

Practice Note

Landscapes Assessments

Effective September 2010

1 Summary

Landscape and visual amenity assessments are regularly required to support any assessment of effects lodged as part of a resource consent application. This Practice Note provides guidance on when a technical report addressing landscape and visual amenity effects is required and, where they are required, what the Council practice is in terms of receiving, assessing, and accepting the report.

2 References

Whangarei District Council Landscape Guidelines document (available on www.wdc.govt.nz).

Operative Whangarei District Plan

Whangarei District Landscape Assessment 1995

3 Process

3.1 Background

Part II of the Resource Management Act (RMA) contains a number of specific provisions that require consideration of landscape and visual effects. These include:

- Section 6 Matters of National importance, as it relates to preservation of the natural character of the coastal environment, wetlands, lakes and rivers and their margins, and the protection of outstanding natural features and landscapes.
- Section 7 Other matters, as it relates to the maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment.

The Whangarei District Plan includes a number of provisions where visual amenity effects and effects on landscape require specific consideration. This includes the construction of residential units in the Coastal Countryside Environment, the undertaking of various activities in Notable and Outstanding Landscape Areas, and assessments for discretionary and non-complying subdivisions in the Countryside and Coastal Countryside Environments (*in terms of assessment criteria*).

There is now a substantial amount of case law that considers visual amenity effects and effects on landscape and provides guidance regarding the Judiciary's views on identification of natural landscapes of high value and assessment of effects when considering resource consent applications. Relevant cases include:

- *Pigeon Bay Aquaculture Ltd and others v Canterbury Regional Council C32/1999*
- *Wakatipu Environmental Society Inc. & others v Queenstown-Lakes District Council C180/99*
- *Arrigato Investments Limited and Evensong Enterprises Limited v Auckland Regional Council, Rodney District Council & McDonald. CA 84/01*
- *Director General of Conservation v Hurunui District Council A067/2003*
- *Macpherson v Otorohanga District Council W25/2007*

The Council currently holds a report prepared in 1995 entitled 'Whangarei District Landscape Assessment'. This report identifies the various landscapes of the District in a broad brush approach. For the purposes of assessing landscape effects it provides useful background information when considering actual or potential effects of any resource consent application. This report is available on www.wdc.govt.nz.

3.2 Interpretation

As a general guideline, a technical report addressing effects on landscape and visual amenity effects should be provided in support of any application in the following instances:

- 1 Where an application is lodged to construct a residential unit in the Coastal Countryside Environment, as per Rule 38.4.1 of the District Plan;
- 2 Where an application is lodged for any discretionary or non-complying subdivision located within the Coastal-Countryside Environment;
- 3 Where an application is lodged for any discretionary or non-complying subdivision within the Countryside Environment where the site contains or is adjacent to a Notable or Outstanding Landscape Area **and/or** is within a landscape identified in the 1995 Whangarei District Landscape Assessment report as having a Sensitivity rating of 5 or higher;

- 4 Where an application is lodged for a discretionary or non-complying landuse activity in the Countryside or Coastal Countryside Environment where the site contains or is adjacent to a Notable or Outstanding Landscape Area **and/or** is within a landscape identified in the 1995 Whangarei District Landscape Assessment report as having a Sensitivity rating of 5 or higher, and the proposal will have the potential to create landscape or visual effects.

Applicants should utilise Council's pre-application meeting process to clarify whether a technical report is required to support any application in the first instance. It is acknowledged that a measure of judgment is likely to be required in deciding whether such a report is needed. The key issues to be considered are the sensitivity of the receiving environment and/or the nature, scale and character of the proposed development.

It is possible that Council will reject any resource consent application under Section 88 of the RMA where it is readily apparent that such a report is required but has not been provided.

3.3 Application

Where a technical report addressing landscape and visual effects is necessary, a suitably qualified landscape architect needs to be engaged by an applicant to undertake the necessary assessment and prepare the report.

The New Zealand Institute of Landscape Architects (NZILA) provides a list of Landscape Architects (see www.nzila.co.nz). In the first instance, any applicant should consider engaging a Registered Landscape Architect who is suitably experienced in landscape assessments.

As a general guideline, where a technical report is required to support an application, Council will accept such reports on the following bases:

- 1 Where a report has been prepared by a Registered Landscape Architect (as defined by NZILA), who is suitably experienced in undertaking landscape assessments, the Council will generally accept the report as adequate without undertaking its own assessment of the report. Where a report has been prepared by any qualified landscape architect who is **not** Registered in terms of the NZILA and/or not a member of the NZILA, the Council will require supporting statement of qualifications and experience to be included with the report in order to determine its adequacy.
- 2 Where Council is of the view that the application is of a suitably complex nature, or has concerns about the scope of integrity of the technical report, it retains the right to have the adequacy of any technical report assessed internally at the applicants cost.

For the purposes of consistency the general maintenance of acceptable standards of reporting Council reserves the right to randomly review reports prepared by Registered Landscape Architects.

Any technical report provided to Council must address the following matters:

- 1 Confirm that the report is prepared in accordance with the NZILA Code of Conduct;
- 2 Specify the terms of reference of the report as agreed to between the applicant and landscape architect;
- 3 Clearly outline the methodology used to:
 - a) assess the values of the site and surrounding environment
 - b) assess the effects of the proposal on those values
 - c) identify all potentially affected parties or individuals
 - d) determine the scale of the effects (e.g. less than minor, more than minor) on the identified parties, on landscape values and/or on natural character of the coastal environment
 - e) clearly identify any avoidance, and/or remediation, and/or mitigation that may be required to support a determination of the scale of effects. This should include the need for specific changes to an application or conditions of consent to be imposed as appropriate.

The Whangarei District Council Landscape Guidelines document provides guidance for assessing landscape and natural character, and considering a means of avoiding, remedying or mitigating adverse visual and landscape effects.

Additional guidance is available on the NZILA website www.nzila.co.nz notably the document entitled 'Visual Assessment Best Practice Methodologies' prepared by Lisa Rimmer dated November 2007.

4 Adoption

This Practice Note has been approved for adoption by the Resource Consents Manager



Resource Consents Manager

13th September 2010

Date