

- 25 The identification of outstanding natural features and landscapes (ONFL) involves two steps:
- 25.1 establishing that a landscape is sufficiently natural to be considered for ONFL status, and;
  - 25.2 establishing that a landscape is valued, with reference to a framework of factors, at a level of significance that justifies the adjective “outstanding”. The factors most commonly applied to the assessment of significance relate to (1) the aesthetic characteristics and qualities of the landscape, and (2) characteristics and qualities associated with the natural science aspects of the landscape.
- 26 As noted above, no such assessment was undertaken for the land below the 60 m contour. Rather, it was assumed that if the land above the 60 m contour was deemed to be outstanding, then by extension, the same level of significance applies below the 60 m contour.
- 27 Christchurch City Council’s Banks Peninsula Landscape Study (BPLS) prepared by Boffa Miskell Ltd (2007), established that within that area of Banks Peninsula administered by Christchurch City (including that land formally administered by Banks Peninsula District Council, and now part of Christchurch City), naturalness, and the aspects of the landscape that are valued are not uniformly distributed over the landscape. Over the peninsula as a whole naturalness varies significantly with altitude, with highest levels of naturalness occurring around the perimeter of the Lyttleton and Akaroa calderas. Closely associated with altitude is the extent of agricultural development, with the highest modifications to naturalness and the most apparent improvements to pasture occurring at lower altitudes.
- 28 It is pertinent to note that the BPLS did not identify ONL around the lower slopes of Banks Peninsular south and east of the boundary with Selwyn District (see Figures 1 and 2), and this can be attributed to the lower levels of naturalness and lower level of values associated with this part of the peninsula landscape.
- 29 In what I consider to be a significant departure from conventional practice of landscape assessment for RMA purposes, the BPLS identified landscape significance at the level of outstanding only on that land to which the outstanding values could be directly attributed. There is no suggestion that landscapes are ‘outstanding by association’ as sometimes

the area that is the subject of the proposed Selwyn DC plan change, the level of landscape significance claimed by SDC must be considered questionable. The flanks of the peninsula that are covered by the Banks Peninsula landscape study are directly contiguous with those areas that fall within Selwyn District.

- 35 The extent of Port Hills ONL within Selwyn District is shown in Figure 2. It is difficult to understand how landscape assessments that ostensibly apply the same criteria are able to reach such fundamentally different conclusions within the same wider landscape. What then, are the factors that raise the area of Banks Peninsula landscape within SDC to the level of outstanding, while those adjacent areas within CCC are identified as VAL? In my opinion there are no differences – the SDC land is essentially the same landscape as that which CCC had identified as VAL.
- 36 It is commonly accepted that outstandingness is determined with reference to all the landscapes within the local authority area conducting the study. The Selwyn District contains a much wider range of landscapes than Christchurch City, extending as it does from Banks Peninsula to the mountainous landforms of the main divide. I cannot accept that, relative to the full range of landscapes within Selwyn District, the lower slopes of the Port Hills are outstanding.
- 37 I accept as a matter of fact the identification of the Port Hills landscape as an ONL within the SDP. I understand this classification to be on the basis of a landscape assessment undertaken by Ms Di Lucas and subsequently peer reviewed by Mr Graham Densem, who endorsed Ms Lucas' findings. However, the validity of this classification must be regarded with caution and doubt when considered in light of the more recent, technically robust and comprehensive CCC Banks Peninsula Landscape Study, which recognised no landscape significance at the level of outstanding on adjacent Banks Peninsula landscapes exhibiting similar characteristics and qualities. While it is beyond the scope of the proposed plan change to re-visit the outstanding classification of Port Hills land above the 60 m contour, I do not regard it as good practice to extend the influence of an already questionable assessment by lowering the boundary further.
- 38 The section 32 report (p.8) cites Mr Densem in maintaining “the analysis of the Port Hills, as an outstanding landscape on the basis of its geomorphic form is justified on the basis of both past landscape studies and case law.” While the geomorphology of Banks Peninsula may be

a valid basis for the classification of some Banks Peninsular features and landscapes as outstanding, it does not follow that the entire peninsula needs to be classified as such in order to protect aspects of the landscape that are valued for geomorphological reasons. Similarly, such geomorphological values as may be attributed to the Port Hills do not require protection in their entirety, particularly as there is no evidence that geomorphological values attributed to the Port Hills are as significant or even more significant, than values attributed to other parts of the peninsula.

- 39 It is implied in the Proposed Plan Change documentation that the recognition of the SDC Port Hills landscapes as ONL will bring the outstanding recognition of these landscapes into line with the classification of that section of the Port Hills within Christchurch City to the north and north-east. None of the planning maps for Christchurch City show outstanding natural landscape on the City's section of the Port Hills, and while there is some reference in the plan<sup>1</sup> to the Port Hills including outstanding natural landscapes and features, the basis for this evaluation is not explained. More than likely the Port Hills ONL classification has its basis in the Boffa Miskell Ltd/Lucas Associates (1993) *Canterbury Regional Landscapes Assessment*. However, as the Environment Court determined in decision C85/2008, it does not necessarily follow that landscapes determined as being outstanding at the regional level are also outstanding at the district level. The Canterbury Regional Landscape Study found the entire Banks Peninsula to be outstanding – a finding since rejected by the Court.
- 40 The section 32 report statement (p.5); "By excluding this area [land below 60 m] from the Rural Port Hills Zone and Outstanding Natural Landscape category the Council could be criticised for not fulfilling its statutory obligations under Section 6(b) of the RMA" is not supportable when it is recognised that the identification of similar landscapes within CCC as visual amenity landscapes was accepted by the Court.<sup>2</sup>
- 41 In my opinion, the issue has less to do with the protection of outstanding natural features and landscapes, and more to do with the preservation of open space and rural amenity on the lower slopes of the Port Hills.

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<sup>1</sup> 2.7 Objective, Port Hills; "The Port Hills are considered an outstanding natural feature and landscape of national importance, and within the area are a number of internationally significant geological features, including prominent rock out crops and a number of volcanic dikes."

<sup>2</sup> *EM Briggs v Christchurch City Council* (Decision C85/2008)

### **Proposed Plan Change 6: Protecting ONL, or open space and naturalness?**

42 American psychologist Abraham Maslow famously said:

If the only tool you have is a hammer, you tend to see every problem as a nail.

43 I consider this wisdom pertinent to the issues behind the proposed plan change, in the sense that the blunt instrument that is classification of outstanding natural landscape, with the added force of section 6(b) of the RMA behind it, is being co-opted for the purpose of protecting something other than landscape significance. The real purpose of the proposed plan change, in my opinion, is not to protect outstandingness (for in my opinion such significance doesn't exist within the subject landscape), but rather to protect *open space* and the prevailing sense of naturalness associated with a rural landscape. That this is the case is suggested on p.16 of the PRLA report where reference is made to the SDP:

The District Plan recognises that one of the values of the rural Port Hills is the 'Absence of houses and other buildings and structures, especially on the upper slopes and ridgelines

44 There are several other passages in the PRLA report that indicate that visibility, particularly from SH75, has been a primary consideration in the recommendation to lower the ONL line. The SDC section 32 assessment also lends support to my opinion that the primary issue is not the protection of outstandingness, but rather open space, as additions are proposed to the wording of Policy B1.4.9 which deals with: "the potential effects of buildings and structures on the openness, visual coherence and legibility of the Port Hills landscape" (p.6).

45 While as a general principle I do not question the merits of protecting open space and naturalness, particularly within rural landscapes, I consider it inappropriate to attempt to do so under the guise of protecting outstanding natural landscapes, where such a classification is unsupported by the evidence. I consider this to be the case within the lower Port Hills slopes that are the subject of PPC6. It is not outstandingness that is sought to be protected but rather open space and naturalness, and as such, the ONL classification is being misappropriated. An unfortunate outcome of this approach is to diminish the currency of the term 'outstanding' when applied to landscapes.

46 In my opinion, if it is considered a desirable goal to protect open space and naturalness on the lower slopes of the Port Hills, then mechanisms other than ONL classification should be applied or developed. The Council's obligations under s6(b) to protect outstanding natural landscapes on the Port Hills can be, and should be carried out in a rather more

discriminating manner. As I note above, acknowledging that certain geomorphological characteristics and qualities of the peninsula require protection as ONL does not require the entire peninsula to be protected. The outcome of the protracted process of landscape protection across the larger part of Banks Peninsula, culminating in decision C85/2008, makes this abundantly clear.

## **RESPONSE TO SECTION 42A REPORT**

### **Zoning and Outstanding Natural Landscapes**

- 47 At paragraph 2.1 Mr Craig describes the purpose of the assessment he undertook as being to establish a “logical, justifiable and defensible boundary” between the Rural Port Hills and the Rural Inner Plains Zones. If this is the case then it is important that this purpose, and the function of zoning as a planning tool, be differentiated from the use of an ONL classification, which in my opinion serves an altogether different purpose. The determination of the zone boundary, and the location of the ONL line are two quite separate functions, and one does not necessarily follow on from the other. Land can be zoned Rural without necessarily being identified with an ONL overlay. In my opinion the issues in this matter are being confused by the apparent conflation of Port Hills Rural zone with outstanding natural landscape. As noted elsewhere in my evidence, the extent of ONL should be determined with regard to naturalness and the presence and distribution of aspects of the land that are valued to the highest possible level of significance – outstanding.
- 48 At paragraph 2.4 Mr Craig proposes that the proposed zone boundary be at 20 m, “except where the natural character of the rural land is compromised by existing development”. This is stated in paragraph 3.1 to be because the lowered level of naturalness falls below the naturalness threshold required for the land to be considered as outstanding natural landscape. This is an example of the conflation of the two tools – zoning, and the ONL overlay. While rural environments are invariably more natural than urban environments, naturalness is not necessarily a factor in determining zoning.
- 49 At paragraph 5.1 Mr Craig opines that when considering appropriate subdivision, use and development within an ONL; “[t]he principle outcome should always be that the natural character of the landscape is protected in the event of subdivision, use and development.” While the protection of the natural character of rural land may be a desired outcome for rural areas generally, in my opinion an equally important factor to consider on ONL land is the

protection of the aspects of the landscape that are considered to be outstanding—what are commonly referred to as the ‘landscape values’.

- 50 At paragraph 5.2 Mr Craig identifies the Tai Tapu area as being the location at which the landscape character of the Port Hills changes, with the northern sector displaying; “a much more complex and developed character that contrasts with the hills to the south...”. Mr Craig identifies that location at which the landscape character changes with the red line marked on the topographical map from the PRLA report included as Figure 3. The red line appears to run through the middle of the Chapman property. While Mr Craig’s assessment of two different landscape characters north and south of a line is reasonable, there is no analysis or justification presented for the location of the line as drawn by Mr Craig, nor any apparent consequences of drawing the line in this position. Mr Craig draws a line, presumably for the purpose of making some differentiation between the landscapes to the north and south of the line, yet proceeds to classify the landscapes in the same way.

#### **The Chapman property and ONL definition.**

- 51 Mr Craig makes no specific assessment of the request to amend the proposed boundary line of the Port Hills Rural Zone in the vicinity of the Chapman property. At paragraph 6.4, Mr Craig notes that six submitters sought amendments to the boundary line, yet the requests of five of these submitters, including that of the Chapmans, is summarily dealt with, with the brief and uninformative comment:

The recommendation is to reject five of the requests, while accepting that of I Duff...

- 52 Some idea of why the Chapman request for a boundary amendment may have been dismissed (together with another 4 similar requests) may be gained from Mr Craig’s criteria for determining boundary change adjustments:
- 52.1 Boundary line adjustments are only justifiable where the landscape is clearly and irredeemably modified to a point where it no longer displays predominantly natural character,
  - 52.2 The areas that are the subject of the request collectively contribute to the natural character of the rural Port Hills, thus consideration of the wider setting has to be taken into account.
  - 52.3 Exceptional circumstances need to apply when compared to other like areas.

My comments on these criteria follow.

- 53 Regarding point 51.1; I consider Mr Craig is placing too much importance on the presence of “irredeemable” modifications to natural character as determining whether ONL boundary adjustments are appropriate. As I have noted elsewhere, as far as the identification of ONL is concerned, an equally important consideration for defining ONL should be whether the landscape displays characteristics and qualities that may be considered to be at an outstanding level of significance. In the case of the Chapman property, whether the context is taken to be Banks Peninsula generally or the entire Selwyn District, the Chapman property cannot with any credibility, be classified as outstanding of itself, or part of a wider ONL.
- 54 Regarding 51.2; I do not consider it to be the case that the Chapman property contributes in any significant way to the natural character of the Port Hills, and indeed the same may be said of all the land on the lower slopes of the Port Hills within the northern area identified by Mr Craig. Above the Chapman property, the Port Hills rise to a height of 573 m at Coopers Knob. In my opinion, it is the 500 m of elevation above the 60 m contour that determines the natural character of the Port Hills, and it is generally the mid-to-upper slopes that determine the character of the peninsula as a whole.
- 55 Regarding the issue of exceptional circumstances raised in 51.3; in my opinion the issue of exceptional circumstances would only arise in circumstances where the subject property is within an area of land that is (i) unambiguously outstanding in its significance, and (ii) is clearly an integral part of the wider landscape context of outstanding natural landscape. In my opinion, the Chapman property is neither. Indeed it appears that the location of the ONL line has been contrived to include the Chapman property within the adjacent ONL, rather than acknowledge it as part of the wider Rocklands environs.
- 56 In my opinion the Chapman property is more clearly a part of the adjacent Rocklands development than it is part of the wider, more natural rural landscape of the Port Hills. As Figure 5 illustrates, it is one of very few small holdings within the Port Hills area, and this alone could justify the exceptional circumstances Mr Craig seeks to have identified. Given the minimal number of similarly sized properties, I cannot accept that the exclusion of the Chapman property from the ONL classification would have widespread or even significant local implications for the landscape protection provisions of the proposed plan change.

appears to be the case where the presence of an outstanding factor in a discrete part of a land unit may lead to the entire land unit being classified as outstanding.

- 30 In the BPLS, the presence of outstanding landscapes around the upper slopes and crater rims of the peninsula did not justify the extension of ONL classification to the lower slopes of the same landform.
- 31 This appears to be what is behind the proposed variation to the ONL boundary line within the Selwyn DC section of the peninsula: the high naturalness and outstanding values associated with the upper slopes are assumed to extend to the lower slopes. The BPLS clearly shows this is not the case over most of the peninsula generally, and in my opinion the same applies to the SDC section of the peninsula.
- 32 In the case of that section of Banks Peninsula within Selwyn District, I consider the assessment of both naturalness and landscape significance to be flawed because:
  - 32.1 There is an altitudinal gradient in naturalness within the SDC section of the peninsula, as indeed there is over the peninsula generally. This is clearly evident with reference to Figures 14, 15 and 16, and comparing these with any of the images that show the lower slopes of the peninsula. In my opinion, while the upper slopes of the peninsula are generally sufficiently natural to be considered for s6(b) significance (i.e., 'outstandingness'), the lower slopes are rather less natural, and in my opinion should not qualify for ONL status.
  - 32.2 There is no evidence that the aesthetic and natural science values attributed to the lower slopes of the peninsula within SDC even approach outstanding significance.
- 33 The Boffa Miskell study may be regarded as the most comprehensive and technically robust example of the many landscape assessments that have been undertaken on Banks Peninsula. The landscape categories that emerged from this study are shown in the map reproduced as Figure 1 to this evidence. This graphic shows the extent of outstanding natural features and landscapes within that part of the peninsula administered by Christchurch City.
- 34 Conspicuously, no areas of ONFL were identified within the south west flanks of the peninsula between Motukarara and Lake Forsyth. Rather, this area of the peninsula is identified as a visual amenity landscape (VAL). As this area is not significantly different from