

Rural Development Strategy

Landscape – Issues and Options

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1 Introduction

1.1 What is Landscape?

Landscape in a planning context can be a difficult concept to define; having many meanings it can represent different things to different people such as:

- A scenically attractive vista
- The distinctive character of an area
- Historical links between people and land.

Landscape values emerge from the interaction of people with their environment over space and time. Landscapes are comprised of natural elements, but are more than just scenery, they reflect past and present interactions between people and the land, including physical attributes and values people associate with them.

The identification of landscape values is complex. Landscapes are valued differently by different people for a range of reasons. Those that make their living from the land are likely to view the landscape differently from those that are visitors. Maori understanding of, and attitudes to, landscape are often different from those of non Maori. Our personal world view influences our response to a particular landscape. For most of us our connection to the landscapes around us is deep-rooted. It is likely to involve culture, heritage, memories and much more.

The term 'landscape' is not defined in the Resource Management Act 1991 (the Act), but the Act does provide matters of national importance that must be considered by Council when preparing a District Plan. These matters include, coastal 'natural character', outstanding natural features and landscapes, the amenity of landscapes, valued cultural/heritage landscapes and other intrinsic landscape qualities and values such as quality of the environment.

Most rural landscapes are working landscapes, in which buildings, accessways, utilities and other cultural elements are integral. Many highly valued rural landscapes are valued for the heritage and aesthetic qualities of this traditional New Zealand work place. In a planning context it is the siting, layout and design of these elements which contributes to or detracts from the visual amenity of the landscape.

1.2 Description of Landscape in District

The Whangarei District covers some 814ha, extending from Bland Bay in the north, to the Brynderwyn Ranges and Langs Beach in the south. The landscape is diverse and scenic. It is dominated by hill country formed by several different geological processes, bush pockets, and a long diverse coastline with sandy beaches, rocky coast and estuarine harbours. The northern boundary follows ridgelines of significant inland hill country catchments. The southern boundary follows ridgelines of the dominant Brynderwyn Ranges. In the west, the convoluted boundary follows landforms, ridges and valleys of the inland forested hill country and river valleys of the extensive catchments of the Northern Wairoa and Otakairangi wetland, Tangihua Ranges, and inland hill country of Waiotira.

Physically located at the centre of the district is the Whangarei Harbour, with the city and main transport routes focused on its surrounds. The dominant landscape features viewed across the harbour and from Bream Bay to the south are Bream Head and from further out towards the coast, the Hen and Chicken Islands, Sail Rock, and the Poor Knights Islands.

Within the city, and adjacent to the State Highway 1 corridor, the dominant native bush backdrops are Pukenui/Western Hills, and Parihaka, and then moving west and north the volcanic cones of Maunu, Maungatapere, Whatatiri, Kamo (Parakiore) and Hikurangi.

There are numerous and long rivers, and a nationally significant wetland at the head of one of the Districts largest rivers. The dominant rivers flow westwards and join to flow into the Northern Wairoa River and eventually, into the Kaipara Harbour. The diverse and extensive hill country is made up of 36 main catchments, ranging in size from 6 km² (Kirikiri) to the largest over 800km² (Northern Wairoa). Smaller rivers discharge into the Whangarei Harbour.

The pattern of human settlement and land use in the Whangarei District has also created a distinctive landscape character and some landscapes have local significance through cultural, amenity, recreational or heritage values such as the stone walls of the Maungatapere and Glenbervie areas. Cultural and heritage landscapes have shared and recognised values, including ecological heritage.

Residential development in rural areas, such as State Highway 14 Maungatapere, is an emerging landscape issue and there have been a number of rural/residential lifestyle developments that could be viewed as having an adverse effect on some of the District's rural landscapes. In some cases, these developments have been located on productive rural land in relatively isolated rural areas. Although these developments have relatively low densities, the creation of a number of new allotments and the construction of new dwellings on them can have a significant impact on a rural landscape. These landscapes may have previously been characterised by low numbers of dwellings and farm buildings associated with large farm units. These changes can significantly alter rural landscapes.

The Countryside and Coastal Countryside Environments occupy over 65% of the district's land areas, containing the majority of identified outstanding landscapes. Over the past century, Northland's natural environment has been substantially modified by the advance of pastoral farming, forestry, horticulture, industry and increased human habitation.

2 Policy Framework

2.1 National Policy

2.1.1 Resource Management Act

Planning for the management of natural and physical resources, including landscapes, is carried out under the Resource Management Act 1991 (RMA). Both the regional and District Councils have functions under Section 31 of the RMA which relate to the protection of Outstanding Natural Landscapes and Features.

Council is required to prepare a long-term plan LTP, under the Local Government Act 2002. Any non-regulatory methods (e.g. education, further research or studies) should be included in the long-term plan so that funding is made available for them to be successfully implemented. The current LTCCP 2009 – 2019 identifies community outcomes and how Council's activities will contribute to furthering these outcomes. Community outcome 1 is relevant to landscape:

A sustainable, environmentally responsible District which values its natural uniqueness.

Community interpretations (include but is not limited to the following):

- *Our unique environment is preserved, protected and enhanced*
- *The biodiversity of our District is recognised as an important aspect of our natural values*
- *Development is achieved in a responsible and sustainable manner.*

The Department of Conservation is responsible for managing a number of large and important landscapes in the District, in terms of public conservation lands. Such areas are managed by the Department of Conservation principally under the jurisdiction of the Conservation Act 1987, and other key statutes such as the Reserves Act 1977 and through Conservation Management Strategies.

2.1.2 New Zealand Coastal Policy Statement

The purpose of the New Zealand Coastal Policy Statement (NZCPS) is to state policies regarding the management of natural and physical resources in the coastal environment, and to achieve the purpose of the Act in relation to the coastal environment of New Zealand. Local authorities are required by the Act to give effect to the NZCPS through their plans and policy statements.

While there is no National Policy Statement specific to landscape, the New Zealand Coastal Policy Statement 2010 (NZCPS) does provide very good guidance in regard to the assessment of landscape. There is an integral relationship between rural land and activities and the coastal environment, Whangarei in particular has many rural areas and rural activities that occur in the coastal environment. Objective 2 of the NZCPS seeks to preserve the character of the coastal environment and protect natural features and landscape values. The new NZCPS also has strong policy guidance to achieve this objective, being policies 13 – 15. Policy 15 has particular relevance seeking avoidance of adverse effects on outstanding natural features and outstanding natural landscapes in the coastal environment. For the first time policy 15 provides national guidance on the minimum requirements to identify and assess natural features and landscapes:

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 of 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 Maori; including their expression as cultural landscapes and features*
- ix *Historical and heritage associations; and*
- x *Wild or scenic values.*

2.3 Regional Policy

2.3.1 Regional Policy Statement

Under Section 75 (3)(c) of the RMA, the District Plan must give effect to the regional policy statement. The Regional Policy Statement 1999 (RPS) notes the importance of landscapes and their protection that:

Northland's varied landscapes and natural features play a major role in establishing the identity of the region. They arise from the region's unique geology and geography as well as the relationship of individuals and communities, past and present, with the land. Landscapes are an integral part of the natural character of the coastal environment and many inland areas. Landscapes, and a diversity of landscapes, are important to the particular character of an area, and to intrinsic values of ecosystems, and to ecological, heritage, cultural, spiritual, and amenity values.

Landscapes are more than just a nice view from some prominent point, and may comprise both physical qualities and perceptual values. Perceptual values are by their nature subjective. They encompass elements of landform, land cover, and land use and provide a sense of place to those people who live within different parts of Northland.

Integrated management of natural and physical resources within the context of sustainable management under the Act requires that the protection of outstanding natural features and outstanding landscapes from inappropriate subdivision and development be recognised and provided for. It also requires having regard to maintenance and enhancement of amenity values.

Section 19, Method of Implementation 1 of the NRPS, specifies that Northland Regional Council will “include a list of outstanding natural features and outstanding landscapes in the RPS by way of a variation or plan change”. Northland Regional Council has not completed a plan change to this effect; as such no list of outstanding features or landscapes is included in the NRPS.

In October 2010 Northland Regional Council released a “New Regional Policy Statement, Discussion Document 2010” consideration of Landscapes in this document differs considerably from that in the Operative RPS. The Regional Council have stated that they “want the new RPS to include the method to be used to identify outstanding natural features and landscapes to ensure consistency across the region”.

2.3.2 Regional Plans

Under Section 75 (4) (b) of the RMA, the District Plan must not be inconsistent with a regional plan. There are a number of Regional Plans for Northland that have been developed under the Act. These include the Regional Water and Soil Plan, Air Quality Plan and the Coastal Plan.

The Regional Coastal Plan became operative 21 June 2004. Preservation of the natural character of the coastal environment is the predominant aim of the RCP. Appendix 3 of the RCP lists Outstanding Geological landforms and features for the region without distinguishing which TLA area they are located. They are noted as being of international, national or regional significance in the NZ Geopreservation inventory of the Joint Earth Sciences.

2.4 District Policy

2.4.1 Whangarei District Plan

Chapter 16 of the Operative District Plan is dedicated to landscape, it outlines the District Wide issues, objectives and policies in relation to landscape. Outstanding and Notable Landscapes are identified in the Resource Area maps and Schedule 16B and Appendix 13 identify Outstanding Natural Features including Geological Sites.

Appendix 16A lists the criteria used in the Whangarei District Landscape Assessment Report (LA4, 1995) for assessing landscapes.

Methods (Rules) are scattered throughout Parts D, E and F of the District Plan with rules relating to outstanding and notable landscapes being specifically dealt with in the Resource Area Rules, Chapter 57.

Development restrictions are more comprehensive in areas of outstanding landscape and natural features. No buildings or structures are permitted as of right, and require a resource consent which takes into account such factors as colour, design, landscaping and the effect on skylines and ridgelines. Specified earthworks and indigenous vegetation clearance are permitted in outstanding landscape areas, subject to certain conditions. The establishment of forestry is controlled by resource consent. The only restriction on buildings in notable landscape areas is building height. Specified earthworks and indigenous vegetation clearance are also permitted subject to conditions.

2.4.1 Rolling Review of the Operative District Plan

Under the Act Council is required to monitor the effectiveness of the District Plan and complete a review of all District Plan provisions within any 10 year time period. Monitoring of Whangarei District Council's Operative District Plan has identified areas of inconsistency and ineffectiveness, and has examined what new issues have emerged since the District Plan was first devised.

The District Plan will become a live document, as Council staff will review chapters of the plan every year, in what is called a "rolling review". The rolling review examines whether the current objectives, policies and methods in the plan are consistent with legislation and are working the way the community needs and wants them to.

The review updates the District Plan to recognise the role different areas of the District will play in the district in the future, given the population changes and estimated economic growth over the next 10 years. These tie in with Council's long-term planning project, Whangarei District Growth Strategy: Sustainable Futures 30/50.

2.5 Iwi Management Plans

Certain landscapes are imbued with cultural and spiritual significance. In many ways the root of cultural significance, the histories, stories and myths embedded in the landscape provide the richness of association with the land, and are often fundamental to sense of belonging or attachment to a particular place.

Land is of particular importance to Maori. Indeed the term 'tangata whenua' means 'people of the land'. From a Maori point of view the land does not belong to people, but rather people belong to the land. The intrinsic relationship between people and the land is reflected in the dual meaning of 'whenua' which means both land and placenta (or afterbirth). Similar to a placenta, the land nourishes the people who live on the land who, in turn, have obligations to care and protect the land. The human use of land must be cognisant of the spiritual nature of land and the limits imposed by the concepts of mauri and whakapapa.

The Act defines kaitiakitanga as "the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources and includes the ethic of stewardship". Part 2, Section 7(a) of the Act, provides opportunities for tangata whenua, through the practical expression of kaitiakitanga, to be involved in managing the use, development and protection of their ancestral taonga.

According to Section 74(2A) of the Act, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are three such documents, being Te Iwi O Ngatiwai Environmental Policy Document (2007), Patuharakeke Te Iwi Trust Board Environmental Plan (2007), and Ngati Hine Iwi Environmental Management Plan (2008).

Each of these documents recognises the importance of landscapes to iwi, acknowledging the continuing need to defend and protect the cultural beliefs, traditions, and practices. The impact of changing landuse and development, the loss of cultural knowledge, the mass cutting of forests, the destruction of the shoreline and

seabed, invasion into fishing territories, the takeover of the landmarks and mountains, and the relocation of the Māori people from ancestral lands to the cities and towns is noted.

3 Current Issues

3.1 Whangarei District Growth Strategy: Sustainable Futures 30/50 and Background Papers

The environmental, social and cultural constraints on, and the consequences of anticipated development have been identified and assessed and used to identify a preferred sustainable future (Three). The Whangarei District Growth Strategy: Sustainable Futures 30/50 confirms, that over the last fifteen years subdivision has occurred in many of the identified outstanding and notable landscapes, and high amenity areas. However, rather than subdivision and residential sprawl across the landscape, 30/50 seeks to facilitate appropriate development which makes use of the scenic landscape views and settings.

30/50 states that the current classification of landscapes in the Whangarei District, and provisions relating to landscape protection, are not proving effective in protecting the outstanding landscapes of the district or the natural character of the coast from inappropriate subdivision, development and use as required under the Resource Management Act. The case-by-case basis of approving individual resource consents for activities in these areas, or allowing them as of right, has resulted in cumulative effects of a ‘death by 1,000 cuts’ that encroach on our distinctive landscapes, particularly along the coast.

Aside from protection by placing a reserve status over land, or privately covenanting the most significant areas, there needs to be improved management and protection of landscape values to prevent cumulative effects of development affecting important iconic landscapes in the district.

3.2 Environment Monitoring Information

Northland Regional Council

Landscape is not a topic in the State of Environment Report 2007 nor the Annual Environmental Monitoring Report 2009 – 2010. The 10 year Monitoring and Review of the current Regional Policy Statement concluded that the management of outstanding natural features and landscapes has been inconsistent across the region and the effectiveness of protection has been questionable. The ‘New Regional Policy Statement, Background Document, Outstanding Natural Landscapes and Features’ (2010) states that “Currently discretion is left to councils to decide what should be monitored to assess the effectiveness of their methods of protection. Unfortunately very little monitoring has been undertaken to date and we have a poor understanding of the impacts occurring on Northland’s outstanding natural features and landscapes”.

Whangarei District Council Monitoring

Since 1995, 17% of land with a landscape sensitivity rating of 5, 6, or 7 (based upon LA4 Landscape Assessment ranking) have been altered through subdivision. In terms of protection, 2% of these areas have been protected by covenants, and 24% have reserve status administered by the Department of Conservation or Whangarei District Council. Forty-eight percent have been identified as Significant Natural Areas by the Department of Conservation.

During the period 1995-2009, 14.5% of all land use consents approved occurred in identified ‘significant’ or ‘outstanding’ landscape areas – a further 38% of building consents, and 43% of new lots created from subdivisions also occurred within these areas. In addition, 22% of category 5 land, 13% of category 6 land, and 7% of category 7 land has been subdivided over this time period.

4 Best Practice

4.1 National Direction

Decisions by the Environment Court has provided guidance on the identification of outstanding landscapes, since the LA4 Whangarei District Landscape Assessment. The Environment Court has recognised that the concept of landscape encompasses more than just natural and visual values, and includes cultural values (refer W129/97, New Zealand Marine Hatcheries (Marlborough) Ltd v Marlborough District Council). The Environment Court’s decision (refer Wakatipu Environmental Society Incorporated and others v Queenstown- Lakes District Council C180/1999, commonly referred to as the ‘WESI Decision’) in relation to the landscape provisions in the Proposed Queenstown-Lakes District Plan made a number of significant findings on the classification and assessment of landscapes.

Given the importance of the WESI case, and the general acceptance of the criteria therein as part of best practice, this decision has guided the use of criteria for landscape evaluation since 1997. Since that time there has been a gradual increase in the understanding of the WESI criteria, as more recent cases have explored these terms further.

4.2 Case Law

Council's inaction in keeping up to date with currently accepted approaches has drawn direct criticism from the Environment Court when considering issues affecting outstanding landscapes within our District. Several cases illustrate this and criticise the identification of Outstanding Natural Landscapes and Features in the Operative District Plan, highlighting that identification is not simply a mapping exercise:

"Mr Hartstone recorded as his opinion that the proposal is generally complementary to the existing amenity and character of the locality. He thought that the density of the potential built development would not result in any land use conflicts, nor unduly affect the area of Outstanding Landscape on the site. We gained the distinct impression that the view arose because the proposed building platform of Lot 2 was not strictly within the mapped area of Outstanding Landscape. For ourselves, we do not consider that the district plan calls for a simple mapping exercise. In this case although no landscape evidence was called, it was absolutely plain to use that a building on that platform on the spur, would place it in direct view against the mature bush (the Outstanding Landscape), and raise question marks about visual effects on that landscape.

We consider that the relevant objectives and policies in the landscape section of the PDP, are of importance to the outcome in this case. As we have said previously, the correct approach involves more than a mere mapping exercise. We have formed the view that the placement of the Lot 2 building platform would be contrary to these objectives and policies. This has the effect of reinforcing the views that we had come to concerning relevant matters over which control is reserved in relation to controlled activities."

(Dudin v Whangarei District Council A022/07)

"As will be noted when we consider the planning evidence, the subject property is not mapped as an ONL in the District Plan, and therefore in strict terms the rules applying to ONLs in the plan would not be brought into play.

Nevertheless, we consider that as a matter of fact, having analysed all relevant evidence, that the property would fall for consideration in the context of s6(b) RMA, requiring the Court as a consent authority to recognise and provide for, as a matter of national importance, [its] protection ... from inappropriate subdivision, use and development. The important exercise for us therefore has been to judge what might be appropriate, or more importantly inappropriate."

(OB Holdings Limited v Whangarei District Council, Kaipara District Council and Northland Regional Council, 391/2010)

4.3 Best Practice

Provisions in Whangarei District Plan, are very permissive in comparison with landscape provisions in the Far North District Council, Operative District Plan, and Kaipara District Council, Proposed District Plan, Variation 1.

Far North District Council

The Far North District Council, Operative District Plan, identifies Outstanding Natural Landscapes and Features as a District Wide resource issue. Areas and Features are mapped, with a separate chapter including description, policies and provisions which address landscapes. The plan does not include written description of areas or features, nor does it provide consideration of landscapes in a rural context. Rules for development and subdivision in Outstanding Natural Landscape Areas or Features are more restrictive than those of the General Rural Environment.

Kaipara District Council

Kaipara District Council notified Variation 1, Landscapes to their Proposed District Plan in December 2010. This variation seeks to introduce provisions and maps in relation to Outstanding Natural Landscapes and Features, and Visual Amenity areas, previously absent from the Proposed District Plan. The variation considers landscapes as a District Wide issue, and does not provide dialogue or policy that acknowledges landscapes in a rural context. Proposed Appendices 18 B and C both provide description of Outstanding Natural Landscapes and Visual Amenity Areas, these descriptions elude to the rural environment in which the landscape/area is situated. The variation recommends consistent rules in each zone (including Rural) for Outstanding Natural Landscapes.

Auckland Regional Council

Auckland Regional Council has proposed Plan Change 8 to update Chapter 6 Heritage in the Regional Policy Statement. Part two of Plan Change 8 addressed landscape, on 6 October 2010 the Regional Strategy and Planning Committee adopted the plan change. Outstanding Natural Landscapes and Features are consistently addressed as a regional issue no matter what the underlying zone is.

As a result of Plan Change 8, the Auckland Regional Policy Statement will be amended to include the assessment of the attributes and qualities of Outstanding Natural Landscapes in Appendix F. Chapter 6 acknowledges different environments, urban, coastal, and rural within the Auckland Region. While the Regional Policy Statement does not include rules controlling development, it provides strict guidance on what type of controls should apply in Outstanding Natural Landscapes and Features.

5 Options for the Whangarei District

5.1 Sustainable Futures 30/50 Growth Strategy

Sustainable Futures 30/50 was adopted by Council in September 2010. After assessing a number of different growth strategy options, a consolidated future development pattern was chosen and adopted by Council. This will guide future decision making on infrastructure and the spatial arrangement of development across the District. The District Plan will be one of the tools used to implement the growth strategy adopted through the Sustainable Futures project.

The background paper on landscapes prepared for Sustainable Futures 30/50 was discussed in Section 3.1 of this report.

5.2 What are the Resource Management Issues?

The Act identifies Outstanding Natural Landscape and Features as a matter of national importance, at the very least Council has a legislative requirement to protect these from inappropriate subdivision, use and development. The following are resource management issues for landscape on a District Wide context:

- 1 The quality and diversity of Whangarei's landscapes are being reduced by adverse individual and cumulative adverse effects of subdivision, use and development, cumulative effects are not being assessed.
- 2 The naturalness of Outstanding Natural Landscapes are being adversely affected/diminished by inappropriate changes in subdivision, use and development changes in land use and increasing levels of human modification, in particular rural residential development.
- 3 Landscape quality and diversity and the inherent endemic characteristics that give Whangarei District's landscape its sense of place are being lost by the adverse cumulative effects of subdivision, use and development landuse changes throughout the District.

The history of Whangarei District Council's landscape assessments, highlights the difficulty and contentious nature of identifying, let alone protecting, Outstanding Natural Landscapes and Features in the District Plan.

The Operative District Plan and landscape assessments do not take into consideration whether or not an Outstanding Natural Landscape is situated in a rural area. Sustainable Futures 30/50 provides evidence of continued subdivision and development in the Countryside and Coastal Countryside Environments (rural area). Sustainable Futures 30/50 also confirms that subdivision and development has occurred in Outstanding Landscape Areas. The cumulative effects of all types of subdivision, use and development are progressively changing the District; high levels of development in the rural areas will change the rural landscape. Rural landscapes are dynamic and subject to different types and rates of change, including those associated with rural production or environmental restoration enhancement activities.

5.3 Are these resource management issues acknowledged in the Operative District Plan?

Chapter 16 of the Operative District Plan identifies the following significant landscape issues:

- The effects of inappropriate subdivision, use and development on the natural character of the coastal environment, indigenous wetlands, lakes and their margins
- The sensitivity of outstanding natural features, geological sites and landscapes to the adverse effects of inappropriate subdivision, use and development

- The effects of inappropriate subdivision, use and development on the amenity and cultural values of natural features, geological sites and landscapes
- The conflict between private land use and the protection of landscapes for the benefit of the community
- The effects of subdivision and development on landscapes significant to Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga.

The issues limit the effect of inappropriate development to the amenity and cultural value of landscapes, the Act requires protection of landscapes holistically. Inappropriate development may result in adverse effects to more than just amenity and cultural values. Most importantly the Operative District Plan does not acknowledge that landscapes are being degraded.

The Operative District Plan does not describe the rural environment. Chapter 5, Amenity Values, of the Operative District Plan does provide an outline of the 'amenity values' of Countryside Environment, which predominantly makes up the rural environment. It is difficult to confirm what are the landscape resource management issues, for the rural environment, without a context in which to apply the District Wide resource management issues.

5.4 Operative District Plan – Provisions (gap-analysis)

Mapping/Identification

Section 2.6 details the difficulty Whangarei District Council has faced in accurately mapping the Outstanding Natural Landscape and Features. Method 16.5.1 of the Operative District Plan acknowledges that the landscape areas and features mapped in the Operative District Plan may not be accurate. Northland Regional Council have confirmed that inconsistent identification and protection measures have resulted in significant controversy and the lack of measuring and monitoring of the protection of Outstanding Natural Landscapes and Features is raised as a regionally significant issue (NRC 2010).

Outstanding Natural Features identified in the Operative District Plans are established from the national Geopreservation Inventory. This inventory is a "living document" and the lists of natural sites are updated by the New Zealand Geological Society as required. It is important to ensure consistency between the inventory and the District Plan.

Council's inability to map, and complete and implement a review of the Outstanding Natural Landscape and Features exacerbates the degradation of the District's landscapes. Council is unable to sufficiently monitor and confirm the extent of protection afforded to Outstanding Landscapes and Features by the District Plan until such time as the areas and features are accurately mapped.

Provisions

Chapter 16 Landscape of the Operative District Plan provides a brief overview of the District's landscape, but does not contain a written description of the District's individual landscapes nor outstanding natural features. No integration is made between the Environment and Resource chapters; therefore it is difficult to apply Outstanding Landscapes in a rural context.

The objectives of Chapter 16 are consistent with the Act, clearly stating outcomes sought. Policy in Chapter 16, are weakened by the use of terminology such as 'should'. Section 6b of the Act requires the protection of outstanding natural features and landscapes from inappropriate subdivision use and development, to achieve the purpose of the Act, the Operative District Plan must be specific.

As discussed in section 2.3, the Whangarei District Landscape Assessment Report (LA4, 1995) formed the basis for identification of landscapes in the Operative District Plan. The Chapter 16 introduction and overview does not provide any detail or reference to this assessment, the assessment is briefly referenced in the explanation and notes for policies 16.4.1 and 16.4.3. Rather than definitions, Policies 16.4.1, and 16.4.3 describe what is considered to be 'outstanding' and 'notable' landscapes, but rely on sensitivity ratings to make this determination.

16.4.1 Outstanding Landscapes

Landscapes having a sensitivity rating of 7, using the criteria in Schedule 16A, are regarded as 'outstanding' and should be protected against inappropriate subdivision, use and development.

Appendix 16A lists the criteria used in the Whangarei District Landscape Assessment Report (LA4, 1995) for assessing landscapes, because no rules in the District Plan require consideration or assessment of

applications against these criteria, it is not implemented in an ongoing fashion and simply provides some context to how outstanding landscapes were identified.

16.4.3 Notable Landscapes

Landscapes having a sensitivity rating of 6 are regarded as 'notable' and should be protected against inappropriate subdivision, use and development.

Policy 16.4.3 does not specify how a rating of 6 is to be established, highlighting the subjectivity of the identification of notable landscapes in the District Plan. Both policies are redundant, because the Operative District Plan resource maps do not match those of the Whangarei District Landscape Assessment Report.

Policies 16.4.5 – 16.4.12 attempt to protect Outstanding Natural Landscapes and Features through development and subdivision scale, design and location that maintains landscape values, avoidance of ridgelines and earthworks. Unfortunately there is no direct correlation between the Policies in Chapter 16 and the Resource Area rules in Chapter 57 - Landscape Areas. Effectiveness of District Plan Methods providing protection of Outstanding Natural Landscapes and Features and enforcing achieving Objectives and Policies is questionable.

Methods

16.5.1 Regulatory Methods, specifies that Council will undertake a review of the Whangarei District Landscape Assessment Report (LA4, 1995), and incorporate the findings of this review into the Plan by way of a Plan Change as soon as practicable. This signals the need to ensure that identification of outstanding landscape in the District Plan is accurate. This method has not yet been completed.

Non-regulatory methods identified in the District Plan rely upon District Council liaison with organisations, primarily, Regional Council Policy and Plans. Northland Regional Council has not updated policy (refer to Section 2.4). Education and advocacy is also promoted, with a method stating that Council “provide guidelines on harmonious development in landscape areas”. Council has adopted an Environment - Landscape Design Guideline, a non-statutory guideline which aims to encourage best practice approaches to designing landscape plans for the Countryside and Coastal Countryside Environments. These guidelines do go some way to educating public, the guidelines provide practical examples of how landscaping could be undertaken to mitigate development effects. However as non-statutory guidelines, they are not enforceable under the District Plan and consenting process.

5.5 Options for Whangarei District – Rural Development Strategy Implementation

What should be addressed in the DP? How could resource management issues be dealt with?

- a Complete a Plan Change to populate the ‘Rural Area’ section of the new District Plan structure, including Description, Objectives and Policy for the rural areas:

The Operative District Plan fails to acknowledge the varied nature and use of rural areas in the Whangarei District. In the new District Plan Structure, Council has identified the need to create a rural area section. Description, objectives and policy, specific to the rural environment, will provide greater direction for both policy and consent processes. Delineation of the rural environment will provide context in which landscape provisions could apply.

- b Complete a Plan Change to review and update the areas of Outstanding Natural Landscapes and Features identified in the Operative District Plan via a plan change.

Council is unable to sufficiently monitor and confirm the extent of protection afforded to Outstanding Landscapes and Features by the District Plan until such time as the areas and features are accurately mapped. Options for identification include:

- Identification of Outstanding Natural Landscapes and Features on resource maps (update of Operative District Plan)
- Creation of policy areas, with description of landscape character and amenity
- Lists of Outstanding Natural Landscapes and Areas, with written description of landscapes
- To ensure consistency of the identification of Outstanding Natural Features, the District Plan, rather than identifying numbers and details of individual sites, the plan could instead refer to the Inventory as an external document and in turn focus on appropriate objectives, policies and other methods for protecting natural features.

- c Complete a Plan Change to review and update District Plan provisions for Outstanding Natural Landscapes and Features. The Act requires the protection of Outstanding Natural Landscapes and Features from inappropriate development. Establishment of what is inappropriate is difficult and can vary with each landscape and development proposal. Provisions could address the following:
- Consideration of potential impacts on Outstanding Natural Landscapes and Features in preparation of resource consent applications. When landuse or subdivision consent is required for a site under other existing rules in the Plan, additional assessment criteria could trigger the requirement to assess the impact on the identified landscapes and features
 - Management of the effects of specific activities in important landscapes, this could include the restriction of activities or provisions making specified activities non-complying or prohibited
 - Management of the effects of development, use and subdivision via provisions controlling:
 - Allotment and built development density
 - Minimum allotment shape factors for new allotments
 - Location and design of built development, ridgeline and view shaft protection controls, identification of building platforms
 - Earthworks and indigenous vegetation clearance controls
 - Integration of the Landscape Design Guidelines. Design Guidelines can describe and illustrate the kind of design solutions that Council is looking for in different landscape settings, and can be developed and made available entirely outside the District Plan process. Alternatively, they can be integrated with a District Plan through the incorporation of policies and assessment criteria in the plan, which relate closely to the information contained in the guidelines.

Non-Regulatory Methods, outside of the District Plan

- a Rates remissions are available, under certain circumstances. A Review of the remission policy could be undertaken to provide rating relief where high value land is set aside for conservation purposes, this may provide some compensation for areas and reduce the holding costs of land.
- b Financial assistance could be provided by Council, or through other agencies such as the Queen Elizabeth II National Trust, for fencing, pest control and/or covenanting costs where areas of land are protected.
- c Land management agreements could be negotiated between Council and landowners. These may provide that the landowner receives some ongoing financial compensation for foregoing development rights and providing other community benefits such as public access to the land.
- d Community involvement in landscape management initiatives can be important in achieving ongoing management and enhancement of landscapes. Increased community involvement can be facilitated through Council support of appropriate individual and community activities.
- e Identified people can be employed to work with landowners and developers to develop a relationship, convey information and ideas and take responsibility for landscape enhancement advocacy.
- f Landcare groups, which bring farmers, lifestyle residents and others together to jointly undertake initiatives aimed at sustainable land management. Activities can include re-vegetation, weed and pest control, and the protection of riparian areas and other important habitats.
- g Coast care programmes, which mobilise communities to restore dune systems along the coast. Most programmes provide advice on reducing and repairing dune damage and also provide native dune plants, information brochures, fertilisers and building materials free.

6 References/Sources

- Auckland Regional Council, 2010, *Auckland Regional Policy Statement, Plan Change 8*
- Beca Carter Hollings and Ferner Ltd, 2005, *Whangarei District Landscape Review*
- Far North District Council, September 2010, *Far North District Council, District Plan*
- Kaipara District Council, December 2010, *Kaipara District Council, Proposed District Plan, Variation 1 Landscape*
- LA4, 1995, *Whangarei District Landscape Assessment*
- Ministry for the Environment, 2000, *The impact of rural subdivision and development on landscape values*, Wellington
- Northland Regional Council, 1999, *Regional Policy Statement*
- Northland Regional Council, 2009, *Regional Policy Statement Monitoring and Review Report*
- Northland Regional Council, 2010, *New Regional Policy Statement Background Document*
- Northland Regional Council, 2010, *New Regional Policy Statement Discussion Document*
- Peart Raewyn, 2005, *Landscape Planning Guideline for Peri-Urban and Rural Areas*, Environmental Defence Society
- Whangarei District Council, 2003, *Coastal Management Strategy*
- Whangarei District Council, 2003, *Urban Growth Strategy*
- Whangarei District Council 2009, *Landscape, Natural Character, and Amenity Values Guide*
- Whangarei District Council, 2009, *Long Term Council Community Plan 2009 – 2019*
- Whangarei District Council, 2010, *Whangarei District Growth Strategy, Sustainable Futures 30/50*

Appendix 1 Legislative Framework

The Whangarei District Plan sits within a layered policy framework, which incorporates the National Policy Statements, National Environmental Standards, Iwi Management Plans, the Regional Policy Statement for Northland, Regional Plans, Structure Plans and Long Term Community Council Plans. Each of these policy documents and plans have been considered in accordance with the Act.

1 Resource Management Act 1991 (RMA)

The Act provides the statutory framework for the sustainable management of natural and physical resources. The Act defines sustainable management as:

'managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well being and for their health and safety'

Under the Act it is mandatory for a territorial authority to prepare a District Plan, which manages land use and development within its territorial boundaries. The Act requires District Plans, and thereby any changes to District Plans, whether private or Council driven, to meet the purpose and principles of the Act. Part 2 of the Act, (which sets out the overarching purpose and principles of the Act), requires that a territorial authority, in exercising its functions to recognise and provide for matters of national importance. Those matters which have a direct relationship with the management of natural character and landscape values are:

- *The preservation of the natural character of the coastal environment (including the coastal marine area) wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development (S.6a)*
- *The protection of outstanding natural features and landscapes from inappropriate subdivision use and development (S.6b)*
- *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;(S.6e)*
- *The protection of historic heritage from inappropriate subdivision, use and development (S.6f).*

Furthermore Part 2 of the Act also requires that particular regard be had to:

- *The maintenance and enhancement of amenity values (S.7c)*
- *Maintenance and enhancement of the quality of the environment (S.7g).*

The key terms used in Part 2 of the Act (i.e. natural character, landscape, natural, outstanding) are not defined. This has led to difficulties in the interpretation of these terms and methods of assessment and as a result there are variable landscape assessment methodologies, policy responses and management methods used by district councils throughout the country.

2 National Environmental Standards

National Environmental Standards are regulations issued under the Act. They prescribe technical standards, methods and other requirements for environmental matters. Local and regional Councils must enforce these standards (or if the standards allow, councils can enforce stricter standards). In this way, National Environmental Standards ensure consistent minimum standards are maintained throughout all New Zealand's regions and districts. The following standards are in force as regulations:

- Air quality standard (under review as of 10 June 2009)
- Sources of human drinking water standard (effective from 20 June 2008)
- Telecommunications facilities (effective from 9 October 2008)
- Electrical transmission (effective from 14 January 2010).

No National Environmental Standards (NES) have been adopted or are in preparation for Landscape.

Appendix 2 District Policy

1 Coastal Management Strategy 2003

The Whangarei District Council Coastal Management Strategy adopted 2003. The core purpose of the Whangarei Coastal Management Strategy is to 'establish a strategic, integrated framework for managing the protection, use and development of the coastal environment within the Whangarei District'. The strategy seeks to identify a common vision for the future of our coastal environment and establish a 'way forward' to achieve this vision over the next 20 to 50 years. A comprehensive approach to the issues in the Coastal environment was undertaken, including background technical reports, community consultation, and structure plans.

The Coastal Management Strategy acknowledges that rural development and activities are located in the Coastal environment. The study attempts to establish a good basis for infrastructure planning based on growth, community aspirations for management and growth, and generating action lists to link back to the LTCCP process. No technical report was completed for landscape in the Coastal environment, but landscape issues were incorporated into the Sense of Place and Heritage Values reports.

Section 4 of the District Wide Strategy, details strategic objectives and policies; although landscape is not a topic identified by the Coastal Management Strategy as requiring set direction, objectives and policies do attribute protection of landscapes such as

4.1.2 Objective

To accommodate growth and development in a manner which sustains the environment and enhances the sense of place and special character of the Whangarei Coast.

Policy 1

To focus residential development to those areas with demand, where the landscape and natural character values have already been compromised.

Policy 3

To discourage development where this may detract from significant natural character or outstanding landscape values, or adversely impact on cultural values and sense of place.

2 Urban Growth Strategy

The Whangarei Urban Growth Strategy (adopted October 2003), provides a medium term (20 year) vision for the future urban areas of Whangarei. It identifies issues associated with existing urban areas and associated future growth, and provides means of addressing these issues so that the vision may be achieved. The interface between urban and rural areas is addressed in the Strategy.

Although landscape extends beyond boundaries of urban areas, as a specific topic, landscape was not dealt with in the Urban Growth Strategy. It was somewhat covered by other topic discussions, such as open space, important geological sites, and physical components of landscape used for constraints mapping (land use capability, catchment areas, slope) and spatial overlay frames such as cycling and transport networks.

3 Urban and Coastal Structure Plans

Implementation of the Coastal Management and Urban Growth Strategies includes the creation of structure plans. The Structure Plans have a medium term planning horizon (20 years) and their implementation depends on their subsequent incorporation into statutory planning documents such as the District Plan and the LTCCP. Significant landscape features identified in the structure plan areas are consistent with those identified in the Operative District Plan.

Appendix 3 District Plan – Landscape Assessment Background

1 Whangarei District Landscape Assessment, 1995

In 1995, a District-wide Landscape Assessment was undertaken by LA4. This assessment essentially focused on the visual aspects of landscape. LA4 undertook a criteria-based assessment, using criteria drawn from overseas research (principally the United States).

The methodology involved the identification of landscape units, which displayed a homogenous and consistent landscape character. These landscape units were then scored from 1 (low) to 7 (high) for 12 key assessment criteria. The criteria included aesthetic value, heritage value, visual absorption capacity and exposure/visibility. These scores were then (subjectively) combined to establish an overall landscape sensitivity score for each landscape unit.

LA4 recommended that those landscapes with an overall sensitivity rating of 6 or 7 be classified as outstanding landscapes, and those with a rating of 5 be considered as significant landscapes (at the District-level) with slightly less stringent management or control.

Landscape areas which rated highly included the coast and inland areas with the highest degree of naturalness, particularly those areas covered with indigenous forest. Areas of plantation forest were given some of the lowest ratings. Overall, almost one fifth of the district was identified as outstanding and a further seventh identified as being significant. The study identified three heritage landscapes, which included Maori Pa's on prominent volcanic cones and historic dry stone walls, hedgerows and buildings.

2 Proposed District Plan as Notified

Council implemented some but not all of the 1995 Landscape Assessment recommendations through the identification of Outstanding Landscapes Areas (OLAs) and Notable (significant) Landscapes Areas (NLAs) in the Proposed District Plan maps and through the Landscape Resource Area Overlay and associated methods.

The outstanding landscape areas and notable landscape areas identified on the planning maps were not consistent with the recommendations of LA4. Outstanding landscape areas included landscape units with a sensitivity rating of 7, all of the coastal landscape units irrespective of their ratings and some natural features. Notable landscape areas included all remaining units with a rating of 6 and excluded those with a rating of 5 or less. The three heritage landscapes identified in the LA4 study were given an overall sensitivity rating of 5 and therefore were not protected in the Proposed District Plan.

The Hearings Committee report on submissions on these maps found that they had significant legislative and technical shortcomings, including:

- The methodology of the LA4 Study did not include natural science and community factors
- Highly modified areas were included in outstanding landscape areas, which under the Act, should consist of 'natural' landscapes
- Problems encountered with accurately determining the boundaries of the outstanding landscape areas and notable landscape areas based on the LA4 maps
- Council was unable to adequately justify the reasons for changing the findings of the LA4 study.

Further changes were made to the landscape areas as a result of Council decisions on the Proposed Plan:

- Outstanding landscape areas were reduced to landscapes given a sensitivity rating of 7 in the LA4 assessment and excluded coastal areas with a lower rating (these were mainly located on land in public ownership)
- Notable landscape areas were expanded to include all landscapes with a sensitivity rating of 6
- Council also resolved, once the plan became operative, to introduce a Plan Change to incorporate defensible outstanding landscape areas and notable landscape areas into the district plan.

3 References to the Environment Court

A number of references were lodged to the Environment Court on the Landscape Provisions of the District Plan. These references raised a number of issues, including the appropriateness of the criteria used to identify outstanding landscape areas and notable landscape areas and whether notable (significant) landscapes should be protected at all.

As a result of references to the Environment Court on the Proposed District Plan, a consent memorandum was signed between the parties on the basis that Council agreed to re-investigate the 1995 Whangarei Landscape Assessment and the associated provisions in the District Plan.

4 Landscape Review 2005

The Landscape Review Project was not intended to involve a full re-assessment of the District's landscapes. The review pulled together existing information about the ecological and heritage values of different parts of the District and utilises recent research into New Zealander's perception of our national landscapes and related values to 'check' the 1995 OLAs and NLAs in terms of 'aesthetic values' and 'expressiveness'.

The project had two phases. The first phase is the Landscape Assessment Review. The landscape assessment aims to identify the location of:

- Outstanding landscapes
- Visual amenity landscapes
- Heritage landscapes
- Other important landscapes
- Areas with outstanding natural character values.

The second phase was to use the landscape assessment to identify threats to landscape values and develop management strategies to address these identified threats. Feedback received from the community (via the feedback forms) has identified the following common 'threats' and 'opportunities' for Whangarei's significant landscapes:

a Threats

- Inappropriate commercial and residential developments (not maintaining existing character, intensive developments in rural areas)
- Invasive vegetation (weeds, gorse, toe toe) as well as pests (possums etc)
- Restrictive land use controls
- Council interference with privately owned land/Council control of land
- Inappropriate/uncontrolled/unsupervised earthworks
- Coastal erosion and inappropriate riparian management
- Lack of monitoring and enforcement of existing rules
- Destruction of natural vegetation and landscapes
- Poor management/maintenance of public/Council owned land
- Inappropriate subdivision (decreasing lot sizes in rural areas)
- New development only catering to tourism and not local community
- Loss of coastal/beach access.

b Opportunities

- Increasing opportunities for economic growth
- Careful management of commercial/industrial developments
- Managed change through appropriate developments
- Restricting/regulating inappropriate development
- Allowing landowners to improve their own land
- Community education to encourage landscape preservation
- Council assistance to landowners/providing incentives to encourage landscape preservation
- Council purchasing areas of significant landscapes for protection
- Incorporating public access/walkways into landscape areas/new developments in landscape areas.

The landscape assessment has not been adopted by Council therefore phase 2 of the project has not been completed.