

			<p><i>Landscapes play an important role in our overall well-being. They contribute to our quality of life and sense of place.</i></p> <p><i>Amenity landscapes are a matter that fall within section 7(c) of the RMA. These are matters that councils shall have particular regard to, but not a matter deemed to be of national significance, as applies to outstanding natural landscapes and features.</i></p> <p><i>Any planning restrictions for these secondary landscapes need to be carefully managed, as these should not be provided with similar levels of protection as that provided for outstanding natural landscapes.</i></p> <p><i>More often than not, amenity landscapes encompass rural working land, and therefore the impact of any proposed resulting restrictions need to carefully consider the effect on normal farming practices. Anything which restricts earthworks, vegetation clearance, forestry or land use change is likely to impact on the farming operation that existed at the time the landscape was deemed to be of amenity value.</i></p> <p><i>It must also be noted that the reason that such amenity landscapes look the way that they do is due to of decades of human-modification and extensive management regimes such as livestock grazing and fencing patterns. Consequently, it is both appropriate and reasonable to expect these farming practices to be able to continue within such landscapes.</i></p> <p><i>When considering the rules relating to outstanding natural features, landscapes and rural amenity, [REDACTED] seeks that the following apply:</i></p> <ul style="list-style-type: none"><i>• Any classification of working rural land as an ONL must be absolutely necessary, appropriate, and consistent with section 6 of the RMA.</i><i>• If productive land is identified as an ONL, that primary production is acknowledged as a value, and normal farming and production activities should be able to continue as permitted without undue hindrance by regulation.</i><i>• Certainty for landowners: as to where the protected landscapes are; why they have been classified; and how the regulations are applied on the ground.</i><i>• Consultation that engages landowners with council and enables negotiation around appropriate landscape boundaries and controls.</i><i>• Amenity type landscapes do not require specific levels of protection and should not be included in the plan.</i>	
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				<ul style="list-style-type: none"> • <i>Provisions to manage effects of activities on rural character and amenity values are best provided for within the Rural zones generally.</i> <p><i>The issue of district plans recognising and protecting landscapes other than those which are outstanding, was addressed by the Environment Court in Wilkinson v Hurunui DC C50/2000. There has been no subsequent amendment to the RMA in relation to identifying and protecting landscapes that would render the Court’s decision in that case no longer valid.</i></p>	
101.12	NFL – Natural features and landscapes	General	General	<p><i>This section is generally supported as it will manage the outstanding natural features and natural landscapes of Timaru District.</i></p> <p><i>As discussed above, in the ecosystems and indigenous biodiversity section, plantings of specific tree species should be prohibited in ONF and ONL areas. Plantings of these tree species as an amenity planting, for erosion control or shelter belts or as a wood lot or carbon forest in, for example, the windy Upper Rangitata ONF/ONL could result in the significant spread of wildings into the mountain lands. The Resource Management (National Environment Standards for Plantation Forestry) Regulations 2017 (NESPf) do not manage either the effects of the above types of plantings on ONF/ONL values or manage the potential risk of wildings from these plantings.</i></p> <p><i>The NESPf allows Council to manage planting of plantation forest in an identified ONF/ONL. However, it seems that planting of plantation forest trees in indigenous vegetation may be allowed. As a result, ██████████ supports Council managing all plantings of trees in areas identified as an ONF/ONL.</i></p>	
100.30	NFL – Natural features and landscapes	NFL-P2 Appropriate use and development in visual amenity landscapes, outstanding natural landscape	General	<p><i>NFL-P2 oppose in part, do not support the provisions as they apply to VALs.</i></p>	

		s and outstanding natural features			
100.31	NFL – Natural features and landscapes	NFL-P4 Other use and development in visual amenity landscapes	General	<i>NFL-P4 oppose, do not support the provisions as they apply to VALs.</i>	
100.32	NFL – Natural features and landscapes	NFL-P6 Plantation forestry, quarries, mining and intensive farming in outstanding natural landscapes and outstanding natural features	General	<i>NFL-P6 oppose in part. It is unclear what “intensification of farming activities” covers and how it will be measured. A farmer grazing 10 additional sheep could be classified as intensifying their farm. It would also be unacceptable to insert the proposed “intensively farmed stock” definition into this policy.</i>	
100.33	NFL – Natural features and landscapes	NFL-R 1 Buildings, structures and irrigators, other than	General	<i>NFL-R1: Within ONF or L Per 2 Oppose. This rule makes all new irrigators restricted discretionary which is disproportionate and unnecessary. It is likely to prevent new technology from being adopted which will most likely result in the more effective and efficient use of water.</i> <i>VAL Oppose, do not support the provisions as they apply to VALs.</i>	

		fences, and public amenity buildings			
100.38	NFL – Natural features and landscapes	NFL-R10 Subdivision	General	<i>NFL-R10 Oppose in part, do not support the provisions as they apply to VALs.</i>	
100.39	NFL – Natural features and landscapes	NFL-R11 Mining and quarrying	General	<i>NFL-R11 Oppose in part, Non-complying is too restrictive, especially as this is likely to capture farm quarries. Discretionary or Restricted Discretionary would be more appropriate.</i>	
100.34	NFL – Natural features and landscapes	NFL-R2 Earthworks	General	<i>NFL-R2: within ONF or L and VAL Support in part. Should include existing reticulated stock water systems including troughs. Reticulated water systems are an essential part of a farms infrastructure and need to be included.</i> <i>VAL Oppose, do not support the provisions as they apply to VALs.</i>	
100.35	NFL – Natural features and landscapes	NFL-R4 Construction of fences	General	<i>NFL-R4: Support in part. Clarification if wire fence includes netting. Netting fences are used for deer but also pest proof fencing ie rabbits and wallabies.</i> <i>VAL Oppose, do not support the provisions as they apply to VALs. Also, what is reason regarding the requirement for post and rail fencing only? This is onerous and would come with significant and disproportionate costs.</i>	
100.36	NFL – Natural features and	NFL-R6 Farming	General	<i>NFL-R6: Oppose in part. Overly prescriptive and does not allow farming to adopt new technology or innovation, or to adapt to changing markets and customer preferences. It also stifles the ability of landowners to respond to, and become more resilient against, other factors such as climate</i>	

	landscapes			<p><i>change. This approach locks in the current farming practice. Having a status as either permitted or non-complying is disproportional. Restricted Discretionary would be more reasonable.</i></p> <p><i>PER-2 does not allow crop rotations longer than 12 months, and as such, existing use rights do not apply.</i></p> <p><i>It is unclear where the aerial topdressing and oversowing limits for PER-3 have come from and why they need to be included.</i></p> <p><i>This rule overall does not allow for the provision in NFL-P3 which enables the ongoing operation and maintenance of existing working farms.</i></p>	
100.37	NFL – Natural features and landscapes	NFL-R9 New roads and farm tracks	General	<p><i>NFL-R9 Oppose in part, do not support the provisions as they apply to VALs.</i></p>	
100.40	NFL – Natural features and landscapes	NFL-S3 Proximity of new residential units, farm buildings and structures to existing buildings	General	<p><i>NFL-S3 Oppose. Why must a new farm building or structure be located within 50m of an existing farm building? TDC should only be managing the effects of buildings on landscape values, not confining them to one location, or is TDC looking to implement Farm Base Areas?</i></p> <p><i>The Queenstown Lakes District Plan acknowledges farming and enables activities, especially within ONLs, of which comprises most of the district:</i></p> <p><i>21.2.1 Objective - A range of land uses, including farming and established activities, are enabled while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.</i></p> <p><i>21.2.1.2 Policy - Allow Farm Buildings associated with landholdings of 100 hectares or more in area while managing effects of the location, scale and colour of the buildings on landscape values.</i></p>	
43.72	NFL – Natural features and	Objectives	NFL-O1 Outstanding natural	<p><i>Retain as proposed or preserve the original intent.</i></p>	

	landscapes		features and outs		
100.28	NFL – Natural features and landscapes	Objectives	NFL-O2 Visual amenity landscapes The la	<i>NFL-O2 oppose, do not support as they apply to VALs.</i>	
102.16	NFL – Natural features and landscapes	Policies		<i>As with the ECO chapter, ██████████ note that there is no recognition for the contribution that pastoral land makes to the Natural Character (NC) or Natural Features and Landscapes (NFL) of the Timaru District.</i>	<p>We recommend the inclusion of a policy in the NC and NFL chapters that does so, which could be worded as follows:</p> <p>Recognise the values of the landscapes described by the NFL/NC and maintain these values by recognising the existence of working pastoral farms and their contribution to the character and amenity of the landscapes.</p>
43.76	NFL – Natural features and landscapes	Policies	NFL-P1 Identification of outstanding natural	<i>Consider whether aesthetic values should also be included, as per the CRPS. Specifically support clause (2), and the identification of values for each site.</i>	
100.29	NFL – Natural features and landscapes	Policies	NFL-P1 Identification of outstanding natural	<i>NFL-P1 oppose in part, do not support the provisions applying to VALs.</i>	

<p>129.20</p>	<p>NFL – Natural features and landscapes</p>	<p>Policies</p>	<p>NFL-P3 Enabling existing working farms in</p>	<p><i>Policy NFL-P3 and Rules NFL-R6 and NFL-R11 – This policy and rule regime seeks to enable existing working farms within ONLs and ONFs. This same approach should be extended to all legitimate rural-based activities, such as existing quarries</i></p>	<p>Relief sought – amend Policy NFL-P3 to state “Enable existing working farms and other legitimate rural-based activities in outstanding natural landscapes and outstanding natural features.” and make consequential changes to rule NFL-R6 accordingly. Remove reference to VALs from rule NFL-R11.</p>
<p>118.38</p>	<p>NFL – Natural features and landscapes</p>	<p>Policies</p>	<p>NFL-P5 Other use and development in outstanding</p>	<p>██████████ supports Policy NFL-P5 to the extent that the Policy contemplates situation where activities may occur within an outstanding natural feature or landscape. ██████████ notes that this Policy may be inconsistent with Policy EI-P2 and considers that the approach in Policy NFL-P5 (subject to limited amendments) better gives effect to the National Policy Statement on Electricity Transmission when compared to Policy EI-P2. ██████████ seeks the inclusion of an additional clause to direct a particular consideration of the operational need or functional need of regionally significant infrastructure to require location within an outstanding natural feature or landscape as follows:</p> <p><i>“Avoid subdivision, use and development within outstanding natural features and outstanding natural landscapes, unless it can demonstrate that it is appropriate by considering:</i></p> <ol style="list-style-type: none"> <i>1. how the identified values and characteristics of the outstanding natural landscapes and outstanding natural features described in SCHED9 – Schedule of outstanding natural landscapes and SCHED10 – Schedule of outstanding natural features will be protected; and</i> <i>2. the scale of modification to the landscape; and</i> <i>3. whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change; and</i> <i>4. whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines; and</i> <i>5. the ability to maintain natural landforms, natural processes and vegetation areas and patterns; and</i> 	

				<p>6. any potential cumulative effects; and</p> <p>7. the measures proposed to mitigate the effects on the values and characteristics, including:</p> <p>a. the location, design and scale of any buildings or structures, or earthworks; and</p> <p>b. the intensity of any activity; and</p> <p>c. the finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing; and</p> <p>x. whether the proposal is regionally significant infrastructure that has an operational need or functional need for its location within an outstanding natural feature or landscape.”</p>	
43.74	NFL – Natural features and landscapes	Policies	NFL-P6 Plantation forestry, quarries, mining	Retain as proposed or preserve the original intent.	
129.28	NFL – Natural features and landscapes	Policies	NFL-P6 Plantation forestry, quarries, mining	<p>Objective GRUZ-O5, and Policies GRUZ-P1, P5, and P6 – Objective GRUZ-O5 reads more as a policy than objective. By its nature, mining and quarrying should occur only within the rural zone, as the activity is compatible with rural-type land uses. It is also acknowledged, however, that the location of such activities within the zone should be appropriate; such sites typically need good separation from surrounding sensitive activities and are subject to the existence of an appropriate mineral resource. However, the very nature of these activities results in a temporary disruption to the qualities and amenity values of the immediate surrounds until remediation is complete; on this basis, these qualities are not “maintained” as sought. Moreover, on occasion, it may be appropriate to convert an extraction area to a water storage reservoir, wetland, pond or lake on completion, rather than return the land to its previous state. For these reasons, greater flexibility in the objective and policy regime is sought to recognise and provide for quarrying and mining in the GRUZ.</p> <p>A further matter of concern is the provision for private “farm quarries” (see, for example, policies GRUZ-P1 and GRUZ-P7, and rule GRUZ-R13). If the plan seeks to address environmental effects, there should be no distinction between “farm” and “general” quarries as it is the effects that should be addressed. Accordingly, the reference to “farm” quarries should be deleted and replaced with control</p>	Relief sought – Amend the bundle of GRUZ objectives, policies and rules in the manner described above. This includes providing for all quarries by amending the rules attached to farm quarries to allow that any quarry up to 2,000m2 may occur as a Permitted Activity. Delete the words “Only” from the beginning of policies GRUZ-P5 and P6. Amend the Objective regime to acknowledge that mining and quarrying is an appropriate land use within the GRUZ,

				<p><i>allowing all small scale quarries more generally, whether or not the material extracted is used within the source property.</i></p> <p><i>As a final note, the wording of policies GRUZ-P5 and P6 are considered to be problematic. For example, P5 uses the term “...not adversely impact...”, whereas the RMA concerns itself with adverse environmental effects. This wording should be amended to reflect the proper concerns of the RMA. In relation to GRUZ-P5 and P6, these both begin with the very restrictive and narrow word “Only” in relation to other activities and mining and quarrying. Such an approach is considered to be too restrictive and unjustified. It also requires protection of some values, and avoidance or mitigation of effects on sensitive activities. While it is accepted that adverse environmental effects must be managed, this approach is considered to be too blunt and limiting, and does not provide for the full range of avoid, remedy and/or mitigation of effects, as contemplated by the RMA.</i></p>	<p>provided that the effects of these activities are appropriately avoided, remedied or mitigated. Amend Rule GRUZ-R1 to include farming and existing authorised quarrying as a Permitted Activity.</p>
129.18	NFL – Natural features and landscapes	Rules		<p><i>General NFL Rules – The rules regime in the natural features and landscapes section makes numerous references to the control of structures. In many cases, these rules will apply to drainage structures (such as culverts) which are essential to the maintenance and upgrading of public and private roads. Such an approach is overly-restrictive when the effects of such structures are generally less than minor, and they form an essential function for drainage, road safety, etc. In addition, rule NFL-S6(2) and 1(d) requires resource consent for changing an unsealed road into a sealed surface. This seems to have no effects-based driver, and is unjustified; if anything, sealing unpaved roads creates a more visually-acceptable, safer, and more durable surface which also results in less dust.</i></p>	<p>Relief sought – amend the rules to provide for roading structures, and delete controls in NFL-S6 that require consent to seal unpaved roadways</p>
129.22	NFL – Natural features and landscapes	Rules	NFL-R11 Mining and quarrying Within O	<p><i>Policy NFL-P3 and Rules NFL-R6 and NFL-R11 – This policy and rule regime seeks to enable existing working farms within ONLs and ONFs. This same approach should be extended to all legitimate rural-based activities, such as existing quarries.</i></p>	<p>Relief sought – amend Policy NFL-P3 to state “Enable existing working farms and other legitimate rural-based activities in outstanding natural landscapes and outstanding natural features.” and make consequential changes to rule NFL-R6 accordingly. Remove</p>

					reference to VALs from rule NFL-R11.
145.46	NFL – Natural features and landscapes	Rules	NFL-R9 New roads and farm tracks With	<i>It is assumed that access tracks are not provided for in this rule</i>	
43.77	NFL – Natural features and landscapes	Rules	NFL-R2 Earthworks Within ONF and ONL	<i>Amend PER-1 to add</i> <i>4. existing roads; or</i> <i>5. existing hazard mitigation works; and..</i> █ <i>proposes that maintenance to hazard mitigation works is also permitted by this rule.</i>	
145.45	NFL – Natural features and landscapes	Rules	NFL-R4 Construction of fences Within	<i>Secure wire mesh fencing should be excluded from this provision given their high permeability.</i>	
129.21	NFL – Natural features and landscapes	Rules	NFL-R6 Farming Within ONF and ONL	<i>Policy NFL-P3 and Rules NFL-R6 and NFL-R11 – This policy and rule regime seeks to enable existing working farms within ONLs and ONFs. This same approach should be extended to all legitimate rural-based activities, such as existing quarries</i>	Relief sought – amend Policy NFL-P3 to state “Enable existing working farms and other legitimate rural-based activities in outstanding natural landscapes and outstanding natural features.” and make consequential changes to rule NFL-R6

					accordingly. Remove reference to VALs from rule NFL-R
5.1	NFL – Natural features and landscapes	Rules	NFL-R8 Plantation forestry Within VAL	<p><i>As discussed with █████ Regulation 6-2a of NES-PF allows the Territorial authority (District Councils) to create more stringent rules than the Permitted Activity defaults for the 8 forestry activities regulated in the NES-PF. However Reg 6 of the NES-PF does not grant the Territorial authority (District Councils stringency) when it comes to regulating those activities in Visual Amenity landscapes.</i></p> <p><i>Please refer as follows:</i></p> <p><i>Reg 6 - Plan rules may be more stringent than these regulations National instruments</i></p> <p><i>(1) A rule in a plan may be more stringent than these regulations if the rule gives effect to—</i> <i>(a) an objective developed to give effect to the National Policy Statement for Freshwater Management;</i> <i>(b) any of policies 11, 13, 15, and 22 of the New Zealand Coastal Policy Statement 2010.</i></p> <p><i>Matters of national importance</i></p> <p><i>2) A rule in a plan may be more stringent than these regulations if the rule recognises and provides for the protection of—</i> <i>(a) outstanding natural features and landscapes from inappropriate use and development; or</i> <i>(b) significant natural areas.</i></p> <p><i>Only Sub part 1 of Part 2 of the NES-PF (Afforestation) allows District Councils stringency when it comes to regulating plantation forestry activities in Visual Amenity landscapes. The operative Regulations are Reg 13 and Reg 15- part 4 as follows:</i></p> <p><i>Reg 13 - Permitted activity condition: visual amenity landscapes</i> <i>Afforestation must not occur within a visual amenity landscape if rules in the relevant plan restrict plantation forestry activities within that landscape.</i></p> <p><i>█████ - You should take advice on Reg 13 from the █████ At MPI (not MfE, as MPI administer this regulation) █████ as I understood the intent of Reg 13 was to apply to VAL rules in place at the time of NES-PF gazettal (July 2017) and not future rules</i></p>	

			<p><i>Reg 16 - Restricted discretionary activity</i> <i>Territorial authority</i> <i>(1) Afforestation is a restricted discretionary activity if regulation 11, 12, or 14(1) or (2) is not complied with</i></p> <p><i>While the Activity Status of NFL-R8 is correctly set to Controlled, the heading and body of Rule 8 need to be amended to read with words to the effect of -</i></p> <p><i>NFL-R8 Afforestation in Plantation Forestry</i></p> <p><i>the body text of the rule seems Ok under that heading</i></p> <p><i>Please note that Afforestation does not cover Replant, which is a separate activity regulated in the NES-PF</i></p> <p><i>Afforestation is defined in Part 1 of the NES-PF to mean</i></p> <p><i>afforestation—</i> <i>(a) means planting and growing plantation forestry trees on land where there is no plantation forestry and where plantation forestry harvesting has not occurred within the last 5 years; but</i> <i>(b) does not include vegetation clearance from the land before planting</i></p> <p><i>versus replanting, defined in Part 1 as :</i></p> <p><i>replanting means the planting and growing of plantation forestry trees on land less than 5 years after plantation forestry harvesting has occurred</i></p> <p><i>By implication, Council Plans or consenting processes cannot regulate replanting (or harvest, roading, pruning & thinning or Mechanical Land Preparation) in VALs provided that all the NES-PFs Permitted Activity Conditions relevant for the specific activity are met.</i></p> <p><i>I trust that this is of use. Please phone me for clarification on [REDACTED]</i></p> <p><i>thanks</i></p>	
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118.39	NFL – Natural features and landscapes	Rules	NFL-R3 Network utilities Within ONF a	██████████ supports Rule NFL-R3 to the extent that the Rule provides a rule framework for the National Grid in an outstanding natural feature or landscape that is aligned with and gives effect to the National Environmental Standard for Electricity Transmission Activities, the National Policy Statement on Electricity Transmission and the Canterbury Regional Policy Statement respectively.	
145.44	NFL – Natural features and landscapes	Rules	NFL-R3 Network utilities Within ONF a	Support – assuming that network utilities are buildings and structures	
129.19	NFL – Natural features and landscapes	Standards	NFL-S6 Earthworks Within ONF and ONL	General NFL Rules – The rules regime in the natural features and landscapes section makes numerous references to the control of structures. In many cases, these rules will apply to drainage structures (such as culverts) which are essential to the maintenance and upgrading of public and private roads. Such an approach is overly-restrictive when the effects of such structures are generally less than minor, and they form an essential function for drainage, road safety, etc. In addition, rule NFL-S6(2) and 1(d) requires resource consent for changing an unsealed road into a sealed surface. This seems to have no effects-based driver, and is unjustified; if anything, sealing unpaved roads creates a more visually-acceptable, safer, and more durable surface which also results in less	Relief sought – amend the rules to provide for roading structures, and delete controls in NFL-S6 that require consent to seal unpaved roadwa