

PROPOSED ASHBURTON DISTRICT PLAN

Section 3: Rural Landscapes

(Exclusive of provisions relating to: Areas of Significant Nature Conservation Value; Geoconservation and Residential Density).

Hearing Report No. 22

Prepared by

Boffa Miskell Limited

For

Ashburton District Council

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1.0 INTRODUCTION

- 1.1 This report has been commissioned by the Ashburton District Council (ADC) in accordance with Section 42A of the Resource Management Act 1991 (RMA). It considers all submissions received on certain parts of Section 3: Rural of the Proposed District Plan and makes recommendations on those submissions.
- 1.2 This report only includes consideration of any submission points that seek changes to rules and standards that manage Outstanding Natural Landscapes, as listed below:
- 3.1 Introduction and 3.2 Issues, where the submission points generally relate to outstanding natural landscapes.
 - Objective 3.3 and Policies 3.3A to 3.3I
 - Objective 3.4 and Policies 3.4A to 3.4D
 - Objective 3.5 and Policies 3.5A-C
 - Anticipated Environmental Results and Methods of Implementation, where the submission points generally relate to outstanding natural landscapes
 - 3.8 Activity Status, where the submission points generally relate to outstanding natural landscapes.
 - 3.9 Site Standards and associated reasons for rules: 3.9.10: Indigenous Vegetation Clearance and 3.9.11 Tree Planting.
 - 3.10 Zone Standards and associated reasons for rules: 3.10.7: General Indigenous Vegetation and Tree Planting
 - 3.11 Assessment Matters: 3.11.9: Indigenous Vegetation Clearance and 3.11.10: General Landscape Values and Tree Planting
 - Planning maps
- 1.3 The evaluations and recommendations presented in the report are based on the information available prior to the hearing, including that contained in the submissions and further submissions. The purpose of this report is to bring to the attention of the Hearings Panel the relevant information and issues regarding this section of the proposed District Plan. It must be emphasised that the conclusions and recommendations made in this report are my own and are not binding upon the Hearings Panel. It should not therefore be assumed that the Hearings Panel will reach the same conclusion following consideration of all the evidence to be presented at the hearing. It should also be noted that subsequent reports prepared on other topics may include recommendations that differ due to additional information becoming available during the course of hearings.
- 1.4 This report has been prepared by Claire Kelly. Please refer to the Section 42A Preface Report for more information on the report author, along with background to the development of the proposed District Plan.

2.0 HOW TO READ THIS REPORT

2.1 This report is structured as follows:

- Background to the plan section
- Analysis of submissions, including recommendations and reasons
- Statutory considerations

2.2 Appendices attached to this report include:

- **Appendix One:** Summary of Recommendations on Submissions and Further Submissions
- **Appendix Two:** District Plan Amendments
- **Appendix Three:** Landscape Report by Boffa Miskell Ltd

3.0 BACKGROUND

The Operative District Plan

3.1 The operative District Plan contains objectives and policies in a distinct section, that seek to protect outstanding and significant landscapes in the District. The policies identify the outstanding landscapes as: the Hakatere Basin (including the Lake Heron Basin); the Upper Rakaia River Valley and the Upper Rangitata River Valley. The significant landscapes are identified as: the Main Divide, the Arrowsmith Ranges, all other inter-montane ranges, front ranges; the Ashburton Gorge and the Rangitata Gorge. However, the characteristics that make these landscapes outstanding or significant are not comprehensively identified in the Plan. There are also distinct policies and standards that seek to manage activities that could affect these landscapes, for example tree planting, vegetation clearance, buildings and utilities. However, the Plan does not appear to appreciate the different values of the significant and outstanding landscapes and that these may require the landscapes to be subject to distinct management techniques.

3.2 Furthermore over the past decade, since the Ashburton Plan was made operative, the field of landscape planning has established itself as an important component of resource management. Whilst the requirement to 'protect outstanding natural features and landscapes from inappropriate subdivision, use and development' has always been a principal and purpose of the Resource Management Act, the matter has been considered, shaped and refined through case law.

The Regional Landscape Study Review 2010

3.3 In 2010, whilst the review of the operative Ashburton District Plan was underway, the Regional Council commenced a review of the Regional Landscape Study, which was completed in 1993.

- 3.4 The Regional Council commissioned a report that identified areas of outstanding natural features and landscapes at a regional level. This was a comprehensive, technical and peer-reviewed update of the Canterbury Regional Landscape Study of 1993, which was one of the first regional landscape analysis completed in response to the 1991 Resource Management Act.
- 3.5 The report, produced by Boffa Miskell, builds upon the methods used in 1993 and reflects best practice in landscape assessment and is intended to provide a basis for further landscape studies, at district level, in the Canterbury region. The report focuses on large-scale landscape patterns, with detailed studies likely to be required to identify features at a local level. Notably, the report does not identify significant landscapes as the word ‘significant’ is not used or defined in the Resource Management Act in relation to landscapes. The Act only requires the protection of ‘outstanding natural landscapes and features’, and therefore the Regional Council have chosen to only identify outstanding natural landscapes.

Ashburton District Landscape Study

- 3.6 As part of the review of the Ashburton District Plan, the Council commissioned a landscape study of the High Country. This was undertaken by Yvonne Pfluger, a senior landscape planner at Boffa Miskell Ltd, who was involved in the review of the Regional Landscape Study. She therefore has a good knowledge of the Ashburton District and brought an approach to the identification of outstanding natural landscapes that is consistent with that of the Regional Council. Due to budgetary and time constraints, the focus of the review was intentionally on areas identified as outstanding natural landscapes and features in the Regional Study, which resulted in the report concentrating on the High Country/Rural C Zone.
- 3.7 The report was mainly a desktop analysis and outstanding natural landscapes were defined on the basis of landform, land type and land cover. These were mapped at a scale of 1:50,000, and did not extend to a ‘paddock scale assessment’. A site visit to the High Country was undertaken but views were generally observed from roads. However, the author of the report does have previous knowledge and familiarity with the District, both from a professional and personal perspective. Although, it is acknowledged that the boundaries of the outstanding natural landscapes may require ground-truthing, if concerns are raised through the submission process.
- 3.8 The landscape was assessed using the ‘Amended Pigeon Bay Criteria’: landscape values established through case law over a number of years. This set of criteria is generally accepted as the most appropriate means of assessing landscapes, and those that meet a ‘certain quality threshold’ should be considered as outstanding natural landscapes.
- 3.9 The study identified four outstanding natural landscapes (ONL’s) as follows: Inland Mountain Ranges, Front Ranges, Hakatere Basin and Major River Valleys (exert from Ashburton District Landscape Study 2009 in Appendix 3). It also identified existing modifications in each landscape as well as future pressures that could adversely affect

their associated values and natural features. This information was used to write rules and standards in the proposed District Plan to manage activities within the identified outstanding natural landscapes and protect their values.

4.0 ANALYSIS OF SUBMISSIONS

- 4.1 A range of submissions and further submissions were received on this part of Section 3: Rural of the proposed District Plan. Consideration of these submissions has been undertaken by topic or section with submitters grouped as appropriate. The following analysis focuses on those parts of the submissions that seek specific outcomes and does not discuss any parts of submissions that comment on aspects of the Plan in passing or provide general discussion. My analysis of submissions below is generally in relation to broad issues or topics raised, with some specific relief sought being mentioned where necessary. Based on this analysis, included in Appendix One to this report are my specific recommendations on each submission point (accept, accept in part, or reject).
- 4.2 Some aspects of these sections did not attract submissions and therefore these aspects of the District Plan have not been discussed below, and I recommend that they be accepted as notified.

Removal of land from identified Outstanding Natural Landscapes

- 4.3 Castleridge Station Ltd¹ seeks to remove any area of Castleridge Station from any proposed 'outstanding landscapes'. This is opposed by two further submissions from the Department of Conservation² (DOC) and Royal Forest and Bird Protection Society of New Zealand Inc.³ (Royal Forest and Bird).
- 4.4 Lake Heron Station Ltd⁴ seek to have any part of Lake Heron Station deleted from the proposed Outstanding Landscape area because there is no descriptive schedule of the areas in the Plan against which to assess the site. This is opposed by two further submissions from DOC⁵ (DOC) and Royal Forest and Bird⁶.
- 4.5 In this matter, I am guided by the expert opinion of Yvonne Pfluger, a landscape planning expert, whose Landscape Report is included in Appendix 3. In order to fully understand the relief sought, Ms Pfluger discusses that the Castleridge and Lake Heron Homesteads are located in the Hakatere Basin ONL, which encompasses the entire basin floor, although it is also possible that the properties extend into the ONLs adjacent to the east (Front Ranges) and/ or west (Inland Mountain Ranges). The values between these three ONL areas vary, as outlined in the Ashburton Landscape

¹ Submission 331, point 3

² Further submission, F12

³ Further submission F75

⁴ Submission 563, point 4

⁵ Further submission, F12

⁶ Further submission F75

Study (2009). However, the valley floor of the Hakatere Basin has undergone the highest level of modification with the establishment of buildings, in particular around homesteads, numerous fencelines and over-sowing of paddocks. A well-used gravel road provides access to the northern part of the Hakatere Basin, where Castleridge and Lake Heron Stations are located. While farming has led to extensive landcover change, the basin still contains numerous highly legible landscape features such as the Ashburton Lakes, kettleholes and moraine terraces which are indicators of the glacial forces that shaped the basin. Maori Lakes and Lake Heron in the northern part of the basin, where the stations in question are located, are two of a number of lakes and wetlands that are of ecological value. Lake Heron is of particularly high aesthetic and recreational value with its varied shoreline and there is a strong visual relationship between the Arrowsmith and Taylor Ranges. Mt Sugarloaf is a prominent example of the glacial features in the basin. Ms Pfluger also recognises that the vegetation cover of the more intensively farmed areas has been modified but that most wetland areas continue to be dominated by native species. However, farming activities form part of the existing environment of the basin and this is recognised in the policies and rules of the proposed Plan.

- 4.6 Notwithstanding this recognition of past modification and on-going provision for farming activities, Ms Pfluger is very clear in her opinion that the open nature of the basin means that each part of it contributes to the quality of the experience of the whole basin and few areas are experienced in isolation. The consequence of the openness is that an activity or structure in one area may adversely affect the experience of the entire basin, which makes the Hakatere Basin ONL vulnerable to change.
- 4.7 Therefore, guided by Ms Pfluger's expert opinion, I recommend that the submission's seeking to remove Castleridge and Lake Heron Station from any outstanding natural landscape be rejected, for the reasons stated above. However, in recognition of the submitter's concern that there is no descriptive schedule in the Plan; Ms Pfluger has suggested that a table outlining a summary of the values of each outstanding natural landscape be included as an appendix to the rural section of the proposed Plan. This table will also contain an indication of existing modification, which forms part of the high country landscape, as provided in the Ashburton Landscape Study (2009), as well as a list of possible future threats to the identified landscape values. I agree with this suggestion and in my opinion, it will provide certainty to both landowners and Council as to the values being protected as well as being a basis for standards in the Plan that manage activities such as indigenous vegetation removal, tree planting and earthworks: all of which have the ability to adversely affect the values of outstanding natural landscapes.

General Matters

- 4.8 Federated Farmers⁷ seek to remove all references to the Canterbury Landscape Study from the Plan as the document was only in draft form at the time of notification of the proposed Ashburton District Plan, and the submitter therefore considers it is an unsubstantiated draft document. Furthermore it has no statutory standing. This was opposed by a further submission from Royal Forest and Bird⁸.
- 4.9 The Canterbury Landscape Study was adopted in 2010 and as such is no longer a draft document. However the Study is not a statutory document; its purpose is to assist with more detailed assessments to determine outstanding natural landscapes at a district or localised level. This may include District wide studies, assessments for plan changes and resource consent processes under the Resource Management Act 1991. It will also be used to inform the review of the Canterbury Regional Policy Statement which is currently underway.
- 4.10 The Landscape Study is mentioned in the Issues section of the Plan, which is the 'discussion' part of the document. It sets the reasons for the objectives and policies, highlighting matters that are of concern in the District and may need to be managed by the Plan. In this instance, mention is made of the Canterbury Landscape Study as it identified outstanding natural landscapes in the Ashburton District. This then provided the basis for the Ashburton Landscape Study that was undertaken in 2009 and from which the methodologies to manage the identified, outstanding natural landscapes of the District are derived.
- 4.11 I therefore consider that the Canterbury Landscape Study provides the context for the Ashburton Landscape Study and recommend that it continues to be referenced in the District Plan.
- 4.12 Forest and Bird⁹ seek that 'through the rules, site and zone standards the outstanding natural landscapes need to be recognised as a matter of national importance. These regulatory mechanisms need to provide the appropriate protection to these vulnerable landscapes from inappropriate use and development'.
- 4.13 The submitter considers that whilst the objectives and policies provide a strong framework to establish strong, protective mechanisms to protect outstanding natural landscapes, the Plan fails to do so. For example, there are no rules protecting outstanding natural landscapes from the potential spread of wilding trees from permitted forestry activities in the Rural B Zone. Furthermore, the submitter is disappointed by the lack of budget to undertake a more in-depth landscape study and questions whether the Landscape Report meets the Council's responsibilities under Part II of the RMA.

⁷ Submission 553, point 9

⁸ Further submission F75, point 9

⁹ Submission 640, point 1

- 4.14 Firstly, I would like to note that the rules and standards that are intended to protect outstanding natural landscapes will be addressed later in this report and therefore I will not address the matter in detail at this point. However, I would like to state that the outstanding natural landscapes cover the majority of the Rural C Zone and whilst not farmed as intensively as the Rural B Zone, it is still an area of productive activity. The rules and standards need to be a balance between providing for production and protection. I do not consider it feasible to stop any activity that may have an effect on the outstanding natural landscapes but neither do I believe that productive activities should always take precedence over the protection of outstanding natural landscapes.
- 4.15 With regard to the Ashburton Landscape Study, it was heavily informed by the Canterbury Regional Study with many of the boundaries of the outstanding natural landscapes being the same at a regional and district level. However where required, the District Study refined the boundaries at a district level using the same criteria and techniques as the Regional Study to ensure a consistent approach. In this manner, I consider that an extensive landscape study was not necessary as the intention of the Canterbury Landscape Study was to inform district studies. I also find that the identification of these landscapes assists Council in meeting its obligations under Part II and section 6 of the RMA 1991 as it provides a foundation for rules and standards to protect the values of the outstanding natural landscapes.

Introduction

3.1.1: Rural Plains

- 4.16 Royal Forest and Bird¹⁰ consider that the Plan should discuss the importance of managing land use activities and be changed to protect and enhance the natural character and biodiversity values of waterbodies within the Rural District.
- 4.17 This submission point arises out of a discussion about the Introduction: Rural Plains which expresses concern about the emphasis on economic activities and that it does not address the availability of water to sustain landscapes and natural character. It is claimed that the introduction also fails to recognise the landscape and natural character values that still exist on the Plains.
- 4.18 I note that 3.2.1 ‘sustaining the life supporting capacity of ecosystems, soil and water’ provides discussion on water quality as well as the importance of managing land use activities. However, only the natural character of the upper reaches of the Rangitata and Rakaia Rivers are mentioned and I consider this to be appropriate. In general, the Plains have been extensively modified and there is little left that is ‘natural’, even the banks of the lower reaches of the Rangitata and Rakaia have been modified as productive activities have spread across the Plains. Furthermore, the District Council only manages the riparian margins, all other aspects of the bank, bed and water flows

¹⁰ Submission 640, point 8

are regional council matters. I therefore do not find that any amendments are required to clause 3.2.1.

- 4.19 I do not intend to consider the aspect of the submission point that deals with biodiversity values as this has been addressed by an earlier report (Report 23: Biodiversity).

3.1.2: Rural High Country

- 4.20 Forest and Bird¹¹ seek to amend applicable paragraphs that place reliance on the Tenure Review process and the Department of Conservation (DOC) to protect significant characteristics of the Rural High Country. The submitter considers that the Council has assumed areas of conservation value will be transferred to the Department of Conservation (DOC) but that this is not necessarily the case as the Tenure Review process is a negotiated outcome between the crown and the leaseholder.

- 4.21 Upon reading this section, I do not conclude that it places reliance on the Tenure Review process and DOC to protect significant characteristics of the High Country. The paragraph reads ‘Although the process can facilitate the protection of areas....’ This phrase does not state ‘will’ and the process is generally being discussed in the context of pressure to develop land. Furthermore, the Council has undertaken a landscape study to identify outstanding natural landscapes, and has processes in place to identify important geological sites and areas of significant nature conservation value. In my opinion this work, along with rules and standards proposed in the Plan to manage activities in the High Country/Rural C Zone, shows a commitment from the Council to ‘protect the significant characteristics of the High Country’ and not rely on DOC. I therefore do not find that any amendments are required to the Introduction, given the ‘general’ nature of this section and that the work described above is discussed in the more detailed Issues section.

- 4.22 Federated Farmers¹² seek to amend the description of the High Country and remove subjective terms such as ‘barren’ and ‘bleak’.

- 4.23 I do note that changes have been recommended in Report 20: General Rural to address the concerns of Federated Farmers and ensure the description of the High Country is relevant and current. However, in this instance, I do not recommend that any changes are required as I find that descriptions necessarily require the use of descriptive language, which is quite often subjective. Furthermore, I fail to find the words ‘barren’ and ‘bleak’ on page 3-3 (as submitted) and therefore recommend that this submission point be rejected.

¹¹ Submission 640, point 10

¹² Submission 553, point 24

Issues

3.2.3: Rural Character and Amenity

- 4.24 Bonifant Partnership Limited¹³ seeks to replace paragraph two of 3.2.3 Rural Character and Amenity with the following text:

'In terms of character and amenity the Rural A Zone does provide a sense of open space as the sites can be created a minimum of 8 hectares, however with this comes the ability to extensively landscape and plant shelter along both internal and external boundaries to provide a high level of shelter and amenity to a site. It is noted that with the onset of dairying and to an extent larger arable holdings, there is often a requirement to remove internal shelter to allow for the movement of both centre pivot and lateral irrigation on land. This is generally not such a significant issue within the Rural A Zone as the sites are smaller and retention of shelter is highly likely whilst still retaining an ability to irrigate and manage land'

- 4.25 I have two concerns with this proposed wording. The first is that it appears to describe an issue of concern in the Rural B Zone and then proceed to state that it is not an issue in the Rural A Zone. The matters in this paragraph should relate to those of concern in the Rural A Zone only. Although, I am confused by the statement that *'this is generally not such a significant issue within the Rural A Zone as the sites are smaller and retention of shelter is highly likely whilst still retaining an ability to irrigate and manage land'* If the sites are smaller, I would have thought that the removal of internal shelter was more likely unless the submitter is stating that because dairying and irrigation are less likely to occur in the Rural A Zone that vegetation is generally retained.
- 4.26 Secondly, the paragraph seems to be directed towards the 'site' rather than the 'zone' as provided by the words *'high level of shelter and amenity to a site.'* There is also the potential for conflict between the 'open space' in the Rural A Zone due to the size of the allotments and extensive planting and landscaping along site boundaries. Whilst the paragraph, as proposed, does consider the effects of lifestyle blocks and that residential development can be mitigated through landscaping and shelter planting, it does not address the issues of concern, which are the 'urbanisation' of the Rural A Zone and the potential for reverse sensitivity.
- 4.27 I therefore recommend that 3.2.3 Rural Character and Amenity, Rural A be amended to recognise that some of the effects of development could be mitigated through landscaping and shelter planting but that this in turn creates its own concerns, as follows:

"In recent years, this zone has come under pressure from those seeking rural lifestyle developments particularly around Ashburton (Kapuka). Such activity has altered the

¹³ Submission 475, point 4

character of parts of the zone with the introduction of a more ‘urban’ environment as infrastructure is extended outward from existing urban centres. Although allotments tend to be larger than those found in the main centres, the building of large dwellings, accessory buildings; fencing and driveways reinforce the encroaching ‘urban’ character. Development, although the Zone provides for a minimum allotment of 8 hectares, can also affect the sense of openness in the Zone, and whilst sites provide for the ability to extensively landscape and plant shelter along both internal and road boundaries, this can create its own effects. Extensive planting, which can provide a high level of shelter and amenity to a site, may also adversely affect the openness of the zone.

However, ~~†~~There are still agricultural practices being undertaken within this zone and this type of residential development has created issues.”

- 4.28 Federated Farmers¹⁴ support recognition that the high country is a dynamic landscape but seek to amend 3.2.3 to remove the use of emotive language in descriptions of landscapes. In particular, the submitter cites the use of vague terms such as ‘spaciousness’ and ‘rural outlook’.¹⁵
- 4.29 Whilst I sympathise with Federated Farmers, it is extremely difficult to describe amenity values or even landscapes without the use of ‘emotive’ language. In the case of the Outstanding Natural Landscapes, the language is often that associated with the Amended Pigeon Bay Criteria and has a meaning that is defined and understood in case law. However for the Rural A and B Zones, the language can be more subjective as the ‘landscape’ is being described by planners and has not been subject to a landscape study using identified criteria. This is not uncommon and I consider that whilst words such as ‘spaciousness’ and ‘rural outlook’ have a generally understood meaning, the parameters of the words and how they are applied to landscapes are often debated.
- 4.30 I am therefore guided in this matter by Ms Pfluger, who states that ‘spaciousness’ refers to the wide open space that is often found in rural landscape, which contrasts with the built up environment associated with urban areas. ‘Rural outlook’ is a term that is often used to describe landscapes that are, by their nature, strongly influenced by the type of rural activity and the intensity of associated settlement. Natural elements generally remain strongly evident but are overlaid by patterns and processes of human activity i.e. natural systems operate but, in places, are manipulated to enhance productivity. Human induced patterns and processes are related predominantly to productive land uses such as agriculture, horticulture and forestry, typically including paddocks, shelter belts, wood lot and forest blocks, cropping regimes and settlement. Rural landscapes are however inhabited landscapes, which are not to be confused with “wilderness” where human presence is minimally present or absent.

¹⁴ Submission 553, point 29

¹⁵ Submission 553, point 5

4.31 Consequently, I do not consider that ‘emotive language’ or ‘vague terms’ can or should be removed from the Plan as they are often descriptive terms that are intended to describe the character of a zone or outstanding natural landscape. However, whilst ‘spaciousness’ and ‘rural outlook’ are widely used by landscape professionals, they could be replaced by “openness” and “rural character” in section 3.2.3 if these terms are considered more appropriate by the hearing panel.

3.2.3 Rural Character and Amenity

The rural environment has particular amenity and environmental values which are important to rural people. These can include privacy, rural ~~outlook~~ character, ~~spaciousness~~ openness, ease of access, clean air and, at times, quietness. The landscapes of the District are also an integral part of this amenity and character.

4.32 Ashburton District Council¹⁶ seeks to amend 3.2.3 by setting some context around the Canterbury Landscape Study and the identification of outstanding natural landscapes; ensuring that landscapes are referred to as outstanding natural landscapes and replacing the existing list of the identified outstanding natural features and landscapes with more detailed descriptions that identify their values. This is supported by a further submission from the Department of Conservation¹⁷ and opposed by two further submissions from TrustPower Limited¹⁸ and Royal Forest and Bird¹⁹.

4.33 I agree with Ashburton District Council that the wording describing the Canterbury Landscape Study and the Ashburton Landscape Study should be refined to provide a clear understanding of the processes that were undertaken. Furthermore, outstanding landscapes should always be referred to as outstanding ‘natural’ landscapes as this reflects the wording of section 6 of the Act.

4.34 I also agree that more detailed descriptions of the identified outstanding natural landscapes and features would be appropriate as this will assist understanding of the values associated with each outstanding natural landscape. I therefore recommend that 3.2.3 be amended to reflect the relief sought by Ashburton District Council.

3.2.3 Rural Character and Amenity

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Rural C Zone

The Rural C (High Country) landscape with its large-scale, dominating mountains, valleys and basins, with typical erosion features, low vegetation, scattered lakes and wetlands give the zone its distinctive character. These landscapes are vast and spacious with subtle colourings and vegetation patterns, dominated by natural features and extended views.

¹⁶ Submission 639, point 107

¹⁷ Further submission F12

¹⁸ Further submission F16

¹⁹ Further submission F75

In 2009, the Canterbury Landscape Study commissioned by the Canterbury Regional Council identified the following areas of the High Country as Outstanding Natural Landscapes within the context of the Canterbury Region: Upper Rangitata River Valley, Upper Rakaia River Valley, Lower Rakaia River and Gorge, Lake Heron and Ashburton Lakes and, Mt Somers.

These areas were identified as outstanding natural landscapes on the grounds of their “natural science” values (geomorphological and biological values, particularly glacial and fluvial features, lakes and wetlands, and vegetation types); “legibility” (expressiveness and ease of understanding); and “aesthetic values” (including visual character and quality, such as memorability, naturalness, and coherence).

Subsequently, the District Council commissioned a report to assess the Ashburton High Country as a distinct area, considering the importance of its landscapes at a district rather than a regional level. The report, using the same criteria factors and assessment methodology as above, identified ~~four different types of~~ Outstanding natural features and landscapes as follows:

~~• **Inland Mountain Range** – the main divide and adjacent mountain ranges which include some of the most pristine landscapes in New Zealand, and have high biological values as well as impressive physical form.~~

~~• **Front Ranges** including Mt Somers; Mt Hutt Range and Winterslow, Blackhill and Palmer, which contain important geological features and form a notable landscape.~~

~~• **Hakatere Basin** – an expansive intermountain basin with a series of sub-alpine lakes, which contains important geological features (especially glacial) and nationally important biodiversity values.~~

~~• **Major River Valleys** including Upper Rangitata River Valley; Upper Rakaia River Valley and Lower Rakaia River and Gorge – these braided rivers are of international and national importance for their form, geology and ecology. The river valleys contain important glacial features and as well as being impressive and valued landscapes.~~

• The **Inland Mountain Ranges** cover an area of approximately 50km length of the Southern Alps. This is a high alpine area containing highly natural landscapes with farming limited to its eastern fringe. It is characterised by alpine ecosystems with several geoconservation sites and highly legible geomorphological features. It has exceptional aesthetic values with impressive peaks and the pristine headwaters of the major braided rivers

• The **Front Ranges** lie between the Ashburton Plains and the High Country. The Ranges contain a number of geoconservation sites, rocky gorges, highly legible volcanic outcrops and a range of important ecological sites. These Ranges are prominent when viewed from the Plains and provide a snow-capped, bush-clad contrast to the Plains.

• The **Hakatere Basin** is located between the inland mountain ranges of the Main Divide and the front ranges. It contains a series of sub-alpine lakes and other features such as roches moutonnées which provide a clear expression of its glacial formation. The Basin has historically been farmed but retains high ecological values associated with birdlife and wetlands. It has exceptional visual diversity and aesthetic value with extensive views to the surrounding mountains.

• The valleys of the Rakaia and Rangitata Rivers (**Major River Valleys**) are internationally important examples of braided river systems. They clearly express their formative processes and have exceptional ecological values. The wide braided rivers beds contained by high

mountainous catchments have been assessed as high aesthetic value with high recreational value.

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3.4 Objectives and Policies

- 4.35 After notifying the proposed District Plan, Ashburton District Council became aware that Objective 3.3 and its associated policies that address *'the protection of the natural character and values of the District's outstanding landscapes, its key geological/geomorphological areas, its coastal environment, lakes, rivers, wetlands and their margins from the adverse effects of development, land use change and for the enjoyment of the public'* is less than clear in its approach, confusing the two distinct issues of protection of outstanding natural landscapes and the preservation of natural character.
- 4.36 The Act, under section 6 provides for *'the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development*' and *'the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development*'.
- 4.37 Consequently, Ashburton District Council²⁰ made a submission that seeks to split Objective 3.3 into two separate objectives, which is opposed by a further submission from TrustPower Limited²¹.
- 4.38 Ashburton District Council²² seeks to include new policies associated with Objective X Outstanding Natural Features and Landscapes, which is opposed by TrustPower Limited²³ and supported by the Department of Conservation²⁴. The submitter also seeks to add an Explanation and Reasons for the policies, which is also opposed by TrustPower Limited²⁵. Furthermore, the Council²⁶ seeks to provide new policies for proposed Objective Y Natural Character as well as retaining Policies 3.3C and 3.3D and an add explanation and reasons for the proposed policies. The changes sought are set out below:

²⁰ Submission 639, points 109 and 112

²¹ Further submission F16

²² Submission 639, points 110, 111, 113 and 114

²³ Further submission F16

²⁴ Further submission F12

²⁵ Further submission F16

²⁶ Submission 639, point

Comparison of objectives and policies as notified and those sought by Ashburton District Council

Objective and Policies as notified in the proposed District Plan	Objective X and associated policies as sought by Ashburton District Council	Objective Y and associated policies as sought by Ashburton District Council
<p><u>Objective 3.3: Natural Character and Rural Values</u> <i>The protection of the natural character and values of the District's outstanding landscapes, its key geological / geomorphological areas, its coastal environment, lakes, rivers, wetlands and their margins from the adverse effects of development, land use change and for the enjoyment of the public.</i></p>	<p><u>Objective X: Natural Features and Landscapes</u> <i>Protect and enhance the landscape characteristics and values of the Outstanding Natural Features and Landscapes of the Ashburton District from inappropriate subdivision, land use and development.</i></p>	<p><u>Objective Y: Natural Character</u> <i>Preserve the coasts, rivers, lakes, wetlands and their margins, and other areas of high natural character and protect such areas from inappropriate subdivision, land use and development.</i></p>
<p><u>Policy 3.3A</u> Protect and maintain the natural values and character of the District's outstanding landscapes by:</p> <ul style="list-style-type: none"> • controlling the planting of non-indigenous tree species • encouraging the retention of existing indigenous vegetation. • controlling earthworks • managing development by controlling location, colour and design of new buildings. 	<p><u>Policy XXA</u> <u>Maintain the landscape values of the Inland Mountain Ranges as wilderness environments where biophysical values dominate and there is a high degree of unmodified naturalness</u></p>	<p><u>Policy YYA</u> <u>Recognise that the following natural patterns, qualities, elements, features and processes contribute to natural character:</u></p> <ul style="list-style-type: none"> • <u>Areas or water bodies in or close to their natural state;</u> • <u>Water flows, levels and quality;</u> • <u>Coastal or freshwater processes;</u> • <u>Landforms and landscapes</u> • <u>Indigenous biodiversity.</u>
<p><u>Policy 3.3B</u> Protect scientifically important geological and geomorphological features from the potential adverse effects of land use change and development, as these are important aspects of the District's natural character.</p>	<p><u>Policy XXB</u> <u>Maintain existing levels of continuous indigenous vegetation cover as a significant element of Outstanding Natural Features and Landscapes.</u></p>	<p><u>Policy YYB</u> <u>Avoid modifications or development within the Rakaia and Rangitata River Valleys and the Hakatere Basin which are inconsistent with, or disrupt the patterns, textures, colours and contours associated with the fluvial processes of rivers, lakes and wetlands and their margins.</u></p>
<p><u>Policy 3.3C</u> Use the following criteria to identify areas with</p>	<p><u>Policy XXC</u> Avoid any development or land use change to</p>	<p><u>Policy YYC</u> Maintain and, where possible, enhance the</p>

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<p>geoconservation values:</p> <ul style="list-style-type: none"> ● Geological significance: the importance of the feature to the understanding of the geology or evolution of life forms in New Zealand or the Earth ● Rarity: the rarity of the site type and feature ● Scientific Potential: the extent to which potential is there to expand information and understanding of site geology of NZ and history of its biota through scientific techniques ● Representativeness: extent to which a landform or exposure is a good example of the type of feature ● Diversity within feature: number of different geological features or components present ● Visual contribution to landscape: the visual impact or contribution of the landform or feature in the wider landscape ● Intactness: the extent to which the intrinsic attributes of the feature have been damaged by nature or humans ● Education and Interpretation value: the potential to interpret the feature and enhance understanding and appreciation of its formation ● Historical and Community association: the extent to which a feature has historical connotations or is known or valued by the community. 	<p><u>slopes and ridgelines with a high degree of visual prominence, including the upper slopes of the Front Ranges and the Ranges that confine and provide the context for the Rakaia and Rangitata River Valleys</u></p>	<p><u>naturalness, biodiversity and nature conservation values of lakes, rivers, wetlands and their margins with the restoration of contours and indigenous planting.</u></p>
<p><u>Policy 3.3D</u> In considering:-</p> <ul style="list-style-type: none"> ● whether to list in the District Plan those areas identified as having geoconservation value 	<p><u>Policy XXD</u> <u>Avoid any structures, planting or development within the Hakatere Basin which affects its openness and uninterrupted long distance views.</u></p>	<p><u>Policy YYD</u> <u>Avoid modifications or development within the coastal environment which are inconsistent with, or disrupt the patterns, textures, colours and</u></p>

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<p>under Policy 3.3C;</p> <ul style="list-style-type: none"> • whether to include rules in the District Plan to avoid, remedy or mitigate adverse effects on the values of those areas identified as having geoconservation value under Policy 3.3C, and • resource consent applications where the Council has discretion to consider the effects of activities on geoconservation values; <p>The Council shall have regard to:</p> <ul style="list-style-type: none"> • the economic effects on the landholder; • the resources required to implement protection; • the compatibility of the existing land use with the values identified; • the degree of modification of the site; • the restoration potential of the site; • the long term ecological viability of the site; • the range of alternative protection mechanisms available and their relative costs and benefits; • in the case of resource consent applications, the relevant assessment matters 		<p><u>contours created by coastal processes.</u></p>
<p><u>Policy 3.3E</u> Maintain and, where possible, enhance the natural character and nature conservation values of lakes, rivers, wetlands and their margins to assist in protecting water quality and freshwater biodiversity.</p>	<p><u>Policy XXE</u> <u>Maintain the dominance, visual and aesthetic coherence of Rakaia and Rangitata Rivers.</u></p>	<p><u>Policy YYE</u> <u>Maintain existing areas of coherent indigenous vegetation cover in mountain, ranges and river valley areas and avoid the establishment of exotic tree and plant species in these areas.</u></p>
<p><u>Policy 3.3F</u> Ensure that the use of waterways for motorised craft and/or any other activity avoids any adverse effects on public enjoyment, availability of the waterways and their margins as well as its natural</p>	<p><u>Policy XXF</u> <u>Maintain the legibility and integrity of geoconservation sites as distinctive elements of the Outstanding Natural Landscape.</u></p>	<p><u>Policy YYF</u> <u>Protect the integrity and setting of geological and geomorphological features identified for their scientific importance.</u></p>

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<p>character.</p>		
<p><u>Policy 3.3G</u> Ensure that the location, design and use of structures and facilities, which pass across or through the surface of any waterway or are attached to the bank of any waterway, are such that any adverse effects on the character of the waterway, safety and conflicts with recreational and other activities on the waterways are avoided or mitigated.</p>	<p><u>Policy XXG</u> <u>Enable extensive pastoral farming within areas of Outstanding Natural Features and Landscapes where it has been historically established and continuously maintained by:</u></p> <ul style="list-style-type: none"> • <u>Encouraging any new buildings or structures to locate close to, or as part of, an existing area of built development or modification; and</u> • <u>Setting low thresholds for building scale and height below which small buildings essential to extensive pastoral farming can be undertaken without further consideration; and</u> • <u>Setting low thresholds for earthworks below which limited earthwork activity essential to extensive pastoral farming, including fencing, post holes and the maintenance of existing tracks, can be undertaken without further consideration.</u> 	<p><u>Policy YYG</u> <u>Use the following criteria to identify areas with geoconservation values:</u></p> <ul style="list-style-type: none"> • <u>Geological significance: the importance of the feature to the understanding of the geology or evolution of life forms in New Zealand or the Earth</u> • <u>Rarity: the rarity of the site type and feature</u> • <u>Scientific Potential: the extent to which potential is there to expand information and understanding of site geology of NZ and history of its biota through scientific techniques</u> • <u>Representativeness: extent to which a landform or exposure is a good example of the type of feature</u> • <u>Diversity within feature: number of different geological features or components present</u> • <u>Visual contribution to landscape: the visual impact or contribution of the landform or feature in the wider landscape</u> • <u>Intactness: the extent to which the intrinsic attributes of the feature have been damaged by nature or humans</u> • <u>Education and Interpretation value: the potential to interpret the feature and enhance understanding and appreciation of its formation</u> • <u>Historical and Community association: the extent to which a feature has historical connotations or is known or valued by the community.</u>

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<p><u>Policy 3.3H</u> Take esplanade reserves/strips, at the time of subdivision, to provide for public access, and protection of the natural character and nature conservation values of waterways and their margins, and lakes.</p>	<p><u>Policy XXH</u> <u>For all activities, other than extensive pastoral farming or those activities which meet low thresholds, require a comprehensive assessment of the effects of earthworks, vegetation removal, exotic planting and the erection of structures on the values of the Outstanding Natural Features and Landscapes</u></p>	<p><u>Policy YYH</u> <u>In considering:-</u></p> <ul style="list-style-type: none"> • <u>whether to list in the District Plan those areas identified as having geoconservation value under Policy 3.3C;</u> • <u>whether to include rules in the District Plan to avoid, remedy or mitigate adverse effects on the values of those areas identified as having geoconservation value under Policy 3.3C, and</u> • <u>resource consent applications where the Council has discretion to consider the effects of activities on geoconservation values,</u> <p><u>The Council shall have regard to:</u></p> <ul style="list-style-type: none"> • <u>the economic effects on the landholder;</u> • <u>the resources required to implement protection;</u> • <u>the compatibility of the existing land use with the values identified;</u> • <u>the degree of modification of the site;</u> • <u>the restoration potential of the site;</u> • <u>the long term ecological viability of the site;</u> • <u>the range of alternative protection mechanisms available and their relative costs and benefits;</u> • <u>in the case of resource consent applications, the relevant assessment matters</u>
<p><u>Policy 3.3I</u> Maintain natural coastal processes, ecosystem functioning and coastal and marine habitats to preserve the natural character of the coast.</p>	<p><u>Policy XXI</u> <u>When assessing the effects of structures in an Outstanding Natural Landscape consider the location, size, density, height, materials and finish of the structure.</u></p>	<p><u>Policy YYI</u> <u>Require the location, design and use of structures and facilities which:</u></p> <ul style="list-style-type: none"> • <u>pass across or through the surface of any waterway; or</u>

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		<ul style="list-style-type: none"> • <u>are attached to the bank of a waterway; to be assessed in relation to their effects on natural character</u>
	<p><u>Policy XXI</u> <u>Ensure that where the effects of a landuse or development on the values of the Outstanding Natural Features and Landscapes are to be assessed that consistent assessment matters which address biophysical, sensory and associative values are applied; including:</u></p> <ul style="list-style-type: none"> • <u>Natural science values;</u> • <u>Legibility</u> • <u>Aesthetic values</u> • <u>Transient values;</u> • <u>Tangata Whenua values</u> • <u>Shared and recognised values</u> • <u>Historic values</u> 	<p><u>Policy YYI</u> <u>Require a comprehensive assessment of the effects of earthworks, vegetation removal, exotic planting and the erection of structures on naturalness, nature conservation and biodiversity values within areas of high natural character.</u></p>

- 4.39 The objectives and policies proposed by the Council seek to separate the distinct requirements of preserving natural character and protecting outstanding natural landscapes and features. I find this to be appropriate as it gives effect to section 6 of the RMA.
- 4.40 Policies XXA-J proposed by the Council recognises the contribution of, for example, geoconservation sites to outstanding natural landscapes but do not seek to prevent development, only ensure that it is undertaken with regard for the sensitivity of the environment. TrustPower opposes these policies as they do not give suitable recognition to the fact that section 6(b) of the RMA is only focussed on the protection of outstanding natural landscapes and features from 'inappropriate development'. As I read the policies, they very clearly only relate to outstanding natural features and landscapes, as this is generally stated within each policy. Furthermore, section 6(b) actually states 'inappropriate subdivision, land use and development', and in my opinion, this includes the removal and planting of vegetation and trees, earthworks and other such activities.
- 4.41 Policies YYA-J proposed by the Council are focussed on natural character and provide separate policies for different areas of the District such as the coastal environment. I consider these policies provide greater clarity as to how the Council intends to manage and enhance natural character as well as manage activities that may adversely affect it.
- 4.42 Overall, I recommend that the amendments sought by Ashburton District Council are accepted as they provide greater clarity and a more robust framework within which to protect outstanding natural landscapes and features and preserve natural character. In my opinion, the objectives and policies proposed by the Council give effect to section 6 of the RMA and consequently, I recommend that Objectives X and Y and Policies YYA-J and XXA-J are included in the District Plan along with the explanation and reasons proposed by Ashburton District Council. However, I acknowledge that many other submitters sought changes to Objective 3.4 and its associated policies and these are discussed below. This may result in changes being recommended to Objectives X, Y and their associated policies.

Objective 3.3

- 4.43 TrustPower Limited²⁷ seeks to replace Objective 3.3 with the following new objectives. This is supported by a further submission from the Department of Conservation²⁸.

- The landscape characteristics and values of the District's outstanding natural landscapes and geoconservation sites are protected from inappropriate land use and development.

²⁷ Submission 598, point 9

²⁸ Further submission F12

- The natural character values of the District's coastal environment, lake and rivers, wetlands and their margins are protected from inappropriate land use and development.

4.44 TrustPower Limited also seeks to separate the protection of outstanding natural landscapes from the natural character of the lakes, rivers, wetlands and coastal environment. As discussed above, I find this to be appropriate and have recommended that the objective proposed by Ashburton District Council be included in the proposed Plan. However, I find TrustPower's wording to be more directive and recommend that Objective Y is amended to incorporate the wording sought by TrustPower Limited, as follows:

Objective Y: Natural Character

Preserve the natural character of the District's coastal environment, ~~coasts~~, rivers, lakes, wetlands and their margins, ~~and other areas of high natural character~~ and protect such areas from inappropriate subdivision, land use and development.

4.45 The Isaac Construction Company Limited²⁹ seeks to amend Objective 3.3 by rewording it as follows: 'Natural Character and ~~Rural~~ Nature Conservation Values'.

4.46 I agree with The Isaac Construction Company that the objective is not about Rural Values, although I do not concur with their opinion that it is about Nature Conservation Values as this would suggest biodiversity, which is a matter addressed under Objective 3.2 and its associated policies. I therefore do not recommend that any changes are made to Objectives X and Y.

4.47 The Department of Conservation³⁰ seek to reword Objective 3.3 as follows: 'The protection of the natural character and values of the Districts outstanding landscapes, ~~its key and~~ geological/geomorphological areas'. Royal Forest and Bird³¹ seek to amend Objective 3.3 as follows: 'The protection and further identification of the natural character and values of the Districts outstanding landscapes, ~~its key and~~ geological/geomorphological areas and, the natural character and values of its coastal environment, lakes, rivers, wetlands and their margins from the adverse effects of development, land use change and for the enjoyment of the public.

4.48 Royal Forest and Bird and the Department of Conservation both seek to amend the objective to ensure that all geological/geomorphological areas are protected and not just the 'key' areas. I think that the use of the word 'key' may be intended to refer to those listed in the Plan but I am of the view that the Plan should provide for the protection of all identified geological/geomorphological areas rather than 'key areas' as the meaning of the term is unclear. I consider that the proposed wording of Policies XXF, which seeks to 'maintain the legibility and integrity of geoconservation sites' and Policy YYF which seeks to 'protect the integrity and setting of geological and

²⁹ Submission 53, point 3

³⁰ Submission 638, point 9

³¹ Submission 640, point 26

geomorphological features identified for their scientific importance' would address the submitter's concerns as they do not refer to 'key' areas.

- 4.49 With regard to the addition of the words 'and further identification of' as sought by Royal Forest and Bird, the submitter seeks that further identification of the District's outstanding natural landscapes and its geological/geomorphological areas is required. I do not find this to be appropriate given that a landscape study has been undertaken to identify the outstanding natural landscapes of the District and there is very little, if any, of the High Country which is not within an identified outstanding natural landscape. There has also been an assessment of the geological/geomorphological sites of the District too, although it is acknowledged that further sites may be identified through resource consents applications and future work undertaken by the Council or other agencies/groups. However, I do not consider this should be included as part of any objective or policy.
- 4.50 Canterbury Regional Council³² seek that Objective 3.3 is reworded as follows: 'The protection and enhancement of the natural character...' to give full effect to the Canterbury Regional Policy Statement (RPS) (Chapter 8 Policy 3).
- 4.51 I note that the proposed Canterbury Regional Policy Statement (PRPS) has been publicly notified and that Policy 12.3.2 of Chapter 12 states 'To 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, through the maintenance or enhancement of their values'. Although the District Plan only has to 'have regard to' the PRPS, I consider it appropriate that the word 'enhance' should be included but not in the objective: instead it would be more appropriate as part of the policies. I note that the submitter has sought a similar amendment to the wording of Policy 3.3A, which is addressed later in this report.

Policies 3.3A to I

- 4.52 The following paragraphs discuss those submissions that have sought changes to or support Policies 3.3A-I as notified in the proposed Plan. I have considered any amendments sought in the light of recommendations made above to accept the submissions of Ashburton District Council to create a set of policies that seek to protect outstanding natural landscapes and features and a set of policies that seek to preserve natural character.
- 4.53 The Department of Conservation³³ seeks to retain the wording of Policies 3.3A, E, F, G, H and I in their current form. This is supported by a further submission from Royal Forest and Bird³⁴. Federated Farmers³⁵ seek to retain the sentence 'It is not the

³² Submission 637, point 2

³³ Submission 638, points 10 and 14

³⁴ Further submission F75

³⁵ Submission 553, point 17

purpose of these policies to prevent development' in the Explanation and Reasons for Policy 3.3G. I acknowledge this support but note that the policies are recommended to be altered significantly.

Policy 3.3A

4.54 Policy 3.3A in the proposed District Plan as notified reads as follows:

Protect and maintain the natural values and character of the District's outstanding landscapes by:

- *controlling the planting of non-indigenous tree species*
- *encouraging the retention of existing indigenous vegetation.*
- *controlling earthworks*
- *managing development by controlling location, colour and design of new buildings.*

4.55 Warren Jowett³⁶ seeks to amend Policy 3.3A by adding a bullet point to read 'removal of pine, rowan and other non-indigenous tree species which are seed sources for wildings from Lake Camp and environs. The submitter³⁷ also seeks to add another bullet point to state that new farming systems such as dairying will not be approved in the Hakatere Basin.

4.56 I do not consider either amendment sought by the submitter to be appropriate. As discussed in the officers report on Biodiversity: Report 23, page 5, the removal of wilding trees is a matter for the Council to address outside of the District Plan as it is likely to require funding. Therefore the matter is more appropriately considered in the Annual Plan or Long Term Plan (LTP). However, if the Council chooses, the matter could be added under Methods of Implementation as a matter to be addressed by the LTP.

3.6 Methods of Implementation

.....

Through the Council's LTP process

.....

- *removal of pine, rowan and other non-indigenous tree species which are seed sources for wildings from Lake Camp and environs.*

4.57 I acknowledge the submitter's concern over farming in the Hakatere Basin especially dairying but it is not intended to manage this activity through standards in the District Plan, as discussed in Report 20: General Rural. Therefore, I do not find it appropriate to include the bullet point sought by the submitter stating that new farming systems such as dairying will not be approved in the Hakatere Basin.

³⁶ Submission 7, point 3

³⁷ Submission 511, point 1

4.58 Federated Farmers³⁸ seek that Policy 3.3A should have a threshold of at least 'significant' with the implication of less than 100% for areas of indigenous vegetation as not every area needs to be retained. This is supported by a further submission from Ragitata Diversion Race Management Limited³⁹.

4.59 I note that this matter has been discussed in the Biodiversity Report: 23, in terms of biodiversity values. However, in terms of outstanding natural landscapes, I consider that Policy YYE proposed by the Council may address the matter of retaining indigenous vegetation as it quantifies areas as being 'existing areas of consistent indigenous vegetation cover'. I however, find the use of the word 'consistent' to be confusing when used to describe vegetation cover and consider that the word 'coherent' may be more appropriate. This would imply a contiguous area of indigenous vegetation rather than a number of scattered plants.

Policy XXE

Maintain existing areas of ~~consistent~~ coherent indigenous vegetation cover in mountain, ranges and river valley areas and avoid the establishment of exotic tree and plant species in these areas.

4.60 TrustPower Limited⁴⁰ seek to amend Policy 3.3A as follows:

- Protect and maintain the ~~natural values and character~~ landscape characteristics and values of the District's outstanding natural landscapes and geoconservation sites by.....

4.61 The submitter is concerned that the policy goes beyond section 6a) of the RMA, which does not mention the natural character of outstanding natural landscapes and geological sites and the policy is seeking to include a wider area of the District.

4.62 I agree that the policy confuses the Council's requirement to protect outstanding natural landscapes and preserve natural character. Notwithstanding this, I would state that just because the Act specifically provides for the preservation of the natural character of certain areas as a matter of national importance, does not mean that the Council cannot choose to maintain and preserve the 'natural character' of other areas and consider the effects of activities upon them. However, I consider that Policies XXA-I and YYA-J, as proposed by the Council, would address the submitter's concerns as they provide two distinct sets of policies: one that seeks to protect outstanding natural landscapes and the elements that contribute to their values, and one that seeks to preserve natural character.

4.63 Canterbury Regional Council⁴¹ seeks to amend Policy 3.3A by amending it to read 'The protection and enhancement of'. This is opposed by a further submission from

³⁸ Submission 553, point 41

³⁹ Further submission F56

⁴⁰ Submission 598, point 10

⁴¹ Submission 637, point 3

TrustPower Limited⁴². The submitter⁴³ also seeks to add a further bullet point to the policy to read as ‘controlling subdivision and land uses’.

- 4.64 To some extent this matter is considered above under paragraph 4.51 with the recommendation that the word ‘enhance’ be included in a policy rather than the objective. Proposed policy YYC includes the word ‘enhance’ in relation to lakes, rivers, wetlands and their margins. However, I express some doubt over the ability to enhance an outstanding natural landscape as its values and state already merit protection and the requirement is to protect and maintain. I imagine the removal of buildings and trees may constitute an improvement but it is unlikely to occur as a requirement of the District Plan. However proposed Policy XXB seeks to ‘maintain existing levels of continuous indigenous vegetation...’ The officers report No. 23 on Biodiversity discussed the matter of enhancing indigenous vegetation and concluded that it was possible through management techniques such as fencing and the removal of pest species. Therefore, I recommend that Policy XXB be amended to refer to ‘enhance’ to be consistent with the approach taken in the officer’s report on biodiversity.

Policy XXB

Maintain and enhance existing levels of continuous indigenous vegetation cover as a significant element of Outstanding Natural Features and Landscapes.

- 4.65 With regard to the request for an additional bullet point to be added to Policy 3.3A, I consider that this has merit as land uses do not necessarily include buildings and subdivision has the ability to impose artificial patterns on the landscape. That said, I consider that Policy XXH, as proposed by Ashburton District Council, would address the submitter’s concern by requiring ‘all activities, except extensive pastoral farming, to produce a comprehensive assessment of effects of earthworks, vegetation removal, exotic planting and the erection of structures on the values of the Outstanding Natural Landscapes and Features’ In addition, proposed Policy XXJ states ‘Ensure that where the effects of a landuse or development on the values of the Outstanding Natural Features and Landscapes are to be assessed that consistent assessment matters which address biophysical, sensory and associative values are applied, including: natural science values; legibility; aesthetic values; transient values; Tangata Whenua values; shared and recognised values and historic values’. In my opinion, this provides appropriate and sufficient protection for outstanding natural landscapes and preserves natural character from land uses including subdivision.

Policy 3.3B

- 4.66 Policy 3.3B in the proposed District Plan, as notified, reads as follows:

⁴² Further submission F16

⁴³ Submission 637, point 4

Policy 3.3B

Protect scientifically important geological and geomorphological features from the potential adverse effects of land use change and development, as these are important aspects of the District's natural character.

- 4.67 The Department of Conservation⁴⁴ seeks to retain Policy 3.3B as it is worded and is supported by a further submission from Royal Forest and Bird⁴⁵ whereas TrustPower Limited⁴⁶ seeks to delete Policy 3.3B. This is opposed by a further submission from the Department of Conservation⁴⁷ and supported by three further submissions from Ryal Bush C/o Colin Roach⁴⁸, HW Richardson Group Limited⁴⁹ and Rangitata Diversion Race Management Limited⁵⁰. Federated Farmers⁵¹ seek that the policy should indicate a level of protection in relation to the value of the features proposed to be protected.
- 4.68 I agree that Policy 3.3B should be deleted and replaced by two policies that provide for the protection of the 'integrity and setting' of geological/geomorphological features rather than just protecting them from the adverse effects of land use change and development, as well as recognising their contribution to outstanding natural landscapes. I consider that Policies XXF and YYF proposed by Ashburton District Council are appropriate:
- 4.69 Proposed Policy XXF reads: '*Maintain the legibility and integrity of geoconservation sites as distinctive elements of the Outstanding Natural Landscape*'.

Proposed Policy YYF reads as follows '*Protect the integrity and setting of geological and geomorphological features identified for their scientific importance*'.

I consider that these policies recognise that geological and geomorphological features have a value in their own right and that they are also important elements of outstanding natural landscapes. In my opinion, the policies are clear in their intent that geoconservation sites are important within the District and that not only should the site/feature be protected but that the area surrounding them is not adversely affected or changed by development, earthworks or the planting of trees. I therefore recommend that Policies YYF and XXF replace Policy 3.3B in the proposed Plan.

Policy 3.3C

- 4.70 The Explanation and Reasons for Policy 3.3C in the proposed District Plan, as notified, reads as follows:

⁴⁴ Submission 638, point 11

⁴⁵ Further submission F75

⁴⁶ Submission 598, point 11

⁴⁷ Further submission F12

⁴⁸ Further submission F34

⁴⁹ Further submission F35

⁵⁰ Further submission F56

⁵¹ Submission 553, point 42

Tree planting in the Hakatere Basin has the potential to change the landscape as it is the openness of the landscape that is valued, and trees can create an enclosed feeling and be a barrier to views. To minimise these impacts, tree planting will be limited to shelterbelts and their location will be controlled by the Plan as will the species of trees that can be planted. This will also prevent the introduction of non-indigenous species and help control the spread of wilding trees. It is recognised that certain areas already have pine tree plantations but these will not be encouraged elsewhere in the High Country. The Council acknowledges that there is an issue with weed species such as broom in the High Country and it is intended to encourage the clearance of weed species, in conjunction with the Canterbury Regional Council and Department of Conservation, as well as by working with high country farmers.

- 4.71 Castleridge Station Ltd⁵² seeks that the explanation and reasons for Policy 3.3C, page 3.25 on Tree Planting be amended to remove inaccurate and emotive language rather than actual science based information. I do not agree that the paragraph uses ‘emotive and inaccurate language’ but do consider that the paragraph could be reworded to better reflect the effects that the policy is seeking to address as well as specific outstanding natural landscapes or features.
- 4.72 As to ‘actual science based information’ Ms Pfluger considers that while a number of shelterbelts and exotic small scale plantation forests exist in Hakatere Basin, it is the aim of this policy to maintain the existing level of openness in the basin. The planting of exotic trees has not only ecological implications, but also effects on views and the appearance of the landscape. It is therefore the purpose of Policy 3.3C to control larger-scale forestry which has the potential to significantly modify the openness, appearance and pattern that the high country landscape is valued for. In my opinion this is not emotive but explanation of the reasoning behind the policy by a qualified and experienced landscape planner.
- 4.73 I therefore consider that the policies and subsequent explanation and reasons proposed by Ashburton District Council would address the submitter’s concerns as they seek to manage tree planting in relation to specific outstanding natural landscapes and features as well as natural character. The wording of the explanation for the policies is directive without using emotive descriptions or relying on inaccurate information. It has also been written in consultation with Ms Pfluger and is therefore based upon sound landscape planning expertise.
- 4.74 Federated Farmers⁵³ seeks to amend the wording of the explanation and reasons to provide for woodlots. I discuss this matter below under paragraph 4.99 In terms of the standards.

Policy 3.3E

- 4.75 Policy 3.3E in the proposed District Plan, as notified, reads as follows:

⁵² Submission 331, point 8

⁵³ Submission 553, point 16

Policy 3.3E

Maintain and, where possible, enhance the natural character and nature conservation values of lakes, rivers, wetlands and their margins to assist in protecting water quality and freshwater biodiversity.

- 4.76 Federated Farmers⁵⁴ seek that Policy 3.3E must line-up with Ecan Natural Resources Regional Plan (NRRP)
- 4.77 Whilst the District Plan should not be inconsistent with the NRRP, the two plans do have different focuses reflecting the differing functions of the two tiers of authority. The District Plan is (amongst other matters) required to consider the effects of land uses on the environment whereas the regional plan (in the case of waterbodies) is concerned with effects on water quality and quantity. Inevitably there is potential for overlap and, the District Council in exercising its functions can have an influence over matters that are the function of the Regional Council. Assisting to protect water quality is such an example. However to avoid any confusion perhaps it may be appropriate, in this case, to remove reference to water quality from the policy.
- 4.78 In any event, Policy YYC as proposed by the Ashburton District Council addresses this submission as it seeks to remove references to water quality and place emphasis on the maintenance and enhancement of naturalness, biodiversity and nature conservation values, which are matters that the District Council is directed to address.
- 4.79 TrustPower Limited⁵⁵ seek to amend Policy 3.3E⁵⁶ to refer to ‘indigenous’ biodiversity rather than ‘freshwater’ biodiversity. This is supported by further submissions from Ryal Bush⁵⁷ and HW Richardson Group Limited⁵⁸.
- 4.80 As worded, the policy appears to seek the protection of all freshwater biodiversity, which I consider to be inappropriate. I consider that the policy should be seeking to protect indigenous biodiversity as this would be in-line with the provisions of the Act. It would seem inappropriate to have a policy that provides for the protection of all aquatic life when some flora and fauna may be harmful to indigenous biodiversity. If the Council accepts the recommendation above, then I consider the Policy YYC should be amended to read ‘indigenous’ biodiversity.

Policy YYC

⁵⁴ Submission 553, point 44

⁵⁵ Submission 598, point 12

⁵⁶ Submission 598, point 12

⁵⁷ Further submission F34

⁵⁸ Further submission F35

Maintain and, where possible, enhance the naturalness, indigenous biodiversity and nature conservation values of lakes, rivers, wetlands and their margins with the restoration of contours and indigenous planting.

Policy 3.3F

4.81 Policy 3.3F in the proposed District Plan, as notified, reads as follows:

Policy 3.3F

Ensure that the use of waterways for motorised craft and/or any other activity avoids any adverse effects on public enjoyment, availability of the waterways and their margins as well as its natural character.

4.82 Ashburton District Council⁵⁹ seeks to transfer Policy 3.3F and its explanation and reasons to Objective 3.4 Rural Amenity.

4.83 Policy 3.3F seeks to ensure that the use of waterways for motorised craft and/or any other activity avoids any adverse effects on public enjoyment, availability of the waterways and their margins as well as its natural character. I concur with the submitter that this policy is intending to maintain amenity values rather than being about natural character or outstanding natural landscapes and that it is appropriate to include it under Objective 3.4.

Policy 3.3G

4.84 Policy 3.3G in the proposed District Plan, as notified, reads as follows:

Policy 3.3G

Ensure that the location, design and use of structures and facilities, which pass across or through the surface of any waterway or are attached to the bank of any waterway, are such that any adverse effects on the character of the waterway, safety and conflicts with recreational and other activities on the waterways are avoided or mitigated.

4.85 Federated Farmers⁶⁰ seek that Policy 3.3G is deleted as the topic is already the subject of a regional plan.

4.86 Royal Forest and Bird⁶¹ seek to amend Policy 3.3G as follows: ‘.....are such that any adverse effects on the natural character of the waterway, riparian indigenous vegetation, safety and conflicts with recreational and other activities on the waterways are avoided, remedied or mitigated’. This is supported by a further submission from Rangitata Diversion Race Management Limited⁶².

⁵⁹ Submission 639, point 115

⁶⁰ Submission 553, point 45

⁶¹ Submission 640, point 28

⁶² Further submission F56

4.87 Policy 3.3G seeks to ensure that structures and facilities that pass across or through the surface of any waterway or are attached to a bank of any waterway do not create adverse effects on the character of the waterway, safety and conflicts with recreational and other activities on the waterways. The District Council has a duty to address the effects of land use activities such as bridges on the environment, whereas the regional council is concerned about effects on water quality and safety. As such, the policy is not addressing a topic that is already the subject of a regional plan, and therefore I do not recommend that it be deleted. I find the wording proposed by Ashburton District Council for Policy YYI to be appropriate as it seeks to ensure that structures and facilities which pass across or through any waterway or are attached to the bank of any waterway do not affect natural character. As such natural character includes consideration of the removal of indigenous vegetation and therefore I consider that Policy YYI is appropriate and addresses the concerns of Royal Forest and Bird.

Policy YYI

Require the location, design and use of structures and facilities which:

- *pass across or through the surface of any waterway; or*
 - *are attached to the bank of a waterway;*
- to be assessed in relation to their effects on natural character*

Policy 3.3H

4.88 Policy 3.3H in the proposed District Plan, as notified, reads as follows:

Policy 3.3H

Take esplanade reserves/strips, at the time of subdivision, to provide for public access, and protection of the natural character and nature conservation values of waterways and their margins, and lakes.

4.89 Canterbury Regional Council⁶³ seeks to delete Policy 3.3H and replace it with the following wording: *‘Maintain and enhance public access to and along rivers, lakes and their margins, and to and along the coast for the enjoyment of their recreation and amenity values and, where appropriate, take esplanade reserve/strips at the time of subdivision to provide for improved public access and protection of the natural values of waterway margins.’* This is supported by a further submission from Royal Forest and Bird⁶⁴.

4.90 I consider that the policy as worded by the submitter is more appropriate within the subdivision section of the Plan as it provides for the taking of esplanade reserves or strips at the time of subdivision to provide for public access. I find that there is often a conflict between providing for public access and protecting the natural values of waterway margins. As such, I recommend that the protection of natural values be

⁶³ Submitter 637, point 6

⁶⁴ Further submission F75

included in another policy under Objective Y on natural character. In my opinion, this is addressed by Policy YYC, as proposed by Ashburton District Council, which seeks to maintain and enhance the naturalness....of lakes, rivers, wetlands and their margins.

Policy 3.4C

Maintain and, where possible, enhance the naturalness, indigenous biodiversity and nature conservation values of lakes, rivers, wetlands and their margins with the restoration of contours and indigenous planting.

3.4 Objectives and Policies: Objective 3.5 and Policies 3.5A-D

4.91 Royal Forest and Bird⁶⁵ seek to amend the wording Objective 3.5 and Policy 3.5A to include specific mention of ‘Areas of Significant Conservation Value, Geoconservation Sites, Outstanding Natural Landscapes’

4.92 Federated Farmers⁶⁶ seek that Policy 3.5C be amended as landscapes and blanket use of geoconservation sites should not be included. This is opposed by a further submission from the Department of Conservation⁶⁷.

4.93 I note that the General Rural Report considered Objective 3.5 and its associated policies in terms of general matters and some changes are recommended to be made. Refer Report Page 39.

4.94 I do not consider it necessary to include specific reference to Areas of Significant Conservation Value, Geoconservation Sites and Outstanding Natural Landscapes in the objective or the policies as these are managed through other objectives and policies in the Plan. I consider that Objective 3.5 should be about maintaining the amenity values of the rural environment in general. In this respect, I agree with Federated Farmers that Policy 3.5C should not refer to landscapes or geoconservation sites and recommend that references to these should be removed from the rule. Again, earthworks in Areas of Significant Conservation Value, Geoconservation Sites, Outstanding Natural Landscapes is considered under other objectives and policies that seek to protect Outstanding Natural Landscapes and Features and, natural character and Policy 3.5C should be about the rural area in general.

Objective 3.56: Extractive Activities

...

Policy 3.56A

.....

Policy 3.56B

.....

Policy 3.56C

⁶⁵ Submission 640, points 30 and 31

⁶⁶ Submission 553, point 49

⁶⁷ Further submission F12

Control earthworks within the District to ensure minimal adverse effects on amenity values and land stability, whilst protecting important ~~geoconservation sites, landscapes,~~ riparian areas and areas of significant nature conservation value.

Explanation and Reasons

.....

The Council considers that controls are necessary with respect to the extractive activities because the scale of the operations, the sensitivity of the area, and the management of the operations may vary considerably. Consequently the effects on amenity values such as privacy, rural outlook, spaciousness and quietness or the effects on remoteness or recreational, ~~landscape or conservation~~ values may vary considerably. For these issues to be adequately addressed Council considers individual proposals need to be assessed on their merits. This will also enable the Council to set conditions on the management of the operation that are appropriate to the scale of the operation and sensitivity of the area. The Plan will provide for limited extraction as of right to allow for exploration activities that may create minimal adverse effects on the environment.

.....

Earthworks have the potential to create adverse effects on the environment depending upon their size and location. Council seeks to provide for farm activities such as tracking and the digging of farm pits whilst protecting the amenity values of the rural area. Extensive earthwork activities can affect views, require the clearance of vegetation and increase truck movements on local roads. Council therefore, wants to retain its discretion over large scale earthworks, so such matters can be considered. In addition, it is intended to limit or prevent earthworks in sensitive areas such as areas of significant nature conservation value, ~~outstanding landscapes,~~ and riparian areas, ~~and geoconservation sites.~~

3.8 Rules: 3.8.3: Restricted Discretionary Activities; 3.8.4: Discretionary Activities and Site Standard 3.9.11

- 4.95 Selwyn District Council⁶⁸ seek that the shelterbelt areas in the vicinity of the District boundary on maps R11, R17 and R25 are deleted or amended and/or that the rules within the shelterbelt areas be deleted or amended, in order to mitigate adverse effects in terms of cross-boundary landscape issues.
- 4.96 Selwyn District Council is generally supportive of the provisions that manage activities along the Selwyn/Ashburton border but there are a few matters that the submitter would like to consider in consultation with the Council and views the submission as an interim measure. Selwyn District Council wishes to consider cross boundary landscape issues. I therefore do not recommend that any changes are made to the standard and invite the submitter to comment on this submission at the hearing.
- 4.97 Royal Forest and Bird⁶⁹ seek to provide an explanation for the location and boundaries of the Shelterbelt Areas and amend maps which identify the shelterbelt areas, accordingly. The submitter is concerned that there appears to be no rationale for the shelterbelt areas except that there is some general relationship to existing trees.

⁶⁸ Submission 578, point 1

⁶⁹ Submission 640, point 45

4.98 The shelterbelt areas were established under the operative District Plan and to that extent have to date been accepted by both the Council and the community. In a high-wind area such as the Rural C Zone, it is necessary to provide for shelter-belts for the protection of stock but due to the sensitive nature of the environment, specific areas were identified for tree planting. These often reflected areas where trees were already established. I consider that further wording could be added to the Reasons for Rules to explain in greater detail the reasoning behind the shelterbelt areas but I do not identify a need to redraw the boundaries of any shelterbelt areas, as they are generally accepted by the community and the submitter does not provide any rationale for doing so.

4.99 Federated Farmers⁷⁰ seeks that forestry activities are permitted as landowners must have the right to plant trees appropriate to the site. The submitter suggests that the Plan should provide for small woodlots for firewood, or amenity plantings that don't serve to 'screen buildings' as agreed in settlement of Environment Court references in the operative Plan⁷¹. Further, the submitter seeks that the Reasons for the Rules be amended as the discussion and reasoning do not match proposed rules, site and zone standards⁷². Castleridge Station Ltd⁷³ seeks similar relief but is opposed by a further submission from Royal Forest and Bird⁷⁴. The submitter also notes that if the Council acknowledges that there are shelterbelt areas which will not adversely affect the values of the area, then shelterbelts and woodlots should be a permitted activity with criteria to manage wildings⁷⁵. This could be achieved by the reinstatement of the original wording of the standard in the operative District Plan⁷⁶. This is supported by Ashburton Branch of NZ Farm Forestry Association⁷⁷ who seeks to replace the rules, site and zone standards for tree planting in the Rural C Zone with those in the operative District Plan.

4.100 The operative District Plan Standard 7.6.5.1.15 provides for:

'Within the Rural C Zone, all tree planting, other than amenity tree planting, shall be limited to shelterbelt and woodlots located within the 'Shelterbelt Areas' shown on the Planning Maps, provided that

- *The establishment of woodlot(s) on any one site does not exceed 5ha in any continuous period of 10 years...*

4.101 Proposed District Plan 3.9.11 Tree planting provides for:

⁷⁰ Submission 553, point 65

⁷¹ Submission 553, point 91

⁷² Submission 553, point 51

⁷³ Submission 331, point 10

⁷⁴ Further submission F75

⁷⁵ Submission 331, point 9

⁷⁶ Submission 331, point 14

⁷⁷ Submission 198, point 3

a) *All tree planting in the Rural C Zone, other than planting for the purpose of screening buildings and other than within the Mt Hutt ski-field area, shall be limited to shelterbelts located within the “Shelterbelt Areas” shown on the Planning Maps, provided that:*

- *the establishment of trees including shelterbelts on any one site does not exceed 0.5ha in any continuous period of 10 years; and*

4.102 The proposed District Plan has removed any reference to woodlots and limited the establishment of trees within a shelterbelt area to 0.5ha, whereas the operative Plan only limited the size of woodlots that could be planted. All other types of planting including shelterbelts do not appear to have been limited by size, only the species of tree that could be planted. Consequently the standard in the proposed Plan is much more limiting in terms of the area of trees that can be planted in the shelterbelt areas. I also note that ‘woodlot’ and ‘shelterbelt’ are not defined in the operative Plan.

4.103 The Council has a duty under section 6 of the RMA to protect outstanding natural landscapes and indigenous biodiversity. The planting of trees can adversely affect outstanding natural landscapes by reducing openness, or creating artificial lines on the landscape, affect the integrity of geoconservation sites and the ecology of areas of significant nature conservation value. However, shelterbelt areas have been identified on the Planning Maps as places suitable for the planting of trees albeit the Council still wishes to maintain control over the planting of trees within these defined areas. In my opinion, it would be inappropriate to provide for the entire shelterbelt areas to be planted in trees as of right, as this would effectively provide for forests, which are likely to have adverse effects on ‘openness’, the legibility of geoconservation sites and for indigenous biodiversity.

4.104 I therefore support limiting the area of trees that can be planted within the shelterbelt areas as a permitted activity. I acknowledge that the area of shelterbelt that can be planted as a permitted activity has been reduced from 5 hectares on any one site in any continuous period of 10 years to 0.5 hectares. This is a much more restrictive control given that the planting would be undertaken within an area specified for the purpose of shelterbelt planting, although I understand that the Council still wishes to maintain control over the planting of trees within shelterbelt areas. However, given that the submitters have sought the reinstatement of the operative District Plan rules, I consider that it is appropriate to consider providing for a greater area of permitted planting. The operative District Plan provides for 5 hectares, which seems generous despite the scale of the shelterbelt areas. As such, I would consider that given the scale of the Rural C Zone and the effects that tree planting could have on the values of this zone, that the standard could be amended to provide for an area of 2.5 hectares.

4.105 Furthermore, I suggest that whilst the Planning Maps refer to shelterbelt areas that the standard provide for tree planting for any purpose within these identified areas. I do not see the need for tree planting to be limited to shelterbelts if the scale of planting is controlled by standards in the Plan. This would address the concerns of the submitter’s by providing for woodlots and remove the need to define a ‘shelterbelt’ in the District

Plan. However, I consider that the scale of planting should be managed through standards including a maximum width of 15 metres that currently forms part of the definition of a shelterbelt.

- 4.106 Royal Forest and Bird⁷⁸ seek to include a complete list of tree species with a wilding potential in Site Standard 3.9.11(a). Federated Farmers⁷⁹ seek to delete sterile species and varieties from the list of trees and add all varieties of poplar. This is opposed by a further submission from Electricity Ashburton Limited⁸⁰. The Department of Conservation⁸¹ seek to amend Site Standard 3.9.11(a) to include the Rowan, Ash and Holly trees to the list of species that cannot be planted. This would ensure that the Plan is consistent with the Environment Canterbury Regional Pest Management Strategy (ECRPMS).
- 4.107 I agree that the Plan should be consistent with the ECRPMS and that Rowan, Ash and Holly should be added to the list of tree species. However, Royal Forest and Bird do not provide any indication of the species that should be added and I would not wish to assume the type of species they seek to include. Likewise I would not presume the species that Federated Farmers wish to remove. However, I am inclined to add all varieties of poplar to the list as these are non-indigenous trees. I therefore recommend that the standard be amended to reflect the relief sought by the Department of Conservation and Federated Farmers, in terms of adding all poplar species to the standard. However, I invite Royal Forest and Bird and Federated Farmers, in regard to deleting sterile species from the list, to speak further on this matter at the hearing.
- 4.108 Royal Forest and Bird⁸² seek to amend Site Standard 3.9.11 to ensure Council considers effects on riparian values and natural features and also restricts its discretion to ‘the restriction of tree species’.
- 4.109 I agree that the assessment matters should include consideration of riparian areas as the shelterbelt areas do include streams. I also concur that the assessment matters should include consideration of effects on natural features, although I would recommend that this be reworded to ‘geological/geomorphological areas’ as there is at least one shelterbelt area that includes a geoconservation site. However, I consider that ‘the restriction of tree species’ is included within the matter ‘mechanisms to prevent wilding spread’. As a consequential amendment to reflect those made to other standards in the Plan, I recommend that the words ‘outstanding natural’ be added before ‘landscape’.
- 4.110 Overall, I recommend that Site Standard 3.9.11 be worded as follows:

3.9.11 Tree planting

⁷⁸ Submission 640, point 46

⁷⁹ Submission 553, point 93

⁸⁰ Further submission F71

⁸¹ Submission 638, point 27

⁸² Submission 640, point 42

a) All tree planting in the Rural C Zone, other than planting for the purpose of screening buildings and other than within the Mt Hutt ski-field area, shall be limited to ~~shelterbelts~~ ~~located~~ within the “Shelterbelt Areas” shown on the Planning Maps, provided that:

- the establishment of trees ~~including shelterbelts~~ on any one site does not exceed ~~0.5~~ 2.5ha in any continuous period of 10 years; and
- the trees shall be planted up to a maximum width of 15 metres; and
- trees of the following species shall not be planted:

Lodgepole pine	<i>Pinus contorta</i>
Scots Pine	<i>Pinus sylvestris</i>
Corsican Pine	<i>Pinus nigra</i>
Dwarf mountain pine	<i>Pinus uncinata</i>
Mountain Pine	<i>Pinus mugo</i>
Douglas fir	<i>Pseudotsuga menziesii</i>
All poplars	<i>Salicaceae species</i>
All larches	<i>Larix species</i>
All alders	<i>Alnus species</i>
All willows	<i>Salix species</i>
Sycamore	<i>Acer pseudoplatanus</i>
<u>Rowan</u>	<u><i>Sorbus aucuparia</i></u>
<u>Ash</u>	<u><i>Fraxinus excelsior</i></u>
<u>Holly</u>	<u><i>Rex aquifolium</i></u>
<u>All Poplars</u>	

The Council shall restrict the exercise of its discretion in relation to these matters to the effect on outstanding natural landscape, riparian margins, geological/geomorphological areas and nature conservation values, including the siting, design, tree species and management of the tree plantings and mechanisms to prevent wilding spread.

Site Standard 3.9.10: Indigenous Vegetation Clearance

4.111 Federated Farmers⁸³ seek to amend Site Standard 3.9.10 by removing the reference to ‘outstanding landscapes areas’. This is opposed by a further submission from the Department of Conservation⁸⁴.

4.112I do not consider it appropriate to remove references to outstanding landscapes from the standard as the removal of vegetation can potentially have an adverse effect on the values of these areas. Ms Pfluger concurs with Dr Judith Roper-Lindsay (the ecology expert) that in spite of the matters raised in submissions on the Proposed District Plan, Site standard 3.9.10 should remain unchanged except to introduce the

⁸³ Submission 553, point 89

⁸⁴ Further submission F12

1.5m shrublands text as submitted by DOC (this is discussed in Report 23: Biodiversity).

4.113 Ms Pfluger considers that the areas of indigenous vegetation represent an important biophysical landscape value of the high country ONLs. Additionally, vegetation clearance of large areas can lead to visual impacts and changes in local landscape patterns. One of the mechanisms therefore, to manage such effects is to control the removal of indigenous vegetation. Furthermore, I do not find it appropriate to manage the Rural C Zone as a generic area and consider that the different outstanding natural landscapes should be managed according to their values and potential threats to those values. Accordingly, I do not recommend any amendments be made to site standard 3.9.10.

Zone Standard 3.10.7: General Indigenous Vegetation and Tree Planting.

4.114 Forest and Bird⁸⁵ seek that standard 3.10.7 should prevent tree planting within a significant landscape as identified on the Planning Maps, within an area of indigenous vegetation and within an area that has been identified as a geoconservation site as listed in Appendix 3-3.

4.115 I would note that the planning maps do not identify significant landscapes. The Planning Maps instead identified, and the District Plan refers to 'outstanding landscapes', however given that such landscapes cover the majority of the Rural C Zone, I do not consider it appropriate to impose a zone standard to control the planting of trees.

4.116 As Ms Pfluger states the existing high country farms in the Hakatere Basin are likely to require some form of tree planting, such as shelterbelts, as part of their day-to-day operation. The shelterbelts and small-scale clusters of trees form part of the existing environment and are to be expected as part of the landscape character of the basin floor. Whilst it is acknowledged that tree planting can have effects on the openness and landscape character of the high country, small-scale planting in shelterbelts and clusters is considered appropriate on the Hakatere Basin floor. Therefore, Ms Pfluger recommends maintaining Zone Standard 3.10.7 General Indigenous Vegetation and Tree Planting to prevent tree planting above the 900m contour line, which excludes the majority of ONLs apart from the Hakatere Basin floor.

4.117 I also agree that it is appropriate to manage the planting of trees in any identified ASCVs but find that a non-complying status is sufficiently stringent to prevent tree planting in the most sensitive parts of the landscape while enabling farming and maintaining the existing landscape character on the Hakatere Basin floor. However, I do not believe it is feasible to manage tree planting in any area of indigenous vegetation as these are not mapped or identified in the District Plan, and it would require Council knowing every single area of indigenous vegetation. This is a costly and impractical process and I consider that Council has met its obligations under the

⁸⁵ Submission 640, point 62

Act by protecting Areas of Significant Nature Conservation and having standards to protect indigenous vegetation in general.

4.118 With regard to geoconservation sites, I have some sympathy for the submitter as tree planting has the potential to adversely affect such sites. However, some geoconservation sites are extensive; the Hakatere Basin for example and to impose a zone standard seems very stringent especially as there may be areas where tree planting can occur without adversely affecting any natural features.

4.119 Overall, I believe it is important to consider that the planting of trees in the Rural C Zone is restricted to identified shelterbelt areas as a permitted activity, affording protection to landscapes and geoconservation sites. Non-compliance with Site Standard 3.9.11 is a restricted discretionary activity and I do not believe that in general, there would be any environmental benefits to be gained by requiring consideration of tree planting against a test of being 'contrary to' the objectives and policies of the rural zone. However, it is appropriate that areas of significant nature conservation value are afforded a high level of protection, given that the planting of trees has the potential to irreversibly damage such areas. As the zone standard already provides for the protection of such areas, I do not recommend any changes to the zone standard.

3.11: Assessment Matters

4.120 Royal Forest and Bird⁸⁶ seek that a definition be provided of 'natural character' and how it can be affected. This is opposed by a further submission from TrustPower⁸⁷. Federated Farmers⁸⁸ also seek to delete 'natural character' as an assessment matter on which Council will exercise its discretion as being uncertain. This is opposed by a further submission from the Department of Conservation⁸⁹.

4.121 I note that this submission point seems to arise from Assessment Matter 3.11. 9c) '*The extent to which the activity will adversely affect the overall natural character of an area, and indigenous ecosystem integrity and functioning*'. However, the definition of 'natural character' has been considered in Report 7 on Definitions and I defer to the discussion and recommendation in that report that also concurs with the opinion of Ms Pfluger in her landscape report (Appendix 3). I note however, that a definition would not include a discussion on how natural character can be affected. As discussed in Report 7, it is likely that an expert such as an ecologist or landscape planner would be considering an application against the assessment matter and would have a fair understanding of what the term 'natural character' means. Furthermore, 'natural character' could apply to a number of areas that otherwise differ in character i.e. outstanding natural landscapes, areas of significant nature conservation value, riparian margins and

⁸⁶ Submission 640, point 66

⁸⁷ Further submission F16

⁸⁸ Submission 553, point 97

⁸⁹ Further submission F12

coastlines. Therefore the effects of an activity may depend upon the type of activity being undertaken; the ‘type’ of natural character reflective of the particular context and a discussion of effects may be so general as to be meaningless to a plan user. Therefore I do not recommend that the Plan includes a discussion on how natural character can be affected.

4.122 Royal Forest and Bird⁹⁰ seek that guidance is provided to applicants regarding sensitive environments and their vulnerability to change from external and internal modifications. This relates to Assessment Matter 3.11.9c) ‘*The extent to which the natural environment in and adjoining the site is sensitive to modification.*’ This is opposed by a further submission from TrustPower⁹¹.

4.123 The only reason for this proposed change is that the assessment matters are too ambiguous and lack appropriate detail. I suspect however, that the submitter is confused over the intention of the assessment matter. The matter is not about sensitive environments per se but the sensitivity of the natural environment to modification. Sensitive environments are not defined by the Plan and I consider it would be difficult to do so with any precision. After all, there may be great variability in the sensitivity of natural environments and this assessment matter provides the opportunity for this to be considered at the time of determining an application. Outside of the District Plan the Council may choose to provide a guidance document to applicants but this would not necessitate change to the District Plan. Again, the matter is likely to be considered by a landscape planner or ecologist, who would have greater understanding of the sensitivity of the natural environment than a lay person.

4.124 Federated Farmers⁹² seek that the subjective language (values of spaciousness and expressive landforms) is removed from 3.8.3(e) as it will lead to low quality decision making. I note that the language quoted is actually used in Assessment Matter 3.11.10(a). The submitter also seeks to delete Assessment Matters 3.11.10 h) and j) as indefinable, nebulous criteria⁹³. The assessment matters refer to openness, spaciousness, naturalness and natural character. This is opposed by a further submission from Royal Forest and Bird⁹⁴.

4.125 As discussed under paragraph 4.28, I consider that the language used in the assessment matters ties directly to the consideration of landscapes and reflects the terminology used in the landscape study. I would however, recommend that landscapes are referred to as outstanding natural landscapes.

⁹⁰ Submission 640, point 67

⁹¹ Further submission F16

⁹² Submission 553, point 73

⁹³ Submission 553, point 122

⁹⁴ Further submission F75

3.11.10 General Landscape Values and Tree Planting

c) Any loss of, or adverse effects on, views of the District's outstanding ~~or significant~~ natural landscapes from locations to which the public has access.

4.126 Ashburton District Council⁹⁵ seeks to amend the wording of assessment matter 3.11.10 to remove the reference to significant landscapes and to reflect the wording of the landscape study.

4.127 I note that the wording proposed by the submitter will be the same as that recommended in this report to be included in the policies. I consider this to be appropriate as the policies set the framework for the standards and therefore the assessment of applications should encompass the same matters. The assessment matters provide a broader base for assessing effects on landscapes and provide greater clarity to applicants of the matters to be considered. Consequently, I consider that Assessment Matter 3.11.10 should be amended to reflect the relief sought by Ashburton District Council.

3.11.10 General Landscape Values and Tree Planting

a) ~~The siting, design and colour~~ location, size, density, height, materials and finish of buildings and structures.

b) The siting, design and methods of construction of earthworks.

4.128

c) Any loss of, or adverse effects on, views of the District's outstanding ~~or significant~~ natural landscapes from locations to which the public has access.

k) Assessment of potential impacts on biophysical, sensory and associative values including:

- *Natural science values;*
- *Legibility;*
- *Aesthetic values;*
- *Transient values;*
- *Tangata Whenua values;*
- *Shared and recognised values;*
- *Historic Values*

5.0 STATUTORY CONSIDERATIONS

3.10 The relevant statutory considerations in relation to these submissions are whether the outcomes will be consistent with sections 31 and 32 of the Act, along with Part II of the Act. I consider that the recommendations below are both effective and efficient and will ensure that the methods contained in these sections are the most appropriate method for achieving the objectives of the Plan. I consider that these sections of the

⁹⁵ Submission 639, point 118

Plan are appropriate under Part II of the Act in achieving sustainable management within the Ashburton District.

6.0 RECOMMENDATIONS

3.11 Based on the discussion above, I consider that, subject to the recommended changes to text set out below, this section of the proposed District Plan should be accepted.

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 22
SECTION 3: OUTSTANDING NATURAL LANDSCAPES

APPENDIX ONE: SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S553	Federated Farmers of New Zealand	9	All references to the Canterbury Landscape Study should be withdrawn.	Reject Para 4.8
<i>F75</i>	<i>Royal Forest and Bird Protection Society of New Zealand Inc.</i>	9	<i>Oppose</i>	<i>Accept</i>
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	1	Through the rules, site and zone standards the ONLs needs to be recognised as a matter of national importance. These regulatory mechanisms need to provide the appropriate protection to these vulnerable landscapes from inappropriate use and development.	Reject Para 4.12
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	8	Discuss the importance of managing land use activities and change to protect and enhance the natural character and biodiversity values of waterbodies within the Rural District.	Reject Para 4.16
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	10	Amend the applicable paragraphs that place reliance on the Tenure review process and the Department of Conservation to protect significant characteristics of the Rural High Country.	Reject Para 4.20
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	66	Provide a definition of natural character and how it can be affected.	Accept in part Para 4.120
<i>F16</i>	<i>TrustPower Limited</i>	66	<i>Oppose</i>	<i>Accept in part</i>

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S640	Royal Forest and Bird Protection Society of New Zealand Inc.	67	Provide guidance to applicants regarding sensitive environments and their vulnerability to change from external and internal modifications.	Accept in part Para 4.122
<i>F16</i>	<i>TrustPower Limited</i>	<i>67</i>	<i>Oppose</i>	<i>Accept in part</i>
S331	Castleridge Station Ltd	3	Not include any proposed 'outstanding landscapes' that may refer to areas on Castleridge Station throughout the Plan.	Reject Para 4.3
<i>F12</i>	<i>Department of Conservation</i>	<i>3</i>	<i>Oppose</i>	<i>Accept</i>
<i>F75</i>	<i>Royal Forest and Bird Protection Society of New Zealand Inc.</i>	<i>3</i>	<i>Oppose</i>	<i>Accept</i>
S563	Lake Heron Station Ltd	4	To have any part of Lake Heron Station deleted from the proposed Outstanding Landscape area because there is no descriptive schedule of such areas in the Plan against which to assess the site.	Reject Para 4.4
<i>F12</i>	<i>Department of Conservation</i>	<i>4</i>	<i>Oppose</i>	<i>Accept</i>
<i>F75</i>	<i>Royal Forest and Bird Protection Society of New Zealand Inc.</i>	<i>4</i>	<i>Oppose</i>	<i>Accept</i>
S553	Federated Farmers of New Zealand	24	Amend description of High Country under 3.1.2 and remove subjective terms such as 'barren' and 'bleak'.	Reject

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S475	Bonifant Partnership Limited	4	<p>We seek the following statement replace part of paragraph 2 of 3.2.3 Rural Character and Amenity, and the existing text deleted as follows:</p> <p>In recent years....urban character.</p> <p><u>In terms of character and amenity the Rural A Zone does provide a sense of open space as the sites can be created a minimum of 8 hectares, however with this comes the ability to extensively landscape and plant shelter along both internal and external boundaries to provide a high level of shelter and amenity to a site. It is noted that with the onset of dairying and to an extent larger arable holdings, there is often a requirement to remove internal shelter to allow for the movement of both centre pivot and lateral irrigation on land. This is generally not such a significant issue within the Rural A Zone as the sites are smaller and retention of shelter is highly likely whilst still retaining an ability to irrigate and manage land.</u></p>	Accept in part Para 4.24
S553	Federated Farmers of New Zealand	29	Support recognition that the high country is a dynamic landscape but seeks to amend 3.2.3 to remove use of emotive language in descriptions of landscapes.	Accept in part Para 4.28
S553	Federated Farmers of New Zealand	5	Amend Issue 3.2.3 Rural Character and Amenity as the Plan should not use vague terms such as 'spaciousness and rural outlook'.	Accept in part Para 4.28

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S639	Ashburton Council	District	107	<p>Amend wording for 3.2 Issues, 3.2.3 Rural Character and Amenity, Rural C</p> <p>Rural C Zone</p> <p>The Rural C (High Country) landscape with its large-scale, dominating mountains, valleys and basins, with typical erosion features, low vegetation, scattered lakes and wetlands give the zone its distinctive character. These landscapes are vast and spacious with subtle colourings and vegetation patterns, dominated by natural features and extended views.</p> <p>In 2009, the Canterbury Landscape Study commissioned by the Canterbury Regional Council identified the following areas of the High Country as Outstanding Natural Landscapes <u>within the context of the Canterbury Region</u>: Upper Rangitata River Valley, Upper Rakaia River Valley, Lower Rakaia River and Gorge, Lake Heron and Ashburton Lakes and, Mt Somers.</p> <p>These areas were identified as outstanding <u>natural landscapes</u> on the grounds of their “natural science” values (geomorphological and biological values, particularly glacial and fluvial features, lakes and wetlands, and vegetation types); “legibility” (expressiveness and ease of understanding); and “aesthetic values” (including visual character and quality, such as memorability, naturalness, and coherence).</p> <p>Subsequently, the District Council commissioned a report to assess the Ashburton High Country as a distinct area, considering the importance of its landscapes at a district rather than a regional level. The report, using the same criteria <u>factors and assessment methodology</u> as above, identified four different types of <u>Outstanding natural features</u> and landscapes <u>as follows</u>:</p> <ul style="list-style-type: none"> • Inland Mountain Range – the main divide and adjacent mountain ranges which include some of the most pristine landscapes in New Zealand, and have high biological values as well as impressive 	Accept Para 4.32
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		<ul style="list-style-type: none"> • Inland Mountain Range — the main divide and adjacent mountain ranges which include some of the most pristine landscapes in New Zealand, and have high biological values as well as impressive physical form • Front Ranges including Mt Somers; Mt Hutt Range and Winterslow, Blackhill and Palmer, which contain important geological features and form a notable landscape. • Hakaterere Basin — an expansive intermountain basin with a series of sub-alpine lakes, which contains important geological features (especially glacial) and nationally important biodiversity values. • Major River Valleys including Upper Rangitata River Valley; Upper Rakaia River Valley and Lower Rakaia River and Gorge — these braided rivers are of international and national importance for their form, geology and ecology. The river valleys contain important glacial features and as well as being impressive and valued landscapes. • <u>The Inland Mountain Ranges cover an area of approximately 50km length of the Southern Alps. This is a high alpine area containing highly natural landscapes with farming limited to its eastern fringe. It is characterised by alpine ecosystems with several geoconservation sites and highly legible geomorphological features. It has exceptional aesthetic values with impressive peaks and the pristine headwaters of the major braided rivers.</u> • <u>The Front Ranges lie between the Ashburton Plains and the High Country. The Ranges contain a number of geoconservation sites, rocky gorges, highly legible volcanic outcrops and a range of important ecological sites. These Ranges are prominent when viewed from the Plains and provide a snow-capped, bush-clad contrast to the Plains.</u> 	
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			<p><u>The Hakaterre Basin is located between the inland mountain ranges of the Main Divide and the front ranges. It contains a series of sub-alpine lakes and other features such as roches moutouness which provide a clear expression of its glacial formation. The Basin has historically been farmed but retains high ecological values associated with birdlife and wetlands. It has exceptional visual diversity and aesthetic value with extensive views to the surrounding mountains.</u></p> <p><u>The valleys of the Rakaia and Rangitata Rivers (Major River Valleys) are internationally important examples of braided river systems. They clearly express their formative processes and have exceptional ecological values. The wide braided rivers beds contained by high mountainous catchments have been assessed as high aesthetic value with high recreational value.</u></p>	
F12	Department of Conservation	107	Support	Accept
F16	TrustPower Limited	107	Oppose	Reject
F75	Royal Forest and Bird Protection Society of New Zealand Inc.	107	Oppose	Reject
S639	Ashburton District Council	109	New wording to replace Objective 3.3. Objective X: Outstanding Natural Features and Landscape Protect the values of the Outstanding Natural Features and Landscapes of the Ashburton District from inappropriate subdivision, landuse and development.	Accept in part Para 4.35
F16	TrustPower Limited	109	Oppose	Accept in part

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S639	Ashburton District Council	112	Wording to replace Objective 3.3: <u>Objective Y: Natural Character</u> <u>Preserve the coast, rivers, lakes, wetlands and their margins, and other areas of high natural character and protect such areas from inappropriate subdivision, landuse and development.</u>	Accept in part Paras 4.35 and 4.44
F16	TrustPower Limited	112	<i>Oppose</i>	<i>Reject</i>
S53	The Isaac Construction Company Limited	3	Amend Objective 3.3 to read: <u>Objective 3.3: Natural Character and Rural Nature Conservation Values.</u>	Reject Para 4.45
S637	Canterbury Regional Council	2	Amend Objective 3.3 to begin with the words: <u>The protection and enhancement of ..</u> And that any other consequential amendments to the Ashburton District Plan required to explain or give effect to these changes be made.	Accept in part Paras 4.50 and 4.63
S638	Department of Conservation	9	Amend Objective 3.3 to read: The protection of the natural character and values of the District's outstanding landscapes, <u>its key and</u> geological/geomorphological areas, its coastal environment, lakes, rivers, wetlands and their margins from the adverse effects of development, land use change and for the enjoyment of the public.	Reject Para 4.47

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S598	TrustPower Limited	9	Delete Objective 3.3 and replace it with the following new objectives: <u>The landscape characteristics and values of the District's outstanding natural landscapes and geoconservation sites are protected from inappropriate land use and development.</u> <u>The natural character values of the District's coastal environment, lakes and rivers. Wetlands and their margins are protected from inappropriate land use and development.</u>	Accept in part Para 4.44
F12	Department of Conservation	9	Support	Accept in part
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	26	Amend Objective 3.3 to read: The protection, and further identification of, the District's outstanding landscapes; its key and geological/geomorphological areas and the natural character and values of its coastal environment, lakes, rivers, wetlands and their margins from the adverse effects of development, land use change and for the enjoyment of the public.	Reject Para 4.48
F16	TrustPower Limited	26	Oppose	Accept
S638	Department of Conservation	10	Retain the wording of Policy 3.3A in its current form.	Reject Para 4.53
F75	Royal Forest and Bird Protection Society of New Zealand Inc.	10	Support	Reject
S638	Department of Conservation	14	Retain the wording of Policies 3.3E, 3.3F, 3.3G, 3.3H and 3.31 in their current form.	Accept in part Para 4.53

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<i>F75</i>	<i>Royal Forest and Bird Protection Society of New Zealand Inc.</i>	<i>14</i>	<i>Support</i>	<i>Accept in part</i>
S553	Federated Farmers of New Zealand	17	Retain the sentence 'It is not the purpose of these policies to prevent development..' in the Explanation and Reasons for Policy 3.3G.	Reject Para 4.85

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S639	Ashburton District Council	110	<p>New wording to replace Policies associated with Objective 3.3:</p> <p><u>Policy X.XA</u> <u>Maintain the landscape values of the Inland Mountain Ranges as wilderness environments where biophysical values dominate and there is a high degree of unmodified naturalness</u></p> <p><u>Policy X.XB</u> <u>Maintain existing levels of continuous indigenous vegetation cover as a significant element of Outstanding Natural Features and Landscapes.</u></p> <p><u>Policy X.XC</u> <u>Avoid any development or landuse change to slopes and ridgelines with a high degree of visual prominence, including the upper slopes of the Front Ranges and the Ranges that confine and provide the context for the Rakaia and Rangitata River Valleys</u></p> <p><u>Policy X.XD</u> <u>Avoid any structures, planting or development within the Hakatere Basin which affects its openness and uninterrupted long distance views.</u></p> <p><u>Policy X.XE</u> <u>Maintain the dominance, visual and aesthetic coherence of Rakaia and Rangitata Rivers.</u></p> <p><u>Policy X.XF</u> <u>Maintain the legibility and integrity of geoconservation sites as distinctive elements of the Outstanding Natural Landscape.</u></p>	Accept in part Para 4.35
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			<p><u>Policy</u> <u>X.XG</u> <u>Enable extensive pastoral farming within areas of Outstanding Natural Features and Landscapes where it has been historically established and continuously maintained by:</u></p> <ul style="list-style-type: none"> • <u>Encouraging any new buildings or structures to locate close to, or as part of, an existing area of built development or modification; and</u> • <u>Setting low thresholds for building scale and height below which small buildings essential to extensive pastoral farming can be undertaken without further consideration; and</u> • <u>Setting low thresholds for earthworks below which limited earthwork activity essential to extensive pastoral farming, including fencing, post holes and the maintenance of existing tracks, can be undertaken without further consideration.</u> <p><u>Policy</u> <u>X.XH</u> <u>For all activities, other than extensive pastoral farming or those activities which meet low thresholds, require a comprehensive assessment of the effects of earthworks, vegetation removal, exotic planting and the erection of structures on the values of the Outstanding Natural Features and Landscapes</u></p> <p><u>Policy</u> <u>X.XI</u> <u>When assessing the effects of structures in an Outstanding Natural Landscape consider the location, size, density, height, materials and finish of the structure.</u></p>	
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			<p><u>Policy</u> X.XJ</p> <p><u>Ensure that where the effects of a landuse or development on the values of the Outstanding Natural Features and Landscapes are to be assessed that consistent assessment matters which address biophysical, sensory and associative values are applied; including:</u></p> <ul style="list-style-type: none"> •<u>Natural science values;</u> •<u>Legibility</u> •<u>Aesthetic values</u> •<u>Transient values;</u> •<u>Tangata Whenua values</u> •<u>Shared and recognised values</u> •<u>Historic values</u> 	
<i>F12</i>	<i>Department of Conservation</i>	<i>110</i>	<i>Support</i>	<i>Accept</i>
<i>F16</i>	<i>TrustPower Limited</i>	<i>110</i>	<i>Oppose</i>	<i>Reject</i>

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S639	Ashburton Council	District 111	<p>New wording to replace Explanation and Reasons associated with Objective 3.3 and its Policies:</p>	<p>Accept Para 4.35</p>
<p><u>Explanation and Reasons Objective X fulfils the statutory obligations of Section 6(b) of the Resource Management Act. The Ashburton District Landscape Study 2009 identifies the Outstanding Natural Features and Landscapes of the District and the specific values that make these landscapes outstanding. The policies associated with Objective X provide the guidance on how the provisions of the District Plan are intended to be developed and implemented in order to achieve the protection of these important landscapes.</u></p>				
<p><u>Large tracts of the Outstanding Natural Features and Landscapes are characterised as wilderness or mountainous areas. They are predominantly pristine natural areas where the main human activity is backcountry recreation such as tramping or hunting. Human modification is therefore limited to structures and activities associated with this type of recreation and are generally of limited scale and involve minimal disturbance or change in the landscape. These structures and facilities enable the community to enjoy the mountains and wilderness and are anticipated within the landscape.</u></p>				
<p><u>Other parts of the Outstanding Natural Features and Landscapes have been historically developed for pastoral farming. It is acknowledged that the pastoral cover has often assisted in the legibility of the landform and its formative processes. In these circumstances, the farming activity has not detracted from the values that make the particular landscape or feature outstanding and can be maintained as a legitimate activity within the landscape. The proposed policies provide for the continuance of extensive pastoral farming subject to limitations on the scale and location of further development or landuse change.</u></p>				
<p>Apart from limited recreation activities and extensive pastoral farming, new development or landuse within the Outstanding Natural Features and Landscapes is generally to be avoided. Where this is not possible resource consent will be required in order to</p>				

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			<p><u>Apart from limited recreation activities and extensive pastoral farming, new development or landuse within the Outstanding Natural Features and Landscapes is generally to be avoided. Where this is not possible resource consent will be required in order to assess the effects of vegetation removal, planting, earthworks and structures on landscape values. This is not to say that development will be prohibited, but that it requires greater consideration as to its appropriateness within a sensitive landscape.</u></p> <p><u>With respect to these matters, earthworks potentially present a contrast with surrounding vegetation and the natural contours of the land. The length and height of a cut are particularly important considerations on hill and mountain slopes as are the placement of castings and over-burden. Similarly, any reduction or interruption in the continuity of indigenous vegetation cover, where this currently exists, may create adverse visual effects, as can the planting of exotic trees where the species and layout of planting contrasts with the surrounding environment in terms of colour, pattern and scale. Buildings and structures may detract from the predominant values in remote wilderness areas or in locations which are dominated by natural processes. The density, location, material finish, height and size of structures should all be subject to limitation and/or assessment in an Outstanding Natural Landscape.</u></p> <p><u>It is acknowledged that more detailed or site specific assessments of landscape values will identify areas within the Outstanding Natural Landscapes which are capable of absorbing change. Due to the significant variability and sensitivity of these landscapes it is unlikely that a rule would ensure that development is located and designed appropriately. Site specific assessment for any development is therefore required by the policies. The policies also require that any assessment process considers those factors or matters established by caselaw as providing a comprehensive basis for landscape assessment. The application of these factors in consent processes</u></p>	
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			<p><u>will ensure consistency in the management of the Outstanding Natural Landscape.</u></p> <p><u>Other policies seek to maintain those elements which contribute to the Outstanding status of landscapes. These include continuous indigenous vegetation cover, openness, the dominance of natural processes and geological features and the absence of human modification. High visibility and the function of slopes as a backdrop and contrast to the river valleys, the Hakatere Basin and the Plains is also an important consideration.</u></p>	
<i>F16</i>	<i>TrustPower Limited</i>	<i>111</i>	<i>Oppose</i>	<i>Reject</i>

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S639	Ashburton District Council	113	<p>New wording to replace Policies associated with Objective 3.3:</p> <p><u>Policy Y.YA</u> <u>Recognise that the following natural patterns, qualities, elements, features and processes contribute to natural character:</u> <u>•Areas or water bodies in or close to their natural state;</u></p> <p><u>•Water flows, levels and quality;</u> <u>•Coastal or freshwater processes;</u></p> <p><u>•Landforms and landscapes;</u> <u>•Indigenous biodiversity.</u></p> <p><u>Policy Y.YB</u> <u>Avoid modifications or development within the Rakaia and Rangitata River Valleys and the Hakatere Basin which are inconsistent with, or disrupt the patterns, textures, colours and contours associated with the fluvial processes of rivers, lakes and wetlands and their margins.</u></p> <p><u>Policy Y.YC</u> <u>Maintain and, where possible, enhance the naturalness, biodiversity and nature conservation values of lakes, rivers, wetlands and their margins with the restoration of contours and indigenous planting.</u></p> <p><u>Policy Y.YD</u> <u>Avoid modifications or development within the coastal environment which are inconsistent with, or disrupt the patterns, textures, colours and contours created by coastal processes.</u></p> <p><u>Policy Y.YE</u> <u>Maintain existing areas of consistent indigenous vegetation cover in mountain, ranges and river valley areas and avoid the establishment of exotic tree and plant species in these areas.</u></p>	Accept Para 4.35
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			<p><u>Policy</u> <u>Y.YF</u> <u>Protect the integrity and setting of geological and geomorphological features identified for their scientific importance.</u></p> <p><u>Policy</u> <u>Y.YG</u> <u>Use the following criteria to identify areas with geoconservation values.....(as per Policy 3.3C)</u></p> <p><u>Policy</u> <u>Y.YH</u> <u>In considering.....(as per Policy 3.3D)</u></p> <p><u>Policy</u> <u>Y.YI</u> <u>Require the location, design and use of structures and facilities which:</u> <ul style="list-style-type: none"> •<u>pass across or through the surface of any waterway; or</u> •<u>are attached to the bank of a waterway;</u> <u>to be assessed in relation to their effects on natural character</u></p> <p><u>Policy</u> <u>Y.YJ</u> <u>Require a comprehensive assessment of the effects of earthworks, vegetation removal, exotic planting and the erection of structures on naturalness, nature conservation and biodiversity values within areas of high natural character.</u></p>	
<i>F16</i>	<i>TrustPower Limited</i>	<i>113</i>	<i>Oppose</i>	<i>Reject</i>

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S639	Ashburton Council	District	114	<p>New wording to replace Explanation and Reasons associated with Objective 3.3 and its Policies:</p> <p><u>Explanation and Reasons Objective Y fulfils the statutory obligations of Section 6(a) of the Resource Management Act. Natural character can be a component of an Outstanding Natural Landscape and also contributes to the achievement of biodiversity objectives of the Plan.</u></p> <p><u>The areas of high natural character within the District include the coast, the Rangitata and Rakaia Rivers, the Hakatere Basin with its lakes and wetlands and the mountains and ranges. These areas are characterised either by natural processes and/or significant indigenous vegetation. The policies seek to avoid any change to the existing level of naturalness of these environments as well as encouraging, where possible, to enhance the natural values of riparian margins.</u></p> <p><u>Inappropriate development may involve structures, earthworks or plantings which result in the disruption of landforms or a contrast with naturally occurring patterns, colours and textures in the environment. These changes can be visually intrusive as well as adversely affecting biodiversity and creating a sense of loss of naturalness. Where development or landuse is unavoidable, the policies require a resource consent process to assess the effects of the proposal on naturalness and nature conservation values.</u></p>	Accept Para 4.35
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			<p><u>The policies recognise that geoconservation sites are an important element of natural character. Importantly, such features often form part of the outstanding natural landscapes, and their destruction could potentially have a severe impact on how these landscapes are considered i.e. their importance and scientific values. Other geological features are areas where fossils may be found, and although on a much smaller scale they are none the less very important aspects of the District. Geoconservation sites are often located in Areas of Significant Nature Conservation and/or an Outstanding Natural Landscape. In many cases the controls over the planting of trees and earthworks that apply to these areas are sufficient to also protect sites of geoconservation value.</u></p> <p><u>Criteria have been developed to assess the values of these sites and they may be listed in the District Plan. While a range of sites and areas have been identified within the Plan, there are other areas not yet evaluated and therefore not identified on Planning Maps or in the associated schedule. Through the course of resource consent applications or further research, other sites and areas may be identified and evaluated using these criteria.</u></p> <p><u>Natural erosion processes along the coast and the formation of sea cliffs along most of the District’s coastline mean that there is a distinct transition from the coastal marine area to the highly modified rural environment. Due to the severity of much of the coastal environment, the coastal margins are very limited and opportunities for public access are restricted. For these reasons, rules have not been implemented to protect nature conservation values along the coastline, except for the river mouths or particular geoconservation features. However, Council does recognise the existence of hut settlements at Hakatere and the Rakaia and Rangitata river mouths.</u></p>	
F16	TrustPower Limited	114	Oppose	Reject

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S7	Warren Jowett	3	Add bullet point to Policy 3.3A: <u>removal of pine, rowan and other non-indigenous tree species which are seed sources for wildings from Lake Camp and environs.</u>	Accept in part Para 4.55
S511	Warren Clapham Jowett	1	Policy 3.3A should have an additional bullet point which clearly states that new farming systems such as dairying will not be approved in the Hakatere Basin.	Reject Para 4.55
S553	Federated Farmers of New Zealand	41	Amend Policy 3.3A as there should be a threshold of at least 'significant' with the implication of less than 100% for areas of indigenous vegetation.	Reject Para 4.58
F56	<i>Rangitata Diversion Race Management Limited (RDRML)</i>	41	<i>Support</i>	<i>Reject</i>
S598	TrustPower Limited	10	Amend Policies 3.3A as follows: <u>Protect and maintain the natural values and character landscape characteristics and values</u> of the District's outstanding natural landscapes and geoconservation <u>sites</u> by: Controlling the planting of non-indigenous tree species; Encouraging the retention of existing indigenous vegetation; Controlling earthworks; Managing development by controlling location, colour and design of new buildings.	Reject Para 4.60

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S637	Canterbury Regional Council	3	Amend Policy 3.3A to begin with the words: The protection <u>and enhancement of</u> .. And that any other consequential amendments to the Ashburton District Plan required to explain or give effect to these changes be made.	Accept in part Para 4.63
F16	TrustPower Limited	3	Oppose	Accept in part
S637	Canterbury Regional Council	4	Amend Policy 3.3A by including a further bullet point to state: <u>Controlling subdivision and land uses</u>	Reject Para 4.65
S598	TrustPower Limited	11	Delete Policy 3.3B.	Accept Para 4.67
F12	Department of Conservation	11	Oppose	Reject
F34	Ryal Bush C/o Colin Roach	11	Support	Accept
F35	HW Richardson Group Limited	11	Support	Accept
F56	Rangitata Diversion Race Management Limited (RDRML)	11	Support	Accept
S638	Department of Conservation	11	Retain the wording of Policy 3.3B in its current form	Reject Para 4.67
F75	Royal Forest and Bird Protection Society of New Zealand Inc.	11	Support	Reject

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S553	Federated Farmers of New Zealand	42	Under Policy 3.3B a level of protection should be indicated, in relation to the value of the geological or geomorphological features proposed to be protected.	Accept in part Para 4.67
S331	Castleridge Station Ltd	8	Amend Explanation and Reasons paragraph 1 to remove inaccurate and emotive language rather than actual science based information.	Accept Para 4.71
S553	Federated Farmers of New Zealand	44	Policy 3.3E must line-up with ECan NRRP.	Accept in part Para 4.76
S598	TrustPower Limited	12	Amend Policy 3.3E as follows: Maintain and, where possible, enhance the natural character and nature conservation values of lakes, rivers, wetlands and their margins to assist in protecting water quality and freshwater <u>indigenous</u> biodiversity.	Accept in part
F34	Ryal Bush C/o Colin Roach	12	<i>Support</i>	<i>Accept in part</i>
F35	HW Richardson Group Limited	12	<i>Support</i>	<i>Accept in part</i>

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S639	Ashburton District Council	115	<p>Transfer Policy 3.3F and associated explanation and reasons to the policies relating to Rural Amenity.</p> <p>Add the following text to the Rural Amenity section:</p> <p>Policy 3.3F Ensure that the use of waterways for motorised craft and/or any other activity avoids any adverse effects on public enjoyment, availability of the waterways and their margins as well as its natural character.</p> <p>Explanation and Reasons Enforcing controls through the District Plan on private recreational water users is difficult unless such controls clearly permit or prohibit activities with simple enforceable performance standards. It is not considered practical or sensible to require private boat owners to obtain resource consents before they go out boating on the waterways. In preference, controls over private water users need to specify clearly what activities can and cannot take place on each waterway without resource consents being involved, and what performance standards must be met.</p> <p>Activities on the surface of waterways may result in conflicts with these values, as a result of disturbance from wave action, noise or by providing access to previously inaccessible parts of the waterways. The Council has a responsibility in managing the effects of activities on the surface of waterways, and to increase public understanding of these types of effects.</p>	Accept Para 4.82
S553	Federated Farmers of New Zealand	45	Delete Policy 3.3G as a topic already the subject of a regional plan.	Accept in part Para 4.85

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S640	Royal Forest and Bird Protection Society of New Zealand Inc.	28	Amend Policy 3.3G to read: Ensure that the location, design and use of structures and facilities, which pass across or through the surface of any waterway or are attached to the bank of any waterway, are such that any adverse effects on the <u>natural</u> character of the waterway, <u>riparian</u> indigenous vegetation, safety and conflicts with recreational and other activities on the waterways are avoided, <u>remedied</u> or mitigated.	Accept in part Para 4.86
F56	<i>Rangitata Diversion Race Management Limited (RDRML)</i>	28	<i>Support</i>	<i>Accept in part</i>
S637	Canterbury Regional Council	6	Delete and replace Policy 3.3H to read: <u>Maintain and enhance public access to and along rivers, lakes and their margins, and to and along the coast for the enjoyment of their recreation and amenity values and, where appropriate, take esplanade reserves/strips at the time of subdivision to provide for improved public access and protection of the natural values of waterway margins.</u> And that any other consequential amendments to the Ashburton District Plan required to explain or give effect to these changes be made.	Reject Para 4.89
F75	<i>Royal Forest and Bird Protection Society of New Zealand Inc.</i>	6	<i>Support</i>	<i>Reject</i>

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 22
SECTION 3: OUTSTANDING NATURAL LANDSCAPES

S553	Federated Farmers of New Zealand	16	Amend Explanation and Reasons for Policies 3.3 as follows: Paragraph beginning 'tree planting....' add 'and small woodlots' after 'limited to shelterbelts' as in the current Plan as agreed by the Environment Court settlement.	Reject Para 4.74
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	30	Amend the wording of Objective 3.5 to read: Provide for and manage the effects of extraction activities, including earthworks, whilst protecting <u>Areas of Significant Conservation Value, Geoconservation Sites, Outstanding Natural Landscapes</u> and the amenity values of the rural environment and rural resources.	Reject Para 4.91
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	31	Amend Policy 3.5A to read: Control the potential effects of mineral extraction, including mineral prospecting, in order to ensure that the operations avoid, remedy or mitigate any adverse effects on <u>Outstanding Natural Landscapes, Areas of Significant Conservation Value and Geoconservation Sites</u> , amenity values and environment of rural areas and on Takata Whenua values.	Reject Para 4.91
S553	Federated Farmers of New Zealand	49	Landscapes and blanket use of geopreservation sites should not be included under Policy 3.5C Extractive Activities.	Reject Para 4.92
F12	Department of Conservation	49	Oppose	Accept
S198	Ashburton Branch of NZ Farm Forestry Association	3	Replace the rules for tree planting as stated for Rural C Zone with the rules, site and zone standards as written in the previous Ashburton District Plan.	Accept in part Para 4.99

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 22
SECTION 3: OUTSTANDING NATURAL LANDSCAPES

S331	Castleridge Station Ltd	9	If the Council acknowledges that there are shelterbelt areas which will not adversely affect the values of the area, then shelterbelts and woodlots should be a permitted activity, with criteria to manage wildings, such as a list of species permitted and a sensible size allowed. Plantings beyond this can be controlled more formally with the consent process.	Accept in part Para 4.99
S331	Castleridge Station Ltd	10	Tree planting in Rural C Zone should be a permitted activity as the landowner must have the right to plant trees appropriate to the site. Should include small woodlots required for firewood and a reasonable size limit. The previous plan allowed tree planting as a permitted activity in the shelterbelt areas within a set of criteria regarding species and size. This worked well and should be reinstated as written in the previous plan. Also this was agreed in settlement of Environment Court references to the current plan as being appropriate.	Accept in part Para 4.99
F75	Royal Forest and Bird Protection Society of New Zealand Inc.	10	<i>Oppose</i>	<i>Accept in part</i>

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 22
SECTION 3: OUTSTANDING NATURAL LANDSCAPES

S331	Castleridge Station Ltd	14	<p>The submitter would like to see the reinstatement of the original wording of: 'Within the Rural C Zone, all tree planting other than amenity tree planting, shall be limited to shelterbelts and woodlots located within the 'shelterbelt areas' shown on the planning maps provided that:</p> <p>the establishment of woodlot(s) on any site does not exceed 5ha in any continuous period of 10 years; and trees of the following species are not planted:</p> <ul style="list-style-type: none"> • Lodge pole pine • Scots pine • Corsican pine • Dwarf mountain pine • Mountain pine • Douglas Fir • All larches • All Alders • All Willows • Sycamores' 	Accept in part Para 4.99
S553	Federated Farmers of New Zealand	51	Amend Reason for Rules for tree planting as the discussion and reasoning does not match rules/sites and zone standards proposed.	Accept in part Para 4.99
S553	Federated Farmers of New Zealand	65	Seek to reduce control over forestry activities in Rural C and small woodlots for firewood should be a permitted activity.	Accept in part Para 4.99
S553	Federated Farmers of New Zealand	91	Amend Site Standard 3.9.11 Tree Planting in Rural C to provide for small woodlots for firewood, or amenity plantings that don't serve to 'screen buildings'.	Accept in part Para 4.99
S553	Federated Farmers of New Zealand	93	Delete sterile species and varieties from list of trees and add all varieties of poplar.	Accept in part Para 4.99
F71	<i>Electricity Ashburton Limited</i>	93	<i>Oppose</i>	<i>Accept in part</i>

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 22
SECTION 3: OUTSTANDING NATURAL LANDSCAPES

S578	Selwyn District Council	1	That the shelterbelt areas in the vicinity of the District Boundary on maps R11, R17 and R25 be deleted or amended and/or that the rules within the shelterbelt areas be deleted or amended; in order to mitigate adverse effects in terms of cross-boundary landscape issues.	Reject Para 4.96
S638	Department of Conservation	27	<p>Amend standard 3.9.11(a) and standard 9.9.8 to include the Rowan, Ash and Holly trees to the list of species that shall not be planted. The standard should read as follows:</p> <p>a) All tree planting in the Rural C Zone, other than planting for the purpose of screening buildings and other than within the Mt Hutt ski-field area, shall be limited to shelterbelts located within the 'Shelterbelt Areas' shown on the Planning Maps, Provided that:</p> <ul style="list-style-type: none"> • trees of the following species shall not be planted: <p><u>Rowan: Sorbus aucuparia</u></p> <p><u>Ash: Fraxinus excelsior</u></p> <p><u>Holly: Ilex aquifolium</u></p>	Accept Para 4.111
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	42	<p>Amend Site Standard as follows:</p> <p>3.9.11 Tree Planting</p> <p>The Council shall restrict the exercise of its discretion in relation to these matters to the effect on <u>riparian</u>, landscape, <u>natural features</u> and nature conservation values including the <u>siting</u>, <u>design</u>, <u>the restriction of tree species</u> and management of the tree planting and mechanisms to prevent wilding spread.</p>	Accept in part Para 4.111

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S640	Royal Forest and Bird Protection Society of New Zealand Inc.	45	Provide an explanation for the location and boundaries of the Shelterbelt Areas and amend maps which identify shelterbelt areas accordingly.	Accept in part Para 4.97
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	46	Insert a complete list of tree species with a wilding potential in Site Standard 3.9.11(a).	Reject Para 4.106
S553	Federated Farmers of New Zealand	89	Amend Site Standard 3.9.10 Indigenous Vegetation Clearance by removing the reference to outstanding landscape areas and making it more apparent how 'uncontrolled grazing' would be managed.	Reject Para 4.111
<i>F12</i>	<i>Department of Conservation</i>	<i>89</i>	<i>Oppose</i>	<i>Accept</i>

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 22
SECTION 3: OUTSTANDING NATURAL LANDSCAPES

S640	Royal Forest and Bird Protection Society of New Zealand Inc.	62	Amend Zone Standard 3.10.7 as follows: 3.10.7 General Indigenous Vegetation and Tree Planting c) There shall be no tree planting (other than the planting of indigenous vegetation) on any land above the Altitudinal Land Use Line (900 metres above sea level) (other than in the Mt Hutt ski-field) or within an Area of Significant Nature Conservation as identified on the Planning Maps. <u>There shall be no tree planting (other than the planting of indigenous vegetation) on or within any of the following areas: on any land above the Altitudinal Land Use Line (900 metres above sea level) (other than in the Mt Hutt ski-field)</u> <u>within an Area of Significant Nature Conservation as identified on the Planning Maps</u> <u>within a significant landscape as identified on the Planning Maps</u> <u>within an area of indigenous vegetation</u> <u>within an area that has been identified as a geoconservation sites as listed in Appendix 3-3.</u>	Reject Para 4.114
S553	Federated Farmers of New Zealand	73	Remove subjective language from 3.8.3(e)	Accept in part Para 4.124
S553	Federated Farmers of New Zealand	97	Delete natural character as an assessment matter on which Council will exercise its discretion as being uncertain.	Reject Para 4.124
F12	Department of Conservation	97	Oppose	Accept

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 22
SECTION 3: OUTSTANDING NATURAL LANDSCAPES

S553	Federated Farmers of New Zealand	122	Delete Assessment Matters 3.11.10 h) and j) as undefinable nebulous criteria.	Reject Para 4.124
F75	Royal Forest and Bird Protection Society of New Zealand Inc.	122	<i>Oppose</i>	<i>Accept</i>
S639	Ashburton District Council	118	<p>Amend wording for 3.11.10</p> <p>3.11.10 General Landscape Values and Tree Planting</p> <p>a)The siting, design and colour, <u>location, size, density, height, materials and finish</u> of buildings and structures.</p> <p>.....</p> <p>c)Any loss of, or adverse effects on, views of the District's outstanding or significant, <u>natural</u> landscapes from locations to which the public has access.</p> <p>.....</p> <p><u>k)Assessment of potential impacts on biophysical, sensory and associative values including:</u></p> <ul style="list-style-type: none"> • <u>Natural science values;</u> • <u>Legibility;</u> • <u>Aesthetic values;</u> • <u>Transient values;</u> • <u>Tangata Whenua values;</u> • <u>Shared and recognised values;</u> • <u>Historic Values</u> 	Accept Para 4.126

APPENDIX TWO: DISTRICT PLAN AMENDMENTS

Section 3: Rural Zones

3.1 Introduction

.....

3.2 Issues

Amend as follows:

3.2.3 Rural Character and Amenity

The rural environment has particular amenity and environmental values which are important to rural people. These can include privacy, rural ~~outlook~~ character, ~~spaciousness~~ openness, ease of access, clean air and, at times, quietness. The landscapes of the District are also an integral part of this amenity and character.

Rural A Zone

The Rural A zone adjoins the outskirts of the main settlements of the District; Ashburton (Kapuka), Rakaia and Methven as well as the small villages of Mayfield (Te Puke Tai), Hinds (Hekeao), Mt Somers and Chertsey. The zone is characterised by its proximity to local services and facilities as well as providing residents with a rural lifestyle. The allotments tend to be of a smaller size than in the Rural B zone although the zone still provides a sense of openness. Its landscape is defined by mainly pastoral agriculture with some business development and fenced lifestyle blocks.

In recent years, this zone has come under pressure from those seeking rural lifestyle developments particularly around Ashburton (Kapuka). Such activity has altered the character of parts of the zone with the introduction of a more 'urban' environment as infrastructure is extended outward from existing urban centres. Although allotments tend to be larger than those found in the main centres, the building of large dwellings, accessory buildings; fencing and driveways reinforce the encroaching 'urban' character. Development, although the Zone provides for a minimum allotment of 8 hectares, can also affect the sense of openness in the Zone, and whilst sites provide for the ability to extensively landscape and plant shelter along both internal and road boundaries, this can create its own problems. Extensive planting, which can provide a high level of shelter and amenity to a site, may also adversely affect the openness of the zone.

~~However, t~~There are still agricultural practices being undertaken within this zone and ~~this type of residential~~ development has created issues.

.....

Rural B Zone

.....

Rural C Zone

The Rural C (High Country) landscape with its large-scale, dominating mountains, valleys and basins, with typical erosion features, low vegetation, scattered lakes and wetlands give the zone its distinctive character. These landscapes are vast and spacious with subtle colourings and vegetation patterns, dominated by natural features and extended views.

In 2009, the Canterbury Landscape Study commissioned by the Canterbury Regional Council identified the following areas of the High Country as Outstanding Natural Landscapes within the context of the Canterbury Region: Upper Rangitata River Valley, Upper Rakaia River Valley, Lower Rakaia River and Gorge, Lake Heron and Ashburton Lakes and, Mt Somers.

These areas were identified as outstanding natural landscapes on the grounds of their “natural science” values (geomorphological and biological values, particularly glacial and fluvial features, lakes and wetlands, and vegetation types); “legibility” (expressiveness and ease of understanding); and “aesthetic values” (including visual character and quality, such as memorability, naturalness, and coherence).

Subsequently, the District Council commissioned a report to assess the Ashburton High Country as a distinct area, considering the importance of its landscapes at a district rather than a regional level. The report, using the same criteria factors and assessment methodology as above, identified ~~four different types of~~ Outstanding natural features and landscapes as follows:

- ~~• **Inland Mountain Range** – the main divide and adjacent mountain ranges which include some of the most pristine landscapes in New Zealand, and have high biological values as well as impressive physical form.~~
- ~~• **Front Ranges** including Mt Somers; Mt Hutt Range and Winterslow, Blackhill and Palmer, which contain important geological features and form a notable landscape.~~
- ~~• **Hakaterre Basin** – an expansive intermountain basin with a series of sub-alpine lakes, which contains important geological features (especially glacial) and nationally important biodiversity values.~~
- ~~• **Major River Valleys** including Upper Rangitata River Valley; Upper Rakaia River Valley and Lower Rakaia River and Gorge – these braided rivers are of international and national importance for their form, geology and ecology. The river valleys contain important glacial features and as well as being impressive and valued landscapes.~~
- The **Inland Mountain Ranges** cover an area of approximately 50km length of the Southern Alps. This is a high alpine area containing highly natural landscapes with farming limited to its eastern fringe. It is characterised by alpine ecosystems with several geoconservation sites and highly legible geomorphological features. It has exceptional aesthetic values with impressive peaks and the pristine headwaters of the major braided rivers
- The **Front Ranges** lie between the Ashburton Plains and the High Country. The Ranges contain a number of geoconservation sites, rocky gorges, highly legible volcanic outcrops and a range of important ecological sites. These Ranges are prominent when viewed from the Plains and provide a snow-capped, bush-clad contrast to the Plains.
- The **Hakaterre Basin** is located between the inland mountain ranges of the Main Divide and the front ranges. It contains a series of sub-alpine lakes and other features such as roches moutouness which provide a clear expression of its glacial formation. The Basin has historically been farmed but retains high ecological values associated with birdlife and wetlands. It has exceptional visual diversity and aesthetic value with extensive views to the surrounding mountains.

- The valleys of the Rakaia and Rangitata Rivers (**Major River Valleys**) are internationally important examples of braided river systems. They clearly express their formative processes and have exceptional ecological values. The wide braided rivers beds contained by high mountainous catchments have been assessed as high aesthetic value with high recreational value.

Each landscape type expresses different characteristics and values but is identified for its natural landform and biological science values; its expressiveness particularly of glacial and fluvial activity; and its aesthetic values. The report also recognises that existing levels of modification vary greatly within each landscape type, with the Hakatere Basin being considered to be the most vulnerable to change and the Inland Mountain Range less so due to its isolated location. Therefore these landscape types require different management techniques and these are reflected in the methods used to control activities such as built development and vegetation removal.

.....

3.4 Objectives and Policies

Amend as follows:

Objective 3.3: Natural Character and Rural Values

~~The protection of the natural character and values of the District's outstanding landscapes, its key geological / geomorphological areas, its coastal environment, lakes, rivers, wetlands and their margins from the adverse effects of development, land use change and for the enjoyment of the public.~~

Objective 3.3: Outstanding Natural Features and Landscapes

Protect and enhance the landscape characteristics and values of the Outstanding Natural Features and Landscapes of the Ashburton District from inappropriate subdivision, land use and development.

Policy 3.3A

Protect and maintain the natural values and character of the District's outstanding landscapes by:

- ~~controlling the planting of non-indigenous tree species~~
- ~~encouraging the retention of existing indigenous vegetation.~~
- ~~controlling earthworks~~
- ~~managing development by controlling location, colour and design of new buildings.~~

Policy 3.3B

~~Protect scientifically important geological and geomorphological features from the potential adverse effects of land use change and development, as these are important aspects of the District's natural character.~~

Policy 3.3C

Use the following criteria to identify areas with geoconservation values:

- ~~Geological significance: the importance of the feature to the understanding of the geology or evolution of life forms in New Zealand or the Earth~~
- ~~Rarity: the rarity of the site type and feature~~
- ~~Scientific Potential: the extent to which potential is there to expand information and understanding of site geology of NZ and history of its biota through scientific techniques~~
- ~~Representativeness: extent to which a landform or exposure is a good example of the type of feature~~

- ~~Diversity within feature: number of different geological features or components present~~
- ~~Visual contribution to landscape: the visual impact or contribution of the landform or feature in the wider landscape~~
- ~~Intactness: the extent to which the intrinsic attributes of the feature have been damaged by nature or humans~~
- ~~Education and Interpretation value: the potential to interpret the feature and enhance understanding and appreciation of its formation~~
- ~~Historical and Community association: the extent to which a feature has historical connotations or is known or valued by the community.~~

Policy 3.3D

In considering:-

- ~~whether to list in the District Plan those areas identified as having geoconservation value under Policy 3.3C;~~
- ~~whether to include rules in the District Plan to avoid, remedy or mitigate adverse effects on the values of those areas identified as having geoconservation value under Policy 3.3C, and~~
- ~~resource consent applications where the Council has discretion to consider the effects of activities on geoconservation values,~~

The Council shall have regard to:

- ~~the economic effects on the landholder;~~
- ~~the resources required to implement protection;~~
- ~~the compatibility of the existing land use with the values identified;~~
- ~~the degree of modification of the site;~~
- ~~the restoration potential of the site;~~
- ~~the long term ecological viability of the site;~~
- ~~the range of alternative protection mechanisms available and their relative costs and benefits;~~
- ~~in the case of resource consent applications, the relevant assessment matters~~

Policy 3.3E

~~Maintain and, where possible, enhance the natural character and nature conservation values of lakes, rivers, wetlands and their margins to assist in protecting water quality and freshwater biodiversity.~~

Policy 3.3F

~~Ensure that the use of waterways for motorised craft and/or any other activity avoids any adverse effects on public enjoyment, availability of the waterways and their margins as well as its natural character.~~

Policy 3.3G

~~Ensure that the location, design and use of structures and facilities, which pass across or through the surface of any waterway or are attached to the bank of any waterway, are such that any adverse effects on the character of the waterway, safety and conflicts with recreational and other activities on the waterways are avoided or mitigated.~~

Policy 3.3H

~~Take esplanade reserves/strips, at the time of subdivision, to provide for public access, and protection of the natural character and nature conservation values of waterways and their margins, and lakes.~~

Policy 3.3I

Maintain natural coastal processes, ecosystem functioning and coastal and marine habitats to preserve the natural character of the coast.

Policy 3.3A

Maintain the landscape values of the Inland Mountain Ranges as wilderness environments where biophysical values dominate and there is a high degree of unmodified naturalness

Policy 3.3B

Maintain and enhance existing levels of continuous indigenous vegetation cover as a significant element of Outstanding Natural Features and Landscapes.

Policy 3.3C

Avoid any development or landuse change to slopes and ridgelines with a high degree of visual prominence, including the upper slopes of the Front Ranges and the Ranges that confine and provide the context for the Rakaia and Rangitata River Valleys

Policy 3.3D

Avoid any structures, planting or development within the Hakatere Basin which affects its openness and uninterrupted long distance views.

Policy 3.3E

Maintain the dominance, visual and aesthetic coherence of Rakaia and Rangitata Rivers.

Policy 3.3F

Maintain the legibility and integrity of geoconservation sites as distinctive elements of the Outstanding Natural Landscape.

Policy 3.3G

Enable extensive pastoral farming within areas of Outstanding Natural Features and Landscapes where it has been historically established and continuously maintained by:

- Encouraging any new buildings or structures to locate close to, or as part of, an existing area of built development or modification; and
- Setting low thresholds for building scale and height below which small buildings essential to extensive pastoral farming can be undertaken without further consideration; and
- Setting low thresholds for earthworks below which limited earthwork activity essential to extensive pastoral farming, including fencing, post holes and the maintenance of existing tracks, can be undertaken without further consideration.

Policy 3.3H

For all activities, other than extensive pastoral farming or those activities which meet low thresholds, require a comprehensive assessment of the effects of earthworks, vegetation removal, exotic planting and the erection of structures on the values of the Outstanding Natural Features and Landscapes

Policy 3.3I

When assessing the effects of structures in an Outstanding Natural Landscape consider the location, size, density, height, materials and finish of the structure.

Policy 3.3J

Ensure that where the effects of a landuse or development on the values of the Outstanding Natural Features and Landscapes are to be assessed that consistent assessment matters which address biophysical, sensory and associative values are applied; including:

- Natural science values;
- Legibility
- Aesthetic values
- Transient values;
- Tangata Whenua values
- Shared and recognised values
- Historic values

Explanation and Reasons

~~In a District the size of Ashburton, there will always be pressures on the physical environment due to development and everyday living. The quality of this development however will not be sustained unless the protection of the District's natural resources, and in particular the visual and landscape qualities of those resources, can be assured. This is because the quality of life and development in the District is, in part, dependent on the quality of the visual and landscape character within which it operates.~~

~~The outstanding areas are highly valued for their aesthetic qualities, degree of naturalness and composition and, represent the backdrop to the Plains of the District. The Plan therefore acknowledges the importance of these landscapes and identifies them on the Planning Maps. Controls on activities within these areas are contained within the Rural Zone rules, which require consent for activities which may potentially affect the vegetation pattern, disturb land or require the building of structures.~~

~~To sustainably manage the physical resources of the District, some priority is required to ensure the protection of the landscape and visual amenity and in particular the landscapes and natural features which have been identified as being of outstanding value. Other considerations relate to the extent that the landscape expresses past natural (including geological) and cultural processes.~~

~~Tree planting in the Hakatere Basin has the potential to change the landscape as it is the openness of the landscape that is valued, and trees can create an enclosed feeling and be a barrier to views. To minimise these impacts, tree planting will be limited to shelterbelts and their location will be controlled by the Plan as will the species of trees that can be planted. This will also prevent the introduction of non-indigenous species and help control the spread of wilding trees. It is recognised that certain areas already have pine tree plantations but these will not be encouraged elsewhere in the High Country. The Council acknowledges that there is an issue with weed species such as broom in the High Country and it is intended to encourage the clearance of weed species, in conjunction with the Canterbury Regional Council and Department of Conservation, as well as by working with high country farmers~~

~~Earthworks have the potential to create adverse effects if located on steep slopes or in visually sensitive areas. Rules in the Plan will encourage earthworks to be appropriately located and where adverse effects are created for these to be mitigated.~~

~~It is not the purpose of these policies to prevent development or activity, but to ensure that development in the High Country is undertaken having recognised and provided for the matters of national importance in Section 6 of the Act, which includes the protection of outstanding natural features and landscapes from inappropriate use and subdivision. These considerations are important to the welfare of the District and its inhabitants.~~

~~Through rules in the Plan, buildings and structures will be encouraged to locate in areas with higher potential to absorb change and avoid skylines, ridgelines, prominent places and features or important views. Form and colour will be controlled to ensure they complement the dominant forms and colours in the landscape. Furthermore, business development within the High Country will be very limited as it is the Council's intention to protect this area from large scale developments that may require a number of substantial buildings. These types of activities may not fit within the High Country landscapes, adversely affecting views, requiring the removal of vegetation and reducing the level of amenity anticipated within the area.~~

~~The Council is also seeking to protect scientifically important geological and geomorphological features; these relate to the rarity or representativeness of a particular landform. Importantly, such features often form part of the outstanding landscapes, and their destruction could potentially have a severe impact on how these landscapes are considered i.e. their importance and scientific values. Other geological features are areas where fossils may be found, and although on a much smaller scale they are none the less very important aspects of the District. Geoconservation sites are often located in Areas of Significant Nature Conservation and/or an Outstanding Landscape. In many cases the controls over the planting of trees and earthworks that apply to these areas are sufficient to also protect sites of geoconservation value.~~

~~Criteria have been included to assist in definition of areas having geoconservation values. While a range of sites and areas have been identified within the Plan, there are other areas not yet evaluated and therefore not identified on Planning Maps or in the associated schedule. Through the course of resource consent applications or further research, other sites and areas may be identified and evaluated using these criteria.~~

~~Enforcing controls through the District Plan on private recreational water users is difficult unless such controls clearly permit or prohibit activities with simple enforceable performance standards. It is not considered practical or sensible to require private boat owners to obtain resource consents before they go out boating on the waterways. In preference, controls over private water users need to specify clearly what activities can and cannot take place on each waterway without resource consents being involved, and what performance standards must be met.~~

~~Many waahi tapu and waahi taoka of value to Takata Whenua are located in the margins of the waterways of the District. Activities on the surface of waterways may result in conflicts with these values, as a result of disturbance from wave action, noise or by providing access to previously inaccessible parts of the waterways. The Council has a responsibility in managing the effects of activities on the surface of waterways, and to increase public understanding of these types of effects.~~

~~The Council considers that rules are necessary to control activities such as the building of structures, which occur on the margins of the District's waterways, including rivers and lakes, so the indigenous vegetation and their natural character can be protected. In addition, the Council is also concerned with the protection of Takata Whenua values, which may include access to and protection of~~

waterways; these may be achieved by creating a buffer between waterways and adjoining activities. This can be achieved through the taking of esplanade reserves at the time of subdivision or through negotiation with landowners in areas where development is unlikely to occur. Such rules also enable consideration of the potential for restoration and enhancement of the natural values of the margins of waterways.

Natural erosion processes along the coast and the formation of sea cliffs along most of the District's coastline mean that there is a distinct transition from the coastal marine area to the highly modified rural environment. Due to the severity of much of the coastal environment, the coastal margins are very limited and opportunities for public access are restricted. For these reasons, rules have not been implemented to protect nature conservation values along the coastline, except for the river mouths or particular geoconservation features. However, Council does recognise the existence of hut settlements at Hakatere and the Rakaia and Rangitata river mouths. Although zoned residential these settlements interact with the rural environment and are focal points along the coastline. They too are affected by coastal erosion and therefore, any activity in the rural zone that increases the rate of coastal erosion will also affect these hut settlements.

Explanation and Reasons

Objective 3.3 fulfils the statutory obligations of Section 6(b) of the Resource Management Act. The Ashburton District Landscape Study 2009 identifies the Outstanding Natural Features and Landscapes of the District and the specific values that make these landscapes outstanding. The policies associated with Objective 3.3 provide the guidance on how the provisions of the District Plan are intended to be developed and implemented in order to achieve the protection of these important landscapes.

Large tracts of the Outstanding Natural Features and Landscapes are characterised as wilderness or mountainous areas. They are predominantly pristine natural areas where the main human activity is backcountry recreation such as tramping or hunting. Human modification is therefore limited to structures and activities associated with this type of recreation and are generally of limited scale and involve minimal disturbance or change in the landscape. These structures and facilities enable the community to enjoy the mountains and wilderness and are anticipated within the landscape.

Other parts of the Outstanding Natural Features and Landscapes have been historically developed for pastoral farming. It is acknowledged that the pastoral cover has often assisted in the legibility of the landform and its formative processes. In these circumstances, the farming activity has not detracted from the values that make the particular landscape or feature outstanding and can be maintained as a legitimate activity within the landscape. The proposed policies provide for the continuance of extensive pastoral farming subject to limitations on the scale and location of further development or landuse change.

Apart from limited recreation activities and extensive pastoral farming, new development or landuse within the Outstanding Natural Features and Landscapes is generally to be avoided. Where this is not possible resource consent will be required in order to assess the effects of vegetation removal, planting, earthworks and structures on landscape values. This is not to say that development will be prohibited, but that it requires greater consideration as to its appropriateness within a sensitive landscape.

With respect to these matters, earthworks potentially present a contrast with surrounding vegetation and the natural contours of the land. The length and height of a cut are particularly important considerations on hill and mountain slopes as are the placement of castings and over-

burden. Similarly, any reduction or interruption in the continuity of indigenous vegetation cover, where this currently exists, may create adverse visual effects, as can the planting of exotic trees where the species and layout of planting contrasts with the surrounding environment in terms of colour, pattern and scale. Buildings and structures may detract from the predominant values in remote wilderness areas or in locations which are dominated by natural processes. The density, location, material finish, height and size of structures should all be subject to limitation and/or assessment in an Outstanding Natural Landscape.

It is acknowledged that more detailed or site specific assessments of landscape values will identify areas within the Outstanding Natural Landscapes which are capable of absorbing change. Due to the significant variability and sensitivity of these landscapes it is unlikely that a rule would ensure that development is located and designed appropriately. Site specific assessment for any development is therefore required by th

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Other policies seek to maintain those elements which contribute to the Outstanding status of landscapes. These include continuous indigenous vegetation cover, openness, the dominance of natural processes and geological features and the absence of human modification. High visibility and the function of slopes as a backdrop and contrast to the river valleys, the Hakatere Basin and the Plains is also an important consideration.

Objective 3.4: Natural Character

Preserve the natural character of the District’s coastal environment, rivers, lakes, wetlands and their margins, and protect such areas from inappropriate subdivision, landuse and development.

Policy 3.4A

Recognise that the following natural patterns, qualities, elements, features and processes contribute to natural character:

- Areas or water bodies in or close to their natural state;
- Water flows, levels and quality;
- Coastal or freshwater processes;
- Landforms and landscapes
- Indigenous biodiversity.

Policy 3.4B

Avoid modifications or development within the Rakaia and Rangitata River Valleys and the Hakatere Basin which are inconsistent with, or disrupt the patterns, textures, colours and contours associated with the fluvial processes of rivers, lakes and wetlands and their margins.

Policy 3.4C

Maintain and, where possible, enhance the naturalness, indigenous biodiversity and nature conservation values of lakes, rivers, wetlands and their margins with the restoration of contours and indigenous planting.

Policy 3.4D

Avoid modifications or development within the coastal environment which are inconsistent with, or disrupt the patterns, textures, colours and contours created by coastal processes.

Policy 3.4E

Maintain existing areas of coherent indigenous vegetation cover in mountain, ranges and river valley areas and avoid the establishment of exotic tree and plant species in these areas.

Policy 3.4F

Protect the integrity and setting of geological and geomorphological features identified for their scientific importance.

Policy 3.4G

Use the following criteria to identify areas with geoconservation values:

- Geological significance: the importance of the feature to the understanding of the geology or evolution of life forms in New Zealand or the Earth
- Rarity: the rarity of the site type and feature
- Scientific Potential: the extent to which potential is there to expand information and understanding of site geology of NZ and history of its biota through scientific techniques
- Representativeness: extent to which a landform or exposure is a good example of the type of feature
- Diversity within feature: number of different geological features or components present
- Visual contribution to landscape: the visual impact or contribution of the landform or feature in the wider landscape

- Intactness: the extent to which the intrinsic attributes of the feature have been damaged by nature or humans
- Education and Interpretation value: the potential to interpret the feature and enhance understanding and appreciation of its formation
- Historical and Community association: the extent to which a feature has historical connotations or is known or valued by the community.

Policy 3.4H

In considering:-

- whether to list in the District Plan those areas identified as having geoconservation value under Policy 3.3C;
- whether to include rules in the District Plan to avoid, remedy or mitigate adverse effects on the values of those areas identified as having geoconservation value under Policy 3.3C, and
- resource consent applications where the Council has discretion to consider the effects of activities on geoconservation values,

The Council shall have regard to:

- the economic effects on the landholder;
- the resources required to implement protection;
- the compatibility of the existing land use with the values identified;
- the degree of modification of the site;
- the restoration potential of the site;
- the long term ecological viability of the site;
- the range of alternative protection mechanisms available and their relative costs and benefits;
- in the case of resource consent applications, the relevant assessment matters

Policy 3.4I

Require the location, design and use of structures and facilities which:

- pass across or through the surface of any waterway; or
- are attached to the bank of a waterway;
to be assessed in relation to their effects on natural character

Policy 3.4J

Require a comprehensive assessment of the effects of earthworks, vegetation removal, exotic planting and the erection of structures on naturalness, nature conservation and biodiversity values within areas of high natural character.

Explanation and Reasons

Objective 3.4 fulfils the statutory obligations of Section 6(a) of the Resource Management Act. Natural character can be a component of an Outstanding Natural Landscape and also contributes to the achievement of biodiversity objectives of the Plan.

The areas of high natural character within the District include the coast, the Rangitata and Rakaia Rivers, the Hakatere Basin with its lakes and wetlands and the mountains and ranges. These areas are characterised either by natural processes and/or significant indigenous vegetation. The policies

seek to avoid any change to the existing level of naturalness of these environments as well as encouraging, where possible, to enhance the natural values of riparian margins.

Inappropriate development may involve structures, earthworks or plantings which result in the disruption of landforms or a contrast with naturally occurring patterns, colours and textures in the environment. These changes can be visually intrusive as well as adversely affecting biodiversity and creating a sense of loss of naturalness. Where development or landuse is unavoidable, the policies require a resource consent process to assess the effects of the proposal on naturalness and nature conservation values.

The policies recognise that geoconservation sites are an important element of natural character. Importantly, such features often form part of the outstanding natural landscapes, and their destruction could potentially have a severe impact on how these landscapes are considered i.e. their importance and scientific values. Other geological features are areas where fossils may be found, and although on a much smaller scale they are none the less very important aspects of the District. Geoconservation sites are often located in Areas of Significant Nature Conservation and/or an Outstanding Natural Landscape. In many cases the controls over the planting of trees and earthworks that apply to these areas are sufficient to also protect sites of geoconservation value.

Criteria have been developed to assess the values of these sites and they may be listed in the District Plan. While a range of sites and areas have been identified within the Plan, there are other areas not yet evaluated and therefore not identified on Planning Maps or in the associated schedule. Through the course of resource consent applications or further research, other sites and areas may be identified and evaluated using these criteria.

Natural erosion processes along the coast and the formation of sea cliffs along most of the District's coastline mean that there is a distinct transition from the coastal marine area to the highly modified rural environment. Due to the severity of much of the coastal environment, the coastal margins are very limited and opportunities for public access are restricted. For these reasons, rules have not been implemented to protect nature conservation values along the coastline, except for the river mouths or particular geoconservation features. However, Council does recognise the existence of hut settlements at Hakatere and the Rakaia and Rangitata river mouths.

Objective 3.45: Rural Character and Amenity

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Policy 3.45A

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Policy 3.45B

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Policy 3.45C

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Policy 3.45D

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Policy 3.45E

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Policy 3.45F

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Policy 3.45G

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Policy 3.45H

Ensure that the use of waterways for motorised craft and/or any other activity avoids any adverse effects on public enjoyment, availability of the waterways and their margins as well as its natural character.

Explanation and Reasons

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Enforcing controls through the District Plan on private recreational water users is difficult unless such controls clearly permit or prohibit activities with simple enforceable performance standards. It is not considered practical or sensible to require private boat owners to obtain resource consents before they go out boating on the waterways. In preference, controls over private water users need to specify clearly what activities can and cannot take place on each waterway without resource consents being involved, and what performance standards must be met.

Many waahi tapu and waahi taoka of value to Takata Whenua are located in the margins of the waterways of the District. Activities on the surface of waterways may result in conflicts with these values, as a result of disturbance from wave action, noise or by providing access to previously inaccessible parts of the waterways. The Council has a responsibility in managing the effects of activities on the surface of waterways, and to increase public understanding of these types of effects.

Objective 3.56: Extractive Activities

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Policy 3.56A

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Policy 3.56B

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Policy 3.56C

Control earthworks within the District to ensure minimal adverse effects on amenity values and land stability, whilst protecting important ~~geoconservation sites, landscapes~~, riparian areas and areas of significant nature conservation value.

Explanation and Reasons

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The Council considers that controls are necessary with respect to the extractive activities because the scale of the operations, the sensitivity of the area, and the management of the operations may vary considerably. Consequently the effects on amenity values such as privacy, rural outlook, spaciousness and quietness or the effects on remoteness or recreational, ~~landscape or conservation~~ values may vary considerably. For these issues to be adequately addressed Council considers individual proposals need to be assessed on their merits. This will also enable the Council to set conditions on the management of the operation that are appropriate to the scale of the operation and sensitivity of the area. The Plan will provide for limited extraction as of right to allow for exploration activities that may create minimal adverse effects on the environment.

.....

Earthworks have the potential to create adverse effects on the environment depending upon their size and location. Council seeks to provide for farm activities such as tracking and the digging of farm pits whilst protecting the amenity values of the rural area. Extensive earthwork activities can affect views, require the clearance of vegetation and increase truck movements on local roads. Council therefore, wants to retain its discretion over large scale earthworks, so such matters can be considered. In addition, it is intended to limit or prevent earthworks in sensitive areas such as areas of significant nature conservation value, ~~outstanding landscapes,~~ and riparian areas, ~~and~~ geoconservation sites.

Objective 3.67: Natural Hazards in Rural Areas

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Policy 3.67A

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Policy 3.67B

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Policy 3.67C

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Policy 3.67D

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Explanation and Reasons

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3.6 Methods of Implementation

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Through the Council's LTP process

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- removal of pine, rowan and other non-indigenous tree species which are seed sources for wildings from Lake Camp and environs.

3.7 Reasons for Rules

3.7.11 Tree Planting

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In a high-wind area like the Rural C Zone, it is necessary to provide for shelter-belts for the protection of stock but due to the sensitive nature of the environment, specific areas have been identified within which shelterbelts can be established. However, some parts of the High Country are characterised by areas of existing shelterbelts. These have been identified on the Planning Maps as “Shelterbelt Areas”. These areas generally reflect places where trees and shelterbelts are already established, and can accommodate further tree planting and whilst the Council considers that further shelterbelts can be accommodated in these areas without adversely affecting the values identified above. However, Council considers that it is vital to protecting the Outstanding Natural Landscapes and Features, Geoconservation sites and natural character of the Rural C Zone that extensive tree planting is assessed through the consent process.

3.9.11 Tree planting

a) All tree planting in the Rural C Zone, other than planting for the purpose of screening buildings and other than within the Mt Hutt ski-field area, shall be limited to ~~shelterbelts located~~ within the “Shelterbelt Areas” shown on the Planning Maps, provided that:

- the establishment of trees ~~including shelterbelts~~ on any one site does not exceed ~~0.5~~ 2.5ha in any continuous period of 10 years; and
- the trees shall be planted up to a maximum width of 15 metres; and
- trees of the following species shall not be planted:

Lodgepole pine	<i>Pinus contorta</i>
Scots Pine	<i>Pinus sylvestris</i>
Corsican Pine	<i>Pinus nigra</i>
Dwarf mountain pine	<i>Pinus uncinata</i>
Mountain Pine	<i>Pinus mugo</i>
Douglas fir	<i>Pseudotsuga menziesii</i>
All poplars	<i>Salicaceae species</i>
All larches	<i>Larix species</i>
All alders	<i>Alnus species</i>
All willows	<i>Salix species</i>
Sycamore	<i>Acer pseudoplatanus</i>
<u>Rowan</u>	<u><i>Sorbus aucuparia</i></u>
<u>Ash</u>	<u><i>Fraxinus excelsior</i></u>
<u>Holly</u>	<u><i>Rex aquifolium</i></u>
<u>All Poplars</u>	

The Council shall restrict the exercise of its discretion in relation to these matters to the effect on outstanding natural landscape, riparian margins, geological/geomorphological areas and nature conservation values, including the siting, design, tree species and management of the tree plantings and mechanisms to prevent wilding spread.

3.11.10 General Landscape Values and Tree Planting

- a) The ~~siting, design and colour~~ location, size, density, height, materials and finish of buildings and structures.
- b) The siting, design and methods of construction of earthworks.
- c) Any loss of, or adverse effects on, views of the District's outstanding ~~or significant~~ natural landscapes from locations to which the public has access.
- d) Any loss of, or adverse effects on, public access to the above views or viewpoints.
- e) Any obscuring of landforms or natural features.
- f) Any adverse effects on the natural landscape pattern, including the underlying landform pattern.
- g) Any adverse effects on present vegetation patterns.
- h) Any adverse effects on the openness and spaciousness of the landscape, and the apparent naturalness of the landscape.
- i) The extent to which the activity will adversely affect the overall natural character of an area, or indigenous ecosystem integrity and functioning.
- j) The extent to which the activity will adversely affect the geological or geomorphological values of the geoconservation sites listed in Appendix 3-3. In undertaking such an assessment, the Council will carry out such investigations that are necessary to determine the location and values of the listed sites.
- k) Assessment of potential impacts on biophysical, sensory and associative values including:
- Natural science values;
 - Legibility;
 - Aesthetic values;
 - Transient values;
 - Tangata Whenua values;
 - Shared and recognised values;
 - Historic Values

Other sections of the plan

Remove reference to 15 metres in the Definition of shelterbelt.

APPENDIX THREE: LANDSCAPE REPORT BY BOFFA MISKELL

Ashburton District Plan Hearing

Landscape Report

Introduction

This report provides comment by Yvonne Pfluger on those parts of submissions to the Proposed Ashburton District Plan that address issues related to the rural landscape (see Section 3: Rural Zones). I have reviewed the report on Rural Ecology/ ASCVs prepared by Dr Judith Roper – Lindsay (BML) and will refer to comments in it as appropriate.

I am a Senior Landscape Planner with Boffa Miskell Ltd. I was the author of the Ashburton District Landscape Study (2009) and the Reviewed Canterbury Regional Landscape Study (2010). Site investigations for the preparation of the studies have been limited to a half day flight across the entire Canterbury Region and one day of on-site investigations in the high country of Ashburton District, with a focus on the Hakatere Basin and the Rakaia/ Rangitata River Valleys. However, I am also familiar with the plains, coastal and mountainous landscapes of the district.

The following submissions were reviewed, from:

1. Castleridge Station (Submission number S331)
2. Lake Heron Station (Submission number S563)
3. Federated Farmers Mid-Canterbury (Submission number S553)
4. Ashburton District Council (Submission S639)
5. Royal Forest and Bird (Submission S640)

3.2.3 Rural Zone C

Submission Castleridge Station and Lake Heron Station (combined)

In both submissions land owners request exclusion of their properties from the proposed ONLs. *“Not include any proposed 'outstanding landscapes' that may refer to areas on Castleridge Station throughout the Plan and to have any part of Lake Heron Station deleted from the proposed Outstanding Landscape area. There is no descriptive schedule of these areas against which to assess the site, linking them to the plan.”*

Comment

Castleridge and Lake Heron Homesteads are located in the Hakatere Basin ONL, which encompasses the entire basin floor. I have not been provided with maps of the exact boundaries of the two stations, but it is possible that the properties extend into the ONLs adjacent to the east (Front Ranges) and/ or west (Inland Mountain Ranges). The values in these three ONL areas vary, as outlined in the Ashburton Landscape Study (2009).

The valley floor of the Hakatere Basin has undergone the highest level of modification with the establishment of buildings, in particular around homesteads, numerous fencelines and over-sowing of paddocks. A well-used gravel road provides access to the northern part of the Hakatere Basin,

where Castleridge and Lake Heron Stations are located. While farming has led to extensive landcover change, the basin still contains numerous highly legible landscape features such as the Ashburton Lakes, kettleholes and moraine terraces which are indicators of the glacial forces that shaped the basin. Maori Lakes and Lake Heron in the northern part of the basin, where the stations in question are located, are two of a number of lakes and wetlands that are of ecological value. Lake Heron is of particularly high aesthetic and recreational value with its varied shoreline and there is a strong visual relationship between the Arrowsmith and Taylor Ranges. Mt Sugarloaf is a prominent example of the glacial features in the basin.

Across the entire Hakatere Basin visually, the basin floor is an integral part of the small-scale intermontane basin which forms one homogenous visual catchment. The open nature of the basin means that each part of it contributes to the quality of the experience of the whole basin and few areas are experienced in isolation. The consequence of the openness is that an adverse intrusion in one area may affect the experience of the entire basin, which makes the ONL vulnerable to change.

The vegetation cover of the more intensively farmed areas is significantly less natural while most wetland areas continue to be dominated by native species. Maori Lakes Basin around Castleridge Station is more modified through agricultural activity than the northern end of Lake Heron Basin. Farming activities form part of the existing environment of the basin and this has been provided for through the policies and rules of the Proposed Plan.

Recommendation

Reject request for exclusion of properties from ONL, since they form an integral part of the Hakatere Basin landscape. However, it is acknowledged that the basin floor contains a higher level of modification and that pastoral farming is an expected land use in this landscape. To give land owners more certainty about the particular values occurring in the various high country ONLs, it is recommended that a table outlining a summary of these values should be included as an appendix to the proposed district plan. This table should also contain an indication of existing modification, which forms part of the high country landscape, as provided in the Ashburton Landscape Study (2009).

Submission Federated Farmers Mid-Canterbury

3.9.10 indigenous Vegetation Clearance

Amend Site Standard 3.9.10 Indigenous Vegetation Clearance by removing the reference to outstanding landscape areas and making it more apparent how 'uncontrolled grazing' would be managed. It was suggested to use a percentage (20%) of a site instead of numerical areas for limits on vegetation clearance.

Comment

As highlighted in the Rural Ecology Report, indigenous vegetation is often confined to small areas in the Rural A and B Zones. Right across the Rural C zone there is a paucity of comprehensive and

recent site survey knowledge regarding the extent and location of indigenous vegetation, but it is clear that large areas of indigenous vegetation have been lost in the past.

The areas of indigenous vegetation represent an important biophysical landscape value of the high country ONLs. Additionally, vegetation clearance of large areas can lead to visual impacts and change of local landscape patterns.

Recommendation

I concur with Dr Judith Roper-Lindsay that, in spite of the matters raised in received submissions on the Proposed District Plan, Site standard 3.9.10 should remain unchanged except to introduce the 1.5m shrublands text as submitted by DOC.

Submission Royal Forest and Bird

3.10.7 General Indigenous Vegetation and Tree Planting

Royal Forest and Bird¹ seek that standard 3.10.7 should prevent tree planting within a significant landscape as identified on the Planning Maps, within an area of indigenous vegetation and within an area that has been identified as a geoconservation site as listed in Appendix 3-3.

Comment

It is unclear from the submission if Forest and Bird refer to ONLs, since no significant landscapes have been identified in the Proposed Plan. If the submission requests that tree planting should be prevented in all identified ONLs, the area covered by this rule would encompass almost the entire high country within Ashburton District. Since a number of farming operations occur within this area, it appears very onerous on the land owners to impose such a stringent rule. The existing high country farms in the Hakatere Basin are likely to require some form of tree planting, such as shelterbelts, as part of their day-to-day operation. The shelterbelts and small-scale clusters of trees form part of the existing environment and are to be expected as part of the landscape character on the basin floor.

By preventing tree planting in all geoconservation sites, a similar impact on farming operations would be caused, given that the entire Hakatere Basin has been identified as a geoconservation area. It is, however, acknowledged that the planting of trees can compromise the landscape values of geoconservation sites, and it would therefore be considered appropriate to prevent tree planting in more confined geoconservation sites to protect the natural science and legibility values of these landscape features.

Recommendation

While it is acknowledged that tree planting can have effects on the openness and landscape character of the high country, small-scale planting in shelterbelts and clusters is considered appropriate on the Hakatere Basin floor. Therefore, it is recommended to maintain Zone Standard 3.10.7 General Indigenous Vegetation and Tree Planting to prevent tree planting above the 900m

¹ Submission 640, point 62

contour line, which excludes the majority of ONLs apart from the Hakatere Basin floor. It is also recommended to prevent tree planting in identified ASCVs independent of their location. The standard is considered sufficiently stringent to prevent tree planting in the most sensitive parts of the landscape while enabling farming and maintaining the existing landscape character on the Hakatere Basin floor.

It is noted that planting of indigenous vegetation in ASCVs may be appropriate depending on the type of ecosystem.

Natural Character definition

Royal Forest and Bird² seek that a definition be provided of 'natural character' and how it can be affected. This is opposed by a further submission from TrustPower³. Federated Farmers⁴ also seek to delete 'natural character' as an assessment matter on which Council will exercise its discretion as being uncertain. This is opposed by a further submission from the Department of Conservation⁵.

Comment

Natural character as used in S6a of the RMA is a term that has been defined in best practice guidelines published by the Ministry for the Environment and subsequently endorsed in case law. The definition that many practitioners use is:

Natural character (RMA Section 6a) is a term used to describe the expression of natural elements, patterns and processes in a landscape (or the 'naturalness'). The degree or level of natural character within an area depends on:

- 1. The extent to which natural elements, patterns and processes occur*
- 2. The nature and extent of modifications to the ecosystems and landscape/seascape.*

The highest degree of natural character (greatest naturalness) occurs where there is least modification. The effect of different types of modification upon the natural character of an area varies with the context, and may be perceived differently by different parts of the community.⁶

Recommendation

It is recommended that the definition as outlined above is included in the Plan.

² Submission 640, point 66

³ Further submission F16

⁴ Submission 553, point 97

⁵ Further submission F12

⁶ Ministry for the Environment, Environmental Performance Indicators, Landscape Aspect of Natural Character, Stage 1 – Initial Findings – A report prepared by Boffa Miskell Ltd for the MfE, February 2002

Submission Federated Farmers

Definition of terms in sections 3.2.3 Rural Character and Amenity

Federated Farmers⁷ support recognition that the high country is a dynamic landscape but seeks to amend 3.2.3 to remove the use of emotive language in descriptions of landscapes. In particular, the submitter cites the use of vague terms such as ‘spaciousness’ and ‘rural outlook’.⁸

Federated Farmers⁹ seek that the subjective language (values of spaciousness and expressive landforms) is removed from 3.8.3(e) as it will lead to low quality decision making. I note that the language quoted is actually used in Assessment Matter 3.11.1(a). The submitter also seeks to delete Assessment Matters 3.11.10 h) and j) as indefinable, nebulous criteria¹⁰. The assessment matters refer to openness, spaciousness, naturalness and natural character. This is opposed by a further submission from Royal Forest and Bird¹¹.

Comment

Spaciousness refers to the wide open space that is often found in rural landscapes, which contrasts with the built up environment associated with urban areas.

Rural outlook and character are terms that are often used to describe landscapes that are, by their nature, strongly influenced by the type of rural activity and the intensity of associated settlement. Natural elements generally remain strongly evident but are overlaid by patterns and processes of human activity. Natural systems operate but, in places, are manipulated to enhance productivity. Human induced patterns and processes are related predominantly to productive land uses such as agriculture, horticulture and forestry, typically including paddocks, shelter belts, wood lot and forest blocks, cropping regimes and settlement. The patterns of human activity are generally large scale (by comparison with urban areas), reflected in generally low-density settlement, few structures and often a sense of spaciousness. Rural landscapes are however inhabited landscapes, which are not to be confused with “wilderness” where human presence is minimal or absent.

Recommendation

Both terms are widely used by landscape professionals and not considered particularly emotive language. They could be replaced by “openness” and “rural character” in section 3.2.3 if these terms are considered more appropriate by the submitter. The inclusion of various landscape terms in the definition section may be helpful.

It is recommended that a definition of natural character is included in the Plan (see comment on previous submission Royal Forest and Bird).

⁷ Submission 553, point 29

⁸ Submission 553, point 5

⁹ Submission 553, point 73

¹⁰ Submission 553, point 122

¹¹ Further submission F75.

Submission Ashburton District Council

3.2.3 Rural Character and Amenity

Ashburton District Council¹² seeks to amend 3.2.3 by setting some context around the Canterbury Landscape Study and the identification of outstanding natural landscapes; ensuring that landscapes are referred to as outstanding natural landscapes and replacing the existing list of the identified outstanding natural features and landscapes with more detailed descriptions that identify their values. This is supported by a further submission from the Department of Conservation¹³ and opposed by two further submissions from TrustPower Limited¹⁴ and Royal Forest and Bird¹⁵.

Comment and Recommendation

As outlined in the response to the combined submission by Castleridge and Lake Heron stations, a table outlining the values of ONLs has been prepared and it is recommended to include it in the Plan to provide more certainty about the landscape values that should be protected through the ONL status.

Submission Castleridge Station

Policy 3.3 Explanation and Reasons

Castleridge Station Ltd¹⁶ seeks that the explanation and reasons for Policy 3.3C, page 3.25 on Tree Planting be amended to remove inaccurate and emotive language rather than actual science based information.

Comment and Recommendation

While a number of shelterbelts and exotic small scale plantation forests exist in Hakatere Basin, it is the aim of this policy to maintain the existing level of openness in the basin. The planting of exotic trees has not only ecological implications, but also effects on views and the appearance of the landscape. It is acknowledged that shelterbelts and small-scale plantations form part of the existing landscape and are to be expected as part of the agricultural use of the basin. However, Policy 3.3C aims to control larger-scale forestry which has the potential to significantly modify the openness, appearance and pattern that the high country landscape is valued for.

¹² Submission 639, point 107

¹³ Further submission F12

¹⁴ Further submission F16

¹⁵ Further submission F75

¹⁶ Submission 331, point 8