

BEFORE THE MACKENZIE DISTRICT COUNCIL

IN THE MATTER OF THE RESOURCE MANAGEMENT ACT 1991

AND

IN THE MATTER OF PLAN CHANGE 13 TO THE OPERATIVE
MACKENZIE DISTRICT PLAN TO ESTABLISH
A NEW MACKENZIE BASIN SUBZONE
WITHIN THE EXISTING RURAL ZONE.

**EVIDENCE OF DR MICHAEL LAWRENCE STEVEN (LANDSCAPE PLANNER) PART B
FOR:
RHOBOROUGH DOWNS LTD**

INTRODUCTION

- 1 My name is Michael Lawrence Steven. I am a practising landscape architect and landscape planner employed in the Queenstown office of Vivian and Espie Ltd.

Qualifications as an Expert

- 2 I hold a Doctor of Philosophy in Architecture (Environment-Behaviour Studies) from the Faculty of Architecture, University of Sydney (Australia), a Master of Landscape Architecture by research from the Faculty of the Built Environment, UNSW (Sydney, Australia), a postgraduate Diploma in Landscape Architecture from Lincoln College (University of Canterbury), and a Diploma in Horticulture (Distinction) from Lincoln College. I am an Honorary Associate of the Faculty of Architecture, University of Sydney, and an Associate of the New Zealand Institute of Landscape Architects. My expertise is in the trans-disciplinary field of environment-behaviour studies, particularly landscape perception, and human factors in landscape design, planning and management.
- 3 From January 2006 until March 2008 I was employed as a landscape architect in the Wellington office of MWH New Zealand Ltd. Prior to December 2004 I was employed as an academic by the University of Western Sydney, Australia, where I taught in the field of landscape studies. I have some 25 years of experience in the landscape architecture profession, both in New Zealand and Australia. My professional practice experience includes a period spent with the (then) Ministry of Works and Development in the Auckland office, and in the Christchurch and Hamilton offices of the (then) Department of Lands and Survey. My work with MWH and more recently Vivian and Espie Ltd has involved landscapes assessments and the preparation of expert evidence on landscape issues for a wide range of sites and projects around New Zealand.

Ambit of my Evidence and Conclusions

- 4 My evidence is presented in two parts:
 - 4.1 Part A is general evidence on the validity and reliability of the landscape assessment that forms the basis for Proposed Plan Change 13. This evidence is presented on behalf of the Mackenzie Branch of Federated Farmers; Fountainblue Limited, Southern Serenity Limited and Pukaki Tourism Holdings

Partnership; and Rhoborough Downs Ltd. Part A evidence is the subject of a separate brief, already presented.

- 4.2 Evidence in support of property-specific relief sought by Rhoborough Downs Ltd and which is the subject of this brief.
- 5 With regard to Rhoborough Downs Ltd, this evidence addresses my client's submissions in requesting (1) the expansion of landscape sub-zones within the Rhoborough Downs property, and (2) the approval of further nodes within landscape sub-zones on Rhoborough Downs.
- 6 I conclude:
- 6.1 The tenure review process has already identified the outstanding natural landscapes of Rhoborough Downs – an area of some 3,000ha, that has consequently been returned to Crown ownership for addition to the conservation estate. The balance of the property cannot reasonably be regarded as ONL.
- 6.2 The procedure for the identification of nodes is not made explicit. Node boundaries are arbitrary and in many areas inappropriate, while other areas with potential for nodal development have been overlooked. The rules governing the development of nodes are unnecessarily restrictive and difficult to interpret.
- 6.3 Nodal development as represented in Plan Change 13 is not the only development model for suited to Rhoborough Downs, nor for rural properties within basin generally.
- 6.4 Considerable potential exists on Rhoborough Downs for the identification of development zones outside of those indicated on Mr Densem's Map 8.

NODES AND LANDSCAPE SUB-ZONES – GENERAL

- 7 My evidence in this section refers to Mr Densem's Technical Report L1, *Landscape Assessment of Issues Arising from Public Submissions & Further Submissions*, dated August 2008. I shall refer to this document as the 'Landscape Report'. I shall also refer to Attachment A of the Landscape Report, *Landscape Sub-Area Numbering*.

- 8 As stated in Part 1 of my evidence, my criticisms of the landscape assessment basis of the proposed plan change notwithstanding, I regard the proposed policy on 'nodal' (or cluster) development as having some merit. However, I do not accept that it is necessarily the only form of development suited to the Mackenzie Basin.
- 9 I note the recommendation in the Section 42A Officer's report that the minimum number of building platforms per node be reduced from 5 to 3. However, accepting that the number must refer to building platforms per se and not necessarily residential dwellings, I do not accept that there should be a minimum number. Neither do I accept that single residential dwellings (as distinct from multiple dwelling nodes) are unacceptable. Given the scale of the Basin's landscapes and diversity of landscape settings, individual residential dwellings can be accommodated without incurring negative visual impacts and problems of efficient servicing. Site specific factors should be the primary determinants of appropriateness.
- 10 The upper limit of 10 building platforms per node is unnecessarily restrictive. According to the Planning Officer's report, the "maximum limit is placed on nodes because the Council does not want large-scale residential development occurring outside of townships" (p.45 and elsewhere). This is an inflexible approach, based around assumptions of nodal development as "residential development", that does not admit to the possibility of tourist developments based on very different models to conventional residential housing development. In my opinion there is a considerable span of development concepts and purposes distinct from "large scale residential development", that the plan change will not provide for. Development concepts other than for large scale residential development but requiring more than 10 building platforms (and fewer than 3) should be provided for well beyond the boundaries of established townships. Remote ecotourism accommodation in small cabin-like units or a single larger lodge are example of the type of development that will be constrained by the proposed upper and lower limits on building platforms at nodes. By their nature, such developments will invariably not be located in established townships.
- 11 I do not accept that historical patterns of development, determined as they were by the particular social, economic and technological circumstances of the time, should dictate the patterns of future development, as Mr Densem's report appears to be suggesting.

The proposed plan change should provide for contemporary responses to development that are unfettered by historic considerations and resulting settlement patterns.

- 12 At paragraph 15 of the Landscape Report, Mr Densem states:

Capacity for new nodes was not based solely on ability to visually absorb developments, such as in gullies or areas of wilding trees. It also was based on the ability as far as possible to retain the sparsely occupied character of the Mackenzie landscape during development.

There appears to be something of a contradiction inherent in this statement, in the sense that development that is visually absorbed (i.e., difficult to see) will, in fact, serve to maintain the sparsely occupied character of the Mackenzie Basin landscape that Mr Densem wishes to see preserved. It is axiomatic that that which cannot be seen, cannot change the character of the landscape.

- 13 The comments that follow on the matter of landscape sub-zones, nodes, and development opportunities generally on Rhoborough Downs should not be taken as indicative of my agreement with the fundamental premise of the Proposed Plan Change – that the entire Mackenzie Basin is an outstanding natural landscape. Rather, my comments reflect the very coarse level of analysis, lack of explicit and technically defensible assessment criteria, and lack of transparency that has attended the preparation of Map 8, *Capacity for New Nodes*. I remain of the opinion, expressed in my Part 1 evidence, that the Proposed Plan Change should be withdrawn and a comprehensive District-wide landscape assessment be undertaken.

- 14 Mr Densem's Map 8, *Carrying Capacity for New Nodes* serves as a useful introduction to some of the matters I shall address in my evidence. Some general observations on this diagram are warranted:

- 14.1 The landscape sub-zone showing 1 node to the west of the Pukaki Downs property on the eastern margin of the Black Hills is drawn substantially outside of the Pukaki Downs landholding, on what I understand to be Department of Conservation land – presumably the Ruataniwha Conservation Park

- 14.2 An area shaded blue and identified in the map legend as being "Area for lifestyle subdivisions (no nodes)" is located to the north and west of The Pyramid, but no explanation or analysis is offered to support lifestyle development in this area.
- 14.3 Further to the north, LSA 8 appears to be substantially within conservation estate land.
- 14.4 Much of the land against the foothills of the Black Mountains (locality of Fraser Stream and Dry Stream at the western extremity of Rhoborough Downs) between the blue shaded area and LSA 8 has high visual absorption capability yet has not been identified as a landscape sub-zone for development.
- 14.5 The landscape sub-zones either side of State Highway 80 (SH80) identified for 3 (west side) and 5 (east side) nodes span three separate landholdings on each side of the highway – Rhoborough Downs, Pukaki Downs, and Ferintosh Stations. While I have conducted no field inspections of Ferintosh Station, I consider the nodal capacity of the landscape sub-zones has been considerably under-estimated.
- 14.6 I consider the failure to assess the development potential of landholdings individually and to allocate nodes within landscape sub-zones that span multiple landholdings does not take account of the aspirations, personal circumstances and farm management needs of individual owners and their properties, and sets in place circumstances for the inequitable allocation of development rights. I consider this particularly unacceptable given the coarse level of survey and analysis that has informed the preparation of Map 8.
- 14.7 I note Mr Densem's acknowledgement at para. 118 where he states:
- It is acknowledged that the disposition of 'x' and 'pink' areas was prescribed by me on landscape impact grounds and with insufficient opportunity for landowner consultations in most cases. This was due to time constraints in preparing Plan Change 13 rather than an intended lack of respect for owners.
- 15 Mr Densem's position on the identification on Nodes and Landscape Sub-Zones appears to have changed significantly in light of his response to Submission 60/2 by Lone Star Farms:

60 Lone Star Farms Ltd

121. This submission 60/2 concerns Godley Peaks Station. The part considered in this section seeks 'should .. an analysis deem a set number of nodes to be an appropriate land management method, then map 8 be amended to show the maximum number of new nodes per station rather than per landscape sub-area'.

122. I support this submission as it would give a clearer definition of options for each property.

123. *I recommend that this part of Submission 60 be accepted.*

16 This recommendation, apparently intended to have general application across all of the area covered by Map 8, clearly endorses the abandonment of the Landscape Sub-Zone concept, and the assessment of node capacity on a property-by-property basis instead. The recommendation Mr Densem makes on the allocation of nodes and the definition of Landscape Sub-Zones on my clients' properties appear to be rendered redundant by his recommendation on Submission 60.

17 On the issue of the use of nodes for tourist-related developments, I note Mr Densem's recommendation at para, 6.2 of his *Mackenzie Basin Landscape: Character and Capacities* report regarding the possibility of tourist development in the western Lake Pukaki area:

...the potential exists for a differing approach to land use futures in this area. Economically there is a passing tourist trade, scenically there are spectacular settings, and in my observation there is scope to site new facilities within the landscape without destroying its character or quality. My suggestion is that the Council should allow for development of low-level commercial tourist accommodation in the western Pukaki area.

RHOBOROUGH DOWNS STATION

18 My evidence addresses Rhoborough Downs' submission that seeks extensions to Landscape Sub-Area 6 (The Lake Pukaki Block), Landscape Sub-Area 7 (the Loch Logan Block), and the identification of further Landscape Sub-Areas elsewhere on the property currently marked with an X (areas where no new nodes are suitable), including in particular the Lake Wardell Block adjacent to SH8. To support the preparation of my evidence I have visited the Rhoborough Downs property on two occasions and

undertaken a comprehensive tour of the property from east to west (including the Lake Wardell Block) over several hours.

Tenure Review, and the identification of landscape values on Rhoborough Downs

19 Prior to addressing specific issues arising from the Proposed Plan Change it is relevant to consider the tenure review process and the outcome for Rhoborough Downs:

20 Tenure review for Rhoborough Downs was completed in March 2003. The outcome of the process is summarised in the Substantive Proposal for the property:

The Substantive Proposal provides for the following designations in respect of the land:

- 3,000 hectares (approximately) to be designated as land to be restored to full Crown ownership and control under section 35(2)(a)(i) of the Act as conservation area;
- 4,626 hectares (approximately) to be designated as land to be disposed of by freehold disposal to the Holder under section 35(3) of the Act, subject to Part IVA of the Conservation Act 1987, section 11 of the Crown Minerals Act 1991 and the easements as outlined in this Substantive Proposal

21 The 3,000 ha restored to Crown Ownership, and which is now part of the conservation estate, was identified on the basis of investigations summarised in a Conservation Report that examined landscape character, and significant inherent values, such as landscape, flora and fauna, and historic values of the property.

22 The process also involved the consideration of public submissions. These submissions addressed such issues as public access, and the preservation of valued vegetation communities (including wetlands, shrublands and riparian communities).

23 It is reasonable to assume that the 3,000 ha that returned to Crown ownership for conservation purposes (the 'Back Block', being the high country of the Ben Ohau Range) was that area identified through the preparation of the conservation report and through the process of public submissions as having the highest landscape values.

24 It may be fairly stated, then, that the outstanding natural landscapes of Rhoborough Downs have already been identified and their protection from inappropriate subdivision,

use and development assured through the tenure review process. What remains - the dry flats and terraces extending from the foot of the Ben Ohau Range to the terminal moraines of Lake Pukaki - is pastoral farmland with some visual amenity value, but in my opinion it is not outstanding natural landscape.

Landscape Sub-Area 6

- 25 To some extent I agree with Mr Densem's opinion at para. 30; "that limited further development could occur in this area without affecting landscape values. Mr Densem states he would;

...support the Council in providing for one node within the Rhoborough Downs boundaries in this area, in addition to the proposed homestead. However I am of the opinion that the area in Rhoborough Downs ownership on this side of the highway is *not large enough* for more than one node. [italics added]

- 26 However, Mr Densem's Attachment B wrongly identifies part of the Lake Block of Rhoborough Downs Station as belonging to Pukaki Downs, and evidently misunderstands the location of the boundary of the Rhoborough Downs Lake Block, and the true size of the block.
- 27 Given the topographical and land-cover characteristics of the landscape contained within LSA 6 (an example of which is shown in Figure 3) - an area that spans 3 separate landholdings – Ferintosh, Pukaki Downs and Rhoborough Downs - I consider it well able to accommodate more than the 5 nodes allocated. This is particularly the case given the intention to reduce the minimum number of building platforms within a node to 3, rather than 5. In my opinion the heavily forested landforms of the Rhoborough Downs section of LSA 6 are well capable of accommodating at least 2 nodes, and possibly more.

Landscape Sub-Area 7

- 28 Mr Densem's response (para. 22 of the Landscape Report) is to affirm his opinion that "the stated capacity of 3 new nodes in sub-area 7 would be the maximum that clearly retained existing landscape values under the Council's policy." Specifically which 'values' Mr Densem refers to is not explained. If one considers the Rhoborough Downs portion of LSA7 (which actually appears to span 3 properties, and not 2, as suggested

by Mr Densem), then the claim that the allocation of further nodes will diminish 'values' is particularly hard to accept, as may be demonstrated with reference to my Figures 1, 4, 5 and 6:

- 28.1 The area I refer to as the Loch Logan Block of Rhoborough Downs is densely covered in wilding pines, such that no views into the block are possible from SH8 or any other public place.
- 28.2 At the centre of the block is a large area of what can only be described as derelict landscape, being the site of gravel extraction and stockpiling used in association with Lake Pukaki hydroelectric development. While one large gravel pit has been rehabilitated by the owners of Rhoborough Downs (Figure 7), extensive areas remain un-rehabilitated and in a derelict state.
- 28.3 As such is it difficult to ascribe any of natural science, aesthetic, natural character or openness qualities or values to this block of land (other than those created by Mr Preston himself)
- 29 In my opinion, the Loch Logan Block alone could comfortably absorb 3 nodes with no effects on landscape 'values'. In my opinion, Mr Densem's views on absorption capability (or carrying capacity) appear to be coloured by the perception that all development within nodes will necessarily be of the "4 hectare' approach". This is an unjustified assumption, and one that precludes the possibility many other forms of development, particularly recreational or tourist development with an ecotourism or nature-based recreation focus. Mr Densem's assumptions are revealed later in his report, where at para 110, in response to submissions from Roberta Preston, he states:
- 'development' is taken to mean the subdivision of land and its sale for residential development.
- 30 Accordingly I do not accept Mr Densem's opinion that there is no potential for expanding LSA 7 or increasing the number of nodes allocated to this area. In my opinion, Mr Densem has not – and cannot – demonstrate how development in excess of that which he has indicated will diminish landscape values or diminish landscape character or natural character to any appreciable degree.
- 31 With regard to Mr Densem's recommendations on LSA 7:

- 31.1 *(i) that the Council accepts this part of Submission 10(iii), and allocates up to two 'New Nodes' (of the three noted for Landscape sub-area 7), on Rhoborough Downs land;*

I do not accept the justification for this restriction and consider that new nodes should be allocated to Rhoborough Downs but they should be *in addition* to the 3 already indicated for LSA 7

- 31.2 *(ii) that the Council not accept the request to extend Sub-area 7 or to decrease the 'Area Where No New Nodes are Suitable' in the south of Rhoborough Downs, but should retain the extent of Sub-Area 7 as proposed in Map 8, subject to delineation of the boundary on site if necessary,*

As the actual extent of LSA 7 is very difficult if not impossible to determine accurately from a 1:250,000 map I recommend that *all* LSAs be subject to identification and ground-truthing according to robust, technically defensible and transparent assessment criteria. I offer indicative boundaries for the Loch Logan and Lake Pukaki Blocks on Figure 1.

- 32 Mr Densem's concern (para. 28) that SH80 may become "'lined' with nodes on both sides" can be addressed simply with the requirement for the retention of treed buffer strips along the highway. With adequate buffering, I see no justification for Mr Densem's suggestion that there should be no nodes directly opposite each other, within LSAs 6 and 7.

- 33 It is instructive to consider the degree of dereliction that has remained in the locality of Loch Logan since the end of the hydro development project, and the fact that such amenity and naturalness as exists within this area is directly attributable to the efforts of the Prestons. The ability to undertake development within this area would ensure the further rehabilitation of this derelict land.

Landscape Sub-Area 8

- 34 As I have noted elsewhere, Landscape Sub-Area 8 appears to be largely outside of Pukaki Downs property and on DoC conservation estate land. I take this to be a mapping error on Mr Densem's part. However, the same landscape characteristics that make Landscape Sub-Area 8 suitable for development apply also to land to the south, at the western limits of Rhoborough Downs Station. I do not accept that if Landscape

Sub-Area (LSA) 8 is a credible option in development terms, then the same cannot apply to land between LSA8 and the land identified for lifestyle subdivisions to the south. Mr Densem concedes the potential for development within this area, when he states at para.113:

The proposals in Plan Change 13 confirm that the least landscape impacts on Rhoborough Downs will occur from development in the east of the property, where trees exist, and in the west, where they can be sited beneath the Ben Ohau slopes.

- 35 As the prospect of any development over most of LSA8 is clearly most unlikely (being conservation estate land administered by the Department of Conservation), then I propose that this LSA be located further south, to cover land on the western margins of Rhoborough Downs.
- 36 At paras 50-57, in response to submissions from S. Preston, Mr Densem acknowledges that the western area of Rhoborough Downs has capacity for development, yet he states that "any decisions clearly are dependant on outcomes of the Twizel review", and goes on to recommend at para. 57 that any decision on these areas "be deferred until the Twizel considerations are completed."
- 37 In my opinion the western areas of Rhoborough Downs are so far removed from Twizel (at least 8-10 kms, and separated from Twizel by the Ohau Canal and Ben Ohau Station) as to be irrelevant to the considerations of the Twizel issues. In my opinion there is potential for a re-located LSA 8 to span the western-most area of Rhoborough Downs Station, including the areas where Fraser Stream and Dry Stream emerge on to alluvial flats along the eastern margins of the Black Hills.

Areas marked as unsuitable for new nodes, including the Lake Wardell Block.

- 38 Rhoborough Downs submission seeks the removal of the 'X' (Area Where No New Nodes are Suitable) from the Lake Wardell Block that lies between SH 8 and the Pukaki Canal. By way of clarification and in response to a further submission by Meridian Energy Limited, this area does not fall within the Lake Pukaki emergency spillway.
- 39 As Mr Densem acknowledges (para. 41), "the 'Lake Wardell Block' is heavily modified from having been the central works area in the hydro days." Mr Densem also acknowledges that the area has a considerable covering of wilding trees—indeed the

density of the trees is such that the land has no productive use for pastoral farming (Figure 8). Mr Preston has confirmed this in his evidence.

- 40 In paragraphs 42—44, Mr Densem appears to concede the possibility of development within the Lake Wardell Block, but opines that the area is “too crucial” and of strategic importance” to permit sporadic, property by property applications. Rather development should be the subject of a wider structure planning exercise. This concession that the area could be developed subject to a structure plan is in contradiction to the indication on Map 8 that the Lake Wardell Block is an area where no new nodes are suitable. Clearly, it is, and the main concern of Mr Densem's appears to be that development within this area should be part of a wider structure planning exercise.
- 41 On this basis, it is not appropriate that the Lake Wardell Block be identified as an area where no new nodes are suitable. In my opinion, the development potential of this land must be recognised through its identification as a new Landscape Sub-Area.
- 42 The Lake Wardell Block clearly has a high level of visual absorption capability on the basis of landform variations and land-cover. It is in a highly modified state, and has historically been subject to intensive built development. It is flanked on one side by the Pukaki Canal, on another by the State Highway, and is adjacent to the Pukaki Canal outlet structure. It is an exaggeration, in my opinion, to claim that “the central landscape values of this land derive from its being part of an area of undeveloped rural character”, as Mr Densem claims at para. 41.
- 43 Regarding the Lake Wardell Block, Mr Densem concludes:
- ...that the landscape values of the ‘Lake Wardell Block’ are part of a wider area of strategic importance, despite the seeming modified state, and that a decision on whether or not to allow a node in this area depends on other planning factors as well as solely landscape ones.
- 44 Whether of not the Wardell Block has strategic importance is beside the point in my opinion – if it is considered capable of accommodating some development (and in my opinion it clearly is), then it should be identified as such. The matter Mr Densem raises goes more to the question of how that development should be planned, not to whether it should or should not occur. The possibility of a Pukaki Village east of the dam appears

so remote that the recommendation that Lake Wardell be part of wider planning issues (presumably including the village) is to place an unreasonable constraint on the Preston's opportunities to develop Lake Wardell Block.

- 45 The Lake Wardell Block is discrete, well defined and bounded by the State Highway and Pukaki hydro canal. Mr Densem's comment that the area is; "...too crucial for the Council to provide for its development through sporadic applications, property by property" does not stand up to scrutiny given the obvious suitability of the block for development of some kind, and the absence of development (other than hydro development) anywhere else along the Lake Pukaki stretch of the State Highway. Development within this well screened site on a single property does not make for sporadic "property by property" development.
- 46 I consider the Lake Wardell Block to be more suited for development than the prominent and open land identified for the site of a village in the District Plan.

SUMMARY AND CONCLUSIONS

- 47 The tenure review process has already identified the outstanding natural landscapes of Rhoborough Downs – an area of some 3,000ha that has consequently been returned to Crown ownership for addition to the conservation estate. The balance of the property cannot reasonably be regarded as ONL.
- 48 The process by which LSAs and nodal capacities have been identified lacks transparency and is not technically robust. The mapping of LSAs on Map 8 is inaccurate and difficult, if not impossible to interpret accurately at the scale drawn.
- 49 The absorption capability of LSAs 6 & 7 has been significantly underestimated, while other areas with high absorption capability on Rhoborough Downs, including the western margins of the property, have not been identified.
- 50 The Lake Wardell Block, the now-derelict and wilding infested site of the Pukaki hydro village, appears to be acknowledged by Mr Densem has having some potential for development and consequently should be identified as a landscape sub-zone.

Michael L Steven
Landscape planner
7 September 2008