

Planners Report 22

Variation 1: Lifestyle Zones and Minden Structure Plan Area

Lifestyle Section – Matters of Control for Subdivision

16A.5.2 (d) - Landscape Assessment

1.0 Background

- 1.1 The requirement for a landscape assessment in the Minden Lifestyle Zone has been proposed to address the impacts of subdivision on landscape and residential amenity values. Control has been reserved over building design, house site positions to protect against loss of views and general amenity, and to avoid disruption of ridgelines.
- 1.2 These controls are in addition to controls which already exist within the Landscape Section of the District Plan, which protect the outstanding landscape feature “Minden Peak and Main Ridgeline” (S3).
- 1.3 The proposed landscape controls would apply to the entire Minden Lifestyle Zone, not only landscape feature (S3). This means that while a landscape assessment is already required by those landowners within feature (S3), it is a totally new requirement for all other remaining landowners within the Minden Lifestyle Zone.
- 1.4 This report deals only with those Matters of Control as found in 16A.5.2 (d).

2.0 Issues

- 2.1 10 submission points were received on the proposed Matters of Control in 16A.5.2(d).
- 2.2 Of these, two were in support, three were in support with suggested amendments and five were in opposition. No further submission points were received.
- 2.3 The main issues raised by submitters can be summarised as follows:

16A.5.2 (d)

Requirement for landscape assessment from suitably qualified person

- 2.3.1 One submitter believed that landscape values were too hard to define.

- 2.3.2 Another point made was that people should have the freedom to express their own individually when designing a house.
- 2.3.3 Another submitter sought that a landscape assessment should not be required for every house site and that some minimum requirements such as reflectivity could be used.
- 2.3.4 Council have sought that this provision only applies to the existing landscape feature (S3) and any extension to that.

16A.5.2 (d) (i)

House site selection and building design

- 2.3.5 One submission point sought that this provision was deleted as Council should not decide what home is the most appropriate for people's style of living.

16A.5.2 (d) (ii)

Protecting open ridgelines

- 2.3.6 Five submission points were received. Two were in support of protecting natural ridgelines for their cultural significance and even require this provision to be more rigorous.
- 2.3.7 The remaining submission points sought that there be some cases where a building can be placed on a ridgeline either for the view or where there are no other suitable house sites.

16A.5.2 (d) (iii)

Maintaining views for house sites

- 2.3.8 One submission point was received. It supported this provision but requested an amendment so that there is also a control on the avoidance of plantings that shade neighbouring house sites.

3.0 Options

3.1 Option 1

- 3.1.1 Retain the entirety of Rule 16A.5.2 (d) as notified.

3.2 Option 2

- 3.2.1 Delete Rule 16A.5.2 (d) in its entirety.

3.3 Option 3

- 3.3.1 Change Rule 16A.5.2 (d) so it only applies to the existing outstanding landscape feature (S3) and any extension to that.

3.4 Option 4

- 3.4.1 Amend Rule 16A.5.2 (d) by limiting landscape controls to reflectivity and only in situations where buildings will be on the skyline or against significant ecological features.

3.5 Option 5

- 3.5.1 Delete Rule 16A.5.2.(d) (i) -
House site selection and building design.

3.6 Option 6

- 3.6.1 Delete Rule 16A.5.2.(d) (ii) -
Protecting open ridgelines.

3.7 Option 7

- 3.7.1 Delete Rule 16A.5.2 (d) (iii) -
Maintaining views for house sites.

3.8 Option 8

- 3.8.1 Amend Rule 16A.5.2 (d) (iii) by adding a requirement to avoid planting that will cause shading effects on neighbours.

4.0 Advantages and Disadvantages

4.1 Option 1: Retain Rule 16A.5.2 (d) as notified.

Advantages	Disadvantages
<ul style="list-style-type: none">• The maintenance and enhancement of general landscape values.• Sets a higher standard of residential amenity values for the Minden Lifestyle Zone.	<ul style="list-style-type: none">• Landscape controls on areas not identified as having outstanding landscape values.• Cost to landowners to get landscape assessment prepared.• Some controls are onerous and may be difficult to enforce and monitor e.g. maintaining views.

4.2 Option 2: Delete Rule 16A.5.2 (d) in its entirety.

Advantages	Disadvantages
<ul style="list-style-type: none">• Landscape assessment will only be required for those developments within areas of outstanding landscape.• Outstanding landscapes are still protected under the Landscape Section.• Difficult to ensure views and this is not Council's responsibility.• Height, yard and daylighting rules already provide some level of residential amenity.	<ul style="list-style-type: none">• Potential loss of broader rural landscape values.• Residential amenity values could be compromised by decisions of neighbours e.g. house sites blocking views.

4.3 Option 3: Change Rule 16A.5.2 (d) so it only applies to the existing outstanding landscape feature (S3) and any extension to that.

Advantages	Disadvantages
<ul style="list-style-type: none"> Limits the requirements for a landscape assessment to only those areas identified as outstanding landscape. Avoids unnecessary costs to landowners where these landscape values are not present. 	<ul style="list-style-type: none"> Potential loss of broader rural landscape values.

4.4 Option 4: Amend Rule 16A.5.2 (d) by limiting landscape controls to reflectivity and only in situations where buildings will be on the skyline or against significant ecological features.

Advantages	Disadvantages
<ul style="list-style-type: none"> A reflectivity rule is more certain than a general rule controlling "building design". 	<ul style="list-style-type: none"> Reflectivity controls do not mitigate the impact of building on the skyline, which is the change in the natural form of that skyline. Reflectivity controls do not protect ecological features for the purpose intended in the Natural Environment Section.

4.5 Option 5: Delete Rule 16A.5.2.(d) (i) - House site selection and building design.

Advantages	Disadvantages
<ul style="list-style-type: none"> This rule did not give any detail of what design controls would be used so created uncertainty for landowners. Allows landowners to retain flexibility in the design of their home. Controls of this nature already exist for outstanding landscape features. 	<ul style="list-style-type: none"> Loss of broader rural landscape values.

4.6 Option 6: Delete Rule 16A.5.2.(d) (ii) - Protecting open ridgelines

Advantages	Disadvantages
<ul style="list-style-type: none"> Allows landowners to retain ability to get views on top of ridgelines. Landscape Section already prevents disruption of skyline on the Minden Peak and main ridgeline, as an identified significant landscape. 	<ul style="list-style-type: none"> Loss of broader rural landscape values.

4.7 Option 7: Delete Rule 16A.5.2 (d) (iii) - Maintaining views for house sites.	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Gives landowners/developers flexibility in choosing desired house sites. • Rule is difficult to enforce because it is hard to plan for the views of every house site when landuse and development are constantly occurring. 	<ul style="list-style-type: none"> • There may be some occasions where the location of houses on a new development interferes with the views of previously built houses.

4.8 Option 8: Amend Rule 16A.5.2 (d) (iii) by adding a requirement to avoid planting that will cause shading effects on neighbours.	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Would provide higher levels of residential amenity. 	<ul style="list-style-type: none"> • Rules attempting to control height and overshadowing effects of vegetation are difficult for Council to enforce and monitor for many reasons. • One main reason is that existing vegetation would have existing use rights and overtime it would become extremely difficult to prove what vegetation already existed and what is new. • Council staff time would also be consumed by constantly checking the height of vegetation when neighbours have disputes. • Such a rule would also prevent use of shelterbelts and restrict farming.

5.0 Discussion

5.1 Options 1, 2 and 3 – Requirement for Landscape Assessment

5.1.1 The first two options put up the arguments of retaining or deleting the requirement for a landscape assessment. Option 3 considers whether this should only apply to outstanding landscapes. Looking at the relative advantages and disadvantages of each, there are a number of apparent issues with requiring this landscape assessment.

5.1.2 One main issue is that the landscape assessment applies to the entire Minden Lifestyle Zone, whereas only certain areas have been identified as having outstanding landscape values (as described in the background to this report). There is no justification for why landscape building location and design controls should apply across the entire zone.

5.1.3 The other main issue is whether or not the rules for residential amenity can actually be implemented from a practical point of view as discussed in further detail below.

5.2 Option 4 – Limiting landscape controls to reflectivity

5.2.1 One submitter has suggested an alternative to the open-ended building location and design controls. This is to limit controls to reflectivity only and to further limit this control to only the skyline and ecological features.

5.2.2 Although reflectivity controls do help to merge buildings in with their surroundings, it is the building sitting on top the skyline in this instance which has the effect, as it changes the skyline's profile,

5.2.3 Ecological features on the other hand are valued slightly differently again e.g. for their wellbeing rather for visual appearance, which is why reflectivity controls have never been considered before.

5.3 Option 5 – Removing landscape controls on house site and building design

5.3.1 The controls in Rule 16A.5.2 (d) (i) are a repetition of existing landscape provisions which already offer protection to the Minden Peak and Main Ridgeline (S3). They do not need to be repeated in the Lifestyle Section and there is no justification as to why they should apply to general rural landscapes.

5.4 Option 6 – Protecting Open Ridgelines

5.4.1 The submitter asks that Rule 16A.5.2 (d) (ii) is deleted so that landowners can build on ridgelines for views. As in Option 5, this rule is also a repetition of existing landscape controls. The Landscape Section already prevents against disruption of the profile of ridgelines. The Minden Peak and Main Ridgeline (S3) is protected under this existing rule,

5.5 Option 7 – Views for house sites

5.5.1 Submitters have asked that Rule 16A.5.2 (d) (iii) be deleted, to allow freedom for landowners to select house sites. This rule may in fact need to be deleted in any case because of problems with implementation. Though it is preferable that each house site within the Minden Lifestyle Zone maintains a view as the zone grows, it should not be Council's role to do so. These disputes are settled as civil matters and there is no reason for Council to intervene.

5.5.2 This issue is best left to developers who will want to find the best views possible at the time, depending on the position of existing buildings and/or proposed house sites on adjoining properties.

5.5.3 With this in mind, Rule 16A.5.2 (d) (iv) would still be worth retaining in some form, as it obliges developers to demonstrate that the design of the subdivision has given recognition not only to existing development, but also to any future development which has been given consent.

5.6 Option 8

5.6.1 Option 8, which suggested the addition of a control on planting to avoid overshadowing would add to the amenity of the zone but is not easily implemented due to problems surrounding existing use rights and restrictions on farming activities both which exist and which are still anticipated within the Lifestyle Zone.

6.0 Recommendation

6.1 That the requirement for a landscape assessment in Rule 16A.5.2 (d) (i), (ii) and (iii) be deleted.

6.2 That Rule 16A.5.2 (d) (iv) is retained as a separate Matter of Control.

6.3 The following submissions are therefore:

6.4 Accepted in Part

Submission	Point Number	Name
29	16, 17	Cobb Ray & Michelle
30	12	McCulley, Shirley
19	2	Pirirakau Incorporated Society
66	1	Sobye, Deidre Gail
21	2	Waikaraka Estuary Managers
61	3	Walpole, Bruce

6.5 Rejected

Submission	Point Number	Name
38	18	Gravit, Jo
49	39	Surveying Services

7.0 Reasons

7.1 Options 1-7

7.1.1 The requirement for a landscape assessment should be deleted as it is an unnecessary repetition of existing landscape provisions for the Minden landscape feature (S3). There is no

justification for why controls over building design are necessary for general rural landscapes.

7.1.2 It should also not be Council's responsibility to ensure that all residents maintain house sites with views. It may not be possible to do so.

7.1.3 Rule 16A.5.2 (d) (iv) should be retained in its own right as it requires developers to take into account the position of buildings and approved building sites on adjoining sites, in planning subdivision.

7.2 Option 8

7.2.1 Difficult to implement due to existing use rights.

7.2.2 Restricts farming which is still a legitimate activity in the Lifestyle Zone.

7.3 General reason why a number of submitters are accepted in part.

7.3.1 A number of submitters opposed the landscape assessment and the recommendation is that it be removed. However, accepting these submission points in full does not recognize that Section 6 – Landscape still contains provisions relating to building design and ridgeline protection. These still apply to the existing landscape feature "Minden Min Peak and Ridgeline" (S3) as identified in Appendix 2.