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<p>Corporate Plan Output: Conservation policy advice to City Plan</p>	

The purpose of this report is to comment on a petition seeking to restrict housing development on the Port Hills, and specifically asking for Montgomery Spur to remain zoned rural.

The petition, containing 5,000 signatures, was presented to the City Council meeting on 24 June 1999. The petition, entitled “Save the Port Hills from Unrestricted Urban Housing Sprawl”, asks the Council “to retain the existing rural zone on Montgomery Spur and requests the Council consider putting a heritage order on the Port Hills.”

After receiving the petition, the Council has referred it to the Environment Committee for consideration.

**BACKGROUND**

Issues surrounding the future use, development and protection of land on the Port Hills have been the subject of a number of hearings during the City Plan hearings process over the 1995 - 1998 period. The issues included the extent to which urban growth should be permitted on the Port Hills, the need for measures to protect the outstanding landscape values of the Port Hills, the types of rural activities that should be permitted, and rural subdivision. The Council released its decisions on 28 May this year and the closing date for appeals was 23 June 1999. A number of references have been lodged concerning land use on the Port Hills, in particular relating to urban growth.

**MONTGOMERY SPUR**

At this stage, Montgomery Spur is zoned rural in the 1995 Proposed City Plan. The hearing of submissions was adjourned and no decision made. Last year, however, the Council sought a declaration from the Environment Court on whether or not the summary of submissions received proposing urban development on Montgomery Spur, had been adequately summarised.

In April this year, the Court instructed the Council to re-notify these three submissions and this will be done once the Environment Court have commented on the summary. Having gone through this process, which is likely to take possibly up to two or three months, the summary of submissions will be re-notified and the public, including the petitioners, will have the opportunity to make further submissions and be heard on the proposals to develop Montgomery Spur for housing.

**THE PETITION**

In effect, the petition is seeking two commitments from the Council. Firstly, to retain the existing rural zone on Montgomery Spur. For the above reasons, the Council cannot make this commitment because the zoning that would eventuate on the Spur will be

determined through the statutory processes of the City Plan and possibly the Environment Court. The Council cannot, in response to a petition, unilaterally resolve the zoning of this land.

Secondly, the petition has requested that the Council consider placing a Heritage Order on the Port Hills. This option was considered by the Hearings Panel in their deliberations on submissions on the Port Hills. However, as with a designation, there are rights of appeal against the conditions imposed by a Heritage Order. If the conditions in the Heritage Order are so restrictive that they render rural land “incapable of reasonable use” or have caused “serious hardship to the appellant”, then it is likely that the Environment Court would modify or even revoke the Heritage Order.

The Council Decision on “An Overview of the Port Hills - Existing and Future Management Options” (D173) came to the conclusion that the City Plan should continue to allow “reasonable use” of rural land on the Port Hills for farming and that this was best achieved by retaining the Rural and Conservation Zones on the Port Hills. This decision also supported the continued purchase of land on the Port Hills on a “willing buyer, willing seller” basis as being an important component of the conservation strategy for the Port Hills.

This has formed the basis for the “Port Hills Regional Park Acquisitions Strategy” adopted as Council policy in April 1999. Its primary focus is to achieve a visually and ecologically integrated parks system from Godley Head to Gebbies Pass. Several recent purchases such as the John Britten Reserve and Castle Rock have added significantly to the conservation portfolio. Therefore, the Council position, at this stage, is that it is inappropriate to use a Heritage Order as a conservation measure, when less onerous measures, such as direct purchase of land for parks on a willing buyer, willing seller basis, is available.

#### **CONCLUSION**

The Council is not in a position, at the present time, to offer any commitment to meeting the requests of this petition. It is possible that the outcomes being sought by the petition could, in any event, arise out of the statutory processes that are currently in train and which affect Montgomery Spur and the Port Hills generally or through the gradual purchase of rural parts of the Port Hills for a regional park.

- Recommendation:**
- (a) That the petitioner note the opportunity to make submissions on the future development of Montgomery Spur, when submissions requesting urban development are re-notified.
  - (b) That this report be referred to the Community Board for information.

**Chairman’s Recommendation:** For discussion.