

24. Outstanding Landscapes and Natural Features – Rules

24.1 Permitted Activities

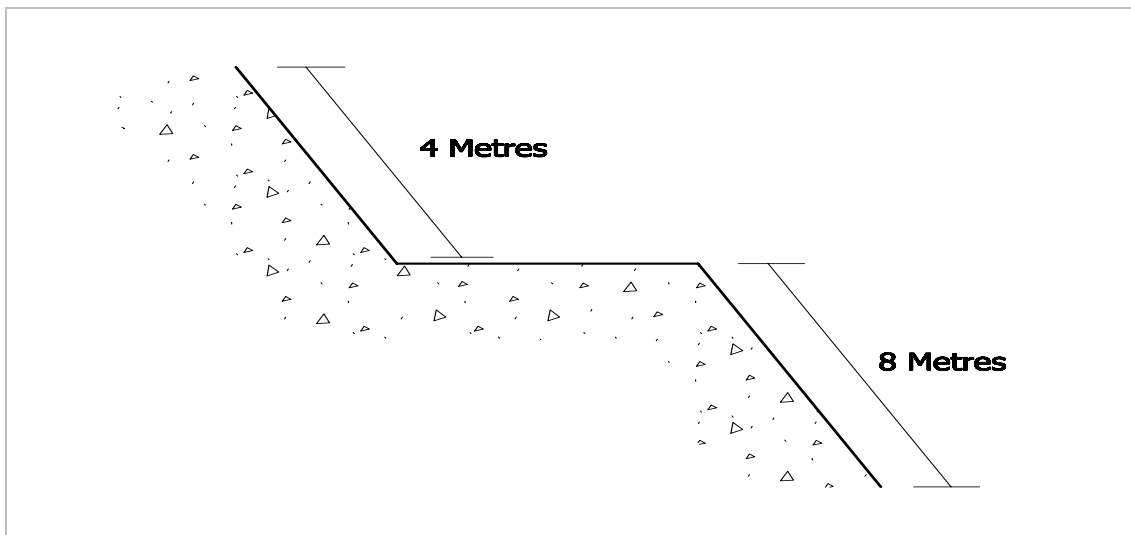
Any land use within the Core Outstanding Landscape Area, Ashley Gorge Outstanding Landscape Area, or the Buffer Outstanding Landscape Area, as outlined on the District Plan Maps, is a permitted activity if it:

- i. is not otherwise listed as a controlled or discretionary (restricted), discretionary or non-complying activity under this chapter;
- ii. complies with the conditions under Rule 24.1.1; and
- iii. complies with all the conditions and provisions for permitted activities in all chapters.

24.1.1 Conditions

24.1.1.1 In the Buffer Outstanding Landscape Area any earthwork cut shall not exceed an uphill batter vertical height of 4m or a downhill vertical spill of 8m of side castings as shown in Figure 24.1.

Figure 24.1



For the purpose of this rule, a 4m uphill cut will be triggered at a slope angle of 30°.

CROSS REFERENCE: Rule 24.3.1

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24.1.1.2 Areas planted in Douglas Fir (*Psuedotsuga menziesii*) in the Buffer Outstanding Landscape Area on the plains side of the foothills north of the Ashley River/Rakahuri identified on District Plan Map 134, shall have at least four rows of a less spread prone species planted between the Douglas Fir and the boundary of the Core Outstanding Landscape Area.

24.1.1.3 For the purposes of Rule 24.1.1.2 “a less spread prone species” means a species with a spreading vigour of less than or equal to two in accordance with “Guidelines for Minimising the Risk of Unwanted Wilding Spread from New Plantings of Introduced Conifers” Ledgard & Langer (1999).

24.1.1.4 The planting of exotic tree species, other than those species listed in Rule 24.3.4 for which a resource consent is required, in the Ashley Gorge Outstanding Landscape Area shall be less than 10ha (excluding areas covered by any track or firebreak) on any one site in any 12 month period provided that either:

- a. the land has been surveyed by the Department of Conservation, and the Department certifies that no area of significant indigenous vegetation is involved; or
- b. a certificate is provided by a suitably qualified person that no significant indigenous vegetation is involved and the Department of Conservation concurs.

For the purposes of the rule, failure to respond by the Department within 21 days of the certificate being referred to them by the Waimakariri District Council shall be deemed concurrence.

24.1.1.5 Earthworks required for the construction and maintenance of stock water ponds in the Core Outstanding Landscape Area and the Ashley Gorge Outstanding Landscape Area shall not exceed an area of 500m² per pond.

24.1.1.6 Earthworks required to level the ground for the installation of water tanks in the Core Outstanding Landscape Area and the Ashley Gorge Outstanding Landscape Area shall not exceed an area of 50m² per tank.

24.1.1.7 Earthworks required for the installation or maintenance of water pipes shall not exceed 1000m² per any 1ha.

24.1.2 Exemptions

24.1.2.1 The maintenance of:

- a. any electricity and associated telecommunication facility;
- b. any track or cut; or
- c. any fence line

is exempt from complying with Rule 24.1.1.1, provided that the effect of that maintenance is not to increase the existing extent of the uphill batter vertical height or increase the downhill vertical spill of side-castings.

- 24.1.2.2 The construction of forestry roads and landing sites within the exotic forestry plantation including an area of indigenous forest managed pursuant to a sustainable management plan under the Forests Amendment Act 1996 or 2004, is exempt from complying with Rule 24.1.1.1, provided that construction is in accordance with the 'Best Practice Guidelines for Road and Landing Construction (2000)' as published by Forest Industries Training New Zealand, and adverse effects on the following are avoided or remedied:
- a. the water quality and quantity of any water body; and
 - b. land stability and erosion.

NOTE: Verbatim text from Environment Court Consent Order C88/2004

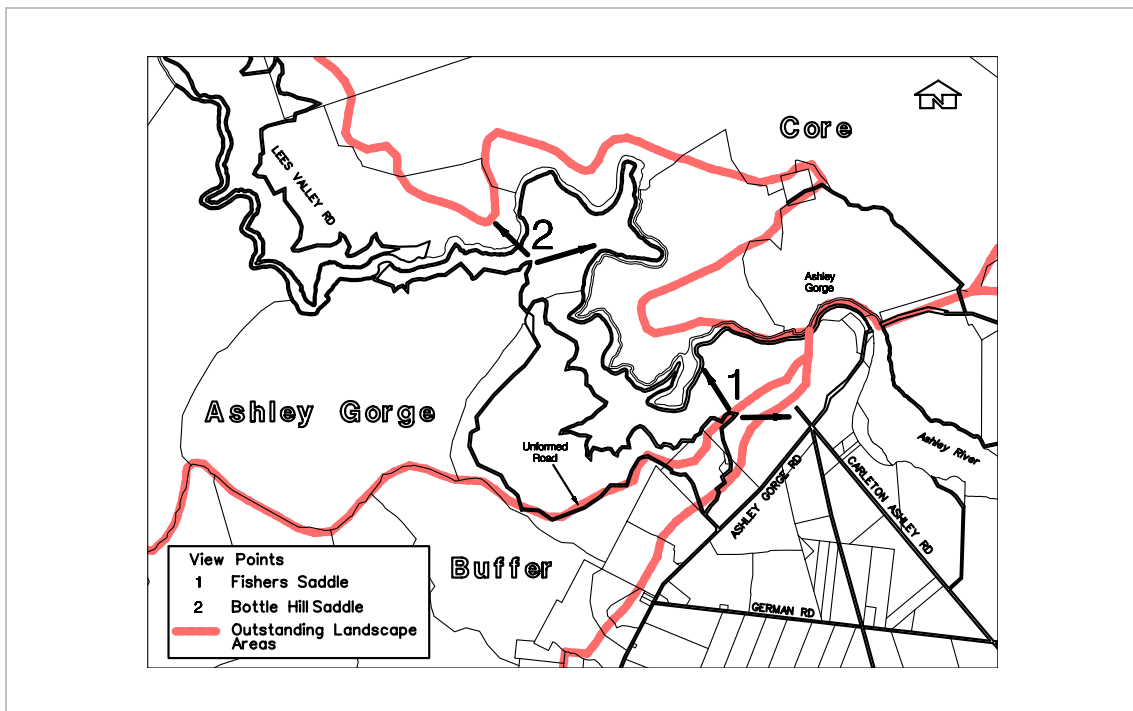
24.2 Controlled Activities

- 24.2.1 Within the Ashley Gorge Outstanding Landscape Area, tree planting or structures that block the view of the landscape from the two selected viewpoints as mapped in Figure 24.2 are a controlled activity.

In considering any application for a resource consent under Rule 24.2.1 the Council shall, in granting consent, and in deciding whether to impose conditions, exercise its control over the following matters:

- i. the effect on the ability to obtain an unimpeded view of the landscape from either of the two viewpoints as outlined in Figure 24.2; and
- ii. the relationship of the activity with existing landforms.

Figure 24.2: Lees Valley Road Viewpoints



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24.2.2 An application for resource consent under Rule 24.2.1 shall be considered without the need to obtain the written approval of affected persons in accordance with section 93(1)(b) of the Resource Management Act 1991, and shall be non-notified.

24.3 Discretionary Activities (Restricted)

24.3.1 Within the Buffer Outstanding Landscape Area any earthworks that do not comply with Rule 24.1.1.1 are a discretionary activity (restricted), except where exempted by Rule 24.1.2.

In considering any application for a resource consent under Rule 24.3.1 the Council shall, in deciding whether to grant or refuse consent, and in deciding whether to impose conditions, restrict the exercise of its discretion to the following matters:

- i. the timing, duration, area and location of the activity;
- ii. any vegetation that is to be retained;
- iii. any vegetation screening and backdrop;
- iv. the relationship of the activity with landforms;
- v. the methods necessary to maintain values associated with natural character, amenity and landscape, including revegetation type and density;
- vi. location and management, including revegetation, of cuts and fills; and
- vii. the effects on the stability and life-supporting capacity of soil.

24.3.2 Earthworks, other than those resulting from the maintenance of any electricity utility and associated telecommunication facility, within 20m of the highest adjacent point of any ridgeline mapped as a Prominent Ridge on District Plan Map 134, is a discretionary activity (restricted).

In considering any application for a resource consent under Rule 24.3.2 the Council shall, in deciding whether to grant or refuse consent, and in deciding whether to impose conditions, restrict the exercise of its discretion to the following matters:

- i. the relationship of the activity with landforms;
- ii. any vegetation screening or backdrop;
- iii. the methods necessary to maintain values associated with natural character, amenity and landscape;
- iv. the location and management, including revegetation, of cuts and fills; and
- v. the effects on the stability and life-supporting capacity of soil.

24.3.3 Any structure, other than a fence or a structure less than 5m² floor area and less than 2m in height, within 20m of the highest adjacent point of any ridgeline mapped as a Prominent Ridge on District Plan Map 134, is a discretionary activity (restricted).

In considering any application for a resource consent under Rule 24.3.3 the Council shall, in deciding whether to grant or refuse consent, and in deciding whether to impose conditions, restrict the exercise of its discretion to the following matters:

- i. the location and orientation of the structure;
- ii. the relationship of the activity with landforms;
- iii. any vegetation screening or backdrop;
- iv. the methods necessary to maintain values associated with natural character, amenity and landscape; and
- v. the effects on the stability and life-supporting capacity of soil.

CROSS REFERENCE: Rules 24.4.3 and 24.4.4

24.3.4 Within the Ashley Gorge Outstanding Landscape Area and the Buffer Outstanding Landscape Area, except the Buffer Outstanding Landscape Area on the plains side of the foothills north of the Ashley River/Rakahuri as shown on District Plan Map 134, the planting of any of the following tree species:

Lodgepole Pine – *Pinus contorta*

Scots Pine – *Pinus sylvestris*

Douglas Fir – *Pseudotsuga menziesii*

Corsican Pine – *Pinus nigra*

Larch – *Larix* spp

Mountain Pine – *Pinus uncinata*

Sycamore – *Acer pseudoplatanus*

Alder – *Alnus* spp

Willows adjacent to rivers – *Salix* spp

is a discretionary activity (restricted).

24.3.5 Within the Buffer Outstanding Landscape Area on the plains side of the foothills north of the Ashley River/Rakahuri, the planting of any of the following tree species:

Lodgepole Pine – *Pinus contorta*

Scots Pine – *Pinus sylvestris*

Corsican Pine – *Pinus nigra*

Larch – *Larix* spp

Mountain Pine – *Pinus uncinata*

Sycamore – *Acer pseudoplatanus*

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Aldern – *Alnus* spp

Willows adjacent to rivers – *Salix* spp

is a discretionary activity (restricted).

24.3.6 Except as provided for by Rules 24.3.4 or 24.3.5, and not within the Buffer Outstanding Landscape area on the plains side of the foothills to the north of the Ashley River/Rakahuri, the planting of any tree species in areas greater than 50ha on any site in any 12 month period, (excluding areas covered by any track or firebreak) is a discretionary activity (restricted).

24.3.7 Any land use that does not comply with Rules 24.1.1.2 and 24.1.1.3 is a discretionary activity (restricted).

In considering any application for a resource consent under Rules 24.3.4, 24.3.5, 24.3.6 or 24.3.7 the Council shall, in deciding whether to grant or refuse consent, and in deciding whether to impose conditions, restrict the exercise of its discretion to the following matters:

- i. the relationship of the activity with existing landforms, and natural features;
- ii. the methods necessary to maintain values associated with natural character, amenity and landscape;
- iii. wilding plant, prevention, minimisation and management measures;
- iv. effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna; and
- v. setbacks from wetlands, rivers and water bodies.

CROSS REFERENCE: Rule 24.5.1 for planting in the Core Outstanding Landscape Area

24.3.8 Vegetation clearance in the Core Outstanding Landscape Area, other than the clearance of plantation forestry planted prior to 20 June 1998, is a discretionary activity (restricted).

In considering any application for a resource consent under Rule 24.3.8 the Council shall, in granting consent, and in deciding whether to impose conditions, exercise its control over the following matters:

- i. the relationship of the activity with landforms;
- ii. the methods necessary to maintain values associated with natural character, amenity and landscape; and
- iii. the effects on the stability and life-supporting capacity of soil.

24.4 Discretionary Activities

24.4.1 Subdivision in the Core Outstanding Landscape Area, Buffer Outstanding Landscape Area and Ashley Gorge Outstanding Landscape Area is a discretionary activity, except for:

- a. any allotment which will be held together with other land in a manner which does not provide for their separation without the consent of the Council;

- b. any reserve created under the Reserves Act 1977;
- c. any allotment created for any unstaffed utility, accessway or road; or
- d. the subdivision of any allotment solely for the purposes of conservation, restoration or enhancement of any vegetation and habitat site, notable plant, or heritage resource listed in the District Plan, provided that:
 - the balance allotment meets the subdivision standards for that zone; or the balance allotment is amalgamated with land held in another certificate of title in order to meet the subdivision standard, and
 - an instrument is registered on the title of the exempted land appropriately linking its future use to those activities compatible with the values or significance identified within the District Plan.

In considering any resource consent application under Rule 24.4.1 the Council shall, in deciding whether to grant consent, and in deciding whether to impose conditions, have regard to (but not be limited by) the following matters:

- i. standards and terms for subdivision as set out in Rule 32.1.1;
- ii. location of the subdivision in relation to topography, vegetation, visibility from roads, and prominent ridgelines;
- iii. subdivision design in relation to the outstanding landscape qualities;
- iv. future building locations in relation to topography and vegetation; and
- v. those matters over which control is exercised for controlled activities in Chapter 32: Subdivision – Rules.

24.4.2 Within the Core Outstanding Landscape Area and Ashley Gorge Outstanding Landscape Area earthworks are a discretionary activity, except where provided for under Rule 24.1.1, or where exempted by Rule 24.1.2.

CROSS REFERENCE: Rule 23.1.1.8

24.4.3 Within the Core Outstanding Landscape Area and the Ashley Gorge Outstanding Landscape Area, the location of buildings is a discretionary activity.

CROSS REFERENCE: Rule 24.3.3

24.4.4 Within the Buffer Outstanding Landscape Area, the location of dwellings is a discretionary activity.

CROSS REFERENCE: Rule 24.3.3

24.5 Non-complying Activities

24.5.1 Within the Core Outstanding Landscape Area the planting of any exotic tree is a non-complying activity.