

BEFORE THE SELWYN DISTRICT COUNCIL

UNDER: The Resource Management Act 1991

IN THE MATTER OF: Proposed Plan Change 6 to the Selwyn District Plan Volume 2 Rural
– Lower Port Hills and Summit Road Landscape Protection Area

AND

IN THE MATTER OF: Submissions and further submissions by Dennis and Deborah
Chapman

**STATEMENT OF EVIDENCE OF MICHAEL LAWRENCE STEVEN,
(On behalf of Dennis and Deborah Chapman).**

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QUALIFICATIONS AS AN EXPERT AND AMBIT OF EVIDENCE

- 1 My name is Michael Lawrence Steven. I am a practicing landscape architect and landscape planner employed by Vivian and Espie Ltd, a specialist resource management and landscape planning consultancy based in Queenstown.
- 2 I have read the Code of Conduct for Expert Witnesses (section 5 of the Environment Court Consolidated Practice Note 2006). I agree to comply with this Code of Conduct. This evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Qualifications and experience

- 3 I hold a Doctor of Philosophy in Architecture (Environment-Behaviour Studies) from the Faculty of Architecture, University of Sydney (Australia), a Master of Landscape Architecture by research from the Faculty of the Built Environment, UNSW (Sydney, Australia), a postgraduate Diploma in Landscape Architecture from Lincoln College (University of Canterbury), and a Diploma in Horticulture (Distinction) from Lincoln College. I am an Associate of the New Zealand Institute of Landscape Architects. I am a member of the International Association for Society and Resource Management (IASRM), and the Environmental Design Research Association (EDRA), and I have presented peer reviewed papers and a poster at international conferences of both organizations. My particular area of expertise is environment-behaviour studies, particularly landscape perception, and human factors in landscape design, planning and management. My research investigated the dimensions of environmental experience, in particular 'environmental knowing', or the way in which we make sense of the physical environment through our responses to the stimuli we perceive in the environment.
- 4 Prior to December 2004 I was employed as an academic by the University of Western Sydney, Australia, where I taught in the field of landscape studies and landscape management for 12 years. I have some 28 years of experience in the landscape architecture profession, both in New Zealand and Australia. My professional practice experience includes a period spent with the (then) Ministry of Works and Development in the Auckland office, and in the Christchurch and Hamilton offices of the (then) Department of Lands and Survey. A large part of my professional career has focused upon landscape assessment theory and practice. For the past three and a half years my work with MWH (Wellington) and Vivian and

Espie (Queenstown) has involved landscapes assessments and the preparation of expert evidence on landscape issues for a wide range of sites around New Zealand.

- 5 I am familiar with the landscapes of Banks Peninsula, and presented evidence to the Environment Court on the matter of the Banks Peninsula landscape protection appeals in 2007. In the preparation of this evidence I have conducted further field work within the Selwyn District Council section of Banks Peninsula.

Ambit of my evidence

- 6 My evidence addresses the issue of the appropriate position for the line demarcating the lower boundary of what is held to be the outstanding natural landscape of the Port Hills. The line delineating the zone boundary and the lower limit of the outstanding natural landscape is currently drawn at the 60 m contour.
- 7 I discuss the accepted basis for the assessment of outstanding natural landscapes, with particular reference to the Banks Peninsula Landscape Study (Boffa Miskell Ltd. 2007). I note the lack of a landscape assessment to support the specific purposes of Proposed Plan Change 6 (PPC6), and the consequent lack of evidence as to landscape significance that might justify lowering the ONL line to 20 m, as proposed in the plan change.

Summary of Conclusions

- 8 It is my opinion that on the basis of landscape significance, there is no evidence that supports the lowering of the ONL demarcation line from 60 m to 20 m within the SDC sector of the Port Hills, but particularly within that section of the Port Hills north of Tai Tapu (defined with reference to the proposed demarcation line on Figure 3).
- 9 If, for reasons other than those supported by the evidence as to landscape significance at the level of outstanding, the Selwyn District Council is intent on the lowering of the ONL line to 20 m, I propose the following variations to the line:
- 9.1 The north-south demarcation line proposed by the PRLA report be changed to the position indicated by the green line on Figure 3; and.
- 9.2 North of this line the ONL boundary line remains at the 60 m mark. South of this line the ONL boundary could be lowered to 20 m.

- 10 In my opinion it is not appropriate resource management practice to use the ONL provisions of section 6(b) of the Resource Management Act to protect aspects of the landscape that do not fall within the range of factors generally regarded as relating to landscape significance. I refer in particular to open space and openness—in simple terms, the absence of structures such as residential dwellings. Both of these aspects of landscape (open space and openness) may be valued, but neither are relevant to the assessment of landscape significance in terms of s6(b), and neither should be the basis for the identification of ONL. Openness and open space are ubiquitous characteristics of rural landscape generally, regardless of whatever other factors may contribute towards assessments of significance. If the desired outcome is the protection of open space and rural character, then in the absence of evidence of landscape significance at the highest level, the ONL provisions are unjustified.

THE ISSUE

- 11 Selwyn District Council (SDC) proposes to adjust the lower boundary of the Rural Port Hills Zone and the Rural Inner Plains Zone, lowering the boundary from 60 m asl to 20 m asl on the grounds that the 60 m contour is not an obvious or rational boundary. The intention is also to lower the boundary of the outstanding natural landscape identified on the Port Hills.
- 12 The proposal to lower the Rural Port Hills Zone/ONL boundary line is supported by a landscape assessment undertaken by Mr Andrew Craig of Peter Rough Landscape Architects (PRLA). The rationale for the lowering of the line appears to be that current position of the line is neither defensible nor logical in landscape terms. The PRLA report maintains there is no apparent difference in the landscape above and below the line, and as the landscape above the line is deemed to be outstanding, then the landscape below the line must also be outstanding. I disagree with this rationale.

Landscape assessment of the Lower Port Hills in the Selwyn District (PRLA Report)

- 13 The PRLA report sought to determine whether the existing 60 m contour is the appropriate boundary between the Rural Port Hills Zone and the Rural Inner Plains Zone, and in association with this, the appropriate lower boundary for the lower Port Hills ONL line. There appears to be an assumption that where the Rural Port Hills Zone goes, the ONL will follow.
- 14 The report acknowledges that the naturalness of land beneath the 60 m contour increases south of Tai Tapu. The report identifies areas of land north of Tai Tapu that have been modified to the extent that they can no longer be considered natural enough to be

considered for s6(b) status. These areas include Otahuna, Rocklands, and Holmeswood Rise. South of Tai Tapu the land is considered natural enough to pass the threshold for consideration as ONL.

- 15 In support of the proposed plan change, the land beneath the 60 m has not been subject to an assessment of landscape significance:

Because the Port Hills land above the 60 m contour is mostly indistinguishable from that below, there is no need to apply the Pigeon Bay assessment to this land. That is, there is no apparent reason why the merits of the land above the 60 m contour do not and cannot extend below. (PRLA Report, p.11)

- 16 On p.13 the Report repeats:

... the landscape quality of the land below the 60m contour is no less than that above in terms of its naturalness and the Pigeon Bay criteria

- 17 I do not accept that this conclusion is justified. Naturalness aside, as stated in the quote in para.13, a Pigeon Bay-type assessment was considered unnecessary for the purpose of determining the significance of the landscape below the 60 m contour. Therefore no evidence has been offered that land below the 60 m contour justifies the same level of significance (outstandingness) as land classified as ONL above the 60 m contour.

- 18 On the issue of naturalness, I agree that there is generally no perceptible difference in naturalness on the lower slopes of the Port Hills above and below the 60 m contour. Generally, there is no difference in naturalness with altitude anywhere within the lower farmed slopes of the Port Hills. The perceptible differences in naturalness occur not between different parts of the lower slopes, but between the lower slopes and the higher altitude slopes, near the Summit Rd. Across the full range of altitude, naturalness varies markedly on the Port Hills and on the Peninsula generally, with highest naturalness occurring at higher altitudes. I disagree with the claim that south of Tai Tapu, the lower slopes are of sufficient naturalness to be considered potentially outstanding, as the PRLA report suggests.

- 19 From the summary of observations presented on p.15 of the PRLA Report, the factors that have influenced the opinion that land below 60 m merits s6(b) status can be stated as:

19.1 Visibility, particularly from SH75 and other public places

19.2 Similarity of character above and below the 60 m contour line

- 19.3 Degree of modification and development between northern and southern section.
- 20 None of these factors are in my opinion, acceptable substitutes for an objective assessment of naturalness, and the critical assessment of landscape significance according to natural science and aesthetic factors.
- 21 Accordingly, I do not consider the Report has established the case for lowering the ONL boundary line, either on grounds of naturalness, or landscape significance.
- 22 I agree with the PRLA report's conclusion, "there is no landscape evidence to suggest that the 60m contour forms a justifiable land management boundary," however seemingly arbitrary elevations are used in other jurisdictions to delineate landscape management areas. It might also be argued that the 20 m contour is no less arbitrary, compared with say, the junction of the landforms of the peninsula slopes and the plains. As I discuss in the next section of my evidence, I consider the most defensible basis for delineating ONL is on the basis of (i) the landscape exhibiting a sufficient degree of naturalness, and (ii) the distribution of the landscape aspects and elements that are valued at a level assessed as being outstanding. In that sense, outstanding natural landscapes define themselves according to the location and extent of naturalness and the characteristics and qualities of the landscape that are valued, as I will discuss. This was the approach taken in the CCC Banks Peninsula Landscape Study (Boffa Miskell, 2007)

THE ASSESSMENT OF LANDSCAPE SIGNIFICANCE

- 23 Zoning for planning purposes and the identification of outstanding natural landscapes (ONL) are not synonymous. Zoning involves the identification of areas of land suited to a specific range of activities, and the maintenance of particular qualities as articulated in the relevant objectives and policies of the District Plan. The classification of landscape as ONL concerns the identification of landscape that is considered to have special significance. ONL classification is generally regarded as an overlay distinct from the underlying zoning of the land. It is not necessary that an ONL classification accord with a zone boundary, and there may be instances where an ONL overlay may cover more than one zone.
- 24 In my opinion there is some confusion apparent in the plan change documentation regarding whether the plan change seeks to change zone boundaries, ONL boundaries, or both. In my opinion there is no justification for the view that a change in zone boundaries necessarily requires a change in ONL boundaries, as the two mechanisms have quite different purposes.