

Appendix 3: Natural Features and Landscape Report – James Bentley

BEFORE THE SELWYN DISTRICT COUNCIL

Hearing Commissioners

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER District Plan Hearing concerning:
Natural Features and Landscapes
Chapter

STATEMENT OF EVIDENCE OF JAMES ARTHUR BENTLEY

Natural Features and Landscapes Chapter

1 June 2022

1.0 QUALIFICATIONS AND EXPERTISE

- 1.1 My name is JAMES ARTHUR BENTLEY, I am a Senior Principal Landscape Architect employed by Boffa Miskell Ltd, based in Christchurch. I am a registered member (2010) of the New Zealand Institute of Landscape Architects (NZILA) as well as an elected chartered member (London, 2002) of the British Landscape Institute (CMLI). I hold a post-graduate diploma (2000) in Landscape Architecture as well as a Bachelor of Arts with Honours Degree in Landscape Architecture (1998) from the Cheltenham and Gloucester College of Higher Education (now the University of Gloucestershire) in the UK. I am also a member of the Resource Management Law Association (RMLA).
- 1.2 I have practised as a landscape architect for over 20 years on a wide range of projects including landscape and visual effects assessments, territorial landscape studies, coastal and river-focussed natural character studies and research projects. I am the key author of the Selwyn Landscape Study (12 December 2018) and co-author of the Selwyn Coastal Environment Study (19 March 2018).
- 1.3 I have undertaken regional natural character studies for the Nelson, Tasman, Canterbury, Southland and Waikato regions as well as been involved in undertaking numerous district-related natural character studies for Selwyn, Waimakariri and more recently for Kaikoura and Waimate. I have also undertaken numerous district-wide landscape related studies, including Selwyn and Taupo. I am currently assisting Marlborough District Council with their appeals on landscape and natural character matters on their Marlborough Environment Plan.
- 1.4 I have also undertaken numerous natural character, landscape and visual amenity assessments for project specific proposals and presented evidence at numerous council hearings, environment court and for panels hearing district plan replacements.

2.0 CODE OF CONDUCT

- 2.1 I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes. I agree to comply with the code and am satisfied the matters I address in my evidence are within my expertise. I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.

3.0 SCOPE OF EVIDENCE

- 3.1 My scope of evidence will concern the following written submissions provided by the following submitters:

- DPR-0070 Jan Inwood.
- DPR-0097 Flock Hill Holdings.
- DPR-0104 Lukas Travicek (and DPR-0144 The Stations)
- DPR-0144 Mt. Algidus Station; Glenthorne Station; Lake Coleridge Station; Mt. Oakden and Acheron Stations (referred to as 'The Stations').
- DPR-0207 Selwyn District Council
- DPR-0212 Ellesmere Sustainable Agriculture Incorporated.
- DPR-0301 Upper Waimakariri/ Rakaia Group
- DPR-0308 Helen & Peter Heddell
- DPR-0372 Dairy Holdings Limited and Rakaia Irrigation Ltd
- DPR-0381 Coleridge Downs Limited
- DPR-0388 Craigmores Farming Services Ltd
- DPR-0391 Castle Hill Adventure Tours Ltd
- DPR-0407 Royal Forest & Bird Protection Society of New Zealand

- DPR-0422 Federated Farmers of New Zealand
- DPR-0439 Rayonier Matariki Forests
- DPR-0441 Trustpower Limited
- *Plus generic commentary on the building node concept for the High Country.*

3.2 In my evidence, I assess and provide recommendations to the Hearing Panel on the above submissions made available to me by Selwyn District Council on the Natural Features and Landscapes chapter of the Proposed Selwyn District Plan (PDP), and specifically those submissions that comment on technical mapping of the overlays and their associated schedules as they relate to the natural features and landscape topic. I have, where necessary, commented on certain provisions that retain a natural features and landscape underpinning, however, these are dealt with more comprehensively in the planning evidence of Mr. Jon Trewin.

3.3 As submitters who indicate that they wish to be heard are entitled to speak to their submissions and present evidence at the hearing, the recommendations contained within this report are preliminary, relating only to the written submissions.

3.4 For the avoidance of doubt, it should be emphasised that any conclusions reached, or recommendations made in my evidence are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions or decisions having considered all the evidence to be brought before them by the submitters.

4.0 STATUTORY REQUIREMENTS

4.1 This evidence is prepared in accordance with Section 42A of the Resource Management Act 1991 (RMA).

5.0 APPROACH OF THE SELWYN LANDSCAPE STUDY

- 5.1 BML worked closely with SDC in formulating the landscape approach for the Study.
- 5.2 The first part of the Landscape Study was to prepare a Landscape Characterisation of the Selwyn District. This first stage comprised a district-wide landscape characterisation, by which the district's landscapes were classified into broad land-types and character areas, drawing from land typing analysis conducted by Landcare Research on a regional scale¹. This stage also includes a review of current landscape studies that have informed the Council's operative District Plan.
- 5.3 The second stage comprised an evaluation of the district's different landscape values, including the identification of landscapes in accordance with Sections 6 and 7 of the RMA. This stage led to recommendations on which areas should be identified as ONF/L. The Landscape Study also provides an understanding of threats to each ONF/L that were considered during the development of rules within the PDP and identification of other sensitive areas that should have specific management mechanisms applied through the PDP rules, such as VAL areas. This was then reviewed by internal cultural, ecology and planning advisors.
- 5.4 The third stage of the Landscape Study involved engagement with affected landowners and stakeholders, most notably on the conclusions of Stage 2. This engagement involved affected landowners (i.e., a landowner who has a proposed outstanding natural features or landscapes on their land) as well as engagement with interested stakeholders, notably the Department of Conservation and University of Canterbury².

¹ And contained within the Canterbury Regional Landscape Study Review (July 2010) Boffa Miskell.

² A full list of all stakeholders is included on page 81 of the Selwyn Landscape Study (dated 18 December 2018).

- 5.5 As a result of that engagement, some minor amendments were made to the mapping and list of schedules.
- 5.6 Engagement with mana whenua on the Natural Features and Landscapes chapter was facilitated by Mahaanui Kurataiao Ltd over the course of the District Plan Review process. Te Taumutu Rūnanga Advisory Group and Mahaanui Kurataiao Ltd provided feedback on an early draft of the proposed Natural Features and Landscapes Chapter. Suggested amendments sought to add or clarify Māori words or terminology, while other suggested amendments were of a more substantive nature, such as to ensure the proposed provisions recognised and provided for mana whenua values or to provide for activities specific to mana whenua.

6.0 RESULTS OF THE SELWYN LANDSCAPE STUDY

- 6.1 I was the principal author of the Selwyn Landscape Study. In total, the Landscape Study identified eight landscape character areas of the Selwyn District and:

- Eight Outstanding Natural Landscapes:
 - Te Pātaka o Rākaihautū / Banks Peninsula
 - Te Waihora / Lake Ellesmere
 - Raikaia River
 - Waimakariri River
 - Malvern Hills
 - Front Ranges
 - Rakaia Catchment
 - Waimakariri Catchment and
- Three Visual Amenity Landscapes:
 - Te Pātaka o Rākaihautū / Banks Peninsula

- Malvern Hills

- Rakaia Catchment

6.2 These areas are mapped, and importantly contain a schedule of values which outlined the reasons for why they have been identified.

7.0 RESPONSES TO SUBMISSIONS

DPR-0070 Jan Inwood, submission point 001

7.1 Request: 'Amend the Outstanding Natural Landscape boundary to match the fence line at 11 Colletts Road (which appears to be legally described as Lot 7 BLK X RES 959 BLK III Southbridge SD), near Leeston'.

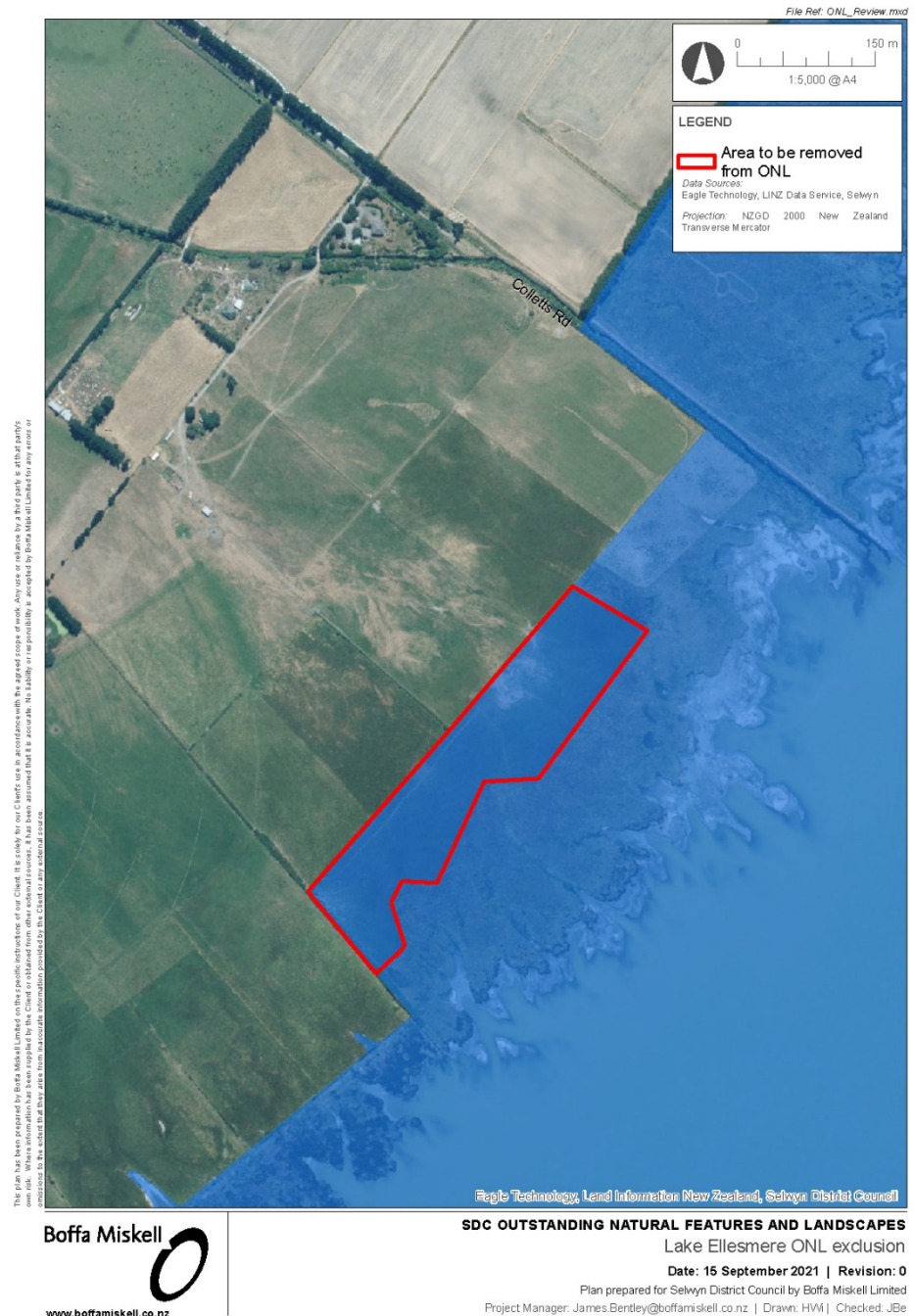


Figure 1: Excerpt of PDP of 11 Colletts Road. Green

- 7.2 The above Figure illustrates the location of 11 Colletts Road in relation to the ONL of Lake Ellesmere. The extent of the ONL as it relates to Te Waihora/ Lake Ellesmere has been principally guided by the impact of more intensified land use activities. Modification around the lake has limited the extent to which the lake's natural margins extend. Where land is more modified, which has affected the landscape values associated with the lake's margins, these

areas have been excluded, such as built structures, shelterbelts, fencing and the presence of more intensively used farmland.

- 7.3 I have carefully reviewed the extent of the ONL in the immediate vicinity of this property. The extent of the ONL has endeavoured to follow logical features on the land, such as areas of vegetation. Where no natural feature has been followed, fence lines and paddock boundaries have been used. In this case, I followed an apparent fence line with vegetation associated with it. I have reviewed this and consider that a more refined boundary could be applied to the fence line mentioned by the submitter. This would avoid including a small area of managed pasture.

Recommendation

- 7.4 To accept this submission and to slightly realign the boundary of the ONL on this property, as mapped.

DPR-0097 Flock Hill Holdings, submission point 002

- 7.5 This submission point seeks to remove the ONL overlay from part of its property and to rezone that part Flock Hill Station Visitor Zone (FHSVZ) from GRUZ.
- 7.6 The request concerning re-zoning will be dealt with during a separate topic, and I will only deal with the ONL overlay as it relates to the part of the property identified within the submission. Similar to other submissions seeking to have the ONL removed, including The Stations submission (submission point DPR-0144.001) and SDC's submission (submission point DPR-0207-107), the ONL overlay essentially includes the entire landscape and this property (or Lot 2 DP 546766 and Lots 3-4 DP 540423 at 10128 West Coast Road, Lake Pearson) is located central to this ONL. This mapped area is consistent with the understanding of 'landscape' in the Guidelines³ and the definition in the Landscape Study and acknowledges that land use changes are interwoven into the character of this high-

³ Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines', [Final Draft subject to final editing, graphic design, illustrations, approved by Tuia Pito Ora/NZILA 5 May 2021]

country landscape and that small, isolated more intensive parts of the landscape do not compromise the values or grandeur of the broader mountainous landscape.

7.7 The submission includes a specific landscape assessment, which is helpful to understand the proposal and associated values. It appears that both the landscape assessor and I agree that the rezoning of part of the Flock Hill property will *'not undermine the broad ONL values identified⁴'* and that the site in question is reasonably *'well confined area between an existing shelterbelt and the toe of Broken Hill and is visually discrete⁵'*.

7.8 In my view, the proposed suite of rules proposed would not necessarily compete or erode the broader ONL values and in my view, the area of land should be able to be developed in recognition of its unique location. In my view, the technical overlay should not be amended to support a particular land holding or zoning within an ONL, but should, through its provisions, recognise this and provide appropriate rules to enable development in these zones to be in accordance with the special values.

Recommendation

7.9 To reject this submission.

DPR- 0104 Lukas Travnicek, submission point 001 and DPR – 0144 The Stations⁶, submission point 001

7.10 These submissions concern High Country Stations. Submission 0104-001 concerns Mt White Station and Submission 0144-001 concern a group of five high country stations. Specifically, these submission points requests that the ONL (as proposed) be removed and in the instance of The Stations, that the ONL overlays as they relate to the current Operative SDC Plan, be retained.

⁴ Flock Hill Submission, page 10 of 26.

⁵ Flock Hill Submission, page 11 of 26.

⁶ Mt. Algidus Station; Glenthorne Station; Lake Coleridge Station; Mt. Oakden and Acheron Stations

- 7.11 A thorough updated District-wide Landscape Study has been undertaken which has reviewed all earlier work. The results of previous landscape studies are included within the current operative SDC Plan; however, no previous landscape study has reviewed the District as a whole, with each having a particular geographic area as its brief⁷.
- 7.12 As outlined within the Selwyn Landscape Study, landscape is the *'cumulative expression of natural and cultural features, patterns and processes in a geographical area, including perceptions and associations'*. The definition of landscape has been woven into the approach of identifying ONLs and is framed by current RMA guidance, case law and best practice.
- 7.13 The Rakaia Catchment ONL, the Waimakariri Catchment ONL and the Rakaia River ONL essentially include the entire landscapes of these interconnected landscapes. Minor areas of exclusion (and referenced as Visual Amenity Landscapes) are areas at the fringes of the Rakaia Catchment ONL, where the associated landscape values are considered to be no longer outstanding. Typically, these are areas where the ONL meets a non-ONL mapped landscape, and where human modification becomes the more dominant factor⁸.
- 7.14 These stations are all located within the abovementioned ONLs. The mapped area is consistent with the understanding and definition of 'landscape' in the Landscape Study and acknowledges that land use changes are interwoven into the character of this high-country landscape. The Landscape Study acknowledges that small, isolated more intensive parts of the landscape do not compromise the values or grandeur of the broader mountainous landscape and cannot be 'cut out' or removed.

⁷ Densem, Graham (2001) Selwyn District Plan Review **High Country Section:** Landscape Recommendations (November 2001) Graham Densem Landscape Architecture and Landscape Assessment of the **Lower Port Hills** in Selwyn District (May 2006) by Andrew Craig (Peter Rough Landscape Architects). My emphasis.

⁸ Such as the area immediate south of Lake Coleridge and Mt. Barker and an isolated area around Lower Glenthorn (east of the mid-shores of Lake Coleridge and contained to the flatter modified lands).

- 7.15 Through the development of the provisions that relate to these high country ONLs, it is my understanding that these have been carefully crafted to enable existing farming activities to continue, irrespective of the ONL overlay. I support these provisions.
- 7.16 Specifically concerning the relationship between the Rakaia River ONL and the Rakaia Catchment ONL, I have reviewed how these areas interrelate and made some amendments to their boundaries close to the Mt. Algidus Station. The Rakaia River ONL now better follows the River (rather than partly drifting over land).

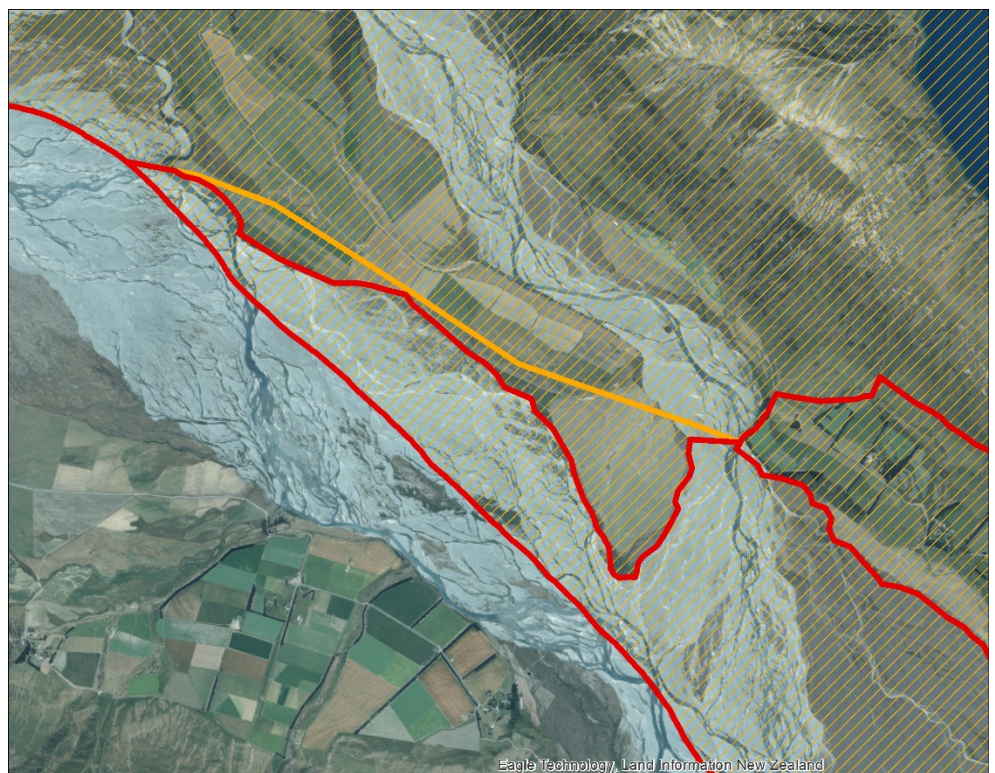


Figure 2: I recommend to change the orange line to better follow the northern extent of the Rakaia River (as it is drawn to the immediate south) so that land becomes part of the Rakaia Catchment ONL.

Recommendation

- 7.17 To amend the Rakaia River ONL boundary to better follow the Rakaia River. To reject the remaining submission points.

DPR – 0144 The Stations, submission point 003

7.18 This submission point relates primarily to the earthwork rule that has been developed for working high country stations that are within an ONL. As I understand it, it appears that this submission is really concerned with land disturbance. Land Disturbance, as defined in the plan: *'means the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) that does not permanently alter the profile, contour or height of the land'*.

7.19 In my view, any disturbance relating to rocks and boulders can affect the integrity and profile of the landscape. If this is what is specifically requested, then I am not comfortable with the direction of this, as I am unsure of how landscape values will be protected. This is expanded in a policy context further with the evidence of Mr. Jon Trewin.

Recommendation

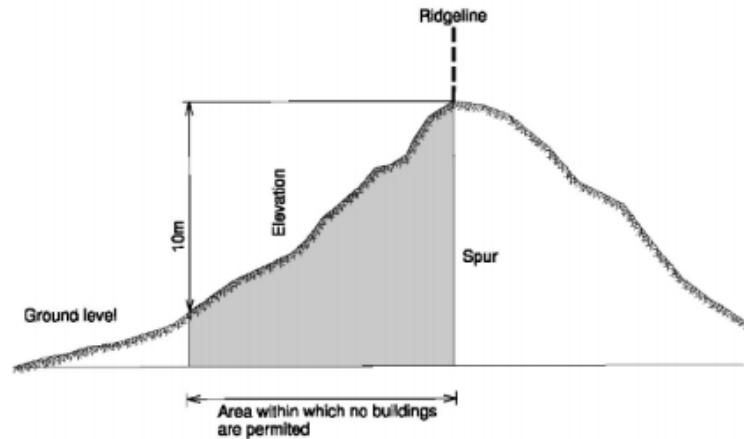
7.20 To reject this submission.

DPR-0207 Selwyn District Council, submission point 001

7.21 The submission considers that no definition of 'ridgeline' has been included in the proposed District Plan. This may cause uncertainty within the Plan given that some provisions rely on the term to determine compliance with the Plan. The submitter recommends that the following could be inserted in the policy: *'A geological feature that has a continuous elevational crest for some distance; provided that for the purposes of landscape assessments. This does not include the vegetation on the ridgeline'*.

7.22 I understand the concern although the wording suggested, in my view is not clear. I offer the following definition (and accompanying diagram), which has been used in other districts:

‘Ridgeline is the line marking or following the ridgetop that forms a continuous elevated crest and is the line of intersection at the top of opposite slopes’.



Recommendation

- 7.23 To accept in part the definition as suggested.

DPR-0207 Selwyn District Council, submission point 107

- 7.24 This submission point requests that the ONL overlay is removed concerning all land indicated as ‘Tourism Accommodation Area’ or ‘Residential Area’ on GRAZ-FIG1.
- 7.25 As outlined within Submission 0104-001 (Mt White Station) and Submission 0144-001 (five high country stations) discussion concerning removing parts of land from an ONL, I outline a similar view regarding excluding specifically zoned land. In my view, the technical overlay should not be amended to support a particular zoning within an ONL, but should, through its provisions, recognise this and provide appropriate rules to enable development in these zones. This may mean that small zones sporadically located throughout the ONL could be developed which would erode those unique landscape values. I do note that within the GRAZ zone, there are specific policies that recognise that new development for *‘tourism and accommodation activities are developed and designed in a manner that complements the character of the*

*natural environment*⁹ and that *'landscaping associated with development to reinforce existing vegetation patterns and reduce the visual impact of the development'*¹⁰.

- 7.26 I note that an exception of this is at Castle Village, where a GRZ and LCZ have been excluded from the ONL primarily due to the concentrated residential style and size of development. Other development in the high country is likely to take a more open, less intensive style of development and accord more with the 'rural node' concept. One other exception is Arthurs Pass, which represents a similar level of residential activity to Castle Hill.

Recommendation

- 7.27 To reject this submission point to remove the zone from the ONL.

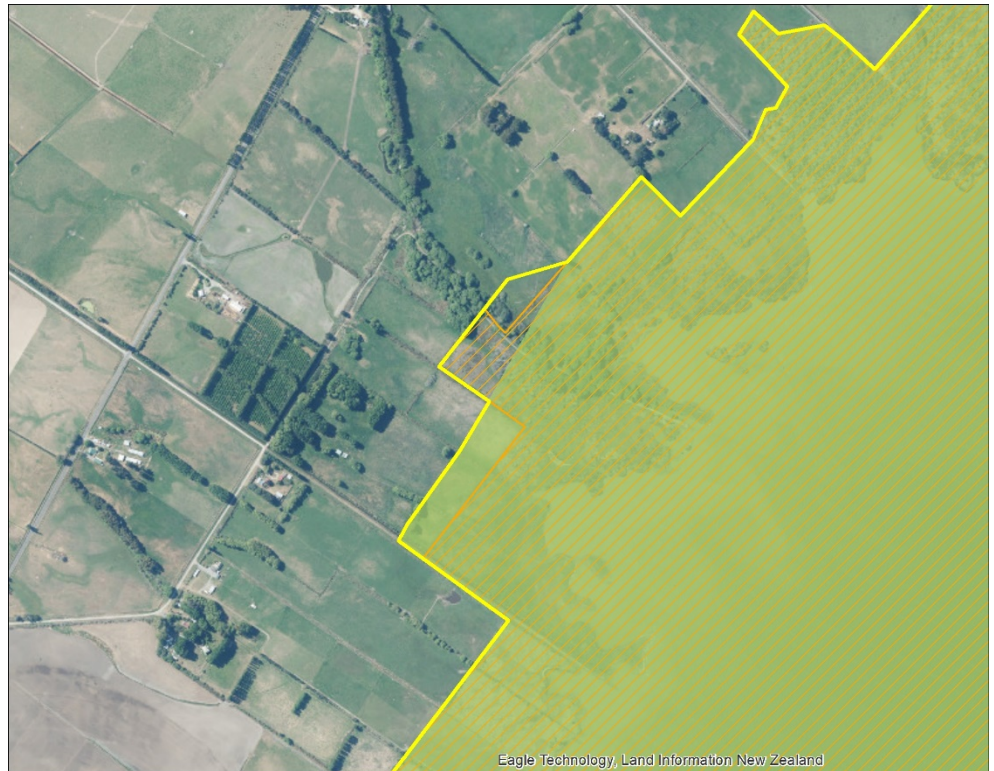
DPR-0212 Ellesmere Sustainable Agriculture Incorporated, submission point 056.

- 7.28 Ellesmere Sustainable Agriculture Incorporated seek the rationalisation of different overlays¹¹ where they overlap, particularly in their area of interest which is around the environs of the Rakaia and Selwyn River mouths and Te Waihora/Lake Ellesmere
- 7.29 I have reviewed the overlays in relation to the Rakaia and Selwyn River mouths and Te Waihora/Lake Ellesmere and agree that some rationalisation can occur, most notably where the values are inextricably entwined and the linework slightly deviates. Of course, this is noting that the identification of the inland coastal environment boundary, the ONL and areas of high, very high and outstanding natural character are different, and retain a different methodology and in areas, the overlays do differ.
- 7.30 The snippets below illustrate a before and after scenario concerning amendments made

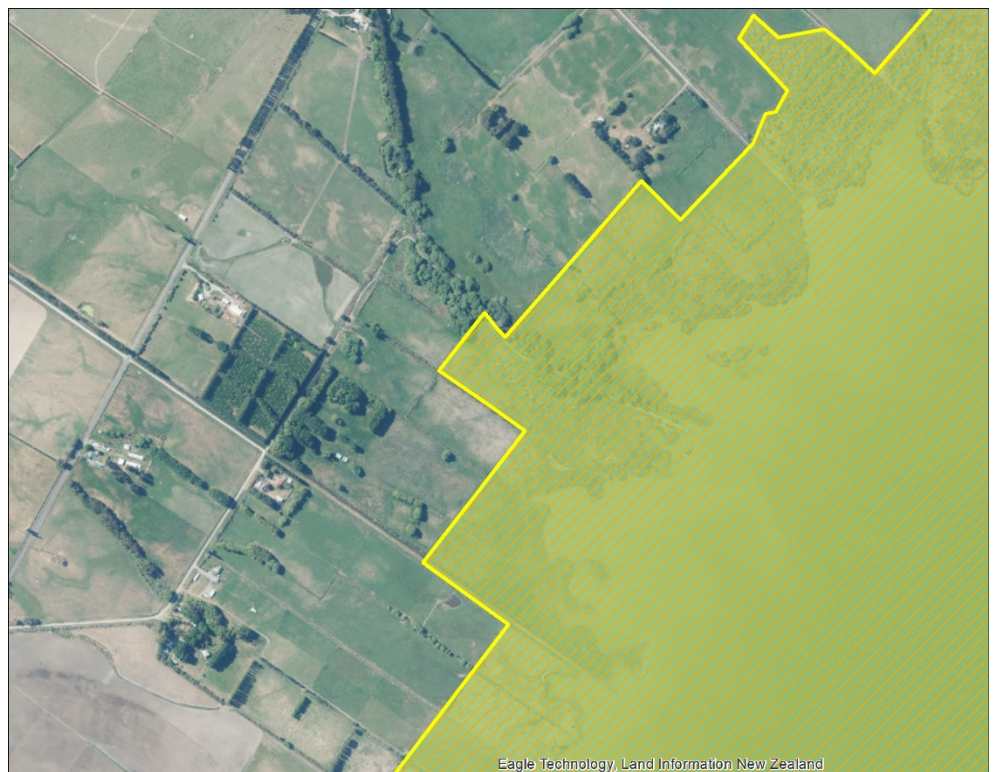
⁹ GRAZ-P2.

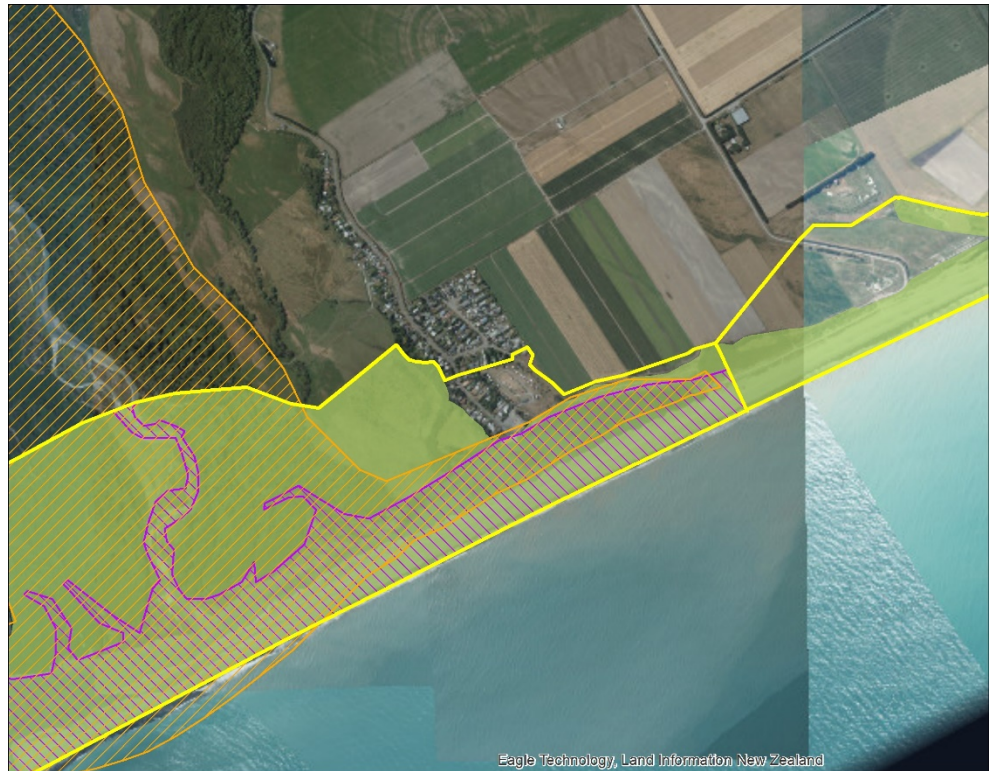
¹⁰ GRAZ-P5.

¹¹ Notably the ONL, coastal environment and areas of high, very high or outstanding natural character.



Figures 3A: Current (top), amended (below). North-West of Te Waihora/Lake Ellesmere. Orange linework ONL; yellow linework = coastal environment and yellow shading = high natural character.





Figures 3B: Current (top) amended (below): Rakaia River mouth.
Orange linework ONL; yellow linework = coastal environment;
yellow shading = high natural character; purple linework =
outstanding natural character.





Figures 3C: Current (top) amended (below): Taumutu. Orange linework ONL; yellow linework = coastal environment; yellow shading = high natural character





Figures 3D: Current (top) amended (below): Timber Yard Point.
Orange linework ONL; yellow linework = coastal environment;
yellow shading = high natural character



7.31 I will issue SDC with updated GIS mapwork concerning this.

DPR- 0301 Upper Waimakariri/ Rakaia Group, submission points 041 and 042

- 7.32 These two submission points concern areas of ONLs and VALs that have 'cut outs' within them. The submission requires some explanation around this.
- 7.33 As outlined within the Submission 0104-001 (Mt White Station) and Submission 0144-001 (five high country stations) which concerned removing parts of land from an ONL, I refer to the tenor of my response around the integrity of the mapped area, citing the definition of landscape and its extent.
- 7.34 For the Rakaia Catchment ONL and the Waimakariri Catchment ONL for instance, these are entire landscapes, that are interconnected. Minor areas of exclusion (and referenced as Visual Amenity Landscapes) are areas at the fringes of the Rakaia Catchment ONL, where the associated landscape values are considered to be no longer outstanding. Typically, these are areas where the ONL meets a non-ONL mapped landscape, and where human modification becomes the more dominant factor, but there is still some aesthetic appeal to render them a VAL. By virtue of this approach, there are not many of these areas. Areas of exclusion from the ONL include the Castle Hill Village area, as this residential (GRZ) and local centre (LCZ) are identified as a node within this broader overlay. Arthurs Pass is another area.

Recommendations

- 7.35 Neither accept nor reject, so neutral.

DPR-0308 Helen & Pieter Heddell, submission point 001

- 7.36 This submitter considers that Light Reflectance Value is no longer a viable or preferred option for paint choice on a building in an 'outstanding landscape'.
- 7.37 The use of Light Reflectance Value (LRV) as a guide for ascertaining appropriate colours/ materials for buildings in sensitive

locations is common practice throughout New Zealand and in my view is easy to interpret and apply and more practical than defining materials. A LRV within 30-45% within an ONL is common in other Districts¹².

Recommendation

- 7.38 To maintain an LRV within ONLs and ONFs.

DPR-0372 Dairy Holdings Limited, submission point 089 and Rakaia Irrigation Ltd, submission point 066

- 7.39 These submitters consider that the ONL Rakaia River Overlay will place considerable restrictions on how the submitter can use some of its existing farmland. The submitter requests that the ONL overlay be amended to exclude existing farmland.
- 7.40 The ONL as it relates to the Rakaia River solely relates to the river and its immediate margins. There may be instances where property boundaries extend into the Rakaia River itself or extend into part of the river margins. In some areas, the river margins are easily identifiable (i.e., through cliffs, or defined 'ridges'), however, in other areas, it is less apparent. More modified paddocks have been removed from the mapping. It is unclear to what part of the Rakaia River ONL this submission relates to.

Recommendation

- 7.41 To reject these submissions.

DPR-0381 Coleridge Downs Limited, submission point 041 and 042

- 7.42 Submission point DPR-0381.041 requests that some landscapes in the area are worthy of VAL status and considers that the Schedule should be clarified regarding the Lower Russell Range. Specifically,

¹² Such as in Hurunui District Council, where all buildings must be finished in materials with a maximum reflectance value of 40%.

this submitter requests to amend the Malvern Hills VAL to either remove the Russell Range VAL or reduce it.

- 7.43 Further, submission point DPR-0381.042 relates to pastureland south of Lake Coleridge. Specifically, this submission point requests that the area of pasture be removed between Peak Hill and Lake Hill (adjoining Lake Coleridge) and that the southern-most half of the Rakaia Catchment VAL adjacent to the Rakaia River, below Peak Hill also be removed.

Russell Range

- 7.44 The northern faces of the Russell Range extend from Springfield in the east to the upper reaches of Thirteen Mile Bush in the west. SH73 extends along much of this Range to the north, where views of the Range are directly obtained. The upper parts, and most elevated section of the Russell Range are mapped as ONL (and form part of the Malvern ONL), due primarily for the impressive legible skyline ridge and close association with the higher foothills and high level of naturalness to the north. The lower slopes are identified as VAL, primarily as they relate more to the modified paddocks on the valley bottom.
- 7.45 The mapping of the VAL has followed the toe of the Russell Range, so it is geomorphically aligned to the feature. By re-drawing the extent of the VAL would create an arbitrary line.

Pastureland south of Lake Coleridge

- 7.46 The extent of the ONL and VAL in relation to Peak Hill and Lake Coleridge recognises this important landscape as context to the broader ONL. Despite the land use modification of grazing present in this area, from a landform perspective, the land is closely associated with the higher and more dramatic ONL that surrounds this area. The impressive features of Peak Hill and Lake Coleridge, as well as the Rakaia River, themselves contribute to the identified overlay and landscape values. The scale of these features, coupled with the smaller area of pastureland (accessed by the Algidus Road) recognises this part of the broader and more

dramatic landscape to the east, north and west and acts as part of the southern boundary of this landscape. The VAL recognises this modification between the mountainous ONL and the Acheron River, therefore avoiding ONL extending to the Acheron River.

- 7.47 Provisions have recognised that pastureland exists within areas of ONL and VAL and that ongoing farming operations can continue.

Recommendation

- 7.48 To reject both of these submission points.

DPR-0381 Coleridge Downs Limited, submission points 044 and 045

- 7.49 This submitter requests that the inclusion of south / south-eastern most parts of Big Ben Range should be reviewed, as these areas are currently farmed. Sheep and cattle grazing and finishing occurs regularly over the land, and fences, shelterbelts and other land uses incidental to pastoral farming are prevalent. The submitter requests to remove that part of the Big Ben Range that lies south of Black Hole Stream from, or lessen the area that appears within, the Rakaia Catchment ONL.
- 7.50 Further, and in line with the sentiment above, the submitter also considers that the NFL-SCHED2 Rakaia Catchment VAL should be clarified to exclude the surrounds of the Acheron River gully area due to existing farming occurring on the land.
- 7.51 I have reviewed the mapped extent with regards to the part of the Big Ben Range that lies south of Black Hole Stream and I consider that the landscape values are sufficiently high, due in part to the local context and due in part to the broader levels of naturalness.
- 7.52 The extent of the VAL in relation to the Acheron River recognises this important landscape as context to the ONL beyond. Despite the land use modification of grazing and forestry present, from a landform perspective, the land is closely associated with the higher and more dramatic ONL beyond. The Acheron River acts as a boundary in the landscape, the land to the east associated more

with the mountainous landscape (and ONL) and the land to the west, recognised as being more modified (and therefore no overlay). The VAL recognises the modification between the mountainous ONL and the Acheron River, therefore avoiding ONL extending to the Acheron River.

- 7.53 As such, I do not support amending either the ONL or VAL overlays in these areas.

Recommendation

- 7.54 To reject these two submission points.

DPR-0388 Craigmore Farming Services Ltd, submission point 047

- 7.55 Craigmore Farming Services Ltd, considers that the proposed ONL Rakaia River Overlay could place restrictions on farming activities. The submission considers that the mapping should be amended to exclude any existing farmland, and in particular to exclude the submitters properties.

- 7.56 The ONL as it relates to the Rakaia River solely relates to the river and its immediate margins. There may be instances where property boundaries extend into the Rakaia River itself or extend into part of the river margins. In some areas, the river margins are easily identifiable (i.e. through cliffs, or defined 'ridges'), however, in other areas, it is less apparent. More modified paddocks have been removed from the mapping. It is unclear to what part of the Rakaia River ONL this submission relates to.

Recommendation

- 7.57 Based on the above, I reject this submission point.

DPR-0391 Castle Hill Adventure Tours Limited, submission point 001 and 002

- 7.58 This submitter requests the removal of the Waimakariri Basin ONL overlay in respect of their land at Castle Hill. The submitter is

concerned that the ONL overlay will affect their ability to develop their land into visitor accommodation and subdivision.

7.59 I have reviewed this submission and note that the area of land is adjacent to the SH73 and the Castle Hill GRZ to the west. The Site in question appears undeveloped although a resource consent for a holiday park is already approved. As the site already has approval for development, there is an option for it to be 'carved out' to match the zoning, although I understand that the zoning of this land is GRUZ.

7.60 For reasons already expressed in other submission points (such as DPR-0097 Flock Hill), I do not support any 'carving out' of activities. Furthermore, I consider this submission is better dealt with under the zoning chapter.

Recommendation

7.61 For this submission to be considered in the zoning topics. To reject this submission.

DPR-0407 Royal Forest & Bird Protection Society of New Zealand, submission points 049 and 050

7.62 This submitter considers that the ONL Overlays could be amended by extending the ONL below the current contour and by complementing the ONL with a Rural Character Overlay (as a replacement for VALs) on the remaining areas including the valley floors, including east, north and south to the edge of the Canterbury plains. This would provide greater protection across landscape sequences, and from hill tops to valley floors from inappropriate subdivision, use and development than the current proposed VAL.

7.63 The submitter also requests that a similar proposal could apply to the Port Hills area of Selwyn.

7.64 As outlined within the Submission 0104-001 (Mt White Station) and Submission 0144-001 (five high country stations) which concerned removing parts of land from an ONL, I refer to the tenor of my

response around the integrity of the mapped area, citing the definition of landscape and its extent.

- 7.65 This submission is specifically looking at the 'edges' of ONLs and VALs and to extend or increase those ONL and VAL overlays to include more modified rural lands.
- 7.66 For the identification and mapping of ONLs, there are essentially three questions that need to be asked:
- What is the landscape (or feature)
 - Is the landscape or feature sufficiently natural?
 - Is the landscape outstanding?
- 7.67 The Selwyn Landscape Study took an accepted view of 'naturalness' and how natural a landscape should be to be considered outstanding. Essentially a natural landscape is one possessing a dominance of natural elements, patterns and processes (for instance soil, hydrology, topography and vegetation), over those created by humans. A grazed paddock, with fencing and farming equipment, would, in my view, rate lower on the naturalness spectrum¹³ than a hill or open grassland or scrubby landscape where there are no structures. I expand more on the naturalness spectrum used for the Study within **Appendix 1** of this evidence.
- 7.68 Based on this, the extent of the mapped ONL overlays therefore have been delineated where the level of naturalness is considered to be below 'moderate-high', and where landscape values also are diminished. This will account for the relatively abrupt ONL mapping south of Lake Coleridge.

¹³ Based on a seven-point scale. This seven-point scale has been utilised by many landscape studies and helpfully places moderate in the middle from very low (very low levels of naturalness) to very high (very high levels of naturalness). This seven-point scale was provisionally approved in *High Country Rosehip Orchards Limited and Mackenzie Lifestyle Limited and ors v Mackenzie District Council* [2011] NZEnvC387, paragraph 93. The seven point scale is also recognised within the NZILA's '*Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines*', [Final Draft subject to final editing, graphic design, illustrations, approved by Tuia Pito Ora/NZILA 5 May 2021].

7.69 The VAL areas, are, essentially, landscapes in their own right, however they have, in some areas, been applied as a buffer to ONLs. VALs are landscapes that have been recognised to manage particular parts of the district that are highly valued but fall short of reaching the threshold of being outstanding. Some landscapes may also be very important in terms of their associative values but do not exhibit the predominance of natural attributes that an ONL is required to display due to extensive modifications (which can include historic and current land uses). In the case of Lake Coleridge, a fringe of VAL has been proposed along the southern shores, despite the land uses in this area being reasonably modified. This same approach has been applied to the Malvern Hills, where the hills have been identified and the more modified valley bottom, has been excluded.

7.70 Concerning the name 'VAL's', I agree with the submitter that the approach taken in identifying VAL's or 'second tier landscapes' requires more than simply 'visual attributes' to be considered. I assume that the term VAL within the Selwyn context, is historic, having its genesis within the current operative plan. As such, I am neutral concerning its name, however I am confident that any second-tier landscape does not include extensive areas of modified farmland. It is all context related.

Recommendation

7.71 To reject this submission points concerning extending ONL and VAL overlays and neutral concerning a VAL name change.

DPR-0422 Federated Farmers of New Zealand- submission points 167 and 172

7.72 This submitter opposes the Discretionary Activity Status applied to shelterbelts and horticultural plantings within Visual Amenity Landscapes (VALs) and the setback which applies to certain structures near roads within VALs. Submission point DPR-0422.0167 states that shelterbelts are an essential component of farming and should be a permitted activity. Further, submission

point DPR-0422.172 states that structures, such as bobby calf pens, stock yards and loading ramps are required to be close to roads. The submission point states that these provisions would unnecessarily impede essential primary production activities on the farm and should not apply in VAL areas.

- 7.73 Landscapes and features that do not reach the threshold of being determined an ONF or ONL but that hold high amenity and environmental characteristics and values have been considered as VALs within the Landscape Study. They include specific¹⁴ areas of the District where particular activities could disrupt the openness and aesthetic coherence of the landscape.
- 7.74 Identified pressures and threats to Selwyn's VALs include buildings and structures (and utilities), earthworks and plantings. Plantings (i.e., shelterbelts) and buildings can have visual effects on the openness of the landscape and in some cases this reduction in openness can have adverse effects on the legibility of landscapes. On this basis, shelterbelts, woodlots and horticultural plantings were considered necessary to be a Discretionary Activity within VALs, to ensure that the identified values are maintained.
- 7.75 In relation to SH73 and the Midland Railway Line, activities located more than 300m from each side of the centreline are considered Discretionary and any closer, non-complying¹⁵. As a rule, I agree with the distinction of Activity Status to manage VALs. The 300m width came from the existing operative plan, and after consideration, and 'testing', I confirm that this distance is an appropriate width.

Recommendation

- 7.76 To reject this submission point.

¹⁴ Three VALs are identified: Te Pātaka o Rākaihautū/Banks Peninsula, the Malvern Hills and Rakaia Catchment.

¹⁵ I understand that buildings further than 300m from these corridors would be considered Permitted Activity (NFL-R1.1/NFL-REQ4.1) – any closer than 300m they are Non Complying in an ONL (NFL-REQ4.2) and Restricted Discretionary in a VAL (NFL-REQ4.3).

DPR-0439 Rayonier Matariki Forests, submission point 027

- 7.77 This submitter opposes the mapped extent of the VAL overlay in relation to the plantation forests within the Malvern Hills area. The submitter raises concerns around the effect of this on managing activities.
- 7.78 Not all plantation forests are covered by a VAL overlay, only those that contain sufficiently high amenity values, notably those on elevated land, within a mountainous setting or those that abut ONLs in some locations.
- 7.79 In terms of provisions, the s42A reporting officer will comment on effect on the NESPF, however I do not agree that a specific mention of plantation forestry be included within the listed values, as they do not positively contribute to the amenity of landscapes.

Recommendation

- 7.80 To reject this submission.

DPR-0441 Trustpower Limited, submission point 128 and 131

- 7.81 These submission points relate to a suggested map change and a schedule amendment. The mapping change is requested for the Rakaia River ONL overlay, to ensure that the ONL matches the Trustpower property boundary, as it extends into the riverine landscape. The policy comment relates to the Coleridge HEPS within the Rakaia Catchment ONL list of values, noting its associative importance in this landscape, by requesting the following wording be included:

‘ix. The Coleridge HEPS forms an intrinsic and historic part of the landscape’.

7.83 I also agree that commentary within the Schedules be included referencing the Coleridge HEP scheme. The updated Rakaia River ONL Schedule would therefore read:

Rakaia River ONL	
Biophysical	<ul style="list-style-type: none"> i. National Water Conservation Order (1988) seeks to "protect the river's outstanding natural characteristics, outstanding wildlife habitat, fisheries, and recreational, angling, and jet boating features". ii. Braided rivers are a 'naturally uncommon ecosystem' and have a threat status of 'endangered'. iii. Provides significant habitat for many fish species and indigenous braided river birds. iv. The Rakaia Gorge and terraces, with amethyst and garnet-bearing rhyolites and the braided river system are geopreservation sites of international significance. v. The northern end of Rakaia Island contains the largest remnant of dry woodland forest remaining on the Canterbury Plains. vi. The Rakaia River mouth is of high ecological importance as river bird habitat and the lagoon is important from a geomorphological perspective.
Sensory	<ul style="list-style-type: none"> i. A major braided river of the Canterbury Plains and one of the best examples of its kind in New Zealand.

	<ul style="list-style-type: none"> ii. The constrained gorge section and adjacent river terraces are highly legible landscape features. iii. Sinuous braided patterning set against the patchwork of the plains. iv. Views through to the Southern Alps behind. v. Braided river system is dynamic and constantly changing in flood events.
Associative	<ul style="list-style-type: none"> i. Braided rivers are an iconic element of the Canterbury landscape. ii. Sinuous braided pattern of the river has been recognised as distinctive and has inspired both literature and art. iii. Provides for many recreational activities, including jet boating, kayaking, rafting, fishing, and hunting. iv. Important travel route to Māori which linked the east and west coasts of the South Island, mahinga kai, and resource gathering area for tāngata whenua. v. The area near the Rakaia River mouth contains numerous archaeological sites that reflect early Māori use in this area. vi. Extensive history of rural settlement along its riverbanks. vii. Important water resource in the region. viii. <u>The Coleridge HEPS forms an intrinsic and historic part of the landscape'</u>

Recommendation

7.84 To accept this submission

DPR-0441 Trustpower Limited, submission point 124

7.85 This submission relates to the VAL overlay which concerns the Acheron Diversion and is adjacent to the Coleridge Power Station intake structure. The submitter requests that this follows the property boundary.

7.86 I am uncertain of where the Acheron Diversion is located, as no map accompanied the submission. I do note that the VAL overlay as it relates to Lake Coleridge includes the margins of the Lake to the south, which abuts the Rakaia Catchment ONL (and includes all of Lake Coleridge).

Recommendation

7.87 Due to insufficient information, I reject this submission.

DPR-0441 Trustpower Limited, submission point 132

7.88 Trustpower are also seeking a similar addition concerning their hydro scheme into the VAL tables for the Rakaia Catchment VAL, for which I agree. An amended version of the VAL table for the Rakaia Catchment is included below:

Rakaia Catchment VAL

- i. Glacially sculpted landforms are visually impressive signs of the geological past.
- ii. Lake Coleridge Basin has very high visual attractiveness, with areas of more modified pasture around the high country stations where a higher level of cultivation takes place.
- iii. Exceptional panoramic views of both the surrounding mountains and river plains are experienced from these more modified areas, as they provide openness and visual diversity.

- iv. High country farming operations in these areas form a cultural element with rural outlook and more exotic vegetation amongst the highly natural mountain slopes and wild river valleys.
- v. Views within these VALs are an integral and widely celebrated image of the Canterbury High Country landscape.
- vi. The Coleridge HEPS forms an intrinsic and historic part of the landscape.

Recommendation

- 7.89 To accept this submission point as the hydro scheme is part of this landscape.

Generic commentary regarding 'Building Nodes' in the High Country

- 7.90 Essentially building nodes will endeavour to contain built forms or areas of more intense land use activities together. This avoids sprawling modifications within a high natural mountainous landscape. The building node concept recognises that the Waimakariri and Rakaia Catchment ONLs are not pristine, and that working farms and stations are commonplace in these landscapes.
- 7.91 The building node, which is centred on the main homestead of each property/ station extends in a 500m radius around that homestead. This therefore allows for up to a 1km 'intensified' node as a permitted activity and would include workers accommodation, storage sheds, garages, farm related-infrastructure, amenity planting etc. This avoids interrupting natural patterns evident in the broader landscape. This concept has been 'tested' on a few stations, and I accept that this is a reasonably 'blunt' instrument, as not all local nuances in the landscape are captured.
- 7.92 What we wanted to avoid was the need to 'map' each farm node, since I consider that further development within the Waimakariri and Rakaia Catchments ONL can occur without adversely affecting the

local and broader values if undertaken sensitively. I consider that the building node, set at 500m radius of the main farm residence, presents an opportunity for further intensification/ domestication within an area of the landscape which already contains a degree of modification and avoids development sprawl.

JAMES ARTHUR BENTLEY

Natural Features and Landscapes Chapter

Boffa Miskell Limited

1 June 2022

Appendix 1: How natural does a landscape/ feature have to be in order to be considered for ONL status?

A natural landscape is one possessing a dominance of natural elements, patterns and processes (for instance soil, hydrology, topography and vegetation), over those created by humans. A natural landscape has a predominance of unchanged landforms, functioning water, drainage and soil processes and tree, plant and animal patterns, compared to human developments such as buildings, earthworks, vegetation modification, fencing, roads, quarries, reclamations or subdivision. Under the RMA a landscape does not have to be unmodified to be natural, just relatively unmodified. At issue is the degree of the natural component compared to the degree of human modification, and the balance of dominance of one over the other. This has to be assessed in the context of the Selwyn Region.

Court decisions make it clear a landscape need not have indigenous or native vegetation to be considered natural, even though landscapes with a significant component of unmodified native vegetation would be considered more natural and closer to a pristine state. Landscape assessments in New Zealand generally ascribe higher landscape values to unmodified areas, but this does not imply that anything less than pristine is devoid of natural values, just that they are of lesser value¹⁶. Most of the above issues arose in the 'Plan Change 13 Interim Decision' concerning the Mackenzie Basin. In this Decision the Court determined that landscapes with a wide range of 'High' landscape values can qualify as an ONF/Ls despite significant modifications.¹⁷ In the Interim Decision, the Court 'provisionally approved' a seven-point scale of naturalness that might be useful in landscape proceedings (but subject to a caveat about naturalness being a cultural construct).¹⁸ ONLs can, therefore, be identified in the moderate to high, high or very high range of naturalness, while they would not qualify if they are moderate or below in naturalness. The Court viewed this scale as having potential to standardise references to degree of naturalness in landscape proceedings, and it is therefore adopted in this study. The same paragraphs of the Mackenzie Basin Interim Decision also discuss the degree of naturalness necessary for a landscape to be an outstanding natural landscape. It states that the criteria of 'naturalness' usually include:

- relatively unmodified and legible physical landform and relief;
- the landscape being uncluttered by structures and/or obvious human influence;
- the presence of water (lake, river, sea);

¹⁶ Wakatipu Environmental Society Inc. v Queenstown Lakes District Council [2000] NZRMA 209 at paragraphs 88 and 89.

¹⁷ High Country Rosehip Orchards Ltd v Mackenzie District Council [2011] NZEnvC 387, paragraphs 105 - 106, but also the general discussions in 76 – 105.

¹⁸ High Country Rosehip Orchards Ltd v Mackenzie District Council [2011] NZEnvC 387, paragraphs, paragraphs 93 - 95

- the presence of vegetation (especially native vegetation) and other ecological patterns.

The subsequent discussion makes it clear the Court regards naturalness as comprising a balance between the natural and cultural components of a landscape¹⁹. It concludes that modified landscapes, and not just pristine ones, can qualify as ONF/L.

¹⁹ Long Bay-Okura Great Park Society Inc. v North Shore City Council, EnvC Auckland A078/08 16 July 2008. The issue is considered also in Long Bay-Okura Great Park Society Inc. v North Shore City Council, EnvC Auckland A078/08 16 July 2008 at paragraphs 133 – 135.