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Matakana Island

Aspects of this Section of the District Plan that relate specifically to Matakana Island remain subject to appeal by reason of the following appeals:

- Bay of Plenty Regional Council (ENV-2010-AKL-000096)
- Blakely Pacific Limited (ENV-2010-AKL-000076)
- TKC Holdings Limited and Matakana Investment Group Limited (ENV-2010-AKL-000072)

As such the provisions in this Section of the District Plan that relate to the above have been annotated to indicate existing appeals. This has been done by providing a line in the right hand margin beside the part of the District Plan that has been appealed. Beside these lines is a number which is the *Council* reference to the respective appeals as follows:

- Bay of Plenty Regional Council - 1
- Blakely Pacific Limited - 3
- TKC Holdings Limited and Matakana Investment Group Limited - 35

Accordingly, in regard to provisions relating specifically to Matakana Island, the 2002 Operative District Plan and the 30 January 2010 Decisions Version of the Proposed District Plan remain applicable. In all other cases the 2012 District Plan as operative applies to Matakana Island.

Landscape

6. Landscape

Explanatory Statement

The Western Bay of Plenty District Council has a number of natural features and landscapes that are appreciated by residents and visitors alike for their outstanding visual character and appeal. These features 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.

These landscape features and views are sensitive to change and their visual quality can be compromised by the individual or cumulative effects of land use and *development* activities which are not in harmony with the natural appearance of the landscape. Over the next ten year planning period, it is anticipated that there will be additional pressure put on these landscapes from subdivision and *development*. To ensure these landscape features are protected and maintained for current and future generations it is appropriate to implement planning controls to ensure potential impacts of *development* are avoided or mitigated.

~~The rules Activity performance standards~~ in this Section apply to ~~the all~~ Outstanding Landscape Features identified in Appendix 2 and on the Planning Maps. Specific Landscape Management Areas and rules have been adopted for both the Wairoa River Valley and Tauranga Harbour Margin. The new setbacks which define the extent of these management areas are significantly larger than in the previous District Plan, however they provide a more accurate reflection of the particular vulnerability of these landscapes to inappropriate subdivision and *development*. A set of Permitted Activity standards has been provided to allow *development* to still occur as of right in situations where the effects are deemed to be acceptable.

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

Lot boundaries provide the overall pattern of landscape that in time determines landscape character. Where possible they should be aligned to reinforce the natural pattern of the landscape.

Existing use rights apply. These include farm management and the management of other land currently used for *production forestry*, woodlots, and quarries.

6.1 Significant Issues

1. The *District* has a number of outstanding natural features and landscapes, the visual quality of which can be adversely affected by inappropriate subdivision, use and *development*.
2. Important *viewshafts* from public locations such as State Highways and public lookouts can be compromised by inappropriate land use and *development* activities.

6.2 Objective and Policies

6.2.1 Objective

The unique visual quality and character of the *District's* outstanding natural features, landscapes and *viewshafts* are protected from inappropriate subdivision, use and *development*.

6.2.2 Policies

1. Within areas identified as being outstanding natural features and landscapes, landscape character should be protected and enhanced by managing the adverse effects of inappropriate land use and *development* activities.
2. Identified outstanding *viewshafts* throughout the *District* should be maintained through the avoidance of inappropriate *development*.

6.3 Applicability

The rules within the Landscape Section apply only within identified natural features and landscapes and identified *viewshafts*. Refer to Planning Maps for general location and Appendix 2 (Schedule of Identified Outstanding Landscape Features) for detailed descriptions. For the purpose of interpretation, the description provided in Appendix 2 shall take priority over the maps with regard to location. ~~The Assessment Criteria in 6.6.1 apply to:~~

~~(a) — Activities within natural features and landscapes where such activities are visible from State Highways and identified public lookouts.~~

~~(b) — Activities within the Landward Edge Protection Yards Maketu Estuary (S19), and Waihi Estuary (S21) and Tauranga Harbour (S8) and Wairoa River (S7) Landscape Management Areas and Matakana Island (S9) where such activities will be visible from the adjoining waterbody.~~

~~(c) Activities within the Open Coastal Landward Edge Protection Yard (S24) where such activities will be visible from both the adjoining waterbody and the beach.~~

~~(d) Activities within identified *viewshafts* where such activities could compromise the quality of the view or cause or contribute to the obstruction of the view.~~

~~**Explanatory Note:**~~

~~The Tauranga Harbour (S8) and Wairoa River (S7) Landscape Management Areas and Matakana Island (S9) are included as natural features and landscapes within Appendix 2 and extend 300m inland from MHWS (S8 and S9) and the river bank (S7) on Rural Zoned land only.~~

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6.4 Activity Lists

6.4.1 Permitted Activities

In addition to those activities listed as Permitted in the respective zone (or in Rule 10.3) but excluding those listed as Restricted Discretionary in 6.4.3 below, the following are Permitted Activities:

6.4.1.1 Within Identified ~~Outstanding Landscape Features~~ **Natural Features and Landscapes**

- (a) *Production forestry* in landscape feature S9 - Matakana Island.
- (b) Native forest logging under the Forest Amendment Act 1993.

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6.4.1.2 Within 50m inland from MHWS in the Tauranga Harbour Landscape Management Area (S8) and within 50m from the river bank in the Wairoa River Landscape Management Area (S7), and within 40m from MHWS in the Matakana Island (S9) landscape feature

- (a) Where ancillary to a permitted activity in the Rural Zone – *earthworks* (cut or fill) not exceeding a maximum cumulative volume of 200m³ per *lot* or resulting in a maximum cumulative vertical face of greater than 1.5m. Provided that any face shall be grassed or mass planted.

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6.4.1.3 Between 50m and 300m inland from MHWS in the Tauranga Harbour Landscape Management Area (S8) and between 50m and 300m from the river bank in the Wairoa River Landscape Management Area (S7) and between 40m and 300m inland from MHWS in the Matakana Island (S9) landscape feature

- (a) Where ancillary to a permitted activity in the Rural Zone or associated with a *building – earthworks* (cut or fill) not exceeding a maximum cumulative volume of 500m³ per *lot* or resulting in a maximum cumulative vertical face of greater than 1.5m. Provided that any face shall be grassed or mass planted.
- (b) *Buildings* subject to compliance with all of the following Permitted Activity performance standards;
- (i) *Height* 6m (restriction applies only between 50m and 150m inland from *MHWS* and from the river bank);
- Note:**
Rural Zone *height* of 9m applies between 150m and 300m inland from *MHWS* and from the river bank.
- (ii) All external surfaces of *buildings* (excluding glazing) shall comply with the following reflectivity standards:
- Walls* = no greater than 35%;
Roofs = no greater than 25%;
- Explanatory Note:**
The above shall be in accordance with British Standard BS5252 Reflectance Value.
- (iii) No mirrored glass shall be used;
- (iv) No native vegetation greater than 3m in *height* shall be removed as a result of any new *building* and/or access way.

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Explanatory Note:

For the purpose of this rule '*buildings*' shall include additions and alterations to existing *buildings* lawfully established prior to 1 January 2010 or granted building consent (and resource consent if required) for which relevant applications were lodged prior to 1 January 2010, which increase the *gross floor area* of that existing *building* by 50% or more.

Except that:

Additions and alterations which do not increase the *gross floor area* of an existing *building* (as described above) by 50% or more shall be exempt from compliance with any rules contained within the Landscape Section of the District Plan.

6.4.1.4 Within Identified Viewshafts

- (a) Removal or trimming of vegetation.
- (b) Native forest logging under the Forest Amendment Act 1993.

6.4.2 Controlled Activities

Those activities listed as Controlled Activities in the respective zone, but excluding those listed as Restricted Discretionary in 6.4.3 following.

6.4.3 Restricted Discretionary Activities

6.4.3.1 Within Identified ~~Outstanding Landscape Features~~ Natural Features and Landscapes (except those addressed by specific activity lists in 6.4.3.2 and 6.4.3.3 following):

- (a) Subdivision (only where additional *lots* are created within ~~an Identified Outstanding Landscape Feature~~ Natural Features and Landscapes and not within the balance area).
- (b) *Buildings.*
- (c) *Earthworks* (cut or fill) resulting in a maximum cumulative vertical face of greater than 1.5m.
- (d) Native vegetation clearance.
- (e) *Production forestry.*
- (f) Works and *network utilities* classified as Discretionary Activities by Rule 10.3.

6.4.3.2 Within 50m inland from MHWS in the Tauranga Harbour Landscape Management Area (S8) and within 50m from the river bank in the Wairoa River Landscape Management Area (S7) and within 40m from MHWS in the Matakana Island (S9) landscape feature

- (a) Subdivision (only where additional *lots* are created within ~~an Identified Outstanding Landscape Feature~~ Natural Features and Landscapes and not within the balance area).
- (b) *Buildings.*
- (c) Where ancillary to a permitted activity in the Rural Zone – *earthworks* (cut or fill) exceeding a maximum cumulative volume of 200m³ per *lot* and/or resulting in a maximum cumulative vertical face of greater than 1.5m.
- (d) Native vegetation clearance.
- (e) *Production forestry.*
- (f) Works and *network utilities* classified as discretionary activities by Rule 10.3.

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6.4.3.3 Between 50m and 300m inland from MHWS in the Tauranga Harbour Landscape Management Area (S8) and between 50m and 300m from the river bank in the Wairoa River Landscape Management Area (S7) and between 40m and 300m inland from MHWS in the Matakana Island (S9) landscape feature

- (a) *Buildings* that do not meet all of the Permitted Activity performance standards provided in 6.4.1.3(b) above.
- (b) All *earthworks* (cut and fill) including those ancillary to permitted activities in the Rural Zone exceeding a maximum cumulative volume of 500m³ per *lot* and/or resulting in an maximum cumulative vertical face of greater than 1.5m.
- (c) Removal of native vegetation over 3m in *height*, as a result of any new *buildings* and/or access way.
- (d) The assessment criteria set out in Rule 6.6.1 are applicable only to the extent that they relate to any actual or potential adverse environment effects directly attributable to the particular matter of non-compliance.

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6.4.3.4 Within Identified Viewshafts

(a) High Restriction Area

Any of the following activities which exceed 1.2m in *height* above *ground level*.

- (i) *Buildings/Structures*
- (ii) *Fences/Walls (except a post and wire fence)*
- (iii) *Signs (except Official Signs)*
- (iv) *Artificial Crop Protection*
- (v) *Works and Utilities classified under Rule 10.3, excluding those not above *ground level* and street lighting*
- (vi) *Earthworks (fill)*
- (vii) *Vegetation (at maturity)*
- (viii) *Production Forestry*
- (ix) *Conservation Forestry*

(b) Medium Restriction Area

Any of the following activities which exceed 5m in *height* above *ground level*.

- (i) *Buildings/Structures*
- (ii) *Signs (except Official Signs)*
- (iii) *Artificial Crop Protection*
- (iv) *Works and Utilities classified under Rule 10.3, excluding those not above *ground level* and streetlighting*

- (v) Earthworks (fill)
- (vi) Vegetation (at maturity)
- (vii) Production Forestry
- (viii) Conservation Forestry

(c) Low Restriction Area

- (i) Production Forestry
- (ii) Conservation Forestry

6.4.4 Discretionary Activities

Any activity not listed as a Permitted, Controlled or Restricted Discretionary Activity.

6.5 Information Requirements for Restricted Discretionary and Discretionary Activities

A landscape and visual assessment is to be provided with the application by a suitably qualified person. This assessment shall establish the landscape context taking into account the proposed activity and the affected landscape elements applicable to the *development* site and the immediate surrounding area.

The landscape assessment shall:

- (a) Identify and describe the landscape characteristics of the site and any features of special significance to the surrounding environment.
- (b) Include a site plan that shall identify *lot* boundaries, contours (reduced levels i.e. levels related to a known datum point), landscape types, native vegetation, and other trees over 6.0m in height, waterways, significant adjacent off-site natural features, the location of *buildings* and *structures* (and RL's for roofs), proposed access, fencelines, and the finished landform and levels in relation to the proposed subdivision or proposed works, to clearly demonstrate the protection of the natural landscape character.
- (c) Recommend conditions necessary to mitigate adverse effects or provide positive effects on the landscape including:
 - (i) Controls on the siting, bulk, location and design of *buildings, earthworks* and vegetation removal;
 - (ii) Location and design of roading and associated services;
 - (iii) Planting of vegetation and/or landscaping on public and private lands;
 - (iv) Protection of features of landscape significance or historic heritage;

- (v) Location and design of fencing.

The level of detail provided with any application shall be related to the scale of the activity and the nature of any effects.

For ease of analysis and consistent administration, the landscape elements as they relate to the Tauranga Harbour (S8) and Wairoa River (S7) Landscape Management Areas and Matakana Island (S9) have been broadly defined into four landscape types as follows:

Harbour plains/river flats: This landscape type is found mostly within the bays, along the harbour margin but also along the margins of the Wairoa River. Generally the estuarine margin is densely vegetated or a sandy beach is found. The depth of the harbour and river plains varies eventually meeting a rolling slopes landscape. The slope for this landscape element ranges between 0-4°.

Rolling hills/slopes: This landscape comprises rolling landscape and can vary from gentle rolling to strong rolling hillsides with deep valleys and dominant ridgelines. In some cases the rolling slopes drop to meet the harbour margin directly with some estuarine margin abutting the edge. Slopes range between 4 - 21°.

Scarps/cliffs: This landscape is found mostly along the varying headlands within the Tauranga Harbour and along the edge of the Wairoa River and its plains. Both scarps and cliffs are steep slopes ranging between 21-90°.

Plateau: This landscape type is found along the varying headlands within the Tauranga Harbour and above steep river cliffs. The plateau in many cases supports a variety of land uses, including horticulture, agriculture and residential housing. The plateau landform ranges between of 0-4°slope.

6.6 Matters of Discretion

6.6.1 Assessment criteria for Restricted Discretionary Activities

6.6.1.1 The assessment criteria in 6.6.1.3 and 6.6.1.4 below apply to:

- (a) Activities within natural features and landscapes where such activities are visible from State Highways or the public lookouts identified within the descriptions of *viewshafts* 5, 6 and 7.
- (b) Activities within Orokawa Bay Unit (S1), the Wairoa River (S7) and Tauranga Harbour (S8) Landscape Management Areas, Matakana Island (S9), Motuhua Island (S14), Rangiwaea Island (S15) Motungaio Island (S16), Maketu Estuary (S19), Okurei Point and Headland (S20), Waihi Estuary (S21) and Pukehina Spit End (S22) where such activities will be visible from the adjoining waterbody.

- (c) Activities within the Open Coastal Landward Edge Protection Yard (S24) where such activities will be visible from both the adjoining waterbody and the beach.
- (d) Activities within identified *viewshafts* where such activities could compromise the quality of the view or cause or contribute to the obstruction of the view.

Explanatory Note

The Tauranga Harbour (S8) and Wairoa River (S7) Landscape Management Areas and Matakana Island (S9) are included as natural features and landscapes within Appendix 2 and extend 300m inland from *MHWS* (S8 and S9) and the river bank (S7) on Rural Zoned land only.

6.6.1.2 In considering an application for a Restricted Discretionary Activity Council is restricted to the following assessment criteria. These criteria can be used as a guide for Discretionary and Non Complying Activities.

6.6.1.3 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) The location of any *buildings, works, structures* (including sign boards) or vegetation within identified *viewshafts*;~~
 - (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).
- (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.

6.6.1.4 Within Identified Viewshafts

- (a) The location of activities shall not compromise the quality of the view or cause or contribute to the obstruction of the view.

6.7 Other Methods

- 6.7.1 Bay of Plenty Regional Water and Land Plan with regard to *earthworks*.
- 6.7.2 Negotiation of joint management plans with affected landowners to maintain/enhance the significant *viewshafts* that are threatened by existing vegetation.
- 6.7.3 *District Council* incentives which may be payable for protection covenants
- 6.7.4 Application fees shall be waived for resource consents for activities within Identified Outstanding Landscape Features that would otherwise be a Permitted Activity.