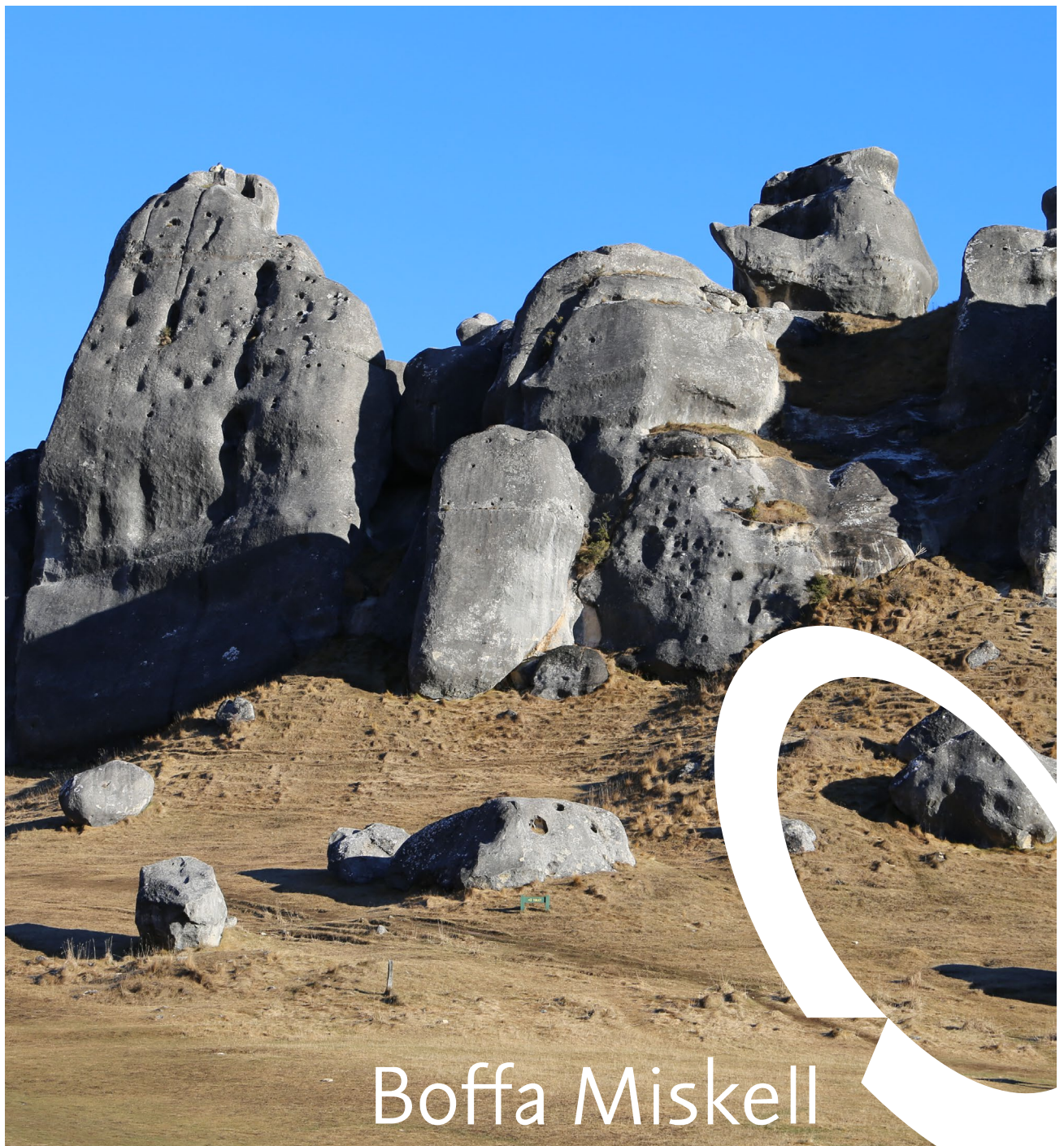


Selwyn District Plan Review

Natural Environment Topic:
Outstanding Natural Features and Landscapes,
Planning and Landscape Analysis

Prepared for Selwyn District Council
20 February 2018



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1.0 Introduction

This report provides an overview of the Stage 1 project work for the Selwyn District Plan Review's Natural Environments Topic: Outstanding Natural Features and Landscapes workstream. It is noted however, that this work will need to be informed by and inform other work streams such as Transport, Utilities, Rural General, Signs, Subdivision and Biodiversity to ensure landscape values are fully considered at the time of drafting objectives, policies and rules.

This report provides a planning and landscape planning assessment of the key issues relating to Outstanding Natural Features and Landscapes (ONFL) and should be read in conjunction with the technical report "*Selwyn District Landscape Study: Landscape Characterisation and Evaluation Report*"¹ which contains the specialist review of landscapes within the district. That report determines which areas of the District should be identified as an ONL (Outstanding Natural Landscape) or as a Visual Amenity Landscape (VAL).

The scope of works for this project identifies that as part of the District Plan Review process it is appropriate to determine whether the existing provisions and associated mapping relating to ONFL are efficient and effective, and give effect to the purpose of the Resource Management Act and the direction in the CRPS to protect the recognised values of the ONLF's from inappropriate subdivision, use and development. This review seeks to determine what approach should be carried forward into a proposed District Plan, and what amendments are necessary to align provisions with current best practice landscape protection and management outcomes for Selwyn District. In particular, it has been identified that there is a need to ensure alignment with the Canterbury Regional Policy Statement (CRPS) criteria and the findings of the Canterbury Regional Landscape Study 2010, as well as ensuring that the approach reflects current best practice for management of landscape values.

It is also acknowledged that this report is the first step in identifying the values of the District's landscapes and determining how these should be protected from inappropriate subdivision, use and development. It is recommended that additional assessment would enhance understanding of these issues and the robustness of the protection afforded by the District Plan including:

- Engaging with affected landowners to fully understand issues including:
 - the values of areas:
 - threats to landscape values, including activities that could be proposed by landowners but are unanticipated by the Council;

¹ Boffa Miskell Ltd., 15 September 2017.

- implications of rules on day to day use of land; and
 - any gaps or duplication in the rules.
- Engaging with stakeholder groups with a particular interest in landscape values to understand similar issues and their perspectives on what landscape values are important in the District.
- Economic analysis of the impact/costs of ONL or VAL controls over a property for landowners.
- Economic (and possibly social) analysis of the benefits of ONL and VAL protection for this community and district.

2.0 Statutory Obligations

The primary statutory obligation in relation to landscapes comes from the Resource Management Act 1991 (RMA), which states:

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

...

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

The RMA, also anticipates consideration of landscape values (beyond outstanding natural features and landscapes) in relation to:

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

(c) the maintenance and enhancement of amenity values:

(f) maintenance and enhancement of the quality of the environment:

The RMA includes definitions that are relevant including:

amenity values means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes

environment includes—

(a) ecosystems and their constituent parts, including people and communities; and

(b) all natural and physical resources; and

(c) amenity values; and

(d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters

The Canterbury Regional Policy Statement 2013² (CRPS) includes chapter 12 to specifically deal with landscape issues within Canterbury. This chapter includes objectives seeking to identify and protect outstanding natural features and landscapes and identify and manage other landscapes, whilst ensuring consistency of assessment and management.

² Revised February 2017.

Policy 12.3.1 sets an expectation that ONFL will be identified at a district level, based on the identified landscapes at a regional scale (contained in Appendix 4 to the RPS).

Policy 12.3.4 seeks consistency in identification of ONFL by setting out a standard set of criteria which address biophysical, sensory and associative values when assessing landscapes in the Canterbury region as follows:

- (a) Natural science values*
- (b) Legibility values*
- (c) Aesthetic values*
- (d) Transient values*
- (e) Tāngata whenua values*
- (f) Shared and recognised values*
- (g) Historic values*

These policies will be achieved by the Council identifying and assessing outstanding natural landscapes and features, using the assessment matters in Policy 12.3.4 of the CRPS.

Policy 12.3.2 seeks to ensure management methods achieve the protection of the recognised values of ONFL from inappropriate subdivision, use and development. This will be achieved through objectives, policies or methods that avoid, remedy or mitigate adverse effects of subdivision, use and development of land on the values of outstanding natural features and landscapes. The provisions of the Plan will need to enable activities that maintain the integrity of landforms and their associated landscape values; but the Council may also wish to consider methods such as zoning, overlays or land purchase and provisions that provide for covenanting, pest management, revegetation, or other mechanisms to protect the values of ONFL. The CRPS also directs that the Council should engage with the public, landowners and resource users when undertaking detailed identification of outstanding natural features and landscapes.

Policy 12.3.3 provides for the identification and management of other important landscapes that are not outstanding natural landscapes, for natural character, historic cultural, historic heritage and amenity purposes. This means that the Council may choose to identify such landscapes in the Selwyn District using criteria determined by a landscape planner and then set an appropriate framework to manage adverse effects on their identified values including whether these 'other' landscapes merit protection.

In essence, the CRPS requires identification (using specified criteria) and protection of areas of ONFL and enables identification and management of areas identified as having other important characteristics (commonly referred to as Visual Amenity Landscapes / VAL). In summary, the landscape assessment undertaken gives effect to the CRPS as it used the matters set out in Policy 12.3.4 of the CRPS and identifies areas of ONFL. The landscape assessment forms the basis for the planning analysis and recommendations in this report that will ensure that the recognised values of the ONFL are protected from the adverse effects of subdivision, use and development,

as directed in the CRPS. It also enables identification and management of other important landscapes.

Other documents of relevance to this issue include:

- The National Environmental Standard on Plantation Forestry. This will come into force from 1 May 2018 and will put in place standards for forestry activities. This has implications for landscape areas as it includes activity status for forestry in ONFL (restricted discretionary) and VAL (controlled). It does however enable a district plan to apply more stringent rules to protect ONFL and its recognised values. The recommendations in this report give effect to the NES on Plantation Forestry given that it will be gazetted prior to the proposed plan becoming operative.
- The Port Hills Fire Recovery Plan developed in response to the Port Hills fires in February 2017. This document anticipates that a response to fire issues will be covered by the District Plan Review and specifically mentions the need to consider minimising fire risk through design, provision for water storage requirements for firefighting purposes, and issues around landscaping and fuel build-up.
- The National Policy Statement on Renewable Electricity Generation, and National Policy Statement on Electricity Transmission will be considered in the Utilities workstream but the utility provisions will need to consider the recommendations in the Landscape Study unless the provisions of the NPS's override landscape considerations.
- There are a range of other national documents that have some bearing on this issue but will be analysed in later documents or in other work streams including the NZ Coastal Policy Statement, and the National Policy Statement on Freshwater Management.

3.0 Best practice

The identification of ONFL and other important landscapes has evolved over recent years and has been the subject of a range of decisions from the Courts. The assessment of ONFL is now well established within the landscape planning profession. In particular, there is agreement established that the appropriate assessment of values includes consideration of the following:

Biophysical: Abiotic, Biotic

Sensory: Legibility, Naturalness, Vividness, Coherence, Transient values

Associative: Shared & recognized values, Tāngata Whenua values, Historic Heritage Associations

A description of the best practice approach to defining and judging landscape values is set out in the *Selwyn District Landscape Study: Landscape Characterisation and Evaluation Report*.

In terms of the management of landscapes within planning documents (objectives, policies, rules or other methods), there is no standard local or national best practice approach at the present time. There is an ongoing evolution of approach occurring as a result of a range of issues, including a rise in the value of landscapes to the community, more detailed and directive approaches in second generation plans, and particularly caselaw direction. The inherent value of landscapes as a key component of the environment is gradually becoming more prominent in community thinking, with a number of stakeholder and policy groups³ repeatedly advocating for stronger protection of landscape values.

Many second generation district plans have raised the level of emphasis on landscape issues from that included in first generation plans. Commonly the language being used in planning documents is more directive than it was in earlier plans, and clearly anticipates more deliberate consideration of landscape values.

The emphasis on landscape values and landscape management is in part, being driven by a range of Court decisions that have been issued over many years. Recent court decisions (the last 10 or so years) that have informed the identification of threats and land uses that need to be managed, focus on landscape values and have provided guidance on provisions but the decisions have not yet provided a best practice approach to management mechanisms.

Some key decisions that collectively provide relevant guidance on this issue include⁴:

Federated Farmers of New Zealand Inc Mackenzie Branch v Mackenzie District Council [2017] NZEnvC 53.

High Country Rosehip Orchards Limited and Mackenzie Lifestyle Limited and ors v Mackenzie District Council [2011] NZEnvC387. These decisions relate to Plan Change 13 in the Mackenzie Basin, which considered the impacts of change in land use and development on the Basin, which has been identified as an ONL. This is discussed in further detail below.

Environmental Defense Society Inc V The NZ King Salmon Company Ltd, Sustain Our Sounds Inc, Marlborough District Council, Minister of Conservation & Director-General - Ministry for Primary Industries [2014] NZSC 38. The Supreme Court held that because a plan change is required to 'give effect to' (or 'implement') the NZCPS, and because the NZCPS itself is designed to achieve the purpose of the Act, a plan change which gives effect to the NZCPS must necessarily also be in accordance with Part 2. This meant that, notwithstanding the statutory direction for a plan to be developed 'in accordance with Part 2', it was (unless one of three special circumstances applied) unnecessary to refer back to Part 2 of the RMA when determining a plan change. It also determined that 'avoid' means 'avoid' and that policies should say what they mean.

Man O'War Station Ltd v Auckland Council [2015] NZHC 767. The High Court stated that even though stronger protection is required to protect outstanding landscapes it is not

³ Particularly interest groups including the Department of Conservation, Forest and Bird, and community groups commonly established to respond to environmental changes or specific proposals.

⁴ This information is not intended to be a full summary of relevant caselaw but simply to provide some pointers on relevant matters. Further legal advice should be sought on these matters.

appropriate to change the test as to what constitutes outstanding. This means that councils must continue to identify outstanding landscapes applying the law as it stands and not seek to reduce the spatial scope of such areas because of the high level of protection such identification brings.

R J Davidson Family Trust V Marlborough District Council, Kenepuru and Central Sounds Residents Association Incorporated, Friends of Nelson Haven and Tasman Bay Incorporated [2017] NZHC 052. The decision determined that the findings of the King Salmon decision applied to resource consents and that there is no need to recourse back to Part 2 when making a decision on a resource consent. This means that objectives and policies will need to strike the right balance and ‘say what they mean’. Matters of discretion and assessment criteria will also become more important, and will need to be more comprehensive.

Wakatipu Environmental Society v Queenstown-Lakes DC Decision No. C129/2001.

Wakatipu Environment Society v Queenstown Lakes District Council Decision C180/99
The Court identified various areas of Queenstown Lakes District as being outstanding natural landscapes or visual amenity landscapes together with relevant issues. It held that there was a need to frame policy and objectives somewhere in between positions of respective parties. In other words, the provisions of the plan will need to balance protection with providing for some subdivision, use and development where that will not adversely impact on the recognized values of the ONFL.

The recent decisions on Plan Change 13 in the Mackenzie District⁵ have been particularly relevant to the consideration of landscape values and how to manage these in a district plan context, particularly in the Canterbury Region. The Mackenzie Basin area has some comparability to the upper catchments of the Selwyn District in terms of its unique values and differing community expectations: some parts of the community want to continue and increase primary production whereas others do not want to see any substantial change in the landscape. It would also appear likely that parts of this area of the Selwyn District will come under similar pressures as the Mackenzie Basin to change over time⁶. This context is also considered particularly relevant given that the approach was developed under the CRPS.

The decision on PC13 determined that the whole of the Mackenzie Basin exceeds the threshold for consideration as an Outstanding Natural Landscape and then from this developed a tailored approach to provisions to provide for and manage landuse within the Basin. In relation to buildings, the decision considered the differences between farm buildings and non-farm buildings (including residential) and addressed this through a varied rule response according to the visual vulnerability of various areas. This approach (and the whole Plan Change 13) was a very complex, lengthy and resource hungry process to create a locally appropriate outcome. A couple of key directions from that case⁷ that are relevant to the Selwyn context are:

⁵ Most recently [2017] NZEnvC 53.

⁶ It is acknowledged that there is already a degree of higher intensity farming activity in some locations and it is understood that additional permitted / consented farming change is likely to occur or applications may be sought to undertake change/increase the intensity of farming activities.

⁷ Sections 7.1 and 7.2 of the above decision.

- Farm buildings should be enabled in an ONL where the building scale is restricted and the location is appropriate (low visual vulnerability), but elsewhere should require consent to manage effects.
- Non-farm buildings are considered to include residences, homesteads and visitor accommodation, as well as other business type buildings. The Court determined in that context that such buildings should be discretionary activities in ONL areas that do not have high visual vulnerability or are not “special” (e.g. specific protection areas). Elsewhere in ONLs, the Court determined non-complying activity status would be more appropriate for such buildings to protect landscape values.

Wider environmental caselaw has considered the language used within hierarchical documents from the Resource Management Act, through national standards, to regional and district plans. The directions from the Court on language include that where a higher order document uses ‘avoid’ this means “not allow” or “prevent the occurrence of” but does not mean “prohibit”⁸. From this it is also understood that the term ‘protect’ has the same level of meaning (especially in the context of section 6 of the Act) and to ‘avoid adverse effects’ provides a similarly strong direction. The focus in the CRPS at an objective level is on protection of the values of ONFL and at a policy level on management methods that achieve protection.

In section 6(b) in relation to ONFL the terminology used is ‘protection ... from inappropriate subdivision, use, and development’. This is the same language used in the objectives and policies of the CRPS. The use of ‘inappropriate’ requires a determination of what is appropriate and what is not appropriate within an ONFL in relation to protecting the values that make the area or feature outstanding and/or natural. The *Selwyn District Landscape Study: Landscape Characterisation and Evaluation Report* has deemed areas that qualify as ONFL and has stated and described the values that make them both valued outstanding and natural. It also clearly states the perceived potential threats to these identified areas and their associated values from the effects of various activities. In this way, it has determined what activities are potentially inappropriate within the various ONL and which may need to be managed or controlled.

Consequently, the provisions of the plan will need to manage activities based on understanding potential adverse effects relevant to those recognised values.

4.0 Cultural Values

It is understood that SDC has a contractual arrangement with Mahaanui Kurataiao Ltd (Mahaanui) to undertake work to determine items, sites and areas of cultural significance.

It is noted that the agreed criteria for consideration in determining ONFL, as set out above, specifically include tāngata whenua values. This workstream has been careful not to duplicate the work being led by Mahaanui but would benefit from review by Mahaanui to confirm the

⁸ Decision [2014] NZSC 38 *Environmental Defence Society Inc v The NZ King Salmon Company Ltd, Sustain Our Sounds Inc, Marlborough District Council, Minister of Conservation & Director-General - Ministry for Primary Industries*, para [92]-[97].

approach taken. This report covers landscape values that are not addressed through the Mahaanui scope of works but incorporates tāngata whenua values where these influence landscape decisions.

4.1 Mahaanui Iwi Management Plan

The Resource Management Act requires that when changing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (section 74(2A)).

The Mahaanui Iwi Management Plan 2013 (IMP) is the mana whenua planning document reflecting the collective efforts of six Papatipu Rūnanga⁹ that represent the hapū who hold mana whenua rights over lands and waters within the takiwā from the Hurunui River to the Hakatere River and inland to Kā Tiritiri o Te Moana. The plan provides a values-based, plain language policy framework for the protection and enhancement of Ngāi Tahu values, and for achieving outcomes that provide for the relationship of Ngāi Tahu with natural resources. The plan has the mandate of the six Papatipu Rūnanga, and is endorsed by Te Rūnanga o Ngāi Tahu, as the iwi authority. As such, it is applicable to policy and planning processes under the Resource Management Act (RMA) 1991.

The focus within the IMP for landscapes is on cultural landscapes and the IMP describes this as:

Ngā tūtohu whenua, or cultural landscapes, is a concept used in this IMP to recognise areas and places of particular importance. As a planning tool, cultural landscapes are a culturally meaningful and effective framework for the identification, protection and management of sites and places of significance, the multiple values associated with those sites and places, and the relationship of tāngata whenua to them.

The main area of the IMP that addresses this issue is chapter 5.8 Ngā Tūtohu Whenua which contains an objective that:

(1) Cultural landscapes are recognised and provided for as a planning tool to protect wāhi tapu and wāhi taonga, the multiple values associated with these sites and places (traditional and contemporary), and the relationship of tāngata whenua to them.

This chapter sets out policy around the recognition of cultural landscapes, and protection and recognition of cultural landscapes of particular importance.

Some other key issues that relate to landscape values include:

Issue P4: Subdivision and development can have significant effects on tāngata whenua values, including sense of place, cultural identity, indigenous biodiversity, mahinga kai, and wāhi tapu and wāhi taonga, but can also present opportunities to enhance those values.

⁹ Ngāi Tūāhuriri Rūnanga, Te Hapū o Ngāti Wheke (Rāpaki), Te Rūnanga o Koukourārata, Ōnuku Rūnanga, Wairewa Rūnanga, Te Taumutu Rūnanga.

Issue P13: Mining and quarrying - Mining and quarrying can have effects on the landscape and tāngata whenua values.

Issue P14: Forestry - Commercial forestry in the region must be managed to avoid adverse effects on landscape, water, indigenous biodiversity and cultural heritage values.

Issue TAN6: Marine cultural heritage - The protection of coastal and marine based cultural heritage values, including cultural landscapes and seascapes.

Issue TAN7: Coastal land use and development - Coastal land development can have effects on coastal waterways, coastal water quality, mahinga kai, natural character, coastal biodiversity and cultural landscape values.

Issue TAW1: Wind farms - The establishment of wind farms and the potential effects on Ngāi Tahu values and associations with the landscape.

The loss of indigenous biodiversity e.g. via loss of native vegetation as per TM2: The widespread loss of indigenous biodiversity has significant effects on:

- (a) The relationship of Ngāi Tahu and their culture and traditions with ancestral lands, water and sites;*
- (b) Mahinga kai values (see Issue TM1); and*
- (c) The health of land, water and communities.*

The IMP also incorporates links between landscape values and associated issues including the retention and restoration of indigenous biodiversity.

4.2 Consultation with Mana Whenua

A number of meetings have been held with Mahaanui to discuss this workstream and to ascertain mana whenua engagement requirements. Further direct engagement with Te Taumutu and Ngai Tūāhuriri Rūnanga is expected to occur early in 2018 and throughout the progress of this workstream.

5.0 Inputs from stakeholder engagement

Stakeholder engagement for this workstream has been initiated and to date this has included:

A letter to all owners of land identified as ONFL or VAL	This letter has informed all landowners, who own land that is currently affected by either ONL or VAL identification in the District Plan, of the District Plan review process. This explained the intention to undertake a district wide landscape study to review all landscape values and identify ONFL and VAL.
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The letter has given currently affected landowners the opportunity to provide feedback on the process and a range of responses has been received. The responses received to date primarily relate to the lack of current information about landscape values and a desire for more information to be developed through the Landscape Study process to clearly explain the landscape values.

Further engagement with landowners will be needed to explain the process and its implications and provide them with the Landscape Study. In particular, it will be necessary to inform landowners who are affected by proposed new landscape areas identified as ONFL or VAL and most importantly, the reasons for that identification.

6.0 Current provisions

The operative Selwyn District Plan contains a range of provisions that provide for the identification and protection of landscape values. While there are some matters that touch on landscape values within the Township Volume, the primary issues are covered in the Rural Volume as that is generally where the landscape values are described and addressed. A copy of the relevant provisions is contained in **Appendix 1** to this report.

The key provisions are contained in the objectives and policies set out in part B1 Natural Resources – B1.4 Outstanding Natural Features and Landscapes. This section deals with landscape issues across the District and also groups landscape issues across geomorphic areas – the Port Hills, Canterbury Plains, Te Waihora/Lake Ellesmere, Malvern Hills, and High Country.

The objective for Outstanding Natural Features and Landscapes states:

B 1.4.1 The Outstanding Natural Features and Landscapes of the District are recognised and protected from inappropriate use and development while still enabling people to provide for their economic and social well-being.

The policies relating to Outstanding Natural Features and Landscapes cover district wide issues and a range of matters relevant to each of the specific areas. Collectively the policies cover:

- Recognition of the mix of physical and natural elements within landscapes and provision for these to continue where appropriate.
- Recognition that landscapes will change over time and provision for this to occur where it retains the core values of the landscape.
- Recognition of areas of outstanding landscape value (in the Port Hills, Canterbury Plains, Te Waihora/Lake Ellesmere, Malvern Hills, and High Country), and the particular values and features that make an area outstanding.

- Avoidance or control of activities that can adversely impact on landscape values, including:
 - Clearance of indigenous vegetation;
 - Dwellings, large buildings and structures and utilities/infrastructure, and associated access;
 - Exotic and indigenous plantations, shelterbelts and amenity planting;
 - Subdivision of land; and
 - Earthworks,
 whilst recognising that some activities cannot be located elsewhere.
- Ensuring that structures that do locate in areas of landscape value are designed, sited, landscaped and finished in an appropriate manner to avoid or mitigate adverse visual effects.
- Ensuring that earthworks that do occur in areas of landscape value are limited in volume and that the site is remediated to an appropriate level.
- Encouragement of restoration and enhancement of indigenous vegetation as a benefit to landscape values.

In addition to ONFL the policies identify areas of significant rural landscape¹⁰, areas requiring control from particular activities¹¹, and areas that merit control to protect wider landscape values¹².

Within the Planning Maps, landscape areas are identified as:

- ONL areas within the Port Hills, Inner Plains, Malvern Hills, and High Country;
- VAL area on the Port Hills (overlapping with part of the ONL area);
- ONF area encompassing Lake Ellesmere / Te Waihora; and
- Forestry exclusion areas within the Malvern Hills.

The rules are all contained in the Rural Volume and are covered by a range of sections in relation to specific activities including earthworks (C1), tree planting (C2), buildings (C3), roads and transport (C4), utilities (C5), outdoor signs and noticeboards (C6), and subdivision (C10).

A summary of the rules is contained in **Appendix 8** and generally the rules are summarised as:

¹⁰ Policy B1.4.12 - Recognise that the land between the Christchurch City and a line extending from West Melton to Tai Tapu is identified in the RPS as providing a significant 'rural' landscape in contrast with the 'urban' landscape of the City.

¹¹ Policy B1.4.26 - Control forestry planting in the high country generally and avoid exotic tree planting in the Areas of Outstanding Landscape and the Forestry Exclusion Areas in the high country, unless it is the only practical option to manage soil erosion, wilding tree spread or the spread of plant pests on that site.

¹² Policy B1.4.31 - Recognise the surrounding high country area as a backdrop to the Areas of Outstanding Landscape and maintain the rural character of that area by: ...

- Permitted activity status for small scale earthworks and small-scale buildings/structures.
- Controlled activity status in the Port Hills VAL for new dwellings or alterations / additions / modification to existing dwellings.
- Restricted discretionary or discretionary activity status for activities that do not meet permitted activity standards.
- Non-complying activity status for activities in the Summit Road Protection Area, plantations in ONFL, and some large-scale buildings or utilities.

Within ONFL, there are no particular controls in place that would limit 'typical' farming or prevent primary production activity continuing (except where this may involve earthworks or indigenous vegetation removal that would trigger other rules).

The operative Selwyn District Plan does not give effect to the requirement of the CRPS to use the specified criteria and take a district wide approach as the current landscape identification was not based on a comprehensive review of the district's landscapes. The provisions of the operative Plan are not directly related to the expectations of the CRPS given that they were developed prior to the CRPS becoming operative, however they do cover the same issues. The policies do not clearly identify the different outcomes intended for ONFL, which is required to give effect to Objective 12.2.1 and Policy 12.3.2 of the CRPS. The rules provide a level of assessment of activities such that adverse effects can be assessed in some areas and for some activities, such that they do generally give effect to the intent of the CRPS.

6.1 Current consenting framework

Council consenting staff have provided feedback on the current rules, which indicates:

- The overlap of the VAL and ONL area on the Port Hills is overly complex and confusing. It is further complicated by the wording used in the issues and policies sections not being aligned (in the Issues section the ONL only applies to the Port Hills and not the Inner Plains, and the policies refer to the Port Hills as a geographic feature and the Port Hills Area more broadly as a separate area). To deal with this complexity, Council consenting staff have adopted the practical approach in the 'over-lap area' of applying the Inner Plains / VAL rules and applying ONL policies.
- The rules applying to the ONFL's have not changed since 2004 and the rules applying to the VAL's have not changed since they were introduced in 2010. There have been only a small number of consent applications:
 - There have been around 3-4 applications per year since 2013 for buildings in the VAL. Many of these were for replacement buildings.
 - There have been around 1-2 applications on average per year since 2013 in the Port Hills ONL.

- There have been no applications for new buildings in the High Country ONL since 2009. The more prominent issue in the High Country ONL is vegetation removal and landowners seemingly not applying for consent when they should.
- There have been around 2 applications per year for buildings in the setbacks from State Highways and the Midland Railway.
- The low level of consents sought in these landscape areas might suggest that there is not strong demand for new activity in these areas. It could also show that the activities that people want to do, can be undertaken outside the landscape areas or within the permitted activity status. It is also possible that some activities are occurring without consent and indigenous vegetation clearance is an activity that is known to be an issue¹³.
- Staff identified issues with the matters of discretion applying to activities, with those in the VAL considered to be too restrictive and those in the forestry exclusion area considered to be too narrow and unable to adequately address issues such as amenity values.
- The feedback also suggested that the rules could be strengthened in the High Country area and that more thought should be given to the impact of a broader range of activities on the values in that iconic area.
- Overall, and as a general statement, the consents sought for activities in landscape areas have not been considered to be controversial or significant in the Selwyn context.

7.0 Other District Plans

In reviewing the operative District Plan provisions, it is relevant and informative to consider the approach taken in other comparable district plans in relation to landscape values. This will provide an understanding of how other Councils (both locally and further afield) are identifying and managing ONFLs and VALs and in understanding differences in approaches to these issues.

Second Generation District Plans are continuing to include specific provisions for ONFL as directed by the RMA. Some second generation plans are continuing to identify landscape areas that are not outstanding but merit specific provisions, although the approach to this is not consistent.

In general, our experience shows that the level of protection provided in district plans for ONFL has increased in second generation plans. This is primarily driven by changing responses to section 6, evolving planning approaches and case law directing the need for section 6 matters to be dealt with strongly in district plans and to use clear, directive language. Emerging

¹³ Whilst indigenous vegetation clearance generally is being addressed as part of a separate work stream for the District Plan Review, it is noted that the presence of indigenous vegetation is a key factor in identifying some areas as being an ONL and the removal of such vegetation can have a significant impact on identified values.

approaches include language that is directed by higher order documents, through policies to rules as discussed in section 3.0 above.

Within Canterbury (under the same RPS regime) there are four operative second generation plans¹⁴, of which three are to some degree comparable and are assessed below. However, it is noted that the Ashburton District Plan is now a little dated in terms of its approach to landscape issues. Further afield there are limited numbers of operative second generation plans that are comparable to the Selwyn situation, but it is considered relevant to look at the Queenstown Lakes and Dunedin Proposed Plans for comparison purposes. Therefore, for the purposes of this report we have specifically reviewed the following plans:

- Ashburton District Plan (second generation, operative)
- Waimakariri District Plan (first generation, operative)
- Hurunui District Plan (second generation, proposed and not beyond challenge for these issues)
- Christchurch Replacement District Plan (second generation, proposed but beyond challenge for these issues)
- Queenstown Lakes District Plan (second generation, proposed)
- Dunedin District Plan (second generation, proposed)

A copy of relevant sections from the reviewed plans are contained in **Appendices 2-7**.

In looking at these other Plans, we have particularly focussed on:

- The objectives and policies applied.
- The types of rules and other methods used.
- Commentary on the perceived strengths and weaknesses of each approach.

7.1 Ashburton District Plan

The Ashburton District Plan does not contain a specific chapter dealing with landscape issues, but integrates this matter into the rural zone chapter as all the identified outstanding landscapes are located within this zone. The chapter includes a specific objective to “Enhance the landscape characteristics and values of the Outstanding Natural Features and Landscapes of the Ashburton District, and protect them from inappropriate subdivision, land use and development”.

This objective is supported by twelve policies that apply to various areas of landscape value and activities that may occur within sensitive landscapes. The policies include the list of values that are considered in determining ONFL and set a framework for the rules.

The landscape values were determined by the Ashburton District Landscape Study 2009, which provided a review of landscapes and identified ONFL. These are shown on the planning maps.

¹⁴ Hurunui, Christchurch, Ashburton and Waimate.

The rules incorporate elements of landscape protection by identifying that most ONFL are within the Rural C zone and strictly controlling most activities within that zone. There are additional rules that control the clearance of indigenous vegetation. There are however no rules limiting farming intensification.

The Ashburton District Plan approach is relatively simple and streamlined but by incorporating landscape issues within wider rural zone issues there is less emphasis on landscape values in their own right and the specific approach to protection of landscape values is harder to discern.

The plan only identifies and manages ONFL and not any other defined landscape areas.

7.2 Waimakariri District Plan

The Waimakariri District Plan deals with the issue of outstanding landscapes and natural features across two chapters, setting out objectives and policies in chapter 5 and rules in chapter 24. The identified objective is “The protection of characteristics that contribute to the natural character of the outstanding landscapes and natural features”. The outstanding landscapes are shown on the planning maps, including a specific map that shows the Outstanding Landscape Areas and Prominent Ridges.

The four policies seek to identify outstanding areas (including buffer areas), manage activities that impact on identified characteristics and qualities, manage impacts on prominent ridges, and maintain views in specified areas.

The rules focus particularly on tree planting, structures and earthworks, with some activities permitted, but most requiring consent in the identified landscape areas. The approach of tailoring the rules to the different landscape areas strengthens the protection of the identified values. The introduction of specific controls over the buffer areas around identified landscape areas adds an additional level of protection.

7.3 Hurunui District Plan

The Hurunui District Plan contains a specific chapter on Landscape (chapter 11), which covers the district wide issues of landscape values and focusses particularly on ONFL. The chapter is based on a Landscape Report developed in 2014 to review the district which sets out the methodology and criteria for determining whether an area is outstanding.

The objective is to protect ONFL from inappropriate subdivision, use and development. This is supported by seven policies setting out the identification criteria for determining ONFL, and setting a framework for rules to control activities within ONFL. The areas of ONFL are identified on the planning maps.

The rules for activities within ONFL are relatively complex with a range of permitted activities subject to compliance with standards. The standards focus on the scale and location of the building or structure and associated visual impacts of development. Activity status ranges through controlled and restricted discretionary for issues of non-compliance with standards, and includes non-complying activity status for some dwellings, forestry and mineral extraction.

The rules, whilst complex, are tailored to the values of the respective landscape areas and were specifically designed to ensure protection of values whilst enabling some activity to occur in appropriate areas, or in a manner that would not undermine the identified values. The plan only identifies and manages ONFL and not any other defined landscape areas.

7.4 Christchurch Replacement District Plan

The Christchurch Replacement District Plan deals with Landscapes together with Natural Character in sub-chapter 9.2. Within this chapter there are provisions relating to areas that are outstanding natural features (ONF), outstanding natural landscapes (ONL), significant features (SF) and rural amenity landscapes (RAL). All of these areas are identified on the planning maps as overlays, and there are also reference maps in an appendix. In addition, there are lists of the qualities associated with the identified areas. The identification of areas and qualities is based on landscape reports undertaken in recent years.

The objectives seek that outstanding natural features and landscapes are protected, and significant features and rural amenity landscapes are maintained. The supporting policies seek to recognise and protect the identified qualities of these areas and also provide for identification of other areas in the future. The policies set out a range of activities that need to be managed within the different areas.

The rules are complex and generally contained within two tables that breakdown activity status for various activities across the multiple identified ONF, ONL, SF and RAL¹⁵. Each activity status is tailored to the specific qualities identified for each area and thus there are a wide range of rules and activity status' applied. Generally, small scale buildings are a permitted activity and larger scale buildings are discretionary or non-complying. Quarrying is identified as a non-complying activity in all areas.

The complexity of the approach provides strong provisions where these are needed to protect identified qualities and tailors the approach specifically to each area. However, this results in very complicated provisions that may be difficult for many users to understand.

7.5 Queenstown Lakes District Plan

The Queenstown Lakes District Plan contains chapter 6 to deal specifically with landscape issues. This chapter sets out the range of landscape values across the district and the approach of dividing the rural zoned area into areas described as outstanding natural features (ONF), outstanding natural landscapes (ONL), and rural landscapes (RLC).

The landscape classifications are derived from landscape studies and Environment Court decisions. During the hearings on the proposed district plan, it was identified that there was insufficient analysis of the Wakatipu Basin and a Wakatipu Basin Land Use Study was developed

¹⁵ Most of the RAL is not subject to specific landscape controls (i.e. defaults to Rural Banks Peninsula Zone).

to further assess landscape character in this area¹⁶. It appears likely that the rules in the proposed plan chapter will change as a result of decisions.

The chapter contains eight objectives (each with supporting policies), covering the need to identify areas, protect (or maintain or enhance) areas from inappropriate subdivision and development, the need to avoid adverse cumulative effects, recognition of the contribution of indigenous biodiversity, and the dependence of tourism on landscapes. The landscape areas are shown on the planning maps.

As the landscape categories only apply to the rural zone, the applicable rules are contained in the rural zone chapter, with some provisions contained in other chapters e.g. earthworks, subdivision. Generally, there is little permitted activity within the ONFL areas with only small-scale farm buildings anticipated in appropriate locations. Activities such as mining and forestry are non-complying.

The integration of the rules within the rural rules makes it difficult to distinguish the particular landscape based controls.

7.6 Dunedin District Plan

The Dunedin Second Generation District Plan covers landscape issues within the Natural Environment chapter (chapter 10). This includes consideration of Outstanding Natural Features, Outstanding Natural Landscapes, and Significant Natural Landscapes, each of which are mapped on the planning maps. There is also an appendix which sets out the landscape values of each of the identified areas, and also identifies principal threats to the values and key design elements to be required or encouraged.

The objective seeks to ensure that the identified areas are protected from inappropriate development and their values, as identified in the Appendix, are maintained or enhanced. This objective is supported by sixteen policies setting out in detail the anticipated outcomes for a wide range of activities and land uses, and setting a framework for the rules.

The rules relating to the landscape areas are contained in the rural zone chapter and are set out according to the type of landscape area and apply across a wide range of activities. Generally, only very small-scale buildings are permitted activities and some buildings, where a building platform has been approved, are a controlled activity. Most other activities in an ONL or SNL are restricted discretionary or discretionary (i.e. mining), whilst activities in/on an ONF are generally non-complying.

The table approach to the rules, with the ONF, ONL and SNL provisions incorporated into the general rural provisions along with the provisions relating to coastal areas and areas of conservation value is very complex. It shows that each activity and the potential impact of the activity on the different landscape areas has been carefully considered but it may be difficult to interpret and apply.

¹⁶ This study has been undertaken and released for public information, changes to the District Plan based on this report have not yet been publicly notified.

8.0 Efficiency and effectiveness of Operative District Plan provisions

8.1 Summary of findings for comparison plans

The objectives and policies within all of the plans reviewed have a high level of similarity and alignment with the requirements of the Act and their relevant RPS. Generally, the intent of all plans is to identify areas of outstanding landscape value and to document the values/characteristics/qualities of these identified areas. Following identification, all of the plans reviewed seek to ensure protection of values from inappropriate activities.

The approach to identification of landscape areas varies, with some plans taking a simpler approach and only identifying ONFL, whilst others have layers of complexity and identify additional areas e.g. rural amenity areas or significant landscapes.

Appendix 9 contains a simplified comparison table¹⁷ comparing the rule approaches within the reviewed plans.

Most of the plans provide for a low level of change and small-scale activities as a permitted activity. This is generally restricted to small scale buildings and to some low-level maintenance type activities e.g. maintenance and upkeep of existing tracks.

Most of the plans reviewed apply a restricted discretionary or discretionary activity status to the majority of activities. This generally applies to larger buildings, earthworks, forestry, indigenous vegetation clearance, tracks and roads. The use of restricted discretionary and discretionary activity status enables assessment of impacts on identified values and the ability to decline an inappropriate application. This approach provides for these activities subject to a consent process, through which potential adverse effects can be assessed and applications can be declined.

In all plans reviewed, the most stringent activity status is non-complying, with this usually applied to large scale activities with high potential for visual change, including forestry, mining/quarrying, and large buildings. This approach clearly identifies the activities considered more likely to be inappropriate.

There is considerable overlap in the approaches to activities in the plans reviewed with the same activity having different activity status across plans e.g. earthworks as a restricted discretionary, discretionary and non-complying activity. This variation could reflect that each area has identified different values and threats to be managed differently or that different local priorities are being expressed. It also clearly shows that there is no consistent approach to similar issues.

Some of the plans reviewed are very complex and this makes interpretation and application more difficult, especially for landowners who are unlikely to be familiar with district plan terminology and layout. The more simplistic plan approaches are considered to be more

¹⁷ The rules that apply across the plans are complex and this table has been simplified to show the key rules which apply. It is not comprehensive and does not cover all details within the applicable rules / chapters.

understandable for a wider audience e.g. a specific section or chapter dealing with landscape issues holistically.

8.2 Consistency between districts

Consideration has been given to the extent to which consistency across territorial boundaries is achieved. Understanding this requires consideration of the neighbouring plans for Christchurch, Ashburton, Waimakariri, Hurunui and Westland Districts. In giving effect to the RPS, the Selwyn District Plan should be generally consistent with the approach taken by the Christchurch, Ashburton, Waimakariri, and Hurunui Districts given that they are also required to give effect to the same RPS. However, it is noted that of these plans, only the Christchurch and Hurunui plans have been reviewed since the RPS became operative.

It is clear that a number of the plans reviewed have specifically tailored the list of activities and the activity status to the values identified for the landscape areas. This tailored approach clearly links the values (and threats) to the level of protection within the rules. Such an approach will mean that each plan is different from others, to provide a local and specific approach to the issues involved. In this way, there is less emphasis on consistency with other plans and more emphasis on adequate consideration of what is appropriate or inappropriate in each district and this is necessary to give effect to the RPS in the context of the particular district.

It is not considered necessary for the same provisions to be applied in each district as there is a need to address local issues, but a degree of consistency will be achieved in providing an appropriate level of identification and protection by following the direction of the RPS.

8.3 Efficiency and Effectiveness – Operative Selwyn District Plan

The operative Selwyn District Plan generally recognises and provides for landscape values but some of the provisions take an approach which in some respects is not aligned with contemporary best practice for identification of areas or in relation to management of values, as discussed further below. While the current approach has seemingly been effective at providing for the protection of ONFL, it is dated in comparison to the evolution of caselaw and best practice, and merits amendment to ensure protection into the future. It is understood that to date the rules have not been extensively applied due to the small number of applications during the past 10 years but that may not remain the case over time. These matters are addressed below:

8.3.1 Identification and Values

The approach to identification of landscape values is a key area in which the operative District Plan is neither particularly efficient or effective. The operative District Plan is not based on a comprehensive district wide study of landscape areas (being based mainly on a series of area or issue specific projects) and thus the current landscape layers have been identified sporadically

rather than in the context of the district as a whole. The limited information publicly available from the various projects has meant that it is often difficult for affected parties to understand why their land is identified as having particular values¹⁸. Without clear identification of values, it would appear difficult for the Council to process applications for resource consent adequately as it would be unclear what values need to be protected¹⁹.

In terms of identification of areas in the current District Plan, it has also been noted that the visual amenity landscape area applied to the lower slopes of the Port Hills overlaps with the ONL in this area. This leads to confusion over the rules that apply and the intent of identification of the land. The current forestry exclusion areas and rules applying to the area along State Highway 73 in the High Country is another example of an area identified as having particular rules for visual reasons but without extensive evaluation that is publicly available of why that is the case.

On this basis, the current landscape identification does not reflect a comprehensive approach or necessarily align with the expectations of the RPS (mainly due to the RPS being reviewed and new provisions adopted after the Selwyn Plan was made operative). It also is not aligned with more recent planning approaches to the identification of landscapes using established criteria, and identification of values.

It was recognised by the Council that there was a need to undertake a comprehensive review of all landscape areas and their associated character, values and threats. The Council commissioned the *“Selwyn District Landscape Study: Landscape Characterisation and Evaluation Report”* which contains the specialist review of landscapes within the district. That study uses best practice criteria and an established and widely applied methodology.

The outputs of the study are a set of areas identified as:

- Outstanding Natural Landscapes (ONL)²⁰
- Visual Amenity Landscapes (VAL)

These areas have been mapped and the ONL / VAL areas identified in the Study are therefore able to be integrated into the planning maps for the proposed District Plan to clearly identify the areas which have particular landscape values²¹. These areas and features do not differ significantly from those identified in the operative plan.

This ‘two-tier’ approach, conducted at a district value level, that is readily mapped and underpinned with a contemporary and explainable methodology, is considered a more efficient approach to that of the operative plan and more aligned with regional and national best practice and the CRPS.

¹⁸ Feedback from landowners during August / September 2017 has indicated that they are not aware of the reasons for their property being identified.

¹⁹ This does not appear to have been an issue to date but the feedback from consents staff is that the landscape values have not been strongly challenged through any consents.

²⁰ Note: no areas have been separately identified as an Outstanding Natural Feature (ONF).

²¹ Noting that the Landscape Study as issued in draft on 15 September 2017 will be subject to a degree of refinement during landowner engagement, stakeholder consultation and wider consultation processes.

Based on the Landscape Study, it is recommended that the District Plan include the eight ONL and four VAL areas identified in the Landscape Study and listed below:

1. Te Pātaka o Rākaihautū / Banks Peninsula (Selwyn Section) ONL
2. Te Waihora / Lake Ellesmere (Selwyn Section) ONL
3. Rakaia River ONL
4. Waimakariri River ONL
5. Malvern Hills ONL
6. Front Ranges ONL
7. Rakaia River Catchment ONL
8. Waimakariri River Catchment ONL

1. Te Pātaka o Rākaihautū/Banks Peninsula VAL
2. Malvern Hills VAL
3. Rakaia Catchment VAL
4. Waimakariri Catchment VAL

These ONL and VAL areas should be shown on the Planning Maps and clearly identified in geographic extent, with a graphic differentiation between ONL and VAL areas. Ideally, the Council could also include a description of the location, nature and values of the areas as an appendix²².

Within each identified area, the particular values that make the area an ONL or VAL have been clearly identified. This value based approach explains why an area meets the threshold for being identified (or not) and what values are sought to be protected. This in turn informs the development of rules (methods) to be applied to each area, to ensure that the values identified are not damaged or destroyed by inappropriate activities so that the desired protection of those associated values is achieved. For each area, the Study also identifies possible threats to the values identified and this too helps to inform what the appropriate management response (e.g. rules) might be.

The threats assessment in section 8.0 of the *Selwyn District Landscape Study: Landscape Characterisation and Evaluation Report* sets out the activities, land uses and changes to land use that will or are highly likely to have adverse effects on the identified values of each of the ONL areas (and more generically in relation to VAL areas). At a 'generic level', these activities and land uses are able to be identified by specialist landscape planners as likely to be or potentially inappropriate due to the anticipated degree of adverse effects on the landscape values.

From this identification, it follows that the values of ONL need to be protected from such inappropriate activities and land uses to achieve Policy 12.3.2 in the CRPS. The Landscape Study

²² Some plans include this and others leave it to the supporting technical document to stand alone.

(page 62) identifies generally where threats to landscape arise and notes that effects are often related to key activities including earthworks, loss of areas of significant indigenous vegetation, and the placement of buildings, structures and tree plantings in the landscape. This threat analysis has formed the basis of an analysis of the degree of control of these activities under the operative plan provisions, and where greater (or lesser) control may be necessary under the proposed plan if landscape values are to be adequately protected, the requirements of the CRPS met as well as meeting the expectations of the RMA for ONL as a matter of national importance.

The Landscape Study has also identified four Visual Amenity Landscapes (VAL's). Whilst noting that it is not a requirement to identify or manage such landscapes in giving effect to the RPS (CRPS Policy 12.3.3), the Landscape Study has determined that the high amenity and environmental characteristics and values of these landscapes warrants their inclusion in the Plan as VAL's. Maintaining the values of these areas is the appropriate focus for rules and the identification of threats to values underlies the rules that are necessary to ensure maintenance of VAL values. The Council will need to determine if they wish to include these areas in the District Plan or if not then they would fall back to being managed in the same manner as the remainder of the Rural Zone.

Going forward, the Council has the option to use the Landscape Study in a range of ways:

- A background reference document that only influences the content of the District Plan (e.g. influences the rules included). This would be a publicly available document but not integrated into the District Plan in any way.
- Take portions of the document (e.g. the lists of identified values) and integrate these into the plan in some way such as within a policy or an appendix.
- Reference the document in the Plan directly (in which case it becomes a "referenced document" under Part 3 of the Resource Management Act) either in a policy or within the rules.

There are implications with all of these options and this matter should be discussed internally within the Council to determine a favoured approach, noting that it may be reliant on the approach taken in other parts of the proposed District Plan.

Applying the areas identified as ONL/VAL in the Landscape Study to the proposed planning maps will ensure there is a legible and an effective approach to identifying these areas within the proposed District Plan. The knowledge of values and threats will help inform rules to make them more efficient and effective at managing activities that could adversely impact on landscape areas and/or the identified landscape values.

8.3.2 Objectives and Policies

The objectives and policies within the operative Plan were developed to cover the geographic areas of importance (i.e. Port Hills, Malvern Hills, etc) and reflect the decisions that were made around identification at that time. The current objectives and policies need to be revised to align with the landscape areas identified in the technical review and to reflect current approaches to management of landscape areas.

The approach in the operative District Plan is to have one very general objective, a few very generic district wide policies and then a set of specific policies for each geographic area. This leads to some repetition, especially in relation to the types of activities that occur within all the landscape areas.

To be more efficient and effective, it is recommended that the objectives and policies be fully revised and consolidated rather than repeating matters across the various landscape areas. It is recommended that the very general objective be revised to be more directive towards protection of the values of ONL as a matter of national importance. If the Council elect to distinguish VALs as is recommended, it is suggested that there be an additional objective to guide the maintenance and enhancement of VAL in the district, particularly focussing on visual amenity values.

At a policy level, it is recommended that the policies step through the relevant issues setting out the intent for identification, protection, management, etc. These policies should address both general district wide issues relating to landscape values, and any specific elements relevant to the particular ONL and VAL areas. The policies should clearly identify the different outcomes intended for ONL (protection from inappropriate activities as a matter of national importance under section 6b of the Act and Objective 12.2.1 and Policy 12.3.2 in the CRPS) and VAL (management of other landscapes under Policy 12.3.3 of the CRPS). A replacement set of policies could cover:

- identification of the different outcomes intended for ONL (protection of identified values from inappropriate subdivision, land use and development as a priority) and VAL (maintenance of visual amenity values);
- identification of ONL and VAL, including criteria where appropriate;
- methods of and priorities for protection within ONL;
- methods of maintenance and enhancement of VAL;
- management of activities and their effects on identified values;
- general district wide issues that need to be managed differently within an ONL e.g. signage; and
- any specific elements relevant to the particular ONL and VAL to protect area specific values.

There is also a need to ensure that the ONL / VAL policies cross reference, where necessary, to other relevant matters e.g. sites of cultural significance, significant natural areas, rural amenity values.

It is also worth noting that Policy B1.4.22 of the operative plan seeks to “*Recognise pastoralism, outdoor recreational activities and associated pasture improvements, shelter belts and small-scale earthworks and structures, as appropriate activities in Areas of Outstanding Landscape in the high country.*” Whilst the use of the land for pastoralism is recognised in the Landscape Study and forms part of the current environment which remains outstanding, it is important to recognise that changing practices in farming can impact both negatively and positively on

landscape values. The continued application of this policy, alongside other policies for protection of existing landscape values, could be in conflict. The resolution of such conflict rests, at least in part, to higher level decisions that the Council will need to make regarding potentially conflicting interests and demands on resources, such as rural development vs protection of special values. This will require consideration of issues/matters extending beyond the values of the landscape that cut across multiple work streams within the District Plan review.

8.3.3 Rules

The current rules are relatively complex but do not fully cover all activities within all ONL areas. For example, amenity tree planting rules only apply in some areas²³, as do rules restricting shelterbelts. There are no rules relating to intensification of land use or changes in farming activity, although it is noted that this might have been deliberate.

Another example is that there are currently no rules restricting earthworks or buildings in the Te Waihora / Lake Ellesmere outstanding natural feature as that ONF is currently restricted to the waterbody rather than encompassing the surrounding wetlands or marginal areas. The Landscape Study recommends a larger area as appropriately reflecting the ONL and thus rules applying to a wider geographic area may be needed to protect the values appropriately.

It is considered that overall, the rules should be enhanced to provide more directive protection to the values of the ONL areas as they are defined to be of national importance and to reflect best practice approaches in the use of directive district plan language. The current activity status applied to a number of activities that do not meet the limited permitted activity conditions is discretionary. The use of discretionary activity status implies that an activity is not suitable in all locations in a zone or the effects of the activity are so variable that it is not possible to prescribe standards to control them in advance²⁴. However, it is considered that a discretionary activity status may not achieve the desired protection in many situations where activities have been identified as having the potential to significantly impact on identified landscape values.

As discussed above, the threats assessment in the *Landscape Study* sets out the activities, land uses and changes to land use that would be inappropriate because of the likelihood of adverse effects on identified values in the various ONL/VAL. This has informed the analysis of what rules are recommended to apply in the ONL and VAL areas.

The recommended approach to managing various activities within the identified ONL and VAL areas has been based on the technical views in the Landscape Study and particularly the identified threats to each ONL and VAL. The landscape advice on threats and management of activities has been based on a first principles approach informed by recent experience around the country rather than a narrow review of the operative provisions, especially given their age. The pressures and threats analysis indicates likely inappropriate activities within the various ONL / VAL areas and an extract of the key analysis is included as **Appendix 10**. This gives guidance on the effects of activities on the values of ONLF.

²³ Summit Road Protection Area, Forestry Exclusion areas and the High Country ONL.

²⁴ Refer to the Quality Planning website (<http://www.qualityplanning.org.nz/index.php/plan-steps/writing-plans/writing-effective-and-enforceable-rules>) for further information on the use and application of various activity status'.

The following recommended approach to the rules is based on a range of inputs including:

- an understanding of the operative provisions and the current character of the district,
- the technical analysis provided in the *“Selwyn District Landscape Study: Landscape Characterisation and Evaluation Report”*,
- detailed landscape planning advice to assist in applying rules to avoid and manage threats to landscape values,
- the planning analysis undertaken above in relation to other district plans reviewed,
- an expert understanding of evolving best practice and issues raised in case law based on experience throughout New Zealand relating to landscape identification and protection.

From this understanding, a range of changes are recommended to the approach of the current, operative District Plan. Collectively these recommendations seek to improve clarity, increase protection where necessary, and align with current approaches in strengthening the emphasis on landscape protection. There are also a range of other recommendations including undertaking additional assessment that would enhance understanding of the issues and the robustness of the protection afforded by the District Plan.

These recommendations are only developed from a landscape management perspective and provide a framework for progressing the issues of ONL and VAL areas, and are concepts for discussion and testing with Council staff, Councillors, landowners and other stakeholders. Following feedback, these concepts will be refined to form proposed provisions in the proposed District Plan.

The recommended approach is as follows:

Earthworks and quarrying / mining

The current rules permit small scale earthworks within ONL areas e.g. maintenance and repair of existing roads. The overall extent of earthworks is limited in the Port Hills, Malvern Hills and High Country ONL (100-150m³) but not in the Te Waihora ONF. The current status of larger scale earthworks is a discretionary activity, which means that even extensive earthworks may occur.

Based on the Landscape Study, in most of the ONL and VAL areas, small scale earthworks are considered appropriate (as is currently the case) and it is recommended that there continue to be rules to permit limited earthworks. Such limits should relate to existing activities e.g. fence lines, roads and tracks, to ensure these can continue to operate. Permitted general earthworks should be appropriate to the scale and character of the environment and not adversely affect identified values – for example, the values of the Te Waihora / Lake Ellesmere ONL are such that no earthworks are considered appropriate as a permitted activity within or on the margins of the waterbody and wetlands. In contrast, within the Rakaia and Waimakariri catchment ONL the visual and geographic scale of the environment is so large that more extensive earthworks could occur without significant impact on landscape values.

In recognising the values and importance of the ONL areas, it is recommended that the adverse effects of earthworks²⁵ that exceed permitted area/volumes are managed and the policies are worded such that applications that would generate significant adverse effects on landscape values can be declined. This would appropriately recognise the potential for significant adverse effects to occur. Equally, the approach should acknowledge circumstances will likely exist over such extensive areas, such that the protection of the recognised values can still be achieved.

Within the VAL areas it is also recommended that larger scale earthworks be managed, recognising that generally there is greater potential to undertake earthworks without significantly impacting on visual amenity values. If earthworks were proposed in a location or manner that would significantly impact on a VAL, the policy framework needs to provide sufficient guidance to be able to decline an application.

Quarrying and mining activities²⁶ are generally of a significant scale and by their very nature likely to impact on landscape values in a significant way. For this reason, it is recommended that quarrying and mining specific activities be managed in VAL and managed or avoided within ONL to recognise the potential significant adverse effects of such activity. It is important that large scale earthworks (including quarrying/mining) are not implied to be appropriate where they have the potential to cause significant impacts on the values of the ONL e.g. large-scale earthworks in the Port Hills ONL would very likely be inappropriate due to the degree of visual impact in an area with low ability to absorb change. This issue should be explored further to determine if discrete activities such as mineral exploration may be acceptable in locations where large scale extraction is not.

Farming (pastoral intensification and/or agricultural conversion)

Most of the ONL areas are modified to some extent by farming practices and have been identified as having outstanding landscape values whilst continuing to support current productive land uses. However, the current land uses are in most cases low intensity grazing which supports the current character of open spaces with low levels of fencing, shelter, structures/buildings, little or no irrigation, and comparatively low stocking rates. There are currently no rules restricting changes in farming practice in ONL areas (e.g. intensification), and some forms of change could lead to significant visual alteration of, and impacts on landscape values.

The Landscape Study has identified that large scale or visually prominent changes in farming (that come about through pastoral intensification and/or agricultural conversion²⁷) could significantly impact on landscape values within the larger scale landscapes – particularly the Rakaia Catchment and Waimakariri Catchment ONL. Changes such as visual division of the landscape by fencing and shelterbelts, and intensification of activity through irrigation, higher

²⁵ It will be appropriate to define an appropriate small-scale limit that is relevant to each of the different ONL areas and their values. For example, the Port Hills is a more visible and more restricted ONL and the appropriate small-scale limit may be in the order of 100m²/100m³ per site, where as the Waimakariri Catchment is more expansive and can absorb a larger area/volume of earthworks as a small-scale activity.

²⁶ The definitions of 'earthworks', 'mining' and 'quarrying' overlap and it needs to be clear in the rules where the more specific terms (mining/quarrying) apply in addition to or over and above the general terms used (earthworks).

²⁷ Both in relation to conversion of land not currently farmed and farm land converted from one scale to another use i.e. sheep to beef or deer.

stocking rates and change to current farming practices and structures could detract from or undermine the identified landscape values.

This issue has been recently addressed in the Mackenzie Basin through the long running Plan Change 13 Environment Court process. This has led to definitions of Agricultural Conversion and Pastoral Intensification being introduced into the Mackenzie District Plan and rules being applied to these activities. The likelihood of, and susceptibility of the landscape in Selwyn, to such changes, will be a relevant consideration in determining the appropriate management regime under the district plan.

As we observe some such change occurring, and/or future potential, it is recommended that there are rules to manage significant farming change and intensification in areas where such activity would be inappropriate and it would be difficult to enable the change in a way that would protect identified landscape values. It is recommended that the Council at least consider taking a similar approach to the issue of farming change as that applied to the Mackenzie Basin, to avoid the change that has started in that district and which has impacted on the landscape values. To determine the level of management required in the District Plan, discussion / workshops with the District Plan Committee are suggested.

The Landscape Study has not identified this type of change as being a significant issue within other ONL or VAL areas.

Planting

There are a range of activities that involve planting (amenity tree planting, vineyards and orchards, woodlots, shelterbelts, exotic plantation / forestry, native tree planting) and these range in scale and in their potential to generate impacts on landscape values. The current plan has limited rules controlling planting (as described above) activities, with the main focus being on controlling plantation forestry. The current rules that apply to planting activities within ONL areas appear less restrictive than those applied to other districts that have been evaluated.

From a visual / landscape perspective, it is noted that the current definition for “Amenity planting” states:

means any tree or trees planted in the immediate vicinity of a house or principal building, primarily to provide shelter or aesthetic appeal, or to visually screen any building as a means of mitigating potential adverse environmental effects. Amenity plantings include any woodlot, orchard or vineyard planted in close proximity to a house or principal building, primarily to supply the residents on-site. The total area of any woodlot, orchard or vineyard which is classed as amenity planting shall not exceed 4 ha.

This definition incorporates a range of activities that have quite different visual effects – domestic gardens around a house vs a woodlot of 4ha in area. Generally, woodlots, orchards and vineyards have quite a different appearance from a domestic garden area, based on their linear arrangement, singular species and regularity of form, and consequently result in different effects. It is therefore suggested that such activities should not be considered together when assessing impacts on landscape areas.

Amenity planting around an existing house and planting of native species (e.g. conservation projects) are considered to be acceptable activities that do not have significant adverse effects on landscape values or, in the case of native revegetation, can actually enhance outstanding landscapes in terms of, for example natural science values.

Vineyards can have a significant visual impact due to their regularity of shape, visual solidity and the colour contrast with surrounding land. The technical landscape advice is that these should generally be avoided within ONL areas and managed in VAL areas.

Shelterbelts and woodlots can have an impact on landscape values. The technical landscape advice is that generally within the geographically larger landscapes e.g. Waimakariri Catchment ONL, their effect is diminished by scale and they would consequently have less visual impact. However, within the smaller ONL areas these activities should be managed to avoid significant adverse effects.

Plantation forestry is considered likely to have a significant impact on landscape values in outstanding landscapes in most locations and thus it is recommended that this activity always requires resource consent and is subject to stringent assessment. In relation to plantation forestry, the Resource Management National Environmental Standards for Plantation Forestry Regulations 2017 (NES-PF) are relevant. In relation to landscape areas, it is understood from the NES-PF that:

- Forestry is not a permitted activity in an ONFL.
- Unless a District Plan has rules that are more stringent, forestry in an ONFL is a restricted discretionary activity.
- Rules in a District Plan may be more stringent if protecting an ONFL.
- Forestry in a VAL is a controlled activity if rules in the relevant District Plan restrict plantation forestry activities within that landscape (otherwise it is a permitted activity).
- Rules in a District Plan may not be more stringent in relation to a VAL.

Due to the potential for forestry to have significant impacts on outstanding landscape values, it is recommended that the District Plan be more stringent than the NES-PF, and that generally forestry be avoided within ONL areas. The delineation of the ONL areas has taken into account existing forestry activity and in some cases the boundary of an ONL is aligned to exclude a forestry area where that does not express outstanding values. In some cases, there is forestry within an ONL area where the ONL as a whole expresses outstanding values even with the modified vegetation types and patterns. Where this is the case, the landscape assessment anticipates that such forestry would remain or in time be harvested and replaced – this has been factored into the analysis and reflects consented activities and/or existing use rights. It is noted that in some cases there may be replanting of areas where forestry has been removed (e.g. Port Hills post fires) and this too has been considered as part of the technical analysis. The specialist advice is that new (not replanted) areas within ONL would be inappropriate and ideally should be avoided.

In relation to VAL areas, the NES-PF states:

13 Permitted activity condition: visual amenity landscapes

Afforestation must not occur within a visual amenity landscape if rules in the relevant plan restrict plantation forestry activities within that landscape.

15 Controlled activity

Territorial authority

(3) Afforestation is a controlled activity if regulation 13 is not complied with.

(4) For the purpose of subclause (3), control is reserved over the effects on the visual amenity values of the visual amenity landscape, including any future effects from plantation forestry activities.

Given that a controlled activity consent must be granted and cannot be conditioned in a way that effectively alters the activity sought to something different (tantamount to a refusal), the ability to apply conditions to deal with the effects of forestry on visual amenity values is limited. Essentially, even if there were significant adverse effects on a VAL due to forestry, the consent would still have to be granted and a consent process could be viewed as an unnecessary time and cost for no real purpose/environmental benefit. For this reason, it is recommended that the effects of forestry within VAL be accepted (albeit that they will have an impact on the landscape values) and this activity remain as a permitted activity and managed as per the rural zone provisions. This would also avoid any confusion over the application of rules for this activity.

Buildings

The current provisions enable small scale buildings in the ONL, with other buildings requiring either a discretionary or non-complying consent, depending on location and purpose²⁸.

Buildings and structures have the potential to create significant adverse effects within areas of high landscape value – both ONL and VAL. Buildings and structures can modify or dominate a landscape depending on their location in relation to topography and vegetation, and their colour, materials, finish, height and scale. In addition, buildings (especially dwellings) can result in modification of the surrounding land area as a result of consequential changes such as domestication of the landscape with gardens, washing lines, fences, hard stand areas, driveways etc. Buildings and structures are inherently variable as to scale, appearance and function. Accordingly, there is a need to be more directive in those areas that are most sensitive to buildings (and therefore should not permit any buildings as of right) and those areas which can accommodate some structures (under appropriate constraints). The current rules can be enhanced to provide this differentiation as described below.

Ridgelines are particularly sensitive locations for buildings, structures and utilities since their appearance against the skyline is often visually prominent from a variety of viewpoints. The

²⁸ Except in some areas if the building is associated with an activity which is located within the area of Outstanding Landscape; and the building cannot effectively serve that activity if it is located on a site outside the area of Outstanding Landscape: this a restricted discretionary activity.

expressiveness of particularly legible landforms can be modified by buildings, structures and utilities, if they visually dominate their surroundings. The current rules include consideration of buildings in relation to skylines and it is considered that this approach should be retained and enhanced to better describe that locations on ridgelines and against skylines are to be strictly avoided²⁹.

Based on the Landscape Study, it is recommended that no buildings are permitted in the ONL that have the highest level of sensitivity to buildings of any scale (Te Waihora / Lake Ellesmere, Rakaia River and Waimakariri River³⁰). Within the other ONL and within the VAL, it is considered appropriate to enable small scale buildings that have appropriate colour and reflectance values, and where these will not be located on a ridgeline such that they are silhouetted against a skyline. Again, this would involve minor changes to existing rules to enhance their application and interpretation.

To achieve this balance, it is recommended that there be a set of pre-conditions (standards) for permitted appropriate buildings e.g. building height and footprint, and activities proposed beyond these standards should be considered on a case by case basis through a resource consent process. This is similar to the current approach in the rules but it is recommended that there be additional refinement to acknowledge building colour, reflectance values, avoiding location on ridgelines, and building scale. The standards should be appropriately crafted to recognise the differing nature of the ONL areas e.g. larger buildings are more likely to be visually absorbed in the high country areas. Generally, it is anticipated that large-scale buildings in ONL will be inappropriate and should be avoided.

Although avoiding large-scale buildings is preferred, it is also acknowledged that some such buildings exist and reflect certain functional needs of land use activities prevalent in ONL areas in Selwyn. It is considered that some particular consideration should be applied to buildings necessary for farming purposes e.g. hay barns and silos, and that this may support introducing by exemptions to specific rules to enable some larger buildings in areas better able to absorb change³¹. For example, in these circumstances, it is recommended to include an increased building height for farm buildings and a moderate increase in building footprint. In addition, it is considered appropriate to enable consideration of larger buildings that are necessary for farming, in the more expansive areas, through a consent process. This could include for example a limit on the type of building e.g. necessary for farming purposes, and an upper limit on scale.

In the Malvern Hills and High Country ONL areas, the current rules make a distinction between whether a proposed building is associated with an activity located in an ONL and cannot effectively serve that activity if it is located on a site outside the area of ONL. This rule places the onus on the applicant to demonstrate there is no suitable location possible outside the ONL but, if this is the case, does not ensure that the location proposed is appropriate or will not adversely affect landscape values. It is considered that the above approach could replace the current

²⁹ For example, the Hurunui District Plan includes "The highest point of any building will not be located within 20 m vertical or 100 m horizontal of any ridgeline".

³⁰ Whilst these ONL predominantly cover riparian areas, they also include marginal areas of high value in which buildings could potentially be located.

³¹ The Landscape Study identifies the Malvern Hills, Front Ranges and High Country as being more able to absorb some buildings than the other ONL.

rules, achieving a similar outcome but with some consideration given to the proposed location in the context of the particular landscape values that are present.

The current plan includes a rule restricting buildings and shelterbelts within 300m of the State Highway 73 and the Midland railway line corridors in the High Country area. The landscape advice acknowledges these important visual corridors and that they will pass through both recommended ONL and VAL areas. To retain protection of the visitor experience, it is recommended that buildings do not establish close to State Highway 73 or the Midland railway line in the High Country to continue to keep the views through this area unobstructed. The current rule restricting buildings within 300m of these corridors is considered to be an effective tool, together with the base restrictions applying to the ONL/VAL areas and it is recommended that it be retained.

Other – signs, subdivision

In relation to signs, there are currently restrictions and it is acknowledged that signs have the potential to generate adverse effects on visual amenity and should be restrained within these sensitive areas, particularly ONL but also VAL. Proliferation of signs should be avoided and they should only be necessary signs. The current rule is considered moderately effective, therefore it is recommended that in addition, there also be a restriction on the overall scale and height of signs in these landscape areas to ensure adequate protection of visual amenity values. The current rules provide a degree of protection but can be enhanced to be more directive and clear in their intent.

Subdivision is a precursor to development and land use change, and the potential for effects on landscape values from subdivision is acknowledged in section 6b of the Act. The current rules set subdivision in a VAL or ONL as a controlled or restricted discretionary activity which generally means that most applications are granted with consideration being limited to the matters listed in the plan.

To ensure that the impact of subdivision activity is considered appropriately, it is recommended that all subdivision within an ONL or VAL specifically consider the potential for effects on landscape values as is currently the case in the matters of discretion. It is assumed that subdivision provisions generally will be covered in another District Plan review work stream and that that work stream needs to incorporate this issue. It is recommended that subdivision within an ONL or VAL be managed to ensure that subdivision that would adversely impact on landscape values (through visual change or change in expectations of activity levels) can be declined.

Other - indigenous vegetation removal, utilities, roads

Clearance of indigenous vegetation, establishment of utilities (buildings and structures) and establishment of new roads can all have an impact on landscape values. It is acknowledged that these activities are all the subject of other work streams for the District Plan review and it is assumed that those work streams will include consideration of landscape values. As guiding notes for those topics, it is noted that:

- Indigenous vegetation is almost always of high value to outstanding natural landscapes and its removal could have significant impacts on the values of the areas. Removal of

indigenous vegetation in ONL should generally be avoided. A consent process would enable case by case assessment of the impact of such removal on landscape values.

- Utilities generally have the same effects as buildings and structures, as discussed above. The current rules are generally the same as the building rules. Unless the Council makes a specific decision to treat utilities differently within ONL or VAL areas (e.g. more enabling to recognise the essential nature of infrastructure), then it is recommended that utilities be treated the same as buildings and structures with only small scale buildings and structures being permitted. It is also important to recognise the need to give effect to relevant NES and NPS in relation to utilities.
- Roads can have a strong visual effect, especially on steeper slopes. Usually it is the clearance of vegetation and earthworks to construct a road that has initial and significant impacts and these aspects would be covered by other provisions discussed above. The ongoing use of a road can have continued and increased effects due to the potential increase in the number of vehicles or road widening and should be considered if any such activities are proposed.

Specific areas

The operative District Plan provisions incorporate a handful of rules relating to specific areas to provide a higher level of protection for a variety of reasons. These include:

- The Summit Road Protection area;
- Forestry Exclusion areas; and
- Land adjoining SH73 or the Midland Railway Line within the High Country area.

The Summit Road Protection area is wholly within the Te Pātaka o Rākaihautū / Banks Peninsula (Selwyn Section) ONL and it is considered that the rules for that ONL are sufficient to protect this important and highly visible area from a landscape perspective. It is not considered necessary to continue to have any additional rules for the Summit Road Protection area as that would duplicate proposed rules essentially addressing the same types of issues.

The location of the existing Forestry Exclusion Areas was considered as part of the comprehensive review of landscapes within the Malvern Hills, Front Ranges and High Country areas. In considering what areas are currently affected by forestry or which areas could be impacted by new forestry, the identification of ONL areas has determined where further forestry should be avoided. With this having been considered holistically there is no longer a need for separate identification of Forestry Exclusion Areas from a visual / landscape perspective.

As discussed above, the current rules protecting the SH73 and rail corridor through the high country are considered to be effective at retaining open views and should be retained.

Another relevant issue for the Te Pātaka o Rākaihautū / Banks Peninsula (Selwyn Section) ONL and VAL is the potential for fire risk, as occurred in parts of this area during February-March 2017. The Selwyn District Council Port Hills Fire Recovery Plan provides some general guidance on these issues and notes the need for a response to come, in part, through the District Plan review. Particular issues noted in that document are *“a package of provisions that specifically*

address fire hazard and that seek to establish an environment around rural-based residential activity that minimises fire risk through design and potentially provides for water storage requirements for firefighting purposes as well as appropriate levels of access to remote rural locations". It is anticipated that a response to these issues would come mainly through rural zone rules, general subdivision rules and associated building consent processes. However, it is noted that the recommended rules to restrict buildings and forestry within the ONL may well assist in reducing the risk of fire and the associated consequences if fire occurs.

Activity status

Other district plans use a range of activity status' in relation to landscape values, including controlled activity status and restricted discretionary activity status.

Given the Resource Management Act requires that controlled activity consents be granted, they are essentially the same as permitted activities albeit there is some consideration of effects and related conditions can be imposed. Controlled activity status is generally avoided for outstanding landscape areas given the unknown effects that could occur from activities within what are often expansive areas. As the emphasis in these landscape areas is on their protection, permitted and controlled activities are usually limited to those considered to be highly predictable, or of a scale or nature such that there can be a high degree of confidence of not having adverse effects on identified values.

Discretionary and restricted discretionary activity status are often used in district plans. It is possible to craft a set of matters of discretion ("matters to which discretion is limited") to apply to restricted discretionary rules. However, there is risk that the matters of discretion may not address unknown proposals in the future. Understandable, but unfortunately, a common way to avoid the risk of the unknown in other plans is to have very general matters of discretion but this would be effectively the same as having unrestricted discretionary activity status.

Non-complying activity status is commonly used for activities (either directly or where standards are not met) to ensure an appropriate level of protection is achieved where activities are able to be identified as more likely to be inappropriate. Non-complying activity status provides clear direction that the activity involved has the potential to have significant impacts on values identified as being important and thus needs to be avoided or assessed on an in-depth case by case basis. For those activities that can be clearly identified as having high potential for significant impact, non-complying activity status provides clarity to all parties and affords an appropriate high level of protection for these areas of national importance. There is also a need to ensure the objective and policy framework is clear and robust, as in addition to assessing adverse effects on the environment, determining whether a proposal will be contrary to relevant objectives and policies, is a specific test for non-complying activities.

Definitions

To support the rules outlined above, it is recommended that new definitions are developed including concepts such as:

- Agricultural Conversion: e.g. means direct drilling or cultivation (by ploughing, discing or otherwise) or irrigation.

- Pastoral Intensification: e.g. means subdivisional fencing and/or topdressing and oversowing.

8.3.4 Summary of recommendations

Based on the technical analysis provided in the “*Selwyn District Landscape Study: Landscape Characterisation and Evaluation Report*”, and the planning analysis undertaken above, a range of changes are recommended to the District Plan. Generally, the changes recommended are discussed above and summarised below.

Collectively these recommendations seek to improve clarity, increase protection where necessary, align with current best practice approaches and give effect to the CRPS. It is also recommended that a number of provisions remain essentially unchanged or are only slightly refined/modified to fit with a restructured approach aligned with recommended new ONFL / VAL areas.

- Adopt the Landscape Study in its entirety including the identification and management of both ONFLs and VALs.
- Include in the District Plan the eight ONL and 4 VAL areas identified in the Landscape Study and listed below. These better reflect the existing landscape but do not significantly differ from those in the operative plan:
 1. Te Pātaka o Rākaihautū / Banks Peninsula (Selwyn Section) ONL
 2. Te Waihora / Lake Ellesmere (Selwyn Section) ONL
 3. Rakaia River ONL
 4. Waimakariri River ONL
 5. Malvern Hills ONL
 6. Front Ranges ONL
 7. Rakaia River Catchment ONL
 8. Waimakariri River Catchment ONL
 1. Te Pātaka o Rākaihautū/Banks Peninsula VAL
 2. Malvern Hills VAL
 3. Rakaia Catchment VAL
 4. Waimakariri Catchment VAL

These ONL and VAL areas should be shown on the Planning Maps and clearly identified in extent, with a graphic differentiation between ONL and VAL areas.

- Consider whether to use the Landscape Study as a background document, integrate some parts within the District Plan, or reference it within the District Plan (in which case it becomes a “referenced document” under Part 3 of the Resource Management Act).
- Draft objectives and policies based on the existing provisions, to protect the ONFL values of ONFL and maintain and enhance the VAL values from inappropriate subdivision, use and development.
- Draft rules based on the existing provisions, to manage the adverse effects on the identified values of ONFL’s and VAL’s, including consideration of:
 - Permit small scale earthworks within ONL and VAL areas e.g. maintenance and repair of existing roads, and control larger scale earthworks.
 - Control quarrying and mining in all ONL and VAL, subject to further to discussion over the level of control relating to the differing scales of such activity.
 - Permit farming but manage significant farming change and intensification in areas where such activity would be inappropriate and it would be difficult to enable the change in a way that would adequately protect identified landscape values. Such consideration should be subject to further to discussion over the level of control necessary for such activity.
 - Generally, control all planting including shelterbelts and woodlots, except amenity planting.
 - Provide for plantation forestry as per the NES-PF with specific rules within ONFL.
 - Require all buildings in Te Waihora / Lake Ellesmere, Rakaia River and Waimakariri River ONLs to obtain resource consent.
 - Permit small scale buildings subject to controls on location, colour and reflectance values in the other ONL and within the VAL, and require larger scale buildings to obtain consent. However, consideration should be given to including different provisions for buildings necessary for farming purposes.
 - Restrict the overall scale and height of signs in ONFL to ensure adequate protection of visual amenity values.
 - All subdivision within an ONL or VAL to be managed to ensure that subdivision that would adversely impact on landscape values (through visual change or change in expectations of activity levels) can be declined.
- Include new definitions in relation to all new rules.

In summary, the recommended approach to content and intent for the proposed plan provisions will not significantly differ from the operative plan but will allow for refinement of the current provisions. The recommendations in this report will ensure that the proposed plan provides greater clarity, direction and protection of ONL, where necessary to give effect to the CRPS. Furthermore, the provisions will be supported by a robust and comprehensive assessment of the district’s landscapes, and expert technical landscape planning advice. The more

sophisticated approach recommended is intended to better protect the identified values of the ONL as sought by the CRPS. Identification and management of VAL is recommended and is enabled (but not required) by the CRPS.

8.3.5 Other recommendations

The proposals in this report are derived largely from technical opinion on the relevant values in the district, insight obtained from approaches adopted by comparable districts, and understanding of contemporary best practice. Beyond the work included in this report, additional assessment that would enhance understanding of these issues and the robustness of the protection afforded by the District Plan includes:

- Engagement with affected landowners to fully understand issues including:
 - the values of areas:
 - threats to landscape values, including activities that could be proposed by landowners but are unanticipated by the Council;
 - implications of rules on day to day use of land; and
 - any gaps or duplication in the rules.
- Engagement with stakeholder groups with a particular interest in landscape values to understand similar issues and their perspectives on what landscape values are important in the District.
- Economic analysis of the impact/costs of ONL or VAL controls over a property for landowners.
- Economic (and possibly social) analysis of the benefits of ONL and VAL protection for this community and district.