

# 14 Landscapes and Natural Values

Advisory Note: – Rules that had immediate legal effect under Section 86B (3) of the Act from the date of public notification of this proposed plan are shown in **highlighted text**.

## 14.1 Rule Statement

The framework of objectives and policies for the management of the district's landscapes and natural areas is contained in Chapter 6. This chapter provides the complementary rule framework, as described below.

### 14.1.1 Landscape Areas

Outstanding Natural Landscapes (ONLs), Outstanding Natural Features (ONFs), and Significant Amenity Landscapes (SALs) have been identified in Appendix C Schedule of Outstanding Natural Features and Landscapes, and Significant Amenity Landscapes, and are shown on the planning map overlays.

ONLs are the broad scale landscape features in the district that are outstanding in the context of the South Waikato's landscapes. ONFs are features that are also outstanding, but which involve a much smaller geographical area. SALs are landscape areas which are not outstanding but still have high amenity values.

The performance standards stated in Rule 14.3 below (14.3.1 and 14.3.2) impose controls that apply only to the areas identified as ONLs, ONFs and SALs in Appendix C with overlays. The performance standards stated in Rule 14.3 are in addition to the performance standards of Chapter 28 Rural Zone and Chapter 29 Rural Residential Zone (whichever is relevant to the particular location).

The purpose of the performance standards in Rule 14.3 is to manage the extent of development within the identified landscape areas to protect the outstanding landscape values present (ONLs and ONFs), and to maintain amenity values within the SALs. The performance standards have been formulated in response to the forms of development that could have an adverse impact on the landscape values, whilst also recognising the predominant forestry and farming land uses, and the existing hydro electric power generation and electricity transmission activities within some areas.

The potential 'threats' to the identified outstanding landscape areas and features, (which might constitute the 'inappropriate subdivision, use and development' referred to in section 6(b) of the RMA), are relatively moderate given the limited growth pressures the district faces, and the predominant plantation forestry and farming activities. Performance standards to manage the scale of buildings, and avoid extensive earthworks and landform modifications are included in the rule framework within 14.3 to address these matters.

The Built Heritage Inventory (Appendix B) and Cultural Heritage Site Inventory (Appendix D) contain several heritage items that are related to areas also recognised as having outstanding or significant landscape values. These are the Okoroire Hot Springs Hotel and staff accommodation (within ONF 2), Hatupatu's Rock (CH 1), and the Eastern Tram Tunnels (Built Heritage Site 28C - within ONL 8). To avoid overlapping sets of rules, these features are being primarily managed in accordance with the provisions of the Heritage Inventories.

Assessment criteria listed in Chapter 8 Administration of the District Plan address landscape matters and are used during consideration of resource consent applications where an identified landscape or feature is involved.

### 14.1.2 Natural Areas and Indigenous Vegetation

Council utilises the Inventory of Natural Areas ('the inventory') as an information resource to inform landowners and the public generally of the possible location and likely extent of significant natural areas in the district, and as a basis to prioritise Council's own resources for indigenous biodiversity protection.

A Local Indigenous Biodiversity Strategy will be developed using this information and aiming to maintain and enhance indigenous biological diversity in the South Waikato, including Significant Natural Areas (SNAs) as well as areas of indigenous vegetation and habitats of indigenous fauna that do not qualify as significant.

This Strategy will adopt a catchment-based approach to address the following:

1. Protection and enhancement of waterways - the strategy will use the river and stream network as the fundamental framework for biodiversity planning, implementation and long term management.
2. Ecological connectivity across the District.
3. Physical protection and enhancement of SNA's and their place in an 'ecological network' across the District.
4. Key implementation methods to achieve an integrated approach using regulatory (where relevant) and non-regulatory methods

South Waikato District Council with assistance from Waikato Regional Council will develop the Strategy. In developing the Strategy the South Waikato District Council will work closely with the community, including iwi and key stakeholders to:

- Set the overarching outcome for the Local Indigenous Biodiversity Strategy including identifying achievable objectives and priority tasks and programmes;
- Determine the roles and responsibilities for key stakeholders in relation to undertaking the identified priority tasks and programmes;
- Establish timeframes for implementation;
- Identify potential for shared resourcing and funding sources to achieve the overarching outcome of the Local Indigenous Biodiversity Strategy;
- Establish mapping and monitoring programme to support decision-making and compliance assessments (as required);
- Identify information gaps and priorities for commissioning further work (as required);
- Determine the frequency for reporting on progress and review of the Local Indigenous Biodiversity Strategy.

The list set out above is a 'minimum' prescription, and other matters can be included as required. Development of the Local Indigenous Biodiversity Strategy will commence before 31 December 2016.

A Significant Natural Area (SNA) for the purposes of district plan provisions is land containing areas of indigenous vegetation and habitat that meets the criteria from the Waikato Regional Policy Statement (RPS). The areas from the Inventory that qualify as significant under RPS criteria are listed in Appendix E, and shown on the planning maps. Rule 14.4 sets limits on the clearance, drainage or other disturbance of the listed areas, and requirements for land use consent to otherwise be obtained.

The purpose of this rule and the non-plan methods set out in Chapter 6, is to manage the form of development within significant natural areas to protect existing natural values, and to promote the maintenance or enhancement of indigenous biodiversity outcomes in the district generally.

The subdivision provisions in Chapter 10 Subdivision, Financial Contributions, and Esplanade Reserves and Strips also form part of the regulatory framework. The subdivision rules for all zones control the fragmentation of areas of indigenous vegetation, and proposals for building sites on new lots in such areas. Council has reserved control so that subdivision conditions can be imposed requiring consent notices or covenants on the titles of newly-subdivided allotments that require ongoing protection and maintenance of significant natural areas or wetlands. Conditions can also be imposed requiring riparian margins or wetlands to be fenced to exclude stock, to assist with maintaining water quality and to improve biodiversity values of those areas.

The subdivision rules also provide for protection allotments as a discretionary activity where significant natural areas are being covenanted. This is intended to encourage covenanting as a protection mechanism by creating an incentive, but also to avoid the creation of new allotments that result in the fragmentation of significant natural areas. Fragmentation of natural areas makes their effective management more difficult, and will be avoided by a subdivision rule precluding new boundaries being created through these habitats.

## 14.2 Anticipated Environmental Results

The landscape and natural area rules are intended to achieve the following anticipated environmental results:

- That the indigenous biodiversity of the district is maintained or enhanced
- That Significant Natural Areas in the district are managed to ensure that ecological processes are maintained or enhanced, and that the significant habitat values are retained
- That the adverse effects of activities within Significant Natural Areas are avoided, remedied or mitigated to maintain the biodiversity values of such areas, except where necessary for cultural reasons, for minor works, for SNA enhancement, for existing farming or forestry operations, or for the existing hydro electric power generating infrastructure and activities within the Electricity Generation Zone
- That buildings and structures are setback from waterways a sufficient distance to avoid modification of waterways and riparian margins, except where located within the Electricity Generation zone
- That the adverse effects of earthworks and of new buildings, are managed to avoid, remedy or mitigate their impact upon the landscape values that have been identified as being outstanding or significant in the district, except where earthworks and structures are necessary within the Electricity Generation zone, for the purposes of providing, maintaining or operating strategic transport infrastructure, or for the management and harvesting of an existing plantation forest.

The landscape and natural values rules are a method to implement the objectives and policies contained within Chapter 5 (Objectives and Policies for the District's Rural Areas) and Chapter 6 (Objectives and Policies for Managing the District's Natural Values).

## 14.3 Performance Standards

The following standards apply in all zones, except where otherwise stated below. Failure to comply with one or more of the standards results in that activity being a Restricted Discretionary Activity. If the activity is already a Discretionary or Non-Complying Activity, the standards used below will be used as a guideline to assess the potential adverse effects on landscape and natural values.

The specific matters where discretion is reserved are identified in Chapter 8 Administration of the District Plan. Assessment criteria listed in Chapter 8 will be used during consideration of resource consent applications where a significant landscape or natural area is involved in the consideration of the Council's obligations under Section 6 RMA, and indigenous biodiversity values in the consideration of Council's obligations under Section 7 RMA.

### 14.3.1 Activities within an Outstanding Natural Feature or an Outstanding Natural Landscape Area

These Standards only apply to permitted and controlled activities within the Outstanding Natural Features or the Outstanding Natural Landscape areas identified in Appendix C.

- (a) Earthworks must not:
- (i) exceed a 3 metre vertical ground alteration in a new face or cut and/or fill
  - (ii) disturb or move greater than 1,000m<sup>3</sup> within a site per calendar year
  - (iii) exceed 250m<sup>2</sup> in area
  - (iv) involve cut and batter faces or filled areas, and must be revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced.
- (b) Despite (a), earthworks are permitted if they:
- (i) are part of an approved subdivision
  - (ii) are associated with building works authorised by a building consent and the area of earthworks is no greater than twice the area of those building works, and occurs on land with an average gradient no greater than 1:8
  - (iii) are related to network utilities and infrastructure, and the ground levels around the utility are reinstated following completion of the works as they were prior to the earthworks commencing

- (iv) are for the maintenance of existing farm tracks or for the formation of farm drains
  - (v) for construction, operation, maintenance or upgrading of existing public roads or
  - (vi) are part of a plantation forestry operation.
- (c) Structures must not:
- (i) Exceed 8 metres in height; or for electricity poles exceed 20m in height,
  - (ii) exceed 250m<sup>2</sup> in area, and
  - (iii) cladding materials and paint colours on all structures shall not exceed a reflectivity value of 40% when applying British Standard 5252:1976. Roof cladding shall be a minimum of 5% darker than the walls and other vertical claddings.

### **14.3.2 Activities within a Significant Amenity Landscape Area**

This rule only applies to permitted and controlled activities within the Significant Amenity Landscape areas identified in Appendix C.

- (a) Earthworks must not:
- (i) exceed a 3 metre vertical ground alteration in a new face or cut and/or fill
  - (ii) disturb or move greater than 1,000m<sup>3</sup> within a site per calendar year
  - (iii) exceed 250m<sup>2</sup> in area; and
  - (iv) involve cut and batter faces or filled areas must be revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced.
- (b) Despite (a), earthworks are permitted if they:
- (i) are part of an approved subdivision
  - (ii) are necessary for building works authorised by a building consent and the area of earthworks is no greater than twice the area of those building works, and occurs on land with an average gradient no greater than 1:8
  - (iii) are related to network utilities and infrastructure, and the ground levels around the utility are reinstated following completion of the works to as they were prior to the earthworks commencing
  - (iv) are for the maintenance of existing farm tracks or for the formation of farm drains
  - (v) for construction, operation or upgrading of existing public roads, or
  - (vi) are part of a plantation forestry operation.
- (c) Buildings must not:
- (i) exceed 8 metres in height; or for electricity poles exceed 12m in height
  - (ii) exceed 350m<sup>2</sup> in area; and
  - (iii) cladding materials and paint colours on all buildings shall not exceed a reflectivity value of 40% when applying British Standard 5252:1976. Roof cladding shall be a minimum of 5% darker than the walls and other vertical claddings.

## **14.4 Disturbance of Significant Natural Areas**

### **14.4.1 Permitted Activities**

Vegetation clearance, land disturbance and land drainage is a permitted activity throughout the District, where:

- (a) The land disturbance, land drainage and vegetation to be cleared is not within a Significant Natural Area identified in Appendix E
- (b) The land disturbance, land drainage and vegetation to be cleared is within a Significant Natural Area identified in Appendix E, but is in an area which is:
  - (i) Subject to a Queen Elizabeth II covenant, Nga Whenua Rahui Kawenata, Heritage Protection Order or covenant under the Reserves Act 1977 or Conservation Act 1987, and the clearance is consistent with the covenant or order applying to that place
- (c) The land disturbance, land drainage and vegetation to be cleared is within a Significant Natural Area identified in Appendix E, but land disturbance, drainage or vegetation clearance is:
  - (i) Ancillary damage as a result of adjacent plantation forestry harvesting where the damage is temporary in nature, the extent of the indigenous remnant remains unchanged and the vegetation will recover readily.
  - (ia) Clearance of exotic vegetation associated with harvesting production forest first planted prior to 7 November 2012.
  - (ib) Clearance of indigenous vegetation understorey and soil disturbance associated with harvesting and replanting of production forest first planted prior to 7 November 2012.
  - (ii) Required for fire risk management in a production forest
  - (iii) Necessary as part of the maintenance of lawfully established roads, tracks, earth dams, structures, or fences, all provided the clearance is within 2 metres of the road, track, earth dam, structure or fence
  - (iv) Maintenance of existing drains that is necessary to prevent inundation of productive pasture land
  - (v) Necessary to protect, maintain or upgrade hydro-electric power generating infrastructure, or to prevent or remedy erosion that may adversely affect the operation of hydro electric power generating infrastructure, and where the works are within the Electricity Generation Zone
  - (vi) Limited to use by Tangata Whenua for culturally appropriate purposes such as rongoa, waka, traditional buildings or marae-based activities,
  - (vii) Required for construction of fencing for conservation purposes to exclude stock or pest animals
  - (viii) Required for the removal or control of invasive weeds, or
  - (ix) Removal of vegetation that endangers human life or existing structures, or that poses a risk to the integrity of, the safe use of, or access to existing network utilities.
  - (x) Required for the operation, maintenance and upgrading of existing electricity lines.

ADVISORY NOTE - The SNAs identified in Appendix E do not include significant areas of plantation forest or pasture land, areas of indigenous vegetation which has been planted and managed specifically for the purposes of the harvesting or clearance or domestic gardens or shelterbelts.

#### **14.4.2 Controlled Activities**

- a) Removal of vegetation including harvesting in a Significant Natural Area in accordance with an approved Sustainable Forest Management Plan or Permit or personal use approval issued by the Ministry for Primary Industries under the Forests Act 1949. The application is to include the entire area covered by the approval issued by the Ministry for Primary Industries.

The specific matters of control are identified in Rule 8.3.1h) and shall be used when considering a resource consent application for a controlled activity under this rule.

### **14.4.3 Restricted Discretionary Activities**

The land disturbance, land drainage and indigenous vegetation to be cleared is within a Significant Natural Area identified in Appendix E and:

- a) is for the establishment of new tracks or fences, where the clearance is no more than 4 metres in width and the track or fence is constructed to farming best practice, and provided that the indigenous vegetation to be cleared lies more than 20 metres from any water body.

The specific matters where discretion is reserved are identified in Rules 8.3.3 and 8.3.4, and shall be used when considering a resource consent application for a restricted discretionary activity under this rule.

### **14.4.4 Non-Complying Activities**

Indigenous vegetation clearance, land disturbance or drainage within a Significant Natural Area identified in Appendix E, except as permitted by Rule 14.4.1 above, or a controlled activity by Rule 14.4.2, or a restricted discretionary activity by Rule 14.4.3, shall be a non-complying activity throughout the District.

The objectives and policies contained within Chapter 6 (Objectives and Policies for Managing the District's Landscapes and indigenous Biodiversity) shall be used when considering a resource consent application for a non-complying activity, with the performance standards for the zone concerned used as a guide for assessment purposes.

ADVISORY NOTE: The Waikato Regional Plan should also be consulted to ensure that there are no additional resource consents required from the Regional Council for indigenous vegetation clearance, land disturbance, structures within or in close proximity to waterways, or the modification of waterways. The Waikato Regional Plan can be viewed at [www.waikatoregion.govt.nz](http://www.waikatoregion.govt.nz).