

The Resource Management Act 1991

Selwyn District Council

Selwyn District Plan Volume 2: Rural

Proposed Plan Change 6

Lower Port Hills and Summit Road Protection  
Area

A Proposed Plan Change to provide for management of  
activities in an Outstanding  
Natural Landscape

Date of Notification: 29 November 2008

## **Part 1 Introduction**

This report provides a summary of the evaluation undertaken by Selwyn District Council (the Council) of proposed Plan Change 6 (PC6) in relation to Section 32 of the Resource Management Act (RMA).

It should be read in conjunction with the proposed amendments to the District Plan, attached as Appendix 1 and the explanation accompanying those amendments.

## **Part 2 Statutory Requirements of Section 32 of the Resource Management Act**

Under Section 32 of the Resource Management Act, before the Council publicly notifies a plan change, it must carry out an evaluation to examine:

- the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

The evaluation must take into account:

- The benefits and costs of policies, rules, or other methods; and
- 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.

A Section 32 report is part of an on-going process of understanding the costs and benefits associated with a proposed plan change. The Council is required to undertake a further evaluation of costs and benefits prior to making a decision on a Plan Change, taking into account further matters raised in submissions and any hearing.

### **Efficiency**

An evaluation of 'efficiency' takes into account and balances the benefits and costs of the proposed policies, rules and other methods.

### **Effectiveness**

'Effectiveness' measures how successful a particular option is in addressing the issues and achieving the desired environmental outcomes described in the District Plan. Effectiveness is also relevant when considering how successful the proposed policies, rules and other methods would be in achieving district plan objectives. Only provisions that are effective in achieving objectives should be adopted.

## **Part 3 Methodology**

This Section 32 Assessment is set out as follows:

Part 4 Description of the background leading to this proposed Plan Change

Part 5 Description of the scope of the proposed Plan Change

Part 6 Description of the existing objectives and policy framework of the Selwyn District Plan

Part 7 An outline of the issues

Part 8 Identification of the options for addressing the issues

Part 9 A cost/benefit assessment of options, including a consideration of efficiency and effectiveness in achieving the objectives and anticipated environmental results of the District Plan.

#### **Part 4 Background**

The Proposed Selwyn District Plan (PDP) as notified in September 2001 recognised the Port Hills as an Area of Outstanding Natural Landscape. This recognition was made through the wording of a proposed policy (now reflected in Policy B1.4.5 of the Partially Operative District Plan).

In preparing the PDP, the Council engaged Lucas and Associates Ltd to provide landscape planning assistance. Lucas and Associates identified the distinctive landscapes of Selwyn District based on geomorphic characteristics and then initiated a consultation-led process to refine outstanding natural landscapes in each area based on shared values.

The Planning Maps as notified however, did not define the area or part of the Port Hills to be included in the Outstanding Natural Landscape category. Similarly, there was no distinction made on the planning maps between the upper and lower limits of the Port Hills.

In November 2002, the Council decided a Variation was required to show the outstanding natural landscape notation on the Planning Maps for the Port Hills. Variation 10 was prepared and this proposed that Planning Maps 9 and 14 be amended to show the Port Hills Area as an outstanding natural landscape extending down from the summit ridge (at the District boundary) to the 60m contour. In addition to showing the notation for the outstanding natural landscape, Variation 10 sought to distinguish between the upper and lower slopes of the Port Hills by marking a line along the 160m contour on the planning maps. Different rules for subdivision and landuse activities were then proposed for the upper and lower slopes.

It is unclear where the reference to the 60m contour originated from. This was not identified in the PDP as notified, but the decision on the PDP and Variation 10<sup>1</sup> submissions made reference to consultation with interested parties identifying the 60m contour as an appropriate boundary to the Outstanding Natural Landscape. This contour was considered to represent the upper extent of intensive horticultural practices and significant residential development. It was also thought to represent the line below which views of the lowest slopes were obscured to middle and long distance views by existing vegetation.

Lucas and Associates prepared a Technical Report on the landscape issues identified in the Port Hills submissions. This report was peer reviewed by Mr Densem, a consulting landscape architect. Both the Technical Report and the peer review<sup>2</sup> agreed on the following matters:

- the Port Hills are an outstanding natural landscape;
- that the Port Hills should be regarded as running right down to the plains, rather than terminating at the 60m contour;

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<sup>1</sup> Page 48 Recommendations of Hearing Panel, Natural Environment – Port Hills

<sup>2</sup>Pages 2 and 3, paragraphs 3.1, 4.1, 4.2, 6.1 and 6.3 - Peer Review of Technical Report, Densem, January 2004

- that the main ridgelines are best maintained as extensive landscapes e.g., those near Motukarara, south of Tai Tapu;
- that the upper parts of the Port Hills should remain in extensive land uses (100ha minimum allotments);
- 20ha lot sizes would be likely to erode outstanding natural landscape values.

The submissions on the PDP relating to the Port Hills and Variation 10 were heard together in February 2004. Matters from the Council's decision relevant to this plan change include the following:

- it was not accepted that the lowest (up to 60m) and lower (60 to 160m) slopes should be subject to the same management regime;
- the lowest slopes (up to 60m) were included in the Inner Plains enabling subdivision as a controlled activity with a dwelling density of 1:4ha. The balance of the Port Hills was included in the Port Hills Area where subdivision is a restricted discretionary activity and there are varying standards for dwelling density above the 160m contour (1:100ha) and below the 160m contour (1:40ha);
- that part of Variation 10 seeking to show the notation for an Area of Outstanding Landscape on the Port Hills on the planning maps was not accepted;
- there is discussion in the text of the decision that an explanation could be added to Planning Map 29 (which was a separate map showing the boundaries of the "Port Hills Area") to clarify that the Port Hills is a section 6(b) or outstanding natural landscape. It is noted that this map is no longer incorporated into the District Plan (DP);
- the rules have been worded to refer to outstanding natural landscapes and the Port Hills Area;
- the boundaries of the Port Hills Area is not described either on the planning maps or in the text of the District Plan. The 60m contour is not therefore an obvious boundary;
- that the Council reconsider the subdivision and residential density rules for the lowest parts of the Port Hills between Tai Tapu and Motukarara with a view to preparing a variation to increase the standards to greater than 4ha (the text of the recommendation made reference to a possible 20ha standard)<sup>3</sup>.

Following the decision, the Council engaged Peter Rough Landscape Architects Ltd (PRLA) to provide further advice on the following two issues:

- Is the 60m contour an appropriate outstanding natural landscape boundary between the Port Hills and rural plains?
- What degree of landscape management and intervention is required for the lowest slopes of the Port Hills?

The PRLA report is attached as Appendix 2. In summary, the report recommends that the boundary line between the Port Hills and the plains should more logically follow the topographic boundary where the

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<sup>3</sup> Recommendations of Hearing Panel, page 12, the last paragraph and Recommendation 48.2(d)

two features meet at approximately the 20m contour (this boundary has been pulled above the 20m contour in Early Valley Road and excludes Holmeswood Rise, Rocklands and Otahuna to avoid more densely developed buildings in these locations). In addition, the report recommends that the policies and rules that apply to the Port Hills below the 160m contour should apply to all the land down to the 20m contour. Assessment matters are also recommended to be further developed to reduce ambiguity and provide more guidance in consideration of resource consents.

This report was presented to Council in June 2006. The Council then proceeded with consultation with the public and identified stakeholders. A record of that consultation is attached as Appendix 3.

## **Part 5 Scope of Proposed Plan Change**

Proposed PC6 is specifically concerned with the landscape related provisions of the DP in relation to the Port Hills. The Plan Change amends the zoning of the lowest slopes of the Port Hills i.e., the land between the 20m and 60m contours, by rezoning the majority of this area from Rural Inner Plains to Rural Port Hills, with the exception that parts of Early Valley Road, and subdivisions at Rocklands, Otahuna and Holmeswood Rise are excluded.

In addition, the Plan Change makes amendments to a number of provisions which are intended to either remove inconsistencies between policies, rules and the planning maps or to provide greater clarity of the intended management mechanisms for the Port Hills as follows:

- identifying of the whole of the Port Hills as an Outstanding Landscape on Planning Maps 9 and 14, achieving consistency with Policy B1.4.5;
- amending the wording of Policy B1.4.6 so that shelterbelts and amenity planting are avoided in the Summit Road Protection Area, in addition to exotic plantations which are already identified in the Policy;
- adding 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;
- the introduction of a rule to provide for dwellings as a controlled activity on sites between 4ha and 40ha which were created on land now proposed to be rezoned from Inner Plains to Port Hills Area;
- clarifying the earthworks rule for the Port Hills is limited to 20m<sup>3</sup> every five years within a site;
- the addition of new rules to clearly show that shelterbelts, amenity planting and plantations are not anticipated within the Summit Road Protection Area, achieving consistency with Policy B1.4.6;
- additional assessment matters for applications for forestry, subdivision and dwellings;
- to remove reference to forestry guidelines that have not been developed;
- to up-date text under the Reasons for Rules for buildings and utilities in the Rural Zone;
- to zone an area alongside Early Valley Road as Rural Port Hills and Rural Inner Plains which was previously unzoned on the Planning Maps.

## **Reasons For The Amendments and Consequences For Administration**

### **Rezoning**

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 excluding this area from the Rural Port Hills Zone and Outstanding Natural Landscape category the Council could be criticised for not fulfilling its statutory obligations under Section 6(b) of the RMA.

Not showing the Outstanding Natural Landscape notation on the Planning Maps for the Port Hills is also inconsistent with how other Outstanding Natural Landscapes are identified in the DP. This results in an information gap on the maps, which many people use as a first point of reference when investigating the zoning and rules which may apply to a site.

### **Dwelling Density**

The proposed amendment has the effect of clarifying that the lowest slopes are part of an Outstanding Natural Landscape and as a further consequence, triggers the rules that apply to the Lower Slopes of the Port Hills e.g., a dwelling density of 1:40ha and subdivision as a restricted discretionary activity.

In making this change, the Council acknowledges that there may be landowners who have lawfully subdivided allotments down to 4ha in accordance with the Inner Plains rules but not yet erected a dwelling. In this circumstance the Plan Change introduces a “grandfather” clause which enables a dwelling to be erected as a controlled activity on existing 4ha allotments created up until the date of notification of this plan change.

With respect to land in Early Valley Road that was previously not zoned on the Planning Maps, the proposed Plan Change remedies this error and improves the accuracy of the District Plan.

### **Earthworks**

The existing rule in the District Plan provides for earthworks up to 20m<sup>3</sup> in any one hectare in any five year period. This rule has the potential to be interpreted as a cumulative volume e.g., a 5ha property could be allowed 100m<sup>3</sup> of earthworks. This was not the intention of the rule, which Council had intended to be more restrictive in an Outstanding Natural Landscape compared with other parts of the District. The purpose of maintaining a low threshold is to enable consideration of the landscape effects of earthworks on the Port Hills.

### **Summit Road Protection Area**

The DP does not impose any rules or restrictions on amenity planting, shelterbelts or plantations in the Summit Road Protection Area. The District Plan policy is to avoid exotic plantations in this area. The Council considers that all tree planting has the potential to adversely affect the landscape values along this important scenic corridor. Accordingly, it is proposed that the policy and rules are amended and aligned such that a consent process is triggered for all tree planting, regardless of its intended use, in the area defined as the Summit Road Protection Area.

## **Additional Assessment Matters**

Additional assessment matters are proposed to provide more certainty and guidance in consideration of the potential effects for plantations and dwellings on the Port Hills. An additional assessment matter is also proposed for subdivision.

## **Additional Wording in Policies**

Further wording is proposed to Policy B1.4.6 to include shelterbelt and amenity planting as activities to avoid in the Summit Road Protection Area. In addition further wording is added to Policy B1.4.9 relating to the potential effects of buildings and structures on the openness, visual coherence and legibility of the Port Hills landscape. These policy amendments are intended to provide a clear linkage or relationship between rules, assessment matters and the policies guiding landscape protection on the Port Hills.

## **Part 6 District Plan Objective and Policy Context**

The following discussion is an overview of the District Plan Objectives and Policies. The text of these objectives, policies and associated explanations is provided in full in Appendix 4.

The Selwyn District Plan describes those parts of the Port Hills which fall within the Council's territorial boundary i.e., from Early Valley Road in the north, to Motukarara in the south and to the summit ridge. The DP goes on to describe the existing vegetation, landscape values and landscape features which are of importance to the District. The majority of the land is used for pastoral farming, however there is on-going land use change associated with outdoor recreation, forestry and residential development.

Section B1.4 of the DP is specifically concerned with Outstanding Natural Features and Landscapes. This section describes the relationship between the DP provisions and achieving the purpose of the RMA for sustainable management. This includes the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development while enabling people and communities to provide for their economic, social and cultural wellbeing.

The DP notes that the RMA does not state how to identify or measure what is outstanding and what is inappropriate. The process adopted by Council to identify outstanding natural landscapes within the District is briefly described while the inappropriateness of land use and development is acknowledged as being dependent on the scale, location and design of the proposed building, structure, plantation or earthwork.

The primary issue identified in the DP<sup>4</sup> in relation to Outstanding Natural Landscapes is:

***“Activities which damage or destroy the values of Areas of Outstanding Natural Features and Landscapes or views of these areas and features.”***

The Strategy proposed to address this issue is to use policies and rules to manage land uses in Outstanding Natural Landscapes.

There is one District Wide objective concerned with Outstanding Natural Landscapes, which is complemented by a number of associated policies. The Objective seeks:

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<sup>4</sup> B1.4 Outstanding Natural Features and Landscapes – Issue, page B1-0034, Selwyn District Plan, Volume 2

#### **Objective B1.4.1**

***The Outstanding Natural Features and Landscapes of the District are recognised and protected from inappropriate use and development while still enabling people to provide for their economic and social well-being.***

This objective reflects the balancing of landscape protection and desire for enabling reasonable use where land is not in public ownership. The objective is supported by policies concerned that there is provision for the on-going mix of activities that may have historically occurred in the landscape without detriment to its values, to recognise that landscapes do change over time and to control the effects of the clearance of indigenous vegetation.

Following the District Wide section, the DP then has a series of policies which are dedicated to the Port Hills. In summary these policies are concerned to:

**Policy B1.4.5** – recognise the Port Hills as an Area of Outstanding Natural Landscape and to protect prominent landforms, the summit and identified outcrops;

**Policy B1.4.5.6** – avoid locating buildings, structures and exotic plantations within the Summit Road Protection Area;

**Policy B1.4.5.7** – restrict subdivision and residential development on the Port Hills, recognising that these types of activities are more appropriate below the 160m contour (Lower Slopes);

**Policy B1.4.5.8** – keep residential density and site coverage at a low level and maintain a predominance of vegetation and sense of low level of built development;

**Policy B1.4.5.9** - ensure that buildings and structures, access and utilities are designed, sited, landscaped and finished to blend with the surrounding landscape and maintain the visibility of listed landforms;

**Policy B1.4.5.10** – encourage exotic plantations to be planted to reflect the contours of the landscape and avoid listed landforms and to maintain variety in land use and vegetation cover;

**Policy B1.4.5.11** – avoid, remedy or mitigate adverse visual effects in relation to earthworks by limiting the volume of earthworks and requiring rehabilitation.

The Explanation and Reasons under these policies note that the categorisation of the Port Hills as an Outstanding Natural Landscape reflects the geomorphology of the Hills, their prominence as a backdrop to the Plains and also that pastoral activities maintain the visibility of geomorphic features. The Port Hills are recognised as not being a pristine or unmodified landscape. Rules for dwellings, buildings, utilities, earthworks and tree planting are discussed. Standards are to be set at a generally low level with the appropriateness of activities being dependent on the scale, number and nature of any proposal.

In addition to those policies specific to Outstanding Natural Landscapes, the DP has Policy B4.1.1 concerned with Residential Density. This policy is directive; discouraging residential density greater than 1 dwelling per 40ha on the Lower Slopes and 1 dwelling per 100ha on the Upper Slopes of the Port Hills. Policy B4.1.2 provides for exceptions to these densities where a smaller title can be created provided the balance area required to achieve the overall density is kept free of any further dwelling development through the application of a covenant or other legal mechanism.



## Anticipated Environmental Results

The Council anticipates that the overall strategy and policy context of the DP (as relevant to the Port Hills) will result in:

- *Activities on land in Areas of Outstanding Natural Features and Landscape have only minor visual effects.*
- *Most structures and buildings are located on the Lower Slopes of the Port Hills.*
- *The area from the Summit Road to the Summit is kept free of buildings, other structures or plantations*

## Summary

In summary, the DP context is concerned with continuing to provide for land use on the Port Hills, but in a manner, or following a resource consent process, which enables the consideration of effects on landscape values. Development is to be encouraged to the Lower Slopes of the Port Hills. The relationship of proposed PC6 to these objectives and policies, and its “fit” with the policy context of the DP, is further discussed in Part 9 below.

## Part 7 Outline of Issues

The following matters have been identified as issues associated with the Proposed Plan Change:

Fulfilling statutory obligations to protect the Port Hills as an Outstanding Natural Landscape.

Under section 6(b) of the Resource Management Act, the Council has a statutory obligation to protect outstanding natural landscapes from inappropriate subdivision, use and development.

*(b)The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*

The Council has commissioned two different landscape architects to assess the landscape character and values of the Port Hills. A further landscape architect has more closely considered if the 60m contour is an appropriate boundary between the Rural Port Hills and the Rural Plains along with the degree of landscape management and intervention required on the lowest slopes. These assessments have consistently advised that the Port Hills “as a whole” are an outstanding landscape.

The peer review of the Lucas Associates Technical Report undertaken by Graham Densem supports the findings of that report. Mr Densem considered that the analysis of the Port Hills, as an outstanding landscape on the basis of its geomorphic form is justified on the basis of both past landscape studies and case law.

The report from PRLA similarly considered that there is no distinction to be made between one side of the 60m contour and the other and that all parts of the Port Hills, including the land below the 60m contour, merit S6(b) status<sup>5</sup>.

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<sup>5</sup>Page 15, Landscape Assessment of the Lower Port Hills in Selwyn District Peter Rough Landscape Architects

Accordingly, the Council must consider management mechanisms which protect all of the Port Hills Area from inappropriate subdivision, use and development. The differentiation of land below the 60m contour as part of the Rural Plains (and not part of the Port Hills or the Outstanding Natural Landscape) is an issue.

**What are the effects of subdivision and housing on the Port Hills between the 20m and 60m contours?**

The report by PRLA considers that although for the most part, land above the 60m contour is indistinguishable from that below, the lower slopes to the north of Tai Tapu are more developed. This area displays more complexity where a greater variety of vegetation e.g., amenity planting, woodlots, horticultural crops and forestry and more built development is evident. It is distinct from the lower slopes south of Tai Tapu, which are pastoral in character, with few buildings and amenity plantings.

It is relevant to review the existing pattern of title size within the lowest slopes. The map “Port Hills Property Sizes” attached as Appendix 5 shows that with the exception of land in Early Valley Road, Holmes Road and Rhodes Road, the majority of titles on the Lower Slopes are 10ha or greater. Accordingly, there remains opportunity to further subdivide these areas into 4ha allotments, extending and increasing the density of rural-residential housing and a pattern of varied and more intensive planting in this landscape. Concern has been expressed by the three landscape architects who have undertaken assessments which include consideration of the Port Hills Lower Slopes, that increasing the extent or intensity of this pattern of land use would potentially adversely affect the outstanding natural landscape values of the Port Hills.

The Lower Slopes of the Port Hills are visible from a range of public viewpoints. The report by PRLA (page 4) notes that the visibility of the land below the 60m contour is dependent on proximity i.e., the closer the viewer is to the bottom of the hill the more visible the slope is. However, this visibility is reduced where tall trees and vegetation creates a screening effect (as occurs in places such as Early Valley Road). South of Tai Tapu however, the lowest slopes are highly visible due to the absence of trees and intervening vegetation from the state highway and the predominance of more extensive pastoral activities. The report notes however that the line of sight from more distant viewing points still provides a perspective of the whole of the Port Hills both vertically and horizontally, compared with the limited view possible from a person standing at the toe of the hill.

The peer review undertaken by Mr Densem (paragraph 2.4) notes that the close proximity of the Selwyn section of the Port Hills to Christchurch places it under pressure for residential housing. Mr Densem suggests that this pressure in the context of the particular landscape values of the Port hills would require a more “robust conservation-oriented” management regime compared with permissive land use controls, to manage these pressures.

Lucas Associates expressed concern in its Technical Report (paragraph 3.3.9, page 24) to the District Plan Hearing Panel that the lowest slopes are “vulnerable to significant landscape effects from smaller holdings.” The report notes that the aspect and contour of the Hills are such that residential development would be largely visible in the landscape.

Approximately half of the respondents to the Council’s consultation exercise also expressed concern at the potential for further land use development on the lowest slopes. These include concerns about effects on local rural amenity values in addition to concerns about wider public visibility and natural character.

The PRLA report further considers the Rural Residential Zones at Otahuna, Rocklands and Holmeswood Rise and recommends that these be removed from the Port Hills Area, and be enabled, as existing areas of residential housing to be developed for these activities. In addition, the boundary recommended by PRLA as the Port Hills boundary is also pulled above the 20m contour in Early Valley Road. This is to avoid an area of

existing built development in this locality. The outcomes anticipated by Section 6(b) of the RMA are unlikely to be achieved in localities where this intensity of development is present.

In summary, the potential for further or more intensive residential-related development on the Lower Slopes of the Port Hills has the potential to detract from outstanding natural landscape values through loss of openness and reduced natural character caused by the visibility of buildings, curtilage areas and associated infrastructure.

The ability for landowners to make reasonable and economic use of land between the 20m and 60m contours.

Regulation to protect outstanding natural landscapes can be contentious as it may potentially restrict land uses or require a consent process for approval for some activities including buildings. The outcomes of Council's consultation revealed the following:

- of the landowners with property below the 60m contour approximately 33% would want to subdivide their land further and approximately 25% considered they may want to subdivide.

- of those landowners who did want to subdivide, approximately 40% preferred to subdivide an area of less than 4ha, 45% 4ha and 15% more than 4ha.

The Council also identified that respondents to the survey were nearly equally split between those who valued their current 4ha subdivision rights and did not support landscape controls on new buildings compared with those who favoured additional landscape protection.

Respondents to the survey were also asked what values or features in the area they valued most highly. Between Early Valley Road and Tai Tapu respondents indicated that they valued "valuable housing sites for rural or rural residential dwellings" the most, followed by general rural amenity values, then (special outstanding) landscape and natural values. Between Tai Tapu and Motukarara, respondents similarly rated "valuable housing sites" as the highest priority, followed by (special outstanding) landscape and general rural amenity values.

Landscape is only one component of the land resource which has multiple values e.g., ecological, historical, cultural, recreation and economic values. High value landscapes may be a drawcard for people to move and live in a locality, as well as providing a resource from which collective economic benefits may be derived e.g., pastoral farming, forestry, horticulture and tourism. Accordingly, landscape cannot be considered in isolation of economic use of land. Section 5 of the RMA also requires economic and social wellbeing to be considered alongside matters of landscape protection.

In summary, the appropriateness and necessity for more restrictive District Plan rules to control land use and development on the lowest parts of the Port Hills is an issue with respect to economic use.

The administration of the District Plan as a clear and consistent document.

The District Plan policies currently identify and discuss the Port Hills as a single landscape and an Outstanding Natural Landscape. Other parts of the District have been similarly identified as Outstanding Natural Landscapes. The Port Hills however differ from those other areas in that they are not mapped on the District Planning Maps.

Many users of the DP rely upon the content and accuracy of the District Planning Maps to alert them to the rules and controls that will apply to the land concerned. To not identify the Port Hills as an Outstanding Natural Landscape on the Planning Maps therefore creates a significant gap in information sharing and inconsistency in the content of the DP. This in turn can lead to confusion as to the landscape status of the Port Hills and the rules that apply and potentially undermine confidence in the administration of the Plan.

Inconsistencies in mapping may therefore potentially adversely affect the administration of the DP and is an issue. In addition to the up-dated mapping of the Port Hills boundary to include all of the Port Hills from the summit ridge to the 20m contour and the application of the Outstanding Natural Landscape notation, the proposed PC is seeking to amend the rule relating to earthworks across all of the Port Hills Area. The reason for doing this is to clarify Council's intentions as to interpretation and application of the rule. Similarly, changes to the rule for the planting of trees in the Summit Road Protection Area is to make this consistent with DP policy and will require resource consents for any amenity, shelterbelt or plantation planting in this area.

To maintain confidence in the integrity and administration of the DP it is appropriate to ensure that the rules correctly reflect the intention and wording of DP policy and that the rules are clear as to how they are to be implemented, measured and monitored by Council.

## **Part 8 Options**

### **Port Hills Landscape – Mapping and Rules**

#### ***Option 1 Make No Change***

Retain current planning map and rules i.e., land below the 60m contour is Rural Inner Plains and land between the 60m and 160m contours is Lower Slopes and above the 160m contour is Upper Slopes of the Rural Port Hills Area.

#### ***Option 2 Identify the Port Hills Outstanding Landscape as generally undeveloped rural land from the 20m contour to the Summit***

This the option incorporated into Proposed PC6, whereby, with the exclusion of some areas of existing subdivision or built development, all of the area from the 20m contour to the summit is zoned as Rural Port Hills and divided between the Upper and Lower Slopes. This mapping change will trigger rules for a more restrictive dwelling density and restricted discretionary status for subdivision.

#### ***Option 3 Rezone the land between the 20m and 60m contour as a Visual Amenity Landscape***

This option was originally considered in the Section42A report prepared by Lucas and Associates as a method to recognise that whilst the very lowest slopes of the Port Hills were part of the Outstanding Natural Landscape, there was some, albeit limited capacity to absorb further development. The report advised that the extent of these areas would need to be investigated and delineated on the Planning Maps.

Mr Densem, (in his peer review) also commented on the option of creating a second, significant tier of landscape, for those landscapes which are highly valued and warrant protection, but have been modified.

## Earthworks

### **Option 1      *Retain existing rule***

Retain rule which provides for earthworks up to 20m<sup>3</sup> in any one hectare in any 5 year period as a permitted activity.

### **Option 2      *Reword rule to remove reference to 1ha***

Amend wording to clarify that rule is not intended to provide for cumulative earthworks based on area.

## Tree Planting in the Summit Road Protection Area

### **Option 1      *Retain existing rules for Amenity, Shelterbelt and Plantation Planting***

Retain current rules which provide for amenity and shelterbelt planting as a permitted activity and plantations as a discretionary activity within the Summit road Protection Area.

### **Option 2      *Amend policy and rules relating to Amenity and Shelterbelt Planting to require resource consent applications for this planting in the Summit Road Protection Area and to change the status for Plantations from discretionary to non-complying in the Summit Road Protection Area***

This option more closely aligns with Policy B1.4.6 which seeks to avoid exotic plantations in the Summit Road protection area and enables consideration of any landscape effects in relation to other tree planting in the sensitive area adjoining the Summit Road.

## Add New Assessment Matters

### **Option 1      *Retain Assessment Matters in Operative District Plan***

Retain District Plan status quo.

### **Option 2      *Add Further Assessment Matters in Operative District Plan in Relation to Potential Adverse Effects on Outstanding Natural Landscapes***

The existing assessment matters are very general and do not provide a lot of guidance to applicants on the matters that more specifically concern Council or how Council may interpret those assessment matters. Other District Plans/Councils are placing more emphasis on assessment matters to assist the efficient processing of resource consent applications.

## **Part 9 Analysis of Options**

The following tables assess the options identified in Part 8. The tables consider the broad benefits and costs of each option and then provide a comment on the extent to which each option may be effective in meeting the DP objectives, policies and environmental results anticipated. In summary, the proposed Plan Change adopts those methods considered most appropriate to achieve the purpose of the Act.

### **Cross Boundary Issues**

Section 74 of the Resource Management Act requires Councils to have regard to consistency with the district plans of adjoining territorial authorities.

Christchurch City directly adjoins Selwyn District to the north and south and the Port Hills extend across the territorial boundary of the two authorities. To the south the land is encompassed within the Banks Peninsula district plan which is now a part of Christchurch City.

In the City Plan, the Port Hills are zoned as Rural Hills with a minimum subdivision standard of 100ha. Any building above the 160m is a non-complying activity and below 160ha is a discretionary activity. The dwelling density is 1:100ha. The planting of exotic trees is a discretionary activity to the West of Dyers Pass Road and a non-complying activity to the East. The Port Hills represent a defined rural backdrop to the City and are unique within the area subject to the City Plan standards. In the Banks Peninsula District Plan, buildings are a non-complying activity in the Outstanding Natural Landscapes and in the Rural Amenity Landscapes the minimum subdivision and dwelling density is 1:40ha. Between 10 and 40ha subdivision and dwellings are discretionary activities. Similarly, forestry is a non-complying activity in the Outstanding Natural Landscape and is a controlled or restricted discretionary in the Rural Amenity Landscape depending on the size of the proposed planting area.

Accordingly, there is a common outcome sought by the Christchurch City and Banks Peninsula Plans i.e., to keep the upper slopes free of built development and tree planting, with more intensive land use activity preferred on the lower slopes. These matters should be considered in the analysis of preferred options.

## Analysis of Options

Option	Benefits / Advantages	Costs / Disadvantages	Efficiency/Effectiveness
<b>Port Hills Landscape – Mapping and Rules</b>			
<p>Option 1</p> <p>Make No Change</p>	<p>Avoids cost of preparing a Plan Change</p> <p>Enables landowners to subdivide a small allotment to provide capital for balance of farm.</p> <p>Provides opportunity for rural-residential living.</p> <p>Less administration for Council, as subdivision a controlled activity and only has to process resource consents for very small allotments i.e., subdivision and dwellings under 4ha.</p>	<p>Potential for adverse effects on outstanding natural landscape values</p> <p>Potential for loss of natural character.</p> <p>District Plan administration compromised by inconsistencies in mapping of Outstanding Landscapes. More difficult for public to interpret rules with certainty.</p> <p>Variable consistency with the Christchurch City and Banks Peninsula District Plans</p>	<p>Not effective in meeting statutory duty to protect outstanding landscape from inappropriate subdivision and development.</p> <p>Efficient in providing for more intensive land use.</p> <p>Less efficient as identifying Port Hills as an Outstanding Landscape requires knowledge of policies and reading of all rules in absence of reference on the planning maps.</p>
<p>Option 2</p> <p>Identify the Port Hills Outstanding landscape as land from the 20m contour to the summit</p> <p>Preferred Option</p>	<p>Maintains the integrity of the Port Hills by recognising them as a single outstanding natural landscape.</p> <p>More likely to result in development with less than minor effects on outstanding natural landscape values. Thereby avoid inappropriate subdivision, use and development with a process of site specific consideration and directing development to sites with greater ability to absorb change.</p> <p>If existing areas of more intensive built development are excluded then potential to direct development to those areas and to impose fewer restrictions within those subdivisions.</p> <p>Administration of the DP is more consistent across the Port Hills and in relation to other Outstanding Natural Landscapes in the District.</p>	<p>Cost of plan change.</p> <p>Loss of subdivision and rural-residential development opportunities or require resource consents to achieve subdivision on allotments under 4ha if not pre-existing.</p> <p>More costs to Council in administering rules and processing consents.</p>	<p>By setting a higher threshold for subdivision and dwelling density, DP more likely to be effective in fulfilling environmental results and objective of DP to recognise and protect the Port Hills from inappropriate subdivision, use and development. And therefore better able to achieve section 6(b).</p> <p>Economic efficiency is however potentially reduced where a resource consent process is to be followed, particularly where public submissions have the potential to alter a proposal or result in conditions being imposed. Proposed “Grandfather” clause providing for erecting dwellings on 4ha allotments addresses this reduced efficiency to some degree.</p>

Option	Benefits / Advantages	Costs / Disadvantages	Efficiency/Effectiveness
<b>Port Hills Landscape – Mapping and Rules</b>			
<p>Option 3</p> <p>Rezone Land Between 20m &amp; 60m as a Second Tier Landscape Category</p>	<p>Recognises existing development in the landscape as a basis for more development to occur/ be absorbed in the landscape.</p> <p>Create a more liberal set of rules that is between the more restrictive rules applying to Outstanding Natural Landscapes and the more liberal rules applying within the Inner Rural Plains.</p>	<p>Further landscape assessment and mapping may be required to define boundaries of the second tier landscape if 60m contour not defensible based on existing assessments which advise there is little difference in landscape values above and below the 60m contour.</p> <p>Need to develop a new set of policies and rules for the second tier landscape category.</p> <p>The area of land encompassed within the second tier landscape is not large. Question of efficiency of District Plan administration in creating a new landscape category and associated rules for a relatively small area.</p>	<p>Unclear how effective this option may be at giving effect to the statutory duty of section 6.</p> <p>Of moderate to low efficiency in providing for rural-residential living and more intensive rural activities if minimum land area for subdivision and dwelling increased.</p> <p>Of moderate to high efficiency in controlling adverse effects of new and rural – residential development on landscape values due to possible higher threshold for triggering resource consents.</p>
<b>Earthworks</b>			
<p>Option 1</p> <p>Retain the status quo</p>	<p>Avoids cost of preparing a Plan Change</p> <p>Potential to undertake extensive earthworks on a large property without any incurring costs of resource consents or compliance with conditions.</p>	<p>Lack of clarity with rule may lead to administrative delays.</p> <p>Potential for cumulative and large-scale earthworks with consequential effects on an Outstanding Landscape. Potential for inconsistency with Christchurch City and Banks Peninsula.</p>	<p>Of high efficiency from an economic perspective. Of limited effectiveness in achieving the objective and environmental results anticipated in the DP and the purpose of the Act.</p>
<p>Option 2</p> <p>Reword rule to remove reference to 1ha</p> <p>Preferred Option</p>	<p>Clarifies intent of earthworks rule. By limiting permitted earthworks to small area will ensure that potential effects on Outstanding Landscape are minimised in extent and scale.</p> <p>More certainty of ensuring that any adverse effects arising from earthworks will be avoided / mitigated through resource</p>	<p>Cost of preparing plan change and then processing resource consents for earthworks.</p> <p>Potential delays and additional costs to landowners. Introduces some uncertainty for landowner and potential for proposal to be declined, amended or subject to conditions.</p>	<p>Potentially less efficient from an economic perspective, however more effective at achieving the environmental outcomes for the Rural Port Hills and fulfilling the DP objective for Outstanding Landscapes and section 6(b) of the RMA.</p>



Option	Benefits / Advantages	Costs / Disadvantages	Efficiency/Effectiveness
Port Hills Landscape – Mapping and Rules			
	consent process.		

Option	Benefits / Advantages	Costs / Disadvantages	Efficiency/Effectiveness
<b>Tree Planting in the Summit Road Protection Area (SRPA)</b>			
<p>Option 1</p> <p>Retain existing rules for amenity, shelterbelt and plantation planting</p>	<p>No costs associated with changing the DP</p> <p>Ability for landowner to plant trees as desired in relation to the DP (noting that the approval process under the SRP Act will still apply).</p>	<p>Potential for cumulative tree planting to occur which although approved under the SRP Act, has not been considered in relation to the purpose of the RMA and objective/policies of the DP.</p> <p>Lack of consistency between Summit Road Protection provisions and District Plan creates confusion/undermines necessity for protection of the Summit Road locality.</p> <p>Potential for inconsistency with adjoining territorial authority outcomes.</p>	<p>Highly efficient from an economic perspective, however fails as an effective mechanism to achieve the environmental outcome desired in relation to the Summit Road, DP policy and objective and purpose of the RMA.</p>
<p>Option 2</p> <p>Amend rules to require resource consent applications for tree planting and to change the status for Plantations from discretionary to non-complying.</p> <p>Preferred Option</p>	<p>Ensures that rules in the DP are consistent with Policy relating to SRPA. By controlling planting of trees able to give effect to DP objective relating to Outstanding Natural Landscape, views from and towards the Summit Road and ridgelines, complementary to the SRP Act.</p> <p>Greater certainty that tree planting will be directed to areas with greater potential to absorb change and to control the scale and extent of tree planting through resource consent process and conditions.</p> <p>Greater consistency with adjoining territorial authority outcomes.</p>	<p>Costs associated with preparing plan change and processing of resource consent applications.</p>	<p>Potentially less efficient from an economic perspective, however more effective at achieving the environmental outcomes for the Rural Port Hills and fulfilling the DP objective for Outstanding Natural Landscapes, specific policy relating to protection of the Summit Road and section 6(b) of the RMA. Also more effective in providing a complementary process to the Summit Road Protection process for approval.</p>

Option	Benefits / Advantages	Costs / Disadvantages	Efficiency/Effectiveness
<b>New Assessment Matters</b>			
<p>Option 1</p> <p>Retain assessment matters in DP</p>	<p>No cost involved in Plan Change</p> <p>Generality of assessment matters may provide some flexibility in identifying relevant matters.</p>	<p>Continued use of broad assessment matters does not assist applicant to produce a “tailored” assessment. Higher level of risk that Outstanding Natural Landscape policies for the Port Hills may not be achieved. More likely to lead to Council inefficiency and time delays in processing by seeking more information and determining what needs to be assessed. May also result in more inconsistency in the processing of applications.</p>	<p>Overall, a lesser amount of guidance and information more likely to result in inefficient processing of applications. Potential for differences in interpretation and administration potentially undermines the effectiveness of the DP to achieve the purpose of the Act.</p>
<p>Option 2</p> <p>Add further assessment matters in relation to effects on Outstanding Natural Landscapes</p> <p>Preferred Option</p>	<p>Provides more certainty in relation to matters that should be addressed in any application, reducing the need to request further information and processing timeframes.</p> <p>Assists in better understanding of potential effects (both positive and adverse) and whether adverse effects can be adequately avoided, remedied or mitigated.</p> <p>Proposal for development more likely to be designed/sited in a site responsive manner.</p>	<p>May take more time to address all of the assessment matters.</p> <p>Even though the assessment matters are more comprehensive, this does not guarantee an application will be processed more efficiently.</p>	<p>Overall, greater guidance and information will assist in understanding the effects of the proposal which is of benefit to the applicant, Council and affected parties (if any). Greater clarity and understanding more likely to result in effectively achieving objective and policies of the DP, and the Act.</p>

Summary of Effectiveness of Proposed rules and methods, having regard to Objectives and Policies of the Selwyn District Plan	
<p>Objective B1.4.1 The Outstanding Natural Features and Landscapes of the District are recognised and protected from inappropriate use and development while still enabling people to provide for their economic and social wellbeing.</p> <p>Policy B1.4.1 Provide for the mix of physical and natural elements that are often contained in Outstanding Natural Features and Landscapes to continue.</p> <p>Policy B1.4.2 Recognise that landscapes will change over time and allow changes to landscape provided that they complement the landscape and retain its core values.</p> <p>Policy B1.4.3 Control the effects of clearance of indigenous vegetation in the Outstanding Landscape Area and encourage the restoration and enhancement of indigenous vegetation generally, and the mitigation of practices which are adversely impacting on indigenous vegetation cover.</p>	<p>Amending the DP Planning Maps to include the majority of land between the 60m and 20m contours as Rural Port Hills and showing the area as Outstanding Landscape are the most effective methods for recognising and protecting the Port Hills as an Outstanding Landscape.</p> <p>The existing DP provisions have resulted in some anomalies in interpretation of the Plan as it is unclear as to whether some rules applying to Outstanding Landscapes do apply to the Port Hills due to the absence of the notation on the planning maps. These provisions are not therefore the most efficient from an administrative point of view or effective in meeting Objective B1.4.1.</p> <p>The provisions of Proposed Plan Change 6 do not prohibit change in land use but conservative thresholds have been set beyond which consideration is required to be given to the effects on landscape values. This higher level of scrutiny reflects section 6 (b) which is a matter of national importance. The proposed plan change has amended rules relating to earthworks and planting in the Outstanding Landscape. These provisions were relatively liberal, with no control on planting in the Summit Road Protection Area and the earthworks rule was unclear as to its interpretation. The Council anticipates that the amendments to these rules will better achieve Objective B1.4.1 by protecting from inappropriate use and development, as well as Policy B1.4.1 and B1.4.2 by continuing to provide for a mix of physical and natural elements and recognising that change must complement the landscape. A resource consent provides a process for that consideration.</p>
<p>Policy B1.4.5 Recognise the Port Hills as an Area of Outstanding Natural Landscape and protect the following features:</p> <ul style="list-style-type: none"> <li>(a) The visibility of prominent landforms – ridges, spurs, rocky outcrops and volcanic dykes.</li> <li>(b) The summit and its outcrops such as Gibraltar Road, and Cooper’s Know, which form part of the Ring of Seven Ladies.</li> </ul> <p>Policy B1.4.6 Avoid locating any dwelling, any other large structure of building, or any exotic plantation in the area from 30.46m vertically below the Summit Road to the summit of the Port Hills unless it must be located in that area and cannot reasonably be located elsewhere.</p> <p>Policy B1.4.7 Restrict subdivision and development of land for residential</p>	<p>The proposed changes to the Planning Maps will ensure that the Port Hills are recognised as an Area of Outstanding Natural Landscape and will trigger those rules relating to subdivision and building development in Outstanding Landscapes.</p> <p>The proposed amendments relating to planting and plantations in the Summit Road Protection Area are intended to achieve Policy B1.4.6. The existing DP provisions are not effective in relation to this policy.</p> <p>No changes are proposed to the subdivision and dwelling density standard for the Lower Slopes and Upper Slopes, with the less restrictive standard applying to the Lower Slopes. The proposed Plan Change however, increases the extent of the Port Hills now subject to these provisions by amending the Planning Maps to include the land below the 60m contour. By including this land within the Rural Port Hills zone, the proposed plan change is more effectively meeting Policy B1.4.7 which seeks to restrict subdivision and residential development.</p> <p>Similarly, the additional assessment matters proposed are considered to be more effective in ensuring that buildings and structures “blend with the surrounding landscape” as required by</p>

<p>purposes within the Port Hills Area, recognising that such activities are more appropriate on the lower slopes (below 160m above sea level).</p> <p>Policy B1.4.8 Keep residential density and site coverage with buildings at a low level which maintains the predominance of vegetation cover and the sense of low levels of human occupation and building development, which are characteristic of the Ports hills in Selwyn District.</p> <p>Policy B1.4.9 Ensure any building or structure erected on the Port Hills and any associated access, utilities or other infrastructure, is designed, sited, landscaped and finished in exterior materials which: -Blend win with the surrounding landscape; and -Maintain the visibility of prominent landforms listed in Policy B1.4.5, as viewed from any public road.</p> <p>Policy B1.4.10 Recognise exotic plantations as part of the land uses on the Port Hills and, wherever practical, encourage these plantations to be:</p> <ul style="list-style-type: none"> <li>(a) Planted in patterns which reflect the contours of the landscape;</li> <li>(b) Planted l paces which do not screen the visibility of the landforms listed in Policy B.4.5, as viewed from any public road; and</li> <li>(c) Interspersed with other land uses and vegetation cover.</li> </ul> <p>Policy B1.4.11 Avoid, remedy or mitigate adverse visual effects associated with earthworks in the Port Hills Area by ensuring that:</p> <ul style="list-style-type: none"> <li>(a) Earthworks are limited in volume; and</li> <li>(b) The site is , to the greatest extent practicable, re-contoured and replanted to the safe state as surrounding land either when earthworks cease or a the end of appropriate stages (in the case of a large scale redevelopment).</li> </ul>	<p>Policy B1.4.9. These assessment matters are more specific, providing more guidance as to the matters for consideration. Similarly, assessment matters relating to the extent of earthworks and re-vegetation are now included to more effectively fulfil Policy B1.4.11.</p>
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