

BEFORE THE MACKENZIE DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER Mackenzie District Plan
Proposed Plan Change 13
Rural Zone-Mackenzie Basin

STATEMENT OF EVIDENCE OF MARY WALLACE
FOR
SOUTH CANTERBURY BRANCH OF And THE ROYAL FOREST AND BIRD
PROTECTION SOCIETY of NZ INC

**STATEMENT OF MARY WALLACE IN SUPPORT OF
SOUTH CANTERBURY BRANCH OF THE ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NZ INC.
SUBMISSION TO
PROPOSED PLAN CHANGE 13
MACKENZIE DISTRICT COUNCIL
OPERATIVE DISTRICT PLAN**

Introduction

- 1 My full name is Mary Elizabeth Wallace. I am a partner of Blakely Wallace Associates, a landscape architecture, planning and resource management practice based in the Wakatipu Basin.
- 1.1 I am a landscape planner and have a Postgraduate Diploma in Landscape Architecture/ Landscape Planning, Postgraduate Diploma in Horticultural Science and a Bachelor of Science (Zoology).
- 1.2 I have specialised for the large part of 21 years in environmental planning and assessment, resource and land use management, and landscape assessment.
- 1.3 In particular, I have many years of experience in relation to the high country including government policy for the Crown Land pastoral leases in the 1980's, in relation to landscape and environmental management. Work undertaken in Central Otago, Lakes District and the Mackenzie Basin has focused on the high country.
- 1.4 I also have experience in historic/cultural heritage landscapes and heritage sites in Australia and New Zealand.
- 1.5 For the past 10 years I have been working in private practice. My role is primarily in a landscape assessment, resource management and planning role for a wide range of projects.
- 1.6 I am familiar with the McKenzie Basin having previously undertaken landscape assessment and policy work in the Basin and have revisited parts of the Basin in relation to this Plan Change. In addition I have a good understanding of rural issues from my work in Central Otago and the Lakes District.

2 The Purpose of this Evidence

- 2.1 I am providing evidence in support of the submission by South Canterbury Branch of Royal Forest and Bird Protection Society of NZ Inc. in regard to Proposed Plan Change 13 to the Mackenzie District Council's Operative District Plan (MDP).
- 2.2 In my evidence I will cover the following

- Existing MDP provisions relating to Landscapes
- Proposed Plan Change No.13
- A brief review of the findings of the Section 32 Report, Concerns of submitters, and The Officer's Report
- A Review of the Plan Change No 13
- Proposed Landscape Protection Mechanisms.
- Provisions of the Plan Change 13 - Outstanding Natural Landscape and Features
- Conclusion

3 Existing Provision's relating to Landscape Values and Outstanding Natural Landscapes and Features

3.1 The Hearing Panel knows these provisions and their scope and functions and I do not intend to repeat them.

4 Proposed Plan Change 13. Protection of Landscape

See Appendix 1 for summary of proposed Plan Changes

4.2 I welcome and support the primary purpose of the Plan Change 13 - namely

- *The protection of the landscape values of the Mackenzie Basin from inappropriate subdivision, development and use.*
- *Greater acknowledgment of outstanding natural landscapes and features within the District*

4.3 The primary purpose would benefit from being broadened to include significant cultural heritage landscapes, which are also require protection under the RMA.

- Greater acknowledgment of outstanding natural landscapes and features and of heritage landscape within the District

4.4 This plan change seeks to provide long awaited recognition of the landscape values and outstanding natural landscapes and features of the District, a requirement of the RMA

4.5 The Mackenzie Basin has seen significant change due to subdivision and development. Much of this change has been adhoc and has detracted from the landscape for which the Basin is renowned and the district owes much of its economic base through tourism. Development pressure is continuing and provides very real threats to landscape values and outstanding natural landscapes and features. The Mackenzie Basin is particularly sensitive and vulnerable to change because of the characteristics of this landscape.

4.7 It is of the utmost importance that the proposed provisions will achieve the purpose of the Plan Change. I will consider in my evidence the effectiveness of the proposed provisions in this regard

5.0 A Review of the Findings of the Section 32 Report, Concerns of Submitters and the Officer's Report.

5.1 I have reviewed the Section 32 Report, the Concerns of Submitters and the Officer's Report.

Section 32 Report

5.2 I support the Section 32 report's overall recommendations however there are areas where I consider the Proposed Plan Provisions will not be effective or efficient in achieving the purpose of the Plan Change and I will discuss these aspects in my evidence.

Concerns of Submitters

5.3 I believe that there is validity in some of the concerns raised by submitters with regards the effectiveness of some parts of Plan Change 13. I consider however, that it is important that those provisions that are appropriate remain (with some modification) and that the Plan Change is not put to the side or rejected in its entirety due to opposition.

5.4 It is of vital importance to increase the awareness of outstanding landscapes and features (and cultural heritage landscapes). The best way to do this is to acknowledge and recognize them in the Plan.

5.5 Clearly the owners/lessees of land within outstanding natural landscape or features and/or cultural heritage landscapes require consideration. However these landscape and features are by nature not limited to particular owners or occupiers of individual properties and are valued by the public, (including individuals, groups, community's etc.) for a range of different reasons.

The Officer's Report

5.6 I support a number of the recommendations for amendments in the Officer's Report to Plan Change 13, Landscapes and review these in detail in Section 11 and 12 of my evidence.

6 Review of Proposed Plan Change 13 Landscapes

6.1 In this section I review the proposed additions to the MDP for the protection of landscape and discuss the landscape protection mechanisms proposed.

7.0 Plan Change - Discussion on Proposed Landscape Protection Mechanisms

7.1 Before I consider the proposed provisions of the Plan Change in detail I wish to discuss several Landscape Protection Mechanisms proposed in Plan Change 13.

- 7.2 **Mackenzie Basin Subzone – an Outstanding Landscape**
- 7.3 I support the proposal to designate the Mackenzie Basin Subzone as an Outstanding Natural Landscape (ONL) in the Plan.
- 7.4 The Mackenzie Basin is well recognized and renowned as a nationally significant landscape.
- 7.5 I attempt to capture the essence of the Mackenzie Basin Landscape in the following brief description. It has been described many times much more comprehensively however for the purposes of my discussion this description will suffice - its purpose to identify key characteristics and values, which I refer to later in my evidence.
- 7.6 The Mackenzie Basin Landscape is a tract of landscape enclosed by mountains of vast scale displaying a highly legible uninterrupted continuum of sequence from iconic mountains to the valley floor. The formative processes including the terraces and fans, braided rivers, areas carved by glaciation, lakes, basin/ valley floor all of huge scale, starkly revealed by the flow of tawny brown land cover. Within this continuum there is a cultural overlay of extensive pastoral farming, with widely dispersed homestead complexes and with occasional areas of planting and other development increasing in frequency in places across the valley floor.
It remains however a landscape where scale, vast openness, coherence, naturalness, natural elements, patterns and processes, and above all legibility dominate from mountaintop to basin floor back to mountain top.
- 7.7 Other characteristics of the landscape are its experiential qualities including (by no means a comprehensive list) remote, powerful, dramatic, highly visible, harsh and to varying extent 'wild' in nature. This landscape represents many things to many people Maori and European.
- 7.8 The Canterbury Regional Landscape Study (1993) (CLS)¹ identified the Mackenzie Basin as an outstanding landscape. This study also attributed the Basin to being the most extensive outstanding landscape in the region and cited other studies that had also identified the Mackenzie Basin as outstanding that used criteria akin to the Pigeon Bay criteria.
- 7.9 *“The Mackenzie Basin is the most extensive outstanding landscape in the region. It is also one of the most investigated, painted, written about, visited, eulogised and argued over landscape in New Zealand. Over the years there have been several landscape studies and the most recent identified a range of key quality attributes that support its outstanding status:
-the area contains numerous geological and biological sites -the area contains numerous geological and biological sites of importance
- there are key features such as Aoraki, Tasman, Sefton etc on the divide
- the lakes of Ohau, Pukaki, Tekapo and Benmore are all different but add to the vastness of the landscape’ page - the formation of the land is expressed in many ways – moraines, roche moutonnée, hanging valleys, terraces and fans etc*

¹ Boffa Miskell Ltd and Lucas Associates 1993. Canterbury Regional Landscape Study, vol 1 page 61.

- the history of the area is of significance to many
- the openness and naturalness of the area
- the character of the tussock grassland
- the very visible details of the landforms
- the coherence of the landcover and underlying landform

The Basin's importance to tangata whenua
 "Natural features and Landscape of regional Significance...
 - hydro lakes and their setting – Benmore, Aviemore and Waitaki
 - Rollesby and Dalgety Ranges
 - Burkes, Hakataramea and Mackenzie Passes and their approaches
 Generic features of regional significance include:
 - remnant tussock grassland and shrubland
 - the open landscape character
 "In some instances areas are in a seriously degraded state and may be close to ecological breakdown...e.g. Restricted part of the Mackenzie Basin,²..."

The chart of identified Outstanding Natural Features and Landscapes notes whether each of the 20 identified are "clearly outstanding" or "probably outstanding" according to the 6 criteria. The Mackenzie Basin is identified as "clearly outstanding" on 5 of the criteria – natural science, legibility, aesthetic, shared/recognised, and Tangata Whenua. That is, only for Transient values was it not identified as either clearly or probably outstanding'. (page 61, Vol 1, CLS)

- 7.10 I do not share Dr Mike Steven's reservation at the use of a regional study being used to identify the Mackenzie Basin as an outstanding natural landscapes (ONL). The Courts have established that landscapes can be identified as outstanding at a national, regional or district level to qualify for protection under Section 6(b) RMA³. If this were not the case a district that had no areas of national or regional significance would have no outstanding natural landscapes.
- 7.11 Therefore, a district wide basis allows a district to identify landscapes that are outstanding within its boundaries as opposed to limiting it to only those sites of national or regional importance.
- 7.12 A landscape that is identified as nationally or regionally outstanding is likely to also be considered outstanding at district level (in the same way that a nationally significant ecological area, geological form or heritage area retains that significance at the district level). National or regional significance usually adds weight to the argument of incorporating an outstanding natural landscape into the District Plan rather than the converse.
- 7.13 I consider that adopting the CLS recommendation, which found the Mackenzie Basin landscape to be an outstanding landscape is appropriate for this Plan Change. This does not preclude the Mackenzie District Council undertaking a

² Boffa Miskell Partners Ltd(1992) - as referred to in the Canterbury Regional Study Vol

³ Part II Section 6 (b) 6(b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development*

more detailed study to refine and specifically identify outstanding natural features. A study to confirm the boundaries would be of assistance but is certainly not essential for this Plan Change to continue.

- 7.14 I do not agree with the comparison made by Dr Mike Stevens⁴ para 21 comparing the Basin floor to the Canterbury Plains landscape in relation to a discussion of views being considered ONLs. These two systems can not be compared on the basis of land systems and characteristics. Legible landforms and vegetation patterning are similar and fundamental to the Basin floor. The CLS was land system based and it did identify the Mackenzie Basin floor and excluded the Twizel lobe.
- 7.15 It is also quite unfounded to state (Dr Stevens p 31 and 32) that the majority of all ONLs are protected within the conservation state. These areas represent only parts of the landscape in the context of the altitudinal sequence of the Basins formative processes and other landscape characteristics of the District.
- 7.16 Issues have been raised by both Dr Stevens para 10 and Mr Ralf Kruger⁵ para 28 in their evidence regarding the term 'natural' and whether or not cultural landscapes can form a part of outstanding natural landscape. Both quote from C180/99⁶ p87 the statement that
- 7.18 'To qualify under section 6(b) a landscape must not only be outstanding it must also be *'natural'*.
- 7.19 The context of C180/99 and the rest of para 87 however is I believe highly relevant to this discussion. In para 87 Judge provided the dictionary definition of natural and continued

'That definition is a little simplistic in our view: much more landscape has been affected by human activity than is commonly understood the revised plan itself recognizes that:

...The downland lake basins have undergone more extensive modification. Maori settlement did occur around the inland lake basin areas and also during this time much of the original podocarp and beech forests in the basins were destroyed by fire. The arrival of European settler and the introduction of stock in the 1860's led to major burning of native vegetation and scrub to enable stock to graze'

- 7.20 Judge Jackson went on to define natural in paragraph 88 of this decision

'It is wrong to equate 'natural' with endemic. In the context of section 6(a) the Planning Tribunal stated in *Harrison v Tasman District Council*:

The word 'natural' does not necessarily equate with the word pristine except so far as landscape in a pristine state is probably rarer and of more value than a landscape in a natural state. The

⁴ Dr Mike Stevens - Evidence MDC, Plan Change 13

⁵ Mr Ralf Kruger Evidence - MDC, Plan Change 13

⁶ Environment Court : Decision C180/99 WESI et al vs QLDC

word 'natural' is a word indicating a product of nature and can include such things as pasture, exotic tree species (pine), wildlife... and many other things of that ilk as opposed to man-made structures, roads, machinery.

We respectfully agree with that passage”.

7.21 And in paragraph 89, he defined the criteria for naturalness under the RMA

“We consider that the criteria of naturalness under the RMA include:

- The physical landform and relief;
- The landscape being uncluttered by structures and/or “obvious” human influence;
- The presence of water (lakes, rivers, sea);
- The vegetation (especially native vegetation) and other ecological patterns.

The absence or compromised presence of one or more of these criteria does not mean that the landscape is non-natural, just that it is less natural. There is a spectrum of naturalness from a pristine natural landscape to cityscape.’

7.22 This recognizes that landscapes are seldom pristine and that there is a gradient of naturalness.

7.23 With regard to the Mackenzie Basin and the key characteristics stated in para 7.6. I would put this landscape more towards pristine natural landscape than the cityscape. I do not support allocating numbers to landscapes, context must be considered in relation to naturalness.

7.24 The Environment Court has recently extended the criteria of naturalness under the RMA to include:

- *relatively unmodified and legible physical landform and relief*
- *the landscape being uncluttered by structures &/or obvious human influence*
- *the presence of water (lakes, rivers, sea)*
- *the vegetation (especially native vegetation) and other ecological patterns.*

para 135 A078/2008 Long Bay-Okura Great Park Society vs. North Shore City Council,

7.25 This clearly demonstrates that the RMA does not demand that landscapes under s.6(b) be purely natural with little to no cultural modification. This is reinforced by precedent where outstanding natural landscapes with considerable modification are listed in a number of District Plans, and many of these areas have been upheld/established by the Environment Court.

- 7.26 The Queenstown Lakes District Council (QLDC) District Plan is a good example. Mr Kruger para 28 supports the definition of natural for outstanding natural landscapes for ONL and refers to the QLDC as a model (para p27). Within the QLDC ONLs there are many areas of cultural modification (eg extensive early mining sites, early townships, sometimes areas of cultivated paddocks, houses, introduced trees etc). There is often a cultural overlay of pastoralism not dissimilar to the Mackenzie Basin - many areas as or considerably more modified than the Mackenzie Basin. Similarly in Central Otago District Council (CODC).a rural heritage-mining town and its setting (St Bathans) has been identified as an outstanding natural landscape.
- 7.27 The Environment Court adopted the QLDC landscape classification - not because it provided the perfect methodology but because it gave a basis for the objectives and policies to be applied. In this case most of the experts gave evidence that a more detailed and proper study was needed (para 96 -102 C180/99).
- 7.28 I refer salient points from this decision and attach these paragraphs in full in Appendix 3. Judge Jackson wrote

' Outstanding natural landscapes and features

Para 96 We start out assessment by returning to the problem we identified briefly in the introduction to this decision. While almost everyone agrees that there are outstanding natural landscapes in the district, none of the parties other than WESI and Federated Farmers is prepared to say where they finish.....'

Para 97 - went on

'We consider that the unwillingness has lead to a basic flaw in the case for all parties (other than WESI) in respect of landscape values'.

And in paragraph 101

'In coming to our conclusion below, we generally prefer the evidence of Mr Kruger over those of other landscape witnesses. That is not because we accept all of Mr Kruger's evidence - we do not - but because he at least is prepared to state where, in his opinion, some of the district's landscapes begin and end

- 7.29 In the case of the QLDC Plan, provisions already existed together with identified Areas of Landscape Importance and the process of landscape protection was already established.
- 7.30 Plan Change 13 is far more critical for the Mackenzie Basin as the provisions to protect the landscape in the current plan offer little protection and as Council has recognized this landscape is extremely vulnerable to change. In my opinion for the Mackenzie Basin the risk of doing nothing and putting landscape protection on hold until a more comprehensive study is produced is too great.
- 7.31 The QLDC tripartite system to landscape protection is only one approach and may not necessarily be right for the protection of the Mackenzie Basin Landscape. The Mackenzie Basin is a very different landscape with its key characteristics extending dominant across the Mackenzie Basin

Subzone. There are various approaches applied in other Districts from identifying very small areas (Banks Peninsula) to much more extensive areas in Central Otago District Council (CODC).

7.32 In terms of identifying outstanding natural landscapes I support the following criteria for landscape assessment based on the 'Pigeon Bay criteria'. Here I am at variance with Dr Stevens on criteria. The criteria are namely

- natural science factors,
- aesthetic values,
- expressiveness,
- transient values,
- shared and recognized values,
- values to tangata whenua
- and historical associations.

7.33 This method is widely accepted by both landscape professionals and the Courts.

These criteria were slightly extended by Judge Jackson in C180/99 p 80. Ecological was added to the natural science factors and 'legibility' was provided as an alternative for expressiveness and (c) became

'(c) its expressiveness (legibility) - how obviously the landscape demonstrates the formative processes of the landscape.'

7.34 Dr Stevens para 16 however disputes expressiveness and transient (which relates to seasonal changes) declaring them spurious and invalid.

7.35 Legibility is of particular relevance to the Mackenzie basin where the formative processes of this Basin is starkly identifiable. Refer description of the landscape para .7.6.

7.36 In terms of shared and recognized values the Mackenzie Basin is one place where it is strongly evident that its values as an outstanding landscape are shared by many. Art, words, image and tourism literature reinforce this view

7.37 The Regional Policy Statement (RPS) (8.2. policy 3)⁷ supports expressiveness, transient, aesthetic value and natural science factors as well as perceptual values when addressing the sensitivity of regional significant natural features and landscapes. I refer

7.38 ' **Aesthetic values** ^ gauged by things such as:

- i. how memorable they are;
- ii. their naturalness; and
- iii. their composition (how their elements fit together)

·**Expressiveness** (the ability of a landscape or feature to legibly portray or express the formative processes from which they evolved) comprises:

- i. the underlying geology;
- ii. topography;

⁷ Regional Policy Statement- Canterbury Regional Council.

- iii. *vegetation and wildlife present; and*
- iv. *human influences past or present.*

Transitory values, which include:

- i. *wildlife occurrences or behaviour that are associated with places and impart distinctive qualities that although transitory are a noted characteristic, and,*
- ii. *characteristic moods arising from local weather patterns.*

Natural science factors, comprise:

- i. *landforms;*
- i. *soil properties; and,*
- iii. *their related active physical processes'.*

7.39 It important for the MDP to provide landscape protection in the form of objectives, policies, and rules and, in the context of the above discussions, I consider that it is appropriate for the MDC to adopt the Mackenzie Basin Subzone as an ONL

7.40 An alternative option would be to adopt the Mackenzie Basin Subzone as in interim protection until such time as a study has been undertaken to refine the ONL and identify outstanding natural features (ONF's) . This would give much needed protection to the District in the interim. I understand this approach to have been adopted by the Banks Peninsula Council in 2005.

7.41 Either of these approaches would be appropriate and provide the much needed protection.

8.0 Nodal Development

8.1 The plan change adopts nodal development as the most appropriate form of residential subdivision and development within the Mackenzie Basin and I support Council in this approach.

8.2 Nodal development is a sound and appropriate premise for protecting the outstanding natural landscape and features of the Mackenzie Basin Landscape as opposed to allowing sporadic subdivision and development.

8.3 Plan Change identifies Nodes and Landscape Sub-areas for Nodes

8.4 The Plan change recognizes the importance of the location of nodes to achieve protection of the outstanding natural landscape and features and has gone as far as identifying nodes along with landscape sub areas where residential subdivision could be accommodated.

8.5 The Plan Change goes even further and identifies how many nodes a landscape sub-area can potentially accommodate and incorporates a schedule of node locations and potential number of nodes into the proposed provisions of the plan.

It is a very big step to go to the level of identifying nodes for subdivision development within this Plan Change and the MDC is to be commended for attempting this. The RMA does not require the Plan to go this far.

Location of Nodes

- 8.6 The location of nodes for residential subdivision is critical. There must be assurance that adverse effects on the outstanding natural landscape and features within these nodes/areas will be avoided.
- 8.7 The Proposed Plan Change identifies two types of nodes; - identified nodes (existing nodes) and new/approved nodes.
- 8.8 I discuss the identified nodes and landscape sub-areas (locations for new/ approved nodes) in Section 9.0 of my evidence.

Twizel and Tekapo as 'Nodes' to focus further development

- 8.9 I support the identification of Twizel and Tekapo as nodes for further residential use and subdivision development. This is reinforced in Policy 3E.
- 8.10 Focusing residential development towards these already existing residential areas is appropriate especially in the context of the landscape of the Mackenzie Basin, its nature, characteristics and resultant vulnerability. This should be strongly encouraged by Council through the Provisions in the Plan.
- 8.11 The potential for adverse effects on the landscape of the wider Basin from residential development is high. A number of existing areas of residential development within the Basin illustrate this point.

Identified Nodes – Classified as Existing nodes - Farmstead Complexes

- 8.12 The Plan Change identifies areas around homesteads as existing nodes and the plan provides for applications for subdivision for 3 - 10 houses to be considered as a Restricted Discretionary Activity.
- 8.13 I have considered a number of the identified nodes around homesteads.
- 8.14 In the context of the Mackenzie Basin Subzone landscape these homestead complexes are well recognized as distinct entities which reflect the pattern of settlement and are an integral part of the landscape (refer landscape description para 7.6)
- 8.16 The typical farm complex layout includes a homestead, which, in most cases, faces north and/or the view to the mountains or across farmland. There are usually open paddocks in front of the homestead (for sun/ view) with planting behind and around the complex. Typically there are a number of other farm buildings within the homestead complex, well separated, including a woolshed, haybarn(s) and one to several other buildings usually of smaller scale including dwellings for farm workers, usually significantly smaller and simpler in style and surrounds than the main homestead. These farm elements such as fences and yards, farm animals and vehicles fit their context and are secondary - essentially a very rural scene.
- 8.17 Mature plantings provide shelter and 'refuge'. The plantings usually do not surround the complex, as in solid perimeter planting, allowing sun within the complex and visual contact with the greater Mackenzie Basin. Each homestead

- complex has a different configuration but essentially the characteristics are the same/ similar. The overall effect is one of spaciousness - and a very rural farming scene.
- 8.18 The key characteristics of the majority of these homestead complexes include
- Homesteads, usually located well back from the road
 - The farm buildings, of simple form, – typically one or two modules
 - Between the farm buildings, the simplicity of grass paddocks is the dominant characteristic.
 - Shelter belts and trees partially enclosing and screening the complex
 - Views/connection to and from wider landscape and farmland
 - Uncluttered, simple, spacious
 - Very low level domestication for number of buildings.
- 8.19 The homestead complex landscape has a simplicity and coherence which complements the vastness of the Mackenzie Basin landscape and gives rise to a farm homestead character which is distinct and legible.
- 8.20 These farming homestead complexes in themselves are a key characteristic of this landscape and they have considerable cultural heritage landscape value. This aspect of the landscape has been ignored in the identification of nodes around existing homestead complexes
- 8.21 The cultural heritage landscape of the Mackenzie Basin is interwoven with the 'natural' landscape to such an extent that they are inseparable. Together they form part of the Outstanding natural landscape of the Mackenzie Basin Subzone
- 8.22 Developments that occur within and around the homestead complex need to take account of, and protect cultural heritage character, value and integrity.
- 8.23 Subdivision for residential development has the potential to change and adversely affect the cultural heritage landscape of the homestead complex and through this the greater outstanding natural landscape of the Mackenzie Basin
- 8.24 Homestead complexes could potentially become cluttered or compromised by the buildings and domestication if subdivision for 3 to 10 houses occurred among or attached to the complex. The effects of residential subdivision are by nature very different from those of the homestead complex and distinctly more 'urban'. In or adjacent to the homestead complexes would be these areas of development significantly more 'urban' and domesticated in character.
- 8.25 If adopted, Plan Change 13 would allow owners of homesteads with existing identified nodes (a large number) to if they so desire apply for a subdivision for 3 - 10 houses for residential development and under the Restricted Discretionary Status the subdivision would be approved in some form.
- 8.26 This has the potential to bring about major and irreversible change to the character of the greater Mackenzie Basin and I consider this would have significant adverse effects on the outstanding natural character of the Basin and cultural heritage values.

- 8.27 There is the potential for adverse effects to be exacerbated by the proposed provision in the Plan, which provides for a Discretionary application for a 10% extension of an existing node for the purpose of subdivision.
- 8.28 My conclusion is that the character of the farming homestead complex must be maintained to retain both cultural heritage values and the outstanding natural landscape of the Mackenzie Basin Subzone.
- 8.29 I consider that this would not be achievable within the existing identified nodes for most properties if residential subdivision for a maximum of 10 was to occur. It is also my opinion that residential subdivision may not be appropriate for every homestead complex.
- 8.30 I therefore do not support the basic premise of identifying existing nodes around homestead, as places that are automatically appropriate for subdivision, use and development. To identify every/almost every homestead as an existing node for 3- 10 houses for subdivision development will not achieve the purpose of the Plan Change or s. 6(b) and will result in contravening s. 6(f) of the RMA.
- 8.31 In my opinion, therefore Restricted Discretionary Activity is not an appropriate category for subdivision for residential purposes around existing homesteads. Discretionary would be a more appropriate status for such subdivision.
- 8.32 Subdivision for over 3 houses around homesteads should be non-complying. Similarly, for any extension. Both have the potential to have significant adverse effects and not meet Section 6(b) and 6(f) of the RMA.
- 8.33 The existing/identified nodes around farm complexes should not be included in Appendix S to form part of this Plan Change.
- 8.34 To protect the heritage character, assessment matters need to be developed to enable the character of the farmstead complex to be maintained. I suggest some additions to the Assessment Matters in Policy 3G to cover this.

9.0 Landscape Sub-areas and Nodes

- 9.1 The location of Landscape Sub-areas and Nodes is critical as for identified nodes. Similarly, if Plan Change 13 is to go this far, there needs to be assurance that the Landscape Sub-areas with their corresponding node/ landscape carrying capacities are in locations where the effects of such development will enable the primary purpose of the Plan Change (and the RMA) to be met.
- 9.2 To investigate this I have undertaken a rapid assessment of the areas identified for Landscape Sub zones across part of the Mackenzie Basin Subzone, namely the parts of the Central Basin, Tekapo and Pukaki Landscape Areas as identified on Map 7, (Mackenzie Basin Landscape, Study G Densem 2007)⁹.
- 9.3 In essence there are homestead complexes with their associated character within vast areas of primarily tawny- brown, predominantly treeless, extremely

⁹ G. Densem Nov 2007. The Mackenzie Basin Landscape

legible, continuums of the landscape. For a more detailed description refer para 7.6.

- 9.4 The four important aspects to consider are
- (a) Are the landscape sub-areas in locations that would allow the introduction of planting and residential development and subdivision comfortably without the potential to detract significantly from the outstanding natural landscape and features?
 - (b) If the answer is yes, would the number of nodes proposed i.e landscape capacity be able to be accommodated - i.e cumulative effects?
 - (c) How would the effects within one sub-area interact with another sub-area, where areas between or outside sub-areas i.e again cumulative effects?
 - (d) If subdivision for residential purposes was allowed in these areas to the extent proposed what effect would that have on landscape values?
- 9.5 Nodes with their planting and residential development have the potential to break up the scale of this landscape, which 'survives' due to the homesteads complexes being few and far between and the vastness of the landscape remaining interpretable and dominant.
- 9.6 In my opinion the landscape sub-area concept with its nodes would allow just that and result in fragmentation of potentially large areas of the landscape by planting and residential subdivision. Many of the characteristics of the outstanding landscape would be significantly impacted upon.
- 9.7 Furthermore I concluded that the potential effects were in most instances either unlikely to be or unable to be confined to the Landscape Sub-area within which the node/ nodes would be located.
- 9.8 In some instances the distance between landscape sub-areas is insignificant compared to the size of the landscape sub-areas and there is the potential for there to be visually almost a continuum of landscape with nodes of planting with subdivision dotted across vast areas. At night there would be the potential for a plethora of dotted nuclei of lights across the landscape.
- 9.9 The approach of new nodes makes the assumption that subdivision for residential purposes will have the same effects on the landscape as farm complexes. This assumption is invalid. Subdivision for residential development results in a far more cluttered, domesticated landscape with buildings of more complex form and bulk, sheds, garages, gardens, driveways, vehicles, children's play equipment, and other signs of domestication including lights at night, cars coming and going, smoke from roofs etc. In addition with residential subdivision comes the need for more services, power etc - all effects that need to be assessed when promoting any sub zone or node.
- 9.10 It is extremely hard to hide the effects of residential living behind trees and the trees themselves have the potential to impact adversely on the landscape - in this legible treeless landscape. In addition it is almost impossible to hide lights.

- 9.11 Furthermore the effects would not only change the landscape within which the nodes are sited, but also adjacent areas where nodes are not proposed.
- 9.12 Even if the Landscape sub- areas identified are appropriate, which I concluded most were not, the concept of landscape carrying capacity i.e stating a specific number of nodes that a landscape sub zone can support is of concern. To allocate a number of nodes to an area, without identifying where nodes could occur, their size and the characteristics, is arbitrary. The location, size and characteristics of a node will determine its effects and there will be cumulative effects as each additional node is proposed. These cumulative effects must be assessed if impact on landscape values is to be avoided. Further more there would be cumulative effects within this landscape between nodes.
- 9.13 From my assessment I can find little logic to the selection of these landscape sub zones and number of nodes based on the outstanding natural landscape and features.
- 9.14 My conclusion is that many of the landscape sub areas that I inspected are in locations where the introduction of nodes of planting and residential subdivision would potentially have significant adverse effects on the outstanding natural landscape and features.
- 9.15 This method paves the way for residential subdivision to occur in pockets in many areas across of the Mackenzie Basin Sub zone, which would bring major change to this landscape. This approach has the potential to result in sporadic subdivision and development, albeit on a slightly large scale, (and nodal in character), across a large part of the McKenzie Basin Subzone.
- 9.16 The basis for the identification of landscape sub-areas and nodes proposed in Plan Change 13 - Appendix S and Appendix R forms part of the Mackenzie Basin Landscape Report, G Densem Nov 2007. This section of the report determines where identified Nodes and the Landscape Sub zones with accompanying Landscape Carrying Capacity for new nodes can be accommodated.
- 9.18 As a methodology to identify areas suitable for residential development within the outstanding natural landscape of the Mackenzie Basin Subzone (like Dr Stevens and Mr Kruger) I find it flawed for a number of reasons including:
- Map 7 - Capacity to Absorb Development in the Report, the landscapes vulnerability to development is graded as high, medium and low. This brings with it an expectation that Map 8¹⁰ - Appendix R in the plan would reflect Map 7 and Landscape Sub Areas would be located in areas, which have low vulnerability to development. This is not the case. The Landscape Sub areas are many times larger and include considerable areas identified as high and medium vulnerability on Map 7. There appears to be little relationship between the two plans.
 - The report identifies homestead complexes as of right as suitable for residential subdivision with no regard for the vulnerable cultural heritage landscape of the homestead complex character.

¹⁰ G Densem. Nov 2007. The Mackenzie Basin Landscape

- A landscape assessment to identify areas where appropriate subdivision, use and development could potentially be located without having adverse effects on the ONL and ONF's should consider first and foremost the landscape. Densem's conclusions with respect to the location of Landscape Sub-areas lack credibility when Stations - para.173 (Densem. Technical,Report)¹⁶ make reference to a property's development entitlements when commenting on submissions to the Plan Change. Densem also advocates many of the extra nodes requested by property owners for addition to the landscape capacity for Landscape sub-areas. In addition matters of ownership are cited as reasons for recommending additional sub areas para.100 Densem Report¹⁶
- The approach of new nodes makes the assumption that subdivision for residential purposes will have the same effects on the landscape as farm complexes. This assumption is invalid.
- The Landscape Capacity approach disregards the potential for both cumulative effects of subdivision use and development and the effects of domestication of residential subdivision, which could occur close to and some distance from nodes.
- The report states para 109 'The intention of stating a maximum number of new nodes per landscape sub area is to avoid the sparsely-settled open character of the area becoming so settled by residential units as to change the existing character. In my opinion if the number of nodes of development/subdivision for up to 10 houses identified by Densem in Map 7 were developed the existing sparsely settled open character would be just that - 'so settled as to change the existing character'

9.17 In my opinion to achieve the primary purpose of this Plan Change i.e to protect the outstanding natural landscape and features from inappropriate subdivision, use and development, areas identified as potential sites for nodes should be based on the landscape. Matters such as property rights can not be used to identify sensitive landscape areas. The resource consent process is the proper place to evaluate such issues. As a guide fewer areas in less remote areas, where the impact of both planting and houses would be less would be a better option.

9.18 My overall conclusion is that the while nodes of development is an appropriate concept to control the effects of sporadic subdivision that the Landscape Sub-area zone and Landscape Capacity approach is flawed and Appendix R should be deleted. The identification of where nodes could be accommodated needs further work.

9.19 Residential subdivision (including planting) in the Mackenzie Basin Subzone has the potential to have considerable adverse effects due to the characteristics and

¹⁶ G Densem. August 2008 Technical ReportL1- Landscape Assessment of issues arising from public submissions and further submissions

¹⁶ G Densem. August 2008 Technical ReportL1- Landscape Assessment of issues arising from public submissions and further submissions

values of this landscape. It is a landscape that is 'intolerant' of inappropriate development.

- 9.20 I consider that first and foremost additional housing should be strongly encouraged via the planning provisions to be focused on Twizel and Tekapo - as stated in para. 8.9 of my evidence. There is also some logic to this in terms of services, roading costs and other factors such as rising petrol costs.
- 9.21 For areas not associated with farm complexes or existing areas of development, the appropriate status for applications for subdivision for residential purposes at this time is in my opinion Non-complying. This could be an interim status adopted until a study has refined the ONL (refer para.7.39 and 7.40) and more work has been done to identify appropriate locations for nodes.
- 9.22 The location of nodes is the critical issue. No amount of design of a node will make it appropriate if the location is inappropriate. Here I am at variance with Mr Kruger¹⁷ (para 76)..
- 9.23 The Plan Change does not need to go as far as identifying areas for subdivision and development to start the process of protection of ONLs and ONFs. Further more the proposed approach selected as indicated above would in my opinion lead to the converse.

10.0 Cumulative Effects

- 10.1 The Officer's report states page 5 that 'the approach of identifying nodes and the land capacity approach avoids assessment of cumulative effects'. Mr Densem para 213¹⁸ states " the number of nodes is a summary of cumulative effects able to be absorbed while maintaining the outstanding landscape values.' The Section 32 Report reiterates this view. These assumptions are ill founded.
- 10.2 An assessment of cumulative effects can not be provided in advance of the proposal for a node or any further node. For example
- If a node is proposed relatively close to a homestead there will be cumulative effects
 - The location, form, spread and design of the first node will have an effect on the cumulative effects of any proposed second node.
 - This raises further credibility issues for the concept of landscape capacity. If 3 nodes were stated as the landscape capacity – the location, form, spread, design of the first and second nodes may preclude an area being able to accommodate a third node - a third node may not be able to be absorbed while maintaining outstanding landscape values.
 - If nodes are established then the extension of identified nodes may also have too great a degree of cumulative effects.
 - Similarly the proposal to allow and extension of 10% of existing nodes is arbitrary and cumulative effects would need to be considered.
 - Cumulative effects will always need to be considered. For example overtime a change in agricultural practice/agricultural intensification etc may bring

¹⁷ Mr Ralf Kruger. Evidence - MDC -Plan Change13

¹⁸ G Densem. August 2008 Technical ReportL1- Landscape Assessment of issues arising from public submissions and further submissions

structures and more man made elements. The cumulative effects of a node/nodes plus this new use may not be able to be absorbed while maintaining outstanding landscape values

- The effects of the planting required to screen buildings may potentially contribute to cumulative effects (and adverse effects). Planting will potentially have adverse effects on the characteristics of the ONL and ONF's
- Distance between nodes - also relates to cumulative effects.

10.3 This provides further evidence that the proposed concept for landscape sub-areas and their associated node capacities is not appropriate.

10.4 It also highlights the Plan Change must include provisions to assess cumulative effects - this can not be dealt with any other way.

11.0 Review of the Provisions of the Plan Change 13 - Outstanding Natural Landscape and Features

11.1 In this section I review the proposed additions to the MDP for Outstanding Natural Landscape and Features Landscapes.

Objective 3A – Outstanding Landscapes

11.2 Objective 3A in Plan Change 13 reads

To protect and sustain the outstanding natural landscapes and features of the District for present and future generations

The Officer's report recommends

To protect and sustain the outstanding natural landscapes and features of the District from inappropriate subdivision, use and development for the benefit of present and future generations

11.3 I support Objective 3A in its intention and the additions of inappropriate subdivision, use and development.

11.4 I consider that is appropriate to include enhance in an objective. For example removal of wilding trees which may have established on an outstanding landscape feature would enhance this feature and the landscape.

11.5 I do not support the addition of *for the benefit of* in front of *present and future generations* as proposed in the officer's report. The purpose of this objective should be simple and clear first and foremost to protect the landscape. Including for the benefit of immediately allows the protection of landscapes to become drawn into the debate of whether or not subdivision, use or development is of benefit to present/future generations which could cloud consideration of whether or not it is inappropriate in terms of the landscape. In effect it becomes a second qualifier. This would detract from the primary purpose of this Plan Change making this objective to protect and recognize landscapes less effective and therefore in my opinion it would be inappropriate in the Objective. Discussions re - potential benefits are for the resource consent process.

11.6 **Objective 3A to read**

*To protect, **sustain and enhance** the outstanding natural landscapes and features of the District from **inappropriate subdivision, use and development** for present and future generations*

Policy 3A. Recognition of the Mackenzie Basin

11.7 **Policy 3A in Plan Change 13 reads**

To recognize the outstanding natural landscapes of the Mackenzie Basin and through the Mackenzie Basin Subzone within the Rural zone, to protect the Basin from inappropriate subdivision, use and development.

11.8 ONFs, while frequently part of or within ONLs are entities in their own right and I consider that it would be appropriate to add and features.

11.9 **Policy 3A then to read**

*To recognize the outstanding natural landscapes **and features** of the Mackenzie Basin and through the Mackenzie Basin Subzone within the Rural zone, to protect the Basin from inappropriate subdivision, use and development.*

Explanations and Reasons

11.10 I support the majority of the additions to the Explanation and Reasons and in particular the additions to point 5 which starts ‘ The uniqueness of the Mackenzie Basin....

11.11 The proposed addition of **built structures** to the last sentence of the second bullet point is out of context – it is more specific and at a different level to the broad concepts of land use, social pattern and identity etc. Referring to a specific element within the landscape is inappropriate here – furthermore it could be considered to mean all built structures irrespective of size, form or purpose.

11.12 The last line of the second bullet point to remain and read-

“The landscape values of the Mackenzie Basin thus result from cultural factors such as land use, social pattern and identity as well as from natural factors such as the ecology, climate and topography”.

11.13 A description of the characteristics and values of the Mackenzie Basin landscape would considerably improve bullet point 2. The description provided in para. 7.6 could be used as a basis.

It would also be appropriate to add a description of the farm homestead complex including the characteristics identified in para. 8.16- 8.19 of my evidence. Such descriptions are essential here or somewhere in the Plan Change to provide a base for decision-makers and potential developers.

Policy 3B - Economy, Environment and Community

11.14 Policy 3B in Plan Change 13 and the Officer's report reads

Encouraging a healthy productive economy, environment and community in the Basin and to maintain the identity of the Mackenzie County

- 11.15 Policies for the purpose of protecting and managing landscapes should support Objective 3A as opposed to being broad policies that would be more effective and appropriate as a District wide policies. If the policy is to remain it needs to be linked to landscapes. I have again included enhancing as in relation to some issues eg wilding tree removal it is appropriate.

11.16 Policy 3B to read

*Encouraging a healthy productive economy, environment and community in the Basin and to maintain the identity of the Mackenzie County **while protecting and enhancing outstanding natural landscapes and features.***

Policy 3C – Adverse Effects of Sporadic Development

11.17 In Plan Change 13 this policy reads

To avoid the adverse effects on the environment of sporadic development and subdivision

- 11.18 I support this policy in part but consider that it would be better broadened to cover all development and not limited to sporadic development and subdivision. The development of an appropriately sited node needs to avoid adverse effects on the environment. This is supported by the explanation and reasons, which list factors that need to be considered for nodes in general, and for any type of development. In addition development other than residential can have adverse effects on the environment but not fall into the category of sporadic and the adverse effects of such development need to be considered. Sporadic development by nature is inappropriate.

- 11.19 I do not agree with the recommendation in the officer's report that Policy 3C be amalgamated with Policy 3 E. These policies need to remain separate and distinct, as do the Explanations and Reasons. Policy 3 C deals with the broader aspect of adverse effects, Policy 3E states how residential subdivision and development is to be provided for. I discuss policy 3 E in para 11.29 of my evidence.

11.20 Policy 3C to read.

To avoid the adverse effects on the environment of inappropriate subdivision, development and use

Explanations and Reasons

- 11.21 A list of adverse effects that are of concern within the Mackenzie Basin are provided an additional effect needs to be added to cover cultural heritage landscapes which are of great important within the Mackenzie Basin.

I Impacts on the character and values of cultural heritage landscapes

Policy 3D – Adverse impacts of Buildings and Earthworks

11.22 Policy 3D in Plan Change 13 reads

To avoid the adverse impacts on the outstanding natural landscape and features of the Mackenzie Basin, in particular from buildings, domestication, structures, earthworks, tracks and roads

- 11.23 I support this policy but seek the additions of land use change and intensification, plantings and wilding tree spread. Both plantings and wilding tree spread can potentially have significant adverse effects as may land use change on the outstanding natural landscape and features of the Mackenzie Basin. There also needs to be recognition that both land use change and land use intensification could potentially affect the outstanding natural landscape and features.

- 11.24 I do not support the recommended addition in the officer's report of limiting adverse effects to residential buildings only. Adverse effects can apply to all buildings and the rules and standards support this.

11.25 Policy 3 D to read

To avoid the adverse impacts on the outstanding natural landscape and features of the Mackenzie Basin, in particular from buildings, domestication, structures, land use change and intensification, plantings, wilding tree spread earthworks, tracks and roads.

Explanations and Reasons

- 11.26 Explanations and reasons supporting policies for landscape protection should not be selective in stating what may need to be considered to protect outstanding natural landscapes and features. Both land use change and land use intensification should be included in the explanation and reasons. Including land use intensification would set the framework for the proposed guidelines for farmers.
- 11.27 It is also appropriate to state here what some of these effects on the landscape might be that need to be considered such as loss of landscape integrity and changing the context and character.
- 11.28 Domestication often goes hand in hand with land use change but both need to be explicitly stated. I support the suggestions proposed by the Canterbury Regional Council submission in regards to the bullet points for the Explanations and Reason for Policy 3D.

Policy 3E – Limitations on Residential Subdivision and Housing

11.29 Policy 3E in Plan Change 13 reads

To only provide for residential subdivision and housing development within identified urban areas of the Basin (Twizel and Lake Tekapo and within identified or approved building nodes.

- 11.30 I give qualified support to this policy. This policy supports the concept that clustered development of houses in identified locations is preferable to sporadic subdivision and development and as stated I strongly support this as an approach to manage residential subdivision and retain landscape values.
- 11.31 For the reasons outlined in Section 9.0 of my evidence I consider that both identified nodes around homesteads and landscape sub-areas (and node capacity) have the potential to bring about major change to the character of the Mackenzie Basin outstanding landscape. I therefore consider that Appendix R should be deleted.
- 11.32 Due to homestead complexes cultural heritage landscape values (para 8.16-8.19) I also disagree with the basic premise that subdivision for residential development will be appropriate for all identified homestead nodes. This needs to be assessed on a case by case basis. In addition I do not consider that it is appropriate for a Plan Change which has as its primary purpose to recognize and protect the outstanding natural landscape to give rise to an expectation that a property can subdivide and/ or in effect be allocating property rights. Should landowners wish to subdivide for residential development around their homestead they should have to go through the same process as for new node approval
- 11.33 **Therefore, I do not support the inclusion of homestead complexes as identified /existing nodes i.e Appendix S.**
- 11.34 Nevertheless the wording of the policy could remain as I consider that it is appropriate for Council to identify nodes for subdivision development and new nodes of subdivision may be approved as time goes.

11.35 **Policy 3E to remain to read**

To only provide for residential subdivision and housing development within identified urban areas of the Basin (Twizel and Lake Tekapo and within identified or approved building nodes.

Explanation and Reasons

- 11.36 The second bullet point needs to be changed to acknowledge the important character of the farm homestead complex - I refer to my previous discussion in section 8.0 of my evidence where I concluded that the contribution of these farmstead complexes to the landscape was of great importance to the overall Mackenzie Basin outstanding landscape and cultural heritage landscape. Furthermore the domestication and cumulative effects from residential subdivision around these areas would potentially have significant adverse effects on this character.
- 11.37 To take into account these cultural heritage values the last sentence of the Explanation and Reason needs to be changed -

To read

It is desirable that this traditional pattern be retained. New nodes of development need to a large extent replicate existing nodes in term of placement and character.

11.38 **Policy 3F – Landscape Carrying Capacity**

To recognize the diversity of physical settings and landscape within the Mackenzie Basin and varying capacity of these to absorb built development.

11.39 As discussed in section 9.0 and 10.0 cumulative effects of my evidence the landscape sub-areas and landscape carrying capacity given for these zones are in based on methodology, which is neither robust nor appropriate and ignores cumulative effects. The results of such a policy in conjunction with Appendix R is likely to be sporadic subdivision, in the form of clusters as opposed to individual buildings, across parts of the Mackenzie Basin. This will potentially result in significant adverse effects to the outstanding natural landscape and features, which is precisely what this plan change is trying to avoid.

This policy should be deleted along with Appendix R.

Policy 3G - Approved Building Nodes and Policy 3H Extensions to Existing Identified Nodes.

11.40 **Policy 3G in Plan Change 13 reads**

New Building nodes will only be granted as 'approved' building nodes where the council is satisfied that.

1 *The building and structures*

11.41 I strongly support the intent of the intent of Policy 3G and with modifications it has the potential to assist achieve the primary objective of the Plan Change.

11.42 As the Officer's report correctly discusses Policy 3G does not read like policy and similarly for 3H. Policy 3G combines a policy with rule and standards /Assessment matters.

11.43 The Officers report suggests rewording to address this and combines 3G and 3H
To read.

11.44 **To robustly control the establishment of Approved Building Nodes and extensions of Identified Building Nodes (by up to 10%) to ensure that the outstanding natural features and landscape of the Mackenzie Basin are protected and ensure that such development is sustainable. In considering any application for an Approved Building Node or extension to and Identified Building Node, Council shall take into account the extent to which the following matters are satisfied.**

11.45 The rewording does little to solve the problem except to substantially weaken the original intent and effectiveness of the policy. It has moved from Council being satisfied that those matters are addressed to the position that Council is to take into account of the extent to which the matters are satisfied, which is somewhat different in intent. The term 'Council will apply ' would be a better solution.

- 11.46 It would be more effective to have a policy that is simple and clear followed by Assessment Matters to be applied in consideration of the policy either after the policy, or alternatively list them following the Rules (or in an Appendix).
- 11.47 I consider that **all** applications for subdivisions should fall under the assessment matters, including around homesteads. Under the proposed Plan Change nodes containing a homestead do not have to identify a building platform. As established earlier in my evidence homestead complexes have considerable landscape value and therefore it is essential that they identify assessment matters and come under the assessment matters and building platforms are identified.
- 11.48 The concepts and management of identified nodes, existing nodes, new nodes and approved nodes are confusing and needs to be simplified. This would be achieved by making all nodes go through the same process.
- 11.49 I consider that it is appropriate to amalgamate 3G and 3H in the form a policy.

Policy 3G and 3H

To ensure New/Approved Building Nodes and Extensions to Building Nodes protect the outstanding natural features and landscape of the Mackenzie Basin and that such development is sustainable. In considering applications for Building Node/ Extensions to nodes, Council will robustly apply the following assessment matters.

- 11.50 I consider that any extension to a node should be assessed on its merits and that there should be no expectation of an option that an extension of 10% or otherwise will be granted. 10% seems arbitrary and 5% may be a problem in some instances with 15% being Ok in another. The extent of extensions such as 10%, if to be adopted, should be dealt with in the Rules or Assessment Matters as applications for new subdivision.
- 11.51 **Assessment Matters.**
- 11.52 I commend and support Council for incorporating assessment matters. I have reviewed these matters and made recommendations in relation to the Amendments recommended in the Officers Report. New additions are shown as bold and underscored. If not shown Amendments are supported.
- 11.53 **As stated above all applications for residential subdivision whether in identified/existing or new/approved nodes need to be subject to some or all of these assessment matters.**
- 11.54 **Assessment Matters**

- 1 Adopt with proposed changes from Officer's Report with the following modification.
Delete (refer report " The Mackenzie Basin Landscape: character and capacity.
I recommend a description is provided as part of this Plan change of the characteristics and values of the Mackenzie Basin outstanding natural

landscapes and features and refer to that description here. See para 11.13.

This would be provide a reference for decision makers and others.

To read

*The buildings and structures and associated **activities, earthworks, roading and boundary developments** are visually inconspicuous, fit into the landscape and do not detract from the landscape characteristics and values of the Mackenzie Basin (refer description in Section X of Plan Change) including **naturalness, legibility and heritage considerations***

- 2 Adopt as is except for the last sentence. **Delete reference to a distance of 2km.**

Last sentence to read.

Development is to be inconspicuous by day and night from public places on land and from waters.

Due to the characteristics of the Mackenzie Basin ie its vast scale it is important to assess the distance for each proposal. A proposal may be very obvious and have significant adverse effects if it is a significantly greater distance than 2km and less at 1.5 km i.e an effects based case by case assessment would be preferable.

- 3 **Add to 3**

*Nodes have a low-key rural character in terms of location, layout and development with particular regard to **fencing, roading, entrances, construction style, materials and detailing.***

Form and scale are important aspects if structures are to have a low key rural character and should be included. Similarly the style of entrances, entrance gates needs to remain simple and rural in style as for a traditional farm.

- 4 Delete reference to Report for reasons given in 1. Include definition of main surfaces in Plan and incorporate description of characteristics to guide decision- makers.
- 6 Change and split into two assessment matters

6a The node is located so it is reasonably difficult to see from roads and areas where there is public access.

Reasonably difficult to see is more meaningful and easier to assess objectively.

6b The extent to which the node is screened by topography from roads and areas where there is public access.

It is difficult to hide the effects of residential subdivision behind trees. Topography is much more reliable. Also trees in themselves may be inappropriate in some locations i.e it can not be assumed that if trees are

planted to hide residential development that the node will not have adverse effects on the landscape. This needs to be covered in the assessment matters.

- 8 Delete
Nodes 2km apart would appear as almost as a continuum in this vast landscape and cumulative affects need to be considered - they can not be dealt with in advance. Refer Section 10 of my evidence.

8a The cumulative effects from nodes will not exceed the capacity of the landscape to absorb development.

- 10 **Include Lakeside Protection Area.**
Increase the 100m buffer to 500m around lakes from residential subdivision even if there are trees/topography.

To read

*The node is not with a Scenic Viewing Area, Site of Natural significance, **Lakeside Protection Area** or above 900 metres above mean sea level.*

- 12 Add cultural heritage landscape values.

The location and use of the node will not adversely impact wahi tapu, **cultural heritage landscapes, archaeological values** and historic heritage.

13 **Delete.** (*Not relevant to extension of an Identified Building Node*). It should apply to the extension of an all Building Node. Only not relevant if nodes are not allowed extensions.

The earthworks, hardsurfaces and roads other than the access road, are located within the node (or any extension to a node) and are minimised.....impacts.

- 15 **Delete part of this matter.**
3-10 houses is in the rules /standards-

Replace with

The node identifies and provides for building platforms in locations that ensure buildings (if suitably designed and clad) will be inconspicuous.

This policy should apply to all nodes. Building platforms must be provided for all nodes **including** nodes around **homesteads to protect cultural heritage values**. Additional assessment matters need to be included to protect and manage the character of homestead complexes. **See new assessment matters 24 and 25**

- 16 This assessment matter needs to be broadened to include other locations around and 'on' the lake. Limiting the policy to specific locations will not achieve the plan change's primary purpose.

Replace *will not be obtrusive* with **reasonably difficult to see.**

To read

The node will not be able to be seen when viewed up, down or across lakes during the daytime and will be reasonably difficult to see at night.

- 19 No limit is placed on the size of nodes to limit their spread and hence an assessment matter to control this is supported. However the locating of buildings so close together that the subdivision is 'urban' in nature needs to be avoided.

To read

The node will be of a size that is as small as will allow the clustering of buildings to be rural in character as opposed to urban, while avoiding dispersed development to ensure containment of the node.

- 20 ***Delete*** reference to landscape sub-area, appendix R etc for reasons I have outlined in the discussion in Section 9.0 and 10.0 of my evidence and under the discussion on Policy 3F. Include cultural heritage landscape values.

To read

- 20 ***The node and it s associated level of domestication will not result in and adverse incremental or cumulative impact on the features, landscape (including cultural heritage landscape) and amenity values.***

New Assessment matters

- 11.55 Assessment matters are specifically required for the subdivision around homestead complexes. A first cut could include.

24 ***Nodes around homestead complexes protect the cultural heritage landscapes characteristics and integrity and reflect the simplicity and ruralness of the homestead complex.***

25 ***Buildings for residential purposes around farmstead complexes (other than farm associated dwellings) should be located so as not to impinge visually on the homestead complex and difficult to see from public roads or places.***

11.56 Policy 3 I - Farm and Non-residential Buildings

Policy 3I In Plan Change 13 reads

Farm and other non-residential buildings, other than farm buildings that require a remote location, are required to locate within identified or approved building nodes.

- 11.57 I support the intent of Policy 3I. The Officers report recommends that 3I and 3J be combined. I provide qualified support to this proposal. Council needs to be

assured that a remote location is required - this can be implemented under the matters to be considered under the Rules.
Visitor accommodation irrespective of size should be required to be within Identified or Approved Building nodes.

11.58 In Plan Change 13 - Policy 3J reads

To recognize that some farm buildings are required because of their function to locate away from building nodes and to provide for these buildings subject to location, design and external appearance controls.

11.59 I support the intent this policy. It is clear, supports Objective 3A and will be instrumental in maintaining the outstanding landscape. The addition of visitor accommodation to the Policy would clarify this matter.

11.60 Explanations and Reasons

The explanation and reasons need to be amended in relation to my evidence relating to aspects of other policies.

11.61 Policy 3I and 3J to read

To provide for farm buildings, non-residential buildings and visitor accommodation within identified and approved building nodes. Where farm buildings and infrastructureimpact on landscape values.

11.62 Policy 3K – Lakeside Areas

Policy 3K in Plan Change 13 reads

To avoid adverse impacts of buildings structures, and uses on the landscape values and character of the Mackenzie Basin lakes and their margins

11.63 Plantings should be added as in some locations plantings on the lake margins will detract from landscape values and character. Similarly these areas are extremely vulnerable to earthworks and this should be specified in the policy.

11.64 Policy 3K to read

To avoid adverse impacts of buildings structures, plantings, earthworks and uses on the landscape values and character of the Mackenzie Basin lakes and their margins

11.65 Explanations and Reasons

Amend bullet point 2 as proposed in the Officers report.

Lakeside Protection Areas - These should be reinstated in the Plan

Add a further bullet point to address Lakeside Protection Areas and to highlight their vulnerability. To read or similar

- **Lake side Protection Areas are identified to highlight their vulnerability and to ensure that the potential adverse effects of inappropriate subdivision, land use and development on the outstanding natural features and landscapes of the lakeside environments can be adequately managed**

11.66 **3L - Subdivision**

In Plan Change 13 - Policy 3L reads

- (a) *To provide for subdivision of land for non-residential purposes only where this subdivision does not have the potential to impact on the landscape values and character of the immediate and wider area, and will not diminish the sustainability of existing and likely future productive use of farm buildings*
- (b) *To only provide for subdivision for residential purposes within identified or approved building nodes*

11.67 Part (a) of this policy relates to subdivision without a purpose. In my opinion it should be mandatory to ensure that proposals for subdivision identify a building platform to ensure that one can be located on the block without adverse effects on the outstanding natural landscapes and features. This needs to be assessed at the time of subdivision. This has been shown in other districts that to allow subdivision without ensuring that the purpose is identified and there is a location for building platforms inevitably leads to degradation of the landscape when at a later date one is frequently applied for.

11.68 **Policy 3N - Design and Appearance of Buildings**

In Plan Change 13 - Policy 3N – Design and Appearance of Buildings

To control the design, appearance and location of all buildings within the Mackenzie Basin to avoid or mitigate adverse impacts on the landscape values of the Basin Subzone.

11.69 This policy would benefit from broadening to include scale. The Officers report suggests amendments to this policy however in my opinion it better to keep it in its more simple form. The Rules allow for consideration of buildings for different purposes - the policy becomes unwieldily.

To read

*To control the design, **scale**, appearance and location of all buildings within the Mackenzie Basin to avoid or mitigate adverse impacts on **the outstanding natural features, landscape and heritage values of the Basin Subzone.***

11.70 **3O Views from Roads**

In Plan Change 13 - Policy 3O reads

To manage landscape change so that the outstanding natural landscape values and features are protected and the screening of distinct views is avoided when viewed from public roads

11.71 I support the general intent of the policy but consider the concept of degrading distinct views should be broadened to take account of adverse effects other than

solely screening a view. A view may not necessarily be screened but it may be significantly impacted upon in another way.

To read.

*To manage landscape change so that the **character** and outstanding natural landscape values and features **of the Mackenzie Basin** are protected **and adverse effects** on distinct distant and views are avoided when viewed from public roads **and public places**.*

12 Section 7 - Rural Zone Rules

12.1 Deletion of Rural Zone Rule Permitted Activities – buildings Standard 3/1/1/ Lakes side Protection Areas Proposed

Reinstate. Rule 3.3.1

12.2 Additions to 3.1 Permitted Activity - Buildings

Farm Accessory Buildings - Delete Permitted and substitute Controlled

A Controlled Activity Status would be more appropriate due to issues of location, siting appearance, earthworks etc within homestead complexes and approved nodes.

12.3 3.1.2 Standards for farm accessory buildings within the Mackenzie Basin Subzone.

12.4 3.1.2 a Height of Buildings

Maximum Height shall be 15m

15 m (approximately 4 storey) is a very tall building, to be automatically permitted in any landscape, in particular with no controls on bulk and scale. The impact of a building of this height could be considerable depending on its location, siting including orientation, appearance and colour, external appearance, earthworks etc. It is important to consider that while it 'might' be appropriate equally it may not be appropriate and have give rise to considerable adverse effects on landscape values. 7m is an appropriate height. Over 7m such issues a **Restricted Discretionary Status** would be appropriate. **Not sure about.**

12.5 3.1.2.a to read

Maximum Height shall be 7m

12.6 New Rule to cover Scale

The size of a building ie scale can affect its impact on the landscape.

Add standard

Buildings shall have a maximum floor area of 300 m2

12.7 3.1.2 b Setback

- 12.8 (i) *The minimum setback from the perimeter planting of nodes shall be 20m*

Full/ solid perimeter planting does not occur around existing homestead complexes - neither is it necessarily desirable that it be added to screen a farm building if issues such as location, siting, colour are appropriate.

For other building nodes where topography screening does not necessitate planting refer 15.1.1 para.12.35 this would not apply.

Furthermore stating this in the rules gives the impression that provided that perimeter planting in some ways makes a node acceptable irrespective of location. Planting itself is not appropriate in all locations and may detract from landscape values. Nodes must be appropriate for planting and residential development.

The form of screening will be dealt with under the assessment matters of the node. Therefore remove perimeter planting from rule. 20 m is insufficient to hide buildings. Increase distance from boundary of node to 40m.

- 12.9 3.1.2 b i **To read**

The minimum setback from the boundary of nodes shall be 40m

- 12.10 3.1.2 b iii **reads**

The minimum setback of buildings from other roads shall be 20m

Buildings can be extremely dominant even within nodes /clusters of buildings due to siting, topography and views. 20m is insufficient from any road in the rural area of the Mackenzie Basin for any building irrespective of height. Buildings within nodes may still be visible/prominent from a variety of locations. Even if there is planting between the road and the building it seldom forms an adequate screen. The building may well be viewed from other locations than immediately adjacent from the road. 40m would be a more appropriate minimum set back from roads.

- 12.11 3.1.2 b iii **to read**

The minimum setback of buildings from other roads shall be 40m

- 12.12 3.1.2 c **Reflectivity**

The recommendation that reflectivity to be reduced is supported.

- 12.13 **Add** *Matters subject to Council's discretion*

- *Location, siting and colour*
- *Visual impact of earthworks and access*
- *Planting to screen* - Planting may or not be appropriate/necessary - however it should be considered.

12.14 **3.2.2 Remote Farm Accessory Buildings in the Mackenzie Basin Subzone**

Delete controlled and Replace with Discretionary Activity Status

Standards and Terms

12.15 3.2.2 i *Height - Maximum height of 15m*

15m is again too high for a building under a controlled use within the Mackenzie Basin Subzone and in particular in remote areas. The landscape values and characteristics are such that the building and any associated access, earthworks etc could have significant adverse effects and also on views A height of 7m would be appropriate.

12.16 3.2.2 i **To read**
Height - Maximum height of 7m

12.17 3.2.2 (ii) **Reads**

ii Minimum setback of buildings from state highways shall be 50m

100m would be more appropriate for a minimum setback from the State Highway

12.18 3.2.2 ***ii*** **To read**

Minimum setback of buildings from state highways shall be 100m

12.19 3.2.2 *iii* *Minimum setback of buildings from other roads shall be 20m*

20m is too close to the any road in a landscape of the scale of the Mackenzie Subzone where such characteristics include openness, legibility, naturalness and views . A minimum set back of 50m would be more appropriate.

12.20 3.2.2 **iii** **To read**

Minimum setback of buildings from other roads shall be 50m

4.8 Restricted Discretionary Activities Buildings

12.21 3.3.1 Non farm building within Identified Building Nodes or Approved Building Nodes within the Mackenzie Basin Subzone

12.22 3.3.1 a **Height of Buildings - reads**

Maximum height shall be 8m

Buildings of this height within rural residential subdivisions i.e-approved nodes within the Mackenzie Basin Sub zone have the potential to impact on the landscape for large distances. The effects of domestication in particular lights at night would potentially be seen far into the distance.

Even within tree planting lights are seldom successfully screened from view especially from two storey homes. 6.5m would be a more appropriate height.

12.23 3.3.1 a To read

Maximum height shall be 6.5m

12.24 3.3.1 b Set back

Minimum set backs

Minimum setback of buildings from the inner boundary of perimeter planting of building nodes shall be 20m

Refer explanation for 3.1.1.b (i)

12.25 3.3.1 b To read

Minimum setback of buildings from the boundary of nodes shall be 40m

12.26 3.3.1.c Reflectivity

Support reduction in reflectivity as proposed.

12.27 3.3.1e Number of non farm buildings

The maximum number of non- farm buildings (excluding accessory buildings) within an approved building node shall be 10

12.29 3.3.1.f Building Size – proposed rule

The maximum footprint (ground floor area) of any single non-farm building and associated accessory buildings shall be 400m².

400m² (ground floor only) allows for potentially a very large house. This would allow subdivisions of “mansion or large house’ proportions to be built. There is the potential for significant adverse effects from such large buildings within the relatively remote sparsely populated open, legible and expansive Mackenzie Basin Subzone Landscape. Similarly the potential effects on other occupants within nodes is considerable. Even 400m² with a height limit of 6.5m is a substantial building complex. 400m² should in my opinion be the trigger for such a building to become non-complying. Delete ground floor only should be deleted.

12.30 3.3.1 f to read

The maximum footprint of any single non-farm building and associated accessory buildings shall be 400m².

12.31 **Matters Subject to Council’s discretion**

Add to those in Officer's report.

Location and Siting.

Many of the matters in Appendix K should be applied.

- 12.32 **4.9 Delete 3.3.1 Discretionary Activities – Buildings, buildings, Lakeside Protection areas**

Reinstate this rule

- 12.33 **4.12 4.2 Controlled Activities – Earthworks and Tracking**

Add to list of areas to be considered

Fence-line levelling

- ***Levelling of fence lines to a depth of 200mm***

Fence line levelling can have major visual impacts on the landscape. We have seen these effects in both the Queenstown Lakes District and Central Otago. The areas identified for a controlled activity are all very sensitive from a landscape point of view and I consider that fence-line levelling has the potential to have major adverse effects if not well sited on visual, ecological and geological sites. I accept that for farmers this is a restriction but above 900m and even at lower altitudes the scars from fence line levelling can severely detract from landscape values, outstanding natural landscape and features and requires consideration. Alternatives often exist that would have far less impact if a process to plan boundaries, routes and site along with restoration.

15 Building Nodes

- 12.34 **15.1` Discretionary Activities**

Delete Discretionary and Replace with Non-complying.

- 12.35 **15.1.1
Bullet point 1 Reads**

- *Except for nodes that are to be occupied by a homestead, all Approved Building nodes shall identify at least five but no more than 10 building platforms within the proposed Node*

Reduce to 3 as per Officers report

- 12.36 **Bullet point 2 reads**

- *All nodes shall have a substantial perimeter planting unless they are sufficiently hidden so as to achieve significant screening from out side the nodes.*

Perimeter planting conjures up the image and usually means straight lines of trees. This may have a significant impact on landscape values - less formality in the edge of planting may be appropriate with denser planting to screen nodes.

Screened by topography is preferable to solid tree planting

12.37 **Bullet point 2 To read**

- **All nodes shall have substantial planting to achieve screening unless they are sufficiently hidden by topography so as to achieve significant screening from outside the node**

12.38 **Add New Category**

Discretionary

- **Nodes occupied by a homestead shall have a maximum of 3 building sites.**

They must be considered in relation to the assessment matters and Appendix K applied. Above 3 houses applications become Non-complying unless identified in a study to become a node suitable for greater subdivision.

12.39 **15.2.1**

Bullet point 1 Reads

An extension to an identified Building Node shall be established by way of a Discretionary Activity application subject to compliance with the following standards

Replace Discretionary Activity with Non Complying and make applicable to all nodes

12.40 **To read**

An extension to an Identified or Approved Building Node shall be established by way of a Non-Complying application subject to compliance with the following standards

12.41 **Bullet point 2 reads**

- *All extensions shall have substantial perimeter planting to unless they are sufficiently hidden so as to achieve significant screening from outside the node*

As for 15.1.1 Bullet point 2 above

12.42 **Replace with**

- ***All extensions to nodes shall have substantial planting to achieve screening unless they are sufficiently hidden by topography so as to achieve significant screening from outside the node***

12.43 **Bullet point 3**

- *The total area of a Building Node shall not be extended by more than 10%*

Delete - will not be necessary if extensions become Non-complying status

13 Conclusion

- 13.1 The current landscape provisions in the MDP do not provide recognition and protection for landscape values or outstanding natural landscape and features in the District. The plan does also not provide for cultural heritage landscapes and their values. Therefore the MDP is not effective in achieving the purpose of the RMA.
- 13.2 District Plans are the most effective means of recognizing and protecting landscape values. The RMA is the principal means for the identification and recognition of significant landscape values, and outstanding landscapes and features of the nation for areas outside public land. The RMA requires protection be provided in regional and district plans.
- 13.3 There is opposition to the Plan Change from some submitters. I have also found, that there are parts of the methodology for applying the provisions that require revision, in particular the identified nodes and landscape sub-areas for nodes. I would not however support the rejection of Plan change 13 in its entirety should the Hearing Panel consider this.
- 13.4 The Plan Change (with some refinements/ amendments) would provide the following for the protection of landscape values, cultural heritage landscapes and outstanding natural landscape and features
- An appropriate primary purpose for the protection of ONLs and ONFs and landscape values. It would benefit from the broadening to include heritage landscapes.
 - Objectives, Policies and other provisions in the Plan Change 13 (with some refinements). These are sound.
 - The recognition of the Mackenzie Basin Subzone landscape as an outstanding natural landscapes. In my opinion this is appropriate until a more refined study is available. It can be adopted in the interim and revised when a more detailed study is available
 - An appropriate basic premise that subdivision for residential purposes be restricted to nodal /cluster of houses development to avoid sporadic development within the outstanding natural landscapes.
 - It establishes the basis to assess new nodes for development. i.e the provision of nodes for development can be dealt with through refined provisions of the plan change. The provisions (with revisions) provide a sound platform to go forward and protect landscape values, cultural landscapes and the outstanding natural landscapes and features.
 - Identified nodes and locations for nodal development can be worked on and added at a later date.
- 13.5 I consider that amended provisions for Plan Change 13 in the District Plan, as recommended in my evidence, would provide significantly better recognition and protection for landscape values and outstanding natural landscapes and features than the current state. They would provide the bones and the framework for

providing for the protection of outstanding natural landscapes and features the RMA requires.

- 13.6 Including Objectives and Policies for landscapes in the MDP would be a big step forward from no recognition at all. It would provide a 'vehicle' within the MDP, which recognizes the existence and importance of landscapes values and outstanding natural landscapes and features and cultural heritage landscapes within the District.
- 13.8 To Plan Change does not need to go as far as giving certainty to allocating places i.e nodes for residential subdivision development. Furthermore, the RMA does not state that a District Plan must identify areas for residential subdivision and development or other uses within outstanding natural landscapes and features/cultural heritage landscapes. The RMA does however require that recognition and protection is provided. This Plan Change (with appropriate amendments) will provide this.

Mary Wallace
10 September 08

Appendix 1

Proposed Plan. Change 13. Protection of Landscape

Plan Change 13 - proposed provisions

- The protection of the landscape values of the Mackenzie Basin from inappropriate subdivision, development and use.
- Greater acknowledgment of outstanding natural landscapes and features within the District.

Plan Change 13 proposes the following changes to the Rural Zone - Section 7 - in brief.

Issues

- The addition of a statement in Rural Issues7 Landscape

Objectives

- The splitting of existing Objective 3 Landscape values into Objective 3 A which focuses on outstanding natural landscapes and Objective 3B, which deals with general landscape values across the District.

Policies

- The addition of new policies to support/achieve the new Objective 3A and the revision for landscape policies
- The removal of the policy relating to Lakeside landscapes.

Section 7 – Rural Zone Rules

- The establishment of a new Mackenzie Basin Subzone within the existing Rural Zone
- The identification of existing building nodes and provisions for the establishment of new nodes/extension of existing nodes as discretionary activity.
- The encouraging of appropriate location for irrigation structures and wrapped feed of earthworks as part of building node development or when associated with subdivision

Subdivision rules

- The provision for large lot subdivision outside nodes for a minimum of 200ha as discretionary (no provision for building)
-

Appendix 2

Provisions of Part II

1. The provisions of Part II of the RMA will be well known to the Hearing Panel and only a summary is provided here.

Summary, relevant Part II matters A summary, relevant Part II matters include:

- Sustainable management of natural and physical resources is the purpose of the RMA. Historic heritage is a physical resource.
- Managing the use, development, and protection of historic resources should enable people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.
- In the management of historic resources, consideration should be given to the potential of the resource to meet the reasonably foreseeable needs of future generations.
- That adverse effects on the environment (which includes historic resources) should be avoided, remedied and mitigated.
- That, as a matter of national importance, local authorities shall recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development.¹

¹ Historic heritage:

(a) Means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- (i) archaeological;
- (ii) architectural;
- (iii) cultural;
- (iv) historic;
- (v) scientific;
- (vi) technological; and

(b) Includes -

- (i) historic sites, structures, places, and areas: and
- (ii) archaeological sites: and
- (iii) sites of significance to Maori, including wahi tapu; and
- (iv) surroundings associated with natural and physical resources.

-
- That as a matter of national importance, local authorities shall recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga. Also local authorities shall take into account the principles of the Treaty of Waitangi.
 - That as another matter, local authorities shall have particular regard to the ethic of stewardship, the efficient use and development of natural and physical Resources the maintenance and enhancement of amenity values, the maintenance and enhancement of the quality of the environment, and any finite characteristics of natural and physical resources. Historic heritage is of relevance to all these other matters, especially historic heritage being a finite characteristic of a physical resource.

Outstanding natural landscapes and features

96. We start our assessment by returning to the problem we identified briefly in the introduction to this decision. While almost everyone agrees that there are outstanding natural landscapes in the district, none of the parties other than WESI and Federated Farmers is prepared to say where they finish. Thus while the Remarkables mountains were on the whole agreed to be an outstanding natural landscape none of the witnesses for the other parties was prepared to say where the outstanding natural landscape terminated.
97. We consider that unwillingness has led to a basic flaw in the case for all parties (other than WESI) in respect of landscape values. The RMA requires us to evaluate, as one relevant factor, the outstanding natural landscapes of the district so that appropriate objectives and policies (and implementation methods) can be stated for them. If the areas of outstanding natural landscape cannot be identified then how can objectives and policies (and methods) be properly stated for them?
98. Although we raised that issue with counsel at the end of the first week none of them dealt with it in their submissions at that time. Later⁹¹ Mr More raised the same question. In fact it was witnesses for the parties other than WESI who identified the procedural problems we face. For example the Council's landscape consultant, Mr Rough, admitted in his summary:

⁹¹ In the third week – he had not been present earlier.



Both the 1995 and 1998 Proposed Plans made reference to the outstanding landscapes in Environmental Results Anticipated yet neither plan particularly identified what are the outstanding landscapes in the District. In terms of Section 6 of the Resource Management Act 1991 this would seem to be a deficiency in both plans. It is my opinion that this deficiency could be overcome by including a list in the Proposed Plan of outstanding natural features and landscapes as identified in the Otago regional landscape study and add to that list other obvious highly recognised features and landscapes or examples of what is deemed to be, within the District, outstanding natural features and landscapes. Such a list would include those natural features and landscapes which are widely accepted by the community as being outstanding. It is my opinion that such a list need not be exhaustive but it would need to be explicit so that the list established a threshold as to what the Council regarded to be an outstanding natural feature or landscape.

99. One course for us to take would be to request further evidence from the parties. However, most take the view that what they see as the necessary studies would take months, perhaps years, and a great deal of money to carry out. In the meantime in our view the district needs a plan - especially for the Wakatipu basin - as a matter of urgency. Further, it seems to us that the attitude of the parties opposing WESI demonstrates a lack of understanding of what the RMA requires: ascertaining an area of outstanding natural landscape should not

(normally) require experts⁹². Usually an outstanding natural landscape should be so obvious (in general terms) that there is no need for expert analysis. The question of what is appropriate development is another issue, and one which might require an expert's opinion. Just because an area is or contains an outstanding natural landscape does not mean that development is automatically inappropriate⁹³.

100. The simplest evidence on this issue came from Mr J H Aspinall who was a witness for Federated Farmers (NZ) Inc. He did not qualify himself as an expert; he is a farmer in the district (at Mt Aspiring station). On the other hand we do not consider that we should be precluded from considering his view since we do not consider that the question of whether there are outstanding natural landscapes in the district should be left solely to experts. In Mr Aspinall's view the district's truly outstanding landscapes are in the Upper Rees, Upper Dart, Upper Matukituki and Wilkin Valleys and thus are managed under the National Parks Act 1980.

101. In coming to our conclusions below, we generally prefer the evidence of Mr Kruger over those of the other landscape witnesses. That is not because we accept all of Mr Kruger's evidence – we do not – but because he at least was prepared to state where, in his opinion, some of the district's landscapes begin and end. His evidence related more to the general Wakatipu area, and the Wakatipu basin in particular. Even there he had some difficulties – he did not know, as Mr Marquet's cross-examination of him revealed, where the southern boundary of the district was.

⁹² There may be exceptions where a landscape is flatter or such a large geological unit that an uninformed observer may have difficulty conceiving of it as outstanding, in the first case, or as a single landscape in the second.
⁹³ Section 6(b).



102. The other landscape witnesses had a rather more sophisticated approach than Mr Kruger, and in theory we prefer the subtlety and richness of their approach to landscape assessment. However, in this case, all the landscape evidence other than Mr Kruger's and Ms R Lucas' (which was very limited in scope) was weakened by two problems:

- (a) A failure to make findings of fact which were essential for the statement of issues, and resulting objectives and policies;
- (b) The suggestion that no such findings could be made unless the plan first stated the criteria by which landscapes were to be assessed.

The difficulty with the latter point is that the suggested criteria were in essence some of the component aspects of 'landscape' identified in *Pigeon Bay*⁹⁴. Such a list is so general that we cannot see that it would assist much to have it specified in the plan. The real need is to apply those criteria to the landscapes and features of the district.

103. We do not consider WESI is correct in its assertion that the whole of the district is an outstanding natural landscape but neither do we consider that Mr Aspinall is correct in confining outstanding natural landscapes to the Mt Aspiring National Park.

104. We will shortly set out our findings in respect of outstanding natural landscape and features. Before we do, we record:

- (1) that while we identify areas as landscapes of outstanding natural value or as important under section 7, these areas are not zones;

⁹⁴ [1999] NZRMA 209 at 231-232; discussed in Chapter 6 above.