

Appendix 3: James Bentley – Advice on 42 Gerkins Road (Andover Ltd)

Boffa Miskell

Memorandum

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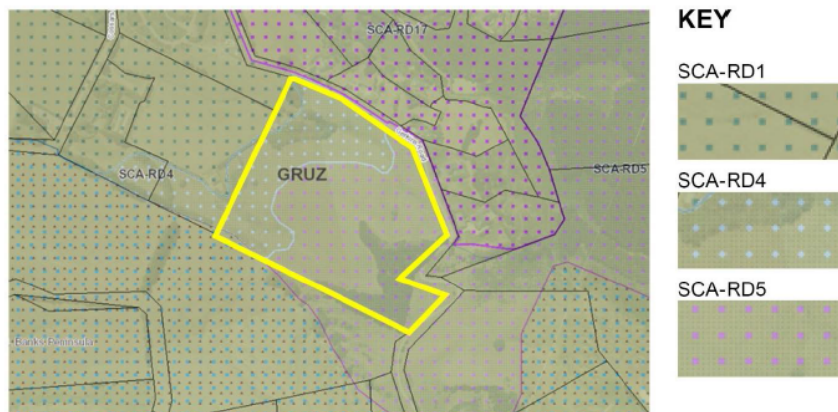
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Attention:	Jon Trewin
Company:	Selwyn District Council
Date:	6 December 2022
From:	James Bentley
Message Ref:	Proposed Selwyn District Plan: Submitter 0444 (Andover Limited): Zone Change
Project No:	C15143F10A

Zoning Request to the Proposed Selwyn District Plan: Submitter 0444 (Andover Limited)

I have been asked to review landscape evidence prepared by Rough, Milne and Mitchell¹ which details a zone change request for a tract of land in the Port Hills. The landscape evidence supports the submission of Andover Limited to rezone 42 Gerkins Road, an 11.3ha area of rural land. The purpose of this is to facilitate an additional dwelling on the Site.

The planning framework associated with this Site is relatively complicated. The Site forms part of the General Rural Zone (GRUZ) and retains a Visual Amenity Landscape (VAL) overlay which extends across practically all the Site. A very small part of the Site is covered by an Outstanding Natural Landscape (ONL) overlay, however, due to the scale of mapping of the overlays, it could be assumed that the ONL overlay should follow the boundary of the Site.



In addition to this, the Site is also subject to a Specific Control Area relating to rural density (SCA-RD). This SCA-RD is centred around the 60m contour line. The upper parts of the Site (above the 60m contour line, VAL and pink coloured dots) are subject to SCA-RD5 controls. The lower parts of the Site (below the 60m contour line, VAL and light blue coloured dots on the plan above) are subject to SCA-RD4 controls. A small part of the north corner of the Site, close to Gerkins Road (and coloured in green dots and is not VAL) is

¹ Statement of Evidence of Wendy Moginie on Behalf of Andover Limited, dated 25 February 2022.

subject to SCA-RD1 Inner Plains. Further, SCA-RD6 covers a very small part of the ONL on the Site, close to the southwestern boundary.

As illustrated in the Proposed District Plan, the Site is subject to four different landscape controls, controlling density. The differing controls on Site mean that the following scenarios could occur as a permitted activity:

- SCA-RD1: Inner Plains which allows as a permitted activity for one dwelling per 4 hectares.
- SCA-RD4: Port Hills VAL Below the 60m contour which is the same as SCA-RD4 at one dwelling per 4 hectares.
- SCA-RD5: Port Hills VAL Above the 60m contour which allows as a permitted activity one dwelling per 40 hectares.
- SCA-RD6: Port Hills ONL Banks Peninsula which allows as a permitted activity, one dwelling per 100 hectares.

The request by Submitter 0444, is to make the entire Site RD1, or RD4 or a density that would achieve the sought after 1:4ha. This submission is essentially also ignoring the 60m contour line differentiator.

It is my understanding that the 60m contour was seen as a compromise by council to retain it in the proposed plan as a way of ensuring that densities could be managed appropriately. The Selwyn Landscape Study (2018) did not support a contour line approach.

I was one of the key authors of the Selwyn Landscape Study (2018) that mapped areas of ONL and VAL throughout the district and notably on the Selwyn part of the Banks Peninsula. From that Study, it was evident that the characteristics and qualities of the landscape of the Banks Peninsula were varied, which resulted in the extents of the mapped ONLs and VALs being different, capturing broadly consistent landscape values that met the threshold of the area being ONL or VAL. It was through this process that new subdivision, use and development was to be managed, underpinned by the identified landscape characteristics and values. The 60m contour line has no real landscape foundation, and in some instances, such as this, adds additional complexity to the policy framework.

I can confirm that I have read the landscape evidence of Wendy Moginie and that I briefly visited the Site on 4 August 2022. Below I set out my considerations.

Landscape Description

I agree with the description of the Site² as outlined by Ms. Moginie.

'The site is situated on the lower southwestern slopes of the Port Hills, some 2km southeast of Tai Tapu township between 20 masl and 125 masl. The site is bound by Gerkins Road to the north, east and south, surrounded by Rocklands, other rural lifestyle properties and a 22.26ha rural property at the western boundary'.

'The property contains a small recently renovated wooden two storey cottage with an associated loft garage located near the northern boundary. Access to the cottage is via a private gravel drive off Gerkins Road. There is additional property access at the top of the site near the southern boundary'.

'The site consists of a rounded spur, which descends steeply into gullies located to the west and east. Ephemeral streams drain southwest along the base of the western gully, and northwest within the eastern gully to a small pond behind the cottage dwelling. Two gently sloping areas are located at the base of the slope at the northern boundary, and within upper slopes near the southern boundary. The site is currently leased to the neighbouring farmer for sheep grazing'.

² Paragraphs 30-34

'Vegetation predominately consists of pasture grass. Clusters of mature oak trees (Quercus robar) and gum trees (Eucalyptus species) are located within the lower slopes of the site, surrounding the cottage and driveway, while a distinct V-shaped stand of mature pine trees (Pinus species) intermingled with gum trees (Eucalyptus species) is situated along the southern boundary over the upper slopes of the site. There is a scattering of indigenous species including akeake (Dodonaea viscosa), cabbage tree (Cordyline australis), kowhai (Sophora microphylla), ngaio (Myoporum laetum), black matipo (Pittosporum tenuifolium) growing within the gullies and as a regenerating understory to areas of mature trees'.

I also agree with the description of the receiving environment in paragraphs 35-48. I also concur with Ms. Moginie that the landscape values of the Site are predominantly associated with the open rural farmland character, where the Site retains moderate levels of naturalness.

Furthermore, the Site retains a VAL overlay (and not an ONL overlay). The VAL overlay reflects that the landscape values predominantly associated with the lower portions of the Port Hills retain important landscape value but are not considered to meet the threshold afforded to an ONL. In many instances in the Port Hills, the VAL overlay is often seen as a 'buffer' between the areas of high landscape value (ONL) and the more modified lower plains (which contain no landscape overlay).

Within the immediate surrounding, there are a mosaic of differing land uses that contribute to the area's distinctive character. The Site forms part of this mosaic character, however due to its steeply undulating form, retains parts that are more sensitive to development than other areas. There is existing housing around the Site that is 'above' the 60m contour line, however this housing is visually anchored by vegetation planting and retains limits on height, colour and location. Therefore, whilst development is evident, it is broadly recessive and does not dominate the landscape.

I agree with Ms. Moginie that the Site does have capacity from a landscape and visual perspective to accommodate an additional dwelling and that the 60m contour line on this Site does not contribute in anyway in determining the existing landscape value (and therefore appropriateness of potential development). The bold grassy spur is a distinctive feature of the Site and any form of development that would interrupt or be discordant with the openness of this spur, should be avoided. Careful site analysis is required to ensure that any new house site is located in a way that contributes to the areas existing character. In addition to location, further controls on planting, building height and colour could also assist.

The preferred approach to dealing with landscape density, especially on this Site, is through thorough landscape assessment, examining the Site's distinctive character and values and ability to absorb further change. The consenting framework creates an arbitrary line presenting a range of density opportunities which may not create good landscape outcomes.

Recommendation

Based on an initial landscape assessment and review of Ms. Moiginie's evidence, I agree with Ms. Moiginie that the Site does present opportunities for one further dwelling, however the proposed planning framework presents difficulties around achieving this.

My recommendation would be to either proceed on the basis of a non-complying resource consent, where careful site location, height restrictions, colour and planting could, from a landscape and visual effects perspective, ensure effects are low, or create a bespoke rule enabling the council to hold restricted discretion over location, planting, colour and height.