

Horowhenua District Plan

Proposed Plan Variation 2

Hill Country Landscape Domain Boundary Review

Section 32 Report

August 2014



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1 Introduction

Proposed Plan Variation 2 (PPV2) seeks to revise the western boundary of the Hill Country Landscape Domain so that it is based on landscape characteristics rather than an arbitrary 100m contour (above sea level) line.

PPV2 will not result in changes to any issues, objectives, policies, or rules contained in the Proposed District Plan (2013)¹, but will alter two of the District Plan Maps (Planning Maps 38 and 39). These changes will have some implications for owners of properties affected by the boundary revisions as it will influence the nature of the controls over subdivision, new buildings, earthworks and network utilities relevant to their land.

This report outlines the scope and statutory context of PPV2. It also identifies the proposed changes to the western boundary of the Hill Country Landscape Domain, the rationale behind these changes, and an evaluation of the costs and benefits of the changes.

1.1 Background Context

The need to review and revise the western boundary of the Hill Country Landscape Domain was identified during the submissions and hearings processes associated with Plan Changes 20 and 22, and it was anticipated that this would occur as part of the District Plan Review process (undertaken between 2011 and 2013).

However, due to a long standing appeal on Plan Change 20 (which was the plan change that introduced the landscape domains) the review of the western boundary of the Hill Country Landscape Domain was unable to be undertaken. Therefore, PPV2 now seeks to revise the western boundary of the Hill Country Landscape Domain so that any land captured within this landscape domain is consistent with its defining characteristics.

1.1.1 Plan changes 20 and 22

Plan Change 20 reviewed rural subdivision within the Horowhenua District and as a result of this plan change the District was divided into 10 landscape domains. The landscape domains were identified in the 'Landscape Assessment of the Rural Environment of the Horowhenua District - October 2008'. Each landscape domain was defined based on landscape character, visual quality, and landscape sensitivity.

However, the Hill Country Landscape Domain was an exception with its northern, eastern and southern boundaries being defined by the territorial authority boundary and the western boundary by the 100m (above sea level) contour line. As a result of the submissions and hearings processes associated with this plan change some site specific adjustments were made to the western boundary of the landscape domain. The hearing panel signalled at the time that there were potentially situations where, for good reason, the western boundary might need to be adjusted and in its decision included a departure from the 100m contour line. However, changes in other places were restricted due to the narrow scope of the submissions received. Plan Change 20 became operative on 23 May 2013, and from that date onwards it formed part of the Proposed District Plan.

¹ The Proposed District Plan (2013) is subject to two outstanding appeals and therefore still remains proposed. The nature of the appeals that are yet to be resolved, are focused to specific provisions and for this reason the remainder of the District Plan provisions are treated as operative.

Plan Change 22 involved a landscape assessment of the Horowhenua District in order to identify the District's outstanding natural features and landscapes. Through this assessment process it was recognised that there was a second tier of landscapes that had high levels of amenity but were not 'outstanding'. As part of this plan change, some landscape domains (including the Hill Country Landscape Domain) were identified as part of this second tier that did not meet the threshold of 'outstanding' but were still considered to be important and worthy of some form of protection through the District Plan.

Given the additional land use restrictions that were to result from Plan Change 22, a number of submitters sought changes to be made to the Hill Country Landscape Domain boundary during the plan change process. The hearing panel, as part of their decision, noted that use of the 100m contour line to define the western boundary of the Hill Country Landscape Domain needed to be reviewed, and recommended that this form part of the District Plan Review along with a suggestion that slope rather than elevation would provide a clearer definition for this boundary. Plan Change 22 became operative on 16 October 2013.

1.2 Rationale for Proposed Plan Variation 2

When the landscape domains were introduced into the Horowhenua District Plan (1999) the western boundary of the Hill Country Landscape Domain was defined by the 100m (above sea level) contour line. Of the 10 landscape domains identified in the Plan this landscape domain has the most restrictive requirements relating to subdivision and also has controls relating to earthworks, new buildings and network utilities that some of the other landscape domains are not be subject to.

As a result of the submissions and hearings processes for Plan Changes 20 and 22 it became apparent that in some instances the 100m contour line used to define the western boundary of the Hill Country Landscape Domain captures areas of relatively flat, productive land, a trait which is inconsistent with the defining characteristics of this landscape domain and a consequence which could unintentionally affect the future subdivision and/or development of this land.

As such PPV2 aims to apply a fine grain analysis to identify the Hill Country Landscape Domain boundary to ensure that any land that is captured within this landscape domain is consistent with its defining characteristics. Furthermore any land that better aligns with the characteristics of another landscape domain is to be removed from the Hill Country Landscape Domain and reassigned to that landscape domain.

PPV2 aims to bring about the more efficient and effective implementation of existing objectives, policies and rules of the Proposed District Plan by ensuring that only land that is consistent with the landscape and character of the Hill Country Landscape Domain, and therefore warrants greater protection, will be subject to the more restrictive requirements of this landscape domain.

1.3 Scope of Proposed Plan Variation

PPV2 proposes to make changes to two District Plan Maps (Planning Maps 38 and 39 specifically), and will not change the existing issues, objectives, policies, or rules in the Proposed District Plan. PPV2 simply seeks to revise the western boundary of the Hill Country Landscape Domain to ensure that the area included in this landscape domain better aligns with its defining characteristics.

In some instances, where a small portion of land would be left within a historic landscape domain and the rest of the land is proposed to become part of another landscape domain, the historic landscape domain is proposed to be amended to align with the cadastral boundary for consistency purposes. These changes will generally result in the small area of land being proposed to become part of a landscape domain where the subdivision and development rules are less restrictive.

2 Statutory Context

2.1 Resource Management Act

The purpose of the Resource Management Act (RMA) 1991, as outlined in section 5, is to promote the sustainable management of natural and physical resources. Sustainable management means *"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 well being and for their health 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."*

Section 6 of the RMA identifies matters of national importance which need to be recognised and provided for, although none of these matters are identified as being relevant to PPV2. Section 7 of the RMA requires Council to have particular regard to a range of 'other matters' which includes:

- (b) the efficient use and development of natural and physical resources;*
- (c) the maintenance and enhancement of amenity values;*
- (d) intrinsic values of ecosystems; and*
- (f) maintenance and enhancement of the quality of the environment.*

Section 8 of the RMA requires the principles of the Treaty of Waitangi to be taken into account.

Given that PPV2 will only result in changes to the District Plan Maps to improve the effectiveness of implementing the existing District Plan objectives, policies and rules, Part II of the RMA has limited applicability in the context of this change.

2.2 Policy Statements

There are no provisions contained in any National Policy Statement or National Environmental Standard or in the Horizons Regional Council Proposed One Plan that are directly relevant to the scope and content of this proposed plan variation.

2.3 Consultation

Consultation on PPV2 was undertaken with the Ministry for the Environment, Horizons Regional Council and Iwi and no comments were received during this process.

The Council also circulated information to landowners who will be directly affected by this proposed plan variation. This information included:

- a letter explaining the purpose of PPV2 and the scope of the proposed plan variation;
- a map showing the proposed changes along the entire length of the western boundary of the Hill Country Landscape Domain;
- a map illustrating the effect of the proposed changes on individual properties;
- a map showing the proposed landscape domain that properties will become if they are to be removed from the Hill Country Landscape Domain; and
- an overview of the controlled activity requirements for subdivision in each of the relevant landscape domains.

Landowners were given the opportunity to provide feedback about the proposed changes and to ask questions prior to the proposed plan variation being publicly notified.

A number of affected landowners contacted Council to clarify the purpose of PPV2 and to confirm what it would specifically mean in terms of their property. Of the landowners that provided feedback, the majority were satisfied with the proposed changes to the western boundary of the Hill Country Landscape Domain as they felt that they better reflected the landform and associated landscape characteristics.

However, several landowners requested that the proposed western boundary be further revised in relation to their property. The changes requested were relatively minor and included adjusting the proposed western boundary to avoid dissection of an existing dwelling, adjusting the boundary in response to specific landscape characteristics, and for the boundary to be retained in its current place. Further consideration has been given to the feedback provided by landowners and in most instances the requested amendments have been incorporated into PPV2.

3 Proposed Plan Variation 2 - Hill Country Landscape Domain Boundary Review

The changes proposed as part of PPV2 are limited to revising and updating two District Plan Maps (Planning Maps 38 and 39), and do not involve any changes to existing issues, objectives, policies or rules.

As noted above, the hearing panel for Plan Change 22 recommended a review of the western boundary of the Hill Country Landscape Domain as the 100m contour line was not considered the most appropriate way to define this boundary.

PPV2 aims to bring about the more efficient and effective implementation of existing objectives, policies and rules in the Proposed District Plan by ensuring that only land that is consistent with the character of the Hill Country Landscape Domain will be subject to the more restrictive requirements of this landscape domain. Furthermore, any land that is to be subsequently removed from the Hill Country Landscape Domain will be reassigned to a landscape domain that it is most closely aligned with in terms of landscape character.

3.1 Technical Review

To assist with the review of the Hill Country Landscape Domain a technical review was undertaken on behalf of the Council by Boyden Evans, a Landscape Architect with Boffa Miskell. The technical review commenced with a desktop analysis to assess whether the 100m contour line was the most appropriate way of defining the western boundary of the Hill Country Landscape Domain.

The technical review concluded that the 100m contour line was not the best approach to defining this boundary. GIS analysis using topographic maps, elevation, slope analysis, hill shading, and vertical and oblique aerial photography was undertaken. The initial slope analysis recognised 6 slope classes (<3°, 3-7°, 7-15°, 15-25°, 25-34°, >34°) but it was considered further interrogation was required of the 15-25° slope class. This led to an analysis of slopes at 15°, 20°, and 25°. Slopes of 20° were determined as being a 'signature slope' threshold for hill country in the Horowhenua District, and it was found that slope and topography were the most appropriate way of defining the boundary of this landscape domain.

Following the desktop analysis a ground truthing exercise was undertaken to help ensure that the proposed western boundary only captured land consistent with the landscape characteristics of the Hill Country Landscape Domain. As a result of this exercise the proposed western boundary was further adjusted in places.

In some instances this was to ensure that areas that had been significantly modified (such as Webb's Quarry on the northern side of Otare Hill) were not captured in this landscape domain. Otherwise the adjustments were simply to allow the western boundary to follow an identifiable feature (such as the edge of existing vegetation or a fence line) so that it would be more easily recognisable to the landowner.

4 Section 32 Evaluation

4.1 Review western boundary of the Hill Country Landscape Domain

The existing western boundary of the Hill Country Landscape Domain is based on the 100m contour line. During the submissions and hearings processes associated with Plan Changes 20 and 22 it became apparent that in some instances the 100m contour line was not considered to be the most efficient and effective way of defining this landscape domain boundary as some of the land within this landscape domain is flat, highly productive land that is inconsistent with its defining characteristics.

4.1.1 Amendments to Planning Maps 38 and 39

A technical assessment was undertaken to establish the most appropriate way of defining the western boundary of the Hill Country Landscape Domain. The proposed western boundary was further refined during a ground truthing exercise and as a result of feedback received as part of consultation with landowners affected by the proposed changes.

The proposed amendments to the western boundary of Hill Country Landscape Domain would result in the existing western boundary being revised to incorporate only steeper hills that are highly visible to the surrounding environment and to exclude relatively flat areas of highly productive land. This includes, in some instances, extending the western boundary to integrate steeper areas that are not currently captured by the 100m contour line.

Land that is to be removed from the Hill Country Landscape Domain is to be transferred to the landscape domain that it most closely aligns with in terms of landscape characteristics. In most instances land will become part of the adjoining landscape domain with the exception of the land to the immediate east of the Kuku Landscape Domain where it is proposed that this area become part of the Tararua Terraces Landscape Domain. This change is consistent with the outcome of the Environment Court appeal on Plan Change 20 which found that the characteristics of land in this area were consistent with those in the Tararua Terraces Landscape Domain.

In some instances, where a small portion of land would be left within an historic landscape domain and the rest of the land is proposed to become part of another landscape domain, the historic landscape domain is proposed to be amended to align with the cadastral boundary for consistency purposes. These changes will generally result in the small area of land being proposed to become part of a landscape domain where the subdivision and development rules are less restrictive.

There are two options available when considering the proposed amendments to Planning Maps 38 and 39 to reflect the revised Hill Country Landscape Domain. These options are:

Option 1: Retain the existing western boundary of the Hill Country Landscape Domain as shown in the current Planning Maps 38 and 39.

Option 2: Amend Planning Maps 38 and 39 to incorporate the proposed changes to the western boundary of the Hill Country Landscape Domain.

Options	Option 1	Option 2
Costs (Environmental, Economic, Social, Cultural)	<ul style="list-style-type: none"> § Environmental - No change. § Economic - More restrictive subdivision and development requirements may result in increased compliance costs being borne by owners of land that display landscape characteristics inconsistent with the defining characteristics of the Hill Country Landscape Domain. § Social & Cultural - Potential unintended social outcomes if subdivision requirements are more restrictive than intended in areas that display landscape characteristics inconsistent with the defining characteristics of the Hill Country Landscape Domain. 	<ul style="list-style-type: none"> § Environmental - None identified. § Economic - Administrative costs of preparing and processing the proposed plan variation. Increased compliance costs and reduced flexibility to develop and subdivide land which is proposed to be added to the Hill Country Landscape Domain. § Social & Cultural - None identified.
Benefits	<ul style="list-style-type: none"> § Environmental - No change. § Economic - No change. § Social & Cultural - No change. 	<ul style="list-style-type: none"> § Environmental - Potential improvement in environmental outcomes as land that reflects the defining characteristics of the Hill Country Landscape Domain is more accurately identified. § Economic - Potential reduction in compliance costs associated with future subdivision and development of land that has been removed from the Hill Country Landscape Domain and reclassified. § Social & Cultural - Potential improvement in social outcomes resulting from less restrictive

		subdivision and development requirements applying to land that has been removed from the Hill Country Landscape Domain and reclassified.
Efficiency and Effectiveness of Achieving Objectives	Retaining the status quo would be inefficient and ineffective in achieving the objectives of the Rural Environment and Natural Features and Values Chapters as the existing western boundary of the Hill Country Landscape Domain is based on an arbitrary 100m contour line, and contains areas of flat, highly productive land that is inconsistent with the defining characteristics of the Hill Country Landscape Domain.	Revising the western boundary of the Hill Country Landscape Domain would help to achieve more effective and efficient implementation of the objectives of the Rural Environment and Natural Features and Values Chapters as it would ensure that any land that is contained with the Hill Country Landscape Domain is consistent with the characteristics of this landscape domain and therefore warrants the protection offered by the more restrictive subdivision and development rules that apply; it would also ensure that land removed from the Hill Country Landscape Domain is transferred to the landscape domain that it is best aligned with.

Option 2 is considered to be the most appropriate option to achieve the objectives of the Rural Environment and Natural Features and Values Chapters of the Proposed District Plan. The existing western boundary of the Hill Country Landscape Domain is based on the 100m contour line and currently captures land that is relatively flat in topography and is inconsistent with the defining landscape characteristics of this landscape domain. Revising the western boundary of the Hill Country Landscape Domain to exclude such areas provides an efficient and effective means of ensuring that only land which is consistent with the characteristics of this landscape domain are captured and therefore subject to the more restrictive subdivision and development rules that apply to this landscape domain. Conversely, the exclusion of relatively flat, productive land from this landscape domain provides an efficient and effective means to enable its associated use and development potential to be realised. For these reasons Option 2 is considered the most appropriate option.

4.2 Risk of Acting or Not Acting Where There is Uncertain or Insufficient Information

The proposed changes to the western boundary of the Hill Country Landscape Domain are narrow in focus and will only result in changes to two District Plan Maps (Planning Maps 38 and 39). The degree of uncertainty and risk of acting is not considered to outweigh the risk of not acting. Therefore it is considered that there is little risk from acting in the manner proposed.

4.3 Conclusion

This evaluation has been undertaken in accordance with Section 32 of the RMA 1991. It identifies the need, benefits and costs associated with the changes to the western boundary of the Hill Country Landscape Domain and has evaluated and confirmed the appropriateness of the changes with regard to their effectiveness and efficiency relative to other means to achieve the purpose of the RMA 1991.