

**BEFORE THE COMMISSIONERS APPOINTED BY
THE CENTRAL OTAGO DISTRICT COUNCIL**

RC180144

IN THE MATTER

Of an application for resource consent under section 88 of the RMA for earthworks and structures associated with the construction of a walking and cycling trail.

BETWEEN

Central Otago Queenstown Trail Network Trust

Applicant

BRIEF OF EVIDENCE OF PHILIP BLAKELY

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INTRODUCTION

1. My name is Philip Blakely. I am a partner and director of Blakely Wallace Associates based in Arrowtown. The consultancy was established in 1997 and undertakes a broad range of landscape architecture including landscape design, management, assessment and planning for private clients, Government, and local authorities. I hold the qualification of Bachelor of Applied Science (Landscape Architecture) with Distinction from the Royal Melbourne Institute of Technology. I am a Registered Member of the New Zealand Institute of Landscape Architects (NZILA).
2. I have had thirty years' experience, primarily in the lower South Island, as a practising landscape architect in both public and private practice. I have extensive experience in the assessment of landscapes and landscape character and the impacts of development, and in the integration of development into sensitive environments. From 1985-1997 I was senior landscape architect for the Department of Conservation based in Queenstown. During this time I was responsible for overseeing The Remarkables Ski Area development and access road restoration as well as vetting and assessing development in other ski areas administered by the Department. In more recent years I have provided landscape advice and prepared the Landscape and Visual assessment for the Alps to Ocean Cycle Trail where it passed through Outstanding Natural Landscape (ONL) and Conservation Estate and for the Round the Mountain Cycle Trail in the Oreti Valley. I have prepared more than 50 landscape assessments for the High Country Tenure Review programme as well as other assessments for public lands, and have provided advice on many high country pastoral lease applications for earthworks, tracks and structures.
3. I prepared the Landscape and Visual Assessment for the Lake Dunstan Trail in February of this year and this was followed by an Addendum on Cumulative Effects of the Cycle trail in September. I also advised and contributed to the Schedule of Mitigation for the Lake Dunstan Trail prepared by Tim Dennis of Southern Land Ltd and submitted by the applicant for the Request for further information.

4. Although this is a Council hearing, I confirm I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2014 and that I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this evidence are within my area of expertise.
5. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of Evidence

6. My evidence will cover the following:
 - (a) Summary of main points and conclusions from the Landscape and Visual Assessment Report and the Addendum report on Cumulative Effects.
 - (b) Comment on submitters relevant to my area of expertise.
 - (c) Comment on relevant statutory planning legislation, policies and objectives as they relate to landscape and visual matters.
 - (d) Comment on section 42A Staff report.
 - (e) Conclusions.

Summary of Main Conclusions from the Landscape Assessment Report

7. The Landscape and Visual assessment focused only on areas that required consent. In regard to the Bannockburn Inlet sections this included the retaining walls, and within the Cromwell Gorge, areas within the ONL, Rural Resource Area. The assessment excluded any landscape and visual effects arising from within the Water Surfaces and Margin Resource Area (WSMRA). Following a request for further information by the Council I was instructed to prepare an Addendum report that dealt with any cumulative effects arising from the effects from the permitted sections within the WSMRA in combination with the effects of the sections of the trail within RRZ/ONL that requires consent.
8. The main points from the Summary and Conclusion of the Landscape and Visual Assessment are as follows:

- (a) The Kawarau Arm and Bannockburn Inlet retaining walls are assessed as having moderate short term landscape and visual effects reducing to low (or minor) when retaining walls have weathered and edges have softened.
- (b) The Cairnmuir side of the Gorge is open, dry and rocky landscape and is largely highly visible from SH8 Cromwell - Clyde road and to a lesser extent from Lake Dunstan.
- (c) The Cycle Trail will provide for the general public, appreciation of the spectacular and outstanding landscape of the Cromwell Gorge and link with a wider trail network.
- (d) The Cromwell Gorge sections within the ONL sections of the Cairnmuir Range side of the Gorge will have variable landscape and visual effects with most sections having moderate effects in the short term reducing to low in the long term with the mitigation measures recommended and allowing for the slow recovery in this location and climate.
- (e) Two sections will have significant landscape and visual effects on the landscape resource in the short to medium term. These include the switchback sections within Cairnmuir Gully and Option 1 within Halfway Hut Creek. These will reduce to moderate as they bed in, and as cut faces slowly recover. In the long term when cuts revegetate they will reduce to low (or minor) depending on the stability of the batters and ability to revegetate.
- (f) Visual effects from SH8 for these two sections are less (moderate reducing to low in the longer term) due to the partial screening effect of landform.
- (g) Bridges have moderate to low landscape and visual effects depending on the length of bridge. The steel, timber and cable design of bridges are appropriate to the natural and historic character of the gorge and can be absorbed without adverse effects. Many people will regard the bridges as positive additions.

- (h) The Cycle Trail areas assessed are considered consistent with the relevant Objectives and Policies of the Operative Central Otago District Plan once rehabilitation has substantially occurred.
- (i) Apart from short to medium term landscape and visual effects following construction, the Lake Dunstan Trail will not degrade or detract in the long term from the overall landscape qualities of the Rural Zone or the ONL of the Cromwell Gorge.

Summary of Addendum Report on Cumulative Effects

- 9. It is acknowledged that the presence of the trail within the WSMRA will be viewed in the context of the Gorge ONL (even though the WSMRA is outside the ONL) and the trail does not require consent within the WSMRA. There are cumulative effects that will be experienced by viewers from the State Highway for sections of the trail that do not require consent.
- 10. In my opinion the cumulative effects on the ONL character and values are experienced as a whole as one travels through the Gorge which is how most people experience the Gorge.
- 11. With the mitigation measures proposed and given a reasonable period of time for the trail to settle in and disturbed ground to revegetate, cumulative effects resulting the permitted areas (WSMRA) and non - permitted areas requiring consent will be low.
- 12. By far the greatest cumulative effects in the Cromwell Gorge result from the scars of hydro development, for which effects continue to dominate the Gorge. Any effects from the proposed Cycle Trail will be minor or relatively inconsequential by comparison.

Comment on Issues Raised by Submitters as they relate to the Landscape Assessment Report

- 13. In this section comments are made on submissions received relating to landscape and visual matters.

14. Submitters have suggested that the area for which consent is sought is one of the 'last untouched areas of the gorge' which demonstrates how the gorge would have appeared in pre European times.
15. The only aspect of the Gorge landscape that can be described as untouched is landform (landform being one component of the landscape) and landform has been considerably modified in places also. Vegetation cover (as also a component of the landscape) is highly modified across the whole of the Cairnmuir Range face (and throughout the Cromwell Gorge) by mining, pastoralism and hydro development. There is also significant modifications to landform from earthworks, tracks, and structures throughout the Cairnmuir face (and Gorge as a whole) including the large man made Cairnmuir stabilisation area.
16. While there are large areas of landform that are untouched when viewed as a whole, the Gorge in my opinion cannot be described as 'untouched' taking into account the level of human induced change to both landform and vegetation.
17. One submitter says that as a routine traveller of SH8 the trail as proposed will be almost wholly visible from SH8 irrespective of the elevation of the trail.
18. While it is true large parts of the trail will be visible from SH8 it is incorrect that the trail will be wholly visible from SH8. The trail will be out of sight behind landform for a number sections such as at Cairnmuir Gully and at 10 Mile Creek and some other areas. Other areas utilise existing tracks for which there will be no visible change.

M Jones submission points 3, 4, 5, 6, 7, 8 and 13 para's 3, 4, 5 and 6

M Jones submission

Point 3

19. I agree that it is unfortunate that not all existing 4WD alignments can be utilised for the trail due to grade limitations. There will also be a degree of duplication and new trail seen within the same view as existing tracks. In terms of landscape values, it would be preferable if the existing tracks

could be used. My understanding is this is not possible due to grade limitations and standards for cycle trails.

20. I consider the submitter is somewhat over-stating the effects. With techniques such as rock walling, minimising grades, shaping of batters to facilitate revegetation, narrowing the trail width and special care on visually sensitive locations, visual effects can be minimised. As can be seen in the Gorge, disturbed sites do eventually heal but take a long time.

Point 4

21. I agree that cumulative effects are important and new disturbance has to take into account the effects of existing tracks and disturbance, and doesn't justify further disfigurement of an area because it is already compromised. On the other hand it is also a valid argument that if a landscape has a level of existing modification then further modification is more acceptable compared to an untouched pristine landscape.

Point 5

22. I agree that any grass seeding on very steep batters will not be practical and success is likely to be limited. I am confident that the trail batters will have considerably less adverse impact compared to the Contact Energy tracks to access the Jackson Creek slide.
23. I consider the Contact Energy tracks are brutal with very high adverse effects. The width of the Contact Energy tracks is 4m and the batters have been cut with a bulldozer which results in over-steepened batters that cannot rehabilitate which is far different from what is proposed for the Lake Dunstan Trail.

Point 6

24. The rate and length of time of recovery will vary considerably depending on the location. Easier grades for example the south side of Hyde Spur where slopes are not so steep and likely to be more topsoil, there is the ability to minimise cuts and fill batters which will heal more quickly. In the context of the Cairnmuir faces conservatively a 30 to 40 year timeframe is realistic for the most difficult sites with little topsoil and very rocky

substrates. Other more favourable sites will recover and establish vegetation in a shorter timeframe (estimated 10-20years). Some sections such as the southern end will recover sooner with mitigation proposed. Even the steepest large cuts from the hydro development above SH8 are achieving a cover after 40 years. In summary I do not agree that temporary is effectively permanent but in the context of the Cromwell Gorge recovery will be slow in some areas but with a shorter timeframe in other areas.

25. The submitter states that

'In no way does the applicants own landscape assessment support the statement in the AEE that the adverse landscape effects of the trail will be 'less than minor'.

26. Points 6 &7 in the Summary and conclusions of the landscape assessment state that:

- (a) 6 – *The Cromwell Gorge sections within the ONL sections of the Cairnmuir Range side of the Gorge will have variable landscape and visual effects with most sections having moderate effects in the short term reducing to low in the long term with the mitigation measures recommended and allowing for the slow recovery in this location and climate.*
- (b) 7 – *Two sections will have significant landscape and visual effects on the landscape resource in the short to medium term. These include the switchback sections within Cairnmuir Gully and Option 1 within Halfway Hut Creek. These will reduce to moderate as they bed in, and as cut faces slowly recover. In the long term when cuts revegetate they will reduce to low (or minor) depending on the stability of the batters and ability to revegetate.*

27. The submitter is correct to say that the landscape assessment report did not support the statement in the AEE that the adverse effects would be less than minor. As stated above in points 6 and 7 the effects are defined as either 'reducing to low or minor'.

28. However my terminology was a little loose as the Table of Effects¹ used to determine the magnitude of change to the landscape defines 'low effect' in RMA terms as 'less than minor' and further defines low effect as:

'The proposal constitutes only a minor component of or change to the wider view. Awareness of the proposal would not have a marked effects on the overall quality of the scene.

And/or - the proposal will have a low level effect on the character or key attributes of the receiving environment

And/or - The proposal will have a low level effect on the perceived amenity derived from it'

Points 7&8

29. I haven't seen all sections of the Roxburgh Gorge Trail. I have viewed the trail (from on the trail) from Alexandra to Doctor Point and viewed the big switchback climbing up the exposed face visible from SH8 upstream of the Roxburgh Dam.
30. The Alexandra to Doctors Point section I considered has a moderate effects overall but will reduce to low in the long term.
31. The high switchback section visible from SH8 in my opinion has a moderate to significant landscape and visual effect on landscape values. It is expected this will reduce over time (but as with the Cromwell Gorge will be slow).
32. With the mitigation measures specified in the Mitigation Schedule it is my opinion that the Lake Dunstan Trail will be constructed to a higher standard with reduced landscape and visual effects than the Roxburgh Gorge Trail.

Point 13

33. Some of the matters listed under Point 13 have been addressed by Mr Dennis and Mr Edgar.

¹ Table of Effects NZILA 'Landscape & Sustainable Management Practice Note PP-1017631-2-255-V1

34. In response to item 3 under Point 13 of Mr Jones submission querying the inadequacy of the dotted white line to depict the trail alignment. The use of a dotted line is to show location, not as a proxy for assessing the effects of the trail, which will not look like a white dotted line. This is a normal way to show proposed development for Council applications such as this. Photo montages and visual simulations while no doubt useful are expensive to produce and would not normally be used for a Council consent such as this where other visual aids are available. The existing tracks provide a good indication of effects. i.e. proposed effects of the trail can be interpolated and predicted to a large degree from the effects of the existing tracks.

(Item 4) Inadequate consideration to the very high visibility and large viewing audience of the trails earthworks and structures.

35. The assessment acknowledged that the trail will 'largely be highly visible from SH8 and Lake Dunstan' which implies a large viewing audience. The visual effects for each section were carefully assessed.

(Item 5) The statement in Item (8) of the summary that 'many people will regard bridges as positive additions.

36. I agree that Outstanding Natural Landscapes are primarily valued for their natural values. There are however many examples of ONLs (including National Parks and other Conservation Land with ONL values) which have structures or man-made features eg roads, bridges, and buildings. The key is that structures harmonise or are subservient to the landscape or feature. The Clyde Dam is an example of where a structure is not subservient and dominates and overwhelms the landscape. The Central Otago Rail Trail bridges and viaducts on the other hand in the Poolburn Gorge are an example of structures that don't dominate the landscape but harmonise with it. This is a factor of the scale of both the structure and the receiving environment, the design and type of construction and the materials and colours.

(Item 6) Remediation proposals are impractical and ill-founded

37. The key to remediation is avoiding steep batters, use of excavators to shape and prepare batters, use of retaining walls in selected locations,

reducing the width of trail and where possible, avoiding steep switchbacks and assisting revegetation with a range of techniques.

38. I do not regard any of these remediation proposals as impractical and ill-founded.

(Item 7) Fails to adequately address Section. 6(b) of the RMA

39. The assessment concluded that in the long term when disturbance heals that the effects would reduce to low or minor. Taking into account the effects of hydro development in this ONL and that the assessment concludes that identified short term significant and moderate adverse effects of the Trail will eventually reduce to low it is considered that Section 6(B) is satisfied (because the effects will in the long term be low or minor).

(Item8) Items 2,5 6 and 7 of the Summary and Conclusions do not support the overall conclusion that the landscape effects will be minor.

40. I disagree. These items do support the overall conclusion that the landscape effects will be minor.

(Item.9) Item 4 of the Summary and Conclusions is incorrect

41. Item 4 refers to the public having a greater opportunity to experience the features of the Gorge landscape at close range and moving through it rather than just viewing it in isolation from a distance across Lake Dunstan from the highway. I consider this is a correct and valid comment.

Point 14

42. Comment is somewhat harsh and inaccurate.

Comment on Relevant Planning Provisions

43. The provisions of the CODC District Plan are aimed at protecting the ONL and landscape features of the District and maintaining Central Otago's unique and distinctive landscapes.

44. In my opinion the Lake Dunstan Trail will maintain the ONL values of the Cromwell Gorge within the context of the considerable landscape and visual effects from hydro development and accepting that there will be some short term 'significant and moderate' landscape and visual effects in localised sections of the trail. Section 6(b) matters are satisfied because the effects will in the long term be low or less than minor.
45. Objective 4.3.2 which seeks to protect ONLs and ONFs has been met.
46. Objective 4.3.3 (Landscape and amenity Values) is met. Rural amenity values will be maintained. The open natural character of the hills will be maintained but with some moderate and significant effects on naturalness and natural character in localised sections of the trail in the short to medium term and, in the context of existing effects from hydro development.

Policy 4.4.2

47. Adverse effects on the open space, landscape, natural character and built environment values of the District's rural environment are avoided, remedied or mitigated. The trail has been sited on existing 4WD tracks as well as on additional new sections. While there are some adverse landscape and visual effects in the short to medium term, in the longer term they will be adequately remedied or mitigated.

Policy 4.4.2(a)

48. The design and location of structures and works are appropriate. Large bridges are steel timber and cable and will have an industrial aesthetic appropriate to the mining heritage in the Gorge and smaller bridge sections attached to bluffs will not detract or degrade the bluffs. Trail alignment has been located to use existing tracks where possible and elsewhere sited to respect the open natural character of hills and ranges, skylines, prominent places and natural features.

Policy 4.4.2(b)

49. The Trail development is compatible with the surrounding environment and compatible with amenity values of adjoining properties. Due to

hydro and farm development, a substantial number of tracks and structures are already present in the environment.

Comment on Section 42A Staff Report

50. Section 8.4 of the 42A report addresses visual effects within my expertise. That section largely adopts the analysis set out in my reports within one exception: the two options for section 4: Half Way Hut Creek to South End of Hyde Spur". Option 2 involves a bridge, whereas option 1 involves a section of switchback track.
51. Although the 42A report correctly records my analysis of the options it would be wrong to infer that I consider that Option 1 is inappropriate.
52. Although I prefer option 2, I realise that there are financial implications in the choice between the options and option 2 may not be available. I do not consider that the adverse effects of option 1 compared with option 2 are sufficiently different to warrant a prohibition on option 1.

Conclusions

53. The proposed Lake Dunstan Trail has been comprehensively assessed for effects on landscape and visual values.
54. Mitigation methods and techniques for specific trail locations have been carefully refined and considered to reduce and minimise landscape and visual effects.
55. With the mitigation measures proposed, and given a reasonable period of time for the Cycle Trail to settle in and disturbed ground to revegetate, landscape and visual effects within non--permitted areas requiring consent plus any cumulative effects arising from the permitted areas (WSMRA) will be low or less than minor.
56. By far the greatest cumulative effects in the Cromwell Gorge result from the scars of hydro development, for which effects continue to dominate the Gorge. Any effects from the proposed Cycle Trail will be minor or relatively inconsequential by comparison.

57. The Cycle Trail will provide an exciting new trail in the region and provide for the general public appreciation of the spectacular and outstanding landscape of the Cromwell Gorge and link with a wider trail network. Nevertheless there are elements of subjectivity in how people respond to change. The fact that the trail will be a public recreation resource will assist in influencing the perception that most people hold about it's appropriateness within an ONL.

Philip Blakely

Registered Landscape Architect

Date 19 November 2018.