Appendix A – Recommended Amendments to Natural Features and Landscapes chapter

KEY

Red Underlined – Additions recommended as part of s42A Report

~~Red Strikethrough~~ – Deletions recommended as part of s42A Report

NATURAL FEATURES AND LANDSCAPES - NFL

Overview

The Natural Features and Landscapes chapter contains provisions in response to section 6(b) of the RMA, which requires that Outstanding Natural Features and Landscapes be protected from inappropriate *subdivision*, use and development. In relation to Natural Character, section 6a of the RMA, this is addressed within the provisions relating to stream *setbacks* included within the zones. Part of the protection of these areas requires the identification and management of these areas as a matter of national importance.

The Landscape of the Gore District can largely be characterised as pastural and arable farmland including pockets of valuable indigenous biodiversity. ~~with two prominent natural landscapes / features - the Hokonui Hills and the Te Au Nui Pihapiha Kanakana Mataura Falls.~~ There are two Natural Features of particular note – the Southland Syncline parallel ridges (most notably expressed in the Hokonui Hills), and the Mataura River.

Two areas have been ~~These areas have been assessed and~~ identified in accordance with the Southland Regional Policy Statement 2017 criteria as having high levels of biophysical, sensory or associative landscape values, which makes them either Outstanding Natural Landscapes (ONL) or Outstanding Natural Features (ONF). These are the Hokonui Hills ONL and the Te Au Nui Pihapiha Kanakana Mataura Falls ONF.

The District's Outstanding Natural Features and Landscapes are identified on the District Plan Maps and described in Appendix 5. Note there are other provisions relevant to Outstanding Natural Features and Landscapes within the Infrastructure and Subdivision Chapters.

Objectives

NFL-O1 To protect the values and characteristics of the Outstanding Natural Features and Landscapes of the Gore District from inappropriate *subdivision*, use and development.

Policies

NFL-P1 Avoid adverse *effects* on the values and characteristics of identified Outstanding Natural Features and Landscapes described within Appendix 5 by:

1. Avoiding development and land use that results in significant adverse *effects* on landscape values and avoiding or appropriately mitigating other adverse *effects* on landscape values.
2. Recognising the existence of working pastoral farms and their contribution to the openness and landform legibility of Outstanding Natural Features and Landscapes;
3. Demonstrating how development can be visually integrated into the landscape by:
   (a) remedying or mitigating the impacts on the visual continuity of the Hokonui Hills Skyline and visually prominent hillslopes;
   (b) ensuring *buildings* and *structures* are appropriately sited, designed, finished, and if required, mitigated by appropriate plantings, to have minimal impact on the landscape values.
   (c) ensuring that *building* density and form maintains the identified landscape values.
4. Avoiding activities that are incompatible with the identified values, including *plantation forestry* and mineral extraction,
5. ~~Recognising and providing protection for Ngāi Tahu cultural values as they relate to Natural Features and Landscapes~~. Ensuring values mana whenua associate with areas classified as outstanding natural features or landscapes are recognised and provided for in both classifying these areas and assessing the effects of activities in these areas.

NFL-P2 Provide for and encourage the restoration and/or enhancement of the ~~natural character~~ values described within Appendix 5, ~~-~~of the Te Au Nui Pihapiha Kanakana Mataura Falls where:

1. Restoration and/or enhancement will achieve long-term improvement in ~~natural character,~~ landscape and associated Ngāi Tahu cultural values; and/or
2. It will assist in the restoration of indigenous *biodiversity* or ecosystems and angling fisheries species; and/or
3. It will enhance the taonga species and mahinga kai and the ability to exercise kaitiakitanga; and/or
4. It will support improved health and abundance of taonga species, and the ability for mana whenua to engage in mahinga kai activities; and/or
5. Riparian margins provide a buffer from activities that may adversely affect the ~~natural character~~ values of the *river*; and/or
6. Riparian margins provide spawning or other significant habitats for at risk or threatened species and/or
7. Public access is restored or improved and/ or
8. Activities are an expression of mana whenua kaitiakitanga responsibilities.

NFL-P3 Avoid the placement of ~~critical~~ infrastructure within identified Outstanding Natural Features and Landscapes, unless, having regard to the *operational needs* or *functional needs* of the activity

1. There is no reasonable alternative ~~due to the operational or functional need~~ for the location; and
2. Adverse effects on landscape values can be avoided or appropriately mitigated.

NFL-P4 When assessing resource consents within Outstanding Natural Features and Landscapes, include consideration of ~~consider~~ the following matters;

1. The extent to which adverse effects on landscape values described within Appendix 5 can be managed, avoided or appropriately mitigated; and
2. The extent to which the proposed activity recognises and provides for Ngāi Tahu cultural values, rights and interests; and
3. The operational need or functional need for the activity ~~to be undertaken within an Outstanding Natural Feature or Landscape~~.
4. The benefits of the proposed activity to the health, safety and well-being of people and communities

NFL-P5 Enable existing land use patterns within the Hokonui Hills, whilst protecting the landscape values and reflecting the landscape characteristics described within Appendix 5, through location specific management of the nature and scale of works, land use and development.

Note 1	**Provisions in Other Chapters**
	The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole. This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua.

Rules

NFL-R1	***Buildings* and *Structures* (excluding fences) within an identified ONF/L**	
Lower Sensitivity Area	**Activity status:** Permitted Where: 1. The *building* or *structure* is for farming purposes, excluding residential use; (a) Does not exceed 175m^2 in area; and (b) Height shall not exceed 6m; 2. Buildings or structures for non-farming purposes; (a) The maximum *height* does not exceed 2m; and (b) The maximum *gross floor area* is no more than 5m^2;	**Activity status where compliance is not achieved:** Discretionary

~~All zones~~ **All other areas**	3. All *buildings* and *structures* must be finished in materials with a maximum reflectance value of 30%. **Activity status:** Permitted Where: 4. The *building* or *structure* is for farming purposes, excluding residential use; (a) Does not exceed 30m2 in area; and (b) Height shall not exceed 3m; and (c) Is not located within 30m of a mapped ridgeline. 5. Buildings or structures for non-farming purposes; (a) The maximum *height* does not exceed 2m; and (b) The maximum *gross floor area* is no more than 5m²; and (c) Is not located within 30m of a mapped ridgeline. 6. All *buildings* and *structures* must be finished in materials with a maximum reflectance value of 30%
NFL-R2	**Tree planting, other than *plantation forestry* or *woodlots* within an identified ONF/L**

Lower Sensitivity Area	**Activity status:** Permitted Where: 1. The tree planting is *indigenous vegetation*; or 2. It is within 100m of a farm building or stockyard; and 3. The species is not a pest plant identified in any Regional Pest Management Plan or the Biosecurity Act 1993.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. *Effects* on the values as listed in NFL-APP Appendix 5. 2. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3.
~~**All zones**~~ **All other areas**	**Activity status:** Permitted Where: 1. The tree planting is of *indigenous vegetation* ~~species~~ and for restoration, conservation, or hazard prevention measures. 2. The tree planting is of *indigenous vegetation* and for a shelterbelt of up to 40m in length.	
NFL-R3	***Land disturbance* and *Earthworks* within an identified ONF/L**	
Lower Sensitivity Areas	**Activity status:** Permitted Where: 1. The depth of the *earthworks* cut and/or *earthworks* fill shall not exceed 3m below or above the original surface of the ground, except that for fencing and tracking, this height may be exceeded for a distance of no more than 30m within any one 100m distance; and 2. The area of the *land disturbance* and *earthworks* (other than associated with *cultivation*, fencing, tracking or a building platform) shall not exceed 100m^2 in any 12 month period; and 3. *Earthworks* and *land disturbance* (other than for *cultivation* or *farm tracks*) are reinstated to blend in with the surrounding natural	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. *Effects* on the values as listed in NFL-APP Appendix 5. 2. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3. 3. The extent of any earthworks or land disturbance; and~~:~~ ~~(a)~~ 4. Whether the works are undertaken in accordance with Earthworks Standards ~~EW-S2~~, EW-S3, ~~EW-S4~~, EW-S5, ~~EW-~~

landform and sown in grass to achieve at least an 80% coverage by the end of the next growing season immediately following the completion of works; and

~~4.~~ The works are undertaken in accordance with Earthworks Standards EW-S3, EW-S5 and-EW-S7.

~~**All zones**~~
All other areas

Activity status: Permitted

Where:

1. ~~The depth of the earthworks shall not exceed 1m below the original surface of the ground; and~~ The depth of the *earthworks* cut and/or *earthworks* fill shall not exceed 3m below/above the original surface of the ground, except that for fencing and tracking, this height may be exceeded for a distance of no more than 30m within any one 150m distance; and

2. ~~the depth of fill shall not exceed 1m above the original surface of the ground; and~~ The depth of *earthworks* cut or height of fill shall not exceed 1m within 30m of the mapped ridgelines; and

3. the area of the earthworks (excluding earthworks for *cultivation*, fencing, tracking or a building platform) shall not exceed 100m^2 in any 12 month period;

4. ~~the width of land disturbance for fencing shall not exceed 1m; and~~ *Earthworks* and *land disturbance* (other than for *cultivation* or *farm tracks*) are reinstated to blend in with the surrounding natural landform and sown in grass to achieve at least an 80% coverage by the end of the next growing season immediately following the completion of works; and

~~S6~~ and EW-S7 and consideration of the matters of discretion for any infringed standard.

	5. ~~the ground for fencing related land disturbance is reinstated to original levels within 48 hours of work being completed.~~ The works are undertaken in accordance with Earthworks Standards EW-S3, EW-S5 and EW-S7; and 6. Earthworks for new roads, farm tracks, walking and cycling tracks are not located within 30m of a mapped ridgeline area.	
NFL-R4	**Maintenance of ~~*critical*~~ *infrastructure*, existing *roads*, *farm tracks*, walking and cycling trails within an identified ONF/L**	
All ~~zones~~ areas	**Activity status:** Permitted Where: 1. The scale of the ~~*critical*~~ *infrastructure*, *road*, *farm track* or trail is not increased.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. *Effects* on the values as listed within NFL-APP Appendix 5. 2. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3.
NFL-R5	**Fences within an identified ONF/L**	
All ~~zones~~ areas	**Activity status:** Permitted Where: 1. The fence is a post and wire fence; including deer fencing, waratahs and mesh fencing; or 2. The fence is post and rail provided the distance does not exceed 6m either side of a gate for reinforcing purposes; or 3. In the Lower Sensitivity Area the fence is for stockyards. *Note: fences are a structure and therefore subject to the river setback rules*	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. *Effects* on the values as listed within NFL-APP Appendix 5. 2. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3.

NFL-R6	***Indigenous Vegetation* Clearance within an identified ONF/L**	
All ~~zones~~ areas	**Activity status:** Permitted Where: 1. The clearance is within the ~~Hokonui Hills~~ ONL; and 2. The clearance is necessary for a permitted, consented or otherwise legally established activity; and 3. The clearance complies with ECO-R1 and R2. ~~4. Clearance does not exceed 20m² over a 12 month period; or~~ ~~5. The clearance is for the construction of a fence associated with stock exclusion under national regulations or regional rules.~~	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. Effects on the values as listed within NFL-APP Appendix 5. 2. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3.
~~**NFL-R6**~~	~~**New *Roads, farm tracks*, walking and cycling tracks within an identified ONF/L**~~	

~~All zones~~	~~**Activity status:** Restricted Discretionary~~ ~~**Matters of discretion:**~~ ~~1. *Effects* on the values as listed within NFL-APP Appendix 5.~~ ~~2. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3.~~ ~~3. The necessity of what is proposed and any alternatives.~~ ~~4. Mitigation measures proposed.~~	~~**Activity status where compliance is not achieved:** N/A~~
NFL-R7	~~**Mining and** *Farm*~~ ***Quarry~~ing~~ within an identified ONF/L***	
Lower Sensitivity Areas	**Activity status:** Permitted Where: 1. the total area of extraction open at any one time does not exceed 1,500 m^2; and 2. the activity is set back 100m from any side or rear boundary; and 3. the activity is not visible from a formed public road or other public viewpoint; and 4. The area is progressively stabilised, filled or recontoured when exhausted of material.	**Activity status where compliance is not achieved:** Restricted Discretionary Matters of discretion: 1. Effects on the values as listed within NFL-APP Appendix 5. 2. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3. 3. The necessity of what is proposed and any alternatives. 4. Mitigation measures proposed.
All other areas	**Activity status:** Non-complying	**Activity status where compliance is not achieved:** N/A
NFL-R8	**Mining and *Quarrying within an identified ONF/L***	

All areas	**Activity status:** Non-complying	**Activity status where compliance is not achieved:** N/A
NFL-R~~8~~9	***Plantation Forestry within an identified ONF/L***	
	Activity status: Non-complying	**Activity status where compliance is not achieved:** N/A
NFL-R10	***Woodlots* within an identified ONF/L**	
Lower Sensitivity Areas	**Activity status:** Restricted Discretionary Matters of discretion: 1. Effects on the values as listed within NFL-APP Appendix 5. 2. Impacts on Ngāi Tahu cultural values, including those listed in MW-2.3. 3. The necessity of what is proposed and any alternatives. 4. Mitigation measures proposed.	**Activity status where compliance is not achieved:** N/A
All other areas	**Activity status:** Non-complying	