

## **Appendix 2:**

### **Proposed Plan Change 6**

#### **With Recommendations Shown in Track Changes**

## PROPOSED AMENDMENTS TO THE SELWYN DISTRICT PLAN VOLUME 2 RURAL

### Explanation

Proposed PC6 is specifically concerned with the landscape related provisions of the District Plan 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 60 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 remove inconsistencies between policies, rules and the planning maps as follows:

- identifying of the whole of the Rural Port Hills Area as an Outstanding Landscape on the Planning Maps 9 and 14;
- amend the wording of Policy B1.4.6 so that shelterbelts, amenity planting and exotic plantations are avoided in the Summit Road Protection Area;
- 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 Rural Inner Plains to Rural Port Hills Area;
- adding a new clause to Policy B4.1.5 acknowledging that dwellings on subdivisions consented prior to notification of PC6 are exempt from the density standard.
- clarifying the earthworks rule for the Rural Port Hills Area is limited to 10020m<sup>3</sup> every five years and a maximum cut depth of 1m 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 District Plan Policy B1.4.6;
- providing additional assessment matters for applications for plantations, subdivision and dwellings in Outstanding Landscapes;
- 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 show land as Rural Port Hills and Rural Inner Plains in Early Valley Road which was previously unzoned on the planning maps.

Rezoning the lowest slopes of the Port Hills Area 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 Area Zone and Outstanding Natural Landscape category the Council is 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 Area is inconsistent with the manner in which 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.

The proposed amendment also has the effect of clarifying that the lowest slopes are part of an Outstanding Natural Landscape and triggering the rules that apply to the Lower Slopes of the Port Hills Area 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 earthworks, the existing rule in the District Plan provides for earthworks in an Outstanding Landscape on the Port Hills Area for 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 and~~ Council had intended the rule to be more restrictive 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. A maximum cut depth is introduced acknowledging that cuts can be highly visible on hillsides, adversely affecting landscape values.

With respect to the Summit Road Protection Area the District Plan does not impose any rules or restrictions on amenity planting, shelterbelts or plantations in the Summit Road Protection Area. This outcome is inconsistent with intended policy and as a consequence, the policy is reworded to clearly include all tree planting and rules amended to ensure that a consent process is triggered for tree planting activities.

The District Plan definition of a Plantation includes vineyards and orchards. These are rural activities which do not have an irrevocable impact on the landscape. Accordingly, PC6 exempts these specific activities from restriction on the Lower Slopes of the Port Hills Area.

Additional assessment matters are also proposed to provide more certainty and guidance on the potential effects that Council is concerned are addressed in resource consent applications for development ~~in on~~ the Port Hills Area. An additional assessment matter is also proposed for subdivision.

## Amendments

### Amend Part B Issues, Objectives and Policies as follows:

- 1 Amend Policy B1.4.6 (page B1-041) to read as follows (new wording underlined):

*“Avoid locating any dwelling, any other large structure or building, or any exotic plantation, shelterbelt or amenity planting in the area from 30.46m below the Summit Road to the summit of the Port Hills unless it must be located in that area and cannot be reasonably located elsewhere.”*

- 2 Amend Policy B1.4.9 (page B1-041) to read as follows (new wording underlined):

*“Ensure any building ~~or structure~~ erected ~~in~~ the Port Hills Area and any associated access, utilities or other infrastructure, is designed, sited, landscaped and finished in exterior materials which:*

- Blend in with the surrounding landscape; and*
- Maintain the visibility of prominent landforms listed in Policy B1.4.5, as viewed from any public road; and*
- Avoid or mitigate any adverse effects on openness, visual coherence or legibility of the landscape.”*

New Amend Policy B4.1.5 to read as follows (new wording in bold):

Policy B4.1.5

Exempt the following activities from the residential density ratios set out in Policy B4.1.1:

(a) Any additions to or replacement of existing, dwellings;

(b) Temporary structures erected on nohoanga and Mahinga Kai sites (identified in the Ngāi Tahu Claims Settlement Act 1998); and

(c) The erection of a dwelling on any existing, bare allotment upon which a dwelling might have been erected as a permitted activity under the Transitional District Plan, provided that the relevant allotment has been bought, sold or subdivided for the purpose of erecting a dwelling within the 10 years preceding notification of the Rural Volume of the Proposed District Plan.

(d) **The erection of a dwelling on any existing, bare allotment upon which a dwelling might have been erected as a permitted activity prior to the adjustment of the boundary of the Outstanding Landscape on the Lower Slopes of the Port Hills Area affecting land between the 20m and 60m contours.**

New As a consequential amendment to the addition to Policy B4.1.5 amend the fourth paragraph under the Explanation and Reasons to read as follows (new wording in bold):

“Policies B4.1.5(c) **and (d) recognise** that some allotments which are smaller than the minimum set out in Policy B4.1.1, have been subdivided, bought and sold for residential uses in the past, **or had obtained approval for subdivision for a complying dwelling prior to adjustment of the Outstanding Landscape boundary for the Port Hills Area.**”

**Amend Part C Rules as follows:**

- 3 Amend **1.4 Earthworks and Outstanding Landscape Areas**, Rule 1.4.2.5 (pages C1-003 and 004) by deleting the words “one hectare” so that the rule reads as follows:  
  
*“Any other earthworks which shall not exceed 10020m<sup>3</sup> in any five year period within a site and a maximum cut depth of 1m.”*
- 4 Amend **2.1 Shelterbelts and Amenity Planting Permitted Activities** by adding the following new clause 2.1.1.10 (page C2-002) under the list of Permitted Activities:  
  
*“In the area shown on the Planning Maps as the Port Hills Area, the tree(s) are not located within the Summit Road Protection Area as defined in Appendix 24.”*
- 5 Amend **2.1 Shelterbelts and Amenity Planting Non-Complying Activities** by deleting standards 2.1.12, 2.1.13 and 2.1.14 and replacing with a new standard 2.1.12 (page C2-004) as follows:  
  
*“Any activity which does not comply with Rule 2.1.1.6, 2.1.1.7, 2.1.1.10 or 2.1.10 shall be a non-complying activity.”*
- New Amend 2.2. Plantations Permitted Activities – Plantation (page C2-005) by adding the following new wording (as shown in bold) to Rule 2.2.1.1.*  
  
*2.2.1.1 The plantation is not located in the areas shown on the Planning Maps as the Port Hills, Malvern Hills or the High Country, **excluding vineyards and orchards located on land between the 20m and 60m contours of the Port Hills Area**;*
- 6 Amend **2.2 Plantations Restricted Discretionary Activities** (page C2-006) by adding the following new wording (as underlined) to Rule 2.2.2.1:  
  
*“The plantation is not located within any area shown on the Planning Maps as an Area of Outstanding Landscape, excluding the Port Hills Area, or a Forestry Exclusion Area in the High Country; and”*
- 7 Amend **2.2 Plantations Restricted Discretionary Activities** (page C2-006) so that the assessment matters listed under 2.2.3.1 read as follows (new wording underlined)  
  
*(a) Maintain the uninterrupted skyline of the summit of the Port Hills Area as viewed from the Summit Road or any road on the Plains;*  
*(b) Avoid screening views of existing landforms and natural features, including Gibraltar Road and Cooper’s Knob from the Summit Road or any road on the Plains;*  
*(c) Avoid screening views from the Summit Road;*  
*(d) Reflect and complement the landform patterns and shapes of the landscape and the avoidance of artificial or unnatural lines;*  
*(e) Maintain diversity in the vegetation cover on the Port Hills, by encouraging plantations to be interspersed with other land uses, where practical;*

- (f) Avoid, remedy or mitigate the potential for scarring of the landscape from earthworks and harvesting activities;  
(g) Avoid or mitigate any potential effects on indigenous vegetation and waterways;  
(h) Provide for the re-vegetation of any earthworks;  
(i) Avoid, remedy or mitigate the scale and extent of the proposed plantation where there are effects on amenity values, including any cumulative effects taking into consideration existing or consented plantations on an adjoining site;  
(j) To avoid, remedy or mitigate the visibility of any tracks or roads required for the management or harvesting of the plantation, having regard to existing contours.
- 8 Delete the three paragraphs under the **“Note”** on page C2-007 beginning *“To assist both applicants and the consent authority...”* And ending *“that do not conform to the guidelines”*.
- 9 Amend **2.2 Plantations Non-Complying Activities** (page C2-008 to 009) by adding the following new wording (as underlined) to Rule 2.2.14:
- “Any plantation located within an area of Outstanding Landscape, excluding the Port Hills Area, or a Forestry Exclusion Area in the High Country which does not comply with Rule 2.2.10 shall be a non-complying activity.”*
- 10 Amend **2.2 Plantations**, by adding a new Rule 2.2.15 under Non-Complying Activities (page C2-009):
- “Any plantation located within the Summit Road Protection Areas defined in Appendix 24 shall be a Non-Complying Activity.”*
- 11 Amend **2.2 Plantations – Reasons for Rules**, pages C02-010 and C2-011, by adding the following as the fourth paragraph under the heading:
- “With respect to the Summit Road Protection Area of the Port Hills, the rules do not encourage any tree planting, for amenity, shelter-belt or plantation purposes. This Protection Area is recognised for its high scenic values and views which may be lost through the planting of trees.”*
- New Amend 3 Rural Rules – Buildings, 3.2 Buildings and Outstanding Landscape Areas (page C03-003) by adding the following new rules as 3.2.2 and 3.2.3 and renumbering all other clauses accordingly (new wording underlined).
- “Controlled Activities – Buildings and Outstanding Landscape Areas
- “3.2.2 Any building which does not comply with Rule 3.2.1 shall be a controlled activity if all of the following conditions are met:
- 3.2.2.1 The building is located within the Lower Slopes of the Port Hills Area; and  
3.2.2.2 The existing ground level of the building site is wholly located below 60m above mean sea level.
- Under Rule 3.2.2 the Council shall restrict its consideration to:
- 3.2.3.1 The design of the building including height, size/scale, site coverage, materials, façade articulation, colour and reflectance value;

- 3.2.3.2 The appropriateness of the building site and its access having regard to geotechnical conditions and site stability;
- 3.2.3.3 The visibility of the proposed building from land which is publicly owned and freely accessible by the public, including any area of cartilage if the building is a dwelling;
- 3.2.3.4 The design and siting of any access to the building, including the visibility of the access, any contrast with natural contours and the proposed re-vegetation and naturalistic re-contouring of any earthworks;
- 3.2.3.5 The siting of the building in relation to the natural landform, and in particular whether the building would break the skyline or the form of any ridges, hills or prominent slopes;
- 3.2.3.6 The visibility of any utilities required to service the building;
- 3.2.3.7 Landscape planting and earthworks that assists in mitigation of any adverse landscape effects.”
- New Consequential to the amendments proposed in 2. above, amend Restricted Discretionary Activities – Buildings and Outstanding Landscape Areas existing Rule 3.2.2 (to be renumbered to 3.2.4) (page C3-003) so that the first sentence reads as follows (new wording in bold):
- “Any building which does not comply with Rule 3.2.1 or 3.2.2 shall be a restricted discretionary activity....”
- 12 Amend **3 Rural Rules – Buildings, 3.2 Buildings and Outstanding Landscape Areas 3.2.3** (page C3-003) by deleting clauses 3.2.3.1 to 3.2.3.6 and replacing and renumbering the following new clauses as follows:
- 3.2.~~34~~.1 The design of the building including height, size/scale, external finish, colour and reflectance value;
- 3.2.~~43~~.2 The appropriateness of the building site **and its access** having regard to geotechnical conditions and site stability.
- 3.2.~~43~~.3 The visibility of **the proposed** building from **land which is publicly owned and freely accessible by the public including any area of cartilage if the building is a dwelling. viewing points, having regard to the accessibility of the viewing point;**
- 3.2.~~43~~.4 The extent to which the building, and if a dwelling, any associated curtilage may:
- (a) **dominate or detract from openness, visual coherence, legibility or integrity of the landscape;**
  - (b) **include earthworks or new planting to assist in mitigation of any adverse landscape effects;**
  - (c) **use topography or vegetation to assist in mitigation or containment of visual effects;**
  - (d) **break the skyline or interrupt the form of any ridges, hills or prominent slopes;**
  - (e) **be visually prominent in an area characterised by high natural values;**
  - (f) **affect the amenity values of adjoining properties.**
- ~~3.2.3.93.2.4.5~~ 3.2.4.5 Whether the landscape has further capacity to absorb change having regard to existing and consented development on adjoining sites and in the locality, and any benefits that can be obtained from clustering buildings.

<u>3.2.34.6</u>	<u>Whether the proposal creates opportunities to protect open space, indigenous vegetation or nature conservation values.</u>
<u>3.2.4.7</u>	<u>The design and siting of any access to the building, and the visibility of that access, including any contrast with natural contours and the proposed re-vegetation of any earthworks.</u>
<u>3.2.4.8</u>	<u>The siting of any utilities installed to serve the building, including whether any water storage tanks, cables or pipes are to be placed underground.</u>
<u>3.2.4.9</u>	<u>Any positive effects to be created by the proposed building and its associated accessway.</u>
<u>3.2.4.10</u>	<u>Any monitoring or review conditions.</u>
13	<p><b>Amend 3 Rural Rules – Buildings, 3.10 Buildings and Residential Density</b> by amending the wording of 3.10.2 and adding a new clause so that it reads as follows (page C3-012) (amended and new wording is underlined):</p> <p><u>3.10.2 Any dwelling on any allotment which does not comply with Rule 3.10.1 shall be a permitted activity if the allotment is a separately saleable allotment with a continuous area of not less than 4 hectares; and</u></p> <p><u>3.10.2.1 The allotment has been bought, sold or created by subdivision within the ten years immediately preceding notification of the Rural Volume of the Proposed District Plan (that is on or after 12 September 1991 but before 12 September 2001) or a subdivision consent has been granted to create the allotment within this timeframe and that subdivision consent has not lapsed; or</u></p> <p><u>3.10.2.2 All of the following conditions are met:</u>  <u>(a) the allotment is located within the Lower Slopes of the Port Hills; and</u>  <u>(b) the existing ground level of the dwelling site is wholly located below 60m above mean sea level; and</u>  <u>(c) the allotment is held in its own Certificate of Title which existed on or before 29 November 2008; or a subdivision consent has been granted to create the allotment on or before 29 November 2008 and that subdivision consent has not lapsed.</u></p> <p><b>Amend 3 Rural Rules – Buildings, 3.10 Buildings and Residential Density</b> by adding a new heading and rules 3.10.3 and 3.10.4 (page C3-012) as follows. Renumber all following clauses accordingly and ensure all references to those rule numbers throughout the District Plan (e.g., Reasons for Rules) are also changed as a consequential amendment.</p> <p><b><u>Controlled Activities – Buildings and Residential Density</u></b></p> <p><u>“3.10.3 Any dwelling on a separately saleable allotment with a continuous area of not less than 4 hectares, located within the Lower Slopes of the Port Hills and created by subdivision prior to the-</u></p> <p><u>3.10.4 Under Rule 3.10.3 the Council shall restrict its consideration to:</u></p>



- 3.10.4.1 The design of the dwelling including height, size/scale, external finish, colour and reflectance value;
- 3.10.4.2 The appropriateness of the building site having regard to geotechnical conditions and site stability;
- 3.10.4.3 The visibility of the dwelling and its curtilage from public viewing points;
- 3.10.4.4 The design and siting of any access to the dwelling, including the visibility of the access, any contrast with natural contours and the proposed re-vegetation of any earthworks;
- 3.10.4.5 The siting of the dwelling in relation to the natural landform, and in particular whether the dwelling would break the skyline or the form of any ridges, hills or prominent slopes;
- 3.10.4.6 The visibility of any utilities required to service the dwelling;
- 3.10.4.7 Landscape planting and earthworks that assist in mitigation of any adverse landscape effects.”

- 14 Amend **3 Rural Rules – Buildings Reasons for Rules**, page C3-022, by replacing the third paragraph with the following new text:

“The provisions are slightly different for the **Rural Port Hills Area**. The area defined as Outstanding Landscape on the Port Hills excludes those areas at the base of the hills where existing and intensive built development has occurred. With the exception of these limited areas, any residential development ~~in~~ the Port Hills **Area** requires resource consent where density is reduced below 40ha on the Lower Slopes and 100ha on the Upper Slopes. The purpose of establishing these relatively stringent thresholds for residential density is to trigger resource consents for the siting and design of houses to reduce potential adverse visual effects, whilst recognising that there may be some sites within the Port Hills **Area** where a dwelling could be erected with only minor visual effects. The more liberal density standard for the Lower Slopes is however intended to encourage development to locate in this area. The Plan provisions aim to protect the area located between the summit and a distance of 30.46m vertically below the Summit Road. This approach is similar to the existing protection given under the Summit Road (Canterbury) Protection Act 2001.

- 15 Amend **5 Rural Rules – Utilities, 5.6 Outstanding Landscape Areas – Utility Buildings, Restricted Discretionary Activities – Outstanding Landscape Areas – Utility Buildings, Rule 5.6.3** by replacing 5.6.3.1 to 5.6.3.7 (page C5-007) with the following:

- 5.6.3.1 The design of the building including height, size/scale, external finish, colour and reflectance value;
- 5.6.3.2 The appropriateness of the building site having regard to geotechnical conditions and site stability.
- 5.6.3.3 The visibility of the building from public viewing points, having regard to the accessibility of the viewing point;
- 5.6.3.4 The extent to which the building or structure may:
  - a. dominate or detract from openness, visual coherence, legibility or integrity of the landscape;

- b. include earthworks or new planting to assist in mitigation of any adverse landscape effects;
- c. use topography or vegetation to assist in mitigation or containment of visual effects;
- d. break the skyline or interrupt the form of any ridges, hills or prominent slopes;
- e. be visually prominent in an area characterised by high natural values;
- f. affect the amenity values of adjoining properties.

~~3.2.3.6~~ Whether the landscape has further capacity to absorb change having regard to existing and consented development on adjoining sites and in the locality, and any benefits that can be obtained from clustering buildings or structures.

3.2.3.6 Whether the proposal creates opportunities to protect open space, indigenous vegetation or nature conservation values.

~~3.2.3.10~~ The design and siting of any access to the building or structure, and the visibility of that access, including any contrast with natural contours and the proposed re-vegetation of any earthworks.

~~3.2.3.11~~ The siting of any utilities installed to serve the building, including whether any water storage tanks, cables or pipes are to be placed underground.

~~3.2.3.12~~ Any monitoring or review conditions.

- 16 Amend 5 Rural Rules – Utilities Reasons for Rules, page C5-017, by replacing the third paragraph with the following new text.

“The Outstanding Landscapes of the Port Hills, Malvern Hills and High Country are equally managed with only very small buildings and utility structures provided for as a permitted activity. In relation to the Port Hills, utilities are a restricted discretionary activity in the Lower Slopes of the Port Hills Area and a non-complying activity in the Upper Slopes. This is consistent with the rule structure for dwellings, where the Plan provides for a more lenient housing density within the Lower Slopes to encourage development to this part of the Port Hills Area and to maintain relatively open Upper slopes.”

- 17 Amend 10 Rural Rules – Subdivision, 10.3 Subdivision in Outstanding Landscape Areas (page C10-007), by adding a new clause as 10.3.2.2 and renumber the following clauses accordingly:

“The capacity of the landscape to absorb change having regard to existing geomorphologic features, building development and the landscape and amenity values in the locality.”

- 18 Amend Planning Maps 9 and 14 by adjusting the zone boundary of the Port Hills Area as shown on the attached maps and ~~apply include~~ the notation for Outstanding Natural Landscape over the ~~is Areae whole of the Port Hills Area.~~

## **Appendix 3: Recommendations**

**SUMMARY OF SUBMISSIONS AND FURTHER SUBMISSIONS, PLAN CHANGE 6 – OFFICERS RECOMMENDATION**

<b>Name of Submitter and Further Submitter</b>	<b>Submission and Further Submission Point</b>	<b>Officers Recommendation</b>
<b>1259 Ogg Ralph Edwin</b>	<b>1259.1</b>	Reject
<i>Ogg Ralph Edwin</i>	<i>1259F</i>	Reject
<i>Basapole Limited</i>	<i>1264F</i>	Reject
<b>1260 Rogers John F &amp; Jill A</b>	<b>1260.1</b>	Accept
<i>Basapole Limited</i>	<i>1264F</i>	Reject
<i>Ahuriri Farm Ltd</i>	<i>1270F</i>	Reject
<b>1262 Young Rodger &amp; Kaye</b>	<b>1262.1</b>	Accept
<i>Basapole Limited</i>	<i>1264F</i>	Reject
<i>Ahuriri Farm Ltd</i>	<i>1270F</i>	Reject
	<b>1262.2</b>	Accept
<b>1263 Watson RK Family Trust</b>	<b>1263.1</b>	Accept in part
	<b>1263.2</b>	Accept in part
	<b>1263.3</b>	Accept in part
<b>1264 Basapole Limited</b>	<b>1264.1</b>	Reject
<i>Horgan Greg</i>	<i>1266F</i>	Reject
<b>1265 Smith John</b>	<b>1265.1</b>	Reject
	<b>1265.2</b>	Reject
<b>1266 Horgan Greg</b>	<b>1266.1</b>	Reject

**SUMMARY OF SUBMISSIONS AND FURTHER SUBMISSIONS, PLAN CHANGE 6 – OFFICERS RECOMMENDATION**

Name of Submitter and Further Submitter	Submission and Further Submission Point	Officers Recommendation
<i>Federated Farmers (North Canterbury)</i>	<i>1298F</i>	Reject
	<b>1266.2</b>	Accept in part
<i>Federated Farmers (North Canterbury)</i>	<i>1298F</i>	Accept in part
	<b>1266.3</b>	Accept
<i>Federated Farmers (North Canterbury)</i>	<i>1298F</i>	Accept
	<b>1266.4</b>	Accept
	<b>1266.5</b>	Accept
	<b>1266.6</b>	Accept in part
<i>Federated Farmers (North Canterbury)</i>	<i>1298F</i>	Accept in part
<b>1267 Selwyn District Council</b>	<b>1267.1</b>	Accept
<i>Horgan Greg</i>	<i>1266F</i>	Reject
<i>Chapman Dennis &amp; Deborah</i>	<i>1290F</i>	Accept
	<b>1267.2</b>	Accept
<i>Horgan Greg</i>	<i>1266F</i>	Reject
<i>Chapman Dennis &amp; Deborah</i>	<i>1290F</i>	Accept
	<b>1267.3</b>	Accept
<i>Horgan Greg</i>	<i>1266F</i>	Reject
	<b>1267.4</b>	Accept
<i>Horgan Greg</i>	<i>1266F</i>	Reject

**SUMMARY OF SUBMISSIONS AND FURTHER SUBMISSIONS, PLAN CHANGE 6 – OFFICERS RECOMMENDATION**

Name of Submitter and Further Submitter	Submission and Further Submission Point	Officers Recommendation
<i>Chapman Dennis &amp; Deborah</i>	<i>1290F</i>	Accept
<b>1268 Macartney Hugh James</b>	<b>1286.1</b>	Reject
<b>1269 KH Macartney Trust</b>	<b>1269.1</b>	Reject
<i>Federated Farmers (North Canterbury)</i>	<i>1298F</i>	Reject
<b>1270 Ahuriri Farm Ltd</b>	<b>1270.1</b>	Reject
<i>Basapole Limited</i>	<i>1264F</i>	Reject
	<b>1270.2</b>	Accept in part
<b>1271 Watson Raymond Keith</b>	<b>1271.1</b>	Reject
<i>Basapole Limited</i>	<i>1264F</i>	Reject
<b>1272 Logan Elizabeth Helen</b>	<b>1272.1</b>	Reject
<i>Basapole Limited</i>	<i>1264F</i>	Reject
<b>1273 Canterbury Regional Council</b>	<b>1273.1</b>	Accept in part
<i>Horgan Greg</i>	<i>1266F</i>	Reject
<i>Summit Road Society (Inc)</i>	<i>1283F</i>	Accept
<i>Chapman Dennis &amp; Deborah</i>	<i>1290F</i>	Accept
	<b>1273.2</b>	Accept in part
<i>Horgan Greg</i>	<i>1266F</i>	Reject
<i>KH Macartney Family Trust</i>	<i>1269F</i>	Reject
<i>Ahuriri Farm Ltd</i>	<i>1270F</i>	Reject

**SUMMARY OF SUBMISSIONS AND FURTHER SUBMISSIONS, PLAN CHANGE 6 – OFFICERS RECOMMENDATION**

Name of Submitter and Further Submitter	Submission and Further Submission Point	Officers Recommendation
<i>Chapman Dennis &amp; Deborah</i>	<i>1290F</i>	Reject
<b>1274 Gillanders Jennifer</b>	<b>1274.1</b>	Reject
<b>1275 Gillanders Keith George</b>	<b>1275.1</b>	Reject
<b>1276 Drinnan Investments</b>	<b>1276.1</b>	Reject
<i>Basapole Limited</i>	<i>1264F</i>	Reject
	<b>1276.2</b>	Accept in part
	<b>1276.3</b>	Reject
	<b>1276.4</b>	Reject
<b>1277 Watson Robyn Joyce</b>	<b>1277.1</b>	Reject
<i>Basapole Limited</i>	<i>1264F</i>	Reject
<b>1278 Stackwood Thora</b>	<b>1278.1</b>	Reject
<b>1279 Ryan Grania Helen</b>	<b>1279.1</b>	Reject
<i>Basapole Limited</i>	<i>1264F</i>	Reject
<b>1280 Ryan John Joseph</b>	<b>1280.1</b>	Reject
<b>1281 Parkinson Annette Eva</b>	<b>1281.1</b>	Reject
<b>1283 Summit Road Society (Inc)</b>	<b>1283.1</b>	Accept
<i>Basapole Limited</i>	<i>1264F</i>	Reject
<i>Macartney Hugh James</i>	<i>1268F</i>	Reject
<i>Ahuriri Farm Ltd</i>	<i>1270F</i>	Reject

**SUMMARY OF SUBMISSIONS AND FURTHER SUBMISSIONS, PLAN CHANGE 6 – OFFICERS RECOMMENDATION**

Name of Submitter and Further Submitter	Submission and Further Submission Point	Officers Recommendation
<b>1284 Florance David &amp; Andrew</b>	<b>1284.1</b>	Reject
<i>Horgan Greg</i>	<i>1266F</i>	Reject
<i>Chapman Dennis &amp; Deborah</i>	<i>1290F</i>	Reject
<b>1285 Duff Ian Hartley</b>	<b>1285.1</b>	Accept
	<b>1285.2</b>	Accept
	<b>1285.3</b>	Accept in part
	<b>1285.4</b>	Accept in part
	<b>1285.6</b>	Accept
<b>1286 Cameron Norma Rose</b>	<b>1286.1</b>	Reject
<i>Basapole Limited</i>	<i>1264F</i>	Reject
<b>1287 Cameron Brian Kennedy</b>	<b>1287.1</b>	Reject
<i>Basapole Limited</i>	<i>1264F</i>	Reject
<b>1288 Whelan Grant Andrew</b>	<b>1288.1</b>	Reject
<i>Basapole Limited</i>	<i>1264F</i>	Reject
<b>1289 Whelan Helen Gwenda</b>	<b>1289.1</b>	Reject
<i>Basapole Limited</i>	<i>1264F</i>	Reject
<b>1290 Chapman Dennis &amp; Deborah</b>	<b>1290.1</b>	Reject
<i>Basapole Limited</i>	<i>1264F</i>	Reject
<b>1291 Mingard Hugh Francis</b>	<b>1291.1</b>	Reject



**SUMMARY OF SUBMISSIONS AND FURTHER SUBMISSIONS, PLAN CHANGE 6 – OFFICERS RECOMMENDATION**

<b>Name of Submitter and Further Submitter</b>	<b>Submission and Further Submission Point</b>	<b>Officers Recommendation</b>
	<b>1291.2</b>	Accept
	<b>1291.3</b>	Accept in part
<b>1292 Mingard Susan</b>	<b>1292.1</b>	Reject
	<b>1292.2</b>	Accept
	<b>1292.3</b>	Reject
<b>1293 Macartney Jennifer Robyn</b>	<b>1293</b>	Reject
<i>Basapole Limited</i>	<b>1264F</b>	Reject
<b>1294 Director General of Conservation</b>	<b>1294.1</b>	Accept
<i>Basapole Limited</i>	<b>1264F</b>	Reject
<i>Ahuriri Farm Ltd</i>	<b>1270F</b>	Reject
<b>1295 Horticulture New Zealand</b>	<b>1295.1</b>	Accept
	<b>1295.2</b>	Reject
	<b>1295.3</b>	Accept
<b>1296 Orsum Park Ltd</b>	<b>1296.1</b>	Reject
<b>1297 Ahuriri Farm Limited</b>	<b>1297.1</b>	Accept
	<b>1297.2</b>	Accept in part
<b>1298 Federated Farmers (North Canterbury)</b>	<b>1298.1</b>	Reject
<i>Horticulture New Zealand</i>	<b>1295F</b>	Reject



## **Appendix 4:**

### **District Plan as Amended by Plan Change 6 with Recommendations Shown in Track Changes**

## PART B ISSUES, OBJECTIVES AND POLICIES

### PORT HILLS

#### Policy B1.4.5

Recognise the Port Hills as an Area of Outstanding Natural Landscape, and protect the following features:

- (a) The visibility of prominent landforms – ridges, spurs, rocky outcrops and volcanic dykes.
- (b) The summit and its outcrops such as Gibraltar Rock, and Cooper's Knob, which form part of the 'Ring of Seven Ladies.'

#### Policy B1.4.6

Avoid locating any dwelling, any other large structure or building, or any exotic plantation, **shelterbelt or amenity planting**<sup>PC6</sup> in the area from 30.46m vertically below the Summit Rd to the summit of the Port Hills unless it must be located in that area and cannot reasonably be located elsewhere.

#### Policy B1.4.7

Restrict subdivision and development of land for residential purposes within the Port Hills Area, recognising that such activities are more appropriate on the lower slopes (below 160m above sea level).

#### 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 Port Hills in Selwyn District.

#### Policy B1.4.9

Ensure any building ~~or structure~~ erected ~~in~~ on the Port Hills **Area** and any associated access, utilities or other infrastructure, is designed, sited, landscaped and finished in exterior materials which:

- Blend in with the surrounding landscape; and
- Maintain the visibility of prominent landforms listed in Policy B1.4.5, as viewed from any public road; and
- **Avoid or mitigate any adverse effects on openness, visual coherence or legibility of the landscape.**<sup>PC6</sup>

## Policy B4.1.5

Exempt the following activities from the residential density ratios set out in Policy B4.1.1:

- (a) Any additions to or replacement of existing, dwellings;
- (b) Temporary structures erected on nohoanga and Mahinga Kai sites (identified in the Ngāi Tahu Claims Settlement Act 1998); and
- (c) The erection of a dwelling on any existing, bare allotment upon which a dwelling might have been erected as a permitted activity under the Transitional District Plan, provided that the relevant allotment has been bought, sold or subdivided for the purpose of erecting a dwelling within the 10 years preceding notification of the Rural Volume of the Proposed District Plan;
- (d) The erection of a dwelling on any existing, bare allotment upon which a dwelling might have been erected as a permitted activity prior to the adjustment of the boundary of the Outstanding Landscape on the Lower Slopes of the Port Hills Area affecting land between the 20m and 60m contours.

### Explanation and Reasons

Policy B4.1.5(a) exempts additions to or the replacement of dwellings from the residential density ratios in Policy B4.1.1. The effects of these dwellings already exist. Section 10 of the RMA provides circumstances when existing, lawfully established activities do not need to comply with the District Plan rules. Section 10 provisions can be uncertain, especially if an existing building is added to. Policy B4.1.5(a) makes it certain that people may modify or replace existing dwellings without complying with the residential density standards. Policy B4.1.5(a) is implemented by a rule which applies to any dwelling which existed prior to notification of this Plan.

Policy B4.1.5(b) exempts temporary shelters erected on nohoanga or Mahinga Kai sites from the residential density ratios in Policy B4.1.1. The Ngāi Tahu Claims Settlement Act 1998 identifies one nohoanga site and two Mahinga Kai sites in the District, and allows temporary shelters to be erected on these sites. These activities will not meet the density ratios in Policy B4.1.1 because the sites are only 1 hectare in size. The activities should be provided for, as part of the Council's duties under section 6(e) of the Act:

"to provide for the relationship of Māori their customs and traditions with their ancestral lands, water sites, wāhi tapu and other taonga."

These activities will have only a minor effect on residential density in the Rural Zone because:

- They can only occur on a few sites in the District; and
- Any structures are temporary.

Policy B4.1.5(c) and (d) recognises that some allotments which are smaller than the minimums set out in Policy B4.1.1, have been subdivided, bought and sold for residential

uses in the past, or had obtained approval for subdivision for a complying dwelling prior to adjustment of the Outstanding Landscape boundary for the Port Hills Area.

## PART C RULES

### 1.4 EARTHWORKS AND OUTSTANDING LANDSCAPE AREAS

#### Permitted Activities — Earthworks and Outstanding Landscape Areas

- 1.4.1** The following earthworks shall be a permitted activity in areas shown on the Planning Maps as areas of Outstanding Landscape in the Malvern Hills and High Country:
- 1.4.1.1** The maintenance and repair of existing roads or tracks;
  - 1.4.1.2** Post holes;
  - 1.4.1.3** The installation of underground telecommunication lines and ancillary structures; or
  - 1.4.1.4** Any other earthworks where the volume of earth disturbed, removed or deposited does not exceed 150m<sup>3</sup> per project;
- 1.4.2** Within the Port Hills Area, the following earthworks shall be a permitted activity:
- 1.4.2.1** The maintenance and repair of existing fence lines;
  - 1.4.2.2** The maintenance and repair of existing farm vehicle roads and tracks;
  - 1.4.2.3** Digging offal pits;
  - 1.4.2.4** Forming stock water ponds, provided that no more than 30m<sup>3</sup> of earth is disturbed, removed or deposited, and the pond is no more than 50m<sup>2</sup> in surface area; or
  - 1.4.2.5** Any other earthworks which shall not exceed 10020m<sup>3</sup> in any five year period within a site and a maximum cut depth of 1m.<sup>PC6</sup>

## 2.1 SHELTERBELTS AND AMENITY PLANTING

### Permitted Activities — Shelterbelts & Amenity Planting

**2.1.1** The planting of any trees for amenity planting, shelterbelts or visual screening shall be a permitted activity if all of the following conditions are met:

**2.1.1.1** In the areas shown on the Planning Maps as the High Country, the following tree species are not planted:

- Lodgepole pine (*Pinus contorta*)
- Scots pine (*Pinus sylvestris*)
- Corsican pine (*Pinus nigra*)
- Douglas fir (*Pseudotsuga menziessi*)
- Mountain pine (*Pinus mugo/unaciata*)

**2.1.1.2** In the area shown on the Planning Maps as the High Country, the tree(s) are not located within any area also shown on the Planning Maps as an Area of Outstanding Landscape or a Forestry Exclusion Area.....

**2.1.1.10** In the area shown on the Planning Maps as the Port Hills, the tree(s) are not located within the Summit Road Protection Area as defined in Appendix 24.<sup>PC6</sup>

### Non-Complying Activities — Shelterbelts & Amenity Planting

**2.1.12** Any activity which does not comply with Rule 2.1.1.6, 2.1.1.7, 2.1.1.10 or 2.1.10 shall be a non-complying activity.<sup>PC6</sup>

## 2.2 PLANTATIONS

### Permitted Activities — Plantations

**2.2.1** The planting or harvesting of any plantation shall be a permitted activity if all of the following conditions are met:

**2.2.1.1** The plantation is not located in the areas shown on the Planning Maps as the Port Hills, Malvern Hills or the High Country, excluding



vineyards and orchards located on land between the 20m and 60m contours of the Port Hills Area.

## Restricted Discretionary Activities — Plantations

2.2.2 The planting or harvesting of plantations in areas shown on the Planning Maps as the Port Hills, Malvern Hills or High Country shall be a restricted discretionary activity if all of the following standards and terms are met:

2.2.2.1 The plantation is not located within any area shown on the Planning Maps as an Area of Outstanding Landscape, excluding the Port Hills Area<sup>PC6</sup>, or a Forestry Exclusion Area in the High Country; and

2.2.3 Under Rule 2.2.2 the Council shall restrict its discretion to consideration of:

2.2.3.1 The design and siting of any plantation on the Port Hills Area to:

- (a) Maintain the uninterrupted skyline of the summit of the Port Hills as viewed from the Summit Road or any road on the Plains;
- (b) Avoid screening views of existing landforms and natural features, including<sup>PC6</sup> Gibraltar Rock and Cooper's Knob from the Summit Road or any road on the Plains;
- (c) Avoid screening views from the Summit Road;
- (d) Reflect and complement the landform patterns and shapes of the landscape and the avoidance of artificial or unnatural lines;<sup>PC6</sup>
- (e) Maintain diversity in the vegetation cover on the Port Hills, by encouraging plantations to be interspersed with other land uses, where practical;
- (f) Avoid, remedy or mitigate the potential for scarring of the landscape from earthworks and harvesting activities;
- (g) Avoid or mitigate any potential effects on indigenous vegetation and waterways;
- (h) Provide for the re-vegetation of any earthworks;
- (i) Avoid, remedy or mitigate the scale and extent of the proposed plantation where there are effects on amenity values, including any cumulative effects taking into consideration existing or consented plantations on an adjoining site;
- (j) avoid, remedy or mitigate the visibility of any tracks or roads required for the management or harvesting of the plantation, having regard to existing contours.<sup>PC6</sup>

## Non-Complying Activities — Plantations

- 2.2.12 Any plantation which does not comply with Rule 2.2.1.6 shall be a non-complying activity.
- 2.2.13 Any plantation which does not comply with Rule 2.2.1.7 shall be a non-complying activity.
- 2.2.14 Any plantation located within an area of Outstanding Landscape, **excluding the Port Hills Area**<sup>PC6</sup>, or a Forestry Exclusion Area in the High Country which does not comply with Rule 2.2.10 shall be a non-complying activity.
- 2.2.15 **Any plantation located within the Summit Road Protection Areas defined in Appendix 24 shall be a Non-Complying Activity.**<sup>PC6</sup>

### Reasons for Rules

Rule 2 manages potential effects from amenity tree planting, shelterbelts, plantations and removal of heritage trees. The District Plan has rules to manage these effects because they have effects which occur on other property or on other parts of the environment. They are not usually direct costs to the person planting the trees.

The rules allow amenity tree planting, shelterbelts and visual screening as permitted activities (no resource consent needed) in most parts of the Rural Zone, subject to conditions. The conditions relate to: shading on roads and adjoining properties; ensuring that planting positions protect the natural character of the edge of waterbodies protecting Wāhi Tapu and Mahinga Kai Sites, and Wāhi Tapu Management and Silent File Areas; avoiding wilding tree spread, and protecting landscape values in the High Country. Council will waive the resource consent processing fees for applications for amenity planting or shelterbelts under rules 2.1.10 or 2.1.11. The waiver includes the deposit and all additional costs up until the release of the Council's decision.....

**With respect to the Summit Road Protection Area of the Port Hills, the rules do not encourage any tree planting, for amenity, shelter-belt or plantation purposes. This Protection Area is recognised for its high scenic values and views which may be lost through the planting of trees.**<sup>PC6</sup>

## 3.2 BUILDINGS AND OUTSTANDING LANDSCAPE AREAS

### Permitted Activities — Buildings and Outstanding Landscape Areas

**3.2.1** Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:

**3.2.1.1** In the areas shown on the Planning Maps as the Port Hills Area and as the Areas of Outstanding Landscape in the Malvern Hills and the High Country, no building has:

- (a) A maximum gross floor area exceeding 40m<sup>2</sup>;
- (b) A maximum height exceeding 4m; and
- (c) A maximum reflectance exceeding 37%;

#### Notes

*For Rule 3.2.1.1(b), maximum height is measured from the ground surface to the top of the highest point on the building, and includes any mast aerial or other structure protruding above the framework of the building.*

*For Rule 3.2.1.1(c), reflectance applies to the exterior surfaces of the building, excluding any spouting, window frames or glass. The reflectance value of any exterior finish is measured using the reflectance value for the colour recorded on the paint chart for that paint. If the colour used does not have a reflectance value recorded on the paint chart, the Council shall determine its reflectance value using the reflectance value recorded on the paint chart for a paint finish of the same colour.*

### Controlled Activities – Buildings and Outstanding Landscape Areas

**3.2.2** *Any building which does not comply with Rule 3.2.1 shall be a controlled activity if all of the following conditions are met;*

**3.2.2.1** *The building is located within the Lower Slopes of the Port Hills Area; and*

**3.2.2.2** *The existing ground level of the building site is wholly located below 60m above mean sea level.*

3.2.3 Under Rule 3.2.2 the Council shall restrict its consideration to:

3.2.3.1 The design of the building including height, size/scale, site coverage, materials, façade articulation, colour and reflectance value;

3.2.3.2 The appropriateness of the building site and its access having regard to geotechnical conditions and site stability;

3.2.3.3 The visibility of the building from land which is publicly owned and freely accessible by the public, including any area of curtilage if the building is a dwelling;

3.2.3.4 The design and siting of any access to the building, including the visibility of the access, any contrast with natural contours and the proposed re-vegetation and naturalistic re-contouring of any earthworks;

3.2.3.5 The siting of the building in relation to the natural landform, and in particular whether the building would break the skyline or the form of any ridges, hills or prominent slopes;

3.2.3.6 The visibility of any utilities required to service the building;

3.2.3.7 Landscape planting and earthwork that assists in mitigation of any adverse landscape effects.

## Restricted Discretionary Activities — Buildings and Outstanding Landscape Areas

3.2.4 Any building which does not comply with Rule 3.2.1 or 3.2.2 shall be a restricted discretionary activity if all of the following standards and terms are met:

3.2.4.1 The building is within the Lower Slopes of the Port Hills Area (as identified in the Planning Maps) or

3.2.4.2 In the areas shown on the Planning Maps as areas of Outstanding Landscape in the Malvern Hills and the High Country:

- (a) The building is associated with an activity which is located within the area of Outstanding Landscape; and
- (b) The building cannot effectively serve that activity if it is located on a site outside the area of Outstanding Landscape.

3.2.5 Under Rule 3.2.4, the Council shall restrict its discretion to consideration of:

3.2.5.1 The design of the building including height, size/scale, external finish, colour and reflectance value;

- 3.2.5.2 The appropriateness of the building site and its access having regard to geotechnical conditions and site stability;
- 3.2.5.3 The visibility of the building from ~~public viewing points, having regard to the accessibility of the viewing point~~ land which is publicly owned and freely accessible by the public, including any area of curtilage if the building is a dwelling;
- 3.2.5.4 The extent to which the building, and if a dwelling, any associated curtilage may:
- (a) dominate or detract from openness, visual coherence, legibility or integrity of the landscape;
  - (b) include earthworks or new planting to assist in mitigation of any adverse landscape effects;
  - (c) use topography or vegetation to assist in mitigation or containment of visual effects;
  - (d) break the skyline or interrupt the form of any ridges, hills or prominent slopes;
  - (e) be visually prominent in an area characterised by high natural values;
  - (f) affect the amenity values of adjoining properties.
- 3.2.5.5 Whether the landscape has further capacity to absorb change having regard to existing and consented development on adjoining sites and in the locality, and any benefits that can be obtained from clustering buildings.
- 3.2.5.6 Whether the proposal creates opportunities to protect open space, indigenous vegetation or nature conservation values.
- 3.2.5.7 The design and siting of any access to the building, and the visibility of that access, including any contrast with natural contours and the proposed revegetation of any earthworks.
- 3.2.5.8 The siting of any utilities installed to serve the building, including whether any water storage tanks, cables or pipes are to be placed underground.
- 3.2.5.9 Any positive effects to be created by the proposed building and its associated accessway.
- 3.2.5.9 Any monitoring or review conditions.<sup>PC6</sup>

## Non-Complying Activities — Buildings and Outstanding Landscape Areas

- 3.2.6 Any building which does not comply with Rule 3.2.2. shall be a non-complying activity.

## 3.10 BUILDINGS AND RESIDENTIAL DENSITY

### Permitted Activities — Buildings and Residential Density

3.10.2 Any dwelling on any allotment which does not comply with Rule 3.10.1 shall be a permitted activity if ~~the allotment is a separately saleable allotment with a continuous area of not less than 4 hectares; and all of the following conditions are met:~~

3.10.2.1 ~~The allotment is a separately saleable allotment with a continuous area of not less than 4 hectares; and~~

~~3.10.2.2~~ The allotment has been bought, sold or created by subdivision within the ten years immediately preceding notification of the Rural Volume of the Proposed District Plan (that is on or after 12 September 1991 but before 12 September 2001) or a subdivision consent has been granted to create the allotment within this timeframe and that subdivision consent has not lapsed; ~~or~~

~~3.10.2.2 All of the following conditions are met:~~

~~(a) the allotment is located within the Lower Slopes of the Port Hills; and~~

~~(b) the existing ground level of the dwelling site is wholly located below 60m above mean sea level; and~~

~~(c) the allotment is held in its own Certificate of Title which existed on or before 29 November 2008; or a subdivision consent has been granted to create the allotment on or before 29 November 2008 and that subdivision consent has not lapsed.~~

### Controlled Activities — Buildings and Residential Density

3.10.3 Any dwelling on a separately saleable allotment with a continuous area of not less than 4 hectares, located within the Lower Slopes of the Port Hills and created by subdivision prior to the (insert date at which this plan change is notified).

3.10.4 Under Rule 3.10.3 the Council shall restrict its consideration to:

- ~~3.10.4.1 The design of the dwelling including height, size/scale, external finish, colour and reflectance value;~~
- ~~3.10.4.2 The appropriateness of the building site having regard to geotechnical conditions and site stability;~~
- ~~3.10.4.3 The visibility of the dwelling and its curtilage from public viewing points;~~
- ~~3.10.4.4 The design and siting of any access to the dwelling, including the visibility of the access, any contrast with natural contours and the proposed re-vegetation of any earthworks;~~
- ~~3.10.4.5 The siting of the dwelling in relation to the natural landform, and in particular whether the dwelling would break the skyline or the form of any ridges, hills or prominent slopes;~~
- ~~3.10.4.6 The visibility of any utilities required to service the dwelling;~~
- ~~3.10.4.7 Landscape planting and earthworks that assist in mitigation of any adverse landscape effects.~~<sup>PC6</sup>

## Reasons for Rules

Rule 3 manages the effects of buildings on adjoining property and other parts of the environment. District Plan rules are necessary to address these effects because they are not addressed in other legislation, and do not usually affect the people who own or occupy the building. Therefore, they are not matters people tend to consider when buying or erecting a building. .....

Rule 3.2 addresses buildings in the Areas of Outstanding Landscapes shown on the Planning Maps. These areas have been identified as having very special landscape values (see Part B Section 1.4). The landscapes they contain have been modified by human activities, particularly by the clearance of indigenous scrub or forest, but they remain mostly free of large structures or buildings. The rules allow very small structures or buildings, such as tramping huts or water tanks, as permitted activities, provided they are finished in materials with low reflectivity values. The Plan allows larger buildings to be erected in these areas if they need to be located there, for example, a skifield development. These buildings require a resource consent, and the Council maintains discretion over the location, siting and design of the building and associated infrastructure. Buildings which do not need to locate in an area of Outstanding Landscape, such as a house which could be located on a property outside the area of Outstanding Landscape, are non-complying activities and are discouraged from locating there.

~~The provisions are slightly different for the Port Hills. The Port Hills landscape has been subject to greater levels of residential development than the areas in the Malvern Hills and High Country. The Plan provisions allows for low level residential development on the Port Hills but controls the siting, design and density of houses and other buildings, to reduce potential visual effects. The Plan provisions protect the area located between the summit~~

~~and a distance of 30.46m vertically below the Summit Road. This approach is similar to the existing protection given under the Summit Road (Canterbury) Protection Act 2001. The Plan policies recognise that there may be some sites within the Upper Slopes where a dwelling could be erected with only minor visual effects. However, most residential development is encouraged to locate in the Lower Slopes. Erecting houses in the Upper Slopes is therefore a discretionary activity and may be publicly notified. Erecting houses within the Lower Slopes is a restricted discretionary activity, to manage design and siting, and resource consent applications are non-notified.~~

The provisions are slightly different for the Port Hills. The area defined as Outstanding Natural Landscape on the Port Hills excludes those areas at the base of the hills where existing and intensive built development has occurred. With the exception of these limited areas, any residential development on the Port Hills requires resource consent where density is reduced below 40ha on the Lower Slopes and 100ha on the Upper Slopes. The purpose of establishing these relatively stringent thresholds for residential density is to trigger resource consents for the siting and design of houses to reduce potential adverse visual effects, whilst recognising that there may be some sites within the Port Hills where a dwelling could be erected with only minor visual effects. The more liberal density standard for the Lower Slopes is however intended to encourage development to locate in this area. The Plan provisions aim to protect the area located between the summit and a distance of 30.46m vertically below the Summit Road. This approach is similar to the existing protection given under the Summit Road (Canterbury) Protection Act 2001.<sup>PC6</sup>

## Restricted Discretionary Activities — Outstanding Landscape Areas – Utility Buildings

**5.6.2** Any building which does not comply with Rule 5.6.1 shall be a restricted discretionary activity if all of the following standards and terms are met:

**5.6.2.1** The building is within the Lower Slopes of the Port Hills Area (as identified in the Planning Maps);

**5.6.2.2** In the areas shown on the Planning Maps as areas of Outstanding Landscape in the Malvern Hills and the High Country:

- (a) The building is associated with an activity which is located within the area of Outstanding Landscape; and
- (b) The building cannot effectively serve that activity if it is located on a site outside the area of Outstanding Landscape.

**5.6.3** Under Rule 5.6.2, the Council shall restrict its discretion to consideration of:

**5.6.3.1** The design of the building including height, size/scale, external finish, colour and reflectance value;



- 5.6.3.2 The appropriateness of the building site and its access having regard to geotechnical conditions and site stability;
- 5.6.3.3 The visibility of the building from ~~public~~land which is publicly owned and freely accessible by the public~~viewing points, having regard to the accessibility of the viewing point;~~
- 5.6.3.4 The extent to which the building or structure may;
- (a) dominate or detract from openness, visual coherence, legibility or integrity of the landscape;
  - (b) include earthworks or new planting to assist in mitigation of any adverse landscape effects;
  - (c) use topography or vegetation to assist in mitigation or containment of visual effects;
  - (d) break the skyline or interrupt the form of any ridges, hills or prominent slopes;
  - (e) be visually prominent in an area characterised by high natural values;
  - (f) affect the amenity values of adjoining properties.
- 5.6.3.5 Whether the landscape has further capacity to absorb change having regard to existing and consented development on adjoining sites and in the locality, and any benefits that can be obtained from clustering buildings or structures;
- 5.6.3.6 Whether the proposal creates opportunities to protect open space, indigenous vegetation or nature conservation values;
- 5.6.3.7 The design and siting of any access to the building or structure, and the visibility of that access, including any contrast with natural contours and the proposed revegetation of any earthworks;
- 5.6.3.8 The siting of any utilities installed to serve the building, including whether any water storage tanks, cables or pipes are to be placed underground;
- ~~5.6.3.9 Any positive effects to be created by the proposed building and its associated accessway.~~
- 5.6.3.9 Any monitoring or review conditions.<sup>PC6</sup>

## Reasons for Rules

The Outstanding Landscapes of the Port Hills, Malvern Hills and High Country are equally managed with only very small buildings and utility structures provided for as a permitted

activity. In relation to the Port Hills, utilities are a restricted discretionary activity in the Lower Slopes of the Port Hills **Area** and a non-complying activity in the Upper Slopes. This is consistent with the rule structure for dwellings, where the Plan provides for a more lenient housing density within the Lower Slopes to encourage development to this part of the Port Hills and to maintain relatively open Upper slopes.<sup>PC6</sup>

## 10.3 SUBDIVISION IN OUTSTANDING LANDSCAPE AREAS

### Restricted Discretionary Activities — Subdivision in Outstanding Landscape Areas

**10.3.1** Any subdivision of land which does not comply with Rule 10.1.1.2 shall be a restricted discretionary activity.

**10.3.2** Under Rule 10.3.1, the Council shall restrict its discretion to consideration of:

**10.3.2.1** All the matters listed in Rule 10.1.2;

**10.3.2.2** The capacity of the landscape to absorb change having regard to existing geomorphologic features, building development and the landscape and amenity values in the locality.<sup>PC6</sup>

## **Appendix 5:**

### **Relevant statutory provisions from the Resource Management Act**

## **5 Purpose**

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

## **6 Matters of national importance**

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- (f) The protection of historic heritage from inappropriate subdivision, use, and development.
- (g) The protection of recognised customary activities.

## **7 Other matters**

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) Kaitiakitanga:
  - (aa) The ethic of stewardship:
- (b) The efficient use and development of natural and physical resources:
  - (ba) The efficiency of the end use of energy:
- (c) The maintenance and enhancement of amenity values:
- (d) Intrinsic values of ecosystems:
- (e) [Repealed]
- (f) Maintenance and enhancement of the quality of the environment:
- (g) Any finite characteristics of natural and physical resources:
- (h) The protection of the habitat of trout and salmon:
- (i) The effects of climate change:
- (j) The benefits to be derived from the use and development of renewable energy.

## **8 Treaty of Waitangi**

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the [Treaty of Waitangi](#) (Te Tiriti o Waitangi).

## **31 Functions of territorial authorities under this Act**

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

- (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
- (b) The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—
  - (i) the avoidance or mitigation of natural hazards; and
  - (ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and
  - (iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land;
  - (iii) the maintenance of indigenous biological diversity:
- (c) [Repealed]
- (d) The control of the emission of noise and the mitigation of the effects of noise:
- (e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:
- (f) Any other functions specified in this Act.

(2) The methods used to carry out any functions under subsection (1) may include the control of subdivision

## **32 Consideration of alternatives, benefits, and costs**

(1) In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by—

- (a) the Minister, for a national policy statement or a national environmental standard; or
  - (b) the Minister of Conservation, for the New Zealand coastal policy statement; or
  - (c) the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or
  - (d) the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of the Schedule 1.
- (2) A further evaluation must also be made by—
- (a) a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and
  - (b) the relevant Minister before issuing a national policy statement or New Zealand coastal policy statement.
- (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.
- (3A) This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the

prohibition or restriction it imposes is justified in the circumstances of the region or district.

(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.

(5) The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.

(6) The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.

#### **74 Matters to be considered by territorial authority**

(1) A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32, and any regulations.

(2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—

(a) Any—

- (i) Proposed regional policy statement; or
- (ii) Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and

(b) Any—

- (i) Management plans and strategies prepared under other Acts; and
- (ii) [Repealed]
- (iia) Relevant entry in the Historic Places Register; and
- (iii) Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—

to the extent that their content has a bearing on resource management issues of the district; and

(c) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

(2A) A territorial authority, when preparing or changing a district plan, must—

- (a) take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the district; and
- (b) recognise and provide for the management plan for a foreshore and seabed reserve adjoining its district, once the management plan has been lodged with the territorial authority, to the extent that its contents have a bearing on the resource management issues of the district.

(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition.

#### **75 Contents of district plans**

(1) A district plan must state—

- (a) the objectives for the district; and
- (b) the policies to implement the objectives; and
- (c) the rules (if any) to implement the policies.

(2) A district plan may state—

- (a) the significant resource management issues for the district; and

- (b) the methods, other than rules, for implementing the policies for the district; and
  - (c) the principal reasons for adopting the policies and methods; and
  - (d) the environmental results expected from the policies and methods; and
  - (e) the procedures for monitoring the efficiency and effectiveness of the policies and methods; and
  - (f) the processes for dealing with issues that cross territorial authority boundaries; and
  - (g) the information to be included with an application for a resource consent; and
  - (h) any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.
- (3) A district plan must give effect to—
- (a) any national policy statement; and
  - (b) any New Zealand coastal policy statement; and
  - (c) any regional policy statement.
- (4) A district plan must not be inconsistent with—
- (a) a water conservation order; or
  - (b) a regional plan for any matter specified in section [30\(1\)](#).
- (5) A district plan may incorporate material by reference under Part [3](#) of Schedule 1.





## **Appendix 6:**

### **Relevant objectives and policies from the Selwyn District Plan**

## Objectives and Policies

### **PORT HILLS**

#### **Policy B1.4.5**

Recognise the Port Hills as an Area of Outstanding Natural Landscape, and protect the following features:

- (a) The visibility of prominent landforms – ridges, spurs, rocky outcrops and volcanic dykes.
- (b) The summit and its outcrops such as Gibraltar Rock, and Cooper's Knob, which form part of the 'Ring of Seven Ladies.'

#### **Policy B1.4.6**

Avoid locating any dwelling, any other large structure or building, or any exotic plantation in the area from 30.46m vertically below the Summit Rd to the summit of the Port Hills unless it must be located in that area and cannot reasonably be located elsewhere.

#### **Policy B1.4.7**

Restrict subdivision and development of land for residential purposes within the Port Hills Area, recognising that such activities are more appropriate on the lower slopes (below 160m above sea level).

#### **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 Port Hills in Selwyn District.

#### **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 in with the surrounding landscape; and
- Maintain the visibility of prominent landforms listed in Policy B1.4.5, as viewed from any public road.

#### **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:

- (a) Planted in patterns which reflect the contours of the landscape;
- (b) Planted in places which do not screen the visibility of the landforms listed in Policy B1.4.5, as viewed from any public road; and
- (c) Interspersed with other land uses and vegetation cover.

### Policy B1.4.11

Avoid, remedy or mitigate adverse visual effects associated with earthworks in the Port Hills Area by ensuring that:

- (a) Earthworks are limited in volume; and
- (b) The site is, to the greatest extent practicable, recontoured and replanted to the same state as surrounding land either when earthworks cease or at the end of appropriate stages (in the case of a large-scale operation).

### Explanation and Reasons

The Port Hills area within Selwyn District has been identified as an Area of Outstanding Landscape. This classification reflects a combination of the geomorphology of the Port Hills (its volcanic origins), its prominent position as a backdrop to the Plains and to Christchurch City, and the predominantly rural land uses on the Port Hills within Selwyn District. The rural land uses help maintain the visibility of geomorphic features such as ridges, spurs, dykes and outcrops, and help make the area popular for outdoor recreation. The Port Hills also has significant landscape values for tāngata whenua, particularly the summit and rocky outcrops, ridges and spurs. Gibraltar Rock and Cooper's Knob form part of a ring of rocky outcrops known by local rūnanga as The Ring of Seven Ladies.

Policy B1.4.5 identifies the Port Hills as an Area of Outstanding Landscape and lists those features of the Port Hills which contribute most to these values. Policies B1.4.6 to B1.4.11 describe the activities and effects which are appropriate and inappropriate to maintain the landscape values of the Port Hills.

The Port Hills is not a pristine natural landscape. Māori and Europeans have occupied the area and vegetation cover has been modified for cultivation and pastoral farming. More recently, land uses have diversified to include residential developments with a rural lifestyle, outdoor recreation and exotic plantations. Policies B1.4.6 to B1.4.11 recognise that all these activities may be appropriate or inappropriate on the Port Hills, depending on the number, scale and nature of these activities. The policies address effects of erecting houses (dwellings), other large structures or buildings, earthworks and tree planting.

Policy B1.4.6 recognises and protects the special landscape values of the summit of the Port Hills. The area between the Summit Road and the summit is the most visible part of the Port Hills landscape from the Plains and Christchurch. It is an area which is much used for recreation. The summit and ridgelines are important landforms for tāngata whenua. Mountains and hills are part of their ancestry or whakapapa, and erecting structures on the summit of a hill or mountain is inappropriate. Policy B1.4.6 does not allow for large structures, buildings or exotic plantations in that area from 30.46 metres vertically below the Summit Road to the summit. This policy reflects the tenor of the Summit Road (Canterbury) Protection Act 2001, but acknowledges, as does that Act, that there may be circumstances in which exceptions are appropriate.

Policies B1.4.7, B1.4.8 and B1.4.9 deal with effects of buildings and structures on the Port Hills, generally. Policies B1.4.7 and B1.4.8 acknowledge that there will be a demand for subdivision and erecting houses (dwellings) within the Port Hills in the future. Policy B1.4.7 recognises that this activity may more appropriately occur in that area shown on the planning maps as the Lower Slopes (the area below the 160m contour). The Lower Slopes is an area slightly less prized for its recreational and landscape values than the Upper Slopes (the area above the 160m contour).

Residential subdivision and development on the Port Hills within the Christchurch City has occurred largely below that contour. The policy does recognise that there may be some sites in the Upper Slopes where the visual effects of erecting a dwelling may be minor. The rules are tougher in this area, and allow for public notification of any resource consent application.

While there is some scope for further subdivision for residential purposes on the Port Hills, Policy B1.4.8 seeks to keep residential density and building site coverage generally, at a low level. The current low level of building development on the Port Hills in Selwyn District is a major contributor to its landscape and recreational values. Policy B1.4.8 should be read in conjunction with Policy B4.1.1, which sets a residential density standard for the Port Hills.

Policy B1.4.9 is to manage the design and siting of all large buildings and structures on the Port Hills to try and mitigate adverse visual effects. Policy B1.4.9 is not intended to prevent houses and other buildings from being erected on the Port Hills, provided they are designed and sited in sympathy with the surrounding landscape. The policy relates to both buildings and any associated access, utilities and infrastructure. Often roads or vehicular accessways, power pylons and similar features can have a greater visual effect on the landscape than the building they serve. The policy is implemented by a rule which manages the reflectance value of the exterior finish of buildings. The reflectivity of a surface can determine how prominent a structure or building looks, more so than hue or colour. In some cases, a finish with a high reflectance value may be appropriate, for example, where the building is screened or the material is a natural stone which is appropriate for the area.

Policy B1.4.10 applies to planting of exotic plantations on the Port Hills. As with Policy B1.4.9, Policy B1.4.10 is not intended to prevent exotic plantations on the Port Hills. Rather the policy is to manage the location and pattern of planting to reduce the visual effects of the plantation on landscape values. In particular, the policy encourages plantations to be planted in patterns that follow landforms, rather than rectangular shapes which cut across or dominate landforms, and in patterns which do not screen prominent features listed in Policy B1.4.5. Policy B1.4.10 does recognise that these patterns of planting may not always be practical to achieve, eg where there are sites which are unsuitable for planting for other reasons, where there is difficulty with access to sites or property boundaries which cut across landforms.

Policy B1.4.11 manages the effects of earthworks in the Port Hills Area. Earthworks have the potential adversely to affect the outstanding natural landscape values of the Port Hills as well as having impacts upon land stability, sedimentation, soil productivity and habitats. District Plan provisions will ensure that effects on landscape values are avoided, remedied or mitigated by limiting the volume of earthworks and requiring site rehabilitation where appropriate. The 'Land and Vegetation Management Plan – Part II: Earthworks and Vegetation Clearance on the Port Hills', administered by the Canterbury Regional Council, contains specific provisions to manage those effects of earthworks that have to do with soil conservation and the use or diversion of water – in particular those pertaining to slope stability, soil erosion, sedimentation, water quality and alterations to watercourses. Additional consents may be required from that Council.

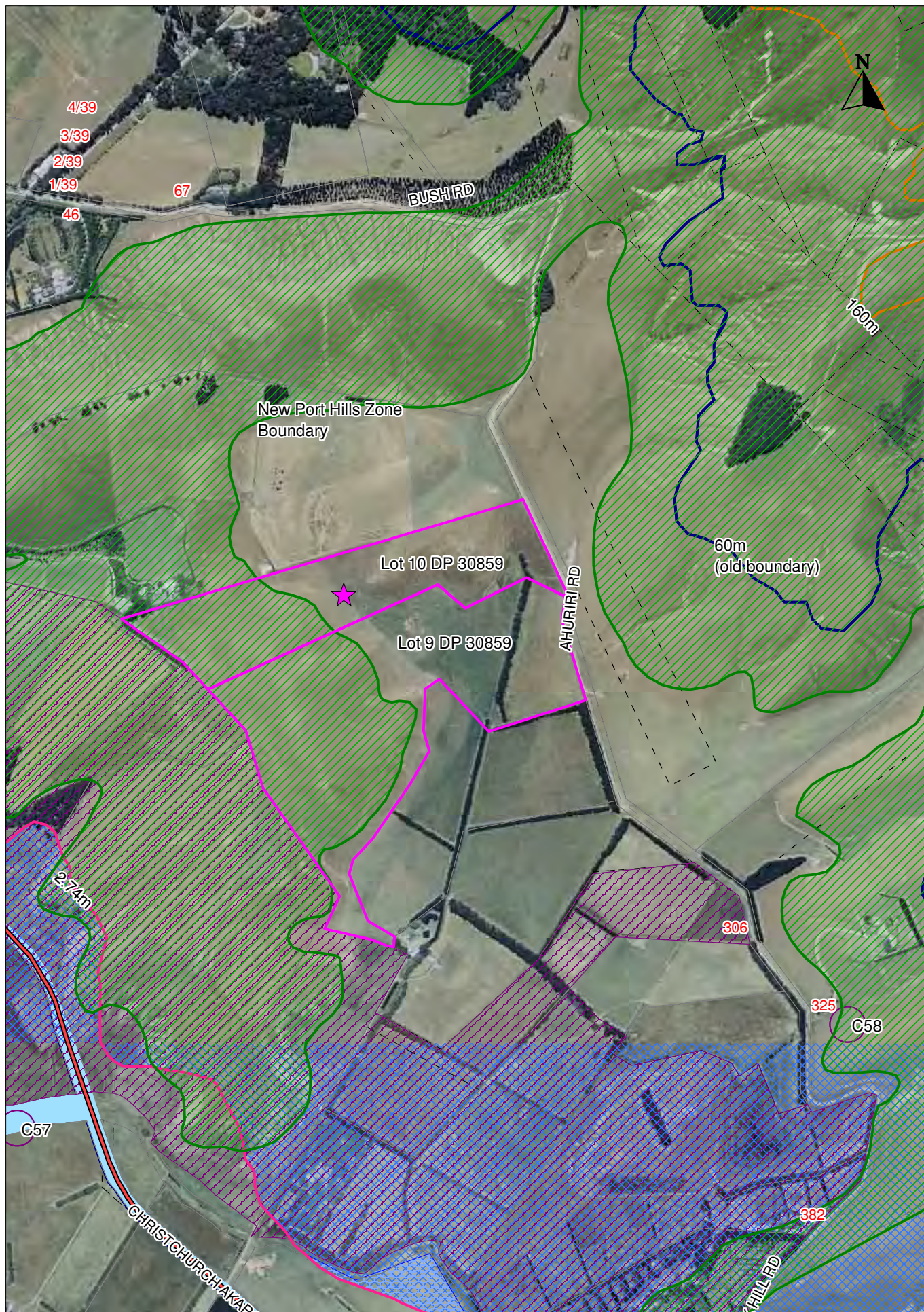


## **Appendix 7:**

### **Aerial Photos for:**

- A     Ahuriri Valley**
- B     Smith Property**
- C     Drinnan Property**
- D     Stackwood Property**
- E     Duff Property**
- F     Chapman Property**







# Application for Subdivision Consent

Comprised in C.T. CB35B/263

Total Area : 39.9660ha CT

ZONE : INNER PLAINS  
Selwyn District Plan  
(Operative)

NOTE : Areas and dimensions are subject to final survey

THIS PLAN IS PREPARED FOR THE PURPOSE OF OBTAINING A RESOURCE CONSENT FROM COUNCIL TO THE DEVELOPMENT OF THE INFORMATION CONTAINED HEREON SHOULD NOT BE USED FOR OTHER PURPOSES

AMALGAMATION CONDITION

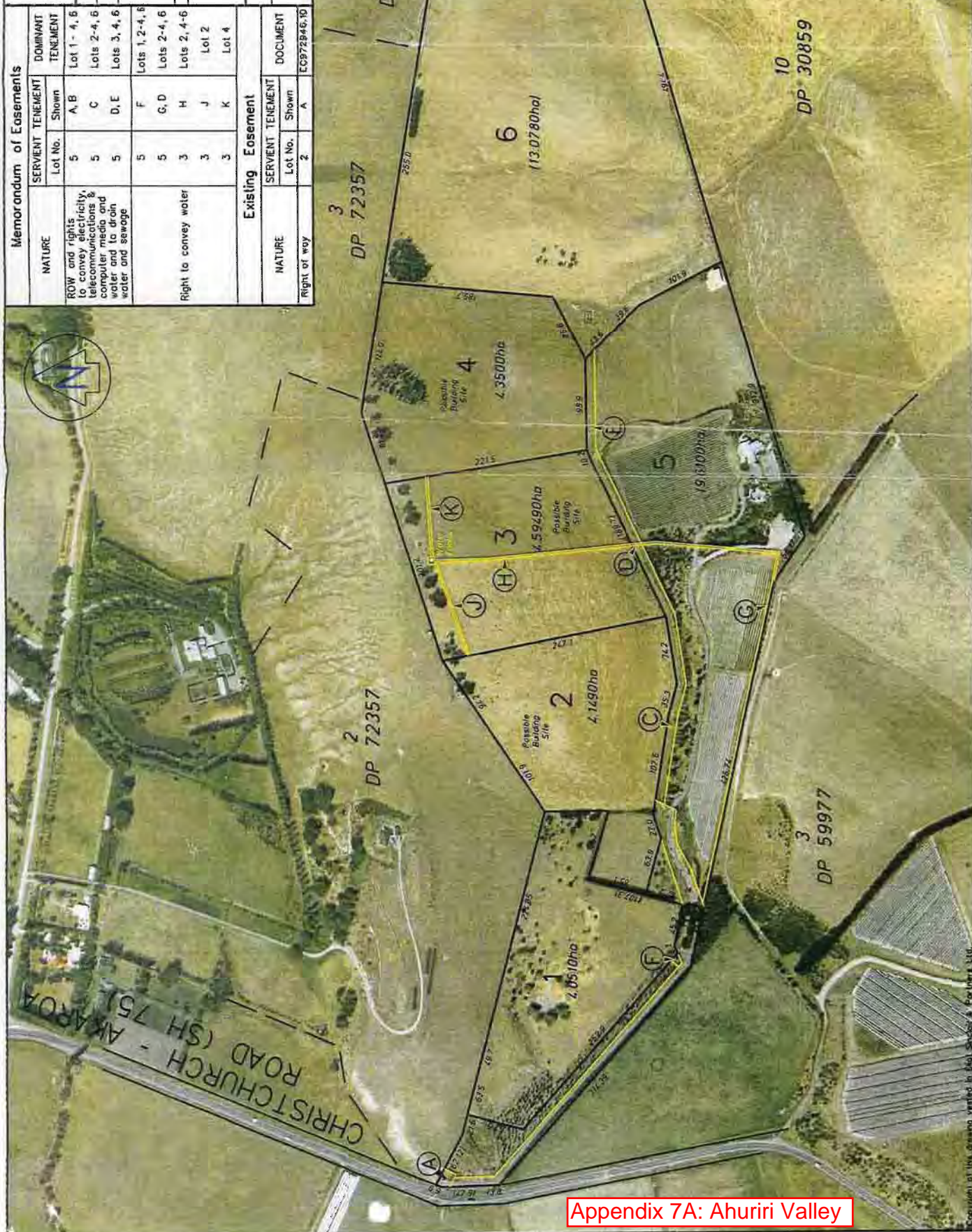
That Lots 5 and 6 hereon be held together and one certificate of title issue for both lots.

Memorandum of Easements

NATURE	SERVIENT TENEMENT		DOMINANT TENEMENT
	Lot No.	Shown	
ROW and rights to convey electricity, telecommunications & computer media and water and to drain water and sewage	5	A, B	Lot 1 - 4, 5
	5	C	Lots 2-4, 6
	5	D, E	Lots 3, 4, 6
	5	F	Lots 1, 2-4, 6
	5	G, D	Lots 2-4, 6
Right to convey water	3	H	Lots 2, 4-6
	3	J	Lot 2
	3	K	Lot 4

Existing Easement

NATURE	SERVIENT TENEMENT		DOCUMENT
	Lot No.	Shown	
Right of way	2	A	EC972946-10



Scale: 1:3000(A2), 1:4000(A3), 1:6000(A4)

Date: January 2008

origin of levels

datum

Proposed Subdivision for  
R.K. Watson Family Trust at  
1229 Christchurch Akaroa Road (SH 75)

Drawing No.  
285803

Sheet of

REV.

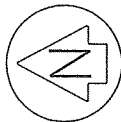
Elot Sinclair & Partners Limited

Surveyors • Engineers • Planners

Transport House, 151 Kilmore Street, P.O. Box 4897, Christchurch, N.Z.  
Telephone: 3180114 Fax: 3552446

Appendix 7A: Ahuriri Valley





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