

Appendix 4: Hurunui District Plan Provisions

Chapter 11 - Landscape

11.1 Introduction

The RMA requires as a matter of national importance, the protection of Outstanding Natural Features and Landscapes from inappropriate subdivision, use and development (Section 6(b) matters).

The district has a variety of landscapes and features, some of national significance, which give it its distinctive character. These landscapes are dynamic, the result of continuous environmental and cultural processes. The variety and dynamic nature of landscapes will influence approaches to their management. Landscapes hold important social and cultural significance to communities. The importance of landscape values must be considered when assessing the potential effects of activities such as subdivision, buildings and development, earthworks, vegetation clearance, forestry, tourism and recreation.

The areas identified as being Outstanding Natural Features or Landscapes include some of the coastal hills and the Waiau River mouth, the Weka Pass/Waipara Gorge area, Mt Grey/Maungatere, Mt Cass, Mt Lyford/Terako, and a large area in the western mountain ranges, the extent of these areas is shown in the planning maps and also in an overview map listed in Appendix 11.2.

A Landscape Report prepared in 2014 forms the basis of a review of the Outstanding Natural Landscapes within the district and sets out the methodology and criteria for identification as having outstanding qualities. In relation to this current study, each landscape character type/ unit has been evaluated in terms of the following:

- The natural science factors - the geological, topographical, ecological and dynamic components of the landscape;
- Its expressiveness (legibility) - how obviously the landscape demonstrates the formative processes leading to it;
- Its aesthetic values including memorability and naturalness;
- Transient values - occasional presence of wildlife; or its values at certain times of the day or of the year;
- Whether the values are shared and recognised;
- Its value to Ngāi Tahu; and
- Its historical association.

11.2 Issues

The issue relating to the district's landscapes is:

1. The Outstanding Natural Features and Landscapes of the Hurunui District have importance to many people, with different people valuing them for different reasons. Managing the use, development, and protection of all resources must recognise and provide for the protection of Outstanding Natural Features and Landscapes from inappropriate subdivision, use and development. This is a difficult resource management issue as landscapes are hard to define and the values held for different types of landscapes can vary considerably.

11.3 Objectives and Policies

Objective 11

Outstanding Natural Features and Landscapes of the district are protected from inappropriate subdivision, use and development.

Policy 11.1

To identify the Outstanding Natural Features and Landscapes, which contribute to the distinctive character and visual amenity of the district, through consideration of biophysical, sensory and associative values including:

1. Natural science values;
2. Legibility values;
3. Aesthetic values;
4. Transient values;
5. Ngāi Tahu values;
6. Shared and recognised values; and
7. Historic values

Explanation

Historical landscape reports have identified features and landscapes that are considered to have varying degrees of significance to the community. The 2015 landscape study titled 'Hurunui District Landscape Study – 2015' has been undertaken to confirm those features and landscapes considered outstanding and to confirm their values. Identification of such areas has been undertaken in accordance with the assessment matters set out in the Canterbury Regional Policy Statement. Outstanding Natural Features and Landscapes are shown on the planning maps.

Policy 11.2

Ensure that the adverse effects of subdivision, use and development on the values of each identified Outstanding Natural Feature or Landscape are avoided where possible, and where avoidance of adverse effects is not possible, adverse effects are remedied or mitigated.

Policy 11.3

To enable activities within areas of Outstanding Natural Features and Landscapes where they have been historically established and continuously maintained, by providing for existing activities and limited new activities in appropriate circumstances. For other activities, require a comprehensive assessment of the effects of activities on the values of the Outstanding Natural Features and Landscapes.

Explanation

A large proportion of the district's landscapes are working landscapes used for a range of established rural activities, and in some cases these activities occur within areas identified as Outstanding Natural Features or Landscapes. It is recognised that human activities and buildings still need to exist and this is provided for in the rules to enable existing activities to occur where adverse effects on the environment can be avoided, remedied or mitigated.

However, Outstanding Natural Features and Landscapes must be protected from inappropriate subdivision, use and development as a matter of national importance, and it is appropriate to take a conservative approach to protection of matters of national importance. The management of Outstanding Natural Features and Landscapes has been designed to enable consideration of the effects of new activities, including earthworks, buildings, and tree planting, or cumulative effects generally. The focus is on managing the potential adverse effects on the naturalness or amenity values of landscapes, particularly where such effects will impact on the specific values identified for each Outstanding Natural Feature or Landscape. Low development thresholds are also used to control potentially inappropriate activities and avoid adverse environmental effects as a priority, and this particularly relates to significant changes in land use that could change the visual character of an area such as substantial forestry or mineral extraction activities. In relation to farm buildings, higher development thresholds reflect that farm buildings are an expected element in the rural landscape and they do not have the same effects in terms of domestication as residential buildings.

Policy 11.4

When considering proposals for new development within areas of Outstanding Natural Features and Landscapes, to ensure that emphasis is placed on avoiding or mitigating sprawling or sporadic patterns of settlement.

Policy 11.5

When considering proposals for new development in Outstanding Natural Features and Landscapes, consider making allowance for increased development potential where significant benefits to the environment or community, or enhancement outcomes are achieved.

Explanation

This policy has been included to encourage development proposals that provide significant benefits or enhancement. This may include specific proposals to protect or enhance biodiversity values, significant projects to manage pests and weeds, processes to provide areas of enhancement planting, projects to provide significant community access or assets, etc. In such situations, allowance for increased development may be appropriate in enabling overall environmental gains, but will be considered carefully in regard to their impact on the Outstanding Natural Feature or Landscape.

Policy 11.6

To make provision for Ngāi Tahu input into the assessment of land use or development proposals affecting Outstanding Natural

Features and Landscapes.

Policy 11.7

To encourage appropriate land management practices, which foster protection and enhancement of Outstanding Natural Features and Landscapes, through the work of individuals and community groups.

11.4 Rules

11.4.1 General Rules

1. Determining activity status where same matter is controlled by more than one rule:
 - (a) the user must firstly review the activity status of the activity and its associated controls within the zone or district-wide provisions applying to the site; then
 - (b) taking the activity status resulting from clause (a) above, the user must then review any overlays that apply to the site. If an overlay rule applies to the same matter then the most restrictive activity status will apply; and
2. These rules do not apply to Outline Development Plan 5 – Buxton Management Area.

Note 1: Provisions relating to clearance of indigenous vegetation in areas of Outstanding Natural Features or Landscapes are provided in Chapter 13 - Biodiversity.

Note 2: Earthworks may also require an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 and procedures for Accidental Discovery should be followed.

Note 3: Provisions relating to activities in areas of outstanding natural features or landscapes within the coastal environment are provided in Chapter 12 – Coastal Environment.

11.4.2 Permitted activities

The following activities are permitted activities within areas identified on the Planning Maps as an Outstanding Natural Feature or Landscape, provided they comply with the standards for permitted activities below:

1. Earthworks for the purpose of maintenance, repair or replacement of existing fence lines, vehicle tracks, roads, firebreaks, drains, waterlines, ponds, dams, waterway crossings, or utilities, of the same or similar scale.
2. The establishment of a post and wire fences, troughs and water tanks (including associated earthworks) within an area of improved pasture;
3. Buildings (excluding utility buildings and structures) on any site of 20 ha or greater;
4. The establishment of new forestry of up to 1 ha in area, or no more than 2.5% of site area, whichever is the greater, in any 10 year period;
5. Existing forestry.
6. Underground utilities and associated earthworks within formed road reserve;
7. Customer service connections either underground or overhead utilising existing support poles including associated earthworks;
8. Utility buildings and structures (not otherwise provided for as a permitted activity, that comply with Rule 11.4.3.2 below);
9. The maintenance, repair, or replacement of utilities;
10. Upgrading of utilities which complies with Rule 9.4.3.1(d) within Chapter 9 – Utilities;
11. The establishment of new viticulture within the Weka Pass Outstanding Natural Landscape of up to 1 ha in area, or no more than 2.5% of site area, whichever is the greater, in any 10 year period; and
12. The establishment of new shelterbelts and erosion control plantings.

11.4.3 Standards for permitted activities:

1. Buildings (excluding utility buildings and structures):
 - (a) One dwelling and one minor dwelling unit per 20 ha of site area, or one dwelling per site where the site has been created as part of a subdivision consent under Rule 5.4.5.1(d);
 - (b) The maximum footprint of any building shall be 200 m², except that for any farm building, the maximum footprint shall be 250 m²;
 - (c) The maximum height of any building shall be 5 m;
 - (d) The maximum area of the site that can be covered by buildings or structures is 500 m² for every 20 ha of site area, or a maximum of 1,000 m² per property;
 - (e) All buildings must be set back a minimum of 20 m from all site boundaries;
 - (f) All buildings must be finished in materials with a maximum reflectance value of 40%;
 - (g) The highest point of any building will not be located within 20 m vertical or 100 m horizontal of any ridgeline; and
 - (h) Earthworks associated with any building or access shall not exceed 600 m² or 300 m³, whichever is the lesser.
2. Utility buildings and structures:
 - (a) The maximum height of any utility building/structure shall be 4 m;
 - (b) All utility buildings / structures must be finished in materials with a maximum reflectance value of 40%;
 - (c) No utility building/structure will be located within 20 m vertical or 100 m horizontal of any ridgeline; and

- (d) Earthworks associated with the utility building / structure and access shall not exceed 600 m² or 300 m³, whichever is the lesser.

11.4.4 Controlled activities

The following activities are controlled activities within areas identified on the Planning Maps as an Outstanding Natural Feature or Landscape, provided they comply with the standards for controlled activities below:

1. Buildings (excluding utility buildings and structures) on any site of less than 20 ha.

11.4.5 Standards for controlled activities:

1. Buildings:
 - (a) No more than one dwelling on any site;
 - (b) The maximum footprint of any building shall be 200 m² except that for any farm building, the maximum footprint shall be 250m²;
 - (c) The maximum height of any building shall be 5 m;
 - (d) The maximum area of the site that can be covered by buildings or structures is 500 m²;
 - (e) All buildings must be set back a minimum of 20 m from all site boundaries;
 - (f) All buildings must be finished in materials with a maximum reflectance value of 40%;
 - (g) The highest point of any building will not be located within 20 m vertical or 100 m horizontal of any ridgeline; and
 - (h) Earthworks associated with any building or access shall not exceed 600 m² or 300 m³, whichever is the lesser.

The Council reserves control over the following matters:

- (a) The height, size, scale, form, external colour/finish, reflectivity and design of buildings and additions to buildings;
- (b) The extent of coverage by buildings and impervious surfaces within the Outstanding Natural Feature or Landscape;
- (c) The location of buildings and associated earthworks, specifically in relation to their impact on any natural landform features;
- (d) The ability to maintain a backdrop of landform or vegetation behind the building;
- (e) The proximity to other buildings in the rural environment;
- (f) The proximity to boundaries with other sites;
- (g) The extent and nature of landscaping, including how this achieves integration of buildings into the surrounding landscape;
- (h) The location of site access and vehicle parking spaces;
- (i) Visibility from publicly accessible view points;
- (j) Effects on natural character or landscape values;
- (k) Effects on Ngāi Tahu values;
- (l) Effects on geopreservation sites listed in Appendix 11.1;
- (m) The location and characteristics of any associated structures including impermeable surfaces, and outbuildings; and
- (n) Effects on indigenous vegetation and habitats.

11.4.6 Discretionary activities (restricted)

The following activities are restricted discretionary activities within areas identified on the Planning Maps as an Outstanding Natural Feature or Landscape:

1. Buildings and structures, (excluding utility buildings and structures) which do not meet the standards as a permitted or controlled activity, unless specified as a non-complying activity;
2. Earthworks, which are not identified as a permitted or controlled activity;
3. Viticulture in the Weka Pass Outstanding Natural Landscape that it not otherwise specified in Rule 11.4.2.11; and
4. Utility buildings and structures which do not meet the standards for a permitted activity; and
5. Above ground utility lines and support structures.

The Council will restrict its discretion to the following matters:

1. Buildings and structures:
 - (a) The height, size, scale, form, external colour/finish, reflectivity and design of buildings and additions to buildings;

- (b) The extent of coverage by buildings and impervious surfaces within the Outstanding Natural Feature or Landscape;
- (c) The location of buildings and associated earthworks, specifically in relation to their impact on any natural landform features;
- (d) The ability to maintain a backdrop of landform or vegetation behind the building;
- (e) The proximity to other buildings in the rural environment;
- (f) The proximity to boundaries with other sites;
- (g) The extent and nature of landscaping, including how this achieves integration of buildings into the surrounding landscape;
- (h) The location of site access and vehicle parking spaces;
- (i) Visibility from publicly accessible view points;
- (j) Effects on natural character or landscape values;
- (k) Effects on Ngāi Tahu values;
- (l) Effects on geopreservation sites listed in Appendix 11.1;
- (m) The location and characteristics of any associated structures including impermeable surfaces, and outbuildings; and
- (n) The extent to which indigenous vegetation is required to be removed to undertake the building.

2. Earthworks:

- (a) The impacts on the natural feature or landscape;
- (b) The ability to maintain a backdrop of landform or vegetation;
- (c) The extent and nature of landscaping including how this achieves integration into the surrounding landscape, screening or rehabilitation;
- (d) Visibility from publicly accessible view points;
- (e) Effects on natural character or landscape values;
- (f) Effects on Ngāi Tahu values;
- (g) Effects on geopreservation sites listed in Appendix 11.1;
- (h) The location, shape, volume and size of earthworks in relation to the qualities of the landscape or feature;
- (i) The extent and treatment of any cut, batter and/or spill on slopes within the landscape or feature; and
- (j) Effects on indigenous vegetation and indigenous habitats.

3. Viticulture in the Weka Pass Outstanding Natural Landscape:

- (a) The impacts on the natural landscape and landform, particularly the limestone formations;
- (b) Visibility from publicly accessible view points;
- (c) Effects on natural character or landscape values;
- (d) Effects on Ngāi Tahu values; and
- (e) Effects on geopreservation sites listed in Appendix 11.1.

Utility buildings and structures and above ground support structures:

4. Utility buildings and structures and above ground support structures:

- (a) The height, size, scale, external colour/finish, reflectivity and design of the utility building, structure or above ground utility line and support structure;
- (b) The location of the utility building, structure or above ground utility line and support structure and earthworks, specifically in relation to their impact on any natural landform features;
- (c) Effects on natural character or landscape values;
- (d) The extent to which indigenous vegetation is required to be removed;
- (e) The nature and extent of any landscaping, including how this achieves integration of buildings into the surrounding landscape;
- (e) The nature and extent of any landscaping, including how this achieves integration of buildings into the surrounding landscape;
- (f) Visibility from publicly accessible view points;
- (f) Visibility from publicly accessible view points;

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- (g) Effects on Ngai Tahu values;
 - (h) Effects on geopreservation sites listed in Appendix 11.1;
 - (i) Any technical and operational constraints and route, site and method selection process; and
 - (j) The benefits that the activity provides to the local community and beyond.

11.4.7 Non-complying activities

The following activities are non-complying activities within areas identified on the Planning Maps as an Outstanding Natural Feature or Landscape:

1. An additional dwelling which does not meet the minimum area requirement of 1 dwelling and minor dwelling unit on a site per 20 ha;
2. Forestry that is not identified as a permitted activity; and
3. Mineral extraction activities.

11.5 Assessment criteria

When considering an application within areas identified on the Planning Maps as an Outstanding Natural Feature or Landscape and whether or not it can be granted pursuant to Part 2 of the RMA, the Council will have regard to the relevant assessment criteria:

1. The relevant matters stated for the consideration of any controlled or restricted discretionary activity;
2. Whether the proposed activity would compromise the objectives and policies pertaining to Landscapes;
3. Whether the activity is consistent with the contents of landscape studies and reviews relevant to the Hurunui District;
4. The degree to which any adverse environmental effects are to be remedied or mitigated;
5. The extent to which any landscape, ecological, heritage, cultural and conservation values of the area will be maintained and enhanced;
6. Whether the degree of non-compliance with any particular standard is minor, having regard to the purpose of that standard;
7. Whether it is unreasonable to require compliance with the standard, or features about the site make compliance difficult, including its size, shape, access, topography, geotechnical constraints, or the presence of a natural hazard or vegetation;
8. Whether there are unusual amenity circumstances, including improvements to amenity on-site or in the immediate vicinity, the retention of vegetation or open space, screening, or shading, the preservation of privacy, to the improvement of public views;
9. Whether there are special environmental considerations, including preservation of the natural character of the area, or the enhancement of the neighbourhood environment quality;
10. Whether conditions can be imposed to avoid, remedy or mitigate any adverse effects of the proposal;
11. The outcome of any recommendations made by a relevant expert;
12. Whether the design and location of any proposed building is appropriate within the environment and is not considered to detrimentally affect the visual amenity of the area.

Appendix 11.2 – Outstanding Natural Landscape and Outstanding Natural Features Overview Map

