

## NATURAL FEATURES AND LANDSCAPES

### Introduction

The Natural Features and Landscapes Chapter contains provisions that relate to the Outstanding Natural Features (ONFs), Outstanding Natural Landscapes (ONLs), and Visual Amenity Landscapes (VALs), which are identified as overlays on the Planning Maps. The identification of these landscapes is in response to section 6(b) of the RMA, which requires ONFs, ~~outstanding natural features~~ and ONLs ~~landscapes~~ to be protected from inappropriate subdivision, use and development, and to sections 7(c) and (f) of the RMA, which requires amenity values and the quality of the environment to be maintained and enhanced.

These overlays apply to areas which have been assessed and identified as having high levels of biophysical, sensory or associative landscape values, which makes them either outstanding (ONFs or ONLs) or deserving of identification as a VAL. These overlays also include land which provides habitat to indigenous flora or fauna, areas which have highly legible geological features, and sites that are of significance to mana whenua (SASM). The process supporting the identification of these overlays and the associated values is described in the Landscape and Coastal Natural Character Assessment, June 2020.

The District's ONLs are identified in SCHED8 — Schedule of outstanding natural landscapes and ONFs are identified in SCHED9 — Schedule of outstanding natural features which commonly have a high degree of naturalness. VALs are identified in SCHED10 — Schedule of visual amenity landscapes and tend to be more modified landscapes, with high aesthetic and scenic values.

The rules in this chapter set out how activities are managed in these overlays. The policies and matters of discretion provide direction on the criteria against which proposals requiring resource consent must be assessed. A non-complying activity status has been used where activities are not considered appropriate within these overlays, in particular where activities will have a significant impact on the identified values.

The rules within this chapter also apply to regionally significant infrastructure and other infrastructure. However, the objectives and policies of both this chapter and the Energy and Infrastructure Chapter apply to the consideration of any resource consent required under the rules in this chapter for regionally significant infrastructure and other infrastructure.

### Objectives

<b>NFL-O1</b>	<b>Outstanding Natural Features and Outstanding Natural Landscapes</b>
The landscape values <u>and characteristics</u> <sup>1</sup> of the <u>ONFs</u> <del>Outstanding Natural Features</del> and <u>ONLs</u> <del>Outstanding Natural Landscapes</del> of the <u>Timaru</u> District are protected from inappropriate subdivision, use and development.	
<b>NFL-O2</b>	<b>Visual Amenity Landscapes</b>
The landscape <u>values and characteristics</u> and <u>visual amenity values</u> <sup>2</sup> of the <u>VALs</u> <del>visual amenity landscapes</del> of the <u>Timaru</u> District are maintained or enhanced.	

### Policies

<b>NFL-P1</b>	<b>Identification of Outstanding Natural Features, Outstanding Natural Landscapes and Visual Amenity Landscapes</b>
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<sup>1</sup> Clause 16(2)

<sup>2</sup> Te Rūnanga o Ngāi Tahu [185.81] - Statement of Rachael Pull, Appendix A

Identify the District's landscapes by:

1. assessing the values and characteristics of the District's landscapes according to the following criteria:
  - a. biophysical (abiotic, biotic); and
  - b. sensory (legibility, naturalness, vividness, coherence, aesthetic, transient values); and
  - c. associative (shared and recognised values, mana whenua values, historic heritage associations); and
2. identifying landscapes, based on their values and characteristics, on the planning maps as ONFs, ONLs or VALs ~~Outstanding Natural Features, Outstanding Natural Landscapes or Visual Amenity Landscapes~~; and
3. describing the values and characteristics of each ONF, ONL or VAL ~~Outstanding Natural Feature, Outstanding Natural Landscape or Visual Amenity Landscapes~~ within SCHED8 — Schedule of Outstanding Natural Landscapes and SCHED9 — Schedule of Outstanding Natural Features and SCHED10 — Schedule of Visual Amenity Landscapes.

#### **NFL-P2      Enabling appropriate use and development**

Enable certain activities in VALs, ONFs and ONLs ~~Visual Amenity Landscapes, Outstanding Natural Features and Outstanding Natural Landscapes~~, including buildings and structures associated with existing non-intensive<sup>3</sup> primary production, small scale earthworks, maintenance of existing tracks and fences, operation and maintenance of regionally significant infrastructure,<sup>4</sup> and underground network utilities, that are consistent with:

1. protecting the identified values and characteristics of the ONLs ~~Outstanding Natural Landscapes~~ and ONFs ~~Outstanding Natural Features~~ described in SCHED8 — Schedule of Outstanding Natural Landscapes and SCHED9 — Schedule of Outstanding Natural Features; and
2. maintaining or enhancing the identified values and characteristics of the VALs ~~Visual Amenity Landscapes~~ described in SCHED10 — Schedule of Visual Amenity Landscapes.

#### **NFL-P3      Maintaining and enhancing Visual Amenity Landscapes**

Only allow subdivision, use and development within VALs ~~visual amenity landscapes~~, that is not provided for<sup>5</sup> in NFL-P2, where it can be demonstrated<sup>6</sup>:

1. how the identified values and characteristics of the VALs ~~visual amenity landscapes~~ described in SCHED10 — Schedule of visual amenity landscapes will be maintained or enhanced; and
2. that the capacity of the landscape has the capacity to absorb the change; and
3. that the proposal can be visually integrated into the landscape and will not break the skyline or ridgelines; or
- ~~X~~ 4. for Regionally Significant Infrastructure, that adverse effects are managed in accordance with EI- P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure, or for the National Grid, EI-PX5 Managing adverse effects of the National Grid<sup>7,8</sup>

while taking into account:

4. the scale of modification to the landscape; and
5. any potential cumulative effects; and
6. the measures proposed to mitigate the effects on the values and characteristics, including the location, design, scale and finish of any buildings or structures or earthworks, and landscaping; ~~and~~

<sup>3</sup> Federated Farmers [182.124]

<sup>4</sup> Waka Kotahi [143.90]

<sup>5</sup> Clause 16(2)

<sup>6</sup> Clause 16(2)

<sup>7</sup> Transpower [159.79]

<sup>8</sup> Transpower [159.79]

~~7. EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.<sup>9</sup>~~

**NFL-P4**

**Protecting Outstanding Natural Features and Outstanding Natural Landscapes**

Avoid subdivision, use and development within ONFs and ONLs ~~outstanding natural features and outstanding natural landscapes~~ that area<sup>10</sup> not provided in NFL-P2, unless it:

1. demonstrates how the identified values and characteristics of the ONLs and ONFs ~~outstanding natural landscapes and outstanding natural features~~ described in SCHED8 — Schedule of outstanding natural landscapes and SCHED9 — Schedule of outstanding natural features will be protected; and
2. is located within a part of the ONF or ONL ~~outstanding natural feature or outstanding natural landscape~~ that has capacity to absorb change; and
3. can be visually integrated into the landscape and will not break the skyline or ridgelines; and
4. will maintain natural landforms, natural processes and vegetation areas and patterns, or
- X. is regionally significant infrastructure, and it is demonstrated that adverse effects are managed in accordance with EI-P2 ~~Managing adverse effects of Regionally Significant Infrastructure and other infrastructure~~, or for the National Grid, EI-PX5 ~~Managing adverse effects of the National Grid~~.<sup>11, 12</sup>

while taking into account:

5. the scale of modification to the landscape; and
6. any potential cumulative effects; and
7. the measures proposed to mitigate the effects on the values and characteristics, including:
  - a. the location, design and scale of any buildings or structures, or earthworks; and
  - b. the intensity of any activity; and
  - c. the finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing; and
  - d. ~~EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.~~

## Rules

**Note:** Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the District Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

<sup>9</sup> Transpower [159.79]

<sup>10</sup> Dir. General Conservation [166.60]

<sup>11</sup> Transpower [159.79]

<sup>12</sup> Waka Kotahi [143.91], Transpower [159.80]

NFL-R1	Buildings, structures (other than fences) and irrigators and associated earthworks	
<p>1. <u>Outstanding Natural Features Overlay</u></p> <p><del>ONF Overlay</del></p> <p><u>Outstanding Natural Landscapes Overlay</u></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The building or structure is either:</p> <ol style="list-style-type: none"> <li>1. a farm building or structure associated with an existing <del>non-intensive</del> primary production <u>activity</u><sup>13</sup>, including residential units permitted in the applicable zones, and including earthworks associated with the building/structure; or</li> <li>2. a public amenity building, including earthworks associated the building; or</li> </ol> <p><b>PER-2</b> The structure is an irrigator that is not a travelling, mobile or pivot irrigator; and</p> <p><b>PER-3</b> <del>The activity does not require the clearance of any indigenous vegetation.</del><sup>14</sup></p> <p><b>PER-43</b><sup>15</sup> NFL-S1, NFL-S2, NFL-S3, NFL-S4 and NFL-S5 are complied with.</p> <p><u>This rule does not apply to temporary buildings and structures within the beds of rivers.</u><sup>16</sup></p>	<p><b>Activity status when compliance not achieved with either of PER-1 or PER-2 or PER-3</b><sup>17</sup>: <b>Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b> The activity is located within <u>PREC49 - Holiday Huts Precinct</u>; or</p> <p><b>RDIS-2</b> The structure is an<sup>18</sup> irrigator; <u>or</u>.</p> <p><b>RDIS-3</b> <u>The building or structure does not comply with NFL-S2.1.3, but is not located at any point above 900m above sea level.</u></p> <p><b>For RDIS-1, matters of discretion are <del>limited</del> restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the scale, design and form of the building or structure; and</li> <li>2. the consistency of the building <del>or</del> the structure with the character and qualities of the <u>PREC49 - Holiday Huts Precinct</u>; <u>and</u></li> <li>3. the impact of the development on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and</li> <li>4. the extent to which the proposal will result in potential for adverse cumulative effects; and</li> <li>5. the extent the proposal is consistent with maintaining the qualities of the <u>ONF or ONL Outstanding Natural Feature or Outstanding Natural Landscape</u> as described in SCHED8 — Schedule of outstanding natural</li> </ol>

<sup>13</sup> Federated Farmers [182.127]<sup>14</sup> Federated Farmers [182.127]<sup>15</sup> Schedule 1, cl16(2)<sup>16</sup> Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]<sup>17</sup> Federated Farmers [182.127]<sup>18</sup> Clause 16(2)

landscapes or SCHED9 — Schedule of outstanding natural features; and  
6. any mitigation measures proposed.

**For RDIS-2, matters of discretion are restricted ~~limited~~ to:**

1. the extent the proposal is consistent with maintaining the qualities of the ONF or ONL ~~outstanding natural feature or outstanding natural landscape~~ as described in SCHED8 — Schedule of outstanding natural landscapes or SCHED9 — Schedule of outstanding natural features; and
2. any alternative options or locations available; and
3. the impact of the development on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and
4. the extent to which the proposal will result in potential for adverse cumulative effects; and
5. the extent to which the proposal has functional needs or operational needs for its location; and
6. any mitigation measures proposed.

**For RDIS-3, matters of discretion are limited ~~restricted~~ to:**

1. the extent the proposal is consistent with maintaining the qualities of the ONF or ONL ~~outstanding natural feature or outstanding natural landscape~~ as described in SCHED8 — Schedule of outstanding natural landscapes or SCHED9 — Schedule of outstanding natural features; and
2. whether the proposal will visually integrate into the landscape; and
3. the appropriateness of the scale, form, design and finish (materials and colours) proposed; and
4. any alternative options or locations available; and
5. the impact of the development on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and

		<p>6. <u>the extent to which the proposal will result in potential for adverse cumulative effects; and</u></p> <p>7. <u>the extent to which the proposal has functional needs or operational needs for its location; and</u></p> <p>8. <u>any mitigation measures proposed.</u></p> <p><b>Activity status when compliance not achieved with PER-4, or neither RDIS-1, or RDIS-2 or RDIS-3: Non-complying</b></p>
<p><b>2. <u>Visual Amenity Landscape Overlay</u> but <u>excluding</u><sup>19</sup> the area of VAL-3 Geraldine Downs that is within the Rural Lifestyle Zone</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The building or structure is either:</p> <ol style="list-style-type: none"> <li>1. a farm building/structure/irrigator associated with an existing <del>non-</del>intensive primary production <u>activity</u><sup>20</sup>, including residential units, and including earthworks under the building/structure; or</li> <li>2. a public amenity building, including earthworks under the building; and</li> </ol> <p><b>PER-2</b> NFL-S1, NFL-S2, NFL-S3, NFL-S4 and NFL-S5 are complied with.</p> <p><u>This rule does not apply to temporary buildings and structures within the beds of rivers.</u><sup>21</sup></p>	<p><b>Activity status when compliance is not achieved with PER-2: Restricted Discretionary</b></p> <p><b>Matters of discretion are limited to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> </ol> <p><b>Activity status when compliance is not achieved with PER-1: Discretionary</b></p>
<p><b>3. The area of VAL-3 Geraldine Downs that is within the Rural Lifestyle Zone</b></p>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b> NFL-S1, NFL-S2, NFL-S3, NFL-S4 and NFL-S5 are complied with.</p> <p><b>Matters of discretion are limited to:</b></p> <ol style="list-style-type: none"> <li>1. effects on the identified values and characteristics for the <u>VAL visual amenity landscape</u> described in SCHED10 — Schedule of visual amenity landscapes; and</li> </ol>	<p><b>Activity status when compliance is not achieved with RDIS-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are limited to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard; and</li> <li>2. matters of discretion listed for RDIS-1.</li> </ol>

<sup>19</sup> Clause 16(2)

<sup>20</sup> Federated Farmers [182.127]

<sup>21</sup> Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

	<ol style="list-style-type: none"> <li>2. any alternative locations or controls available; and</li> <li>3. the matters of discretion of any relevant standard; and</li> <li>4. any mitigation measures proposed.</li> </ol> <p><u>This rule does not apply to temporary buildings and structures within the beds of rivers.</u><sup>22</sup></p>	
<b>NFL-R2</b>	<b>Earthworks not listed in NFL-R1, NFL-R3 or NFL-R4</b>	
<p><b>1. Outstanding Natural Features Overlay</b></p> <p><b>Outstanding Natural Landscapes Overlay</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The earthworks are for the purpose of maintenance and repair of any of the following:</p> <ol style="list-style-type: none"> <li>1. existing fences<sup>23</sup>; or</li> <li>2. existing farm tracks; or</li> <li>3. existing walking/cycling tracks; or</li> <li>4. existing roads; or</li> <li>5. existing reticulated stock water systems including water troughs; or</li> <li>6. existing natural hazard mitigation works; or</li> <li>7. <del>existing rock weirs; or</del></li> </ol> <p><b>PER-2</b> The earthworks are for the purpose of sealing existing roads; and</p> <p><b>PER-3</b> NFL-S6 is complied with.</p> <p><u>This rule does not apply to earthworks within the beds of rivers.</u><sup>24</sup></p>	<p><b>Activity status when compliance not achieved: Discretionary</b></p> <p><b>Note:</b> <u>Where the earthworks are also located within the wāhi tūpuna overlay, engagement with Te Rūnanga o Arowhenua should be undertaken to understand the effects of the activity on the identified values of the site or area.</u><sup>25</sup></p>
<p><b>2. Visual Amenity Landscape Overlay</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b></p>	<p><b>Activity status when compliance is not achieved with PER-3: Restricted Discretionary</b></p> <p><b>Matters of discretion are limited to:</b></p>

<sup>22</sup> Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

<sup>23</sup> Schedule 1, cl16(2)

<sup>24</sup> Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

<sup>25</sup> Clause 10(2)(b) relating to Westgarth et al [200.7] – Ms White Recommendation - Hearing E

	<p>The earthworks are for the purpose of maintenance and repair of any of the following:</p> <ol style="list-style-type: none"> <li>existing fences<sup>26</sup>; or</li> <li>existing farm tracks; or</li> <li>existing walking/cycling tracks; or</li> <li>existing roads; or</li> <li>existing reticulated stock water systems including troughs; or</li> <li>existing natural hazard mitigation works; or</li> </ol> <p><b>PER-2</b> The earthworks are for the purpose of sealing existing roads; and</p> <p><b>PER-3</b> NFL-S6 is complied with.</p> <p><u>This rule does not apply to earthworks within the beds of rivers.</u><sup>27</sup></p>	<ol style="list-style-type: none"> <li>the matters of discretion of any infringed standard.</li> </ol> <p><b>Activity status when compliance is not achieved with either PER-1 or PER-2: Discretionary</b></p> <p><i><u>Note: Where the earthworks are also located within the wāhi tūpuna overlay, engagement with Te Rūnanga o Arowhenua should be undertaken to understand the effects of the activity on the identified values of the site or area.</u></i><sup>28</sup></p>
<b>NFL-R3 Network utilities including associated earthworks</b>		
<p><b>1.</b></p> <p><b><u>Outstanding Natural Features Overlay</u></b></p> <p><b><u>Outstanding Natural Landscapes Overlay</u></b></p> <p><b><u>VAL overlay</u></b><sup>29</sup></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The work involves the maintenance, upgrading or removal of existing network utilities; or</p> <p><b>PER-2</b> The installation of new or upgrading of underground network utilities where:</p> <ol style="list-style-type: none"> <li><del>within the ONF and ONL overlays, the installation does not include more than 1,000m<sup>2</sup> of temporary trenching/earthworks; and; or</del></li> <li><del>within the VAL overlay, the installation does not include more than 1,500m<sup>2</sup> of temporary trenching / earthworks in any 12-month period; and or</del></li> </ol>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the height, size, scale, external colour/finish, reflectivity and design of the network utility building, structure, or above ground <u>network</u> utility line and support structure; and</li> <li>the proposed location of the network utility building, structure or above ground network utility line and support structure and earthworks, specifically in relation to their impact on any landscape values; and</li> <li>effects on landscape values, and qualities of the visual amenity landscape, <del>ONF or ONL outstanding natural feature or outstanding natural landscape</del> as described in SCHED8 — Schedule of outstanding natural landscapes <u>or</u>, SCHED9 — Schedule of outstanding natural features <u>or</u></li> </ol>

<sup>26</sup> Schedule 1, cl16(2)

<sup>27</sup> Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

<sup>28</sup> Clause 10(2)(b) relating to Westgarth et al [200.7] – Ms White Recommendation - Hearing E

<sup>29</sup> Connexa [176.73, 176.74, 176.75], Spark [208.73, 208.74, 208.75], Chorus [209.73, 209.74, 209.75], Vodafone [210.73, 210.74, 210.75] - Evidence of Tom Anderson, paras 12 – 25.

	<p>3. <del>the installation does not require the clearance of any indigenous vegetation.</del><sup>30</sup></p> <p><b>PER-3</b> <u>Telecommunications activities which are located within a formed road reserve, where:</u></p> <ol style="list-style-type: none"> <li>1. <u>the height of any pole above existing ground level does not exceed 8m; and</u></li> <li>2. <u>any panel antenna is no higher than 3.5m above the height of the pole; and</u></li> <li>3. <u>NFL-S5 is complied with.</u><sup>31</sup></li> </ol> <p><u>PER-2 of this rule does not apply to network utilities within the beds of rivers.</u><sup>32</sup></p>	<p><del>SCHED10 — Schedule of visual amenity landscapes; and</del></p> <ol style="list-style-type: none"> <li>4. <u>alternative location and/or routes and designs available; and</u></li> <li>5. <u>any operational needs or functional needs or constraints; and</u></li> <li>6. <u>the benefits that the network utility provides to the local community and beyond; and</u></li> <li>7. <u>Mitigation measures.</u></li> </ol>
<p><b>2.</b></p> <p><b><u>Visual Amenity Landscape Overlay</u></b></p>	<p><b><u>Activity status: Permitted</u></b></p> <p><b><u>Where:</u></b></p> <p><b>PER-1</b> <u>The work involves the maintenance, upgrading or removal of existing network utilities; or</u></p> <p><b>PER-2</b> <u>The installation of new or upgrading of underground network utilities where the installation does not include more than 1,500m<sup>2</sup> of temporary trenching/earthworks in any 12-month period; or</u></p> <p><b>PER-3</b> <u>Telecommunications activities, where:</u></p> <ol style="list-style-type: none"> <li>1. <u>the height of any pole and attached antenna (excluding lightning rods or GPS antenna) above existing ground level does not exceed 13m in any Rural Lifestyle Zone or 20m in any General Rural Zone; and</u></li> <li>2. <u>the diameter of the pole and all attachments does not exceed 1m; and</u></li> <li>3. <u>NFL-S5 is complied with.</u><sup>33</sup></li> </ol> <p><u>PER-2 of this rule does not apply to</u></p>	<p><b><u>Activity status when compliance not achieved: Restricted Discretionary</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>the height, size, scale, external colour/finish, reflectivity and design of the network utility building, structure, or above ground network utility line and support structure; and</u></li> <li>2. <u>the proposed location of the network utility building, structure or above ground network utility line and support structure and earthworks, specifically in relation to their impact on any landscape values; and</u></li> <li>3. <u>effects on landscape values, and qualities of the <del>VAL visual amenity landscape</del> as described in SCHED10 — Schedule of visual amenity landscapes; and</u></li> <li>4. <u>alternative location and/or routes and designs available; and</u></li> <li>5. <u>any operational needs or functional needs or constraints; and</u></li> <li>6. <u>the benefits that the network utility provides to the local community and beyond; and</u></li> <li>7. <u>Mitigation measures.</u></li> </ol>

<sup>30</sup> Clause 10(2)(b) relating to Federated Farmers [182.127]

<sup>31</sup> Connexa [176.73, 176.74, 176.75], Spark [208.73, 208.74, 208.75], Chorus [209.73, 209.74, 209.75], Vodafone [210.73, 210.74, 210.75]

<sup>32</sup> Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

<sup>33</sup> Connexa [176.73, 176.74, 176.75], Spark [208.73, 208.74, 208.75], Chorus [209.73, 209.74, 209.75], Vodafone [210.73, 210.74, 210.75] - Evidence of Tom Anderson, paras 12 – 25

	<u>network utilities within the beds of rivers.</u> <sup>34</sup>	
<b>NFL-R4</b>	<b>Construction of fences, including earthworks</b>	
<b><u>Outstanding Natural Features Overlay</u></b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: Restricted Discretionary</b>
<b><u>Outstanding Natural Landscapes Overlay</u></b>	<b>Where:</b> <b>PER-1</b> The fence is a post and wire, <u>or post and netting</u> <sup>35</sup> fence; and <b>PER-2</b> <del>There is no clearance of indigenous vegetation associated with the construction of the fence; and</del> <sup>36</sup>	<b>Matters of discretion <u>are</u> restricted to:</b> 1. the matters of discretion of any infringed standard; and 2. effects on landscape values, and qualities of <u>the VAL, ONF or ONL visual amenity landscape, outstanding natural feature or outstanding natural landscape</u> as described in SCHED8 — Schedule of outstanding natural landscapes, SCHED9 — Schedule of outstanding natural features or SCHED10 — Schedule of visual amenity landscapes; and 3. alternative designs, options or locations available; and 4. any mitigation measures.
<b><u>Visual Amenity Landscape Overlay</u></b>	<b>PER-32</b> NFL-S6 is complied with.	
<b>NFL-R5</b>	<b>Tree planting, other than <u>commercial plantation</u><sup>37</sup> forestry</b>	
<b>1. <u>Outstanding Natural Features Overlay</u></b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: <u>Controlled</u><sup>38</sup></b>
<b><u>Outstanding Natural Landscapes Overlay</u></b>	<b>Where:</b> <b>PER-1</b> The tree planting is for amenity planting and is located within 100m of an existing residential unit; or <b>PER-2</b> The tree planting is of indigenous species and for restoration or conservation purposes.	<b><u>Where:</u></b> <b><u>CON-1</u></b> <u>The tree planting is for a shelterbelt within ONL-1 (Upper Rakitata/Ranqitata Catchment) and is located below 500m above sea level.</u> <b><u>Matters of control are <u>restricted reserved</u><sup>39</sup> to:</u></b> 1. <u>effects on landscape values, and qualities of the ONF or ONL outstanding natural feature or outstanding natural landscape as described in SCHED8 – Schedule of outstanding natural landscapes,</u>

<sup>34</sup> Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

<sup>35</sup> Zolve [164.5], Federated Farmers [182.130]

<sup>36</sup> Clause 10(2)(b) relating to Federated Farmers [182.127]

<sup>37</sup> [Schedule 1, cl16\(2\)](#)

<sup>38</sup> Federated Farmers [182.131]

<sup>39</sup> [Schedule 1, cl16\(2\)](#)

		<p><u>SCHED9 – Schedule of outstanding natural features; and</u>  <u>2. measures proposed to control any potential wilding spread.</u></p> <p><b>Activity status when compliance not achieved with CON-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. effects on landscape values, and qualities of the <u>ONF or ONL outstanding natural feature or outstanding natural landscape</u> as described in SCHED8 — Schedule of outstanding natural landscapes, SCHED9 — Schedule of outstanding natural features; and</li> <li>2. alternative planting options and locations available.</li> </ol>
<p><b>2. <u>Visual Amenity Landscape Overlay</u></b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b>                  The tree planting is for amenity planting and is located within 100m of an existing residential unit; or</p> <p><b>PER-2</b>                  The tree planting is of indigenous species and for restoration or conservation purposes.</p>	<p><b>Activity status when compliance not achieved: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON-1</b>                  The tree planting is for erosion control or shelterbelts.</p> <p><b>Matters of control are restricted reserved<sup>40</sup> to:</b></p> <ol style="list-style-type: none"> <li>1. effects on landscape values, and qualities of the <u>VAL visual amenity landscape</u> as described in SCHED10 — Schedule of Visual Amenity Landscapes; and</li> <li>2. alternatives locations or species available.</li> </ol> <p><b>Activity status when compliance not achieved with CON-1: Restricted Discretionary</b></p> <p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>1. effects on landscape values, and qualities of the <u>VAL visual amenity landscape</u>, as described in SCHED10 — Schedule of Visual Amenity Landscapes; and</li> </ol>

<sup>40</sup> Schedule 1, cl16(2)

		2. alternative planting options and locations available.
<b>NFL-R6</b>	<b>Primary production not <u>otherwise</u> listed in the <del>Rules</del> section of this chapter</b>	
<b>1. ONF overlay<sup>41</sup></b> <b><u>Outstanding Natural Landscapes Overlay</u></b>	<p><b>Note:</b> <del>NFL-R1 applies to any associated buildings and structures are provided in NFL-R1.</del></p> <p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The activity does not require the clearance of any indigenous vegetation.<sup>42</sup></p> <p><b>PER-2</b> The activity does not introduce any:</p> <ol style="list-style-type: none"> <li>1. new areas of irrigation beyond those existing as of 22 September 2022;<sup>43</sup> and/or</li> <li>2. new areas of cultivation (by direct drilling, ploughing, discing, topdressing or oversowing or otherwise) beyond those existing as of 22 September 2022.</li> </ol>	<p><b>Activity status when compliance not achieved with PER-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. The effects on landscape values, and qualities of the visual amenity landscape,<sup>43</sup> <u>ONF or ONL outstanding natural feature or outstanding natural landscape</u> as described in SCHED8 — Schedule of outstanding natural landscapes and SCHED9 — Schedule of outstanding natural features; and</li> <li>2. any mitigation measures.</li> </ol> <p><del>Activity status when compliance not achieved with PER-2: Non-complying</del></p>
<b>2. <u>Outstanding Natural Features Overlay</u></b> <sup>44</sup>	<p><b>Note:</b> <del>NFL-R1 applies to any associated buildings and structures are provided in NFL-R1.</del></p> <p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The activity does not introduce any:</p> <ol style="list-style-type: none"> <li>1. <u>new areas of irrigation beyond those existing as of 22 September 2022, and/or</u></li> <li>2. <u>new areas of cultivation (by direct drilling, ploughing, discing, topdressing or oversowing or otherwise) beyond those existing as of 22 September 2022</u></li> </ol>	<p><b>Activity status when compliance not achieved with PER-1: Non-complying</b></p>

<sup>41</sup> Federated Farmers [182.132]

<sup>42</sup> Clause 10(2)(b) relating to Federated Farmers [182.127]

<sup>43</sup> Clause 16(2)

<sup>44</sup> Federated Farmers [182.132]

<b>NFL-R7</b>	<b>Afforestation</b>	
1. <u>Visual Amenity Landscape Overlay</u>	<p><b>Activity status: Controlled</b></p> <p><b>Matters of control are <u>restricted reserved</u><sup>45</sup> to:</b></p> <ol style="list-style-type: none"> <li>the effects on visual amenity landscape values, and qualities of the <u>VAL Visual Amenity Landscape</u> described in SCHED10 — Schedule of visual amenity landscapes, including any future effects from <u>plantation commercial</u><sup>46</sup> forestry activities; and</li> <li>the location and extent of the afforestation; and</li> <li>any mitigation measures.<sup>47</sup></li> </ol>	<b>Activity status when compliance not achieved: Not applicable</b>
2. <u>Outstanding Natural Features Overlay</u>  <u>Outstanding Natural Landscapes Overlay</u>	<b>Activity status: Non-complying</b>	<b>Activity status when compliance not achieved: Not applicable</b>
<b>NFL-R8</b>		
<b><del>New roads, farm tracks and walking and cycling tracks</del></b>		
<del>ONF overlay</del>  <del>ONL overlay</del>  <del>VAL overlay</del>	<p><del><b>Activity status: Restricted Discretionary</b></del></p> <p><del><b>Matters of discretion are restricted to:</b></del></p> <ol style="list-style-type: none"> <li><del>effects on landscape values, and qualities of the Visual Amenity Landscape, Outstanding Natural Feature or Outstanding Natural Landscape as described in SCHED8 — Schedule of outstanding natural landscapes, SCHED9 — Schedule of Outstanding Natural Features or SCHED10 — Schedule of visual amenity landscapes; and</del></li> <li><del>alternative routes and designs available; and</del></li> <li><del>any mitigation measures.<sup>48</sup></del></li> </ol>	<del><b>Activity status when compliance not achieved: Not applicable</b></del>

<sup>45</sup> Schedule 1, cl16(2)<sup>46</sup> Schedule 1, cl16(2)<sup>47</sup> Port Blakely [94.11]<sup>48</sup> Rooney Holdings [174.38], Federated Farmers [182.133], Rooney, GJH [191.38], Rooney Group [249.38], Rooney Farms [250.38], Rooney Earthmoving [251.38], TDL [252.38]

<b>NFL-R9</b>	<b>Subdivision (excluding boundary adjustments)<sup>49</sup></b>	
<del>Outstanding Natural Features Overlay</del> <del>Outstanding Natural Landscapes Overlay</del> <del>Visual Amenity Landscape Overlay</del>	<del>Activity status: Discretionary</del>	<del>Activity status when compliance not achieved: Not applicable</del>
<b>NFL-R108</b>	<b>Mining and quarrying (outside the beds of rivers)<sup>50</sup></b>	
<del>Outstanding Natural Features Overlay</del> <del>Outstanding Natural Landscapes Overlay</del> <del>Visual Amenity Landscape Overlay</del>	<del>Activity status: Non-complying</del> <del>This rule does not apply to mining and quarrying within the beds of rivers.<sup>51</sup></del> <del><i>Note: Where the mining or quarrying is located within the wāhi tūpuna overlay, engagement with Te Rūnanga o Arowhenua should be undertaken to understand the effects of the activity on the identified values of the SASM site or area.<sup>52</sup></i></del>	<del>Activity status when compliance not achieved: Not applicable</del>

## Standards

<b>NFL-S1</b>	<b>Maximum height</b>	
1. <del>Outstanding Natural Features Overlay</del> <del>Outstanding Natural</del>	The maximum height of buildings and structures, above <b>existing</b> ground level shall be 5m.	<b>Matters of discretion are restricted to: Not applicable</b>

<sup>49</sup> Rooney Holdings [174.39], Rooney, GJH [191.39], Rooney Group [249.39], Rooney Farms [250.39], Rooney Earthmoving [251.39], TDL [252.39] - Evidence of Nathan Hole, paras 49 - 52

<sup>50</sup> Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

<sup>51</sup> Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

<sup>52</sup> Clause 10(2)(b) relating to Westgarth et al [200.7] – Ms White Recommendation - Hearing E

<b><u>Landscapes Overlay</u></b>		
<b>2. <u>Visual Amenity Landscape Overlay</u></b>	<p>The maximum height of buildings and structures, above <b>existing</b> ground level shall be:</p> <ol style="list-style-type: none"> <li>1. 8m for farm buildings and structures; or</li> <li>2. 8m for any residential unit in VAL-3 Geraldine Downs; or</li> <li>3. 5m for any other building or structure.</li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. whether the proposal is consistent with maintaining or enhancing the qualities of the <u>VAL visual amenity landscape</u> described in SCHED10 — Schedule of visual amenity landscapes; and</li> <li>2. whether the proposal will visually integrate into the landscape; and</li> <li>3. the appropriateness of the scale, form, and design proposed; and</li> <li>4. any alternative options or locations available; and</li> <li>5. the extent to which the proposal will result in adverse cumulative effects; and</li> <li>6. the extent to which the proposal has functional needs or operational needs for its height; and</li> <li>7. any mitigation measures.</li> </ol>
<b>NFL-S2 Location of buildings, structures and irrigators</b>		
<b>1. <u>Outstanding Natural Features Overlay</u></b>  <b><u>Outstanding Natural Landscapes Overlay</u></b>	<p>Buildings and structures within ONF and ONL <b>Overlays</b><sup>53</sup> shall not be located:</p> <ol style="list-style-type: none"> <li>1. within a 20m vertical or 100m horizontal distance of any ridgeline; or</li> <li>2. <u>for structures, at any point above 900m above sea level; or</u></li> <li>3. <u>for buildings, at any point above 500m above sea level</u><sup>54</sup>.</li> </ol>	<p><b>Matters of discretion are restricted to:</b> <b>Not applicable</b></p>
<b>2. <u>Visual Amenity Landscape Overlay</u></b>	<p>Buildings, structures and irrigators within a VAL shall not be located:</p> <ol style="list-style-type: none"> <li>1. within a 20m vertical or 100m horizontal distance of any ridgeline; or</li> <li>2. at any point above 900m above sea level.</li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. whether the proposal is consistent with maintaining or enhancing the qualities of the <u>VAL visual amenity landscape</u> described in SCHED10 — Schedule of visual amenity landscapes; and</li> <li>2. whether the proposal will visually integrate into the landscape; and</li> <li>3. the appropriateness of the scale, form, design and finish (materials and colours) proposed; and</li> <li>4. any alternative options or locations available; and</li> </ol>

<sup>53</sup> Schedule 1, cl16(2)

<sup>54</sup> Frank, H [90.16]

		<ol style="list-style-type: none"> <li>5. the extent to which the proposal will result in adverse cumulative effects; and</li> <li>6. the extent to which the proposal has functional <u>needs</u> or operational needs for its location; any</li> <li>7. mitigation measures.</li> </ol>
<b>NFL-S3</b>	<b>Proximity of new residential units, farm buildings and structures to existing buildings</b>	
<b>1. <u>Outstanding Natural Features Overlay</u></b>  <b><u>Outstanding Natural Landscapes Overlay</u></b>	New residential units, farm buildings and structures must be located within 50m of an existing farm building or residential unit.	<b>Matters of discretion <u>are</u> restricted to:</b> <b>Not applicable</b>
<b>2. <u>Visual Amenity Landscape Overlay</u></b>	New residential units, farm buildings and structures must be located within 100m of an existing farm building or residential unit.	<b>Matters of discretion <u>are</u> restricted to:</b> <ol style="list-style-type: none"> <li>1. whether the proposal is consistent with maintaining or enhancing the qualities of the <u>VAL visual amenity landscape</u> described in SCHED10 — Schedule of visual amenity landscapes; and</li> <li>2. whether the proposal will visually integrate into the landscape; and</li> <li>3. the appropriateness of the scale, form, design and finish (materials and colours) proposed; and</li> <li>4. any alternative options or locations available; and</li> <li>5. the extent to which the proposal will result in adverse cumulative effects; and</li> <li>6. the extent to which the proposal has functional <u>needs</u> or operational needs for its location; and</li> <li>7. any mitigation measures.</li> </ol>
<b>NFL-S4</b>	<b>Footprint of buildings and structures and length of irrigators</b>	
<b>1. <u>Outstanding Natural Features Overlay</u></b>  <b><u>Outstanding Natural</u></b>	<ol style="list-style-type: none"> <li>1. The maximum footprint of any building or structure shall be: <ol style="list-style-type: none"> <li>a. 40m<sup>2</sup> for public amenity buildings;</li> <li>b. 300m<sup>2</sup> for farm buildings or residential units; and</li> <li>c. 100m<sup>2</sup> for any other building or structure.</li> </ol> </li> </ol>	<b>Matters of discretion <u>are</u> restricted to:</b> <b>Not applicable</b>

<b><u>Landscapes Overlay</u></b>		
<b>2. <u>Visual Amenity Landscape Overlay</u></b>	<p>1. The maximum footprint of any building or structure shall be:</p> <ol style="list-style-type: none"> <li>40m<sup>2</sup> for public amenity buildings; and</li> <li>500m<sup>2</sup> for farm buildings or residential units; and</li> <li>200m<sup>2</sup> for any other building or structure.</li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>whether the proposal is consistent with maintaining or enhancing the qualities of the <del>VAL visual amenity landscape</del> described in SCHED10 — Schedule of visual amenity landscapes; and</li> <li>whether the proposal will visually integrate into the landscape; and</li> <li>the appropriateness of the scale, form and design proposed; and</li> <li>any alternative options or locations available; and</li> <li>the extent to which the proposal will result in adverse cumulative effects; and</li> <li>the extent to which the proposal has functional <u>needs</u> or operational needs for its scale; and</li> <li>any mitigation measures.</li> </ol>
<b>NFL-S5</b>	<b>Colours and materials</b>	
<b>1. <u>Outstanding Natural Features Overlay</u></b>	<p>The exterior surfaces of buildings and structures shall be constructed of materials and/or finished in a manner which achieves a light reflectance value not greater than 30%.</p>	<p><b>Matters of discretion are restricted to:</b> <b>Not applicable</b></p>
<b><u>Outstanding Natural Landscapes Overlay</u></b>		
<b>2. <u>Visual Amenity Landscape Overlay</u></b>	<p>The exterior surfaces of buildings and structures shall be constructed of materials and/or finished in a manner which achieves a light reflectance value not greater than 30%, <u>except that this standard shall not apply to any farm buildings and structures using unpainted corrugated iron.</u><sup>55</sup></p>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>whether the proposal is consistent with maintaining or enhancing the qualities of the <del>VAL visual amenity landscape</del> described in SCHED10 — Schedule of visual amenity landscapes; and</li> <li>whether the proposal will visually integrate into the landscape; and</li> <li>the appropriateness of the finish (materials and colours) proposed.</li> </ol>
<b>NFL-S6</b>	<b>Earthworks</b>	
<b>1. <u>Outstanding Natural</u></b>	<p>Earthworks shall comply with all of the following:</p>	<p><b>Matters of discretion are restricted to:</b> <b>Not applicable</b></p>

<sup>55</sup> Rooney Holdings [174.42], Rooney, GJH [191.42], Rooney Group [249.42], Rooney Farms [250.42], Rooney Earthmoving [251.42], TDL [252.42]

<p><b><u>Features Overlay</u></b></p> <p><b><u>Outstanding Natural Landscapes Overlay</u></b></p>	<ol style="list-style-type: none"> <li>1. the depth of the earthworks shall not exceed 42<sup>56</sup>m below the original surface of the ground; and</li> <li>2. the depth of fill shall not exceed 1m above the original surface of the ground; and</li> <li>3. the area of the earthworks shall not exceed 1,000m<sup>2</sup> in any 12 month period.</li> </ol>	
<p><b>2. <u>Visual Amenity Landscape Overlay</u></b></p>	<p>Earthworks shall comply with <del>all</del> of the following:</p> <ol style="list-style-type: none"> <li>1. the depth of the earthworks shall not exceed 42<sup>57</sup>m below the original surface of the ground; and</li> <li>2. the depth of fill shall not exceed 1m above the original surface of the ground; and</li> <li>3. the area of the earthworks shall not exceed 1,500m<sup>2</sup>; in any 12 month period and</li> <li>4. there shall be no change from unsealed surfacing of roads and tracks to sealed surfaces.</li> </ol>	<p><b>Matters of discretion <u>are</u> restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the location, design, scale, timing and nature of any earthworks; and</li> <li>2. the visibility of the earthworks on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and</li> <li>3. whether the proposal is consistent with maintaining the qualities of the <u>VAL visual amenity landscape</u> described in SCHED10 — Schedule of visual amenity landscapes; and</li> <li>4. any alternative options or locations available; and</li> <li>5. the any proposed mitigation measures.</li> </ol>

<sup>56</sup> TDC [42.36]

<sup>57</sup> Clause 10(2)(b) relating to TDC [42.36]