDSCAPE AND VISUAL EFFECTS IN RELATION TO RELEVANT STATUTORY PROVISIONS

- 36 The R&M Report appropriately comments on how the outcomes of PC14 sit with the landscape-related Objectives and Policies of Section 4, 12 and 16 of the CODP. Many of the issues raised in relation to these Objectives and Policies have already been discussed and this section of the R&M Report is generally agreed with. Notwithstanding that, the following comments are made.
- 37 In relation to Objective 4.3.3 (and associated Policies), the R&M Report notes that PC14 has been carefully designed in response to topography and elevation. This is agreed with, but it should be acknowledged that some development (albeit at a low density) will be enabled on the hillslopes that are within the SAL (both as it exists now and as amended by PC14). Therefore, it is considered that there will be some effect on the "*open natural character of hills and ranges*", although for the various reasons that have been discussed, this effect will be of a low degree.
- 38 In relation to Objective 4.3.4, the R&M Report notes that public access will be provided at subdivision stage. This appears to be a reference to the third bullet-point of proposed provision 4.7.2(ii)(vi) and to Schedule 19.24. It should be made clear on Schedule 19.24 that all roads, footpaths and tracks shown will allow access for the general public, if indeed this is the case.
- 39 Subject to the above and to the other comments within this report, it is agreed that PC14 sits relatively comfortably with the relevant landscape-related Objectives and Policies of the CODP.

CONCLUSION

- 40 The conclusions of the R&M Report are agreed with. PC14 has been designed to respond to its landscape setting to bring about a sympathetic result and effects on the ONL will be avoided

(indeed there will be a slight positive effect). There will be some effect on the openness and naturalness of the hill slopes that lie within the SAL but this will be of a low degree and will be considerably contained. From some particular viewpoints, visual amenity will be affected to a degree that ranges up to moderate-low.

SUBMISSIONS

- 41 Submissions by AG McFarlane (52), PJ Mead & AD Stark as Trustees for the McKay Family Trust (60), B Tovey (85) and M & BC Zareh (94) raise issues related to the landscape and visual effects of PC14. A number of the issues raised have already been discussed. Relevant issues raised can be categorised as follows:
- Effects on the elevated landforms surrounding Cromwell;
 - Visual effects of development on the SAL slopes as seen properties to the south of the site;
 - Tree planting and road frontage treatment;
- 42 The issues raised relate, to a large degree, to the issue of residential land use spreading uphill from the valley floor onto hillslopes that are within the SAL and are viewed from the flat land to the south of the site. These issues have been discussed throughout this report. Viewpoints 1 to 4 of the R&M Report give an impression of some of the views available.
- 43 Activity Areas RL4 and 5 will provide for development within the SAL, as amended by proposed PC14, although RL3 also provides for development within in current SAL. As has been set out previously, a resident taking in a favourite view from their property is an observer that is particularly sensitive to effects on visual amenity. Additionally, when visible, the SAL slopes of the northeastern gully of the site are currently open and visually simple.
- 44 The minimum lot sizes that are proposed for RL4 and 5 are 1ha and 3ha respectively. Rural living areas with lots of this size generally develop as relatively green areas with tree planting to provide shelter and privacy. In views from the south such as those illustrated by the R&M Report's Viewpoints 2 and 3, a pattern of trees, parts of driveways and buildings and general increased visual complexity (although largely soft and green), will spread up the lower part of the northeastern gully while the elevated slopes or sides of the gully will remain open.

- 45 The most relevant provisions against which these effects should be considered are Objective 4.3.3 and Policy 4.4.2. Importantly, Policy 4.4.2 does not seek to avoid adverse effects. It seeks to ensure that effects on open space, landscape, natural character and amenity values are avoided, remedied or mitigated through a number of means including the location of development to maintain the open natural character of hills and ranges and to not compromise the landscape and amenity values of prominent hillsides and terraces.
- 46 Ultimately, in this regard it is considered that in the relevant views, the RL4 and 5 development will sit in the low part of the northeastern gully, thereby leaving the prominent hillsides unaffected. The open natural character of the hills, ranges, skylines, prominent places and natural features will very largely be maintained. Effects on the SAL land will not be entirely avoided but it is considered that the design of PC14 has considerably mitigated them.
- 47 One submission raises the issue of suitable vegetative treatment of the Ripponvale Road frontage and also vegetation within the RuRA(5) area to appropriately soften built form in a visual sense. It is agreed that ample and appropriate tree planting throughout the development enabled by PC14 will be important to its success. It is considered that the Amenity Edge provisions and the matters over which Council will retain control generally, provide appropriate certainty that the resource consent process will bring about good results in relation to the Ripponvale Road frontage and also in relation to tree planting throughout the zone in the future.

OVERALL CONCLUSIONS OF THE PEER REVIEW

- 48 The R&M Report is very comprehensive and thorough. No significant issues have been omitted or overlooked. The report follows an appropriate methodology and its findings are very largely agreed with.
- 49 It is considered that proposed PC14 will have no adverse effects on the relevant ONL and will, in fact, have a slight positive effect. The proposed movement of the SAL boundary line is slightly unclear. In any event, it is agreed that there will be some low-degree adverse effects on the character of the SAL but in a way that is relatively confined.
- 50 The R&M's Reports findings regarding effects on views and visual amenity may be misinterpreted. In relation to various viewpoints, the degree of effect on visual amenity is described by the R&M Report as moderate. A separate finding is then given in a later paragraph that these effects are

not adverse. When considering a potential visual effect from a particular viewpoint, it is considered that it is more helpful to give a combined finding regarding whether the effect is adverse or not and what the degree of that effect is. When visual effects are reported on in this way, it is considered that there are adverse effects on visual amenity from a number of viewpoints, however, these effects are often of a low degree and range up to a moderate-low degree at most. These effects are generally derived from a loss of visual simplicity and naturalness of the slopes that are within the SAL.

- 51 It is agreed that PC14 will sit relatively comfortably with the other relevant provisions of the CODP, particularly the Objectives and Policies of Section 4, 12 and 16.
- 52 Some submissions raise issues regarding landscape and visual effects. These issues have largely been covered by the R&M Report. Views from some private properties to the south of the subject site will inevitably be affected, generally by development enabled by RL4 and 5 spreading up the lower part of the northeastern gully. RL4 and 5 development will be large-lot rural living activity that will bring a treed, green and relatively un-built visual pattern. The design of PC14 has kept this to the lower parts of the gully in response to topography and has kept the upper slopes unaffected. Potential effects have been considerably mitigated.

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