

**Selwyn District Plan  
Proposed Plan Change 6  
Lower Port Hills and Summit Road Protection area**

Thank you Mr. Commissioner

Peter Graham is my name,

My Submission number is 1270

I am appearing on behalf of Ahuriri Farm Ltd of which I am a shareholder.  
I oppose the rezoning rural inner plains to rural Port Hills and having all of the land above 20m declared an area of outstanding natural landscape.

Secondly I oppose the rural rule 1.4.2.5. with regard to Earthworks. I believe that the Earthworks rule should be increased and I support the submission from the Selwyn District Council in respect of that.

I intend to break my submission into 4 parts

- 1) Make some general observations in respect of the road that we have travelled since 2001
- 2) Acknowledge Parliaments recent deliberations in respect of the land in question
- 3) Look at the Environment Court ruling in respect of the land adjacent to the land in question, and then take a virtual walk across my property reflecting on what is or is not the area of outstanding natural landscape.
- 4) Conclude and summarize why I believe that some but certainly not all of the land between 20 vertical meters above sea level and 30 meters below the Summit Road should be an area of outstanding Natural Landscape.

While there has been much debate since 2001 at no time has the whole area been defined as an area of Outstanding Natural Landscape. The planning maps from that time refer to it as a "Proposed Policy" e.g. Variation 10 proposal that the land from the Summit ridge to the 60m contour be regarded as the area of outstanding natural landscape.

Page 2 of the "Proposed Plan Change" makes an alarming observation-

May I quote: "It is unclear where the reference to the 60m contour originated from"

It is extraordinary that the authors of this proposed plan change would have failed to fully acknowledge the huge consultative involvement of the Selwyn

District Council, Environment Canterbury and the community directly affected by this issue. Where did this 60m contour come from? May I enlighten the chair?

Following the proposal Selwyn Plan as notified in September 2001, the council led by the Mayor at the time, established a series of "focus groups" throughout the Selwyn District Council territorial area.

Following a public meeting in the Tai Tapu Hall chaired by the mayor one such focus group was established for the Port Hills area.

The committee was made up of:

- Rate payers
- Elected council members
- Selwyn Council Staff who both took part in the deliberations and were responsible for the taking of the minutes.

Between September 2001 and September 2003 the committee met approximately 20 times with an average meeting length of 3 hours. The Mayor attended on a number of occasions and in 2003 the committee was joined on the recommendation of the mayor by the elected representative from the Canterbury Regional Council and Environment Canterbury staff. The reason for this was that the Mayor believed that by including Canterbury Regional Council at this stage, that it would eliminate the need for a hearing such as we are having today.

After approximately 60 hours of deliberations the consensus view of the committee was in respect of the subdivision of the Port Hills. That the rules should be:

- 4 Ha up to 60m
- 40 Ha between 60m and 160m
- 100 Ha between 160m and 30m below the Summit Road where the "Summit Road Protection Act" takes effect.

With regards to Earthworks, the consensus view of the committee was to provide for earthworks up to 20m<sup>3</sup> in any one hectare, in any five year period.

That the authors of this proposed plan change report should so flipantly and casually disregard 60 hours of consultative effort between the Selwyn District Council, Rate payers on the Port Hills and the Canterbury Regional Council is arrogance in the extreme and makes an absolute mockery of the consultative process that the R.M.A requires.

Mr. Commissioner let me dwell for a moment in respect of Parliaments deliberation in respect to the land in question.

In 1963 Parliament enacted the Summit Road Protection Act. This Legislation was designed to provide ~~environment~~ protection for the Summit Road which runs

*environmental*

from the Godley Head to Gebbies Pass and for the land, 30m below the road and the point of the sky line. Some of that land lies within the jurisdiction of the Selwyn District Council.

On November 8<sup>th</sup> 2000, a Bill was introduced to Parliament which aimed at modernizing the existing Act. The Bill was subsequently referred to a select committee. That committee met in Christchurch and received submissions from a large number of individuals and organizations.

The Summit Road Society submitted that in their view the whole of the rural part of the Port Hills including that within the jurisdiction of the Selwyn District council, from the sky line to the toe of the hill, was an area of Outstanding Landscape and that the geographical jurisdiction of the Act should be extended to accommodate that perspective.

The select committee rejected that position, when presenting its report back to parliament.

The Bill received its second reading in Parliament on 29 August 2001. In moving the second reading of the Bill, the Honorable David Carter, now currently Minister of Agriculture, agreed with the select committees findings that the areas that were truly outstanding in terms of landscape were covered by the bill and that no geographical extension of the bills jurisdiction ~~jurisdiction~~ was necessary and that such extension would in fact erode Private Rights.

Parliament upheld this position when on October 3<sup>rd</sup> 2001 the Bill passed its third reading.

I urge you Mr. Commissioner that when you deliberate as to what is an area of outstanding natural landscape on the Port Hills, that you follow the precedent set by Parliament when it deliberated upon the land in ~~question~~. *under debate today.*

When it had the opportunity to extend the Summit Road Protection Act it declined to do so, because what to Parliament deserved protection was already protected.

Mr. Commissioner, the territorial boundary between the Selwyn District Council and the old Banks Peninsula District and what is now the Christchurch City Council, divides my property. The boundary of course is not fenced as such, but appears as a line on a map, my sheep are able to graze unhindered across that boundary.

The total area of land under the Selwyn District Council jurisdiction on the rural part of the Port Hills is approximately 7000 hectares of which my property is 1401 hectares with a further 120 hectares of lease land lying adjacent, but within the city jurisdiction.

What I would like to do Mr. Commissioner is to invite you to take a virtual walk across my farm from the skyline down to the 20m line. To look at areas of my property that are outstanding from a landscape perspective and areas that are clearly not. That I deem every individual sheep to be outstanding sadly is outside the scope of our discussion.

The land in the old Banks Peninsula district was the subject of an Environment Court decision in 2008. In that case C45/2008 the court held that the council should ensure that the criteria for determining outstanding natural landscape are robust; in other words clearly defined on a map.

If we begin our walk in the part of my paddock that is in "Banks Peninsula" and has not been classified as outstanding - take two steps into Selwyn, the slope hasn't changed- the vegetation hasn't changed and the sheep don't care!

But Lucas, Densem and Rough argue that we are now in "Outstanding Natural Landscape". That is absurd.

If we walk to the top of my farm, we are in an area captured by the Summit Road protection Act 2001. This is an area that is clearly of outstanding Natural Landscape; it has been defined by parliament as such and because the situation is obvious it is not subject to community debate.

The point that I am trying to make here is that there are areas in the Port Hills that are outstanding but to argue that the whole area is outstanding is just not credible.

Walking down from the sky line Mr. Commissioner you would pass 60 hectares of Q.E.II Trust covenant. This area of Native Bush I covenanted in 1982, it is an outstanding area but doesn't require Section 6(b) status because even though it is one of the largest areas of native bush between Godley Head and Akaroa, it has all the conservation protection that it needs in fact more than section 6 (b) would provide.

The Authors of the landscape reports imply that unless section (6)b status is applied to the Port Hills , the land owners will not manage the outstanding areas responsibly. My covenanting of that land 27 years ago illustrates that, that point of view is rubbish.

Not far below the bush that I have referred to but above the 20m line is my offal pit. Nothing outstanding about that unless you are a rat looking for Christmas dinner.

Yet Lucas, Densem and Rough argue that my offal pit must be included in the area defined as an area of outstanding landscape. I will leave you, to dwell on the absurdity of that!

A little bit further on but still above that 20m line is my woolshed and yards.

Now Andrew Craig from Peter Rough Landscape Architects ~~and~~ argues on page 11 of his report. That the southern part of the Port Hills from Tai Tapu- Motukarara is a pristine natural landscape.

Now bearing in mind that my woolshed was built in 1908 and is still functional. I would suggest that Mr. Craig has not inspected my woolshed and indeed is guessing. I would ask him to confirm to the chair, as to whether or not that is the case.

Because if in fact he has not inspected my woolshed; then for him to assert as he has done on page 11 of his report Quote: "the less modified area south of Tai Tapu falls more toward the pristine end of the spectrum" Such an assertion without inspection would indicate a very shabby piece of work.

For my woolshed to be regarded as a pristine natural landscape is a title that no man since 1908 has bestowed upon it.

In the world of Landscape Architects, this particular expert, as defined by the Boffa Miskell Ltd section 42/A Planning report page 15; Is trying to paint my farm some where between Milford Sound and the Hanging Gardens of Babylon.

I am further troubled by my farm being described by Mr. Craig as falling into the "Pristine End of the Spectrum" when I read Appendix 6. Objectives and Plans from the Selwyn District Plan – Port Hills – Policy B1.4.11 Fourth paragraph- "The Port Hills is not a pristine natural landscape." That is on page 079.

The question I put to this hearing is – are these landscape reports fair and balanced or were they produced from a preconceived position? *it is my contention that it is the latter*

Continuing with our virtual walk across my farm we come to the landscape depicted in photograph 9 page 10 Appendix 2. This is the Peter Rough report prepared by Andrew Craig.

This photograph on page 10 is attempting to illustrate a landscape of 'Natural Feature' and as such according to Lucas, Densem and Rough should be accorded section 6(b) status.

This photograph used in that context is dishonest, because if the photographer had moved 5 degrees to the right, he or she would have seen – "This"- the home of Mr. and Mrs. Gillanders, beautifully landscaped, but never the less, above the 20m line.

My criticism is not in any way aimed at Mr. and Mrs. Gillanders, but the reports use of this photograph to attempt to illustrate a landscape that is unmodified when it is in fact not.

Further the Rough report on Page 13 uses the proximity to state highway 75 as a further justification for section 6 (b) status for the land between 20m-60m. Yet the

landscape on page 10 can not be seen from S.H.75 because there are hills at approximately 40m high between S.H. 75 and the landscape in question.

Basepole Ltd have submitted that the whole of the Ahuriri Valley be excluded from Plan change 6 on the grounds that more than half of it cannot be seen from State highway 75. I support that submission and photographed 9 page 10 of the Rough report illustrates the point made

Further more this photograph and the landscape depicted on page 14 of the Rough report would take on a different perspective if a dwelling was constructed on the flat land in front of the hill, which would be permitted under the council's current rules. Reference is made on page 14 to the line of poplar trees.

I would point out that these are not in anyway protected by any legislation and could be cut down tomorrow.

These landscapes referred to by Rough are not iconic, nor unmodified, but are indeed working landscapes, continually evolving. They are where I earn a living; they are no different to Mr. Craigs office.

For the final stopping point on our virtual walk, we might perhaps climb over the boundary fence onto the property of Mr. Jim Macartney. To observe the cell phone tower that has been erected on a site above the 20m line.

Lucas, Densem and Rough argue that all of the land above 20m is an area of outstanding natural landscape. I maintain that while some high ridges maybe, that to fire a shot gun from the State Highway and claim that all of the land is outstanding is just not credible.

In this example, a cell phone tower that can be clearly seen from state highway 75. To give it outstanding natural landscape status- makes a mockery of this whole process.

Finally Mr. Commissioner, in concluding may I ask the fundamental question. Who makes the rules for our district, the Port Hills?

Because six years ago, after approximately 60 hours of consultative effort between representative of:

- The Selwyn District Council
- The Canterbury Regional Council
- And the rate payers from the Port Hills

A consensus view was formed with regards to subdivision on the Port Hills, put simply it was:

- 4 hectares up to 60m
- 40 hectares from 60m-160m

- 100 hectares from 160- to the point where the Summit Road protection Act applied.

This formed the rules that we currently operate under. Twice now these have been tested publicly. In 2007 the Selwyn District Council undertook a review of the landscape protection of the Port Hills for the area below the 60m contour.

Questionnaire letters were sent to interested parties plus two information sessions were held at the Tai Tapu Community Hall in August 2007. 57 forms were received back 52 of those were from landowners in the area.

The graphs illustrated in the report clearly show that the majority support was for the status quo option in respect of the subdivision rules.

Whilst the staff recommendations to the council following the consultative process are unknown it is bizarre that we should be proceeding with this proposed plan change given that the community has clearly expressed a desire for the status quo to remain.

The motivation for the initiative for the proposed plan change can only be coming from those from outside the district- individuals with no personal or historical commitment to the district nor potentially be negatively affected commercially by the proposed plan change. We essentially have outsiders seeking to invoke their will upon us- this is a disgrace.

The second occasion that the status quo option has been tested publically is of course in this submission process, and you will have observed, Mr. Commissioner that the clear majority of submissions do not favor a Plan Change.

So what we have, is a large groundswell of opinion that does not favor a Plan Change and this is opposed by a handful of landscape architects who are seeking to impose their will upon us.

The question is; are these landscape reports fair and balanced?

It is my contention, that they are not, that they were produced from a preconceived view point and crafted to justify that view point.

Take for example the section 32 analysis in the Lucas report. \*

**\*Lucas, D Technical report on outstanding landscapes and natural features of the Port Hills 2004.**

Many submitters have alluded to the fact that this was inadequate. I totally endorse that view. The cost/benefit analysis by Lucas is confined solely to the efforts on the council.

What about the landowner- what are the cost implications to the landowner if this Plan Change proceeded.

Lucas says on page 3 of the Plan Change report "that the main ridgelines are best maintained as extensive landscapes e.g. those near Motukarara south of Tai Tapu"

Was that statement supported by a section 32 analysis? No

Does Lucas think that the landowner should maintain the extensive landscape for the benefit of the public to look at?

Well as the individual whose family for 3 generations has farmed those landscapes referred to at the top of page 3. Let me make this comment.

That land in its present unimproved state i.e. native pasture can support 6 stock units/hectare.

My question to Lucas is what is the current gross return from 6 S/U hectare – This year- next year- five years from now. Do you know- Do you even care?

The Lucas report was peer reviewed by Mr. <sup>Densem</sup>~~Demson~~ a Consulting Landscape Architect. So what did ~~Demson~~ have to say about the Economics of maintaining a grazing regime? <sup>Densem</sup>

Nothing, he just agreed with Lucas, This was not a robust peer review. This is just peer support,  
Just scratching each others backs at the expense of the landowners on the Port Hills.

This section 42/A Planning Report by Boffa Miskel Ltd recommends that the submissions opposing Plan Change 6 be rejected. The number one reason for the recommendation "consistent expert landscape advice"

How arrogant is that. Six years ago this community reached an agreement with The Selwyn District Council and The Canterbury Regional Council in respect of subdivision on the Port Hills.

The majority community opinion has remained steadfast to the position.

That an error occurred in the preparation of the proposed Selwyn District Plan and that the 60m contour was not identified on that Plan, does not diminish the fact that the afore mentioned parties had agreed to that 60m contour being established in the plan.

The variation 10 submissions make reference to that consultation that occurred. It is outrageous that a clerical error that occurred in the final plan with respect to a clause that related to the use of the Port Hills should provide an opportunity for outsiders to appeal the plan in its final stages and re-litigate matters that had been settled after significant community consultation.



The landscape reports opposing the majority community- view, lack fairness and balance.

Having closely studied these reports I am firmly of the view that they were produced from a preconceived view point and crafted accordingly. The Section 32 analysis, which many submitters have suggested was inadequate, makes frequent references to the council's possible positions, but ignores the commercial cost to the landowners of being locked in a potentially non viable land use if this Plan Change 6 is established. This is a very shabby situation.

As an example of this, let us look at the Peter Rough report prepared by Andrew Craig, referred to as Appendix 2.

At the top of page 9 of that report. Craig asks the rhetorical question? "Do any outstanding natural features exist below the 60m contour? " The short answer to that is no" Unquote

Yet on page 15 of the same report Andrew Craig states, "I conclude that the land below the 60m contour merits s 6(b) status. How funny is that?

This is an example of the quote "consistent <sup>expert</sup> ~~effort~~ landscape advice" that Nicola Rykers from Boffa Mickell Ltd refers to in the section 43/A Planning Report. These landscape architecture reports have a pattern, "collusion".

Lucas was supposed to be peer reviewed by ~~Demson~~ all we got was back scratching. With neither Lucas nor ~~Demson~~ being remotely concerned about the commercial impact that the Plan Change would have on the landowners.

This mutual admiration society was further repeated by Nicola Rykers, whose report to the commissioner was to recommend that all the submissions opposing Plan Change 6 be rejected.

That the landscape reports are a minority view, seems to be irrelevant to them. That they, expect us to bow to their perceived wisdom, is arrogance personified.

Lets not forget that these landscape architects are outsiders in every respect, as far as the Port Hills are concerned. They see the Port Hills as a window of opportunity in their game plan. Next week they will be at some other hearing pontificating on how some other district should operate, while for those of us for whom the Port Hills are our sole source of income, will be left to deal with the decisions that are made in this process.

That the Port Hills, a district that I have been part of all my life, should be the subject of outsiders, a handful of landscape architects, with no historical involvement in the area, and carrying no commercial risk within the area, should seek to impose their will upon us – is frankly outrageous.

These landscape architects refuse to acknowledge that this is a working landscape, for many of us, It is our sole source of income. The Port Hills are not an art form frozen in time, a museum without a roof. Something for people to drive out from Merivale to look at then drive off into the sunset.

With the economic well being of those who are left behind to maintain those extensive landscapes being simply a mythical, academic exercise.

For a Minority to seek to over turn a majority is wrong. My father who farmed on the Port Hills and who still lives on the family farm; along with many thousands of others fought in World War II, to help to ensure that future generations would not be subject to the tyranny of the minority any time and place. That enduring concept must never be allowed to die.

Mr. Commissioner as you begin your deliberations, I trust that the final outcome will not leave those 5 families whose land between the 20m and 60m contour that falls outside the scope of the proposed Grandfather clause- potentially financially worse off.

The concept of the Council having to write a rule in the District Plan for just five landowners, would raise questions of efficiency in District Plan administration, for a relatively small area.

Whilst my clearly preferred option in respect of Landscape mapping and rules is Option 1. In the event of you being unable to endorse that option; my final plea would be that the land between the 20m-60m contour falling outside the proposed Grandfather clause and being only about 220 hectares in area, and having already been described in the landscape reports as not being dissimilar to it's counterpart- be given the same planning considerations as the land within the proposed Grandfather clause area.

I thank you Mr. Commissioner for the opportunity to present my submission.