

**BEFORE THE SELWYN DISTRICT COUNCIL**

**UNDER** The Resource Management Act 1991

**IN THE MATTER OF** Proposed Plan Change 6 to the Selwyn District Plan Volume 2  
Rural – Lower Port Hills and Summit Road Landscape  
Protection Area

**AND**

**IN THE MATTER OF** Submissions and further submissions by Dennis and Deborah  
Chapman

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**EVIDENCE OF MARK ALLAN ON BEHALF OF DENNIS AND DEBORAH CHAPMAN**

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## Introduction

### Qualifications and Experience

- 1 My full name is Mark David Allan and I am a Senior Planner with the firm Aurecon.
- 2 I have read the Environment Court's Code of Conduct and agree to comply with it. I confirm that the issues addressed in this statement of evidence are within my area of expertise. My qualifications and experience are set out at **Annexure A**.
- 3 The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions.
- 4 I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

### Scope of evidence

- 5 I have been asked to present planning evidence in respect of Proposed Change 6 to the Selwyn District Plan (PC6). In particular I will assess the relief sought by Dennis and Deborah Chapman ("the submitter") against the provisions of PC6 as notified and as recommended to be amended by the s42A Report.
- 6 My conclusions in respect of these matters are informed by the landscape evidence of Dr Michael Steven for the submitter.
- 7 This statement has been arranged into the following sections:
  - Section
  - Summary
  - Site Background
  - Submission and Relief Sought
  - Objectives and Policies
  - Comments on the Officer's Report
  - Resource Management Act
  - Conclusions

### Summary

- 8 I consider the approach taken by PC6 has the effect of unnecessarily restricting the use of the submitter's land in a manner that does not accord with the sustainable management purpose of the Act. It is my opinion that the subject site should be

recognised as an appropriate location to establish residential activity, without the degree of control recommended to be imposed by PC6. In this regard, my broad conclusions are as follows:

- It is not appropriate or necessary to restrict residential activity on the submitter's land in the manner promoted by PC6, neither in terms of achieving the purpose of the Act or assisting SDC in exercising its statutory functions;
- PC6 places unreasonable restrictions on the ability to establish residential activity on the submitter's land, thereby representing an inefficient outcome, and;
- Excluding the submitter's land from the Rural Port Hills Zone and an Outstanding Natural Landscape (ONL) overlay, and the consequential relaxing of the earthworks provisions, would better enable the use of the land in a manner that accords with the purpose of the Act.

### **Site Background**

- 9 Much of the history and background of the submitter's land has been discussed in opening legal submissions and Mr Chapman's evidence. Without duplicating that which has already been presented, I consider the submitter's particular circumstances are important to an understanding of the relief they have sought.
- 10 In July 2008, the Chapmans applied to SDC for resource consent to erect a dwelling on their 4.6ha property at Cossars and Gerkins Road, Tai Tapu. In response to a request from SDC for further information, the proposal was amended such that resource consent was only required for the earthworks associated with the establishment of the dwelling, ie the dwelling itself was a permitted activity.
- 11 Subsequent to lodgement of the earthworks application, PC6 was publicly notified 29 November 2008. At that time, SDC determined that resource consent was also required for the dwelling itself, as a consequence of the proposal breaching certain rules introduced by PC6. In April 2009, the Chapmans applied to SDC for a further resource consent that assessed the dwelling in terms of PC6. SDC required both the original earthworks application (pre-PC6) and the subsequent dwelling application (post-PC6) be publicly notified, and they are currently in the submission period.
- 12 In short, the Chapmans have been required by PC6 to seek resource consent to erect a dwelling on their land, when prior to PC6 the proposed dwelling was a permitted activity. Through their submissions to PC6, the Chapmans are simply seeking to ensure they can establish a dwelling as always intended.

### Submission and Relief Sought

- 13 In brief, the submitter seeks the following:
- That PC6 be rejected in its entirety; or, in the alternative
  - That the Chapman property be excluded from the Rural Port Hills Zone and retained in the Rural Inner Plains Zone, and not subject to an ONL overlay; and
  - That the proposed “grandfather clause” is amended to provide for a dwelling on the Chapman property as a permitted activity; and
  - That the earthworks provisions are relaxed
- 14 The s42A Report recommends that the relief sought by the submitter be rejected for the reasons I outline in paragraphs 48-51 below.

### Objectives and Policies

- 15 The introductory material to PC6 states that *“Rezoning the lowest slopes of the Port Hills i.e. land between the 20m and 60m contour, from Rural Inner Plains to Rural Port Hills is proposed on the basis that the 60m contour is not a defensible landscape boundary for the Port Hills. The majority of the land between the 20m and 60m contour is seen as part of the larger Port Hills environment and part of an Outstanding Natural Landscape. By fully including this area in the Rural Port Hills Zone and Outstanding Natural Landscape category the Council is fulfilling its statutory obligations under Section 6(b) of the RMA”*. I do not believe the approach adopted by PC6 recognises the particular circumstances of the site that distinguish it from those areas of the Port Hills that display high qualities of naturalness worthy of a level of protection greater than the Rural Inner Plains Zone. Furthermore, PC6 fails to recognise the difference between the use of zoning as a planning tool, and the identification of Section 6(b) landscapes.
- 16 Left in its current format, I believe PC6 presents a significant barrier to appropriate development of the site that is not justified on the premise of landscape protection. It would appear from the above passage that PC6 uses the Port Hills Zone and the ONL interchangeably, suggesting the outstanding natural landscape qualities of the Port Hills are the determinant of the Rural Port Hills Zone. I am not aware of any provisions in the District Plan that justify a particular area of the Rural Zone simply on the basis of an ONL. Certainly, other ONL’s in the District do not follow the particular Rural Zone that they overlay. Dr Steven has concluded that the Chapman property does not contribute in any significant way to the natural character of the Port Hills, this instead being

determined by the mid-to-upper slopes. On the strength of Dr Steven's evidence, it is clear to me that PC6 fails to accurately identify the extent of the ONL as it relates to the Chapman property. Given the clear correlation with the natural landscape criteria that has informed the ONL, it follows that I also consider the lowering of the Rural Port Hills Zone to be inappropriate.

- 17 PC6 does not introduce any new objectives or policies, but does add a new clause to Policy B1.4.9 to ensure that buildings avoid or mitigate adverse effects on openness, visual coherence and legibility of the landscape. To this end, it is necessary to consider the settled objectives and policies of the District Plan, as the test to be applied is whether the changes promoted by PC6 are the most appropriate means of achieving the objectives and policies of the District Plan.
- 18 Briefly, those objectives and policies of relevance to the relief sought by the submitter are summarised below.
- 19 Objectives: Outstanding Natural Features and Landscapes
- 20 Objective B1.4.1 seeks to recognise and protect Outstanding Natural Features and Landscapes of the District from inappropriate use and development whilst enabling people to provide for their economic and social well-being.
- 21 Policies: Outstanding Natural Features and Landscapes
- 22 Policy B1.4.1 provides for the continuation of the mix of physical and natural elements that are often contained in outstanding natural features and landscapes.
- 23 Policy B1.4.2 relates to the need to recognise and allow changes to landscapes, provided changes complement the landscape and retain its core values.
- 24 Policy B1.4.5 recognises the Port Hills as an area of outstanding natural landscape, and seeks to protect the visibility of prominent landforms, and the summit and its outcrops.
- 25 Policy B1.4.7 seeks to restrict subdivision and development of land for residential purposes within the Port Hills area, identifying the lower slopes (below 160m amsl) as being more appropriate for such activities.
- 26 Policy B1.4.8 relates to residential density and site coverage that maintains the predominance of vegetation cover and sense of low levels of human occupation and building development characteristic of the Port Hills.
- 27 Policy B1.4.9 is concerned with ensuring any building or structure erected on the Port Hills blends in with the surrounding landscape and maintains the visibility of prominent landforms referred to in Policy B1.4.5.

28 Objectives: Quality of the Environment

29 Objective B3.4.1 recognises that the rural area is a pleasant place to live and work in, and Objective B3.4.2 seeks to provide for a variety of activities provided rural amenity is maintained and reverse sensitivity effects avoided.

30 Policies: Quality of the Environment – Rural Character

31 Policy B3.4.2 seeks to restrict activities in the Port Hills to those which use natural resources in the area, and activities that are ancillary to those uses or utilities.

32 Policy B3.4.3 seeks to avoid, remedy or mitigate significant adverse effects on the amenity values of the rural area, while Policy B3.4.5 relates to the maintenance of low dwelling density in the rural zone.

33 Objectives: Residential Density and Subdivision in the Rural Area

34 Objectives B4.1.1 to B4.1.3 collectively relate to the management and control of residential activity to avoid adverse effects on rural character and amenity values, and ensure allotments are of an appropriate size and shape for their intended use.

35 Policies: Residential Density and Subdivision in the Rural Area – Subdivision

36 Policy B4.1.11 seeks to ensure that subdivision does not create allotments that cannot be used to erect a dwelling as a permitted activity.

37 Discussion

38 Objective B1.4.1 and supporting policies deal specifically with outstanding natural features and landscapes. The policies also recognise the role of the surrounding rural area in providing a backdrop to areas of outstanding natural landscape. In the case of the Port Hills, this could be said to be evident in the transition from Rural Inner Plains to Rural Port Hills at the 60m contour. PC6 lowers that transition to the 20m contour, effectively suggesting that land below the 20m contour provides the important backdrop to the entire landscape above.

39 It is evident in the explanation of the policy framework that the Port Hills qualify for outstanding landscape status on account of the following values:

- the predominance of rocky outcrops, the summit and ridgelines;
- the absence of houses and other buildings and structures, especially on the upper slopes and ridgelines;
- panoramic views across the Plains, particularly from the Summit Road;

- the way the landscape changes with seasons, time of day, and different land uses and vegetation cover; and
- the image of barren and windswept land created by the tussocklands and weather patterns.

40 For the reasons presented by Dr Steven, I do not consider the submitter's land or the surrounding area displays the particular values worthy of recognition as part of an area of outstanding natural landscape. Certainly, the exclusion of the site from the ONL would not undermine the values attributed to the Port Hills that such a notation seeks to protect. To this end, PC6 as it relates to the submitter's land is not considered the most appropriate means of achieving the settled objectives and policies of the District Plan as they relate to the identification and protection of outstanding landscapes.

41 Objectives B4.1.1 to B4.1.3 and supporting policies are primarily concerned with the effects of residential development on the character of rural areas. This would appear to provide the distinction between the use of ONL overlays as opposed to the Rural Zone. The Rural Zone could be said to identify and manage areas where similar outcomes, activities or uses are sought, or bundles of effects need to be managed, in the interests of maintaining or enhancing rural character and amenity values. On the other hand, as "sub-areas" of the Rural Zone, the ONL's have the purpose of protecting areas of outstanding natural landscapes that happen to occur with the Rural Zone.

42 Objectives B4.1.1 to B4.1.3 are implemented through a strategy whereby the ratio of houses to land is managed in the rural area. The density levels differ throughout the rural area, reflecting the differences in effects on, amongst other matters, the rural character and landscape values of each area. This is the basis of the zoning framework in the District Plan, with minimum density decreasing from Rural Inner Plains (4ha), through Port Hills Lower Slopes (40ha), to Port Hills Upper Slopes (100ha). In the Rural Inner Plains, 4ha is recognised as being the minimum lot size necessary to avoid adverse effects on adjoining properties, to provide a backdrop to areas of outstanding natural landscape, and to avoid creating clusters of houses. Evidence on behalf of the submitter has demonstrated that the submitter's land is part of an area that has insufficient naturalness to be considered outstanding. On this basis, I do not believe PC6 is a more appropriate means to achieve these objectives and policies than retaining the status quo as it relates to the submitter's land.

43 Through Policy B4.1.11, the District Plan encourages the creation of allotments that are the size and shape required for their intended use. The policy is intended to ensure that any allotment that is able to be bought and sold as a separate allotment can have a dwelling erected on it as a permitted activity, reducing the risk of people buying a rural allotment only to find it cannot be built upon. Mr Chapman has outlined the due

diligence that was undertaken before purchasing the property, and the assurances given by SDC that the erection of a dwelling on the site was a permitted activity. PC6 has the effect of taking away that development right from the submitter, in a manner that is in direct conflict with the intent of Policy B4.1.11.

- 44 There is only one Rural Zone in the District. The Rural Zone is split into areas to manage specific activities, eg subdivision and residential density, and outstanding landscapes. These areas reflect the different character and amenity values of different parts of the District, and it is the predominant land uses or activities in each area that contribute to the character of the Rural Zone.
- 45 A key issue in considering whether land should be included in a zone is whether the zoning achieves the objectives, or implements the policies of the plan. The choice of an appropriate zoning should be driven by a matrix of factors in which such things as location, servicing ability, and the nature of the surrounding area may be as influential as the quality of the land itself. For the reasons outlined above, and particularly in light of Mr Steven's assessment of the appropriate position of the line delineating the zone boundary and lower limit of the ONL, I consider the context of the submitter's land is more accurately reflected by the Rural Inner Plains Zone than the Rural Port Hills Zone. The latter applies to areas that display landscape character and amenity values of a higher standard than those found on the submitter's land and the surrounding area. To this end, it is my opinion that that status quo would better achieve the settled policy framework of the District Plan and the purpose and principles of the Act.
- 46 It is also relevant to consider the Regional Policy Statement (RPS), given the District Plan shall not be inconsistent with the same. Those objectives and policies of relevance to PC6 are those contained in Chapter 8: Landscape, Ecology and Heritage. Landscapes and natural features of regional significance are those that are distinctive, unique to, characteristic of, or outstanding within the Canterbury region. Objective 2 and Policy 3 are concerned with protecting regionally significant landscapes, and the RPS recognises that district plans are an appropriate method for achieving the same. I do not consider inclusion of the Chapman property in the Rural Port Hills Zone or the ONL will serve to protect or enhance the integrity, distinctive characteristics and contribution the Port Hills make to a regional sense of identity any more than were the land retained in the Rural Inner Plains Zone. The Chapman property is insignificant in the regional context of the Port Hills, and it is not appropriate to amend the District Plan in a manner that would suggest otherwise.
- 47 Chapter 12: Settlement and the Built Environment of the RPS is also relevant, insofar as it addresses settlement patterns in rural areas. The underlying principles of the Chapter relate to the need to promote patterns of development that respect, amongst other things, regionally significant natural features and landscapes (Objective 1, Policy



1). These provisions are enabling, and seek to allow development to occur provided adverse effects on the environment can be avoided, remedied or mitigated. For the same reasons outlined above, I consider the relief sought by the submitter, and ultimately the erection of a dwelling on the property, is consistent with these provisions of the RPS.

## Section 42A Report

- 48 Ms Rykers recommends the primary relief sought by the Chapmans in their original submission be rejected for the following reasons (paragraph 60, page 17):

*The district plan anticipates that building sites will exist within ONLs and PC6 puts in place a process which encourages greater consideration of landscape values and site responsive design to these values....Should PC6 be accepted, the submitter would need to demonstrate that excluding the property from the ONL would not create a precedent and can be distinguished from other properties which adjoin the Rural Inner Plains.*

- 49 Ms Rykers appears to suggest that the onus is on the submitter to demonstrate that their land displays unique characteristics or circumstances that render it a true exception from the ONL. I disagree with Ms Rykers on this point. The notion of precedent may be a consideration for a resource consent, however it is not the assessment required by Section 32 of the Act, which is relevant to the consideration of a plan change. Section 32 requires that PC6 be the most appropriate means to achieve the objectives and policies of the District Plan and Part 2 of the Act.
- 50 The justification for including the submitter's land in the Rural Port Hills Zone and ONL has been found by Dr Steven to be, at best, questionable and lacking in the appropriate assessment. If the land does not possess the necessary degree of naturalness or significance to be considered for "outstanding natural landscape" status, then the appropriateness of PC6 is brought into question. The same applies to the inclusion of the land in the Rural Port Hills Zone, the boundary of which appears to have been demarcated on landscape grounds alone, as highlighted in paragraph 15 of this statement. If this approach is to be adopted, then I believe it follows that the Chapman property is more appropriately excluded from both the Rural Port Hills Zone and the ONL overlay.
- 51 To the extent that the identification of exceptional circumstances might be pursued, I agree with Dr Steven that the relationship of the Chapman property to the adjacent Rocklands development is stronger than that with the wider, more natural rural

landscape of the Port Hills. Furthermore, the Chapman property is one of only a very few small allotments within the Port Hills area. For these reasons, I reiterate Dr Steven's conclusion that there is little risk of widespread or even significant local implications for the landscape protection provisions of PC6 if the Chapman property were excluded from the Rural Port Hills Zone and the ONL.

## **Resource Management Act 1991**

### Part 2: Purpose and Principles of the Act

- 52 In summary, it is my opinion that the relief sought by the submitter more appropriately achieves the purpose and principles of the Act, being the promotion of the sustainable management of natural and physical resources, and managing the adverse effects of activities, than does PC6.
- 53 Recognising the character of the landscape in the vicinity of the submitter's property, and particularly the degree of modification brought about by rural-residential development, agricultural development, and forestry, I believe that excluding the property from the Rural Port Hills Zone will better provide for peoples' wellbeing. As such, it is my view that the relief sought by the submitter will advance all the elements of sustainable management as specified in section 5(2) of the Act more so than PC6 presently does.
- 54 It is on the strength of Dr Steven's evidence that I have formed the view that the relief sought does not bring into question any matters of national importance (Section 6 RMA). Similarly, there are no known Treaty of Waitangi issues (Section 8) of relevance.
- 55 In terms of Section 7 of the Act there a number of relevant matters:
- (b) the efficient use and development of natural and physical resources*
- 56 The site has convenient access to the road network, can be efficiently serviced, and is of an appropriate size to ensure compatibility of land use with neighbouring properties. Furthermore, rural-residential/lifestyle development represents the only feasible use for the land. In my view, development of the site in the manner anticipated by the Rural Inner Plains Zone represents a more efficient use of the land resource than does PC6.
- (c) the maintenance and enhancement of amenity values*
- (f) the maintenance and enhancement of the quality of the environment*
- 57 Retaining the site in the Rural Inner Plains Zone would acknowledge that the site has a greater affiliation with development in the immediate surrounds than the outcome sought by the Rural Port Hills Zone otherwise suggests. As presented in other

evidence for the submitter, the lower slopes in the vicinity of, and including, the Chapman property have a distinctly diminished natural character that does not warrant or justify the level of control promoted by PC6. Dr Steven has found that the site does not present as part of the wider, more natural rural landscape of the Port Hills, and that the relief sought will provide for a level and form of development that is consistent with the adjacent Rocklands development.

- 58 In summary, I believe PC6 presents an unnecessary barrier to realising a rural-residential outcome for the land, and to this end fails to meet the purpose of the Act.

Section 32: Consideration of Alternatives, Benefits and Costs

- 59 Section 32 of the Act sets out the manner in which any proposed objective, policy, rule or other method is to be evaluated. The parts of Section 32 of relevance in this instance are as follows:

(3) *An evaluation must examine—*

(a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*

(b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

...

(4) *For the purposes of the examinations referred to in subsections (3) and (3A), an evaluation must take into account—*

(a) *the benefits and costs of policies, rules, or other methods; and*

(b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

...

- 60 Section 32(3)(a) expressly requires an evaluation to determine the extent to which PC6 is the most appropriate way to achieve the purpose of the RMA. Efficiency and effectiveness (Section 32(3)(b)), benefits and costs (Section 32(4)(a)), and any potential risks arising from uncertain or insufficient information (Section 32(4)(b)) are also relevant matters that require careful evaluation.

- 61 For the purpose of the following s32 analysis, I have adopted the test established in *Eldamos Investments Ltd v Gisborne DC (W047/05)*, in which the Environment Court revised the test in *Nugent Consultants Ltd v Auckland CC (A033/96)*. Commentary on these cases has been given in legal submissions for the submitter. Essentially, the Eldamos test calls for the following evaluation in respect of PC6:

- i are the objectives the most appropriate way to achieve the purpose of the Act [s32(3)(a)];
- ii are the policies or methods the most appropriate way to achieve the objectives [s32(3)(b)];
- iii do the objectives, policies and methods assist SDC carrying out its functions in order to achieve the purpose of the Act; and
- iv are the objectives, policies and methods in accordance with the provisions of Part 2 of the Act.

62 I do not consider the approach adopted by PC6 is the most appropriate means for achieving the purpose of the Act, that being the sustainable management of natural and physical resources. Nothing in the s42A Report gives me any confidence that the particular landscape characteristics and setting of the submitter's land have been taken into account in the Officer's s32 analysis. Had it been, I am sure it would have acknowledged the purpose of the Act would be better met through the demarcation of the Rural Port Hills Zone and ONL based on an approach similar to that suggested by Dr Steven, ie "an objective assessment of naturalness, and the critical assessment of landscape significance according to natural science and aesthetic factors" (paragraph 20, Dr Steven's Statement of Evidence).

63 PC6 fails to take into account the existing level of development surrounding the submitter's land. The s32 assessment supporting PC6 reasons that lowering the Rural Port Hills Zone/ONL boundary to the 20m contour is necessary because the current 60m contour line is not logical in landscape terms. Dr Steven has taken particular issue with this rationale, and I agree with him that it is a flawed approach to determining zoning and landscape protection. If land is to be afforded special landscape recognition and protection over and above normal circumstances, then it needs to be justified by an appropriate assessment as to its landscape significance.

64 Dr Steven has pointed out that land beneath the 60m contour has not been subject to such an assessment by SDC. Having undertaken his own assessment of the submitter's land, Dr Steven has concluded that the land simply does not display the characteristics and qualities that the ONL overlay sets out to manage and protect. PC6 appears to make a clear and intentional correlation between the natural landscape qualities that define the ONL, and the proposed demarcation of the Rural Port Hills Zone. As far as I can tell, there is nothing in the District Plan to suggest that the ONL is the key determinant for the extent of the Rural Port Hills Zone. In the case of other ONL's in the District, these are not restricted by Rural Zone boundaries. Irrespective of the lack of guidance in the District Plan in terms of the Port Hills, if the lower level of the Rural Port Hills Zone and the ONL is to be equally determined by landscape principles

alone, then Dr Steven's evidence again informs my view that it is not appropriate or necessary to include the Chapman property in the Rural Port Hills Zone. As it stands, I consider that the treatment of the submitter's land by PC6 is not only unnecessary to achieve the purpose of the Act, but in fact fails to achieve that purpose.

- 65 I believe PC6 goes beyond that which is necessary to assist SDC in exercising its functions (s31). While the key premise behind PC6 is within the ambit of SDC's functions (s75), I consider the quite prescriptive methods of implementation in PC6 fail to distinguish between land that might be considered worthy of landscape protection and land that is not. I accept that SDC is the best equipped to determine land use at the local level, however PC6 establishes a zoning and rule framework that effectively precludes the appropriate use of the submitter's land in the interests of sustainable management and efficient resource use.
- 66 For the reasons outlined above, it is my view that PC6 does not represent the most appropriate instrument for addressing the substantive issue at hand, ie the identification of outstanding natural landscapes and the management of activities within the same. SDC's function would be better fulfilled by recognising that the site, as a derivative of its setting, does not display the degree of naturalness that PC6 seeks to protect. Retaining the Rural Inner Plains Zone in respect of the submitter's land would still assist SDC in carrying out its statutory functions.
- 67 Based on my analysis of the relevant objectives and policies of in paragraphs 38 to 47 of this statement, it is my opinion that the zoning methods adopted do not accord with Part 2 of the Act as it relates to the submitter's land. This view is informed by the evidence of Dr Steven, which leads me to conclude that reverting the land back to the Rural Inner Plains Zone, and without the effect of an ONL overlay, will provide a far better prospect of the objectives and policies being achieved, and the provisions of Part 2 of the Act being realised.
- 68 The relief sought represents an efficient and effective method for enabling the use of land in a manner deemed appropriate and acceptable elsewhere in the Rural Inner Plains Zone. The benefits of the relief sought are that the land can be utilised for rural-residential purposes as intended by the submitter, which is consistent with the nature and form of development in the immediate vicinity, and without threatening or compromising the significant landscape character and qualities the PC6 seeks to protect.
- 69 The cost of rejecting the relief sought, and upholding PC6 as it relates to the site, is the time, cost and uncertainty associated with the resource consent process, in addition to the costs incurred so far. Based on Dr Steven's finding that the Chapman property

does not qualify for the level of protection imposed by PC6, I do not consider these costs are justified.

- 70 Accordingly, it is my opinion that PC6 as it stands fails to achieve the purpose of the Act in that it does not provide for the sustainable management of natural and physical resources in a way which enables the submitter to provide for their social and economic well-being. In particular, I consider that in order to satisfy the required s32 evaluation, the site should be excluded from the Rural Port Hills Zone and ONL. Retaining the land within the Rural Inner Plains Zone, ie the status quo, would maintain the contribution that the area currently makes as the backdrop to those parts of the Port Hills that qualify for “outstanding natural landscape” recognition. PC6 would then better enable the use of the land in a manner that best accords with the purpose of the Act.

## **Conclusion**

- 71 The key premise of PC6 is to amend the landscape related provisions applying to the Port Hills, on the basis that the current 60m contour is not a defensible landscape boundary for the Port Hills. As it presently stands, PC6 presents a major hurdle to any reasonable development of the submitter’s land. Given the landscape context of the site, as outlined in specialist evidence for the submitter, it is clear to me that excluding the Chapman property from the Rural Port Hills Zone and the ONL overlay (both of which appear to have been determined by the same assessment criteria, ie the natural character of the landscape) would be more appropriate and effective in achieving the settled objectives and policies of the District Plan.
- 72 The relief sought by the submitter would allow the site to be utilised for rural-residential activity in the manner they intended when purchasing the property. Given the pattern of land use in the immediate vicinity, as described by Dr Steven, I consider the relief sought by the Chapmans would be more appropriate in achieving the purpose of the Act than that currently provided for under PC6.

M D Allan

BREP

**Annexure A****Qualifications and Experience of Mark David Allan**

I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University. I have some eleven years experience in the field of resource management, both in the public and private sector.

I have prepared numerous consent applications for a variety of activities across the South Island and regularly give expert planning evidence in respect of the same. The majority of my experience has been in the field of urban development and telecommunications. I have experience in the district plan formulation process, having reported on submissions, attended hearings and prepared amended provisions on behalf of District Councils and private clients. I have more recently been involved with the rezoning of land for residential and retirement village activities in Christchurch, as well as the preparation of consent applications for large scale residential, commercial and rural-residential developments.

Through the above and other matters I am regularly called upon to present evidence at both Council hearings and the Environment Court.