

**This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.**

## ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

### Introduction

The District contains a diverse range of habitats that support indigenous plants and animals, including at-risk, threatened, and endangered indigenous species. Many of these habitats are endemic, comprising forests, shrubland, herbfields, drylands, tussock grasslands, and waterbody margins.<sup>1</sup>

The Council has a responsibility to maintain 'indigenous biodiversity' generally and in particular to recognise and provide for the protection of 'significant indigenous vegetation' and 'significant habitats of indigenous fauna'. The identified significant indigenous vegetation and habitats are collectively referred to as Significant Natural Areas (SNA's) having been assessed and listed in the Plan. In addition, there are likely to be a range of other areas not yet assessed, ~~but containing significant values that meet the APP5 Criteria for identifying Significant Natural Areas.~~<sup>2</sup>

### Objectives

#### ECO-O1 Protection of significant indigenous biodiversity

~~The values of s~~Significant indigenous vegetation and significant habitats of indigenous fauna across the District are protected.<sup>3</sup>

#### ECO-O2 Maintenance and enhancement of indigenous biodiversity

The indigenous biodiversity of the District is maintained or enhanced.

#### ECO-O3 Recognition of Ngāi Tahu

The relationship of Ngāi Tahu whanui with indigenous biodiversity is recognised and provided for.

### Policies

#### ECO-P1 Assessment and identification of significant indigenous biodiversity

Identify Significant Natural Areas by:

1. assessing areas of indigenous vegetation and habitats of indigenous fauna according to the criteria set out in APP5 - Criteria for Identifying Significant Natural Areas; and
2. including Significant Natural Areas on the Planning Maps and in SCHED7 - Schedule of Significant Natural Areas.

#### ECO-P2 Appropriate indigenous vegetation clearance in significant natural areas

Provide for the clearance of indigenous vegetation in Significant Natural Areas where it is appropriate for health and safety,<sup>4</sup> wellbeing or customary reasons, or to allow for ongoing farming practises, by enabling clearance:

1. for mahika kai and other customary uses, where this is undertaken in accordance with tikaka protocols; or
2. where it is causing imminent danger to human life, structures, or utilities, or affecting the safe operation of utilities<sup>5</sup>; or
3. where necessary to manage plant or animal pests or unwanted organisms; or

<sup>1</sup> Forest and Bird [156.97], Dir. General Conservation [166.30]

<sup>2</sup> Forest and Bird [156.97], Dir. General Conservation [166.30]

<sup>3</sup> Forest and Bird [156.98]

<sup>4</sup> Forest and Bird [156.102]

<sup>5</sup> Clause 10(2)(b) relating to Road Metals [169.20], Fulton Hogan [170.21]

4. for flood protection works by appropriate authorities where those works are required to protect people and communities from the effects of flooding; or
5. for the operation, maintenance or repair of the National Grid; or
6. for the operation or maintenance of the electricity distribution network, rail network<sup>6</sup> and public roads;  
or
7. arising from grazing within areas of improved pasture which form part of Significant Natural Areas<sup>7</sup>.

### **ECO-P3 Protection of indigenous biodiversity in sensitive areas**

Protect indigenous biodiversity by managing the clearance of indigenous vegetation in the following sensitive areas:

1. riparian margins areas, wetlands<sup>8</sup> and springs; and
- ~~2. coastal areas; and<sup>9</sup>~~
3. areas at higher altitude; and
4. areas on steep slopes.

### **ECO-P4 Protection for long-tailed bats**

Protect long-tailed bats by:

1. Identifying important habitat for long-tailed bats as a Long-Tailed Bat Habitat<sup>10</sup> Protection Area overlay on the Planning Maps; and
2. maintaining the habitat for long-tailed bats within this overlay.

### **ECO-P5 Protection of Significant Natural Areas**

Except as provided for in ECO-P2<sup>11</sup>, avoid the clearance of indigenous vegetation and earthworks within SNAs, unless these activities:

1. are outside the coastal environment and<sup>12</sup> can be undertaken in a way that protects the identified ecological values; and
2. are for regionally significant infrastructure and it can be demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.

### **ECO-PX Maintaining Indigenous Biodiversity<sup>13</sup>**

Limit the clearance of indigenous vegetation outside areas identified in ECO-P1, ECO-P3 and ECO-PY, in order to maintain indigenous biodiversity, taking into account the value of such biodiversity.

### **ECO-P6 Avoidance of risk species**

Avoid the planting of species that are likely to adversely affect indigenous biodiversity values.

### **ECO-PY Indigenous Biodiversity in the Coastal Environment<sup>14</sup>**

In the coastal environment, except as provided for in ECO-P2, avoid adverse effects of activities on:

1. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;

<sup>6</sup> Alpine [55.4], KiwiRail [187.54]

<sup>7</sup>

<sup>8</sup> Clause 10(2)(b) relating to Federated Farmers [182.117]

<sup>9</sup> Clause 10(2)(b) relating to Forest and Bird [156.5]

<sup>10</sup> Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

<sup>11</sup> ECan [183.75]

<sup>12</sup> Forest and Bird [156.5]

<sup>13</sup> Frank, H [90.23], Forest and Bird [156.3, 156.106, 156.107], Dir. General Conservation [166.29]

<sup>14</sup> Forest and Bird [156.5]

- 2. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
  - 3. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;
  - 4. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
  - 5. areas containing nationally significant examples of indigenous community types; and
  - 6. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and
- avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:
- 8. areas of predominantly indigenous vegetation in the coastal environment;
  - 9. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
  - 10. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
  - 11. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
  - 12. habitats, including areas and routes, important to migratory species; and
  - 13. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

**ECO-PZ Restoration of Indigenous Biodiversity<sup>15</sup>**

Promote the restoration of indigenous biodiversity through a range of methods, including consent conditions, covenants, reserves, management plans and other initiatives, with prioritisation given to:

- 1. Significant Natural Areas whose ecological integrity is degraded;
- 2. threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems;
- 3. areas that provide important connectivity or buffering functions;
- 4. natural inland wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna; and
- 5. areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners; and
- 6. any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration.

**Rules**

**Note:** *Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.*

**ECO-R1 Clearance of indigenous vegetation (except as provided for in ECO-R2 for flood protection works, or ECO-R3 for National Grid activities or ECO-RX for restoration or enhancement of a Significant Natural Area)<sup>16</sup>**

<b>1</b>	<b>Activity status: Permitted</b>	<b>Activity status where compliance not achieved: Non-complying</b>
----------	-----------------------------------	---------------------------------------------------------------------

<sup>15</sup> Dir. General Conservation [166.38]

<sup>16</sup> Clause 10(2)(b) relating to Silver Fern Farms [172.55] and Alliance Group [173.59], Rooney Holdings [174.32, 174.34], Rooney, GJH [191.32, 191.34], Rooney Group [249.32, 249.34], Rooney Farms [250.32, 250.34], Rooney Earthmoving [251.32, 251.34], TDL [252.32, 252.34]

<b>Significant Natural Areas Overlay</b>	<p><b>Where:</b></p> <p><b>PER-1</b> The vegetation to be cleared is causing an imminent danger to human life, structures, or utilities, <u>or affecting the safe operation of utilities</u>.<sup>17</sup> and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or</p> <p><b>PER-2</b> The clearance is carried out by the relevant Road Requiring Authority <u>or an agent authorised by them</u><sup>18</sup>:</p> <ol style="list-style-type: none"> <li>1. to install, <u>maintain or repair</u><sup>19</sup> road safety assets for the purpose of reducing traffic risk within the road corridor, and the clearance is less than 5m<sup>2</sup> within a single SNA; or</li> <li>2. to maintain existing roadside drainage; or</li> </ol> <p><b>PER-2A</b> <u>The clearance is for the purpose of maintaining the rail network and the clearance is less than 5m<sup>2</sup> within a single SNA; or</u><sup>20</sup></p> <p><b>PER-3</b> The vegetation clearance is carried out by Ngāi Tahu whanui for the purposes of mahika kai or other customary uses, where it has been certified by Te Runanga o Arowhenua that the activity will meet tikanga protocol (Note: Te Runanga o Arowhenua will notify the Timaru District Council prior to such activities occurring); or</p> <p><b>PER-4</b> The vegetation clearance is carried out to remove material infected by unwanted organisms as declared by the Minister for Primary Industries Chief Technical Officer, or an emergency declared under the Biosecurity Act 1993; or</p> <p><b>PER-5</b> The clearance is unavoidable in the course of removing pest plants and pest animals in</p>
------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<sup>17</sup> Road Metals [169.20], Fulton Hogan [170.21]

<sup>18</sup> Road Metals [169.20] and Fulton Hogan [170.21]

<sup>19</sup> Road Metals [169.20] and Fulton Hogan [170.21]

<sup>20</sup> KiwiRail [187.56]

	<p>accordance with any regional pest management plan or the Biosecurity Act 1993, or where this occurs as part of indigenous biodiversity restoration or enhancement.</p> <p><b>PER-6</b>  <u>The clearance occurs due as part of grazing, (but not over-grazing/trampling), within an area of improved pasture.<sup>21</sup></u></p> <p><b>Advice Note</b>  <u>This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.<sup>22</sup></u></p>	
<p><b>2</b>  <b>Within 50m of any wetland Riparian margins (excluding a river that is a HNWB)<sup>23</sup></b></p> <p><b>In the Coastal Environment, within 20m of mean high water springs<sup>24</sup></b></p> <p><b>Within 20m of the bank of any waterbody<sup>25</sup></b></p> <p><b>Within 20m of any</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b>  The vegetation to be cleared is causing an imminent danger to human life, structures, or utilities, <u>or affecting the safe operation of utilities,<sup>26</sup></u> and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or</p> <p><b>PER-2</b>  The clearance is within 2m, and for the purpose, of maintenance, repair or replacement of existing lawfully established fences, vehicle tracks, roads, <u>railway tracks, stock water or irrigation systems,<sup>27</sup></u> walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or utilities; <u>or regionally significant infrastructure,<sup>28</sup></u> or for an <u>upgrade in seal cover of an existing road<sup>29</sup></u>; or</p> <p><b>PER-3</b></p>	<p><b>Activity status where compliance not achieved: Restricted discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. whether the indigenous vegetation is significant (when assessed against the APP5 — Criteria for Identifying Significant Natural Areas) and the ability to <del>retain</del> <u>protect</u><sup>34</sup> any significant vegetation; and</li> <li>2. the condition and character of the indigenous vegetation; and</li> <li>3. whether the indigenous vegetation provides habitat for threatened, at risk or locally uncommon species; and</li> <li>4. any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance; and</li> <li>5. any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi tāoka values; and</li> <li>6. whether species diversity would be adversely impacted by the proposal; and</li> </ol>

<sup>21</sup> Hart, J R [149.2]

<sup>22</sup> Port Blakely [94.7]

<sup>23</sup> Clause 10(2)(b) relating to Federated Farmers [182.117]

<sup>24</sup> Clause 10(2)(b) relating to Forest and Bird [156.5]

<sup>25</sup> Clause 10(2)(b) relating to Federated Farmers [182.117]

<sup>26</sup> Clause 10(2)(b) relating to Road Metals [169.20], Fulton Hogan [170.21]

<sup>27</sup> Clause 10(2)(b) relating to Rangitata Dairies [44.10], Connolly, S [136.2]

<sup>28</sup> Waka Kotahi [143.84]

<sup>29</sup> KiwiRail [187.59]

<sup>34</sup> Dir. General Conservation [166.41]

<p><b>waipuna (spring)</b></p> <p><b>At an altitude of 900m or higher</b></p> <p><b>Land with an average slope of 30° or greater</b></p>	<p>The vegetation clearance is carried out by Ngai Tahu whanui for the purposes of mahinga kai or other customary uses, where it has been certified by Te Runanga o Arowhenua that the activity will meet tikaka protocol (Note: Te Runanga o Arowhenua will notify the Timaru District Council prior to such activities occurring); or</p> <p><b>PER-4</b> The clearance is of indigenous vegetation that:</p> <ul style="list-style-type: none"> <li>a. <del>has been planted and managed specifically for the purpose of harvesting, or</del></li> <li>b. <del>has grown up under an area of lawfully established plantation forestry, or</del><sup>30</sup></li> <li>c. has been planted and/or managed as part of a domestic or public garden or has been planted for amenity purposes as a shelterbelt, or</li> <li>d. is within an area of improved pasture; or</li> </ul> <p><b>PER-5</b> The clearance is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993; or</p> <p><b>PER-6</b> <u>The clearance where this occurs as part of indigenous biodiversity restoration or enhancement, including vegetation clearance which is to restore or enhance the natural character or ecological values of the riparian margin</u><sup>31</sup>.</p> <p><b>PER-7</b> <u>The vegetation clearance is within a riparian margin and is associated with the replacement of, or expansion to, an existing building or structure, permitted under NATC-R5.</u><sup>32</sup></p>	<ul style="list-style-type: none"> <li>7. the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and</li> <li>8. any potential for mitigation or compensation of adverse effects on biodiversity values; and</li> <li>9. the economic effects on the landholder of the retention of the vegetation; and</li> <li>10. any site specific management factors to promote the restoration and enhancement of indigenous vegetation and habitats; and</li> <li>11. the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and</li> <li>12. any benefits that the activity provides to the local community and beyond; <del>and</del></li> <li>13. <u>within the coastal environment, the management of effects in accordance with ECO-PY.</u><sup>35</sup></li> <li>14. <u>where the clearance is within a riparian margin</u><sup>36</sup>: <ul style="list-style-type: none"> <li>a. <u>the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and</u></li> <li>b. <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</u></li> <li>c. <u>the extent to which alternative practicable options have been considered and their feasibility; and</u></li> <li>d. <u>the extent to which any restoration or enhancement of the natural character of the area is proposed; and</u></li> <li>e. <u>the extent to which the proposal has the potential to cause or exacerbate bank erosion; and</u></li> <li>f. <u>whether there is a functional need, or in relation to infrastructure an operational need,</u><sup>37</sup> <u>for the activity to locate in a riparian margin.</u></li> </ul> </li> </ul>
------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<sup>30</sup> Port Blakely [94.7]

<sup>31</sup> Shifted from NATC-R1 PER-6 (Clause 10(2)(b) relating to Federated Farmers [182.117])

<sup>32</sup> Te Kotare [115.29], Waipopo Huts [189.41]

<sup>35</sup> Clause 10(2)(b) relating to Forest and Bird [156.5]

<sup>36</sup> Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

<sup>37</sup> Transpower [159.78]



	<p><b><u>Advice Note</u></b>  <u>This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.</u><sup>33</sup></p>	
<p><b><u>3. Riparian margins of an HNWB</u></b><sup>38</sup></p>	<p><b><u>Activity status: Discretionary</u></b></p>	<p><b><u>Activity status where compliance not achieved: Not applicable</u></b></p>
<p><b><u>4. All areas not specified in 1. – 3. above</u></b><sup>39</sup></p>	<p><b><u>Activity status: Permitted</u></b></p> <p><b><u>Where:</u></b></p> <p><b><u>PER-1</u></b></p> <p><u>The clearance is for the purpose of:</u></p> <ol style="list-style-type: none"> <li>1. <u>the maintenance, repair or replacement of:</u> <ol style="list-style-type: none"> <li>a. <u>existing fences, vehicle tracks, roads, walkways, firebreaks, dams, drains, man-made ponds, waterway crossings, or network utilities, and is limited to the area within 2m of these.</u></li> <li>b. <u>any existing flood, erosion or drainage works administered by a Regional or Territorial Authority, limited to the area within the existing footprint of the works.</u></li> <li>c. <u>existing buildings, and is limited to within 2m from any existing exterior wall.</u></li> </ol> </li> <li>2. <u>clearing vegetation that is causing an imminent danger to human life, structures, infrastructure, or important infrastructure.</u></li> <li>3. <u>mahinga kai or other customary uses, where the clearance is by Ngāi Tahu whānui and in accordance with tikanga protocols.</u></li> <li>4. <u>clearing vegetation that has been managed as part of a domestic or public garden, for amenity purposes, or as a shelterbelt;</u></li> <li>5. <u>protecting, maintaining, restoring, and accessing ecological values, and is carried out in accordance with:</u></li> </ol>	<p><b><u>Activity status where compliance not achieved: Restricted discretionary</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>whether the indigenous vegetation is significant (when assessed against the APP5 – Criteria for Identifying Significant Natural Areas) and the ability to retain any significant vegetation; and</u></li> <li>2. <u>the condition and character of the indigenous vegetation; and</u></li> <li>3. <u>whether the indigenous vegetation provides habitat for threatened, at risk or locally uncommon species or is more than 25 years old; and</u></li> <li>4. <u>any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance; and</u></li> <li>5. <u>any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi tāoka values; and</u></li> <li>6. <u>whether species diversity would be adversely impacted by the proposal; and</u></li> <li>7. <u>the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and</u></li> <li>8. <u>any potential for mitigation or compensation of adverse effects on biodiversity values; and</u></li> <li>9. <u>the economic effects on the landholder of the retention of the vegetation; and</u></li> <li>10. <u>any site specific management factors to promote the restoration and</u></li> </ol>

<sup>33</sup> Port Blakely [94.7]

<sup>38</sup> Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

<sup>39</sup> Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29]

	<ul style="list-style-type: none"> <li>a. <u>a Reserve Management Plan approved under the Reserves Act 1977;</u></li> <li>b. <u>a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977,</u></li> <li>c. <u>a national park management plan or conservation management plan or strategy prepared under the Conservation Act 1987.</u></li> </ul> <p>6. <u>maintaining cultivated land.</u></p> <p>7. <u>grazing, that is not over-grazing/trampling, within an area of improved pasture.</u></p> <p>8. <u>maintaining improved pasture by way of oversowing and/or topdressing, outside any depositional landforms within the upper Rangitata.</u></p> <p>9. <u>biosecurity, and is necessary in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, including the clearance of material infected by unwanted organisms.</u></p> <p><b><u>Advice Note</u></b>  <u>This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.</u><sup>40</sup></p>	<p><u>enhancement of indigenous vegetation and habitats; and</u></p> <p>11. <u>the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and</u></p> <p>12. <u>any benefits that the activity provides to the local community and beyond.</u></p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

ECO-R2 Clearance of indigenous vegetation for natural hazard mitigation works		
<p><b>Significant Natural Areas Overlay</b></p> <p><b>Within 50m of any wetland Riparian margins (excluding a</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b>                  The indigenous vegetation removed is only pohuehue (<i>muehlenbeckia australis</i>, <i>muehlenbeckia axillaris</i> or <i>muehlenbeckia complexia</i> only); and</p> <p><b>PER-2</b></p>	<p><b>Activity status where compliance not achieved with PER-1: Controlled</b></p> <p><b>Matters of control are restricted to:</b></p> <ul style="list-style-type: none"> <li>1. any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures; and</li> <li>2. any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi taoka; and</li> </ul>

<sup>40</sup> Clause 10(2)(b) relating to Port Blakely [94.7]



<p><b><u>river that is a HNWB</u></b><sup>41</sup></p> <p><b>In the Coastal Environment, within 20m of Mean High Water Springs</b><sup>42</sup></p> <p><b>Within 20m of the bank of any waterbody</b><sup>43</sup></p> <p><b>Within 20m of any waipuna (spring)</b></p> <p><b>At an altitude of 900m or higher</b></p> <p><b>Land with an average slope of 30° or greater</b></p>	<p>The vegetation clearance is carried out solely by the Regional Council, Timaru District Council, or an agent authorised by one of these parties.</p>	<ol style="list-style-type: none"> <li>3. opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and</li> <li>4. methods proposed to monitor or inspect the works undertaken; and</li> <li>5. the ability to apply a management plan approach to the works and the content of any management plan; and</li> <li>6. the timing of works to minimise adverse effects on significant indigenous species.</li> </ol>
		<p><b><u>Activity status where compliance not achieved with PER-2 and the clearance is outside a Significant Natural Area: Restricted discretionary</u></b><sup>44</sup></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>whether the indigenous vegetation is significant (when assessed against the APP5 – Criteria for Identifying Significant Natural Areas) and the ability to protect any significant vegetation; and</u></li> <li>2. <u>the condition and character of the indigenous vegetation; and</u></li> <li>3. <u>whether the indigenous vegetation provides habitat for threatened, at risk or locally uncommon species; and</u></li> <li>4. <u>any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance; and</u></li> <li>5. <u>any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi tāoka values; and</u></li> <li>6. <u>whether species diversity would be adversely impacted by the proposal; and</u></li> <li>7. <u>the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and</u></li> <li>8. <u>any potential for mitigation or compensation of adverse effects on biodiversity values; and</u></li> <li>9. <u>the economic effects on the landholder of the retention of the vegetation; and</u></li> <li>10. <u>any site specific management factors to promote the restoration and</u></li> </ol>

<sup>41</sup> Clause 10(2)(b) relating to Federated Farmers [182.117]

<sup>42</sup> Clause 10(2)(b) relating to Forest and Bird [156.5]

<sup>43</sup> Clause 10(2)(b) relating to Federated Farmers [182.117]

<sup>44</sup> Alliance Group [173.58]

		<p><u>enhancement of indigenous vegetation and habitats; and</u></p> <p><u>11. the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and</u></p> <p><u>12. any benefits that the activity provides to the local community and beyond.</u></p> <p><u>13. where the clearance is within a riparian margin.<sup>45</sup></u></p> <p>a. <u>the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and</u></p> <p>b. <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</u></p> <p>c. <u>the extent to which alternative practicable options have been considered and their feasibility; and</u></p> <p>d. <u>the extent to which any restoration or enhancement of the natural character of the area is proposed; and;</u></p> <p>e. <u>the extent to which the proposal has the potential to cause or exacerbate bank erosion; and</u></p> <p>f. <u>whether there is a functional need, or in relation to infrastructure an operational need,<sup>46</sup> for the activity to locate in a riparian margin.</u></p> <p><b><u>Activity status where compliance is not achieved with PER-2 and the clearance is within a Significant Natural Area: Non-complying</u></b></p>
<p><b>ECO-R3</b></p>	<p><b>Clearance of indigenous vegetation associated with the National Grid <u>or electricity distribution network</u><sup>47</sup></b></p>	

<sup>45</sup> Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

<sup>46</sup> Transpower [159.78]

<sup>47</sup> Alpine Energy [55.5]

<p><b>Significant Natural Areas Overlay</b></p> <p><b>Within 50m of any wetland Riparian margins (excluding a river that is a HNWB)<sup>48</sup></b></p> <p><b>In the Coastal Environment, within 20m of Mean High Water Springs<sup>49</sup></b></p> <p><b>Within 20m of the bank of any waterbody<sup>50</sup></b></p> <p><b>Within 20m of any waipuna (spring)</b></p> <p><b>At an altitude of 900m or higher</b></p> <p><b>Land with an average slope of 30° or greater</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The vegetation clearance is to provide for the operation, maintenance or repair of the National Grid <u>or electricity distribution network<sup>51</sup></u>, including maintenance of existing access to National Grid support structures; and</p> <p><b>PER-2</b> The vegetation clearance is carried out by or on behalf of Transpower New Zealand Limited <u>or Alpine Energy Limited<sup>52</sup></u>.</p>	<p><b>Activity status where compliance not achieved with PER-1: Restricted discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures; and</li> <li>2. the necessity for the clearance and any alternate options that have been considered; and</li> <li>3. the mitigation measures proposed to ensure that the values of the SNA are protected as far as practicable;</li> <li>4. any adverse effects on the mauri of the site, mahika kai, wāhi tāpu or wāhi taoka; and</li> <li>5. opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and</li> <li>6. methods proposed to monitor or inspect the works undertaken; and</li> <li>7. the ability to apply a management plan approach to the works and the content of any management plan; and</li> <li>8. the timing of works to minimise adverse effects on significant indigenous species; <u>and</u></li> <li>9. <u>where the clearance is within a riparian margin:</u><sup>53</sup> <ol style="list-style-type: none"> <li>a. <u>the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and</u></li> <li>b. <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</u></li> <li>c. <u>the extent to which alternative practicable options have been considered and their feasibility; and</u></li> <li>d. <u>the extent to which any restoration or enhancement of</u></li> </ol> </li> </ol>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<sup>48</sup> Clause 10(2)(b) relating to Federated Farmers [182.117]

<sup>49</sup> Clause 10(2)(b) relating to Forest and Bird [156.5]

<sup>50</sup> Clause 10(2)(b) relating to Federated Farmers [182.117]

<sup>51</sup> Alpine Energy [55.5]

<sup>52</sup> Alpine Energy [55.5]

<sup>53</sup> Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

		<p><u>the natural character of the area is proposed; and</u></p> <p>e. <u>the extent to which the proposal has the potential to cause or exacerbate bank erosion; and</u></p> <p>f. <u>whether there is a functional need, or in relation to infrastructure an operational need,<sup>54</sup> for the activity to locate in a riparian margin.</u></p> <p><b>Activity status where compliance not achieved with PER-2: Non-complying</b></p>
<p><b>Riparian margins of an HNWB<sup>55</sup></b></p>	<p><b>Activity status: Discretionary</b></p>	<p><b>Activity status where compliance not achieved: Not applicable</b></p>
<p><b>ECO-R4 Clearance of trees in the Long-Tailed Bat <u>Habitat</u><sup>56</sup> Protection Area</b></p>		
<p><b>Long-tailed Bat <u>Habitat</u><sup>57</sup> Protection Area Overlay</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The trees being cleared:</p> <ol style="list-style-type: none"> <li>were planted for timber production (plantation forest and woodlots); or</li> <li>are within a domestic garden; or</li> <li>are causing an imminent danger to human life, structures, or utilities and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or</li> </ol> <p><b>PER-2</b> The tree is:</p> <ol style="list-style-type: none"> <li>a native tree with a trunk circumference of less than 31.5cm, when measured at 1.5m above ground level; or</li> </ol>	<p><b>Activity status where compliance not achieved: Restricted discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>whether, upon specialist assessment by a suitably qualified <u>and experienced expert ecologist, or demonstrated through use of an automatic bat monitor,</u><sup>58</sup> the tree/s proposed to be removed is habitat for long-tailed bats; and</li> <li>the extent to which the removal of tree/s would impact on the ability of the long-tailed bat <u>habitat</u><sup>59</sup> protection area to provide for the habitat needs of the bats; and</li> <li>the extent to which the long-tailed bat <u>habitat</u><sup>60</sup> protection area has been previously modified by the removal of bat habitat;</li> </ol>

<sup>54</sup> Transpower [159.78]

<sup>55</sup> Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

<sup>56</sup> Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

<sup>57</sup> Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

<sup>58</sup> Port Blakely [94.8], Zolve [164.2]

<sup>59</sup> Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

<sup>60</sup> Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

	<p>2. an exotic tree, excluding willow, with a trunk circumference of less than 70cm, when measured at 1.5m above ground level greater; or</p> <p>3. any willow tree with a trunk circumference of less than 120cm, when measured at 1.5m above ground level.</p>	<p>4. the reasons for removal of the tree and any alternatives considered; and</p> <p>5. any measures to avoid or mitigate the adverse effects.</p>
<b>ECO-R5</b>	<b>Earthworks in a Significant Natural Area (except as provided for ECO-RX for restoration or enhancement of a Significant Natural Area)<sup>61</sup></b>	
<b>Significant Natural Areas Overlay</b>	<p><b>Activity status: <u>Permitted Restricted discretionary</u><sup>62</sup></b></p> <p><b>Where:</b></p> <p><b><u>RDISPER-1</u></b> The earthworks are within 2m, and for the purpose, of the maintenance, repair or replacement of existing lawfully established vehicle tracks, roads, walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or utilities.</p> <p><b>Matters of discretion are restricted to:</b></p> <p>-</p> <ol style="list-style-type: none"> <li><del>1. any adverse effects on indigenous vegetation and habitats of indigenous fauna and</del></li> <li><del>2. the necessity for the earthworks and any alternate options that have been considered</del></li> <li><del>3. the mitigation measures proposed to ensure that the values of the SNA are maintained; and</del></li> <li><del>4. any adverse effects on the mauri of the site, mahika kai, wāhi tāpu or wāhi taoka; and</del></li> <li><del>5. opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and</del></li> <li><del>6. methods proposed to monitor or inspect the works undertaken; and</del></li> <li><del>7. the ability to apply a management plan approach to the works and the content of any management plan; and</del></li> <li><del>8. the timing of works to minimise adverse effects on significant indigenous species.</del></li> </ol>	<p><b>Activity status where compliance not achieved: <u>Restricted-dDiscretionary</u><sup>63</sup></b></p> <p><b>Where:</b></p> <p><b>DIS-1</b> The earthworks are to provide for activities associated with the National Grid and are carried out by or on behalf of Transpower New Zealand Limited; or</p> <p><b>DIS-2</b> The earthworks are for flood protection works and are carried out solely by the Regional Council, Timaru District Council, or an agent authorised by one of these parties.</p> <hr/> <p><b>Activity status where compliance not achieved: <u>Non-complying</u></b></p>

<sup>61</sup> Clause 10(2)(b) relating to Silver Fern Farms [172.55] and Alliance Group [173.59], Rooney Holdings [174.32, 174.34], Rooney, GJH [191.32, 191.34], Rooney Group [249.32, 249.34], Rooney Farms [250.32, 250.34], Rooney Earthmoving [251.32, 251.34], TDL [252.32, 252.34]

<sup>62</sup> Transpower [159.73], Federated Farmers [182.109]

<sup>63</sup> Forest and Bird [156.113], Federated Farmers [182.109]



<b>ECO-RX</b>	<b>Clearance of indigenous vegetation and earthworks in a Significant Natural Area associated with the restoration or enhancement of the Significant Natural Area<sup>64</sup></b>	
<b>Significant Natural Areas Overlay</b>	<p><b>Activity status: Restricted discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. <u>the extent to which the values of the Significant Natural Area will be restored or enhanced as part of the overall project; and</u></li> <li>2. <u>the necessity for the clearance or earthworks and any alternate options that have been considered; and</u></li> <li>3. <u>the mitigation measures proposed to ensure that the values of the SNA are protected; and</u></li> <li>4. <u>any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi taoka; and</u></li> <li>5. <u>methods proposed to monitor or inspect the works undertaken; and</u></li> <li>6. <u>the ability to apply a management plan approach to the works and the content of any management plan; and</u></li> <li>7. <u>the timing of works to minimise adverse effects on significant indigenous species.</u></li> </ol>	<b>Activity status where compliance not achieved: Not Applicable</b>
<b>ECO-R6</b>	<b>Subdivision of land containing a Significant Natural Area</b>	
<b>Sites containing a Significant Natural Area</b>	<b>Activity Status: Discretionary</b>	<b>Activity status where compliance not achieved: Not Applicable</b>
<b>ECO-R7</b>	<b>Planting of potential pest species</b>	
<b>All Zones</b>	<p><b>Activity status: Non-complying</b></p> <p><b>Where:</b></p> <p><b>NC-1</b> The planting involves any of the following species:</p> <ol style="list-style-type: none"> <li>a. <i>Acer pseudoplatanus</i> (sycamore)</li> <li>b. <i>Ammophila arenaria</i> (marram)</li> <li>c. <i>Berberis glaucocarpa</i> (barberry)</li> <li>d. <i>Buddleja davidii</i> (buddleia)</li> </ol>	<b>Activity status where compliance not achieved: Not Applicable</b>

<sup>64</sup> Silver Fern Farms [172.55] and Alliance Group [173.59], Rooney Holdings [174.32, 174.34], Rooney, GJH [191.32, 191.34], Rooney Group [249.32, 249.34], Rooney Farms [250.32, 250.34], Rooney Earthmoving [251.32, 251.34], TDL [252.32, 252.34]

- e. *Cotoneaster simonsii* (Khasia berry)
- f. *Crataegus monoqyna* (hawthorn)
- g. *Erica lusitanica* (Spanish heath)
- h. *Fraxinus excelsior* (Ash)
- i. *Glechoma hederacea* (ground ivy)
- j. *Ilex aquifolium* (holly)
- k. *Salix cinerea* (grey willow)
- l. *Betula pendula* (Silver birch)
- m. *Ribes sanguineum* (Red-flowering currant)
- n. *Dryopteris filix-mas* (Male fern)
- o. *Populus alba* (White poplar)
- p. *Sorbus aucuparia* (rowan)
- q. *Cotoneaster franchetii*;
- r. *Cotoneaster glaucophyllus*;
- s. *Cotoneaster lacteus*;
- t. *Cotoneaster microphylla*<sup>65</sup> or

**NC-2**

The planting is undertaken above 300m asl and involves any of the following species:

- a. *Lupinus arboreus* (tree lupin)
- b. *Lupinus polyphyllus* (Russell lupin)
- c. *Salix fragilis* (crack willow)
- d. ~~*Sorbus aucuparia* (rowan).~~<sup>66</sup>

**Note:** Reference should also be made to species included in the Canterbury Regional Pest Management Plan. Under sections 52 and 53 of the Biosecurity Act 1993, any person is prevented from selling, propagating or distributing any pest species listed in that Plan.

<sup>65</sup> Frank, H [90.10]

<sup>66</sup> Frank, H [90.10]

**This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.**

## NATURAL CHARACTER

### Introduction

The Council has a responsibility to recognise and provide for the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins; and the protection of them from inappropriate subdivision, use and development.

A range of landuse and subdivision activities can have adverse effects on the natural character of rivers and wetlands. These include, but are not limited to subdivision; the construction of buildings and structures; earthworks and cultivation; ~~and the planting and removal of vegetation~~ and the removal of indigenous vegetation.<sup>1</sup> The provisions of this chapter seek to manage those activities within the riparian margins of rivers and wetlands to ensure that the elements, patterns, processes and experiential qualities that contribute to the natural character values of the District's rivers and wetlands are preserved. These riparian margins are defined, and the provisions in this chapter apply within these defined riparian areas. There are also provisions in the Ecosystems and Indigenous Biodiversity Chapter which apply to the clearance of indigenous vegetation within riparian areas.<sup>2</sup>

The provisions also seek to provide for land use activities which either enhance natural character values such as restoration planting and pest management practices; and/or enable the customary harvest of vegetation for mahika kai. Restoration and enhancement of natural character values is also encouraged and supported through plan rules or non-statutory methods.

Within the District, some specific areas have been identified in the Canterbury Land and Water Regional Plan as High Naturalness Water Bodies (HNWB), including the Havelock and Clyde Rivers, the upper Ōrāri River, Milford Lagoon and Ōrakipaoa Creek. The Rangitata River is also subject to<sup>3</sup> the Water Conservation (Rangitata River) Order 2006 that identifies parts of the river as having outstanding characteristics and features. These parts of the river and its tributaries are identified in schedule 1 and 2 of the Water Conservation Order as having wild, scenic and other natural characteristics and amenity and intrinsic values. Accordingly, those parts of the Rangitata River and its tributaries, and the HNWB water bodies have been classified as High Naturalness Water Bodies in this District Plan.

The extent of these HNWB are shown on the planning maps. Because of their higher level of natural character values, a greater level of protection is provided through the provisions applying within the margins of these HNWB. All other waterbodies and wetlands within the district have varying degrees of natural character.

The rules within this Chapter enable the identification and assessment of natural character values on a case by case basis for activities requiring consent across the district. Provisions related to the preservation of the natural character of the coastal environment are included in the Coastal Environment Chapter.

The rules within this chapter also apply to Regionally Significant Infrastructure and other infrastructure. However, the objectives and policies of both this chapter and the Energy and Infrastructure Chapter apply to the consideration of any resource consent required under the rules in this Chapter for Regionally Significant Infrastructure.

<sup>1</sup> Clause 10(2)(b) relating to Federated Farmers [182.117]

<sup>2</sup> Clause 10(2)(b) relating to Federated Farmers [182.117]

<sup>3</sup> Clause 16(2)

## Objectives

### NATC-O1 Protection of natural character

The natural character of the Timaru District's wetlands and rivers and their margins is preserved and protected from inappropriate subdivision, use and development, and where possible restored and/or<sup>4</sup> enhanced.

## Policies

### NATC-P1 Natural character values

~~Recognise that natural character values of wetlands and rivers and their margins are derived from:~~

- ~~1. the extent to which these are in, or close to, their natural state in terms of:
 
  - a. the occurrence of natural elements, patterns and processes; and;
  - b. riparian and aquatic ecology and biodiversity; and
  - c. ecological, geomorphic and hydrological processes; and
  - d. the absence of human modification; and~~
- ~~2. people's experience of the above elements, patterns and processes; and~~
- ~~3. the cultural values of the water body to Kāti Huirapa, including values associated with traditional and contemporary uses and the continuing ability of the water body to support taoka species and mahika kai activities.~~

Recognise the contribution of the following natural elements, patterns, processes and experiential qualities to the natural character values of wetlands, rivers, and their margins:

1. landforms and landscapes, biophysical, geologic, and morphological aspects;
2. hydrological and fluvial processes, including erosion and sedimentation;
3. indigenous biodiversity, habitats, and ecosystems;
4. water flow and levels, colour and clarity, and water quality;
5. the cultural values of the water body to Kāti Huirapa, including values associated with traditional and contemporary uses and the continuing ability of the waterbody to support taoka species and mahika kai activities.
6. absence of man-made modification to their natural state; and
7. people's experience of the above elements, patterns, and processes.<sup>5</sup>

### NATC-P2 Restoration and enhancement

Provide for and encourage the restoration and/or enhancement of the natural character of wetlands and rivers where:

1. the natural character is degraded, and restoration and/or enhancement will achieve long-term improvement in natural character values; and/or
2. it will assist in the establishment or restoration of indigenous biodiversity or ecosystems, particularly for ecosystems that are threatened or unrepresented in protected areas; and/or
3. they provide existing trout or salmon habitat; and/or
4. it will enhance the taoka species and mahika kai and the ability of Kāti Huirapa to exercise kaitiakitanga; and/or
5. it will improve or establish connections between habitats and create corridors for indigenous species and their movement between areas; and/or
6. riparian margins provide a buffer from activities that may adversely affect the natural character values of the river or wetland; and/or
7. riparian margins provide spawning or other significant habitats for at risk or threatened species.

### NATC-P3 Incentives

<sup>4</sup> Forest and Bird [156.119]

<sup>5</sup> Forest and Bird [156.120]

Encourage and support the restoration and enhancements of natural character values through such measures as:

1. reducing or waiving consent application costs; and/or
2. providing funding, grants and other incentives; and/or
3. providing expert advice.

#### **NATC-P4      Preservation of natural character from inappropriate subdivision, use and development**

Preserves<sup>6</sup> the natural character values of riparian margins by only allowing subdivision, use and development that:

1. avoids, or if avoidance is not practical possible<sup>7</sup>, minimises any adverse effects on the elements, patterns, processes and experiential qualities outlined in NATC-P1;
2. maintains natural character values which have been modified but are highly valued;
3. restores or enhances natural character values in circumstances identified in NATC-P2; and
4. avoids or, where that is not practical possible<sup>8</sup>, does not exacerbate bank erosion; or
5. is regionally significant infrastructure, and it is demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.<sup>9</sup>

#### **NATC-P5      Anticipated activities in riparian margins**

Provide for activities in riparian margins which are appropriate for safety, enhancement, wellbeing or customary reasons, by enabling:

1. activities which are undertaken by a local authority for the purpose of natural hazard mitigation works, and where possible, any adverse effects on natural character are minimised;
2. ~~vegetation clearance to remove pest species~~<sup>10</sup>
3. ~~vegetation clearance for mahika kai purposes;~~<sup>11</sup>
4. planting of indigenous species that is for the purpose of restoration and enhancement activities; and
5. earthworks that are for the purpose of maintenance and repair of existing fences, tracks, roads, railways,<sup>12</sup> stock water systems, irrigation systems<sup>13</sup> or regionally significant infrastructure<sup>14</sup>, or for limited new fencing and tracks.

#### **NATC-P6      Buildings and structures in riparian margins**

Ensure that the location, scale, design, and form of buildings and structures in riparian margins preserves natural character values.

## Rules

**Note:** *Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.*

<sup>6</sup> Clause 16(2)

<sup>7</sup> Transpower [159.74]

<sup>8</sup> Transpower [159.74]

<sup>9</sup> TDC [42.35], Waka Kotahi [143.86], Transpower [159.74], OWL [181.75]

<sup>10</sup> Federated Farmers [182.117]

<sup>11</sup> Clause 10(2)(b) relating to Federated Farmers [182.117]

<sup>12</sup> KiwiRail [187.58],

<sup>13</sup> Clause 10(2)(b) relating to Rangitata Dairies [44.10], Connolly, S [136.2]

<sup>14</sup> Waka Kotahi [143.87], Transpower [159.75]



<p><b>NATC-R1</b></p>	<p><b>Vegetation clearance<sup>15</sup></b></p>	
<p><b>Riparian margins of a river that is not an HNWB</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The vegetation clearance only involves plant species identified in ECO-R7, or pest plant species identified within a regional pest management plan or the Biosecurity Act 1993; or</p> <p><b>PER-2</b> The vegetation clearance is for customary harvest provided for in ECO-R1.1 PER-3; or</p> <p><b>PER-3</b> The vegetation clearance is for the operation, maintenance or repair of the National Grid; or</p> <p><b>PER-4</b> The vegetation clearance is for the maintenance, repair, or upgrade in seal cover, of existing roads; or</p> <p><b>PER-5</b> The vegetation clearance is to restore or enhance the natural character or ecological values of the riparian margin; or</p> <p><b>PER-6</b> The vegetation clearance only includes exotic species in areas of cultivation existed prior to 22 September 2022.</p>	<p><b>Activity status when compliance not achieved with PER-1: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON-1</b> The vegetation clearance is only for the purpose of natural hazard mitigation works and is carried out solely by the Canterbury Regional Council, Timaru District Council, or an agent authorised on their behalf.</p> <p><b>Matters of control are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. methods proposed to avoid or mitigate any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and</li> <li>2. any measures proposed to assist with the preservation, maintenance, restoration or enhancement of the natural character values of the area; and</li> <li>3. the extent to which alternative practicable options have been considered and their feasibility; and</li> <li>4. mitigation measures proposed to avoid or mitigate bank erosion; and</li> </ol> <p><b>Activity status when compliance not achieved with PER-2, PER-3, PER-4, PER-5, PER-6 or CON-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and</li> <li>2. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area, particularly in and along an HNWB; and</li> <li>3. the extent to which alternative practicable options have been considered and their feasibility; and</li> <li>4. the extent to which any restoration or enhancement of the natural character of the area is proposed; and</li> </ol>

<sup>15</sup> Clause 10(2)(b) relating to Federated Farmers [182.117]

		<p><del>5. the extent to which the proposal has the potential to cause or exacerbate bank erosion; and</del></p> <p><del>6. whether there is a functional need for the activity to locate in a riparian margin.</del></p>
<b>Riparian margins of an HNWB</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>NATC-R2</b>	<b>Vegetation planting</b>	
<b>Riparian margins</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The planting:</p> <ol style="list-style-type: none"> <li>1. includes indigenous species only; and</li> <li>2. is to restore or enhance the natural character or ecological values of the riparian margin; or</li> </ol> <p><b>PER-2</b> The planting is within areas of cultivation existed prior to 22 September 2022.</p>	<p><b>Activity status when compliance not achieved with PER-1: Controlled</b></p> <p><b>CON-1</b> The vegetation planting is for the purposes of natural hazard mitigation works; and undertaken by (or on behalf of) a local authority only;</p> <p><b>Matters of control are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. measures to minimise adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and</li> <li>2. measures to restore or enhance the natural character of the area.</li> </ol> <p><b>Activity status when compliance not achieved with PER-2 or CON-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the type and extent of planting proposed and the impact of this on natural character values; and</li> <li>2. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and</li> <li>3. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area, particularly in high naturalness water bodies; and</li> <li>4. the extent to which alternative practicable options have been considered and their feasibility; and</li> <li>5. the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and</li> </ol>

		6. whether there is a functional need, <u>or in relation to infrastructure an operational need</u> , <sup>16</sup> for the activity to locate in a riparian margin.
<b>NATC-R3</b>	<b>Earthworks</b>	
<b>1. Riparian margins of a river that is not an HNWB</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The earthworks are required for the maintenance and repair of existing fences, tracks, roads, <u>railways</u><sup>17</sup>, <u>stock water systems, irrigation systems</u><sup>18</sup> or natural hazard mitigation works; or</p> <p><b>PER-2</b> <del>The earthworks are required to construct a new fence; or</del><sup>19</sup></p> <p><b>PER-3</b> The earthworks are required to construct a new track up to 3m in width; or</p> <p><b>PER-4</b> The earthworks are required for the operation, maintenance or repair of the <u>National Grid regionally significant infrastructure</u>.<sup>20</sup></p> <p><b>PER-5</b> <u>The earthworks are associated with the replacement of, or expansion to, an existing building or structure, permitted under NATC-R5.</u><sup>21</sup></p> <p><b><u>Advice Note</u></b> <u>This rule does not apply to earthworks associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.</u><sup>22</sup></p>	<p><b>Activity status when compliance not achieved: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON-1</b> The earthworks are for the purposes of natural hazard mitigation works, and are undertaken by (or on behalf of) a local authority.</p> <p><b>Matters of control are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. measures to manage adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and</li> <li>2. any measures to restore or rehabilitate the natural character of the area; and</li> <li>3. erosion and sediment control measures.</li> </ol> <p><b>Activity status when compliance not achieved with CON-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and</li> <li>2. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</li> <li>3. the extent to which alternative practicable options have been considered and their feasibility; and</li> <li>4. the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and</li> </ol>

<sup>16</sup> Transpower [159.78]

<sup>17</sup> KiwiRail [187.60]

<sup>18</sup> Rangitata Dairies [44.10], Connolly, S [136.2]

<sup>19</sup> Clause 16(2)

<sup>20</sup> Waka Kotahi [143.89]

<sup>21</sup> Te Kotare [115.30], Waipopo Huts [189.42]

<sup>22</sup> Port Blakely [94.10]

		<p>5. whether there is a functional need, or in relation to infrastructure an operational need,<sup>23</sup> for the activity to locate in a riparian margin; and</p> <p>6. the extent to which appropriate erosion and sediment control measures are to be implemented.</p>
<p><b>2 Riparian margins of an HNWB</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The earthworks are required for the maintenance and repair of existing fences, tracks, roads, railways<sup>24</sup>, stock water systems, irrigation systems<sup>25</sup> or natural hazard mitigation works; or</p> <p><b>PER-2</b> The earthworks are required for the operation, maintenance or repair of National Grid-regionally significant infrastructure<sup>26</sup>.</p> <p><b><u>Advice Note</u></b> <i><u>This rule does not apply to earthworks associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.</u></i><sup>27</sup></p>	<p><b>Activity status when compliance not achieved: Controlled</b></p> <p><b>Where:</b></p> <p><b>CON-1</b> The earthworks are for the purposes of natural hazard mitigation works; and are undertaken by (or on behalf of) a local authority.</p> <p><b>Matters of control are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. measures to manage adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and</li> <li>2. any measures to restore or rehabilitate the natural character of the area; and</li> <li>3. erosion and sediment control measures.</li> </ol>
		<p><b>Activity status when compliance not achieved with CON-1: Discretionary</b></p>
<p><b>NATC-R4 Construction of fences</b></p>		
<p><b>Riparian margins of a river that is not an HNWB</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The fence is a post and wire fence only.</p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and</li> <li>2. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</li> <li>3. the extent to which alternative practicable options and designs have</li> </ol>

<sup>23</sup> Transpower [159.78]

<sup>24</sup> KiwiRail [187.60]

<sup>25</sup> Rangitata Dairies [44.10], Connolly, S [136.2]

<sup>26</sup> Clause 10(2)(b) relating to Waka Kotahi [143.87, 143.89], Transpower [159.75]

<sup>27</sup> Port Blakely [94.10]

		<p>been considered and their feasibility; and</p> <p>4. whether there is a functional need for the fence to locate in a riparian margin.</p>
Riparian margins of an HNWB	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
<b>NATC-R5 Buildings and structures excluding fences</b>		
Riparian margins of a river that is not an HNWB	<p>Activity status: <del>Restricted Discretionary Permitted</del><sup>28</sup></p> <p><u>Where:</u></p> <p><b>PER-1</b>  <u>The building or structure is a replacement of, or expansion to, an existing building or structure, and the footprint of the building or structure does not increase by more than 50m<sup>2</sup> or 25% (whichever is the lesser) from that existing at [date rule becomes operative].</u></p> <p><del>Matters of discretion are restricted to:</del></p> <ol style="list-style-type: none"> <li><del>1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and</del></li> <li><del>2. whether the location, scale and design of the proposal will assist in reducing the adverse effects on natural character values; and</del></li> <li><del>3. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</del></li> <li><del>4. the extent to which alternative practicable options have been considered and their feasibility; and</del></li> <li><del>5. the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and</del></li> <li><del>6. whether there is a functional need for the activity to locate in a riparian margin.</del></li> </ol>	<p>Activity status when compliance not achieved: <del>Not applicable</del> <b>Restricted Discretionary</b></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li>1. <u>the extent of any adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and</u></li> <li>2. <u>whether the location, scale and design of the proposal will assist in reducing the adverse effects on natural character values; and</u></li> <li>3. <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</u></li> <li>4. <u>the extent to which alternative practicable options have been considered and their feasibility; and</u></li> <li>5. <u>the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and</u></li> <li>6. <u>whether there is a functional need, or in relation to infrastructure an operational need,<sup>29</sup> for the activity to locate in a riparian margin.</u></li> </ol>
Riparian margins	Activity status: Discretionary	Activity status when compliance not achieved: Not applicable

<sup>28</sup> Te Kotare [115.31] and Waipopo Huts [189.43]

<sup>29</sup> Transpower [159.78]



of an HNWB		
<b>NATC-R6</b>	<b>Subdivision of land containing a riparian margin</b>	
All zones except General Rural Zone and Rural Lifestyle Zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable

## NATURAL FEATURES AND LANDSCAPES

### Introduction

The Natural Features and Landscapes chapter contains provisions that relate to the Outstanding Natural Features (ONF), Outstanding Natural Landscapes (ONL), and Visual Amenity Landscapes (VAL), which are identified as overlays on the Planning Maps. The identification of these landscapes is in response to section 6(b) of the RMA, which requires outstanding natural features and landscapes to be protected from inappropriate subdivision, use and development, and to sections 7(c) and (f) of the RMA, which requires amenity values and the quality of the environment to be maintained and enhanced.

These overlays apply to areas which have been assessed and identified as having high levels of biophysical, sensory or associative landscape values, which makes them either outstanding (ONF or ONL) or deserving of identification as a VAL. These overlays also include land which provides habitat to indigenous flora or fauna, areas which have highly legible geological features, and sites that are of significance to mana whenua. The process supporting the identification of these overlays and the associated values is described in the Landscape and Coastal Natural Character Assessment, June 2020.

The District's ONLs are identified in SCHED8 — Schedule of outstanding natural landscapes and ONFs are identified in SCHED9 — Schedule of outstanding natural features which commonly have a high degree of naturalness. VALs are identified in SCHED10 — Schedule of visual amenity landscapes and tend to be more modified landscapes, with high aesthetic and scenic values.

The rules in this chapter set out how activities are managed in these overlays. The policies and matters of discretion provide direction on the criteria against which proposals requiring resource consent must be assessed. A non-complying activity status has been used where activities are not considered appropriate within these overlays, in particular where activities will have a significant impact on the identified values.

The rules within this chapter also apply to regionally significant infrastructure and other infrastructure. However, the objectives and policies of both this chapter and the Energy and Infrastructure chapter apply to the consideration of any resource consent required under the rules in this chapter for regionally significant infrastructure and other infrastructure.

### Objectives

<b>NFL-O1</b>	<b>Outstanding Natural Features and Outstanding Natural Landscapes</b>
The landscape values of the Outstanding Natural Features and Outstanding Natural Landscapes of the Timaru District are protected from inappropriate subdivision, use and development.	
<b>NFL-O2</b>	<b>Visual Amenity Landscapes</b>
The landscape character and visual amenity values of the visual amenity landscapes of the Timaru District are maintained or enhanced.	

### Policies

<b>NFL-P1</b>	<b>Identification of Outstanding Natural Features, Outstanding Natural Landscapes and Visual Amenity Landscapes</b>
Identify the District's landscapes by: <ol style="list-style-type: none"> <li>1. assessing the values and characteristics of the District's landscapes according to the following criteria: <ol style="list-style-type: none"> <li>a. biophysical (abiotic, biotic); and</li> </ol> </li> </ol>	

- b. sensory (legibility, naturalness, vividness, coherence, aesthetic, transient values); and
  - c. associative (shared and recognised values, mana whenua values, historic heritage associations); and
2. identifying landscapes, based on their values and characteristics, on the planning maps as Outstanding Natural Features, Outstanding Natural Landscapes or Visual Amenity Landscapes; and
  3. describing the values and characteristics of each Outstanding Natural Feature, Outstanding Natural Landscape or Visual Amenity Landscapes within SCHED8 — Schedule of Outstanding Natural Landscapes and SCHED9 — Schedule of Outstanding Natural Features.

**NFL-P2      Enabling appropriate use and development**

Enable certain activities in Visual Amenity Landscapes, Outstanding Natural Features and Outstanding Natural Landscapes, including buildings and structures associated with existing non-intensive<sup>1</sup> primary production, small scale earthworks, maintenance of existing tracks and fences, operation and maintenance of regionally significant infrastructure,<sup>2</sup> and underground utilities, that are consistent with:

1. protecting the identified values and characteristics of the Outstanding Natural Landscapes and Outstanding Natural Features described in SCHED8 — Schedule of Outstanding Natural Landscapes and SCHED9 — Schedule of Outstanding Natural Features; and
2. maintaining or enhancing the identified values and characteristics of the Visual Amenity Landscapes described in SCHED10 — Schedule of Visual Amenity Landscapes.

**NFL-P3      Maintaining and enhancing Visual Amenity Landscapes**

Only allow subdivision, use and development within visual amenity landscapes, that is not provided for<sup>3</sup> in NFL-P2, where it can be demonstrated<sup>4</sup>:

1. how the identified values and characteristics of the visual amenity landscapes described in SCHED10 — Schedule of visual amenity landscapes will be maintained or enhanced; and
  2. that the capacity of the landscape has the capacity to absorb the change; and
  3. that the proposal can be visually integrated into the landscape and will not break the skyline or ridgelines; or
- X. for Regionally Significant Infrastructure, that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.<sup>5</sup>

while taking into account:

4. the scale of modification to the landscape; and
5. any potential cumulative effects; and
6. the measures proposed to mitigate the effects on the values and characteristics, including the location, design, scale and finish of any buildings or structures or earthworks, and landscaping; and
7. EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.<sup>6</sup>

**NFL-P4      Protecting Outstanding Natural Features and Outstanding Natural Landscapes**

Avoid subdivision, use and development within outstanding natural features and outstanding natural landscapes that area<sup>7</sup> not provided in NFL-P2, unless it:

1. demonstrates how the identified values and characteristics of the outstanding natural landscapes and outstanding natural features described in SCHED8 — Schedule of outstanding natural landscapes and SCHED9 — Schedule of outstanding natural features will be protected; and

<sup>1</sup> Federated Farmers [182.124]

<sup>2</sup> Waka Kotahi [143.90]

<sup>3</sup> Clause 16(2)

<sup>4</sup> Clause 16(2)

<sup>5</sup> Transpower [159.79]

<sup>6</sup> Transpower [159.79]

<sup>7</sup> Dir. General Conservation [166.60]

2. is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change; and
3. can be visually integrated into the landscape and will not break the skyline or ridgelines; and
4. will maintain natural landforms, natural processes and vegetation areas and patterns, or
- X. is regionally significant infrastructure, and it is demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure,<sup>8</sup>

while taking into account:

5. the scale of modification to the landscape; and
6. any potential cumulative effects; and
7. the measures proposed to mitigate the effects on the values and characteristics, including:
  - a. the location, design and scale of any buildings or structures, or earthworks; and
  - b. the intensity of any activity; and
  - c. the finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing; ~~and~~
  - d. ~~EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.~~

## Rules

**Note:** Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

<b>NFL-R1</b>	<b>Buildings, structures (other than fences) and irrigators and associated earthworks</b>
---------------	-------------------------------------------------------------------------------------------

<sup>8</sup> Waka Kotahi [143.91], Transpower [159.80]

<p><b>1.</b> <b>ONF overlay</b>  <b>ONL overlay</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The building or structure is either:</p> <ol style="list-style-type: none"> <li>1. a farm building or structure associated with an existing <del>non-</del><u>intensive</u> primary production <u>activity</u><sup>9</sup>, including residential units permitted in the applicable zones, and including earthworks associated with the building/structure; or</li> <li>2. a public amenity building, including earthworks associated the building; or</li> </ol> <p><b>PER-2</b> The structure is an irrigator that is not a travelling, mobile or pivot irrigator; and</p> <p><b>PER-3</b> <del>The activity does not require the clearance of any indigenous vegetation.</del><sup>10</sup></p> <p><b>PER-4</b> NFL-S1, NFL-S2, NFL-S3, NFL-S4 and NFL-S5 are complied with.</p>	<p><b>Activity status when compliance not achieved with either of PER-1 or PER-2 or PER-3<sup>11</sup>: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b> The activity is located within a holiday huts precinct; or</p> <p><b>RDIS-2</b> The structure is an<sup>12</sup> irrigator; <u>or</u>.</p> <p><b>RDIS-3</b> <u>The building or structure does not comply with NFL-S2.1.3, but is not located at any point above 900m above sea level.</u></p> <p><b>For RDIS-1, matters of discretion are limited to:</b></p> <ol style="list-style-type: none"> <li>1. the scale, design and form of the building or structure; and</li> <li>2. the consistency of the building of the structure with the character and qualities of the Holiday hut precinct.</li> <li>3. the impact of the development on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and</li> <li>4. the extent to which the proposal will result in potential for adverse cumulative effects; and</li> <li>5. the extent the proposal is consistent with maintaining the qualities of the Outstanding Natural Feature or Outstanding Natural Landscape as described in SCHED8 — Schedule of outstanding natural landscapes or SCHED9 — Schedule of outstanding natural features; and</li> <li>6. any mitigation measures proposed.</li> </ol> <p><b>For RDIS-2, matters of discretion are limited to:</b></p> <ol style="list-style-type: none"> <li>1. the extent the proposal is consistent with maintaining the qualities of the outstanding natural feature or outstanding natural landscape as</li> </ol>
---------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<sup>9</sup> Federated Farmers [182.127]

<sup>10</sup> Federated Farmers [182.127]

<sup>11</sup> Federated Farmers [182.127]

<sup>12</sup> Clause 16(2)

		<p>described in SCHED8 — Schedule of outstanding natural landscapes or SCHED9 — Schedule of outstanding natural features; and</p> <ol style="list-style-type: none"> <li>2. any alternative options or locations available; and</li> <li>3. the impact of the development on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and</li> <li>4. the extent to which the proposal will result in potential for adverse cumulative effects; and</li> <li>5. the extent to which the proposal has functional or operational needs for its location; and</li> <li>6. any mitigation measures proposed.</li> </ol> <p><b><u>For RDIS-3, matters of discretion are limited to:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>the extent the proposal is consistent with maintaining the qualities of the outstanding natural feature or outstanding natural landscape as described in SCHED8 — Schedule of outstanding natural landscapes or SCHED9 — Schedule of outstanding natural features; and</u></li> <li>2. <u>whether the proposal will visually integrate into the landscape; and</u></li> <li>3. <u>the appropriateness of the scale, form, design and finish (materials and colours) proposed; and</u></li> <li>4. <u>any alternative options or locations available; and</u></li> <li>5. <u>the impact of the development on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and</u></li> <li>6. <u>the extent to which the proposal will result in potential for adverse cumulative effects; and</u></li> <li>7. <u>the extent to which the proposal has functional or operational needs for its location; and</u></li> <li>8. <u>any mitigation measures proposed.</u></li> </ol> <p><b>Activity status when compliance not achieved with PER-4, or neither RDIS-1, or RDIS-2 or RDIS-3: Non-complying</b></p>
--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



<p><b>2.</b> VAL overlay but excluding<sup>13</sup> the area of VAL-3 Geraldine Downs that is within the Rural lifestyle zone</p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The building or structure is either:</p> <ol style="list-style-type: none"> <li>1. a farm building / structure / irrigator associated with an existing <del>non-</del>intensive primary production activity<sup>14</sup>, including residential units, and including earthworks under the building/structure; or</li> <li>2. a public amenity building, including earthworks under the building; and</li> </ol> <p><b>PER-2</b> NFL-S1, NFL-S2, NFL-S3, NFL-S4 and NFL-S5 are complied with.</p>	<p><b>Activity status when compliance is not achieved with PER-2: Restricted Discretionary</b></p> <p><b>Matters of discretion are limited to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> </ol> <hr/> <p><b>Activity status when compliance is not achieved with PER-1: Discretionary</b></p>
<p><b>3.</b> The area of VAL-3 Geraldine Downs that is within the Rural lifestyle zone</p>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b> NFL-S1, NFL-S2, NFL-S3, NFL-S4 and NFL-S5 are complied with.</p> <p><b>Matters of discretion are limited to:</b></p> <ol style="list-style-type: none"> <li>1. effects on the identified values and characteristics for the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and</li> <li>2. any alternative locations or controls available; and</li> <li>3. the matters of discretion of any relevant standard; and</li> <li>4. any mitigation measures proposed.</li> </ol>	<p><b>Activity status when compliance is not achieved with RDIS-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are limited to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard; and</li> <li>2. matters of discretion listed for RDIS-1.</li> </ol>
<p><b>NFL-R2</b></p>	<p><b>Earthworks not listed in NFL-R1, NFL-R3 or NFL-R4</b></p>	

<sup>13</sup> Clause 16(2)

<sup>14</sup> Federated Farmers [182.127]

<p><b>1.</b> ONF overlay  ONL overlay</p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The earthworks are for the purpose of maintenance and repair of any of the following:</p> <ol style="list-style-type: none"> <li>1. existing fencing; or</li> <li>2. existing farm tracks; or</li> <li>3. existing walking/cycling tracks; or</li> <li>4. existing roads; or</li> <li>5. existing reticulated stock water systems including water troughs; or</li> <li>6. existing natural hazard mitigation works; or</li> <li>7. <u>existing rock weirs; or<sup>15</sup></u></li> </ol> <p><b>PER-2</b> The earthworks are for the purpose of sealing existing roads; and</p> <p><b>PER-3</b> NFL-S6 is complied with.</p>	<p><b>Activity status when compliance not achieved: Discretionary</b></p>
<p><b>2.</b> VAL overlay</p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The earthworks are for the purpose of maintenance and repair of any of the following:</p> <ol style="list-style-type: none"> <li>1. existing fencing; or</li> <li>2. existing farm tracks; or</li> <li>3. existing walking/cycling tracks; or</li> <li>4. existing roads; or</li> <li>5. existing reticulated stock water systems including troughs; or</li> <li>6. existing natural hazard mitigation works; or</li> </ol> <p><b>PER-2</b> The earthworks are for the purpose of sealing existing roads; and</p> <p><b>PER-3</b> NFL-S6 is complied with.</p>	<p><b>Activity status when compliance is not achieved with PER-3: Restricted Discretionary</b></p> <p><b>Matters of discretion are limited to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> </ol> <p><b>Activity status when compliance is not achieved with either PER-1 or PER-2: Discretionary</b></p>
<p><b>NFL-R3</b></p>	<p><b>Network utilities including associated earthworks</b></p>	

<sup>15</sup> RDRML [234.1]

<b>ONF overlay</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: Restricted Discretionary</b>
<b>ONL overlay</b>	<b>Where:</b>	<b>Matters of discretion restricted to:</b>
<b>VAL overlay</b>	<p><b>PER-1</b> The work involves the maintenance, upgrading or removal of existing network utilities; or</p> <p><b>PER-2</b> The installation of new or upgrading of underground network utilities where:</p> <ol style="list-style-type: none"> <li>1. within the ONF and ONL overlays, the installation does not include more than 1,000m<sup>2</sup> of temporary trenching / earthworks; and</li> <li>2. within the VAL overlay, the installation does not include more than 1,500m<sup>2</sup> of temporary trenching / earthworks in any 12-month period; <del>and or</del></li> <li>3. <del>the installation does not require the clearance of any indigenous vegetation.</del><sup>16</sup></li> </ol> <p><b>PER-3</b> <u>Telecommunications activities which are located within formed road reserve, where:</u></p> <ol style="list-style-type: none"> <li>1. <u>the height of any pole does not exceed 8m; and</u></li> <li>2. <u>any panel antenna is no higher than 3.5m above the height of the pole; and</u></li> <li>3. <u>NFL-S5 is complied with.</u><sup>17</sup></li> </ol>	<ol style="list-style-type: none"> <li>1. the height, size, scale, external colour/finish, reflectivity and design of the network utility building, structure, or above ground utility line and support structure; and</li> <li>2. the proposed location of the network utility building, structure or above ground network utility line and support structure and earthworks, specifically in relation to their impact on any landscape values; and</li> <li>3. effects on landscape values, and qualities of the visual amenity landscape, outstanding natural feature or outstanding natural landscape as described in SCHED8 — Schedule of outstanding natural landscapes, SCHED9 — Schedule of outstanding natural features or SCHED10 — Schedule of visual amenity landscapes; and</li> <li>4. alternative location and/or routes and designs available; and</li> <li>5. any operational needs or functional needs or constraints; and</li> <li>6. the benefits that the network utility provides to the local community and beyond; and</li> <li>7. Mitigation measures.</li> </ol>
<b>NFL-R4 Construction of fences, including earthworks</b>		
<b>ONF overlay</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: Restricted Discretionary</b>
<b>ONL overlay</b>	<b>Where:</b>	<b>Matters of discretion restricted to:</b>
<b>VAL overlay</b>	<p><b>PER-1</b> The fence is a post and wire fence; and</p> <p><b>PER-2</b> <del>There is no clearance of indigenous vegetation associated with the construction of the fence; and</del><sup>18</sup></p> <p><b>PER-3</b> NFL-S6 is complied with.</p>	<ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard; and</li> <li>2. effects on landscape values, and qualities of the visual amenity landscape, outstanding natural feature or outstanding natural landscape as described in SCHED8 — Schedule of outstanding natural landscapes, SCHED9 — Schedule of outstanding natural features or SCHED10 —</li> </ol>

<sup>16</sup> Clause 10(2)(b) relating to Federated Farmers [182.127]

<sup>17</sup> Connexa [176.73, 176.74, 176.75], Spark [208.73, 208.74, 208.75], Chorus [209.73, 209.74, 209.75], Vodafone [210.73, 210.74, 210.75]

<sup>18</sup> Clause 10(2)(b) relating to Federated Farmers [182.127]

		<p>Schedule of visual amenity landscapes; and</p> <ol style="list-style-type: none"> <li>3. alternative designs, options or locations available; and</li> <li>4. any mitigation measures.</li> </ol>
<b>NFL-R5</b>	<b>Tree planting, other than plantation forestry</b>	
<p>1. ONF overlay  ONL overlay</p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The tree planting is for amenity planting and is located within 100m of an existing residential unit; or</p> <p><b>PER-2</b> The tree planting is of indigenous species and for restoration or conservation purposes.</p>	<p><b>Activity status when compliance not achieved: <u>Controlled</u></b><sup>19</sup></p> <p><b>Where:</b></p> <p><b>CON-1</b> <u>The tree planting is for a shelterbelt within ONL-1 (Upper Rangitata Catchment) and is located below 500m above sea level.</u></p> <p><b>Matters of control are restricted to:</b></p> <ol style="list-style-type: none"> <li><u>1. effects on landscape values, and qualities of the outstanding natural feature or outstanding natural landscape as described in SCHED8 – Schedule of outstanding natural landscapes, SCHED9 – Schedule of outstanding natural features; and</u></li> <li><u>2. measures proposed to control any potential wilding spread.</u></li> </ol> <p><b>Activity status where compliance not achieved with CON-1: Restricted Discretionary</b></p> <p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>1. effects on landscape values, and qualities of the outstanding natural feature or outstanding natural landscape as described in SCHED8 — Schedule of outstanding natural landscapes, SCHED9 — Schedule of outstanding natural features; and</li> <li>2. alternative planting options and locations available.</li> </ol>
<p>2. VAL overlay</p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The tree planting is for amenity planting and is located within 100m of an existing residential unit; or</p>	<p><b>Activity status when compliance not achieved : Controlled</b></p> <p><b>Where</b></p> <p><b>CON-1</b> The tree planting is for erosion control or shelterbelts.</p>

<sup>19</sup> Federated Farmers [182.131]

	<p><b>PER-2</b> The tree planting is of indigenous species and for restoration or conservation purposes.</p>	<p><b>Matters of control are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. effects on landscape values, and qualities of the visual amenity landscape as described in SCHED10 — Schedule of Visual Amenity Landscapes; and</li> <li>2. alternatives locations or species available.</li> </ol> <p><b>Activity status when compliance not achieved with CON-1: Restricted Discretionary</b></p> <p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>1. effects on landscape values, and qualities of the visual amenity landscape, as described in SCHED10 — Schedule of Visual Amenity Landscapes; and</li> <li>2. alternative planting options and locations available.</li> </ol>
<p><b>NFL-R6 Primary production not listed in the Rules section of this chapter</b></p>		
<p><u>1. ONF overlay</u><sup>20</sup></p> <p><b>ONL overlay</b></p>	<p><i>Note: Associated buildings and structures are provided in NFL-R1.</i></p> <p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The activity does not require the clearance of any indigenous vegetation.<sup>21</sup></p> <p><b>PER-2</b> The activity does not introduce any:</p> <ol style="list-style-type: none"> <li>1. new areas of irrigation beyond those existing as of 22 September 2022, and/or</li> <li>2. new areas of cultivation (by direct drilling, ploughing, discing, topdressing or oversowing or otherwise) beyond those existing as of 22 September 2022.</li> </ol>	<p><b>Activity status when compliance not achieved with PER-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. The effects on landscape values, and qualities of the visual amenity landscape,<sup>22</sup> outstanding natural feature or outstanding natural landscape as described in SCHED8 — Schedule of outstanding natural landscapes and SCHED9 — Schedule of outstanding natural features; and</li> <li>2. any mitigation measures.</li> </ol> <p><del><b>Activity status when compliance not achieved with PER-2: Non-complying</b></del></p>
<p><u>2.</u></p>	<p><i>Note: Associated buildings and structures are provided in NFL-R1.</i></p>	<p><b>Activity status where compliance not achieved with PER-1: Non-complying</b></p>

<sup>20</sup> Federated Farmers [182.132]

<sup>21</sup> Clause 10(2)(b) relating to Federated Farmers [182.127]

<sup>22</sup> Clause 16(2)

<p><b>ONF overlay<sup>23</sup></b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b>  <u>The activity does not introduce any:</u></p> <ol style="list-style-type: none"> <li><u>1. new areas of irrigation beyond those existing as of 22 September 2022, and/or</u></li> <li><u>2. new areas of cultivation (by direct drilling, ploughing, discing, topdressing or oversowing or otherwise) beyond those existing as of 22 September 2022</u></li> </ol>	
<p><b>NFL-R7 Afforestation</b></p>		
<p><b>1. VAL overlay</b></p>	<p><b>Activity status: Controlled</b></p> <p><b>Matters of control are restricted to:</b></p> <ol style="list-style-type: none"> <li><u>1. the effects on visual amenity landscape values, and qualities of the Visual Amenity Landscape described in SCHED10 — Schedule of visual amenity landscapes, including any future effects from plantation forestry activities; and</u></li> <li><u>2. the location and extent of the afforestation; and</u></li> <li><u>3. any mitigation measures.<sup>24</sup></u></li> </ol>	<p><b>Activity status when compliance not achieved: Not applicable</b></p>
<p><b>2. ONF overlay</b>  <b>ONL overlay</b></p>	<p><b>Activity status: Non-complying</b></p>	<p><b>Activity Status when compliance not achieved: Not applicable</b></p>
<p><b>NFL-R8 New roads, farm tracks and walking and cycling tracks</b></p>		
<p><b>ONF overlay</b>  <b>ONL overlay</b>  <b>VAL overlay</b></p>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li><u>1. effects on landscape values, and qualities of the Visual Amenity Landscape, Outstanding Natural Feature or Outstanding Natural Landscape as described in SCHED8 — Schedule of outstanding natural landscapes, SCHED9 — Schedule of Outstanding Natural Features or SCHED10 — Schedule of visual amenity landscapes; and</u></li> <li><u>2. alternative routes and designs available; and</u></li> </ol>	<p><b>Activity status when compliance not achieved: Not applicable</b></p>

<sup>23</sup> Federated Farmers [182.132]

<sup>24</sup> Port Blakely [94.11]



	3. <del>any mitigation measures.</del> <sup>25</sup>	
<b>NFL-R9</b>	<b>Subdivision</b>	
<b>ONF overlay</b>	<b>Activity status: Discretionary</b>	<b>Activity status when compliance not achieved: Not applicable</b>
<b>ONL overlay</b>		
<b>VAL overlay</b>		
<b>NFL-R10</b>	<b>Mining and quarrying</b>	
<b>ONF overlay</b>	<b>Activity status: Non-complying</b>	<b>Activity status when compliance not achieved: Not applicable</b>
<b>ONL overlay</b>		
<b>VAL overlay</b>		

**Standards**

<b>NFL-S1</b>	<b>Maximum height</b>	
<b>1. ONF overlay</b>	The maximum height of buildings and structures, above ground level shall be 5m.	<b>Matters of discretion restricted to: Not applicable</b>
<b>ONL overlay</b>		
<b>2. VAL overlay</b>	The maximum height of buildings and structures, above ground level shall be: <ol style="list-style-type: none"> <li>1. 8m for farm buildings and structures; or</li> <li>2. 8m for any residential unit in <i>VAL-3 Geraldine Downs</i>; or</li> <li>3. 5m for any other building or structure.</li> </ol>	<b>Matters of discretion restricted to:</b> <ol style="list-style-type: none"> <li>1. whether the proposal is consistent with maintaining or enhancing the qualities of the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and</li> <li>2. whether the proposal will visually integrate into the landscape; and</li> <li>3. the appropriateness of the scale, form, and design proposed; and</li> <li>4. any alternative options or locations available; and</li> <li>5. the extent to which the proposal will result in adverse cumulative effects; and</li> <li>6. the extent to which the proposal has functional needs or operational needs for its height; and</li> <li>7. any mitigation measures.</li> </ol>

<sup>25</sup> Rooney Holdings [174.38], Federated Farmers [182.133], Rooney, GJH [191.38], Rooney Group [249.38], Rooney Farms [250.38], Rooney Earthmoving [251.38], TDL [252.38]

NFL-S2	Location of buildings, structures and irrigators	
<p>1. <b>ONF overlay</b></p> <p><b>ONL overlay</b></p>	<p>Buildings and structures within ONF and ONL overlays shall not be located:</p> <ol style="list-style-type: none"> <li>1. within a 20m vertical or 100m horizontal distance of any ridgeline; or</li> <li>2. <u>for structures, at any point above 900m above sea level; or</u></li> <li>3. <u>for buildings, at any point above 500m above sea level</u><sup>26</sup>.</li> </ol>	<p><b>Matters of discretion restricted to: Not applicable</b></p>
<p>2. <b>VAL overlay</b></p>	<p>Buildings, structures and irrigators within VAL shall not be located:</p> <ol style="list-style-type: none"> <li>1. within a 20m vertical or 100m horizontal distance of any ridgeline; or</li> <li>2. at any point above 900m above sea level.</li> </ol>	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>1. whether the proposal is consistent with maintaining or enhancing the qualities of the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and</li> <li>2. whether the proposal will visually integrate into the landscape; and</li> <li>3. the appropriateness of the scale, form, design and finish (materials and colours) proposed; and</li> <li>4. any alternative options or locations available; and</li> <li>5. the extent to which the proposal will result in adverse cumulative effects; and</li> <li>6. the extent to which the proposal has functional or operational needs for its location; any</li> <li>7. mitigation measures.</li> </ol>
NFL-S3	Proximity of new residential units, farm buildings and structures to existing buildings	
<p>1. <b>ONF overlay</b></p> <p><b>ONL overlay</b></p>	<p>New residential units, farm buildings and structures must be located within 50m of an existing farm building or residential unit.</p>	<p><b>Matters of discretion restricted to: Not applicable</b></p>
<p>2. <b>VAL overlay</b></p>	<p>New residential units, farm buildings and structures must be located within 100m of an existing farm building or residential unit.</p>	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>1. whether the proposal is consistent with maintaining or enhancing the qualities of the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and</li> <li>2. whether the proposal will visually integrate into the landscape; and</li> <li>3. the appropriateness of the scale, form, design and finish (materials and colours) proposed; and</li> <li>4. any alternative options or locations available; and</li> </ol>

<sup>26</sup> Frank, H [90.16]

		<ul style="list-style-type: none"> <li>5. the extent to which the proposal will result in adverse cumulative effects; and</li> <li>6. the extent to which the proposal has functional or operational needs for its location; and</li> <li>7. any mitigation measures.</li> </ul>
<b>NFL-S4</b>	<b>Footprint of buildings and structures and length of irrigators</b>	
<ul style="list-style-type: none"> <li>1. <b>ONF overlay</b></li> <li><b>ONL overlay</b></li> </ul>	<ul style="list-style-type: none"> <li>1. The maximum footprint of any building or structure shall be: <ul style="list-style-type: none"> <li>a. 40m<sup>2</sup> for public amenity buildings;</li> <li>b. 300m<sup>2</sup> for farm buildings or residential units; and</li> <li>c. 100m<sup>2</sup> for any other building or structure.</li> </ul> </li> </ul>	<b>Matters of discretion restricted to: Not applicable</b>
<ul style="list-style-type: none"> <li>2. <b>VAL overlay</b></li> </ul>	<ul style="list-style-type: none"> <li>1. The maximum footprint of any building or structure shall be: <ul style="list-style-type: none"> <li>a. 40m<sup>2</sup> for public amenity buildings;</li> <li>b. 500m<sup>2</sup> for farm buildings or residential units; and</li> <li>c. 200m<sup>2</sup> for any other building or structure.</li> </ul> </li> </ul>	<b>Matters of discretion restricted to:</b> <ul style="list-style-type: none"> <li>1. whether the proposal is consistent with maintaining or enhancing the qualities of the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and</li> <li>2. whether the proposal will visually integrate into the landscape; and</li> <li>3. the appropriateness of the scale, form and design proposed; and</li> <li>4. any alternative options or locations available; and</li> <li>5. the extent to which the proposal will result in adverse cumulative effects; and</li> <li>6. the extent to which the proposal has functional or operational needs for its scale; and</li> <li>7. any mitigation measures.</li> </ul>
<b>NFL-S5</b>	<b>Colours and materials</b>	
<ul style="list-style-type: none"> <li>1. <b>ONF overlay</b></li> <li><b>ONL overlay</b></li> </ul>	The exterior surfaces of buildings and structures shall be constructed of materials and/or finished in a manner which achieves a light reflectance value not greater than 30%.	<b>Matters of discretion restricted to: Not applicable</b>
<ul style="list-style-type: none"> <li>2. <b>VAL overlay</b></li> </ul>	The exterior surfaces of buildings and structures shall be constructed of materials and/or finished in a manner which achieves a light reflectance value not greater than 30%, <u>except that this standard shall not apply to any farm buildings and structures using unpainted corrugated iron.</u> <sup>27</sup>	<b>Matters of discretion restricted to:</b> <ul style="list-style-type: none"> <li>1. whether the proposal is consistent with maintaining or enhancing the qualities of the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and</li> <li>2. whether the proposal will visually integrate into the landscape; and</li> </ul>

<sup>27</sup> Rooney Holdings [174.42], Rooney, GJH [191.42], Rooney Group [249.42], Rooney Farms [250.42], Rooney Earthmoving [251.42], TDL [252.42]

		3. the appropriateness of the finish (materials and colours) proposed.
<b>NFL-S6</b>	<b>Earthworks</b>	
1. <b>ONF overlay</b>  <b>ONL overlay</b>	Earthworks shall comply with all of the following: 1. the depth of the earthworks shall not exceed 4 <sub>2</sub> <sup>28</sup> m below the original surface of the ground; and 2. the depth of fill shall not exceed 1m above the original surface of the ground; and 3. the area of the earthworks shall not exceed 1,000m <sup>2</sup> in any 12 month period.	<b>Matters of discretion restricted to: Not applicable</b>
2. <b>VAL overlay</b>	Earthworks shall comply with all of the following: 1. the depth of the earthworks shall not exceed 4 <sub>2</sub> <sup>29</sup> m below the original surface of the ground; and 2. the depth of fill shall not exceed 1m above the original surface of the ground; and 3. the area of the earthworks shall not exceed 1,500m <sup>2</sup> ; in any 12 month period and 4. there shall be no change from unsealed surfacing of roads and tracks to sealed surfaces.	<b>Matters of discretion restricted to:</b> 1. the location, design, scale, timing and nature of any earthworks; and 2. the visibility of the earthworks on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and 3. whether the proposal is consistent with maintaining the qualities of the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and 4. any alternative options or locations available; and 5. the any proposed mitigation measures.

<sup>28</sup> TDC [42.36]

<sup>29</sup> Clause 10(2)(b) relating to TDC [42.36]