

Proposed Kapiti Coast District Plan

Benchmarking of Dominant Ridgelines and
Dominant Dunes Provisions

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ENVIRONMENTAL MANAGEMENT SERVICES
Limited

Executive Summary

The Proposed Kapiti Coast District Plan (PDP) was publicly notified in November 2012.

As part of considering the points raised in submissions made on the PDP, the Kapiti Coast District Council (the Council) wishes to compare the provisions adopted in the PDP for controlling land use activities on dominant ridgelines and dominant dunes with the provisions in the Greater Wellington Regional Policy Statement, the Operative Kapiti Coast District Plan and other District Plans in New Zealand, including the District Plans of the Territorial Local Authorities adjoining the Kapiti Coast District.

The principal statute governing the management of landscapes in New Zealand is the Resource Management Act 1991 (RMA).

Sections 6(a), 6(b), 6(e), 6(f), 7(c) and 7(f) in Part 2 of the RMA (purpose and principles) include matters that the Council must recognise and provide for, or have particular regard to, in relation to the protection and management of landscapes.

Although the RMA is the primary legislation that guides landscape management, other legislation playing an important, complimentary role in assisting in the protection and management of landscapes are:

- Local Government Act 2002;
- National Parks Act 1980;
- Heritage New Zealand Pouhere Taonga Act 2014;
- Queen Elizabeth the Second National Trust Act 1977;
- Conservation Act 1987; and
- Reserves Act 1977.

The RMA prescribes what planning documents central, regional and territorial authorities can or must prepare, and the hierarchy or relationship between these documents:

- **National Policy Statements (NPS):** These are prepared at the national level and state objectives and policies for matters of national significance that are relevant to achieving the purpose of the RMA and which Regional Policy Statements, Regional and District Plans must “give effect to”. Those that impinge on landscape management are:
 - New Zealand Coastal Policy Statement (2010) (NZCPS): Policies 13, 14 and 15;
 - National Policy Statement on Electricity Transmission (2008): Policies 4 and 8; and
 - National Policy Statement for Renewable Electricity Generation (2011): Policy C1.
- **Regional Policy Statements (RPS):** These are prepared by regional councils to identify regionally significant resource management issues, and provide policies and methods to allow for integrated management of these. They must “give effect to” any NPS.
- **Regional & District Plans:** These are prepared by regional councils and territorial authorities (district and city councils) to assist them in carrying out their respective functions. These plans include objectives, policies and rules. Regional coastal plans and district plans are compulsory; other regional plans are optional. They must “give effect to” any NPS or RPS.

With regard to the hierarchy or relationship between the statutory planning documents outlined above, a decision recently issued by the Supreme Court (the Court) on an appeal relating to New Zealand King Salmon's proposals to establish salmon farms in the Marlborough Sounds¹ is particularly relevant.

In this case, the Court considered that Parliament has provided for a hierarchy of planning documents, with each ultimately intended to give effect to Part 2, being the overall sustainable management purpose and key principles of the RMA. These documents give substance to its purpose and principles by identifying objectives, policies, methods and rules with increasing particularity both as to substantive content and locality. While Part 2 remains relevant, it is ultimately these documents which provide the basis for decision-making.

In terms of the PDP, the Regional Policy Statement for the Wellington Region (RPS) (made operative on 24 April 2013) is relevant. The RPS recognises that, to be able to manage the region sustainably, an understanding of the landscape resource is required. Using a consistent process to assess all of the region's landscapes against the same set of factors or criteria is also recognised as being important. The RPS states that landscapes can be broadly categorised into three groupings:

- Outstanding natural features and landscapes – these are considered to be exceptional and iconic, and while not necessarily pristine, they are landscapes in which natural elements and processes dominate;
- Special amenity landscapes – these are highly valued for their visual and physical attributes which contribute to landscape amenity and the quality of the environment. While these special amenity landscapes may be more modified than the outstanding natural features and landscapes, they are widely recognised and highly valued by the community; and
- Other landscapes – these contribute to the amenity and character of the region and are managed through the general amenity provisions in local authority plans.

None of these groups of landscapes are identified in the RPS. Instead, district and regional plans are directed (under Policy 25) to identify outstanding natural features and landscapes (within the coastal environment and rest of the region) and the RPS provides a list of factors (i.e. natural science factors, sensory factors and shared or recognised factors) that align with significant case law and commonly used landscape assessment methodologies that are intended to help describe and evaluate 'candidate' areas or sites to determine if they reach the threshold of outstanding natural features and landscapes consistently.

The Operative Kapiti Coast District Plan (made operative on [when?]) includes provisions relating to outstanding landscapes and ridgelines that apply to activities in the Rural Zone. There is no definition of ridgelines in the Operative Plan and no ridgelines are identified on the Operative District Plan Maps.

Under the Operative Plan Permitted Activity standards for the Rural Zone, new buildings, relocated buildings, replacement buildings and extensions must not be sited on top of the ridgeline of dominant sand dunes or hills, or in such proximity to the ridgeline that more than 3 metres of the height of the building protrudes above the ridgeline when viewed from any public place (i.e. beach, reserve or road), otherwise discretionary resource consent is required. The standards do not include any minimum setback for buildings from the ridgeline.

¹ Environmental Defence Society Incorporated v The New Zealand King Salmon Company Ltd NZSC 38.

Under the PDP buildings located in significant amenity landscapes are Permitted Activities and buildings located within outstanding natural landscapes are Controlled Activities, provided they comply with the relevant standards, which include a requirement for them to be:

- set back a minimum distance of 20 metres from the dominant ridgelines and dominant dunes; and
- no more than 1 metre above the height of the dominant ridgelines and dominant dunes.

Buildings that cannot achieve the relevant Permitted or Controlled Activity standards are Discretionary Activities.

In all rural zones the PDP also permits buildings (not included within a significant amenity landscape or outstanding natural landscape) where they are not sited on top of dominant ridgelines or dominant sand dunes, or in such proximity to the ridgeline/dune ridge that more than 1 metre of the height of the building protrudes above the ridgeline when viewed from any public place (i.e. beach, reserve or road). In the Rural Dunes Zone buildings that are not located in sensitive natural areas or up to 1 metre below or above dominant ridgelines are Permitted Activities. Buildings that cannot achieve these Permitted Activity standards are Restricted Discretionary Activities.

The provisions in the PDP are, therefore, similar to the Operative Plan provisions, but they differ in the following key ways:

- The PDP defines dominant ridgelines and dominant dunes and it identifies them on the PDP Plan Maps. This provides more certainty for plan users;
- The PDP includes new provisions for buildings located in significant amenity landscapes and buildings located within outstanding natural landscapes where they are near dominant ridgelines and dominant dunes;
- While buildings in the Rural Zone are still Permitted Activities, the Permitted Activity Standards (while similar) are more restrictive than the standards in the Operative Plan as they do not allow more than 1 metre of the height of the building to protrude above dominant ridgelines when viewed from any public place (i.e. beach, reserve or road), as opposed to 3 metres under the Operative Plan. However, the status of buildings in the Rural Zone that do not meet the Permitted Activity Standards is Restricted Discretionary in the PDP, as opposed to Discretionary under the Operative Plan; and
- The PDP includes new provisions for Permitted buildings in the Rural Dune Zone, where the buildings are not to be located in sensitive natural areas or up to 1 metre below or above dominant ridgelines.

The following ten district plans from around New Zealand, including some second and third generation plans, were reviewed to identify and compare the approaches they have taken for dominant ridgelines and dominant dunes:

- Wairarapa Combined District Plan;
- Proposed Horowhenua District Plan;
- Upper Hutt City District Plan;
- Porirua City District Plan;
- Hutt City District Plan;
- Wellington City District Plan;
- Queenstown-Lakes District Plan;
- Waikato District Plan;

- Western Bay of Plenty District Plan; and
- Marlborough Sounds Regional Management Plan.

It should be noted that in preparing this report, the other district plans that were reviewed were selected on the basis that they included similar or relevant provisions relating to dominant ridgelines. However, the majority of other district plans in New Zealand do not include any specific dominant ridgeline or dominant dune provisions. Instead, prominent or important ridgelines are usually identified as part of significant amenity landscape or outstanding natural landscape areas and are subject to more general planning provisions relating to buildings and structures in those areas.

None of the district plans reviewed include any identified dominant sand dunes and associated provisions. The PDP is, therefore, unusual in that respect.

In terms of dominant ridgelines, half (i.e. three out of six) of the district plans of the Councils adjoining Kapiti Coast District identify ridgelines on their district plan maps and include associated rules to control activities on or near the ridgelines.

Some plans (i.e. Wellington City District Plan and Western Bay of Plenty District Plan) identify an area around the ridgelines, or have identified the ridgeline itself as an outstanding landscape feature area, where no buildings or structures are permitted.

The remainder of the plans have adopted a similar approach to the PDP insofar as they permit buildings and structures where they comply with standards relating to the height of the structures and their distance measured vertically and/or horizontally below the ridgeline.

A comparison of the range of values adopted in the different plans is provided in the following table.

Table 1: Comparison of the range of values for permitted activity standards

Parameter	Range of Values
Maximum Height of buildings	5 metres
Maximum height of above ground electricity and telecommunication lines supported on overhead poles	12 metres and does not exceed the height of a ridge.
Minimum distance of buildings below the ridgeline	<ul style="list-style-type: none"> • 20 metres from the roofline of the house, vertically below the ridgeline. • 20 metres from the highest part of the building vertically and horizontally from the ridge.
Minimum distance of utility structures below the ridgeline	<ul style="list-style-type: none"> • 30 metres for above-ground lines and cables and associated support structures if more than 10 metres in height. • Less than 30 metres for above-ground lines and cables and associated support structures if less than 10 metres in height or underground.

The Upper Hutt District Plan permits buildings or structures on sites subject to a protected ridgeline provided they are located and designed to not project through the protected ridgeline, as viewed from State Highway 2.

While the Wellington City District Plan does not permit any structures on ridgelines or hilltops (shown as an area marked on the Plan Maps) in the Rural Area, earthworks are permitted provided they comply with conditions which set maximum parameters for cut height, fill depth, slope angle, cut and/or fill area. None of the other district plans include specific provisions for earthworks on or close to dominant ridgelines.

Submissions made on the PDP have requested that the provisions be amended to:

- Reduce the minimum distance for buildings from the ridgeline from 20 metres to 10 metres;
- Increase the maximum height that buildings can protrude above the ridgelines from 1 metre to 3 metres or 4.5 metres;
- Delete the maximum height standard; and
- Exclude buildings associated with network utilities.

In terms of the provisions relating to dominant ridgelines, when compared to other district plans, including those of Councils adjoining Kapiti Coast District, the maximum height of 1 metre in the PDP for buildings protruding above the ridgelines is more restrictive than the Operative District Plan and other district plans, which impose a maximum height of 3 – 5 metres. However, the minimum distance of 20 metres for buildings from the ridgelines in the PDP is in line with distances in other district plans (i.e. the Proposed Horowhenua District Plan and the Waikato District Plan), and is less restrictive than the Marlborough Sounds Resource Management Plan, which has a minimum distance of 30 metres from the ridgelines.

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REPORT INFORMATION		
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1. INTRODUCTION

The Proposed Kapiti Coast District Plan (PDP) was publicly notified in November 2012.

As part of considering the points raised in submissions made on the PDP, the Kapiti Coast District Council (the Council) wishes to compare the provisions adopted in the PDP for controlling land use activities on dominant ridgelines and dominant dunes with the provisions in the Greater Wellington Regional Policy Statement, the Operative Kapiti Coast District Plan and other District Plans in New Zealand, including the District Plans of the Territorial Local Authorities adjoining the Kapiti Coast District.

Specifically, this report:

- Outlines the legislative requirements under the Resource Management Act 1991 (RMA) for managing landscapes;
- Describes the statutory planning documents that central, regional and territorial authorities can or must prepare under the RMA, and the hierarchy or relationship between those documents;
- Outlines the relevant provisions of the:
 - Regional Policy Statement for the Wellington Region;
 - Operative Kapiti Coast District Plan; and
 - PDP
- Describes the differences between the Operative District Plan and the PDP;
- Summarises the issues raised in submissions to the PDP in relation to provisions for dominant ridgelines and dominant dunes;
- Identifies and compares the approaches taken for dominant ridgelines and dominant dunes in the following other district plans:
 - Wairarapa Combined District Plan;
 - Proposed Horowhenua District Plan;
 - Upper Hutt City District Plan;
 - Porirua City District Plan;
 - Hutt City District Plan;
 - Wellington City District Plan;
 - Queenstown-Lakes District Plan;
 - Waikato District Plan;
 - Western Bay of Plenty District Plan; and
 - Marlborough Sounds Regional Management Plan.
- Provides conclusions.

1.1 LEGISLATIVE REQUIREMENTS

The principal statute governing the management of landscapes in New Zealand is the RMA.



Part 2 of the RMA (purpose and principles) includes the following matters that the Council must recognise and provide for, or have particular regard to, in relation to the protection and management of landscapes:

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wet-lands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- ...
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*

Section 6(e) can also overlap with landscape matters:

- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- ...
- (c) *the maintenance and enhancement of amenity values:*
- ...
- (f) *maintenance and enhancement of the quality of the environment:*

Although the RMA is the primary legislation that guides landscape management, other legislation playing an important, complimentary role in assisting in the protection and management of landscapes are:

- Local Government Act 2002;
- National Parks Act 1980;
- Heritage New Zealand Pouhere Taonga Act 2014;
- Queen Elizabeth the Second National Trust Act 1977;
- Conservation Act 1987; and
- Reserves Act 1977.

The exercising of the functions under these various Acts falls on a number of government departments and organisations, including the Department of Internal Affairs, Department of Conservation, local authorities, Heritage New Zealand Pouhere Taonga and the Queen Elizabeth the Second National Trust.



1.2 STATUTORY FRAMEWORK

The RMA prescribes what planning documents central, regional and territorial authorities can or must prepare, and the hierarchy or relationship between these documents:

- **National Policy Statements (NPS):** These are prepared at the national level and state objectives and policies for matters of national significance that are relevant to achieving the purpose of the RMA and which Regional Policy Statements, Regional and District Plans must “give effect to”. Those that impinge on landscape management are:
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- **Regional & District Plans:** These are prepared by regional councils and territorial authorities (district and city councils) to assist them in carrying out their respective functions. These plans include objectives, policies and rules. Regional coastal plans and district plans are compulsory; other regional plans are optional. They must “give effect to” any NPS or RPS.

The relevant NPS policies are set out in **Appendix A** of this report and the relevant RPS and Kapiti Coast District Plan provisions (operative and proposed) are set out in Sections 2, 3 and 4 below.

1.2.1 SUPREME COURT DECISION – KING SALMON

With regard to the hierarchy or relationship between the statutory planning documents outlined above, a decision recently issued by the Supreme Court on an appeal relating to New Zealand King Salmon’s proposals to establish salmon farms in the Marlborough Sounds² is particularly relevant. Because this court is New Zealand’s final court of appeal, its decisions guide and direct New Zealand’s lower courts and local authority decision makers.

The Court considered that Parliament has provided for a hierarchy of planning documents, with each ultimately intended to give effect to Part 2, being the overall sustainable management purpose and key principles of the RMA. These documents give substance to its purpose and principles by identifying objectives, policies, methods and rules with increasing particularity both as to substantive content and locality. While Part 2 remains relevant, it is ultimately these documents which provide the basis for decision-making.

The Court therefore found that the Board’s decision to ultimately determine the applications not by reference to the specific policies in the NZCPS, but to Part 2, was not correct, because the NZCPS already gives substance to Part 2’s provisions in respect of the coastal environment. They did not agree that the NZCPS could simply be considered as a document which identifies a

² Environmental Defence Society Incorporated v The New Zealand King Salmon Company Ltd NZSC 38.



range of potentially relevant policies, to be given effect in subordinate planning documents only as decision-makers consider appropriate in particular circumstances.

In relation to the argument that different policies in the NZCPS were ‘conflicting’, the Court disagreed that on close inspection, there was any insurmountable conflict between its various relevant policies in this case. They considered that a danger in the “overall judgment” approach is that decision-makers may conclude too readily that there is a conflict between particular policies and prefer one over another, rather than finding a way to reconcile them. Were some policies in conflict in a particular case and it needed to be determined which policy prevails, they stated that the analysis should be undertaken on the basis of the NZCPS, informed by section 5 of the RMA, but not using section 5 as the primary decision-making provision.

Taking their consideration of the use of the ‘overall judgment’ further, the Court also found that the matters in section 6 of the RMA, which relate to the protection, preservation or maintenance of resources (such as outstanding natural features and landscapes), and the requirement to protect them from “inappropriate” development, must be determined by considering the value being protected/preserved – not by reference back to section 5. This reinforces that “inappropriate” needs to be determined within the context of the identified value (e.g. the landscape), and cannot be balanced against the other section 5 considerations, such as economic well-being.

The Court found that the NZCPS could be very directive in its objectives and policies, and could leave those who must give effect to them greater or lesser flexibility or scope for choice. While the NZCPS does not include ‘rules’ as they are defined in the RMA, a policy within it (or other planning documents higher in the planning hierarchy) can contain policies that effectively require prohibition of particular activities in certain localities in lower level planning documents.

The Court also found that the protection of the environment is a core element of sustainable management. As such, it is legitimate for an instrument such as the NZCPS to give effect to that protective element by setting environmental bottom lines. (In this case, this was related to the legitimacy of the directness of the NZCPS’ policies pertaining to the avoidance of adverse effects on outstanding areas).



2. REGIONAL POLICY STATEMENT FOR THE WELLINGTON REGION

The Regional Policy Statement for the Wellington Region (RPS) was made operative on 24 April 2013.

With respect to the hierarchy of statutory planning documents referred to above, the Proposed Kapiti Coast District Plan must give effect to the RPS.

For the purposes of this report, the following sections of the RPS are relevant:

- Section 3.2: Coastal Environment; and
- Section 3.7: Landscape

The policy framework of the RPS is discussed below. The relevant objectives and policies in the RPS are set out in **Appendix B**.

In terms of the coastal environment the RPS must give effect to the NZCPS which provides a policy framework for both the wet and dry parts of the coastal environment.

The 'Coastal Environment' is defined in the RPS as follows:

Coastal Environment: *Includes the coastal marine area and the adjacent landward environment, to the extent it has the following characteristics or attributes, (in accordance with policies 5 and 38):*

- (a) any area or landform dominated by coastal vegetation or habitat*
- (b) any landform affected by active coastal processes, excluding tsunamis*
- (c) any landscapes or features, including coastal escarpments, that contribute to the natural character, visual quality or amenity value of the coast*
- (d) any site, structure, place or area of historic heritage value adjacent to, or connected with, the coastal marine area, which derives its heritage value from a coastal location.*

The RPS recognises the adverse effects of activities on the natural character of the coastal environment (such as large-scale earthworks for housing development and roads, changes in land use and placement of structures) as being a regionally significant issue.

Objectives 3 and 4 of the RPS seek to protect the natural character of the coastal environment, and habitats and features in the coastal environment that have significant landscape values, from the adverse effects of inappropriate subdivision, use and development.

Under the policies of the RPS district and regional plans are required to protect areas considered to have 'high' natural character from inappropriate subdivision, use and development. Under Policy 3 Councils must assess land in the coastal environment to ascertain which areas have high natural character, in order to protect these areas, and to determine what would be inappropriate activities on this land, depending on the attributes associated with an area's high natural character. Policy 3 lists the matters that are to be considered when assessing natural character.

The RPS also specifies (under Policy 4) that district plans must include policies and/or rules to identify the landward extent of the coastal environment on the basis of the following criteria:

- (a) any area or landform dominated by coastal vegetation or habitat;*
- (b) any landform affected by active coastal processes, excluding tsunamis;*



- (c) *any landscapes or features, including coastal escarpments, that contribute to the natural character, visual quality or amenity value of the coast; and*
- (d) *any site, structure, place or area of historic heritage value adjacent to, or connected with, the coastal marine area, which derives its heritage value from a coastal location.*

The explanation to the Policy 4 states that Councils shall identify in consultation with landholders, the community, tangata whenua and other key stakeholders, the landward extent of the coastal environment. This policy reflects the NZCPS in terms of the landward extent of the coastal environment.

In relation to the wider region, the RPS seeks (under Objective 17) to identify the region's outstanding natural features and landscapes and to protect their landscape values from inappropriate subdivision, use and development. Objective 18 also seeks to identify the region's special amenity landscapes and those landscape values that contribute to amenity and the quality of the environment are maintained or enhanced.

The RPS recognises that, to be able to manage the region sustainably, an understanding of the landscape resource is required. Using a consistent process to assess all of the region's landscapes against the same set of factors or criteria is also recognised as being important. The RPS states that landscapes can be broadly categorised into three groupings:

- Outstanding natural features and landscapes – there are considered to be exceptional and iconic, and while not necessarily pristine, they are landscapes in which natural elements and processes dominate;
- Special amenity landscapes – these are highly valued for their visual and physical attributes which contribute to landscape amenity and the quality of the environment. While these special amenity landscapes may be more modified than the outstanding natural features and landscapes, they are widely recognised and highly valued by the community; and
- Other landscapes – these contribute to the amenity and character of the region and are managed through the general amenity provisions in local authority plans.

None of these groups of landscapes are identified in the RPS. Instead, district and regional plans are directed (under Policy 25) to identify outstanding natural features and landscapes (within the coastal environment and rest of the region) and the RPS provides a list of factors (i.e. natural science factors, sensory factors and shared or recognised factors) that align with significant case law³ and commonly used landscape assessment methodologies that are intended to help describe and evaluate 'candidate' areas or sites to determine if they reach the threshold of outstanding natural features and landscapes consistently.

The explanation to Policy 25 states that district and city councils are required to assess natural features and landscapes against all the factors, but may use additional factors. District plans must also identify outstanding natural features and landscapes on land that is not in the coastal marine area and the beds of lakes and rivers.

Where outstanding natural features and landscapes have been identified, Policy 26 requires district plans to include policies, rules and/or methods to protect outstanding natural features and landscape values from inappropriate subdivision, use or development. The policy is not intended

³ Pigeon Bay Aquaculture Ltd v Canterbury Regional Council Environment Court Decision, 1999 (C32/99) and the Wakatipu Environment Society Incorporated v Queenstown Lakes District Council Environment Court Decision, 1999 (C180/99)



to prevent change, but to ensure that change is carefully considered and is appropriate in relation to the landscape values identified. Method 52 of the RPS indicates that tangata whenua, stakeholders, landowners and the community will be involved in the protection of outstanding natural features and landscapes.

Policy 27 states that district plans may identify special amenity landscapes which are distinctive, widely recognised and highly valued by the community for their contribution to the amenity and quality of the environment of the district, city or region. Any special amenity landscape evaluation process carried out to inform the identification of any such special amenity landscapes must take into account the factors listed in Policy 25.

The RPS notes that community values and relationships to the landscape are important components of a special amenity landscape. A special amenity landscape will be distinctive and widely recognised by the community for the contribution its landscape amenity values make to the pleasantness, aesthetic coherence, cultural and recreational attributes of the district, city or region. The explanation to Policy 27 states that special landscapes, when assessed under the factors listed in Policy 25, and compared to outstanding natural landscapes, will have:

- a) *highly valued, but not clearly exceptional landscape values, in an area where the **natural components** of landscape character dominate; or*
- b) *highly valued, including exceptional landscape values, in an area where the modification of landscape by **human activity** is a dominant influence on landscape character.*

Method 32 of the RPS indicates that tangata whenua, stakeholders, landowners and the community will be involved in the identification and evaluation of special amenity landscapes.

Method 50 outlines the development of a regional landscape character description which will describe and categorise the region's landscapes to assist with implementing Policy 27.

Where special amenity landscapes have been identified, Policy 28 requires district plans to include policies and/or methods (which may include rules) for managing these landscapes in order to maintain or enhance their landscape values in the context of the continuation of:

- existing land uses that contribute to these landscape values;
- predominant existing land uses that are provided for within the underlying zoning; and
- other lawfully established activities.

Policy 28 is not intended to prevent land use change, but rather to ensure that change is carefully considered and is appropriate in relation to the landscapes that may be identified in Policy 27.

3. OPERATIVE DISTRICT PLAN PROVISIONS

The Kapiti Coast District Plan (Operative Plan) was made operative in 1999.

3.1 POLICY FRAMEWORK

Section C.10.1 includes one objective and four policies relating to landscapes.

Objective 1.0 is to identify and protect the District's outstanding landscapes from the adverse environmental effects of subdivision, use and development. This is consistent with Objective 17 of the RPS.

As part of achieving the objective, the District Plan (Policy 1) seeks to ensure that new buildings, structures, services and earthworks within outstanding landscapes are located so that they will not be visually dominant (e.g. below the dominant ridge line where practicable).

The explanation to the policies states that the outstanding landscapes were determined from a landscape assessment of the district and consultation through the release of a Discussion Paper and include the regionally significant landscapes in the Regional Policy Statement⁴. The Operative Plan notes that these landscapes are under threat from inappropriate development, such as flattening of sand dunes and loss of open rural landscape, resulting from the dominance of buildings on the tops of hills and prominent sand dunes. Council therefore considers it important to protect these landscapes to retain the open rural and natural "unspoilt" character of the Kapiti Coast District.

The Operative Plan identifies the following methods (regulatory and non-regulatory) to achieve the objective and policies:

- Rules and Performance Standards;
- Esplanade Reserves;
- Design Guidelines⁵;
- Education (Design Guidelines); and
- Inclusion of significant ecological areas on the District Plan Planning Maps.

The Operative Plan Planning Maps identify Outstanding Landscapes. No other categories of landscapes are identified and no dominant ridgelines or dominant dunes are mapped.

1.2.2 PROVISIONS

The Operative Plan includes provisions relating to outstanding landscapes and ridgelines that apply to activities in the Rural Zone. There is no definition of ridgelines in the Operative Plan.

Under the Permitted Activity standards for the Rural Zone, new buildings, relocated buildings, replacement buildings and extensions must not be sited on top of the ridgeline of dominant sand dunes or hills, or in such proximity to the ridgeline that more than 3 metres of the height of the building protrudes above the ridgeline when viewed from any public place (i.e. beach, reserve or

⁴ The Regional Policy Statement that was superseded by the current RPS.

⁵ The Council issued a *Rural Subdivision Design Guide* in April 2009 to inform best practice in the design and layout of rural subdivision and was intended to be read in conjunction with the District Plan.



road), otherwise discretionary resource consent is required. As noted above, no ridgelines are identified on the Operative District Plan Maps.



4. PROPOSED DISTRICT PLAN APPROACH

The structure of the PDP differs slightly from the Operative District Plan, whereby there are no issues and the objectives are contained in a single chapter (Chapter 2). All of the policies and provisions relating to landscapes, including dominant ridgelines and dominant dunes, are provided in Chapter 3 Natural Environment.

Dominant ridgelines and dominant dunes are defined in the PDP as follows:

*“**Dominant ridgelines and Dominant dunes** means mapped features shown on a structure plan for a specific area (eg ecohamlets or Ngarara zone) or shown on the District Plan natural environment maps.”*

Dominant ridgelines and dominant dunes are identified on the PDP Maps.

Dominant ridgelines and dominant dunes do not fall within the definition of ‘sensitive natural features’ or ‘sensitive natural areas’⁶.

4.1 POLICY FRAMEWORK

The following objectives in Chapter 2 are relevant:

Objective 2.4 – Coastal environment

To have a coastal environment where:

- a) natural character, natural systems, natural landforms and natural processes, are protected, and restored where degraded;*
- b) appropriate public access to and along the coast is improved;*
- c) development does not result in further loss of coastal dunes; and*
- d) communities are not exposed to increased risks from coastal hazards*

Objective 2.9 – Landscapes

To protect the District’s natural landforms and valued landscapes, including:

- a) Identified outstanding natural features and landscapes, significant amenity landscapes and areas of high natural character;*
- b) Stream and river corridors, including stream and river mouths, head waters and estuaries;*
- c) Remaining coastal dunes, wetlands and native vegetation; and*
- d) The landscape values of coastal hills and escarpments*

The following policies in Chapter 3 are relevant:

⁶Defined in the PDP as follows: “**Sensitive natural features and Sensitive natural areas** means areas or sites which have been identified as having ecological, geological or landscape significance which require careful consideration of their values. This includes features and areas in the District Plan Maps and/or schedules as:

- 1. *ecological sites;*
- 2. *geological features;*
- 3. *outstanding natural features and landscapes;*
- 4. *areas of high natural character;*
- 5. *significant amenity landscapes;*
- 6. *rare and threatened vegetation species;*
- 7. *key Indigenous tree species;*
- 8. *notable trees.”*



Policy 3.3 – Protection

All new subdivision, land use or development in the District shall protect sensitive natural features, significant locally indigenous vegetation, lookout points, dominant ridgelines and dominant sand dunes and avoid significant adverse effects on these features, in accordance with the following principles:

- a) development will be located away from mapped and scheduled features;*
- b) tāngata whenua will be consulted to ensure kaitiakitanga is maintained;*
- c) development form will be shaped by natural landforms and waterbodies, including coastal dunes, inter-dune wetlands, rivers and streams, coastal hills and escarpments; and*
- d) active management will be applied through environmental strategies to maintain the integrity of mapped and scheduled features.*

Policy 3.5 – Environmental off-setting

Where subdivision, land use or development is deemed or considered to have adverse effects (including cumulative) on land containing sensitive natural features, or locally indigenous vegetation, lookout points, dominant ridgelines and dominant sand dunes, which cannot be avoided without preventing reasonable use of the land, environmental offsetting will be considered as part of remediation or mitigation where all the following principles can be demonstrated to have been achieved:

- a) it should only be considered where remediation or mitigation on-site is not possible;*
- b) it should be as close as possible to the site (because benefit diminishes with distance) so that it is in the same area, landscape or environment as the proposed activity;*
- c) there should be a substantial, significant, demonstrable and measureable net environmental benefit as opposed to mere mitigation of effects;*
- d) it must be effective; usually there should be conditions (a condition precedent or a bond) to ensure that it is completed or supplied;*
- e) there should be public consultation or at least the opportunity for public participation in the process by which the environmental compensation or offsetting is set; and*
- f) the methodology for setting the degree of biodiversity off-set shall be recognised and transparent, and shall include best practice monitoring and adaptive management procedures and processes.*

Policy 3.8 – Cumulative effects

Subdivision and development will be designed and located to avoid further cumulative deterioration of sensitive natural features, locally indigenous vegetation, lookout points, dominant ridgelines and dominant sand dunes in the District.

Policy 3.9 – Monitoring

The state of the natural environment will be actively monitored to ensure sensitive natural features, locally indigenous vegetation, lookout points, dominant ridgelines and dominant sand dunes are not adversely affected by land use and development.

Policy 3.21 – Dominant ridgelines and lookout points

Development will avoid areas identified as dominant ridgelines, dominant dunes and lookout points in the District Plan Maps to ensure that views to and from these visually prominent landforms remain intact.

Policy 3.23 – Earthworks - natural landforms

Earthworks will be minimised to retain natural landforms, particularly on dunes and steep slopes, around water bodies, in riparian margins or surrounding historic heritage. Where earthworks are undertaken the following principles shall be considered:

- a) retain the integrity of sensitive natural features, dominant ridgelines and dominant dunes as undeveloped features;*
- b) ensure development is sympathetically located and scaled in and within close proximity to sensitive natural areas or lookout points and dominant ridgelines and dominant sand dunes;*
- c) take into account the natural landform (i.e. rivers, floodplains) and landform processes (i.e. flooding and erosion) in order for subsequent development to follow the natural landform.*



4.2 PROVISIONS

The provisions relating to dominant ridgelines and dominant sand dunes are contained in Chapter 3 of the PDP and are summarised in Table 2.

Table 2: Summary of Provisions Relating to Dominant Ridgelines and Dominant Dunes in the PDP

Activity	Rule	Activity Status	Performance Standards
Buildings in significant amenity landscapes	3A.1.6	Permitted	<p>1. <i>Buildings shall not be located within 20 metres of a dominant ridgeline or dominant dunes.</i></p> <p>...</p> <p>5. <i>Building height shall be no more than 1 metre above the dominant ridgelines and dominant dunes.</i></p>
Buildings in outstanding natural landscapes that comply with controlled activity standards	3A.2.2	Controlled	<p>1. <i>Buildings shall not be located within 20 metres of a dominant ridgeline and dominant dunes.</i></p> <p>...</p> <p>5. <i>Building height shall be no more than 1 metre above the height of dominant ridgelines and dominant dunes.</i></p>
Buildings and development in significant amenity landscapes which is not a permitted activity under Rule 3A.1.6	3A.4.3	Discretionary	
Any activity which is not identified as permitted, controlled, restricted discretionary or non-complying	3A.4.1	Discretionary	
Buildings and structures in all rural zones except in the Paraparaumu North Rural Precinct: a) including habitable buildings and accessory buildings on any lot; and b) the relocation of buildings that: i. are up to and including 15 years old; or ii. have a gross floor area up to and including 30m ² .	7A.1.4	Permitted	<p>4. <i>Buildings shall not be sited on top of dominant ridgelines or dominant sand dunes, or in such proximity to the ridgeline/dune ridge that more than 1 metre of the height of the building protrudes above the ridgeline when viewed from any public place (i.e. beach, reserve or road).</i></p>
Buildings in the Rural Dunes Zone.	7A.1.9	Permitted	<p>2. <i>Buildings shall not be located in sensitive natural areas or up to 1 metre below or above dominant ridgelines.</i></p>



Activity	Rule	Activity Status	Performance Standards
All activities which are not listed as discretionary or non-complying and do not comply with no more than one permitted or controlled activity standard in all rural zones.	7A.3.1	Restricted Discretionary	
Subdivision in all rural zones except the Future Urban Development Zone and subdivisions which are controlled activities under Rule 7A.2.3.	7A.3.2	Restricted Discretionary	1. <i>General Standards</i> c) <i>Dominant ridgelines, sensitive and prominent land features, including sensitive natural features, will be identified on subdivision plans and no building or earthworks will be permitted in these areas.</i>
Subdivision in any rural zone which does not comply with one or more of the restricted discretionary activity subdivision standards.	7A.5.4	Non-complying	
New roads including associated infrastructure and new and relocatable structures which are located up to 3 metres below or are above the Visually Dominant Ridgelines (as identified on the structure plan for Waikanae North (and Ōtaki North) Eco-Hamlet Zone in Rural Environment Appendix 7.4 and 7.5)	7A.6.1	Prohibited	

As identified in Table 1, buildings located in significant amenity landscapes are Permitted Activities and buildings located within outstanding natural landscapes are Controlled Activities, provided they comply with the relevant standards, which include a requirement for them to be:

- set back a minimum distance of 20 metres from the dominant ridgelines and dominant dunes; and
- no more than 1 metre above the height of the dominant ridgelines and dominant dunes.

Buildings that cannot achieve the relevant Permitted or Controlled Activity standards are Discretionary Activities.

In all rural zones the PDP also permits buildings (not included within a significant amenity landscape or outstanding natural landscape) where they are not sited on top of dominant ridgelines or dominant sand dunes, or in such proximity to the ridgeline/dune ridge that more than 1 metre of the height of the building protrudes above the ridgeline when viewed from any public place (i.e. beach, reserve or road). In the Rural Dunes Zone buildings that are not located in



sensitive natural areas or up to 1 metre below or above dominant ridgelines are Permitted Activities. Buildings that cannot achieve these Permitted Activity standards are Restricted Discretionary Activities.

Subdivision in all rural zones (except the Future Urban Development Zone and subdivisions which are controlled activities under Rule 7A.2.3) are Restricted Discretionary Activities provided dominant ridgelines, sensitive and prominent land features, including sensitive natural features, are identified on subdivision plans and no building or earthworks occurs in these areas. Subdivisions that cannot achieve the Restricted Discretionary general standards are Non-complying Activities.

New roads including associated infrastructure and new and relocatable structures which are located up to 3 metres below or are above the Visually Dominant Ridgelines (as identified on the structure plan for Waikanae North (and Ōtaki North) Eco-Hamlet Zone in Rural Environment Appendix 7.4 and 7.5) are Prohibited Activities.

4.3 CHANGES FROM THE OPERATIVE DISTRICT PLAN

The main changes from the Operative Plan are:

- The PDP defines dominant ridgelines and dominant dunes;
- Dominant ridgelines and dominant dunes are identified on the PDP Planning Maps;
- The PDP includes new provisions for buildings located in significant amenity landscapes and buildings located within outstanding natural landscapes where they are near dominant ridgelines and dominant dunes;
- While buildings in the Rural Zone are still Permitted Activities, the Permitted Activity Standards (while similar) are more restrictive than the standards in the Operative Plan as they do not allow more than 1 metre of the height of the building to protrude above dominant ridgelines when viewed from any public place (i.e. beach, reserve or road), as opposed to 3 metres under the Operative Plan. However, the status of buildings in the Rural Zone that do not meet the Permitted Activity Standards is Restricted Discretionary in the PDP, as opposed to Discretionary under the Operative Plan;
- The PDP includes new provisions for Permitted buildings in the Rural Dune Zone, where the buildings are not to be located in sensitive natural areas or up to 1 metre below or above dominant ridgelines;
- The PDP includes new provisions for Restricted Discretionary Activity subdivision within all Rural Zones (except the Future Urban Development Zone and subdivisions which are controlled activities under Rule 7A.2.3) where dominant ridgelines, sensitive and prominent land features, including sensitive natural features, must be identified on the subdivision plans and no building or earthworks are permitted in these areas. Subdivisions that cannot meet this standard are Non-Complying; and
- The PDP includes new provisions that prohibit new roads, including associated infrastructure and new and relocatable structures, which are located up to 3 metres below or are above the Visually Dominant Ridgelines (as identified on the structure plan for Waikanae North (and Ōtaki North) Eco-Hamlet Zone in Rural Environment Appendix 7.4 and 7.5).



4.4 RELEVANT ISSUES RAISED IN SUBMISSIONS TO THE PDP

A number of submissions on the PDP were received regarding dominant ridgelines and dominant dunes. These are summarised in **Appendix C**.

Chapter 3 Natural Environment

In terms of Chapter 3, the most common issues raised in the submissions to the PDP regarding dominant ridgelines and dominant dunes are:

- Amend the definition of ‘dominant ridgelines’ and ‘dominant dunes’, including:
 - to reflect the meaning of dominant which means “(of a high place) prominent, overlooking others”;
 - to clarify that they are prominent features that are clearly viewed and do not include unconnected and minor points;
- Remove the dominant ridgeline designation from the boundaries of the submitter’s property;
- Delete Dominant Ridgelines/Dominant Dunes classifications and associated mapping and provisions from the PDP;
- Support the inclusion of the Tararua ridgeline as a Dominant Ridgeline;
- Delete Policy 3.3 (Protection) and the supporting Explanation, or amend it to:
 - reflect that the RMA only requires outstanding natural features and landscapes, as well as areas of significant indigenous vegetation and significant habitats of indigenous fauna to be protected from inappropriate subdivision, use and development and does not require dominant ridgelines and dominant dunes to be protected
 - replace prohibitive terms, such as ‘avoid’, to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policy should guide towards maintaining and enhancing matters relating to natural values, rather than the rigid approach of protection
 - change ‘protect’ to ‘have particular regard to’ and change ‘avoid’ to ‘avoid, remedy or mitigate’
 - recognise that only ‘outstanding’ natural features require protection
 - enable subdivision, use and development of land in a manner that avoids, remedies or mitigates adverse effects on Outstanding Natural Landscapes and Ecological sites
 - encourages and recognises voluntary actions to maintain, enhance or protect ecological and landscape values



- Amend Policy 3.5 (Environmental off-setting) to:
 - state that, where subdivision, land use or development is deemed or considered to have adverse effects (including cumulative) on land containing dominant ridgelines or dominant dunes, which cannot be avoided without preventing reasonable use of the land, environmental offsetting will be considered as part of remediation or mitigation.
 - replace prohibitive terms, such as 'avoid', to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policy should guide towards maintaining and enhancing matters relating to natural values, rather than the rigid approach of protection
- Delete Policy 3.8 (Cumulative effects) or amend it to:
 - replace prohibitive terms, such as 'avoid', to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policy should guide towards maintaining and enhancing matters relating to natural values, rather than the rigid approach of protection.
- Delete Policy 3.21 (Dominant ridgelines and lookout points) or amend it to:
 - make it clear that the views referred to in the policy are public views;
 - replace prohibitive terms, such as 'avoid', to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policy should guide towards maintaining and enhancing matters relating to natural values, rather than the rigid approach of protection.
- Amend Policy 3.23 (Earthworks – natural landforms) to:
 - to recognise that some landforms are already modified or compromised and should permit farm tracks;
 - ensure that development is sympathetically located and of an appropriate scale when within close proximity to dominant ridgelines and dominant dunes;
- Amend Rule 3A.1.6 (Permitted Activities – buildings in significant amenity landscapes) so that it:
 - excludes network utilities, particularly the electricity transmission network;
 - specifically applies to new buildings and amends standards to define dominant dunes and the method for measurement of the 20 metre distance (under Standard 1);
 - amends Standard 1 to require buildings to not be located within 10 metres of the apex along the length of the identified dominant ridgelines or dominant dunes;
 - amends Standard 1 to permit buildings where they protrude no higher than 4.5 metres above a prominent ridgeline (this is the most common request in the submissions);



- deletes Standard 5 (which requires buildings to be no more than 1 metre above the dominant ridgeline or dominant dune);
- amends Standard 5 to permit buildings to be built no more than 3 metres above a dominant ridgeline or dominant dune rather than the proposed 1 metre;
- Amend Rule 3A.2.2 so that it:
 - reduces the exclusion area around a dominant ridgeline from 20 metres to 10 metres (under Standard 1);
 - amends Standard 1 to require buildings to not be located within 10 metres of the apex along the length of the identified dominant ridgelines or dominant dunes;
 - excludes network utilities, particularly the electricity transmission network;
 - retains the existing height provisions of 3 metres (under Standard 5), instead of the proposed maximum height of 1 metre above the height of the dominant ridgelines and dominant dunes;
- Delete Rule 3A.4.3.

Chapter 7 Rural Environment

In terms of Chapter 7, two submissions raised concerns about Rule 7A.1.4.4 relating to permitted buildings and structures in all rural zones (except the Paraparaumu North Rural Precinct). One submission requested that the rule should be amended as follows”

“7A.1.1.4. Buildings shall not be sited on top of dominant ridgelines or dominant sand dunes, or in such proximity to the ridgeline/dune ridge that more than 1 metre of the height of the building protrudes above the ridgeline when viewed from any public place (i.e. beach, reserve or road) if silhouetted onto the skyline.”

One submission requested that Rule 7A.1.9.2 relating to permitted buildings in the Rural Dunes Zone be amended as follows:

“7A.1.9.2 Buildings shall not be located in sensitive natural areas or ~~up to 1 metre below or higher than 1 metre~~ above dominant ridgelines.”

Maps

In terms of the PDP Maps, the issues raised in submissions are:

- delete dominant ridgelines and dominant dunes from the following maps:
 - Map 10D;
 - Maps 6, 7 and 9 (with respect to the Ngarara Zone and/or Ngarara Precinct (G.P.5)); and
 - Map 07D (with respect to the Waikanae North Development Zone).



6. COMPARISON OF DIFFERENT DISTRICT PLAN APPROACHES

The main purpose of this report is to identify the types of provisions adopted by other district plans to protect dominant ridgelines and/or dominant dunes and avoid significant adverse effects on these features.

The relevant provisions of the district plans of councils adjoining Kapiti Coast District Council as well as the provisions of some second and third generation district plans in New Zealand are identified in **Appendix D** of this report.

Table 3 compares the relevant provisions of the various district plans that relate to dominant ridgelines and/or dominant dunes.

Table 3: Comparison of provisions across a variety of district plans

Activity	Relevant Provisions
Wairarapa Combined District Plan	None
Proposed Horowhenua District Plan	<p>“Important Ridgelines” are identified on the District Plan Maps, and are located on land both within and outside Outstanding Natural Features and Landscapes.</p> <p>Rule 19.3.7 specifies that the following are Restricted Discretionary Activities in the Rural Zone:</p> <p>(c) <i>Buildings within those parts of the Hill Country Landscape Domain that are not Outstanding Natural Features and Landscapes <u>except for</u></i> [underlining added]:</p> <p>(i) <i>Buildings, additions and alterations that do not exceed 5 metres in height and that are located 20 metres vertically below an Important Ridgeline (as identified on the Planning Maps), measured from the roofline of the house.</i></p>
Upper Hutt City District Plan	<p>The District Plan Maps identify “Protected Ridgelines”.</p> <p>Rule 28.1 permits any building or structure, otherwise permitted, located on a site subject to a Protected Ridgeline (identified on the Planning Maps) which complies with the standard specified in Rule 28.4.</p> <p>Standard 28.4 requires any building or structure to be located and designed so as not to project through the protected ridgelines identified on the Planning Maps, as viewed from any point on State Highway 2.</p>
Porirua City District Plan	None
Hutt City District Plan	None
Wellington City District Plan	Ridgelines and hilltops in the Rural Area are identified on the District Plan Maps (i.e. the Ridgelines and Hilltops Overlay).

Activity	Relevant Provisions
	<p>No structures are permitted on ridgelines or hilltops in the Rural Area (they are a Discretionary Activity).</p> <p>Earthworks in the Ridgelines and Hilltops Overlay (Rural Area) are Permitted Activities provided they comply with the following conditions:</p> <p style="padding-left: 40px;">(a) (i) <i>The cut height or fill depth does not exceed 1.5m measured vertically; and</i> (ii) <i>The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured on a horizontal plane; and</i> (iii) <i>The cut or fill is not on an existing slope angle exceeding 34 degrees; and</i> (iv) <i>The area to be cut or filled does not exceed 100m².</i></p> <p style="text-align: center;">OR</p> <p style="padding-left: 40px;">(b) (i) <i>The cut height or fill depth does not exceed 1.5m; and</i> (ii) <i>The cut or fill is retained by a building or structure authorised by a building consent (which must be obtained prior to any earthworks commencing); and</i> (iii) <i>The area to be cut and/or filled does not exceed 100m².</i></p> <p style="text-align: center;">OR</p> <p style="padding-left: 40px;">(c) <i>For the construction and maintenance of tracks associated with permitted rural activities in the Rural Area:</i> (i) <i>The cut height and fill depth does not exceed 1.5m; and</i> <i>The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured on a horizontal plane.</i></p> <p>Earthworks that do not comply with the permitted activity conditions are a Discretionary (Unrestricted) Activity.</p> <p>Utilities, masts and antennas within the Ridgelines and Hilltops Overlay (Rural Area) are a Discretionary (Restricted) Activity.</p> <p>New or additional overhead lines and cables located within identified ridgelines or hilltops are a Discretionary (Unrestricted) Activity.</p>
Queenstown Lakes District Plan	<p>The District Plan Maps do not identify any outstanding natural landscapes or features or any significant amenity landscapes, including any dominant ridgelines. Instead, the District Plan relies on rules to achieve the relevant objectives and policies.</p> <p>Under the rules resource consent is required for most new buildings. For example, within the Rural General Zone a Controlled Activity resource consent is required for any alterations or additions to existing buildings where they do not increase the coverage of the building (calculated at the operative</p>



Activity	Relevant Provisions
	<p>date of the District Plan) by more than 50% and they are contained within a residential building platform approved by resource consent. New buildings contained within a residential building platform approved by resource consent, and the replacement or extension of existing farm buildings and the construction of new farm buildings (including associated earthworks, access and landscaping) are Controlled Activities. These activities must comply with the Site Standards and Zone Standards in Sections 5.3.5.1 and 5.3.5.2 of the District Plan, otherwise Discretionary or Non-complying resource consent is required.</p> <p>Instead of identifying ridgelines, the District Plan identifies maximum heights above sea level at which certain activities can occur.</p> <p>Under the Site Standards in the Rural General Zone:</p> <ul style="list-style-type: none"> • No forestry activity or shelter belt planting is allowed in an alpine area with an altitude greater than 1070 metres above sea level; • No clearance of indigenous vegetation is allowed where it is higher than 1070 metres above sea level; • No farm buildings can be extended, replaced or constructed on land higher than 600 metres above sea level; and • No exotic tree or shrub planting is allowed higher than 1070 metres above sea level.
<p>Waikato District Plan</p>	<p>Prominent ridgelines that have been identified as having particular landscape and amenity value due to their visibility from public places are identified as Ridgeline Policy Areas on the District Plan Maps.</p> <p>The construction or alteration of a building or structure is a permitted activity if the highest part of the building is at least 20 metres vertically and horizontally from the ridge in a Ridgeline Policy Area. Any activity not complying with this condition is a Discretionary Activity.</p> <p>Within the Rural Zone above ground electricity and telecommunications lines that are supported on overhead poles are Permitted Activities where the height does not exceed 12 metres and does not exceed the height of a ridge in a Ridgeline Policy Area. Activities not complying are Discretionary.</p> <p>Any activity is a Permitted Activity if earthworks and formation of tracks and accesses in a Ridgeline Policy Area are at least 20 metres vertically below the level of a ridge, measured at the nearest point of the ridgeline. Activities not complying with this condition are Restricted Discretionary, with discretion restricted to:</p> <ul style="list-style-type: none"> • effects on landscape and amenity values • effects on skylines and ridgelines • effects on views



Activity	Relevant Provisions
	<ul style="list-style-type: none"> • revegetation of bare earth <p>The construction or alteration of an aerial and its support structures is a permitted activity if the height of the aerials or support structures does not exceed the height of the ridge in a Ridgeline Policy Area. Any aerial or support structure that does not comply is a Restricted Discretionary Activity.</p> <p>Construction or alteration of a wind measurement system within a Ridgeline Policy Area is a Discretionary Activity.</p> <p>Subdivision within a Ridgeline Policy Area, where the platform is not visible from a road or other public place, is a Discretionary Activity. If the platform is visible from a road or other public place the activity is Non-complying.</p>
Western Bay of Plenty District Plan	<p>Outstanding Landscape Features in the District that are identified on the District Plan Maps include dominant landform features, such as peaks and ridgelines which provide a visual focus and/or enclosure (e.g. S4 - Papamoa Knoll and Ridgeline).</p> <p>There are no permitted activities within Outstanding Landscape Features. Instead, the following are Restricted Discretionary Activities:</p> <ul style="list-style-type: none"> • Subdivision (only where additional lots are created within Natural Features and Landscapes and not within the balance area); • Buildings; • Earthworks (cut or fill) resulting in a maximum cumulative vertical face of greater than 1.5m; • Native vegetation clearance; • Production forestry; and • Works and network utilities classified as Discretionary Activities by Rule 10.3.
Marlborough Sounds Resource Management Plan	<p>The Resource Management Plan Landscape Maps (in Volume 3) identify Prominent Ridges.</p> <p>The only rules that refer to prominent ridges are included in Chapter 26 General Rules in relation to utilities in all zones. There are no standards or rules relating to permitted buildings on or near prominent ridges within any of the zones.</p> <p>Rule 26.5.1.1 provides for new utilities as Permitted Activities in every zone provided they comply with the relevant standards, conditions and rules, including conditions for new utilities in 26.5.1.2.</p> <p>Condition 26.5.1.2.10 specifies the following:</p> <p>“26.5.1.2.10 <i>All proposed new utility structures and depots shall be located outside the areas identified in Appendix B and on the Planning Maps as significant ecological value areas, or areas of outstanding landscape, except the following new</i></p>



Activity	Relevant Provisions
	<p><i>utility structures which are permitted in the following parts of areas identified in Appendix B and on the Planning Maps as significant ecological value areas, or areas of outstanding landscape:</i></p> <p>...</p> <p>26.5.1.2.10.2 <i>In that area extending from 20 metres from the coastal marine area to 30 metres below any prominent ridge (as indicated on the Planning Maps):</i></p> <ul style="list-style-type: none"> <i>a) Subaqueous or underground cables and lines;</i> <i>b) Antennas;</i> <i>c) Single stand-alone support structures for radiocommunication facilities not more than 15 metres in height;</i> <i>d) Utility buildings not more than 9m² in floor area and 2.5 metres in height;</i> <i>e) Above-ground lines and cables and associated support structures not more than 10 metres in height.</i> <p>26.5.1.2.10.3 <i>On any prominent ridge or less than 30 metres below that prominent ridge (as indicated on the Planning Maps):</i></p> <ul style="list-style-type: none"> <i>a) Subaqueous or underground cables and lines;</i> <i>b) Above-ground lines and cables and associated support structures if the support structure is not more than 10 metres in height and is in the area for the purpose of carrying lines or cables across the ridge."</i>

None of the district plans reviewed include any identified dominant sand dunes and associated provisions. The PDP is, therefore, unusual in that respect.

In terms of dominant ridgelines, Table 2 shows that half (i.e. three out of six) of the district plans of the Councils adjoining Kapiti Coast District identify ridgelines on their district plan maps and include associated rules to control activities on or near the ridgelines.

Some plans (i.e. Wellington City District Plan and Western Bay of Plenty District Plan) identify an area around the ridgelines, or have identified the ridgeline itself as an outstanding landscape feature area, where no buildings or structures are permitted.

The remainder of the plans have adopted a similar approach to the PDP insofar as they permit buildings and structures where they comply with standards relating to the height of the structures and their distance measured vertically and/or horizontally below the ridgeline.

A comparison of the range of values adopted in the different plans is provided in Table 4.



Table 4: Comparison of the range of values for permitted activity standards

Parameter	Range of Values
Maximum Height of buildings	5 metres
Maximum height of above ground electricity and telecommunication lines supported on overhead poles	12 metres and does not exceed the height of a ridge.
Minimum distance of buildings below the ridgeline	<ul style="list-style-type: none"> • 20 metres from the roofline of the house, vertically below the ridgeline. • 20 metres from the highest part of the building vertically and horizontally from the ridge.
Minimum distance of utility structures below the ridgeline	<ul style="list-style-type: none"> • 30 metres for above-ground lines and cables and associated support structures if more than 10 metres in height. • Less than 30 metres for above-ground lines and cables and associated support structures if less than 10 metres in height or underground.

The Upper Hutt District Plan permits buildings or structures on sites subject to a protected ridgeline provided they are located and designed to not project through the protected ridgeline, as viewed from State Highway 2.

While the Wellington City District Plan does not permit any structures on ridgelines or hilltops (shown as an area marked on the Plan Maps) in the Rural Area, earthworks are permitted provided they comply with conditions which set maximum parameters for cut height, fill depth, slope angle, cut and/or fill area. None of the other district plans include specific provisions for earthworks on or close to dominant ridgelines.

CONCLUSIONS

The Operative Kapiti Coast District Plan includes provisions relating to outstanding landscapes and ridgelines that apply to activities in the Rural Zone. There is no definition of ridgelines in the Operative Plan and no ridgelines are identified on the Operative District Plan Maps.

Under the operative Permitted Activity standards for the Rural Zone, new buildings, relocated buildings, replacement buildings and extensions must not be sited on top of the ridgeline of dominant sand dunes or hills, or in such proximity to the ridgeline that more than 3 metres of the height of the building protrudes above the ridgeline when viewed from any public place (i.e. beach, reserve or road), otherwise discretionary resource consent is required. The standards do not include any minimum setback for buildings from the ridgeline.

Under the PDP buildings located in significant amenity landscapes are Permitted Activities and buildings located within outstanding natural landscapes are Controlled Activities, provided they comply with the relevant standards, which include a requirement for them to be:

- set back a minimum distance of 20 metres from the dominant ridgelines and dominant dunes; and
- no more than 1 metre above the height of the dominant ridgelines and dominant dunes.

Buildings that cannot achieve the relevant Permitted or Controlled Activity standards are Discretionary Activities.

In all rural zones the PDP also permits buildings (not included within a significant amenity landscape or outstanding natural landscape) where they are not sited on top of dominant ridgelines or dominant sand dunes, or in such proximity to the ridgeline/dune ridge that more than 1 metre of the height of the building protrudes above the ridgeline when viewed from any public place (i.e. beach, reserve or road). In the Rural Dunes Zone buildings that are not located in sensitive natural areas or up to 1 metre below or above dominant ridgelines are Permitted Activities. Buildings that cannot achieve these Permitted Activity standards are Restricted Discretionary Activities.

The provisions in the PDP are, therefore, similar to the Operative Plan provisions, but they differ in the following key ways:

- The PDP defines dominant ridgelines and dominant dunes and it identifies them on the PDP Plan Maps. This provides more certainty for plan users;
- The PDP includes new provisions for buildings located in significant amenity landscapes and buildings located within outstanding natural landscapes where they are near dominant ridgelines and dominant dunes;
- While buildings in the Rural Zone are still Permitted Activities, the Permitted Activity Standards (while similar) are more restrictive than the standards in the Operative Plan as they do not allow more than 1 metre of the height of the building to protrude above dominant ridgelines when viewed from any public place (i.e. beach, reserve or road), as opposed to 3 metres under the Operative Plan. However, the status of buildings in the Rural Zone that do not meet the Permitted Activity Standards is Restricted Discretionary in the PDP, as opposed to Discretionary under the Operative Plan; and



- The PDP includes new provisions for Permitted buildings in the Rural Dune Zone, where the buildings are not to be located in sensitive natural areas or up to 1 metre below or above dominant ridgelines.

None of the district plans reviewed include any identified dominant sand dunes and associated provisions. The PDP is, therefore, unusual in that respect.

In submissions made on the PDP, requests have been made to:

- Reduce the minimum distance for buildings from the ridgeline from 20 metres to 10 metres;
- Increase the maximum height that buildings can protrude above the ridgelines from 1 metre to 3 metres or 4.5 metres;
- Delete the maximum height standard; and
- Exclude buildings associated with network utilities.

In terms of the provisions relating to dominant ridgelines, when compared to other district plans, including those of Councils adjoining Kapiti Coast District, the maximum height of 1 metre in the PDP for buildings protruding above the ridgelines is more restrictive than the Operative District Plan and other district plans, which impose a maximum height of 3 – 5 metres. However, the minimum distance of 20 metres for buildings from the ridgelines in the PDP is in line with distances in other district plans (i.e. the Proposed Horowhenua District Plan and the Waikato District Plan), and is less restrictive than the Marlborough Sounds Resource Management Plan, which has a minimum distance of 30 metres from the ridgelines.

It should be noted that in preparing this report, the other district plans that were reviewed were selected on the basis that they included similar or relevant provisions relating to dominant ridgelines. However, the majority of other district plans in New Zealand do not include any specific dominant ridgeline or dominant dune provisions. Instead, prominent or important ridgelines are usually identified as part of significant amenity landscape or outstanding natural landscape areas and are subject to more general planning provisions relating to buildings and structures in those areas.



APPENDIX A

RELEVANT NATIONAL POLICY STATEMENT POLICIES



New Zealand Coastal Policy Statement 2010

Policy 13 Preservation of natural character

- (1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:
 - (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
 - (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;
including by:
 - (c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and
 - (d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.
- (2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:
 - (a) natural elements, processes and patterns;
 - (b) biophysical, ecological, geological and geomorphological aspects;
 - (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
 - (d) the natural movement of water and sediment;
 - (e) the natural darkness of the night sky;
 - (f) places or areas that are wild or scenic;
 - (g) a range of natural character from pristine to modified; and
 - (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.

Policy 14 Restoration of natural character

Promote restoration or rehabilitation of the natural character of the coastal environment, including by:

- (a) identifying areas and opportunities for restoration or rehabilitation;
- (b) providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans;
- (c) where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:
 - (i) restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or
 - (ii) encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or
 - (iii) creating or enhancing habitat for indigenous species; or
 - (iv) rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or
 - (v) restoring and protecting riparian and intertidal margins; or

- (vi) reducing or eliminating discharges of contaminants; or
- (vii) removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or
- (viii) restoring cultural landscape features; or
- (ix) redesign of structures that interfere with ecosystem processes; or
- (x) decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.

Policy 15 Natural features and natural landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

- (a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and
- (b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;

including by:

- (c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:
 - (i) natural science factors, including geological, topographical, ecological and dynamic components;
 - (ii) the presence of water including in seas, lakes, rivers and streams; (iii) legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes;
 - (iv) aesthetic values including memorability and naturalness; (v) vegetation (native and exotic);
 - (vi) transient values, including presence of wildlife or other values at certain times of the day or year;
 - (vii) whether the values are shared and recognised;
 - (viii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;
 - (ix) historical and heritage associations; and
 - (x) wild or scenic values;
- (d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and
- (e) including the objectives, policies and rules required by (d) in plans.

National Policy Statement for Renewable Electricity Generation 2011

POLICY C1

Decision-makers shall have particular regard to the following matters:

- a) the need to locate the renewable electricity generation activity where the renewable energy resource is available;
- b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;
- c) the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid;
- d) designing measures which allow operational requirements to complement and provide for mitigation opportunities; and
- e) adaptive management measures.

National Policy Statement on Electricity Transmission 2008

POLICY 4

When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.

POLICY 8

In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.

APPENDIX B

**RELEVANT OBJECTIVES AND POLICIES OF THE REGIONAL POLICY
STATEMENT FOR THE WELLINGTON REGION**



Regional Policy Statement for the Wellington Region

Objective 3

Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected; and

Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.

Objective 4

The natural character of the coastal environment is protected from the adverse effects of inappropriate subdivision, use and development.

Objective 17

The region's outstanding natural features and landscapes are identified and their landscape values protected from inappropriate subdivision, use and development.

Objective 18

The region's special amenity landscapes are identified and those landscape values that contribute to amenity and the quality of the environment are maintained or enhanced.

Policy 3: Protecting high natural character in the coastal environment – district and regional plans

District and regional plans shall include policies, rules and/or methods to protect high natural character in the coastal environment from inappropriate subdivision, development and/or use. Natural character should be assessed considering the following matters, with a site determined as having high natural character when the landscape is slightly modified or unmodified, the land-cover is dominated by indigenous vegetation and/or the vegetation cover is natural and there are no apparent buildings, structures or infrastructure:

- (a) *The extent to which natural elements, patterns and processes occur, including:*
 - (i) *natural elements: the products of natural processes – such as landforms, water forms, vegetation and land cover;*
 - (ii) *natural processes: the ecological, climatic and geophysical processes that underlie the expression and character of the place, site or area;*
 - (iii) *natural patterns: the visual expression or spatial distribution of natural elements which are, or which appear to be, a product of natural processes; and/or*
 - (iv) *surroundings: the setting or context, such that the place, site or area contributes to an understanding of the natural history of the wider area.*
- (b) *The nature and extent of modifications to the place, site or area, including, but not limited to:*
 - (i) *physical alterations by people to the landscape, its landforms, waterforms, vegetation, land cover and to the natural patterns associated with these elements;*
 - (ii) *the presence, location, scale and density of buildings and structures, including infrastructure, whether appearing to be interconnected or isolated, and the degree of intrusiveness of these structures on the natural character of the place;*
 - (iii) *the temporal character of the modification – such as, whether it is fleeting or temporary, transitory, transitional or a permanent alteration to the character of the place, site or area; and/or*
 - (iv) *any existing influences or pressures on the dynamic ecological and geophysical processes contributing to the presence and patterns of natural elements, such that these may change and the natural elements and/or patterns may become threatened over time.*
- (c) *Social values: the place, site or area has meaning for a particular community or communities, including:*

- (i) *sentimental: the natural character of a place, site or area has a strong or special association with a particular community; and/or*
- (ii) *recognition: the place, site or area is held in high public esteem for its natural character value, or its contribution to the sense of identity of a particular community.*

Policy 4: Identifying the landward extent of the coastal environment – district plans

District plans shall include policies and/or rules to identify the landward extent of the coastal environment using the following criteria:

- (a) *any area or landform dominated by coastal vegetation or habitat;*
- (b) *any landform affected by active coastal processes, excluding tsunamis;*
- (c) *any landscapes or features, including coastal escarpments, that contribute to the natural character, visual quality or amenity value of the coast; and*
- (d) *any site, structure, place or area of historic heritage value adjacent to, or connected with, the coastal marine area, which derives its heritage value from a coastal location.*

Policy 25: Identifying outstanding natural features and landscapes – district and regional plans

District and regional plans shall identify outstanding natural features and landscapes having determined that the natural feature or landscape is:

- (a) *exceptional or out of the ordinary; and*
- (b) *that its natural components dominate over the influence of human activity, after undertaking a landscape evaluation process, taking into account the factors listed below.*

Natural science factors

- (a) *Natural science values: these values relate to the geological, ecological, topographical and natural process components of the natural feature or landscape:*
 - (i) *Representativeness: the combination of natural components that form the feature or landscape strongly typifies the character of an area.*
 - (ii) *Research and education: all or parts of the feature or landscape are important for natural science research and education.*
 - (iii) *Rarity: the feature or landscape is unique or rare within the district or region, and few comparable examples exist.*
 - (iv) *Ecosystem functioning: the presence of healthy ecosystems is clearly evident in the feature or landscape.*

Sensory factors

- (b) *Aesthetic values: these values relate to scenic perceptions of the feature or landscape:*
 - (i) *Coherence: the patterns of land cover and land use are in harmony with the underlying natural pattern of landform and there are no significant discordant elements of land cover or land use.*
 - (ii) *Vividness: the feature or landscape is visually striking and is widely recognised within the local and wider community for its memorable and sometimes iconic qualities.*
 - (iii) *Naturalness: the feature or landscape appears largely unmodified by human activity and the patterns of landform and land cover appear to be largely the result of intact and healthy natural systems.*
- (c) *Expressiveness (legibility): the feature or landscape clearly shows the formative processes that led to its existing character.*
- (d) *Transient values: the consistent and noticeable occurrence of transient natural events, such as seasonal change in vegetation or in wildlife movement, contributes to the character of the feature or landscape.*

Shared or recognised factors

- (e) *Shared and recognised values: the feature or landscape is widely known and is highly valued for its contribution to local identity within the immediate and wider community.*
- (f) *Tangata whenua values: Māori values inherent in the feature or landscape add to the feature or landscape being recognised as a special place.*
- (g) *Historical associations: knowledge of historic events that occurred in and around the feature or landscape is widely held and substantially influences and adds to the value the community attaches to the natural feature or landscape.*

Policy 26: Protecting outstanding natural features and landscape values – district and regional plans

Where outstanding natural features and landscapes have been identified in accordance with policy 25, district and regional plans shall include policies, rules and/or methods that protect outstanding natural features and landscape values from inappropriate subdivision, use or development.

Policy 27: Identifying special amenity landscapes – district and regional plans

District and regional plans may identify special amenity landscapes which are distinctive, widely recognised and highly valued by the community for their contribution to the amenity and quality of the environment of the district, city or region. Any special amenity landscape evaluation process carried out to inform the identification of any such special amenity landscapes shall take into account the factors listed in policy 25.

Policy 28: Managing special amenity landscape values – district and regional plans

Where special amenity landscapes have been identified in accordance with policy 27, district and regional plans shall include policies and/or methods (which may include rules) for managing these landscapes in order to maintain or enhance their landscape values in the context of the continuation of:

- (a) *existing land uses that contribute to these landscape values,*
- (b) *predominant existing land uses that are provided for within the underlying zoning, and*
- (c) *other lawfully established activities.*

APPENDIX C

RELEVANT ISSUES RAISED IN SUBMISSIONS TO THE PDP



Chapter 3 Natural Environment

Submission # and Submitter Name	Summary of Relevant Point of Submission
26: David H & Ethel M Burson	Amend the Proposed District Plan so that no buildings are approved on ridge tops and all buildings in Rural Zones that can be seen on hills from coastal flats be painted in earth-type colours.
32: Aaron Johnson	Remove the dominant ridgeline designation from the boundaries of the submitter's property.
36: Murray Williams	<p>Amend the dominant ridgelines by grading the ridgelines to accord levels of priority for protection of their existing visual state to indicate those where possible development might be more permissive.</p> <p>An alternative amendment suggested is to amend Policy 3.21 to read as follows: "Development should avoid ... these visually prominent landforms remain intact. Development will only be considered if there is no alternative location for the activity."</p> <p>Amend Rule 3A.2 to allow discretion to permit the ridge-crest placement of wind turbines within the resource consenting framework.</p>
44: Mitchell Law	<p>Remove all Rules 3A.1 to 3A.5 and/or amend permitted activity standards.</p> <p>Remove the identification of dominant ridgelines on submitter's property.</p>
62: Graham Coe	Amend Policy 3.21 by adding "with the exception of wind turbines" to the beginning of the policy heading.
65: Sharon Hurst	Remove the dominant ridgeline/dune notation shown on submitter's property (Map 18D).
72: Ann Kennedy-Perkins	Amend Rule 3A.1.6 to specify to apply to new buildings and amend standards to define dominant dunes and the method for the measurement of the 20 metre distance.
76: Alistair McKenzie	Seeks further consultation on 'dominant ridgeline' on submitter's property and seeks amendment to allow building of a structure as permitted.
77: Louise Trilloe	<p>Remove the dominant ridgelines on Terrace Road identified on planning map 20D.</p> <p>Support the inclusion of the Ngatiawa ridgeline as a dominant ridgeline.</p> <p>Amend definition of 'dominant ridgelines' and 'dominant dunes' to reflect the meaning of 'dominant' being "(of a high place) prominent, overlooking others".</p>
92: Winstone Aggregates	<p>Delete Policy 3.3 and supporting explanation.</p> <p>Amend Policy 3.5 as follows: "<i>Where subdivision, land use or development is deemed or considered to have adverse effects (including cumulative) on land containing sensitive natural features, significant amenity landscapes or locally indigenous vegetation, lookout points, dominant ridgelines and dominant sand dunes, which cannot be avoided without preventing reasonable use of the land, environmental offsetting will be considered as part</i></p>

Submission # and Submitter Name	Summary of Relevant Point of Submission
	<p><i>of remediation or mitigation where all the following principles, as relevant, can be demonstrated to have been achieved:</i></p> <p><i>a) it should be considered where remediation or mitigation on-site is not possible in full;</i></p> <p><i>b) it should be as close as possible to the site (because benefit diminishes with distance) so that it is in the same area, landscape or environment as the proposed activity;</i></p> <p><i>c) there should be a measureable net environmental benefit;</i></p> <p><i>d) it must be effective; usually there should be conditions to ensure that it is completed or supplied;</i></p> <p><i>e) [delete e]; and</i></p> <p><i>f) the methodology for setting the degree of biodiversity off-set shall be recognised and transparent, and shall include best practice monitoring and adaptive management procedures and processes."</i></p> <p>Delete Policy 3.8.</p> <p>Delete Policy 3.21 or alternatively, delete the dominant ridgelines from the Waikanae Quarry land at 15 Reikorangi Road (Lot 1 Deposited Plan 26401).</p> <p>Delete Policy 3.23 or alternatively, amend the definition of earthworks so that extractive industries are excluded.</p> <p>Amend Map 10D to delete the dominant ridgelines and dominant dunes",</p>
100: Egon Guttke	<p>Amend proposed Policy 3.23 to recognise that some landforms are already modified. Amend to read:</p> <p><i>"Earthworks will be managed to retain natural landforms, particularly on dunes and steep slopes, around water bodies, in riparian margins or surrounding historic heritage. Where earthworks are undertaken the following principles shall be considered:</i></p> <p><i>a) retain the integrity of sensitive natural features, dominant ridgelines and dominant dunes as largely undeveloped features;"</i></p> <p>Amend Policy 3.21 (dominant ridgelines and lookout points) to make it clear that views are public views. Amend to read "Developments will be located to avoid, remedy or mitigate adverse effects on areas identified as dominant ridgelines, dominant dunes and lookout points in the District Plan Maps to ensure that public views to and/or from these visually prominent landforms remain intact."</p> <p>Amend Rule 3A.2.2 to reduce the exclusion area around a dominant ridgeline from 20 metres to 10 metres.</p> <p>Amend 'Dominant Ridgelines and Dominant Dunes' definition to clarify that they are prominent features, overlooking others, that are clearly viewed and do not include unconnected and minor points.</p>
102: Irena Guttke	<p>Amend proposed Policy 3.23 to recognise that some landforms are already modified. Amend to read <i>"Earthworks will be managed to retain natural landforms, particularly on dunes and steep slopes, around water bodies, in riparian margins or surrounding historic heritage. Where earthworks are undertaken the following principles shall be considered:</i></p>

Submission # and Submitter Name	Summary of Relevant Point of Submission
	<p>a) <i>retain the integrity of sensitive natural features, dominant ridgelines and dominant dunes as largely undeveloped features;</i>"</p> <p>Amend Policy 3.21 (dominant ridgelines and lookout points) to make it clear that views are public views. Amend to read "Developments will be located to avoid, remedy or mitigate adverse effects on areas identified as dominant ridgelines, dominant dunes and lookout points in the District Plan Maps to ensure that public views to and/or from these visually prominent landforms remain intact."</p> <p>Amend Rule 3A.2.2 to reduce the exclusion area around a dominant ridgeline from 20 metres to 10 metres.</p> <p>Amend 'Dominant Ridgelines and Dominant Dunes' definition to clarify that they are prominent features that are clearly viewed and do not include unconnected and minor points.</p>
104: Declan Graves	<p>Remove the dominant ridgelines on Terrace Road identified on planning map 20D.</p> <p>Amend Policy 3.21 to specify that the views proposed to be retained are 'public' views.</p> <p>Support the inclusion of the Ngatiawa ridgeline as a dominant ridgeline.</p>
150: Te Runanga o Toa Rangatira Inc	<p>Support the following Policies in principle, Policies 3.22, 3.23.</p> <p>Support Policy 3.5 with amendment to requirements regarding riparian planting in relation to discharge points into natural watercourses: a minimum distance of 400 metres downstream of any such discharge points should be required.</p>
202: Department of Conservation	<p>Amend Policy 3.3 by adding " e) <i>development will be located away from sites of significant indigenous vegetation or significant habitats of indigenous fauna which are identified in the District Plan or which otherwise meet the criteria in Policy 3.11 and are not identified in the District Plan</i>".</p> <p>Amend Policy 3.5 to better align with the Business and Biodiversity Offset Programme (BBOP) principles [see Appendix A of the submission].</p> <p>Support provisions in Section 3A (District-wide Rules and Standards).</p> <p>Support Policy 3.21.</p> <p>Amend Policy 3.23 to delete word "minimise", or reword policy to give clear direction.</p>
206: Hadyen Gaisford	<p>Amend rules to enable buildings to be built no more than 3 m above a dominant ridgeline or dominant dune rather than the proposed 1m.</p> <p>Support – Extent of Sensitive Natural Features; Rule 3A.1.6, Rule 3A.2.2 (buildings in outstanding natural landscapes); Building height of no more than 1m above dominant ridgelines.</p>
208: Transpower New Zealand Ltd	<p>Oppose in part Policy 3.3 and amend (as set out on page 26 of the submission) to change "protect" to "have particular regard to" and "avoid" to "avoid, remedy or mitigate". Add "recognising the location and technical constraints of regionally significant infrastructure" and "where practicable" to clauses e) and g).</p>

Submission # and Submitter Name	Summary of Relevant Point of Submission
	<p>Oppose Policy 3.21 and amend by adding "(where practicable in relation to the National Grid)" between "avoid" and "areas".</p> <p>Amend explanation to Policy 3.21 to specifically refer to the three lookout points.</p> <p>Oppose Rules 3A.1.6 and 3A.2.2 as they relate to the definition of a building and therefore would apply to network utilities, in particular the electricity transmission network. Amend to exclude network utilities from this rule as they are covered by provisions in chapter 11.</p>
212: The NZ Anglican Church Pension Board	<p>Oppose Policy 3.21 and amend to add ", remedy or mitigate adverse effects on" and remove "to ensure that views to and from these visually prominent landforms remain intact."</p> <p>Support Policy 3.23 and retain unchanged or such other relief as satisfies this submission.</p>
221: Ngahina Developments Ltd	Oppose Policy 3.3 and amend to revise wording to recognise that only "outstanding" natural features require protection.
222: Takahe Family Trust	Oppose Rule 3A.2.2.5 and amend to retain the existing height provisions of 3m.
224: Malcolm Morris	<p>Oppose the 6m height within significant amenity landscapes and seek amendment to allow a height of 10m, amend Rule 3A.1.6.4 to retain 10m maximum height limit.</p> <p>Oppose Rule 3A.2.2.5 and amend to retain the existing height provisions of 3m.</p>
226: Isabella Barbalich	<p>Oppose the 6m height within significant amenity landscapes and seek amendment to allow a height of 10m, amend Rule 3A.1.6.4 to retain 10m maximum height limit.</p> <p>Oppose Rule 3A.2.2.5 and amend to retain the existing height provisions of 3m.</p>
231: Richard Swan	Oppose Policy 3.23 and amend policy and rules to permit farm tracks and recognise that the landforms are already compromised.
238: Zoran Barbalich	Opposes Rule 3A.2.2 Standard 5 regarding building height of no more than 1 metre above height of dominant ridgelines and dominant dunes. Seeks amendment to retain the existing height provisions of 3 metres.
241: Antony David Grenfell	<p>Opposes Rule 3A.2.2 Seeks amendment to the common boundary between Outstanding Natural Landscape and special amenity landscape to mirror the "Moderate Erosion Susceptibility" (yellow hatch) area on Planning Map 22C and that 200m² floor area within 'significant amenity landscape' be a permitted activity.</p> <p>Opposes Rule 3A.2.2 Standard 5 regarding building height of no more than 1 metre above height of dominant ridgelines and dominant dunes. Seeks amendment to retain the existing height provisions of 3 metres.</p>
250: Federated Farmers of New Zealand	<p>Submission seeks that Policy 3.3 is deleted and replaced with:</p> <p>"Subdivision, use and development of land shall be enabled in a manner that is avoids, remedies or mitigates adverse effects on Outstanding Natural Landscapes and Ecological Sites."</p> <p>And</p>

Submission # and Submitter Name	Summary of Relevant Point of Submission
	<p>"Voluntary actions to maintain, enhance or protect ecological and landscape values will be recognised and encouraged."</p> <p>That Dominant Ridgelines/Dominant Dunes classifications and associated mapping and provisions are deleted from the plan.</p> <p>Submission seeks that Rule 3A.1.6 is deleted, and that buildings in Significant Amenity Landscapes are permitted under rural zone rules.</p>
251: Margaret Niven	<p>Remove the dominate ridge lines from the submitter's land.</p> <p>Support the inclusion of the Tararua ridge line as a dominant ridgeline.</p> <p>Amend the definition of dominant ridgeline to reflect the meaning of dominant which means "(of a high place) prominent, overlooking others".</p>
258: Peter Adlam	<p>Remove the dominant ridge lines identified on the submitter's property.</p> <p>Support the inclusion of the Hemi Matenga ridge line as a dominant ridge line.</p> <p>Amend the definition of "dominant ridgelines and dominant dunes" to reflect the meaning of dominant which is "(of a high place) prominent, overlooking others".</p>
260: Hendrik Timmer	<p>Opposes Rule 3A.2.2 Standard 5 regarding building height of no more than 1 metre above height of dominant ridgelines and dominant dunes. Seeks amendment to retain the existing height provisions of 3m.</p>
263: Maypole Environmental Ltd	<p>Delete Policy 3.5.</p> <p>Amend Policies 3.21 - 3.25 to exempt Ngarara Zone and Precinct.</p> <p>Amend Rule 3A.2.2 so it is clear that it does not apply to any activity within an identified Neighbourhood Development Area that is in accordance with a Council-approved Neighbourhood Development Plan granted under Rule 5C.4.2 or within the Ngarara Precinct.</p> <p>Delete Dominant ridgelines and Dominant Dunes from Map series 6, 7 and 9 (and any associated references in the Proposed District Plan), insofar as they are not identified in the existing District Plan.</p>
270: Antipodes NZ Ltd	<p>Opposes Rule 3A.2.2 Standard 5 regarding building height of no more than 1 metre above height of dominant ridgelines and dominant dunes. Seeks amendment to retain the existing height provisions of 3 metre.</p>
271: Lyndon Enterprises Ltd	<p>Support in principle offsetting and amend Policy 3.5 to replace c) with "the environmental benefit from the offsetting shall at least equal the adverse effects at the original site", amend d) to replace "usually there should be" with "and in particular cases there may be a need for", amend e) to start with "until precedents are set" and amend f) to include "where justified".</p> <p>Amend the definition and mapping of sensitive natural features so they should real outstanding natural features (rather than large areas where such features may, or may not, exist) or remove Policy 3.7 and Policy 3.8.</p> <p>Remove Rule 3A.4.3 as if the amendment to Rule 3A.1.6 (above) is made, then there is no need for these rules.</p>

Submission # and Submitter Name	Summary of Relevant Point of Submission
	<p>Amend 3A.2.2 to change from controlled to permitted activity, remove standards 2-4 and add a new standard "buildings shall be designed to blend into the environment".</p> <p>Oppose the identification of a dominant ridgeline and seek details on how a dominant ridgeline is defined.</p>
273: Steven Brohashire	Oppose Rule 3A.2.2.5 and amend to retain the existing height provisions of 3m.
278: Paul Perniskie	Oppose Rule 3A.2.2.5 and amend to retain the existing height provisions of 3m.
280: Bryce Wilkinson	Oppose Policies 3.3, 3.5, 3.8, 3.21 and 3.23 - amend these policies and rules following the amendment of the relevant governing principles in Chapter 2 including the removal of the bias against property rights in indigenous species.
286: Waikanae North Limited	<p>Oppose Policy 3.3 and amend to reflect that the Resource Management Act 1991 only requires outstanding natural features and landscapes as well as areas of significant indigenous vegetation and significant habitats of indigenous fauna to be protected from inappropriate subdivision, use and development and does not require sensitive natural features, (any) significant locally indigenous vegetation, lookout points or dominant ridgelines and sand dunes to be protected for all new subdivision, land use or development.</p> <p>Oppose Rules 3A. 1.6.1, 3A.2.2.1 and 3A.4.3 because the Waikanae North Development Zone has been subject to an intensive masterplan design and plan change process and remove rules or amend to meet concerns.</p> <p>Oppose National Features Map 07D and the location of Dominant Ridgelines and Dominant Dunes and amend to remove restrictions from the Waikanae North Development Zone.</p>
319: Waikanae Christian Holiday Park Inc (El Rancho)	Amend Policy 3.3 and 3.8 to reflect the new definition of sensitive natural features. If the Council considers dominant ridgelines and sand dunes, lookout points and other natural features make up an outstanding natural landscape then they should be identified in the PDP maps.
320: Carter Family of Reikorangi	<p>Amend Policy 3.3 and 3.8 to remove "sensitive natural features, dominant ridgelines and sand dunes, lookout points" and replace with "significant outstanding landscapes".</p> <p>Oppose the extent of outstanding landscapes and dominant ridgelines over the submitter's land.</p> <p>Oppose the inclusion of Cattle Ridge, Camp Ridge and Buckmans Ridge (the two most northern ridgelines on our land) as dominant ridgelines.</p>
327: Waa Rata Estate	<p>Amend proposed Policy 3.5 as follows; delete "without preventing reasonable use of the land" following "...which cannot be avoided" as per page 43 of submission.</p> <p>Amend proposed 'Policy 3.21 - Dominant ridgelines and lookout points' as follows: add "be located to" following "Developments will", add "remedy or mitigate adverse effects on" following "avoid,", add "public" following "ensure that" and add "/or" following "views to and", as per page 47 of submission.</p> <p>Amend proposed 'Policy 3.23 - Earthworks – natural landforms' as follows: replace "minimised" with "managed" in the first</p>

Submission # and Submitter Name	Summary of Relevant Point of Submission
	<p>sentence and delete “particularly” before “on dunes and steep slopes” In (a) added</p> <p>“largely” before “undeveloped features”, and in (b) delete “sand” in “and dominant sand dunes”, as per page 46 of submission.</p> <p>Amend Rule 3A.1.6 as follows:</p> <p>Amend Standard 1. to read "Buildings shall not be located within 10metres of the apex along the length of the identified dominant ridgelines or dominant dunes."</p> <p>Amend Rule 3A.2.2 as follows:</p> <p>Amend Standard 1 to read "buildings shall not be located within 10metres of the apex of a dominant ridgeline or dominant dunes"</p> <p>Add a 'Matter over which Council reserves control' as follows "1. The location of the building site relative to other buildings"</p> <p>Support the inclusion of the Ngatiawa ridgeline as a dominant ridgeline.</p> <p>Delete the landforms on Terrace Road identified on planning map 20D (between black lines inserted on the map below) as dominant ridgelines as per page 48 of submission.</p>
356: Christopher Ruthe	<p>Oppose Policies 3.3, 3.5, 3.8, 3.21 and 3.23 and amend policies following the reworking of the relevant governing principles in chapter 2.</p> <p>Oppose Chapter 3 Rules.</p> <p>Consequential reworking of the rules implementing the revised policies would also be required.</p>
358: Salima Padamsey	<p>Oppose Policies 3.3, 3.5, 3.8, 3.21 and 3.23 and rework to be consistent with the reworking of the relevant governing principles in chapter 2, along with any required consequential reworking of the rules implementing the revised policies.</p>
380: Barry, Suzanne and Timothy Mansell	<p>Delete Policies 3.3, 3.5, and 3.8 (including the explanations); or (alternatively) the policies and explanations should be re-worded to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form. The re-wording of these policies should replace prohibitive terms such as "avoid", "protect", and "requirements" to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection. Confirmation should first be provided by Council as to the actual extent of these areas.</p> <p>Amend Rule 3A.1.6 by deleting standards '2', '3', and '5' and by amending standard '1' to permit buildings where they protrude no higher than 4.5 metres above a prominent ridgeline (subject to standard).</p>
383: Gillian Tousoon	<p>Submitter agrees with submission from Waa Rata (Submitter 327).</p>
408: USNZ Forestry Group Limited	<p>Oppose Policies in Chapter 3.3, particularly Policy 3.21 and supporting explanations and remove, or alternatively, amend the policies and explanations should be re-worded to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form. The re-wording of these policies should replace prohibitive terms such as "avoid", "protect", and "requirements" to</p>

Submission # and Submitter Name	Summary of Relevant Point of Submission
	<p>enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection. Confirmation should first be provided by Council as to the actual extent of these areas.</p> <p>Amend Rule 3A.1.6 standards '1-5', by amending standard '1' to permit buildings where they protrude no higher than 4.5 metres above a prominent ridgeline (subject to standard) and delete standard 2, 3 and 5.</p>
411: Land Matters Limited	<p>Oppose Policy 3.21, seek its deletion or reword to allow a balanced approach to matters relating to the natural environment and landscape and allow appropriate rural activities, earthworks and built form. The rewording of this policy should replace prohibitive terms such as "avoid", "protect" and "requirements" to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection. Confirmation should first be provided by Council as to the actual extent of these areas.</p> <p>Amend Rule 3A.1.6 standards '1-5' and by amending standard '1' to permit buildings where they protrude no higher than 4.5 metres above a prominent ridgeline (subject to standard), delete standard 2, 3 and 5.</p>
416: Hamish and Leigh Wells	<p>Oppose policies in part 3.1 and 3.3 of the Proposed Plan, in particular Policies 3.3, 3.8 and 3.21 and related explanations. Remove policies and explanations or amend the policies and explanations to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form. Amend to replace prohibitive terms such as 'avoid', 'protect' and 'requirements' to enable a fair consideration of resource consents and take onto account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection.</p> <p>Amend Rule 3A.1.6 Standard 1 to permit buildings where they protrude no higher than 4.5m above a prominent ridgeline (subject to standards), remove Standards 2, 3 and 5.</p>
424: C D Bowie	<p>Oppose policies in part 3.1 and 3.3 of the Proposed Plan, in particular Policies 3.3, 3.5 and 3.21 and related explanations. Remove policies and explanations or amend the policies and explanations to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form. Amend to replace prohibitive terms such as 'avoid', 'protect' and 'requirements' to enable a fair consideration of resource consents and take onto account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection.</p> <p>Amend Rule 3A.1.6 Standards 1 through 5 to permit buildings where they protrude no higher than 4.5m above a prominent ridgeline (subject to standards), delete standard 2, and delete standards 3 and 5.</p>
425: Lutz Brothers Limited and C E Lutz	<p>Oppose policies in parts 3.1 and 3.3 of the Proposed Plan, in particular Policies 3.3, 3.5, and 3.21 and related explanations. Remove policies and explanations or amend the policies and</p>

Submission # and Submitter Name	Summary of Relevant Point of Submission
	<p>explanations to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form. Amend to replace prohibitive terms such as 'avoid', 'protect' and 'requirements' to enable a fair consideration of resource consents and take onto account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection.</p> <p>Amend Rule 3A.1.6 Standard 1 to permit buildings where they protrude no higher than 4.5m above a prominent ridgeline (subject to standards), delete standard 2, and delete standards 3 and 5.</p>
426: Joanna Richmond	Remove the dominant ridges, outstanding natural landscapes and landscape character areas from the submitter's land.
432: Stephen Lang	Oppose Policy 3.5 and 3.8
441: Greater Wellington Regional Council	<p>Policy 3.5 - Supports intention of policy. Amend to use some of the more defensible references around biodiversity offsetting practice and to have the policy require that offsetting be considered where adverse effects cannot be otherwise avoided, remedied or mitigated. Amend Policy 3.5 to specify the principle of "no net loss, preferable net gain".</p> <p>Policy 3.3 - Supports the intent of this policy to protect sensitive natural features, significant locally indigenous vegetation, lookout points, dominant ridgelines and dominant sand dunes.</p> <p>Policy 3.8 - Supports the intent of this policy and its intent to avoid cumulative effects on sensitive natural features, locally indigenous vegetation, lookout points, dominant ridgelines and dominant sand dunes in the Kapiti District. Policy 3.8 is consistent with Policies 35, 46 and 49 of the PRPS.</p> <p>Policy 3.23 - Supports policy but considers the wording of this policy could be made clearer. GWRC asks that Policy 3.23(b) should be reworded: "...ensure development is sympathetically located and scaled ...and of an appropriate scale when within close proximity to...".</p>
443: Allan A Smith	<p>Delete the dominant ridgelines on the submitter's land and surrounding properties (as shown on page 25 of the submission).</p> <p>Review the standard used to identify dominant ridgelines throughout the district.</p>
444: Telecom New Zealand Limited	Amend Chapter 3 to provide a default status of Restricted Discretionary Activity, with no discretionary standards applicable.
455: Nikau Trust	Oppose natural environment provisions in the Proposed District Plan, particularly in relation to submitter's property, and seek they be deleted and left as in the operative District Plan.
456: Anlaby Road Action Group	Oppose natural environment provisions in the Proposed District Plan, particularly in relation to submitter's property, and seek they be deleted and left as in the operative District Plan.
457: NZ Transport Agency	Opposes Policy 3.5 and seeks it be deleted in its entirety.
460: New Zealand Historic Places Trust	Supports with amendment Policy 3.23 'Earthworks' to add a new principle (d) "effects on historic heritage values".
462: Wellington Fish and Game Council	Amend Policy 3.5 to make it consistent with the decision of the Environment Court, and the Business and Biodiversity Offsets

Submission # and Submitter Name	Summary of Relevant Point of Submission
	<p>Programme (BBOP) definition, which both consider that offsetting measures are to be taken after appropriate avoidance, remediation, and mitigation. A definition proposed by the Minister of Conservation and recorded the Environment Court decision may be useful for inclusion in the Proposed Kapiti Coast District Plan:</p> <p>Offset means a measurable conservation action designed to achieve no net loss and preferably a net gain of biodiversity on the ground once measures to avoid, minimise and remedy adverse effects have been implemented.</p> <p>Amend Policy 3.8 - Cumulative effects to include wetland ecosystems. Amend as follows:</p> <p>After “cumulative deterioration of” add “natural character. Including” and after “sensitive natural features” add “wetlands”.</p> <p>Amend Policy 3.9 to include wetland ecosystems. Amend as follows:</p> <p>After “monitored to ensure” add “natural character, including” and after “sensitive natural features” add “wetlands”.</p>
487: Bellcamp Trust Company Ltd	<p>Oppose policies in part 3.1 of the Proposed Plan, in particular Policies 3.1 - 3.3, 3.5, 3.7, 3.8.</p> <p>Oppose policies in Part 3.3 of the proposed plan, in particular Policy 3.21.</p> <p>Remove policies and explanatory text or amend to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form.</p> <p>Amend to replace prohibitive terms such as 'avoid', 'protect', and 'requirements' to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection.</p>
490: Russell Stevenson	Remove the dominant ridgeline identified on the submitter's land.
492: Kennott Trust Company Limited & Kauri Trust	<p>Oppose policies in part 3.1 and 3.3 of the Proposed Plan, in particular Policies 3.3, 3.5, 3.8, and 3.21 and remove policies and explanatory text or amend to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form.</p> <p>Amend to replace prohibitive terms such as 'avoid', 'protect', and 'requirements' to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection.</p>
493: Kumototo Nominees Limited and Patone Holdings Limited	<p>Oppose policies in part 3.1 the Proposed Plan, in particular Policies 3.3 and 3.5 and remove policies and explanatory text or amend to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form.</p> <p>Amend to replace prohibitive terms such as 'avoid', 'protect', and 'requirements' to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection. Confirmation should first be provided by Council as to the actual extent of these areas.</p>

Submission # and Submitter Name	Summary of Relevant Point of Submission
	Amend Rule 3A.1.6 Standard 1 to permit buildings where they protrude no higher than 4.5m above a prominent ridgeline (subject to standards), remove standard 2, 3 and 5.
494: Millhaven Limited	Oppose policies in part 3.1 of the Proposed Plan, in particular Policies 3.3 and 3.5 , and remove policies and explanatory text or amend to allow a balanced approach to matters relating to the natural environment and ecology. Amend to replace prohibitive terms such as 'avoid', 'protect', and 'requirements' to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection.
495: Mahaki Holdings Limited	<p>Oppose policies in part 3.1 and 3.3 of the Proposed Plan, in particular Policies 3.3 and 3.5 and remove policies and explanatory text or amend to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form.</p> <p>Amend to replace prohibitive terms such as 'avoid', 'protect', and 'requirements' to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection. Confirmation should first be provided by Council as to the actual extent of these areas.</p> <p>Amend Rule 3A.1.6 Standard 1 to permit buildings where they protrude no higher than 4.5m above a prominent ridgeline (subject to standards), remove standard 2, 3 and 5.</p>
497: RNR Trust	<p>Oppose Policies in part 3.3, in particular Policy 3.21, remove policies and explanatory text or amend to allow a balanced approach to matters relating to the natural environment, landscape and allow appropriate rural activities, earthworks, and built form. Amend to replace prohibitive terms such as 'avoid', 'protect', and 'requirements' to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection.</p> <p>Amend Rule 3A.1.6 Standard 1 to permit buildings where they protrude no higher than 4.5m above a prominent dune, amend standard 2 to only apply to new buildings to be located within 100m of existing buildings (if any) on the same lot, and delete standards 3 and 5.</p>
500: Ngatotara Farms Limited and Rod Agar	<p>Oppose policies in part 3.1, of the Proposed Plan, in particular Policies 3.1 - 3.3, 3.5, 3.7 and 3.8, remove policies and explanatory text or amend to allow a balanced approach to matters relating to the natural environment, ecology and landscape and allow appropriate rural activities, earthworks, and built form.</p> <p>Amend to replace prohibitive terms such as 'avoid', 'protect', and 'requirements' to enable a fair consideration of resource consents and take into account the cost implications of these matters. The policies should guide towards maintaining and enhancing matters relating to natural values rather than rigid approach of protection.</p> <p>Amend Rule 3A.1.6 Standard 1 to permit buildings where they protrude no higher than 4.5m above a prominent ridgeline (subject to standards), amend standard 2 to only apply to new buildings to be located within 100m of existing buildings (if any) on the same lot and remove standard 3 and 5.</p>

Submission # and Submitter Name	Summary of Relevant Point of Submission
	Oppose notation K009 and K012 and amend maps to remove notations. Remove dominant dunes.
509: Errol Croad	Oppose or amend dominant ridgelines. Oppose buffer zones, earthworks, farm tracks and trimming vegetation, subdivision, sensitive natural areas, outstanding natural landscapes, commercial wind turbines, forestry.
511: Mari Housiaux	Remove Policy 3.5 from remaining coastal dunes, identified wetlands, buffer areas, peatland remaining from extant wetland and areas of indigenous vegetation. Amend provisions to provide further control of planting of forestry and shelter belts within and around ecological sites and along the coastal environment between Peka Peka and Te Horo so these activities are not permitted.
547: Tina Pope	Amend rules so that no rural subdivision is permitted within areas of dominant ridgelines and outstanding natural landscapes.
550: Cuttriss Consultants Ltd	Modify Dominant ridgelines and dominant dunes to more accurately show existing landforms.
574: Matt O'Sullivan	Amend the dominant ridgelines to allow for proper application to the landscape and consultation with landowners. Undertake consultation with landowners on dominant ridgelines. It is a fundamental duty of the council to inform affected property owners of any specific changes proposed for their property directly and clearly.
586: Frank & Catherine Wafer	Amend Policy 3.23 to recognise the importance of earthworks at river and stream mouths (for example mouth straightening), and also in rivers and streams further inland from the mouths (for example week clearance), so as not to restrict such activities, and with rules that do not restrict these activities.
590: Peter and Lyndia Wood	Amend Policy 3.23 to recognise the importance of earthworks at river and stream mouths (for example mouth straightening), and also in rivers and streams further inland from the mouths (for example week clearance), so as not to restrict such activities, and with rules that do not restrict these activities.
617: Stewart & Catherine Fraser	Amend Policy 3.23 to recognise the importance of earthworks at river and stream mouths (for example mouth straightening), and also in rivers and streams further inland from the mouths (for example week clearance), so as not to restrict such activities, and with rules that do not restrict these activities.
618: David & Helen Walshaw	Amend Policy 3.23 to recognise the importance of earthworks at river and stream mouths (for example mouth straightening), and also in rivers and streams further inland from the mouths (for example week clearance), so as not to restrict such activities, and with rules that do not restrict these activities.
756: Pascal Odijk	Oppose Policies 3.3, 3.5, 3.8, 3.21, and 3.23.
757: Marianne Tavenier	Oppose Policies 3.3, 3.5, 3.8, 3.21, and 3.23.
762: Lydia Johnston	Amend Policy 3.23 to recognise the importance of earthworks at river and stream mouths (for example mouth straightening), and also in rivers and streams further inland from the mouths (for

Submission # and Submitter Name	Summary of Relevant Point of Submission
	<p>example week clearance), so as not to restrict such activities, and with rules that do not restrict these activities.</p> <p>Amend Policy 3.23 first sentence to qualify the references to retaining natural landforms, around water bodies and in riparian margins.</p> <p>Amend Policy 3.23 c) by deleting, or exclude activities carried out in rivers and streams, or qualify it in some appropriate way to address the submitter's concerns.</p>

Chapter 7 Rural Environment

Submission # and Submitter Name	Summary of Relevant Point of Submission
203-3: NZ Association of Radio Transmitters (Inc)	Oppose Rule 7A.1.4.4 .
165-10: Peter Gibson	Amend Rule 7A.1.4.4 to include the words "if silhouetted onto the skyline" to provide clarity.
129-6: Neil McGrath	Amend Rule 7A.1.9.2 by deleting the words "up to 1 metre below or" and replace with "higher than 1 metre"

Maps

Submission # and Submitter Name	Summary of Relevant Point of Submission
92-156 Winstone Aggregates	Amend Map 10D to delete the dominant ridgelines and dominant dunes" ... annotations within the Waikanae Quarry site at 15 Reikorangi Road (Lot 1 Deposited Plan 26401).
263-37 Maypole Environmental Ltd	<p>Delete the following from Map series 6, 7 and 9 (and any associated references in the Proposed District Plan), insofar as they are not identified in the existing District Plan:</p> <ul style="list-style-type: none"> c) Outstanding Natural Landscapes Overlay; d) Ecological Sites Overlays; e) Dominant ridgelines and Dominant Dunes; f) Priority Areas for Restoration Overlay; g) Stream Corridor Areas; h) Storage Areas; and i) Ponding Areas. <p>As they relate to the areas in the Ngarara Zone and/or Ngarara Precinct (G.P.5).</p>
286-46 Waikanae North Limited	Oppose National Features Map 07D and the location of ... Dominant Ridgelines and Dominant Dunes and amend to remove restrictions from the Waikanae North Development Zone.

APPENDIX D

APPROACHES OF OTHER DISTRICT PLANS



1 WAIRARAPA COMBINED DISTRICT PLAN

The three Wairarapa District Councils (Masterton, Carterton and South Wairarapa) have prepared a Combined District Plan under the RMA. It is the first Combined District Plan in New Zealand and the first 2nd generation plan to become fully operative.

A number of changes have been made to the District Plan since it became operative (i.e. Plan Changes 1-4 and 6-8), but none relate to landscape matters.

The Combined District Plan does not identify any dominant ridgelines on the District Plan Maps and does not include any specific provisions relating to dominant ridgelines. It does, however, identify a number of Outstanding Landscapes in Appendix 1.1 and Outstanding Natural Features in Appendix 1.2.

Chapter 21 includes District Wide Land Use Rules. Rule 21.1.4 specifies activities or structures permitted within an area identified as an Outstanding Landscape, as follows:

21.1.4 Outstanding Landscapes

(a) Any activity or structure within an area identified as an Outstanding Landscape in Appendix 1.1 which meets the following standards:

- (i) Earthworks do not exceed 100m³ per site in any 12 month period;*
- (ii) Structures are less than or equal to 200m² in total gross floor area per site.*

Under Rule 21.6(b) any earthworks or structures not complying with the permitted activity standards in any Outstanding Landscape are Discretionary Activities.

Rule 21.6(c) specifies that any modification, alteration, disturbance or destruction of any Outstanding Natural Feature listed in Appendix 1.2 is a Discretionary Activity.

Rules 20.1.5(i)(v) and 20.1.5(i) (vi) specify that in all Environmental Zones any subdivision that creates a new allotment on land that contains an Outstanding Landscape or an Outstanding Natural Feature is a Discretionary Activity.

2 HOROWHENUA PROPOSED DISTRICT PLAN

The decisions on the Proposed Horowhenua District Plan were notified on 16 October 2013. Four appeals were lodged with the Environment Court.

Two of the four appeals have been resolved through mediation and Consent Orders have been issued by the Environment Court. In addition, one of four appeal points lodged by a third appellant been resolved through mediation and a Consent Order has been issued by the Environment Court in relation to that appeal point.

In accordance with Section 86F of the Resource Management Act 1991, now that the time for lodging appeals has expired, all rules in the Proposed Horowhenua District Plan (Decision Version October 2013), excluding those that are subject still to appeal must be treated as being operative and any corresponding rule in the Operative Horowhenua District Plan (1999) becomes inoperative and no longer has any effect.

Proposed Plan Variation 2 (PPV 2) was publicly notified on 15 August 2014 and the period for lodging submissions closes on 15 September 2014. PPV 2 involves changes to the Proposed District Plan (Decision Version). It seeks to make changes to the Hill Country Landscape Domain boundary identified on District Planning Maps 38 and 39. No changes

are proposed to the existing issues, objectives, policies or rules as part of this Proposed Plan Variation.

The intent of the Proposed Plan Variation is to revise the western boundary of the Hill Country Landscape Domain so that the area included in this landscape domain better aligns with the defining landscape characteristics.

Chapter 3 of the District Plan includes issues, objectives and policies relating to natural features and values. Issue 3.1 refers to the risk that inappropriate subdivision, use and development will cause adverse effects to the outstanding natural features and landscapes of the District and domains with high landscape amenity that cannot be avoided, remedied or mitigated.

The District Plan explains that the landscapes of the District have been assessed to bring the District Plan in line with the Regional Policy Statement part of the Proposed One Plan and to apply a consistent landscape evaluation methodology. The aim of this has been to robustly identify the outstanding natural features and landscapes of the District and also a second tier of landscapes that are of high amenity to the community.

The assessment has concluded that the Outstanding Natural Features and Landscapes (ONFLs) of the District are as follows:

- The Tararua Ranges and including the Skyline of the Tararua Ranges
- Lake Horowhenua, Moutere Hill and the Hokio Stream
- Lake Papaitonga and the Waiwiri Stream
- The Manawatu River Estuary
- The Coast including the foredune and adjacent dunelands

ONFLs are identified on District Planning Maps 32 and 33.

Also identified on Planning Maps 32 and 33 are “Important Ridgelines”. These are located on land both within and outside ONFLs.

In addition, further assessment has identified that the following landscape domains have a high level of landscape amenity.

- Hill Country
- Manakau Downlands
- Coastal Lakes
- Coastal Environment

The District Plan states that, while these domains may include ONFLs, their wider environments also have high overall visual quality, vulnerability to change, distinguishing topography and high visibility. This is essentially a second tier of landscapes below the ONFLs.

Landscape Domains are identified on District Planning Maps 38 and 39.

The District Plan notes that some activities that the plan is responsible for may not be appropriate in these landscapes where their specific location and design prevents them from adequately avoiding, remedying or mitigating their effects. Activities where these may be relevant include:

- Development facilitated by subdivision;

- Large buildings or inappropriately designed and sited buildings in each landscape type;
- Inappropriately sited structures such as transmission pylons, telecommunication towers and wind farm turbines;
- Earthworks for development and access; and
- Removal of native vegetation.

Chapter 19 of the District Plan includes rules for the Rural Zone.

The only rule that relates to Important Ridgelines is Rule 19.3.7 which specifies that the following are Restricted Discretionary Activities in the Rural Zone:

(c) Buildings within those parts of the Hill Country Landscape Domain that are not Outstanding Natural Features and Landscapes except for:

(i) Buildings, additions and alterations that do not exceed 5 metres in height and that are located 20 metres vertically below an Important Ridgeline (as identified on the Planning Maps), measured from the roofline of the house.

Otherwise buildings and network utilities within an ONFL are captured by the rules relating specifically to ONFLs.

3 UPPER HUTT CITY DISTRICT PLAN

The Upper Hutt City District Plan became operative on 1 September 2004.

Chapter 12 of the District Plan includes objectives, policies, methods and rules for the protection and management of significant landscapes.

The following policy is relevant:

Policy 12.4.6

To ensure the ridgelines are identified as essential elements in Upper Hutt's landscape and are protected from visually obtrusive development which would detract from the natural skyline appearance.

The explanation to Policy 12.4.6 states that the skylines within Upper Hutt are relatively unblemished by structures, except for a number of telecommunication sites and lines, and are valued as an important feature of the City's landscape. The development of physical structures on ridgelines could have a significant adverse effect on this visual amenity and may detract from the overall City landscape.

The District Planning Maps identify "Protected Ridgelines".

Chapter 28 of the District Plan includes rules for Protected Ridgelines, as follows:

Rule 28.1 permits any building or structure, otherwise permitted, located on a site subject to a protected ridgeline (identified on the Planning Maps) which complies with the standard specified in Rule 28.4.

Standard 28.4 requires any building or structure to be located and designed so as not to project through the protected ridgelines identified on the Planning Maps, as viewed from any point on State Highway 2.

Any building or structure otherwise permitted which does not comply with the standard specified in rule 28.4 is a Restricted Discretionary Activity. Council will restrict its discretion to, and may impose conditions on:

- The extent to which any building or structure is visually obtrusive.
- Design, appearance, scale and siting of the building or structure.
- Materials used (including their colour, texture and reflectivity).
- Landscaping, planting and screening.
- Access arrangements.

4 PORIRUA CITY DISTRICT PLAN

The Porirua City District Plan became operative on 1 November 1999.

The District Plan does not identify any ridgelines on the Planning Maps. It only identifies Landscape Protection Areas. There are no rules relating to dominant ridgelines or dominant dunes.

5 HUTT CITY DISTRICT PLAN

The Hutt City District Plan became fully operative on 18 March 2004.

The District Plan does not identify any dominant ridgelines or dominant dunes on the Planning Maps and does not include any provisions relating specifically to these features.

Chapter 4E of the District Plan includes objectives, policies and rules for the Landscape Protection Residential Activity Area. This Area relates to several pockets of land on steep hillside areas which have not yet been developed for residential purposes. Such areas have significant natural features, extensive native vegetation cover and are an important visual backdrop to the City. The skyline also has an important amenity value to the City, and the District Plan recognises that it is essential that this be protected from unsympathetic development.

The objective of the District Plan is to ensure the character and amenity values of undeveloped steep hillside areas are maintained and enhanced. In that regard, the policies seek that where practicable, the natural appearance of the skyline be preserved from development to maintain its visual appearance.

Appendix Landscape Protection Residential 1 in Chapter 4E (relating to the Westhaven Site at 255 Rata Street, Naenae) identifies a 70 metre contour line. Under the rules (Rule 4E.2.1.1(d)) buildings or structures located below the contour line are permitted up to a maximum height of 8 metres and a maximum gross floor area of 750m². Buildings with a floor area greater than 750m² within the area below the contour line are a Restricted Discretionary Activity. Buildings located above the 70 metre contour line are Non-complying Activities (under Rule 4E 2.4).

6 WELLINGTON CITY DISTRICT PLAN

The Wellington City District Plan became operative on 27 July 2000.

Chapter 14 of the District Plan includes objectives and policies for the Rural Area. The Rural Area of Wellington City extends from the outer boundary of urban areas of the city to the coastal margins and boundaries of Hutt City and Porirua City to the north. About 65 percent of the total City land area is included in the Rural Area.

The District Plan explains that the Council undertook a city wide study to identify which ridgelines and hilltops in the Rural Area should be afforded greater protection than less prominent landforms in the city. Visual values were paramount in determining the identified ridgelines and hilltops but other natural, recreational and heritage values were also recognised.

These ridgelines and hilltops are identified on the District Plan Maps.

The District Plan seeks to maintain and enhance the character of the Rural Area by managing the scale, location and rate and design of new building development (Objective 14.2.2). To achieve this the Council's policy (Policies 14.2.2.2 and 14.2.2.3) is to control the construction and siting of new buildings, structures and earthworks on identified ridgelines and hilltops in Rural Areas ways that avoid, remedy or mitigate adverse visual effects and effects on any natural, recreational or heritage values that may exist in these identified areas. In the Rural Area the Council wishes to maintain the relatively undeveloped character of the important ridgelines and hilltops, although this character can vary throughout the Rural Area.

The District Plan also seeks to control the construction and siting of new buildings, structures and earthworks on some identified ridgelines and hilltops covering rural land which is located within or close to existing residential areas, which has potential for low density rural residential type development (Policy 14.2.2.3). The District Plan seeks to achieve limited rural residential development in these areas that is sensitively designed to respect the important ridgeline and hilltop locations.

In terms of earthworks Policy 29.2.1.9 is to control earthworks within the Ridgelines and Hilltops Overlay, to protect the character and visual amenity value these areas provide to their immediate surrounds and the City.

Rule 15.4.2 specifies that any structures on ridgelines or hilltops in the Rural Area are a Discretionary Activity. In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to the extent that buildings and structures are sited and designed in ways that avoid being visually obtrusive by:

- ensuring visual continuity is achieved on the upper slopes up to the apex of the ridgeline or hilltop;
- minimising skyline effects and visibility of buildings and structures by construction design, in relation to district wide, community wide and neighbouring views; and
- using local topography, and/or allowing earthworks, to create a backdrop to development with which any cut or fill can be restored or treated to resemble natural landforms without increasing the potential for soil instability.

The District Plan notes that Wellington's ridgelines and hilltops are an important and sensitive feature of the landscape and the management of built form and earthworks on identified ridgelines and hilltops is a key resource management issue for Wellington. Therefore activities will be carefully assessed to ensure that where development is proposed in these areas, it is done in a comprehensive and sensitive manner responsive to the local natural features. Opportunity for design solutions is possible through the assessment criteria and the Rural Design Area Guide is intended to assist the Council in this regard. Careful consideration will be given to proposals which might result in the modification of skylines when viewed from any place outside the subject property.

Rule 30.1.2 specifies that earthworks in the Ridgelines and Hilltops Overlay (Rural Area) are Permitted Activities provided they comply with the following conditions:

- (a) (i) *The cut height or fill depth does not exceed 1.5m measured vertically; and*
(ii) *The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured on a horizontal plane; and*
(iii) *The cut or fill is not on an existing slope angle exceeding 34 degrees; and*
(iv) *The area to be cut or filled does not exceed 100m².*
- OR
- (b) (i) *The cut height or fill depth does not exceed 1.5m; and*
(ii) *The cut or fill is retained by a building or structure authorised by a building consent (which must be obtained prior to any earthworks commencing); and*
(iii) *The area to be cut and/or filled does not exceed 100m².*
- OR
- (c) *For the construction and maintenance of tracks associated with permitted rural activities in the Rural Area:*
(i) *The cut height and fill depth does not exceed 1.5m; and*
The cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured on a horizontal plane.

Earthworks that do not comply with the permitted activity conditions are a Discretionary (Unrestricted) Activity (under Rule 30.3.2).

With respect to Utilities, masts and antennas within the Ridgelines and Hilltops Overlay (Rural Area) are a Discretionary (Restricted) Activity (under Rule 23.3.1). In determining whether to grant consent and what conditions, if any, to impose, the District Plan states that the Council will have regard to:

- the extent to which the mast, antennas, or amateur radio configurations will be obtrusively visible, will adversely affect landscape values, or will detract from the amenities of the area in which it is situated or those in any nearby area, particularly where the proposed site is within an identified ridgeline or hilltop;
- Where the mast or antennas are located on an identified ridgeline or hilltop, whether they can be located elsewhere without a disproportionate loss in functionality and if not, whether they can be sited and designed in ways that avoid, remedy or mitigate adverse effects having regard to:

- the visibility of the subject site and the mast and antennas in relation to district wide, local and neighbouring views;
- the potential to co-locate the mast and antennas with any similar existing structures or other buildings to avoid, remedy or mitigate their visual impact;
- the potential to site and design associated buildings and earthworks to be unobtrusive by screening or back drop earthworks or planting where appropriate; and
- the use of external materials on masts, antennas and associated buildings to minimise the visual contrast with the surrounding environment.

Under Rule 23.4.2 new or additional overhead lines and cables located within identified ridgelines or hilltops are a Discretionary (Unrestricted) Activity. In determining whether to grant consent and what conditions, if any, to impose, the Council will have regard to:

- except in relation to new or existing National Grid transmission lines, whether the extent of new or additional overhead lines and cables are sited and designed in ways that avoid as far as practicable being visually obtrusive by:
 - ensuring visual continuity of relatively undeveloped land is maintained on the upper slopes and summit of the ridgeline or hilltop;
 - minimising as far as practicable the visibility of the overhead lines and cables in relation to district wide, local and neighbouring views;
 - the co-siting of new and additional overhead lines and cables with existing overhead lines and cables where this will not result in cumulative adverse effects;
 - ensuring where possible the overhead lines and cables are seen against a landform backdrop and not the sky in relation to district wide, local and neighbouring views;
 - mitigating against potential adverse visual effects of overhead lines and cables by sensitive siting and design and planting and/or screening if and where appropriate; and
 - the use of external colour and materials to minimise the visual contrast with the surrounding environment for example, the use of neutral, recessive colours.

7 QUEENSTOWN LAKES DISTRICT PLAN

The Queenstown-Lakes District Plan became operative on 10 December 2009.

Section 4.2 includes a single objective and 17 policies for landscape and visual amenity.

The objective is to undertake subdivision, use and development in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.

Two policies in Section 4.2 relate specifically to ridges and ridgelines, as follows:

- Policy 9 - specifically seeks to preserve the visual coherence of outstanding natural landscapes and features and visual amenity landscapes by avoiding, remedying or mitigating any adverse effects of structures on the skyline, ridges and prominent slopes and hilltops; and
- Policy 10 - seeks to avoid, remedy or mitigate the adverse effects of utilities on the landscapes of the district by encouraging utilities to be sited away from skylines, ridgelines, prominent locations, and landscape features.

Section 5.2 includes objectives and policies for the Rural General Zone. Objective 1 – Character and Landscape Value is to protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities. Policy 1.8 seeks to avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.

Section 8.1.2 includes objectives and policies for Rural Living Areas. Objective 2 – Rural Amenity seeks to avoid, remedy or mitigate adverse effects of activities on rural amenity, and Policy 2.4 is to avoid the location of buildings and water tanks on skylines and ridges and in the Rural Residential zone at the north of Lake Hayes, on prominent slopes.

The District Plan Maps do not identify any outstanding natural landscapes or features or any significant amenity landscapes, including any dominant ridgelines. Instead, the District Plan relies on rules to achieve the relevant objectives and policies.

Under the rules the number of permitted activities in the rural area is limited and resource consent is required for most new buildings. For example, within the Rural General Zone a Controlled Activity resource consent is required for any alterations or additions to existing buildings where they do not increase the coverage of the building (calculated at the operative date of the District Plan) by more than 50% and they are contained within a residential building platform approved by resource consent. New buildings contained within a residential building platform approved by resource consent, and the replacement or extension of existing farm buildings and the construction of new farm buildings (including associated earthworks, access and landscaping) are Controlled Activities. These activities must comply with the Site Standards and Zone Standards in Sections 5.3.5.1 and 5.3.5.2 of the District Plan, otherwise Discretionary or Non-complying resource consent is required.

Under the Site Standards:

- No forestry activity or shelter belt planting is allowed in an alpine area with an altitude greater than 1070 metres above sea level;

- No clearance of indigenous vegetation is allowed where it is higher than 1070 metres above sea level;
- No farm buildings can be extended, replaced or constructed on land higher than 600 metres above sea level;
- No exotic tree or shrub planting is allowed higher than 1070 metres above sea level;

Therefore, instead of identifying ridgelines, the District Plan identifies maximum heights above sea level at which certain activities can occur.

In considering resource consent applications, Section 5.4 of the District Plan includes landscape assessment criteria. There are three steps in applying the criteria: first, the analysis of the site and surrounding landscape; secondly determination of the appropriate landscape category; and thirdly the application of assessment matters.

The relevant assessment matters to be applied include assessing:

- whether the proposed development will adversely affect the visual coherence and integrity of the landscape and whether these effects are minor. In doing so the Council must be satisfied that structures will not be located where they will break the line and form of any ridges, hills and any prominent slopes;
- whether the development will result in a loss of the natural or arcadian pastoral character of the landscape, having regard to whether and the extent to which any building platforms proposed as part of discretionary subdivision activities will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes;
- whether and the extent to which the granting of the consent may give rise to adverse cumulative effects on the natural or arcadian pastoral character of the landscape with particular regard to the ability to contain development within discrete landscape units as defined by topographical features such as ridges, terraces or basins, or other visually significant natural elements, so as to check the spread of development that might otherwise occur either adjacent to or within the vicinity as a consequence of granting consent; and
- the extent to which the location of buildings and associated earthworks, access and landscaping breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.

8 WAIKATO DISTRICT PLAN

The Waikato District Plan was made operative in February 2014.

Chapter 3.2 of the District Plan includes objectives and policies relating to Natural Features and Landscapes.

Objective 3.2.1 of the District Plan is for outstanding natural features and landscapes to be recognised and protected. Policy 3.2.4 seeks that subdivision, use, and development (including roads and tracks) should avoid adverse effects on outstanding natural features and landscapes (including ridgelines within those landscapes). The District Plan recognises

that ridgelines can be especially sensitive to development such as roads, and tracks and building, because the effects can be highly visible.

Outstanding natural features and landscapes are shown on the planning maps as Landscape Policy Areas. They have been delineated based on interpretation of the Waikato Landscape Study (1992, revised 2003 and 2006) by Boffa Miskell Ltd. The study describes the visual qualities and sensitivities of 31 separate landscape units within the district.

Objective 3.4.1 seeks that landscapes and visual amenity values, as viewed from public places, are retained and enhanced. Policy 3.4.2 seeks that natural features and landscapes, including locally distinctive landforms and prominent ridgelines, and general visual amenity values should be protected from inappropriate subdivision, use and development.

The explanation to Objective 3.4.1 and Policy 3.4.2 states that prominent ridgelines that have been identified as having particular landscape and amenity value due to their visibility from public places have been identified as Ridgeline Policy Areas on the planning maps. This is consistent with the maintenance and enhancement of amenity values under section 7(c) of the Resource Management Act. Effects on other ridgelines should not be ignored. Ridgelines which have been identified as outstanding natural landscapes or features in terms of section 6(b) of the Resource Management Act are located within a Landscape Policy Area. Identification of a ridgeline as a Ridgeline Policy Area assists the maintenance and enhancement of landscape and amenity values of that ridgeline through additional rules relating to earthworks, formation of tracks and accesses, and height of buildings in relation to the ridgeline.

The objective and policy aim to ensure that amenity values are not compromised by inappropriate building and activities on locally distinctive landforms and ridgelines. Buildings and other developments that are silhouetted against the sky or a distant landform can detract from amenity values, both by visual discordance and through the effect of dominating the landscape. The District Plan notes that often, these effects can be avoided by siting the building or development down the slope to ensure that the hill provides the backdrop, or mitigated by methods such as using natural screening and appropriate choice of building form and finish.

Chapter 25 includes rules for the Rural Zone.

Within the Rural Zone above ground electricity and telecommunications lines that are supported on overhead poles are Permitted Activities (Rule 25.13.1) where the height does not exceed 12 metres and does not exceed the height of a ridge in a Ridgeline Policy Area. Activities not complying are Discretionary (Rule 25.13.2).

Under Rule 25.26.1 any activity is a Permitted Activity if earthworks and formation of tracks and accesses in a Ridgeline Policy Area are at least 20 metres vertically below the level of a ridge, measured at the nearest point of the ridgeline. Activities not complying with this condition are Restricted Discretionary (Rule 25.26.2), with discretion restricted to:

- effects on landscape and amenity values
- effects on skylines and ridgelines
- effects on views
- revegetation of bare earth

Production forestry within Landscape Policy Areas that is not an indigenous species is a Restricted Discretionary Activity. In assessing applications for such activities, the matters

which discretion is restricted to include effects on skylines and ridgelines (refer to Rule 25.41.2).

Under Rule 25.49.1 the construction or alteration of a building or structure is a permitted activity if the highest part of the building is at least 20 metres vertically and horizontally from the ridge in a Ridgeline Policy Area. Any activity not complying with this condition is a Discretionary Activity (Rule 25.49.2).

Rule 25.61A states that the construction or alteration of an aerial and its support structures is a permitted activity if the height of the aerials or support structures does not exceed the height of the ridge in a Ridgeline Policy Area. Any aerial or support structure that does not comply is a Restricted Discretionary Activity (Rule 25.61A.2).

Construction or alteration of a wind measurement system within a Ridgeline Policy Area is a Discretionary Activity under Rule 25.69B.2.

Subdivision within a Ridgeline Policy Area is a Discretionary Activity under Rule 25.70B.2, and under Rule 25.77.2, which states subdivision within a Ridgeline Policy Area, where the platform is not visible from a road or other public place, is a Discretionary Activity. If the platform is visible from a road or other public place the activity is Non-complying (Rule 25.77.3).

Chapter 29 of the District Plan includes an explanation and reasons for the rules. In relation to Chapter 25 and Ridgeline Policy Areas, the following is noted:

- Earthworks near ridgelines can be conspicuous from a long distance away. The ridgeline rule requires that these be assessed for effects on the landscape and views; and
- Building on prominent coastal ridges and in the Ridgeline Policy Area must be set back vertically and horizontally from the ridge top, to maintain natural character and amenity.

9 WESTERN BAY OF PLENTY DISTRICT PLAN

The Western Bay of Plenty District Plan became operative on 16 June 2012, except for specific provisions relating to Matakana Island which remain under appeal from the District Plan Review and which are subject to Plan Change 46/Variation 2 – Matakana Island. In regard to these provisions, the 2002 Operative Plan and the 30 January 2010 Decisions Version of the Proposed Plan First Review remain applicable along with Decisions on Plan Change 46/Variation 2. In all other cases the 16 June 2012 Operative Plan applies.

The following Plan Changes are operative and have been incorporated into the Operative District Plan 2012:

- Plan Changes 1-27 (excluding Plan Change 10 - Aquaculture which was withdrawn)
- Plan Changes 28-44
- Plan Change 45 (Waihi Beach Floodable Areas)

Plan Change 16 – Landscape Clarification of Certain Provisions sought to clarify a number of provisions within the Landscape Section which were not entirely clear. The provisions that needed to be clarified included the activity status and rules for viewshafts, the applicability

rule in terms of how the assessment criteria applied (at resource consent stage) in relation to feature type, and what an “identified public lookout” was considered to be.

The Western Bay of Plenty District has a number of natural features and landscapes that have been formally identified in a landscape assessment and mainly comprise of dominant landform features such as peaks, ridgelines and sharp transitions between landform types, such as between land and water. A number of important viewshafts from State Highways and public lookouts have also been identified.

Section 6 – Landscape includes one objective and two policies. Objective 6.2.1 is for the unique visual quality and character of the District’s outstanding natural features, landscapes and viewshafts to be protected from inappropriate subdivision, use and development. Policy 6.2.2(1) is for landscape character within areas identified as being outstanding natural features and landscapes to be protected and enhanced by managing the adverse effects of inappropriate land use and development activities. Policy 6.2.2(2) relates to the maintenance of outstanding viewshafts.

Appendix 2 of the District Plan provides a schedule of identified Outstanding Landscape Features in the District (also identified on the Planning Maps). Those identified include dominant landform features, such as peaks and ridgelines which provide a visual focus and/or enclosure, including:

- **S2 - Hikurangi-Puketoki-Matangia Knolls and Ridgelines (F.H.2)**
This ridge extends from FH1 south of Hikurangi. The skyline profile of the ridge and eastern slopes down to a contour of 100m above sea level is considered to be significant due to its importance in providing a backdrop to the Waihi Beach, Bowentown, Athenree areas. It is highly visible from these areas and the Tauranga Harbour and coast. The land is a mixture of pasture, bush remnants and exotic forest.
- **S3 - The Minden Peak and Main Ridgeline (F.11.4)**
The area identified as visually significant extends from the high point, Minden Peak, of 286m (above sea level) and main ridgeline north of Minden Road down to the 100m contour. This peak, ridgeline, upper slopes and vegetative face provide the backdrop to Te Puna and is highly visible from the State Highway when travelling east.
- **S4 - Papamoa Knoll and Ridgeline (F.H.7)**
This area has its northern boundary at the 60m contour on the ridge extending south to a high point of 224m (above sea level) and further south to the Wharetetarakeho peak at 331m (above sea level).

The Outstanding Landscape Features identified in Appendix 2 are in most cases located on private property.

There are no significant landscape features identified in the District Plan.

Section 6.4 of the District Plan includes rules for activities within the Outstanding Landscape Features. The introduction to Section 6 of the District Plan explains that the overall intention of the rules in this section is to not unreasonably prevent development within landscape features but rather to ensure that development is undertaken in a manner which mitigates its visual impact against the surrounding natural environment.

Rule 6.4.3.1 of the District Plan specifies that the following activities within Identified Natural Features and Landscapes¹ are Restricted Discretionary Activities:

- Subdivision (only where additional lots are created within Natural Features and Landscapes and not within the balance area);
- Buildings;
- Earthworks (cut or fill) resulting in a maximum cumulative vertical face of greater than 1.5m;
- Native vegetation clearance;
- Production forestry; and
- Works and network utilities classified as Discretionary Activities by Rule 10.3.²

Rule 6.4.4 specifies that any activity not listed as a Permitted, Controlled or Restricted Discretionary Activity is a Discretionary Activity.

Section 6.6.1 includes the following assessment criteria for Restricted Discretionary Activities within Identified Natural Features and Landscapes:

- (a) *The extent to which the development will maintain, enhance, or avoid adverse effects on the integrity of the landform and skyline profile. Factors that will be considered include:*
- (i) *Reflectivity standards relating to the colour and finish of buildings (see British Standard BS 5252);*
 - (ii) *The height of buildings taking into account the surrounding landscape;*
 - (iii) *Whether building form or works positively respond to the natural landform contour;*
 - (iv) *The extent of landform modification and whether the finished landform appears natural;*
 - (v) *The ability to mitigate effects through landscape planting using native plant species within a timeframe not exceeding five years;*
 - (vi) *The Design Response Guidelines identified on Page 28 of the Western Bay of Plenty District Council Landscape Review – Assessment of Landscape Management Requirements for the Tauranga Harbour Margins and Wairoa River Valley by Boffa Miskell (October 2008).*
- (b) *The extent to which native vegetation removal can be avoided having regard to the nature and scale of the proposed activity. For subdivision and buildings native vegetation should not be removed except where there is no alternative for building location or access. Subdivision should locate house sites and access outside existing stands of native vegetation.*
- (c) *The extent and location of earthworks having regard to the nature and scale of the proposed activity. For subdivision and buildings, earthworks shall generally not exceed that required for the building(s), vehicle access and turning, and outdoor living court(s).*

¹ There is no definition of “Identified Natural Feature and Landscape” in Section 3 – Definitions of the District Plan. Only Outstanding Natural Landscapes are identified in the District Plan, in Appendix 2.

² Includes new above ground lines for conveying telecommunications, radio communications and/or electricity (for distribution or transmission) and telecommunication and radio communication facilities (including aerials, antennas, dish antennas and associated mounts) attached to buildings / structures.

- (d) *The ability to retain a natural appearance following site earthworks and vegetation removal. All disturbed ground should be contoured to be sympathetic to the natural landform and revegetated with species appropriate to the context and use of the site.*
- (e) *The extent of proposed planting on re-contoured slopes steeper than 1 in 4.*
- (f) *The extent of visual effects of any works and network utilities.*
- (g) *The extent to which Significant Ecological Features within the visual landscape are avoided, maintained or enhanced (See Section 5).*
- (h) *The extent to which the location and design of access tracks and roads follow the natural contours, minimise any cut at ridgelines, and mitigate any impact by regrassing/planting. Work should take account of weather and planting times.*
- (i) *The extent to which new lot boundaries and fencing follows natural ground contours. Fences should not be located on the top of ridgelines and where practical should be incorporated into the landform feature within the lot. Water courses, areas of native bush and wetlands should not be dissected by subdivision or development.*
- (j) *The extent to which production forestry is in general accordance with any applicable industry code of practice. Particular regard shall be given to the following matters:*
 - (i) *Avoiding geometric and unnatural shapes and unnatural orderliness;*
 - (ii) *Attention to the shape and line of the production forest to blend into the landscape;*
 - (iii) *Avoiding disruption to the skyline;*
 - (iv) *Avoiding vertical lines that divide a landscape;*
 - (v) *Oversowing clear-felled areas with grasses or replanting as soon as possible after felling;*
 - (vi) *Avoiding areas of high visual profile, particularly around the Tauranga Harbour margin (excluding Matakana Island) and the Wairoa River valley).*

10 MARLBOROUGH SOUNDS RESOURCE MANAGEMENT PLAN

The Marlborough Sounds Resource Management Plan is a combined Plan containing the regional, regional coastal and district plans for the Marlborough Sounds area. The Plan sets out the objectives and policies and methods, including rules for the Marlborough Sounds area. The Plan became fully operative on 25 August 2011.

The Resource Management Plan (RMP) Landscape Maps (in Volume 3 of the RMP) identify Prominent Ridges.

The only RMP rules that refer to prominent ridges are included in Chapter 26 General Rules in relation to utilities in all zones. There are no standards or rules relating to permitted buildings on or near prominent ridges within any of the zones.

Rule 26.5.1.1 provides for new utilities as Permitted Activities in every zone provided they comply with the relevant standards, conditions and rules, including conditions for new utilities in Section 26.5.1.2.

Condition 26.5.1.2.10 specifies the following:

“26.5.1.2.10 All proposed new utility structures and depots shall be located outside the areas identified in Appendix B and on the Planning Maps as significant ecological value areas, or areas of outstanding landscape, except the following new utility structures which are permitted in the following parts of areas identified in Appendix B and on the Planning Maps as significant ecological value areas, or areas of outstanding landscape:

...

26.5.1.2.10.2 In that area extending from 20 metres from the coastal marine area to 30 metres below any prominent ridge (as indicated on the Planning Maps):

- a) Subaqueous or underground cables and lines;
- b) Antennas;
- c) Single stand-alone support structures for radiocommunication facilities not more than 15 metres in height;
- d) Utility buildings not more than 9m² in floor area and 2.5 metres in height;
- e) Above-ground lines and cables and associated support structures not more than 10 metres in height.

26.5.1.2.10.3 On any prominent ridge or less than 30 metres below that prominent ridge (as indicated on the Planning Maps):

- a) Subaqueous or underground cables and lines;
- b) Above-ground lines and cables and associated support structures if the support structure is not more than 10 metres in height and is in the area for the purpose of carrying lines or cables across the ridge.”