

TIMARU



DISTRICT COUNCIL

Te Kaunihera ā-Rohe
o Te Tihi o Maru



YOUR PLAN OUR FUTURE
TIMARU DISTRICT PLAN REVIEW

Outstanding Natural Landscapes and Features S.32

May 2022



YOUR PLAN OUR FUTURE
TIMARU DISTRICT PLAN REVIEW
LAND USE PLAN

Timaru District Council

Section 32 Report

Outstanding Natural Landscapes and Features Chapter

May 2022

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1 Natural Features and Landscapes

1.1 Introduction

This report sets out an assessment of the proposed provisions that will be included in the Natural Features and Landscapes Chapter of the proposed Timaru District Plan against section 32 of the RMA. The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development is a matter of national importance. This report sets out an overview of the provisions in the operative District Plan that relate to natural features and landscapes; the way in which other District Plans address this topic; the policy framework that relates to natural features and landscapes, and an evaluation of the proposed objectives and options against section 32 of the RMA.

1.2 Community / Stakeholder / Iwi Engagement

One issue was identified by the Council for the purposes of consultation with the community: Landscapes – outstanding natural features and landscapes, heritage landscapes, and significant amenity landscapes. Feedback received on those is summarised below, as well as other matters raised by the community:

- General support for reviewing the extent of the outstanding natural landscapes and amenity landscapes in the District Plan to ensure consistency with the Regional Policy Statement criteria, findings of the Regional Landscape Study, and best practice. Some respondents seek protection of locally outstanding landscapes, particularly the Ōrāri Gorge, Mt Peel, Peel Forest and Four Peaks Range.
- General support for the use of buffers to protect and maintain outstanding natural features and landscapes, while enabling appropriate activities within the buffer areas.
- Provisions controlling development in landscape areas should provide for continuation of normal farming practices and recognise the need for utility infrastructure such as the National Grid and railway corridor, to traverse outstanding and significant landscapes.
- Some respondents seek protection of landscapes from inappropriate development including forestry, adequate review of development proposals in landscape areas, offsetting, active monitoring of consents for development in landscape areas, and restoration of unforeseen damage to landscapes.
- General support for identifying and protecting outstanding natural features such as distinctive limestone and basalt rock formations, and historic landscapes containing rock art.

1.3 Strategic directions

The following strategic directions are considered to be particularly relevant to the Natural Features and Landscapes topic:

SD-O2 The Natural and Historic Environment

The District's natural and historic environment is managed so that:

- i. the health and wellbeing of the community are recognised as being linked to the natural environment;
- ii. an integrated management approach is adopted that recognises that all parts of the environment are interdependent;
- iii. the natural character of the coastal environment, wetlands and waterbodies is preserved and protected from inappropriate subdivision, use, and development;
- iv. important landscapes and features are protected from inappropriate subdivision, use, and development;

- v. significant indigenous vegetation and significant habitats of indigenous fauna are identified and their values recognised, protected and where appropriate, enhanced;
- vi. the life-supporting capacity of ecosystems and resources is safeguarded for future generations;
- vii. the important contribution of historic heritage to the District's character and identity is recognised, and significant heritage and its values are protected from inappropriate subdivision, use, and development.

SD-05 Mana Whenua

The mana whenua status of Kāti Huirapa is recognised and their historic and contemporary relationship with the District's land, water bodies and wetlands, coastal environment, and indigenous species is recognised and provided for by ensuring:

- i. mahika kai resources and habitats of indigenous species are sustained and opportunities for their enhancement or restoration are encouraged;
- ii. the health of water body and wetland environments is protected from adverse effects of land use and development;
- iii. the values of identified sites and areas of significance to Kāti Huirapa are recognised and protected;
- iv. Kāti Huirapa retains, and where appropriate is able to enhance access to their sites and areas of significance;
- v. Māori reserve lands are able to be used by Kāti Huirapa for their intended purposes;
- vi. Kāti Huirapa are able to carry out customary activities in accordance with tikanga;
- vii. Kāti Huirapa are actively involved in decision making that affects their values and interests in these matters and are able to exercise their kaitiakitaka responsibilities.

SD-08 Infrastructure

Across the district

- i. improved accessibility and multimodal connectivity is provided through a safe and efficient transportation network that is able to adapt to technological changes;
- ii. the provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of new development;
- iii. drinking water supplies are protected from the adverse effects of subdivision, use and development;
- iv. the benefits of regionally significant infrastructure and lifeline utilities are recognised and their safe, efficient and effective establishment, operation, maintenance, renewal and upgrading and development is enabled while managing adverse effects appropriately

The Strategic Directions that relates to the natural and cultural environment directly links to the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development. This includes the interrelationship between outstanding natural features and landscapes and other natural values such as significant indigenous vegetation and natural character. Recognition and protection of outstanding natural features and landscapes also contributes towards recognising and providing for Ngāi Tahu's historic and contemporary connections and cultural and spiritual values associated with the land, water and other taonga. The Strategic Direction relating to infrastructure is relevant as there may be instances where infrastructure needs to locate in outstanding natural features or landscapes.

1.4 Problem definition

1.4.1 The efficiency and effectiveness of the Operative District Plan

The Operative Timaru District Plan identifies outstanding landscape areas and significant amenity landscapes on the planning maps.

A description of these landscapes is included in the explanatory text to Issue 1 Policy 7 in Part 2B of the District Plan. There are no specific outstanding natural features (e.g. geo-preservation sites), or areas of outstanding or high natural character, or heritage landscapes currently identified in the District Plan. Part B – 2 Natural Environment covers the high-level direction for the management of outstanding natural landscapes and amenity landscapes. Specifically, Objective 3 seeks to *“identify, protect, and enhance outstanding landscape values of the District, and those natural processes, features and areas of significant natural value which contribute to its overall character and amenity.”*¹

Related policies seek to:

- Protect and enhance the natural character of the landscape from inappropriate subdivision and the adverse effects of any use or development of land;²
- Avoid subdivision, use or development which has the potential to modify, mask or detract from important landscape areas, or mitigate or remedy adverse effects;³ and
- Set out the management outcomes for various specific landscape areas.⁴

Land within the identified outstanding Landscape Areas is within the following zones in the District Plan:

- Rural 1 Zone (General Rural)
- Rural 4B Zone (Blandswood)
- Rural 5 Zone (Hill and High Country)
- Recreation 1 Zone

Land within the identified Amenity Landscape Areas is within the Rural 1, Rural 2 and Rural 5 zones. The District Plan includes rules that manage activities in outstanding landscape areas and significant amenity landscapes in the following zones:

- Rural 1 zone (General Rural)
- Rural 5 Zone (Hill and High Country)

The Rural 5 Zone (Hill and High Country) covers the principal areas of the hill and high country within the District, including most of the areas recognised as having outstanding natural landscape values or amenity landscape values.

Chapter Part D (1) Rural Zones further articulates the way in which activities will be managed in the outstanding landscape areas to achieve the higher-level policy direction in Chapter 2. It includes rules for the Rural 1 and 5 zones that manage the following activities in outstanding landscape areas:

- new walking tracks, fences, vehicle and stock access tracks within outstanding landscape areas (Rural 5 zone);
- buildings within outstanding landscape areas (Rural 5 zone);
- tree planting in outstanding landscape areas (Rural 5 zone);
- woodlots and forestry within outstanding landscape areas (Rural 1 and 5 zones).

¹ Timaru District Plan Part B Issue 1 Objective 3

² Timaru District Plan Part B Issue 1 Policy 1

³ Timaru District Plan Part B Issue 1 Policy 6

⁴ Timaru District Plan Part B Issue 1 Policy 7

The Operative District Plan identifies certain areas in the hill and high country of the District as ‘amenity landscape areas’, but although one of the methods in Part B2 of the Operative District Plan states that rules will be established to control or avoid the adverse effects of activities on significant amenity landscapes, there is no distinct approach within the Rural zone rules that is specifically targeted towards managing effects on landscape values within significant amenity landscapes. Effectively, the Operative Plan manages buildings that are within the Rural 5 zone and are accessory to a permitted activity as Restricted Discretionary Activities, irrespective of whether the land is within a significant amenity landscape or not. Woodlots and forestry are also managed as a controlled activity throughout the Rural 5 zone, provided they are not located in an Outstanding Landscape Area.

1.4.2 Issues identified

The Landscapes and Natural Character Discussion Document prepared by TDC in November 2016 identified the following issues with the Operative District Plan:

Issue 1: Identification, protection and management of outstanding natural features and Landscapes

There is a need to determine whether the identification and protection of the outstanding landscape areas in the District Plan are consistent with best practice, the CRPS criteria and the findings of the Canterbury Regional Landscape Study 2010 and whether there are any as yet unrecognised outstanding natural landscapes that warrant recognition and protection in the District Plan.

An overview of the current provisions that manage subdivision, use and development of land within and immediately adjacent to outstanding landscape areas and amenity landscape areas is set out above. The following issues have been identified in relation to the operative provisions:

- There are currently no specific rules for managing activities in the amenity landscape areas.
- In many cases, the approach to managing various activities that can have adverse effects on landscape values differs between the Rural 1 and Rural 5 zone.

Issue 2: Identification of other significant amenity landscapes

There is a need to determine whether the current amenity landscape areas in the District Plan capture all areas of significant landscape amenity, and whether the current provisions for managing subdivision, use, and development in amenity landscapes are sufficient to maintain their values while also providing for appropriate activities.

1.4.4 Timaru District Landscape and Coastal Study

Boffa Miskell Ltd’s landscape planners were engaged by TDC in 2017 to prepare an independent technical assessment of the District’s landscapes and coastal environment. The ‘Timaru District Landscape and Coastal Study’ (the Landscape Study)⁵ was finalised in 2020.

Landscapes are larger areas that are perceived as a whole and can include a number of features within them. Landscapes can be either experienced from within (e.g. from walking tracks) or seen as the whole of an outlook (e.g. looking towards the Front Ranges from the flat plains). Any mapped landscapes (or ONLs) will be identified at a district scale, underpinned by the broader Regional ONF/L mapping contained within the Canterbury Landscape Review 2010.

Landscape features are discrete elements within a landscape, which are generally experienced from outside the features’ boundaries. Features display integrity as a whole element and can often be clearly distinguished from the surrounding landscape. Generally, features are defined by their geomorphological landform boundaries. However, in some instances (such as areas of native bush) features are defined more readily by land cover characteristics.

⁵ <https://www.timaru.govt.nz/pdp-supporting-info>

Outstanding Natural Landscapes

Within the Timaru District, seven ONF/Ls have been identified and these are illustrated on Figure 12 in the Landscape Study. These are all landscapes in their own right, each containing a range of biophysical, sensory and associative values. Each ONF/L retains sufficient levels of naturalness to be considered a candidate for being outstanding.

Outstanding Natural Landscapes (ONL) in the Timaru District Landscape Area

- 1 Upper Rangitata Catchment
- 2 Peel Forest & Four Peaks Range

Outstanding Natural Features (ONF) in the Timaru District Landscape Area

- 1 Kākahu Bush/ Te Kākaho
- 2 Hanging Rock
- 3 Limestone Valley escarpment
- 4 Mt Horrible escarpment
- 5 Dashing Rocks

The Timaru District Landscape Study 2020 also identified potential pressures and threats, which may adversely affect these landscapes and their values. All of the outstanding natural landscapes and features identified are highly sensitive to change and should be carefully managed through rules in the District Plan, in order to protect the 'outstanding' landscape values. This is discussed in greater detail in the Landscape Study but in summary:

Generally, threats to landscape values arise where:

- activities go through a significant change and/or become larger in scale and therefore a more dominant and singular feature of the landscape e.g., large scale forestry compared with small scale tree planting interspersed with indigenous outcrops and open pasture.
- housing is developed in locations that detract from open and natural characteristics or in more intensive clusters that contrast with the mosaic pattern or open coastal character that currently exists; rural lifestyle developments can alter the rural landscape characteristics and productive land use potential, in particular on the plains;
- planting, including shelterbelts and forestry, and/or structures obscure or alter the outline of natural landforms;
- earthworks alter natural contours;
- cumulative change i.e. landscape change arising over time from incremental development or "creep" where an existing modification in the landscape is used to justify further change.

Consideration should be given to:

- The scale of planting; mix of species and the effect on the naturalness of the landscape;
- Visual domination, and in particular effects on openness of the landscape;
- The potential for the planting to block views from roads and other public places;
- Effects on existing vegetation patterns;
- Layout, including spacing, treatment of edges and pattern;
- The extent to which the planting follows the natural vegetation patterns;
- Relationship to other areas of forestry and the potential for cumulative effects on landscape values;
- Potential to obscure or encroach upon important landforms;
- Avoid intensification or change of farming use;
- Location and visibility of tracks (covered by earthworks matters); and
- The purpose of the planting and harvest cycles.

Visual Amenity Landscapes

The Timaru District Landscape and Coastal Study identified four Visual Amenity Landscapes (VALs) within the Timaru District. A VAL is a landscape that contains high amenity, environmental or scenic values, but that has a noticeably lower rating of other landscape values. The four VALs identified in the study are:

1. Rangitata Flats (between gorge and Peel Forest)
2. Four Peaks downlands
3. Geraldine Downs
4. Cave Hill

While VALs do not reach the threshold of being identified as ONF/Ls, they hold high amenity and environmental values. Therefore, protection from certain activities based on visual change is still required.

Often, these effects are related to some key activities, such as earthworks, loss of areas of significant indigenous vegetation, and the placement of buildings, structures and tree plantings in the landscape. While VALs may contain a higher level of modification than ONF/Ls they often provide a sense of openness with a strong visual connection to adjacent ONF/Ls (e.g. Rangitata Flats) and at times provide a link or buffer near/ between ONF/Ls, as is the case for the VALs in the Four Peak Range of Timaru.

Consideration should be given to the following values to retain the visual amenity:

- Keep visual coherence, perceived naturalness and overall openness;
- Avoid large buildings/structures and avoid clutter from man-made elements in the landscape;
- Limit subdivision as this leads to expectations of buildings and carving up of the land with “visual divisions” occurring;
- Limit earthworks and quarrying;
- Avoid intensification or change of farming use;
- Limit shelterbelts and forestry due to the linear form and interruption of important view shafts e.g. to nearby ONF/Ls.

1.4.5 Other District Plan approaches

The table below sets out an overview of the way that a range of other District Plans in the Canterbury Region address matters relating to ONF/L. They include the territorial authorities that adjoin the Timaru District (Ashburton, Mackenzie and Waimate Districts), as well as Selwyn District and Christchurch City.

Plan	Description of Approach
<p><i>Ashburton District Plan</i> Second generation plan Operative 2014 Ashburton District Council</p>	<p>The Ashburton District adjoins Timaru District to the north. The District Plan is a second-generation plan and was made operative in 2014. The district plan was informed by the preparation of a Landscape Study that was undertaken in 2009.</p> <p>The Ashburton District Plan does not have a specific chapter that deals with landscape issues – these matters are dealt with in the Rural Chapter of the District Plan as all identified ONF/L are located within this zone. The Ashburton District Plan identifies ONF/L and does not manage any other defined landscapes.</p>

	<p>The chapter includes a specific objective to “Enhance the landscape characteristics and values of the ONF/L of the Ashburton District, and protect them from inappropriate subdivision, land use and development.”</p> <p>This objective is supported by 12 policies that apply to various areas of landscape value and activities that may occur within sensitive landscapes. The policies include a list of values that are considered in assessing ONF/L and set a framework for the rules.</p> <p>Related rules manage the following activities:</p> <ul style="list-style-type: none"> - Forestry and tree planting. - Mineral extraction. - Earthworks. - Indigenous vegetation clearance. - Building location and scale.
<p><i>Waimate District Plan</i> Second generation plan Operative 2014 Waimate District Council</p>	<p>The Waimate District adjoins Timaru District to the south. The District Plan is a second-generation plan and was made operative in 2014. The district plan was informed by the preparation of a Landscapes Study that was undertaken in 2012.</p> <p>The Waimate District Plan identifies ONF/L and Significant Natural Features on its planning maps. The Waimate District Plan does not have a specific chapter that deals with landscape matters, these are addressed in the Rural Chapter of the District Plan.</p> <p>The Rural chapter includes an objective that seeks to protect and enhance the District’s outstanding natural landscapes and features from subdivision, use or development that would detract from these landscapes or features or their values.⁶</p> <p>This objective is supported by 2 policies that relate to the identification of ONF/L and the activities that need to be managed within those landscapes and features; and seek to retain the character of identified areas while enabling the continued operation of productive activities. There is a specific policy that relate to the landscape, natural character, cultural and ecological values of the Wainono Lagoon.</p> <p>A further objective seeks to ‘maintain and enhance’ the significant landscape values in the district. This objective is supported by two policies which relate to the Waitaki Lakes, and to avoiding, remedying and mitigating adverse effects.</p> <p>Related rules manage the following activities to varying degrees between ONF/L, SNF and land above 900m:</p>

⁶ Waimate District Plan Section 4 objective 4

	<ul style="list-style-type: none"> - Buildings (with a distinction between farm buildings and non-farm buildings). - Earthworks. - Farming intensification. - Tree planting. - Indigenous vegetation clearance. <p>Landscape guidelines are included in Appendix E to the District Plan.</p>
<p><i>Mackenzie District Plan</i> Mackenzie District Council Operative 2004</p>	<p>Mackenzie Basin</p> <p>The recent decisions on Plan Change 13 in the Mackenzie District 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 Timaru District in terms of its unique values and parts of this area of the Timaru District may come under similar pressures as the Mackenzie Basin to change over time. This context is also considered particularly relevant given that the approach was developed under the CRPS.</p> <p>The approach within the Mackenzie District for the Mackenzie Basin identifies the whole Basin as an outstanding natural landscape and recognises that there are differing values within that landscape. The related rules seek to manage activities that can adversely affect landscape values in different ways depending on their location within the landscape, and in particular, whether they are located in areas of high or low visual vulnerability.</p> <p>A specific suite of objectives and policies relate to the Mackenzie Basin, recognising the specific values within the basin, and the types of development and/or activities that should be managed or enabled within the Basin.</p> <p>Related rules manage:</p> <ul style="list-style-type: none"> - Buildings, depending on whether they are farm buildings or non-farm buildings, and their location. - Earthworks. - Tree planting and forestry. - Mining. - Vegetation clearance.
<p><i>Proposed Selwyn District Plan</i> Notified in October 2020 (hearings currently under way)</p>	<p>The PDP contains objectives which seek to protect the outstanding natural features and land landscapes from inappropriate subdivision, use and development, and maintaining and enhancing the visual landscape areas.</p> <p>There are policies and rules which cover buildings and structures, earthworks, horticultural planting, woodlots and shelterbelts, quarrying/mining and plantation forestry. The PDP lists 7 ONL areas and three visual landscape areas.</p>

	<p>Within ONF buildings are permitted subject to a range of standards including building height, setbacks, coverage and appearance.</p> <p>Within most ONF Earthworks are permitted if they relate to the maintenance of existing roads, tracks, fences and undergrounding services and subject to volumetric limits. In other more sensitive ONF areas earthworks can be non-complying or subject to smaller volumetric requirements</p> <p>Horticultural planting, woodlots and shelterbelts are discretionary in most ONF and non-complying in others.</p> <p>Mineral extraction and plantation forestry are non-complying in ONF.</p> <p>The same activities within VAL are by in large, managed as a DIS although a higher level of earthworks is permitted and plantation forestry is controlled.</p>
<p><i>Christchurch District Plan</i> Christchurch City Council</p>	<p>The Christchurch District Plan is a recent second-generation plan and was made operative in 2017. It addresses issues relating to landscapes and natural character in Section 9.2 of the District Plan, irrespective of whether these values are within an urban or rural environment. The following types of landscapes and features are identified and managed under the Christchurch District Plan:</p> <ul style="list-style-type: none"> - Outstanding Natural Features and Landscapes. - Significant features. - Rural amenity landscapes. <p>These features and landscapes are all identified as overlays on the planning maps and there are reference maps in an Appendix to the District Plan.</p> <p>The objectives seek that 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.</p> <p>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.</p> <p>The rules manage the following activities:</p> <ul style="list-style-type: none"> - Buildings (including a range of building types). - Additions to buildings.

	<ul style="list-style-type: none"> - Access tracks. - New roads. - Forestry. - Quarrying. - Fences.
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1.5 Statutory and Planning Context

District plans are part of a hierarchy of RMA policy and planning instruments. The RMA prescribes how district plans are to align with other instruments, and this is summarised in the table below.

Statutory document	Alignment requirement for Proposed District Plan	Comment
NZCPS	Give effect to	Implement according to the applicable policy statement's intentions.
NPS/NES		
CRPS		
Regional Coastal Environment Plan	Not be inconsistent with	Are the provisions of the Proposed DP compatible with the provisions of these higher order documents? Do the provisions alter the essential nature or character of what the higher order documents allow or provide for?
Canterbury Land and Water Plan		
Specific management plans and strategies prepared under other legislation	Have regard to	Give genuine attention and thought to the matter As above.
Ashburton District Plan	Have regard to the extent to which there is a need for consistency	
Waimate District Plan		
Westland District Plan		
Mackenzie District Plan		
Iwi Management Plan of Kati Huirapa	Take into account	Address the matter and record That has been done in our decision; but weight is a matter for judgment in light of the evidence.
Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region		

1.5.1 Part 2 Resource Management Act

Of particular relevance to the topic of Natural Features and Landscapes, Section 6 requires the Council in managing the use, development and protection of natural and physical resources through its District Plan to recognise and provide for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development as a matter of national importance.⁷

⁷ RMA section 6(b)

Section 7 includes other matters to which particular regard must be had and includes the maintenance and enhancement of amenity values;⁸ and the maintenance and enhancement of the quality of the environment.⁹

Section 8 requires that the principles of Te Tiriti o Waitangi / the Treaty of Waitangi shall be taken into account when exercising functions and powers under the RMA.

1.5.2 National Policy Statements

A territorial authority must prepare and change its district plan in accordance with national policy statements.¹⁰ The proposed District Plan must give effect to National Policy Statements.¹¹ The following National Policy Statements are of relevance to the Natural Features and Landscapes topic:

National Policy Statements	Relevance
National Policy Statement for Renewable Electricity Generation 2011	The NPS-REG requires District Plans to include provisions to provide for the development, operation, maintenance, and upgrading of new and existing renewable energy generation. District Plans are required to provide for the development, operation, maintenance and upgrading of small and community-scale distributed renewable electricity generation and need to identify where potential sites and energy resources are located in the District.
National Policy Statement for Electricity Transmission 2008	Policy 8 of the NPS-ET states that the planning and development of the electricity transmission system in rural environments should seek to avoid adverse effects on outstanding natural landscapes. This policy has informed the development of the provisions that relate to the management of ONF/L in the Timaru District.
New Zealand National Coastal Policy Statement 2010	While the NZCPS includes direction on the way that outstanding natural features and landscapes should be managed within the coastal environment, ¹² no outstanding natural features or landscapes have been identified through the Timaru Landscape Study which are located in the coastal environment.

1.5.3 National Environmental Standards

A territorial authority must prepare and change its district plan in accordance with any regulations.¹³ The following National Environmental Standards are regulations and are of relevance to the Natural Features and Landscapes topic:

⁸ RMA section 7(c)

⁹ RMA section 7(f)

¹⁰ RMA section 74(1)(ea)

¹¹ RMA section 75(3)(a)

¹² NZCPS Objective 2; Policy 15

¹³ RMA section 74(1)(f)

National environment standard	Relevance
<p>Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2018</p>	<p>This NES puts in place standards for a range of forestry activities including afforestation, earthworks, harvesting and forestry quarrying.</p> <p>The NES-PF has implications for landscape areas as it includes activity statuses for forestry related activities in ONF/L and VAL as set out below:</p> <ul style="list-style-type: none"> - Afforestation is a restricted discretionary activity in an ONF/L,¹⁴ - Afforestation is a controlled activity in a VAL if the rules in the district plan restrict plantation forestry in that landscape.¹⁵ <p>The NES-PF enables a district plan to apply more stringent rules to protect ONF/L from inappropriate subdivision, use and development.¹⁶</p>
<p>Resource Management (National Environmental Standard for Telecommunication Facilities) Regulations 2016</p>	<p>The NES-TE sets out a series of regulations for a range of activities that form part of the telecommunications network. These include cabinets, antennas, and telecommunication lines.</p> <p>Subpart 5 of the NES-TE essentially provides that where regulated telecommunications activities occur in the following types of areas, they must comply with the relevant District Plan rules:</p> <ul style="list-style-type: none"> - Trees and vegetation in the road reserve - Significant trees - Historic heritage values - Visual amenity landscapes - Significant habitats for indigenous vegetation - Significant habitats for indigenous fauna - Outstanding natural features or landscapes - Places adjoining the coastal marine area - Rivers and lakes <p>Therefore, the provisions of the Natural Features and Landscapes Chapter are not bound by the NES-ET.</p>
<p>Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009</p>	<p>The NES-ET sets out a management framework for a range of components of the electricity transmission network. The Regulations include some limitations on certain components that occur in 'natural areas.' Natural areas are defined in the NES-ET as any area that is protected by a rule because it has outstanding natural features or landscapes, significant indigenous vegetation, or significant habitats of indigenous fauna.</p>

¹⁴ NES-PF Regulations 12 and 16

¹⁵ NES-PF Regulations 13 and 15

¹⁶ NES-PF Regulation 6(2)

National environment standard	Relevance
	<p>The activities which are regulated in respect of natural areas by the NES-ET are:</p> <ul style="list-style-type: none"> - Trimming, felling or removing trees of vegetation in a natural area is a controlled activity if it is undertaken to reduce the risk to a transmission line; and is otherwise a restricted discretionary activity.¹⁷ - Earthworks in a natural area must not exceed: <ul style="list-style-type: none"> - 50m³ per transmission line support structure - 100m³ per access track <p>And are otherwise a controlled activity.¹⁸</p>

1.5.4 National Planning Standards

A territorial authority must prepare and change its district plan in accordance with any regulations.¹⁹ The National Planning Standards require that all District Plans must include a Natural Features and Landscapes chapter if relevant to the district.²⁰ This chapter must be included under the Natural Environment Values of the District Plan, in Part 2: District Wide Matters.

The Natural Features and Landscape chapter should contain the following matters (if they are addressed in the District Plan):²¹

- a) Identification of features and landscapes that are outstanding, significant or otherwise valued;
- b) Provisions to protect and manage outstanding natural features and landscapes
- c) Provisions to manage other valued features and landscapes.

The National Planning Standards sets out the spatial layers for district plans (Table 18). Of specific relevance to the Natural Features and Landscapes chapter, Table 18 states that an overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions, and that overlays are likely to address matters covered in district-wide chapters.

The National Planning Standards also direct that schedules must include the following information for each site or item identified:²²

- a) Unique identifier (created by the local authority);
- b) Site identifier (e.g. legal description, physical address, site name or description);
- c) Site type (including description of values); and
- d) Map reference or link.

Local authorities must consider whether to include additional relevant information in schedules.²³ Therefore, it is proposed that Natural Features and Landscapes that are identified as warranting management are identified in a schedule to the Natural Features and Landscapes Chapter and are identified on the Planning Maps using an overlay titled 'Natural Features and Landscapes'. This overlay should differentiate between Outstanding Natural Landscapes; Outstanding Natural Features; and Visual Amenity Landscapes.

¹⁷ NES-ET Regulations 31(1) and 32

¹⁸ NES-ET Regulations 33 and 34

¹⁹ RMA section 74(1)(ea)

²⁰ National Planning Standards, District Plan Structure Standard, Mandatory direction 3.

²¹ National Planning Standards, District-wide Matters Standard, Mandatory direction 21.

²² National Planning Standards, Format Standard direction 14

²³ National Planning Standards, Format Standard direction 15

1.5.5 Canterbury Regional Policy Statement 2013

A district plan must give effect to any regional policy statement.²⁴ Of particular relevance to the Natural Features and Landscapes topic, the objectives in Chapter 12 of the CRPS:

- Seek to identify outstanding natural features and landscapes within the Canterbury Region and protect them from inappropriate subdivision, use and development;²⁵
- Encourage the identification and management of other important landscapes that are not outstanding natural landscapes, which may include natural character landscapes; amenity landscapes; and historic and cultural heritage landscapes;²⁶ and
- That consistent assessment and consistency of management of outstanding natural features and landscapes is promoted across the Canterbury Region.²⁷

Supporting policies in chapter 12 of the CRPS seek to:

- identify the outstanding natural features and landscapes in the region;²⁸
- ensure management methods in relation to subdivision, use or development seek to achieve protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;²⁹
- identify and manage other important landscapes;³⁰ and
- Achieve regional consistency in the identification of outstanding natural features and landscapes by setting out the values that must be considered and requiring methods for landscape management to be developed and considered having regard to the management methods in adjoining districts or regions.³¹

The CRPS provides directions for the Council that are relevant to the Natural Features and Landscapes topic including:

CRPS Method	Manner addressed in proposed District Plan
Will set out objectives, policies and methods, including maps, to identify outstanding natural features and landscapes in district plans (12.3.1.1)	The Natural Features and Landscapes chapter of the proposed District Plan sets out objectives, policies and methods that identify and manage outstanding natural features and landscapes within the Timaru District.
Work collaboratively to map outstanding natural features and landscapes while: <ul style="list-style-type: none"> • Having regard to the assessment criteria in Policy 12.3.4 of the CRPS • Having regard to the values set out in Appendix 4 to the CRPS • Having regard to relevant district landscape studies 	The Timaru District Landscape and Coastal Study 2019 that was undertaken to inform the development of the Natural Features and Landscapes chapter reflects the assessment criteria in Policy 12.3.4 of the CRPS. It sets out recommended outstanding natural features and landscapes, and visual amenity landscapes. Appendix 4 to the CRPS sets out Canterbury's outstanding natural features and landscapes at a regional scale. Those that are located within the Timaru District are:

²⁴ RMA section 75(3)(c)

²⁵ CRPS Objective 12.2.1

²⁶ CRPS Objective 12.2.2

²⁷ CRPS Objective 12.2.3

²⁸ CRPS Policy 12.3.1

²⁹ CRPS Policy 12.3.2

³⁰ CRPS Policy 12.3.3

³¹ CRPS Policy 12.3.1

CRPS Method	Manner addressed in proposed District Plan
<ul style="list-style-type: none"> • Considering the findings of the Canterbury Regional Landscape Study Review 2010 • Providing reasoning as to why areas are or are not considered to be outstanding natural features or landscapes • Having regard to geopreservation sites when considering the location of outstanding natural features 	<ul style="list-style-type: none"> - Upper Rangitata Valley (Timaru and Ashburton Districts) - Mt Peel and Four Peaks Range (Timaru and Mackenzie Districts) - Two Thumb, Hall and Gammack Ranges (Timaru and Mackenzie Districts) <p>As part of the review of the CRPS in 2010, Environment Canterbury (ECAN) completed a statutory review of the management of its landscapes and natural features in accordance with the requirements of the RMA. The regional Outstanding Natural Features and Landscapes (ONF/L) review was used as one of the sources to inform this Timaru District Landscape Study. The proposed outstanding natural features and landscapes identified on the proposed planning maps and identified in the Schedule to the chapter reflect the recommendations of the Timaru District Landscape and Coastal Study 2019.</p>
<p>Engage with Ngāi Tahu as tangata whenua to identify the values of cultural significance associated with outstanding natural features and landscapes as part of detailed assessments.</p>	<p>Engagement with Ngāi Tahu has occurred through the technical working group process.</p>
<p>Will set out objectives, policies or methods in district plans to avoid, remedy or mitigate adverse effects of subdivision, use and development of land on the values of outstanding natural features and landscapes and protect them from inappropriate subdivision, use and development, and in particular;</p> <ul style="list-style-type: none"> • will continue to enable activities that maintain the integrity of landforms and their associated landscape values; and • may achieve protection through methods such as zoning, overlays or land purchase; and • may include provisions that provide for covenanting, pest management, revegetation, or other mechanisms as appropriate to the values concerned. 	<p>The planning maps will identify ONF/L as an overlay. Objectives and policies will address the need to protect ONF/L.</p> <p>Rules will permit a range of activities in ONF/L:</p> <ul style="list-style-type: none"> • Farm and public amenity buildings. • Earthworks for the maintenance and repair of any existing fencing, farm tracks; walking/cycling tracks; or roads; and • Maintenance or minor upgrading of existing network utilities. • Installation of underground utilities subject to standards. • Fences. • Tree planting, excluding plantation forestry. • Farming. • Construction of walking and cycling tracks subject to standards. <p>Permitted activities that do not meet standards and any other activity requires resource consent to establish.</p>

CRPS Method	Manner addressed in proposed District Plan
Should engage with the public, landowners and resource users when undertaking detailed identification of outstanding natural features and landscapes.	Public consultation will occur through the draft district plan process.
May include provisions for areas located adjacent to or in near proximity to an outstanding natural feature or landscape in order to protect the values associated within that outstanding natural feature or landscape from inappropriate subdivision, use and development.	As discussed in the Landscape Study, VAL's often form a 'buffer' to ONL's.
May set out objectives, policies or methods that provide for other important landscapes, including for their natural character, historic cultural, or historic heritage values, and amenity values.	<p>The planning maps will identify VAL as an overlay. Objectives and policies will address the need to maintain and enhance VAL.</p> <p>Rules will permit a range of activities in VAL:</p> <ul style="list-style-type: none"> • Farm and public amenity buildings. • Earthworks for the maintenance and repair of any existing fencing, farm tracks; walking/cycling tracks; or roads; and • Maintenance or minor upgrading of existing network utilities. • Installation of underground utilities subject to standards. • Fences. • Tree planting, excluding plantation forestry. • Farming. • Construction of walking and cycling tracks subject to standards. <p>Permitted activities that do not meet standards and any other activity requires resource consent to establish.</p>
Will include and apply the assessment criteria in Policy 12.3.4 at the time of District Plan reviews.	These criteria were applied at the time of identifying ONF/L as identified in the Timaru District Landscape and Coastal Study: Landscape and Coastal Natural Character Assessment.
The CRPS directs that the Council should engage with the public, landowners and resource users when undertaking detailed identification of outstanding natural features and landscapes.	TDC has chosen to follow best practice in initially identifying ONF/L and VAL but did not engage with the public, landowners and resource users until maps had been prepared of draft areas.

1.5.6 Canterbury Regional Coastal Environment Plan

A district plan must not be inconsistent with a regional plan.³² The Regional Coastal Plan provides direction on the management of activities in the coastal environment, including that coastal

³² RMA section 75(4)(b)

landforms and landscapes that are regionally nationally, or internationally representative or unique are protected, and where appropriate, enhanced.

While the Canterbury Regional Coastal Environment Plan includes management of landscape values, this is within the broader context of preserving the natural character of the coastal environment and is therefore more usefully informative to the Coastal Chapter of the proposed District Plan.

1.5.7 Canterbury Regional Land Transport Plan 2015 – 2025

The Canterbury Regional Land Transport Plan outlines the current state of the transportation network in the Canterbury region and the challenges it faces now and into the future. The Plan sets out a series of priorities, programmes and actions, including actions for Canterbury’s regional and district councils and Waka Kotahi (the New Zealand Transport Agency). The projects identified in the Plan that are located within Timaru include:

- Local road improvements
- Road safety promotion
- Some specific projects relating to the Timaru Port Area and the Washdyke Industrial area

It is not anticipated that these will have significant implications on the management of landscape values within the Timaru District.

1.5.8 Timaru District 2045 Growth Management Strategy

The Growth Management Strategy outlines a vision for what is sought to be achieved in relation to managing land use growth within the Timaru District. The strategy is intended to inform Council’s long term planning, including the development of the proposed District Plan.

A series of strategic directions are set out, including strategic direction 2 that relates to landscapes and amenity:

“To manage subdivision and land use development to:

- (i) Recognise and protect outstanding natural landscapes and natural areas in the district from inappropriate activities, and otherwise manage activities within identified important heritage and cultural landscapes;*
- (ii) Improve amenity and urban design particularly in urban areas; and*
- (iii) Segregate polluting or noise industrial uses and strategic infrastructure from sensitive activities and residential areas.”*

The Growth Issues set out in the Strategy include recognition of landscape and biodiversity, providing a brief overview of the location of these areas within the District, and recognition that a balance needs to be struck between protecting these areas; recognising the community’s desire to use and enjoy them; and development aspirations that landowners may have. Related directives reflect Part 2 of the RMA, seeking to *“Recognise and identify outstanding landscapes and natural areas within the District, and protect them from inappropriate use and development.”* The relevant implementation tools for this action are the Replacement District Plan, the Long Term Plan, and conservation covenants.

The Growth Management Strategy ‘sets the scene’ for the proposed District Plan to recognise and protect the outstanding features and landscapes in the Timaru District from inappropriate subdivision, use and development.

1.5.9 Iwi Management Plan of Kāti Huirapa

The Iwi Management Plan of Kāti Huirapa sets out a series of outcomes in relation to Mahika Kai, water quality and quantity, the protection and restoration of ecological biodiversity, indigenous vegetation removal, discharges to air, and place names. Of particular relevance to landscape matters,

the Management Plan seeks that there is no scarring of the mountains with tracks and roads. There are overlaps between matters relating to indigenous vegetation clearance and biodiversity with landscape values, as will be addressed in the various provisions of the proposed District Plan.

1.5.10 Te Whakatau Kaupapa Ngāi Tahu Resource Management Strategy for the Canterbury Region

Te Whakatau Kaupapa Ngāi Tahu Resource Management Strategy is a statement of Ngāi Tahu beliefs and values and was prepared while the then Ngāi Tahu claim was before the Waitangi Tribunal,³³ and prior to the RMA being enacted. It includes an overview of values and attitudes relating to natural resources, and policy statements concerning their future management. This does not include any specific policy statement in relation to ONF/L and VAL.

1.5.11 Other relevant documents

The other relevant documents for this topic include:

Document	Relevance
Local Government Act 2002	<ul style="list-style-type: none"> The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities. Section 11A – The Council is required to have particular regard to the contribution that reserves, and other recreation facilities and community amenities make to its communities. <p>S198 to S211 - enable the taking of development contributions to provide for, amongst other services, open space and recreation facilities.</p>
Reserves Act 1977	<p>The Reserves Act 1977 is administered by the Department of Conservation and local authorities (such as TDC) for the purpose of providing for the preservation and management of areas of New Zealand possessing recreation use or potential, whether active or passive; or natural, scenic, scientific, educational, community, or other special features or value. In addition to the preservation of access for the public to and along the sea coast, its bays and inlets and offshore islands, lakeshores, and riverbanks. Its intent reflects that of the RMA and it is implemented through the preparation of reserve management plans.</p>

2 Approach to Evaluation

Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

The proposed provisions relevant to the Outstanding Natural Landscapes and Features chapter have been assessed in accordance with the following issues:

³³ Ngāi Tahu Resource Management Strategy for the Canterbury Region, page vii

Issue 1

Identification, protection and management of ONF/L. There is a need to determine whether the identification and protection of the outstanding landscape areas in the District Plan are consistent with best practice, the CRPS criteria and the findings of the Canterbury Regional Landscape Study 2010 and whether there are any as yet unrecognised outstanding natural landscapes that warrant recognition and protection in the District Plan.

Issue 2

There are currently no specific rules for managing activities in the amenity landscape areas.

Issue 3

The approach to managing various activities that can have adverse effects on landscape values differs between the Rural 1 and Rural 5 zone.

Issue 4

Identification of other significant amenity landscapes. There is a need to determine whether the current amenity landscape areas in the District Plan capture all areas of significant landscape amenity.

2.1 Scale and significance

The table below sets out the scale and significance of managing the outstanding natural landscapes and features in the District in terms of Council's statutory obligations, who may be affected by any proposed changes to the management regime, the type of effects that may occur and where in the District is mostly likely to be affected by the proposed changes to the District Plan. This will inform the nature and extent of the analysis of the proposed changes to the outstanding natural landscape and feature provisions. For example, proposed provisions that will result in an overall high level of scale and significance will require a more in-depth analysis of proposed objectives, policies and rules including, potentially, an economic analysis, compared to changes that will have a low-level significance.

Issue: Protection of Outstanding Natural Features and Landscapes		
Reasons for change in policy	District Plan Review Giving effect to a matter of national importance in the RMA Giving effect to a higher-level RMA document (RPS)	High
Relevant Statutory Considerations / Drivers	RMA Parts 6, 7 and 31. CRPS Chapter 12. National Policy Statement for Freshwater Management 2017. National Policy Statement for Renewable Electricity Generation. National Policy Statement for Electricity Transmission. New Zealand Coastal Policy Statement 2010. Regional Coastal Environment Plan. National Environmental Standards for Plantation Forestry 2018. National Environmental Standards for Telecommunication Facilities. National Environmental Standards for Electricity Transmission Facilities. National Planning Standards. Iwi Management Plan of Kati Huirapa.	High

Issue: Protection of Outstanding Natural Features and Landscapes		
	Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region.	
Degree of shift from status quo required	A moderate shift is required as the current approach needs to be updated to reflect increased knowledge of outstanding and significant landscape values in the District (Landscape assessments), changes in best practice, and changes in relevant higher order documents (RPS criteria). All elements of provisions in the current Plan will be updated or replaced.	Medium/High
Who and how many will be affected?	There is a moderate/high degree of interest in this issue from stakeholders and the community, particularly: <ul style="list-style-type: none"> • Federated Farmers • Network utility operators • Department of Conservation • Environment Canterbury • Landowners with properties containing within identified ONF, ONL and VAL • General public 	Medium/High
Degree of impact on, or interest from iwi / Maori	Te Rūnanga o Arowhenua and Te Rūnanga o Ngāi Tahu have a particular interest in this topic.	Medium/High
When will effects occur?	Effects will occur on an ongoing basis into the future as development and land uses impact on the values of outstanding natural landscapes and features.	Medium/High
Geographic scale of impacts / issue	As set out in the Landscape Assessment Report, the identified Outstanding Natural Landscapes and Visual Amenity Landscapes are largely concentrated in the hill and high-country areas of the Timaru District, along with Geraldine Downs and Cave Hill. The four Outstanding Natural Features are scattered across the south western part of the District. The majority of the lowland and plains areas of the district are not within areas identified for their landscape values or natural features.	Medium
Type of effect(s)	The loss of outstanding landscape values has the potential for acute and cumulative adverse effects. The effects are identified as a potential negative impact on a matter of national importance (Part 2). There is the potential for effects on social, economic and cultural wellbeing, as well as on environmental wellbeing.	Medium/High
Degree of policy risk, implementation risk, or uncertainty	The recently completed Landscape Assessment has provided a very high level of knowledge of the landscape values of the district and a good evidence base. There is a high level of understanding of the potential risks to the values of outstanding natural landscapes and features, and visual amenity areas. The policy approach has been tailored to this understanding. There is a good level of	Low

Issue: Protection of Outstanding Natural Features and Landscapes		
	understanding of benefits and costs and the approach is similar to that employed elsewhere.	
Overall Assessment of Scale and Significance		Medium/High

2.2 Approach to managing the outstanding natural landscapes and features

The objective and policy framework is intended to provide clear direction on the necessity for the protection of ONF/L as a matter of national importance and to clearly set out the approach to protecting ONF/L from inappropriate subdivision, use and development. The intent is to enable some activities that currently occur to continue without the need for resource consent and to manage those activities that are likely to have adverse effects on the values of ONF/L and VAL such as the construction of walking and cycling tracks and roads and farm tracks, plantation forestry, subdivision, and mining and quarrying.

2.3 Changes proposed

Operative Plan	Proposed Plan
<p>ONF/L and VAL identified on the planning maps. Generally located in the Rural 1 and 5 zones.</p> <p>The objective seeks to identify, protect and enhance outstanding landscape values of the District, and those natural processes, features and areas of significant natural value which contribute to its overall character and amenity.</p> <p>The policy framework seeks to protect the heritage, cultural and traditional values associated with natural areas identified by the Council, having regard to, amongst other matters, landscape and visual effects, and subdivision, use, or development which has the potential to modify, mask or detract from areas with a high degree of naturalness, visibility, aesthetic values or expressiveness, including important landscapes, landforms and other natural features should be avoided or its effects mitigated or remedied</p> <p>There are also policies that apply the hill and high-country landscape that seek to avoid increasing the apparent level of modification; and promote visual harmony and coherence.</p>	<p>Identify ONF/L and VAL as overlays on the planning maps.</p> <p>The extent of areas identified as Outstanding Natural Landscapes has increased; and two new VALs have been identified: Cave Hill and Geraldine Downs.</p> <p>Objectives and policies that are specific to ONF/L and VAL and directive in relation to the outcomes desired.</p>

Rules are contained in Rural 1 and Rural 5. They do not align and there are no specific rules that apply to amenity landscapes.

Rules are contained in one chapter with specific rules that apply to ONF/L and VAL.

2.4 Quantification of Costs and Benefits

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. It is considered that the provision of, and adverse effects on ONF/L and VAL are difficult to quantify in monetary terms and it is seen as inappropriate to try to do so, therefore a detailed economic analysis has not been undertaken to assist in the quantification of benefits and costs.

2.5 Choice of Evaluation Method(s)

Given the scale and significance of the issues related to the ONF/L and VAL of the District, it is proposed to assess the preferred option against five other, feasible and realistic options. The options will be assessed using a cost-benefit analysis, given the discussion above on costs and benefits.

2.6 Proposed objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

Option 1: Include the following proposed objectives:

NFL-O1 Outstanding natural features and outstanding natural landscapes

The landscape values of the outstanding natural features and outstanding natural landscapes of the Timaru District are protected from inappropriate subdivision, use and development.

NFL-O2 Visual amenity landscapes

The landscape character and visual amenity values of the visual amenity landscapes of the Timaru District are maintained or enhanced.

3 Evaluation of Objectives

The table below sets out how the proposed objectives set out above achieve the purpose of the Act.

Category	Criteria	Comments
Relevance	Directed to addressing a resource management issue	Achieves. The objectives seek to protect the outstanding natural features and landscapes of the Timaru District from inappropriate subdivision, use and development which is a matter of national importance They also seek to maintain and enhance VAL's, which are also important to the community and often form a buffer to ONL's.
	Focused on achieving the purpose of the Act	Achieves. The objectives are directly linked to protecting the natural features and landscapes of the Timaru District in a manner that enables people and

		<p>communities to provide for their social, economic and cultural well-being.</p> <p>The objectives achieve s6 given that the protection of natural features and landscapes is a matter of national importance.</p> <p>The objectives achieve S7: the efficient use and development of natural and physical resources by maintaining and enhancing amenity values and the quality of the environment.</p>
	Assists a council to carry out its statutory functions	<p>Achieves</p> <p>The objectives set out the outcome that is sought in relation to natural character within Timaru District. This sets the framework for the policies and rules.</p> <p>As such, the provisions in the Plan will manage the potential adverse effects of activities and built form to minimise impacts on natural character values.</p>
	Within scope of higher-level documents	<p>Achieves</p> <p>The objectives give effect to the CRPS by ensuring that the District Plan includes provisions to protect identified outstanding natural features and landscapes from inappropriate subdivision, use and development, and maintain and enhance VAL's</p>
Feasibility	Acceptable level of uncertainty and risk	<p>Achieves</p> <p>There is a low level of uncertainty and risk given that the objective necessarily reflects language in section 6(a) of the RMA relating to ONFL and the CRPS regarding the maintenance and enhancement of other landscapes.</p>
	Realistically able to be achieved within council's powers, skills and resources	<p>Achieves</p> <p>The provisions will be able to be achieved within council's powers, skills and resources.</p>
Acceptability	Consistent with identified iwi/Māori and community outcomes	<p>Achieves</p> <p>The objectives are consistent with community outcomes of</p> <ul style="list-style-type: none"> • reviewing the extent of the outstanding natural landscapes and amenity landscapes in the District Plan to ensure consistency with the Regional Policy Statement criteria, findings of the Regional Landscape Study, and best practice. • protection of locally outstanding landscapes, particularly the Orari Gorge, Mt Peel, Peel Forest and Four Peaks Range. • use of buffers to protect and maintain outstanding natural features and landscapes, while enabling appropriate activities within the buffer areas.

		<ul style="list-style-type: none"> controlling development in landscape areas while enabling normal farming practices and recognise the need for utility infrastructure such as the National Grid and railway corridor, to traverse outstanding and significant landscapes. protection of landscapes from inappropriate development. identification and protection of outstanding natural features such as distinctive limestone and basalt rock formations, and historic landscapes containing rock art.
	Will not result in unjustifiably high costs on the community or parts of the community	<p>Achieves</p> <p>The proposed provisions are based on similar provisions in the Operative Plan, with a more tailored approach and are not expected to result in unjustifiably high costs on the community or parts of the community.</p>

4 Identification of Options

Option 1: Status Quo

This option involves a continuation of the operative Plan provisions including the current policies and rules.

Option 2: Only identify and protect ONF/L

The process of identifying ONF/L has been undertaken by the Boffa Miskell landscape planning team, an arm of landscape architecture, utilising their expert knowledge of the appropriate methodology and criteria established through best practice and case law.

Option 3: Identify and protect ONF/L and maintain and enhance VAL's.

The specialist assessment also identified that there are areas within the district with distinct visual amenity values that are not outstanding natural landscapes but are important in other ways and merit identification and maintenance of those values.

It is proposed to focus the policies on achieving the protection of the qualities of the ONL's and maintenance of VAL's, by managing activities in a comprehensive manner. The operative Plan has some generic policies and no policies or rules that apply to VAL's.

It is proposed to have directive policies that provide clear direction on when and where activities or effects should be avoided or managed. In essence, the policies are about protecting the values and qualities of the ONL's that have been recognised and recorded through the specialist process undertaken and discussed above

The proposed rules will also be clearer and focused upon managing effects on the qualities of the ONL's and VAL's. There are a limited number of permitted activities recognising established activities such as farming and the need for some buildings associated with anticipated activities but ensuring these are appropriately located. Any activity where there is the potential for significant adverse effects that affect the identified qualities of the ONL/VAL area will require consent.

5 Evaluation of Options

5.1 Evaluation table

OPTION 1 <i>Status-quo</i>			
Benefits Environmental	Economic	Social	Cultural
<ul style="list-style-type: none"> Clearly identified ONL areas (albeit identified using out of date criteria) that are protected and the works and activities that can be undertaken without resource consent. Requires assessment of activities that may generate significant effects. Enables applications to be declined thus protecting the values of ONL's 	<p>Provides for the continued operation of farming activities.</p> <ul style="list-style-type: none"> Enables activities that do not undermine the ONL values. Adjoining land increases in value due to protection of ONL values. Tourism opportunities provided by the ONL. 	<ul style="list-style-type: none"> Communities reliant on the High Country can continue way of life. ONL's contribute to people's sense of wellbeing 	<p>May protect some cultural sites of significance.</p>
Costs Environmental	Economic	Social	Cultural
<ul style="list-style-type: none"> The provisions do not provide for the identification, maintenance and protection of VALs. There are contradictions between the 	<ul style="list-style-type: none"> Rules/standards may potentially limit some activities and development, particularly if they are not typically expected in areas of ONL. 	<p>None</p>	<p>Tāngata Whenua may not be able to undertake economic development of their land in a ONL area</p>

rules in the Rural 1 and Rural 5 zones.	<ul style="list-style-type: none"> • Puts greater development and subdivision pressure on areas outside ONL's 		
Efficiency	This option is not an efficient method of meeting the objectives given the costs identified above (particularly the environmental costs), and the issues identified with the existing provisions.		
Effectiveness	It would be difficult to achieve the proposed objectives with the existing provisions given the issues identified above and that there are no specific rules that apply to VAL'S. The protection of ONF/L may generally be achieved, but in a less consistent manner.		
Strategic Direction(s)	This option would achieve strategic objective SD-03 as ONF/L would be managed by the existing provisions. The existing provisions would not achieve SD-05 Mana Whenua as the provisions do not expressly provide for or recognise cultural values associated with ONF/L. The provisions would not achieve SD-06 Infrastructure as there is no specific recognition of the specific strategic needs of infrastructure in the context of ONF/L.		
Overall Appropriateness of Option 1	This option is not an appropriate way to achieve the objectives.		

OPTION 2

Only identify and protect ONF/L

Benefits Environmental	Economic	Social	Cultural
<ul style="list-style-type: none"> • Clearly identified ONL areas that are protected and the works and activities that can be undertaken without resource consent. • Protects the values of ONL's. • Requires assessment of activities that may generate significant effects. 	<ul style="list-style-type: none"> • Provides for the continued operation of farming activities. • Enables activities that do not undermine the ONL values. • Amenity values for the community and visitors are maintained. • Reduced complexity and thus increased regulatory efficiency. 	<ul style="list-style-type: none"> • Communities reliant on the High Country can continue way of life. • ONL's contribute to people's sense of wellbeing 	May protect some cultural sites of significance

<ul style="list-style-type: none"> • Enables applications to be declined thus protecting the values of ONL's. • Decision makers are provided with reliable information on landscape values to make a judgement on the effects of a development. • Ensures that structures / irrigators are not dominant from roads. • May assist in protection of indigenous vegetation that contributes to ONL values 	<ul style="list-style-type: none"> • Adjoining land increases in value due to protection of ONL values. • Tourism opportunities provided by the ONL 		
<p>Costs Environmental</p>	<p>Economic</p>	<p>Social</p>	<p>Cultural</p>
<ul style="list-style-type: none"> • Rules/standards may potentially limit some activities and development, particularly if they are not typically expected in areas of ONL. • Puts greater development and subdivision pressure on areas outside ONL's 	<ul style="list-style-type: none"> • Potential loss of economic and employment opportunities due to uncertainty created by the resource consent process, as well as deterring new activities establishing. • Rural activity may be impacted by the application of the LNC provisions. 	<p>None</p>	<p>Tāngata Whenua may not be able to undertake economic development of their land in a ONL area</p>

	<ul style="list-style-type: none"> • Additional costs for building in the ONL areas. • Cost to applicants of obtaining resource consent. • Cost to the Council of processing applications and potentially requiring its own landscape assessments. • Provisions may restrict some types of activity in the overlay areas, which may result in lost activity in the wider economy. • Value of land in ONL's declines due to stringent controls and limits on activities. 		
Efficiency	The benefits to the environment outweigh the costs, with particular benefits in clarity of understanding and a robust process having been undertaken and supported through the policy		
Effectiveness	<p>Option 2 is not considered the most appropriate way in which to achieve the objective(s) because the CRPS provides for the identification of VAL and these areas are valued by the community. They also hold important ecological and landscape values that whilst not outstanding, contribute to the character of the District. They also often form the foreground to ONL's and enable the management of activities that could adversely impact on the context of the ONL's. If not identified, the values of these areas could be adversely affected by development, use and subdivision that does not accord with its character, amenity and the quality of the environment.</p> <p>As such, it is considered that it is appropriate to identify and maintain the values of VAL's</p>		
Strategic Direction(s)	This option would achieve strategic objective SD-03 as ONF/L would be managed by the existing provisions. The existing provisions would not achieve SD-05 Mana Whenua as the provisions do not expressly provide for or recognise cultural values associated with ONF/L. The provisions would not achieve SD-06 Infrastructure as there is no specific recognition of the specific strategic needs of infrastructure in the context of ONF/L		

Overall Appropriateness of Option 2	This option is not an appropriate way to achieve the objectives.
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OPTION 3 <i>Identify and protect ONF/L and maintain and enhance VAL's</i>			
Benefits Environmental	Economic	Social	Cultural
<ul style="list-style-type: none"> • Clearly identified ONL areas that are protected and the works and activities that can be undertaken without resource consent. • Protects the values of ONL's. • Clearly identified areas that are VAL's and the works and activities that can be undertaken without resource consent. • Maintains the values of VAL's. • Requires assessment of activities that may generate significant effects. • Enables applications to be declined thus protecting the values of ONL's/VALs. • Decision makers are provided with reliable information on landscape values to make a judgement on the effects of a development. • Ensures that structures / irrigators are not dominant from roads. • May assist in protection of indigenous vegetation that 	<ul style="list-style-type: none"> • Provides for the continued operation of farming activities. • Enables activities that do not undermine the ONL/VAL values. • Amenity values for the community and visitors are maintained. • Reduced complexity and thus increased regulatory efficiency. • Adjoining land increases in value due to protection of ONL values. • Tourism opportunities provided by the ONL/VAL. • Associated benefits in terms of environmental, cultural values and primary production 	<ul style="list-style-type: none"> • Communities reliant on the High Country can continue way of life. • ONL's and VALs contribute to people's sense of wellbeing 	<p>May protect some cultural sites of significance.</p>

<p>contributes to ONL values.</p> <ul style="list-style-type: none"> • Maintains values of areas adjoining ONL's, thus assisting in protecting values of ONL's by managing activities 			
<p>Costs Environmental</p>	<p>Economic</p>	<p>Social</p>	<p>Cultural</p>
<ul style="list-style-type: none"> • Rules/standards may potentially limit some activities and development, particularly if they are not typically expected in areas of ONL/VAL. • Puts greater development and subdivision pressure on areas outside ONL's 	<ul style="list-style-type: none"> • Potential loss of economic and employment opportunities due to uncertainty created by the resource consent process, as well as deterring new activities establishing. • Rural activity may be impacted by the application of the LNC provisions. • Additional costs for building in the ONL and VAL areas. • Cost to applicants of obtaining resource consent. • Cost to the Council of processing applications and potentially requiring its own landscape assessments. • Provisions may restrict some types of activity in the overlay areas, which may result in lost activity in the wider economy. 	<p>None</p>	<p>Tāngata Whenua may not be able to undertake economic development of their land in a ONL/VAL area.</p>

	<ul style="list-style-type: none"> Value of land in ONL's declines due to stringent controls and limits on activities. 		
Efficiency	The benefits to the environment outweigh the costs, with particular benefits in clarity of understanding and a robust process having been undertaken and supported through the policy.		
Effectiveness	<p>The proposed provisions are considered to be the most effective means of achieving the objective(s) as together they will:</p> <ul style="list-style-type: none"> give effect to the provisions of the CRPS. enable the Council to fulfil its statutory obligations, including s6(b), s7(c), s7(f). ensure that adverse effects on ONL/VAL areas are managed appropriately by ensuring activities that generate adverse effects that are likely to affect ONL/VAL values require resource consent. enable the Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner. 		
Strategic Direction(s)	This option would achieve strategic objective SD-03 as ONF/L would be managed by the existing provisions. The existing provisions would not achieve SD-05 Mana Whenua as the provisions do not expressly provide for or recognise cultural values associated with ONF/L and VAL. The provisions would not achieve SD-06 Infrastructure as there is no specific recognition of the specific strategic needs of infrastructure in the context of ONF/L and VAL		
Overall Appropriateness of Option 3	This option is the most appropriate way to achieve the objectives		

5.2 Risk of Acting or Not Acting

Where there is uncertain or insufficient information, an evaluation of the risk of acting or not acting is important. In this case it is considered that there is little uncertainty in the issue or the potential significance of the issue. It is considered that given that the proposed provisions have a similar approach to the operative provisions, there is sufficient information to act.

Greater knowledge of the extent and values of ONF/L and VAL across the district has been obtained through a study and mapping exercise, with the ability to apply rules specific to each landscape type. It is therefore concluded that there is a low risk of acting in the proposed manner to introduce updated and replacement provisions to appropriately manage Natural Character.

6 Preferred Option

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that Option 3 is the most appropriate option as:

- The approach will improve understanding of the values that contribute to ONF/L and VAL.

- Provisions will be directed to managing the specific effects of activities on ONF/L and VAL.
- The benefits outweigh the costs that the approach will be effective in protecting the values of ONF/L and maintaining and enhancing the values of VAL.

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.

Appendix 1

Memorandum

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|---|--|--|---|
| <input type="checkbox"/> Wellington
PO Box 11340, 6142
+64 4 385 9315 | <input type="checkbox"/> Auckland
PO Box 91250, 1142
+64 9 358 2526 | <input type="checkbox"/> Hamilton
PO Box 1094, 3240
+64 7 960 0006 | <input type="checkbox"/> Tauranga
PO Box 13373, 3141
+64 7 571 5511 |
| | <input checked="" type="checkbox"/> Christchurch
Level 1
141 Cambridge Terrace
PO Box 110, 8140
+64 3 366 8891 | <input type="checkbox"/> Queenstown
PO Box 1028, 9348
+64 3 441 1670 | <input type="checkbox"/> Dunedin
PO Box 657, 9054
+64 3 470 0460 |

Attention: Mark Geddes and Alex Wakefield

Company: Timaru District Council

Date: 16 April 2020

From: Stephanie Styles

Message Ref: Farming intensification in Outstanding Natural Landscapes

Project No: C16037K

The issue:

As part of developing the Natural Features and Landscapes Chapter (NFL chapter) we have had specific discussions around the issue of **farming** within Outstanding Natural Landscape (ONL) areas. In particular, we have discussed the question of whether **farming change** (commonly referred to as intensification) within the ONL areas needs to be controlled through rules in the District Plan.

In terms of intensification of farming the key changes that are often considered to have an impact on landscape values are the change in pastoral use that comes from different ways of farming or irrigation practices and which leads to visual change that diminishes or destroys landscape values. The key issue relates to what activities are inappropriate within an ONL in terms of the values identified.

The areas of interest:

To address this issue, we firstly looked at what areas of the District are covered by the recommended ONL overlay and within these areas, which have the potential to intensify. The starting premise is that those area identified as being ONL contain some areas of modified farming activity but retain sufficient landscape value to be ONL areas.

We specifically looked at those areas of ONL that are not covered by the rules in the Ecosystem and Indigenous Biodiversity chapter – areas of Significant Natural Area (SNA) overlay, areas over 900m, areas of a slope greater than 30°, all of which require

consent to remove any indigenous vegetation³⁴. In addition, we looked at different slopes as within this at those areas with existing modified landcover (pasture or similar).

This clearly shows that there are two types of areas of interest:

- Those which are already modified, and which could be subject to further intensification³⁵ e.g. already in some form of pasture but potentially able to be further modified through fertilisation, irrigation or changes in stocking.
- Those which are not yet modified but could be changed through oversowing, fertilisation, or topdressing.

The already modified areas are located primarily on the river terraces and valley floor in the Upper Rangitata - see Attachment One – while the other areas are generally further up the slopes. This mapping shows that there are some large areas of the Upper Rangitata valley that could change in appearance if further changes to farming practice were to occur.

The effect of change:

Having determined that there are areas in which change could occur, the next question is one of “*would large scale intensification cause a significant adverse effect on ONL values such that there should be a rule requiring this to go through consent*” and this question was addressed to Yvonne Pfluger as the author of the District Landscape Study. Yvonne’s response was:

As described in the Landscape Study, the Upper Rangitata Valley is currently a highly legible landscape where the formative processes are clearly evident. This includes the morphology of the valley landscape with its terraces, fans and underlying features from glaciation during the ice ages. The land cover within the valley is largely dominated by extensive pasture which allows open views from the road to the river, surrounding slopes and mountains. The openness of these long-distance views is particularly impressive and the Rangitata Valley is therefore, generally recognised as one of Canterbury’s most special high-country landscapes.

The intensification of the land use could potentially lead to a substantial reduction of the legibility of the landscape through the introduction of unnatural patterns and lines. Visually the valley sides currently merge seamlessly with the valley floor. However, irrigation and intensification of the paddocks in the valley would lead to a stark contrast that would substantially detract from the existing landscape values. Structures associated with irrigation, such as centre pivot irrigators lead to the introduction of visual clutter that diminishes the openness and uninterrupted views. In general, other structures such as milking sheds and

³⁴ We did not map other EIB rules such as proximity to waterbodies.

³⁵ The potential for this in terms of cost or landowner intent, or the scale of such change cannot be quantified through desktop analysis.

numerous tracks also form part of intensive agriculture which affects the biophysical and sensory (in particular legibility) values of the landscape. This reduces the overall naturalness, openness and amenity of the landscape and needs careful management to ensure that the landscape values are not eroded to a point where the Upper Rangitata Valley floor ceases to provide ONL characteristics.

Based on this advice, it is clear that the District Plan has a necessary role to play in managing any farming intensification in these areas as a means to protect the ONL values and therefore to give effect to section 6 of the Resource Management Act 1991. This would also align with the policy approach being taken in the NFL chapter.

In terms of some of the details raised in Yvonne's comment, it is important to note that the proposed Natural Features and Landscape chapter already contains rules to manage new buildings and structures (including pivot irrigators), substantial new earthworks, new tracks, new planting/forestry and any mining or quarrying. Similarly, the Ecosystem and Indigenous Biodiversity chapter will restrict the removal of indigenous vegetation and the Natural Character chapter will manage activities close to riparian margins.

Other approaches:

There are a range of ways this issue is managed in other district plans reflecting the different levels of concern and the potential risk within different areas.

For example, in the recent Selwyn District Plan review a decision was made to not specifically restrict farming change in the high country ONL areas but instead to rely on the other rules that apply to the area which would limit change e.g. restrictions on buildings, planting and earthworks.

In the Queenstown Lakes District Plan, there are extensive areas identified as ONL with limited debate over the values and issues except within the Queenstown basin areas. In that area there was considerable conflict between desires for development and protection of landscape values particularly for tourism value. The approach in this area was a very detailed capacity study of areas able to absorb change and rules relating to this.

In contrast, this issue has been considered in some depth in the Mackenzie District through the long running Plan Change 13 process. In that case, areas in which intensification could occur (e.g. those areas in which a water permit to take and use water for irrigation had previously been granted) and other areas in which it should not occur³⁶ were identified and rules applied accordingly. Two definitions were developed – Agricultural Conversion and Pastoral Intensification. Essentially most new intensification or conversion of farming practice requires consent at a discretionary activity level.

³⁶ Sites of Natural Significance, Scenic Viewing Areas, Scenic Grasslands, and Lakeside Protection Areas.

Management options:

Having determined there are areas that could change visually through changes in farming practice, and that there is a need to manage that change to protect the identified landscape values, we then turned to consideration of the way in which change could be managed through the District Plan rules. Some options are set out below:

1. A simple option for addressing this issue would be to include a blanket rule for all ONL/ONF areas such as:

NFL-RX	Farming	
<p>Within ONL and ONF</p>	<p>Activity status: PER Where: PER-1 The farming activity existed prior to [insert date plan notified]; and PER-2 The farming activity does not introduce any:</p> <ol style="list-style-type: none"> 1. new areas of irrigation, and/or 2. new areas of cultivation (by direct drilling, ploughing, discing or otherwise), and/or 3. topdressing and/or oversowing at a rate greater than xxx. 	<p>Activity status when compliance not achieved with PER-1: NC</p>

This approach would ensure that the current farming practices remain permitted (as is the case under existing use rights anyway, but any change is covered by a consent.

The linking of the existing farming to the date of the plan being notified is key as it locks in the anticipated time in which activities are to be assessed from. While it may not be easy to determine exactly what was happening prior to that date, the availability of high quality, regularly updated, aerial photos makes an understanding of landuse at that point in time realistic.

The listing within the rule of the type of changes that are not anticipated to be appropriate ensures this is clear to all users of the plan without reference to a definition. The inclusion of a rate of application for topdressing / oversowing enables clarity around what is appropriate. Nathan Hole will assist in providing a rate to insert in this rule.

4. An alternative approach, modelled on a simplification of the Mackenzie rules, would be to introduce a new definition and rule such as:

Farming intensification means irrigation, cultivation (by ploughing, discing or otherwise), direct drilling, topdressing and/or oversowing.

NFL-RX	Farming intensification
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Within ONL and ONF	Activity status: NC	
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Again, this approach would not affect current farming practices (operating under existing use rights) but would require a consent path to consider effects of intensification and/or change. Without the clear expression of current farming as permitted this could be a confusing approach for lay users of the district plan.

5. A combined approach of these two would be the same definition and a combined rule:

Farming intensification means irrigation, cultivation (by ploughing, discing or otherwise), direct drilling, topdressing and/or oversowing.

NFL-RX	Farming	
Within ONL and ONF	Activity status: PER Where: PER-1 The farming activity existed prior to [insert date plan notified]; and PER-2 No farming intensification is proposed.	Activity status when compliance not achieved with PER-1: NC

The type of activity status appropriate to the farming intensification activities also needs to be determined. In the examples set out above it has been suggested as non-complying as this sets a stringent test for such change to be considered appropriate and aligns with the strength of the advice received from Yvonne. This would also align with the ability to consider such proposals under the objective and policies which set out:

- the requirement for ONL to be protected from inappropriate activity (O1),
- the protection of values of ONL through managing the location, scale, intensity and design of a range of activities including pastoral intensification³⁷ (P6), and
- the need for activity to show it can be absorbed and maintain landscape values and characteristics (p7).

However, an alternative approach would be to pitch the rule at discretionary activity status to recognise that it is unknown the nature of any proposals that could be made or the degree of impact on landscape values and that a discretionary activity status would still enable an inappropriate proposal to be declined.

³⁷ This term in the current draft will need review once this issue is resolved and is likely to be altered to 'farming change' or similar.

Other issues:

We have also discussed the potential of obtaining some kind of economic analysis of the potential impacts of rules on landowners. The Council have determined that the economic analysis undertaken for similar issues in the Queenstown Lakes District Plan Review has focussed particularly on tourism values vs landowner values and this is not a similar situation in the Timaru District. Economic analysis is commonly undertaken at a district scale and that is not the case for this situation. How a rule could affect individual farms will be quite specific to that farm, any proposals for change they may have and their financial position and that is not able to be determined at this time.

Recommendation:

Based on the issues reviewed and the options assessment above, it is our recommendation that the first option be used as:

- It provides reassurance to farmers that they can continue their current operations unhindered. While this is not strictly necessary as they would have existing use rights, we consider it helpful that this be clearly stated in the rules to avoid doubt and potential conflict.
- Is self contained and does not need people to refer back to a definition.
- It clearly requires the types of farming change that could impact on landscape values to go through a consenting process to determine the level of visual impact on the identified ONL values and thus a determination of whether the proposal is appropriate or not.
- It should be pitched at a non-complying activity status to recognise the potential for such activity to be inappropriate and detrimental to landscape values.

TWG update:

This memo was discussed at a Technical Working Group meeting on 16 April 2020 with an agreement that the recommended approach be included in the draft chapter. Nathan Hole agreed to assist in providing a rate to insert in this rule.

The group also agreed that there should not be any rule applied to the VAL areas as that recognises the difference between ONL and VAL areas, and also it would be counterintuitive to apply such a rule when landscape change can occur in these areas through activities such as plantation forestry.

Attachment One: Snapshots of areas of potential intensification

Areas shown as orange wash on the images below meet the criteria of:

- in ONL, and
- outside SNA, and
- below 900m, and
- on a slope of less than 30°.





