

Kaipara District Plan Review
Landscape Technical Report

Nov. 2010

Contents

Page

Landscape Technical Report

1	Background	1
2	Legislation and Strategic Guidelines	2
3	Landscape Assessment Methodology	6
4	Recommended Approaches to Managing Landscapes	16
5	Conclusion	23

Appendices

Appendix One: Maps

- Outstanding Landscape Areas
- Visual Amenity Landscapes

Appendix Two: Worksheets

Kaipara District Plan Review

Landscape Technical Report

November 2010

A report prepared for



by



In association with



1.0 Background

In 1999 the Kaipara District Landscape Assessment (KDLA) was prepared for the Northland Regional Council by LA4 Landscape Architects in association with Littoralis Landscape Architecture. That document assessed landscape values in order to identify outstanding natural features and outstanding landscape areas using methodology employed in assessing the Far North and Whangarei Districts. The assessment identified landscape units throughout the District on the basis of similar landscape character and applied sensitivity ratings to those units. These ratings ranged from those units rated 6 and 7 (on a scale of 7 [extreme sensitivity] to 1 [very low sensitivity]) being defined in the assessment as being 'Outstanding', whilst those rated 5 were described as being 'Significant'.

Based on this assessment, Outstanding Landscape Areas, Significant Landscape Areas, Outstanding Landscape Features and Significant Landscape Features were identified. The area covered by the outstanding landscape areas and outstanding landscape features was 20,139.80 ha and 2,224.10 ha respectively. No figure was included in the assessment for the area of the significant units and features.

Council has recognised that whilst the 1999 assessment provided broad guidance, it has a number of limitations that need to be addressed as Kaipara District reviews its District Plan. These include:

- The assessment is now almost 6 years old and the assessment methodology over 10 years. Some parts of Kaipara District have changed rapidly over that period and the Environment Court has shaped the application of sections 6 and 7 of the Resource Management Act (RMA) through a number of key decisions.
- The scope of the 1999 assessment was to focus entirely upon the outstanding and "significant" portions of the Kaipara landscape and does not provide a basis for fully managing the amenity aspects of the landscape required by s7 of the RMA.
- The best recording base available in 1999 was the 1:50,000 scale NZMS260 maps, with many of these being over 20 years old. In addition to being outdated, the NZMS mapping base presents accuracy and registration problems when related to the New Zealand cadastre and other digital files used when preparing District Plan maps.

Amongst the needs outlined in the '*Kaipara District Plan Review and Development Contributions Project – Scoping Report*' (April 2005), was advice on the following issues:

- Extent and characteristics of Outstanding Landscape Areas;
- Areas of Notable or Significant Landscapes;
- Landscape features of amenity value to the community in the rural, coastal and settlement areas;
- Possible rules and other mechanisms that can be applied to address the desired environmental outcomes.

2.0 Legislation and Strategic Guidelines

2.1 Resource Management Act (1991)

Section 6 of the Resource Management Act (RMA), “**Matters of national importance**”, states that all persons exercising functions and powers under the Act shall recognise and provide for the following *matters of national importance*:

- a. *The preservation of the natural character of the coastal environment, wetlands, lakes, rivers and their margins from inappropriate subdivision, use and development.*
- b. *The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.*

A significant requirement under the RMA is therefore to assess the landscape of territorial areas, to specifically examine the character of coastal environments and to identify outstanding landscape areas.

Section 7, “**Other matters**”, requires those exercising functions and powers under the RMA to have particular regard to:

- c. *The maintenance and enhancement of amenity values;*
- e. *Recognition or protection of the heritage values of sites, buildings, places, or areas;*
- f. *Maintenance and enhancement of the quality of the environment.*

Reference to the definitions of the key words in these clauses illustrates that the visual landscape and heritage landscapes and their management are central components of the environment required to be considered under Section 7 of the RMA.

2.2 New Zealand Coastal Policy Statement (1994)

The New Zealand Coastal Policy Statement (NZCPS) is a requirement of the RMA. The following chapters and policies of the NZCPS are of particular relevance to coastal landscapes and natural character considerations.

Chapter 1 – National priorities for the preservation of the natural character of the coastal environment including protection from inappropriate subdivision, use and development is of particular relevance.

Policy 1.1.1

It is a national priority to preserve the natural character of the coastal environment by:

- (a) encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment;*
- (b) taking into account the potential effects of subdivision, use, or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and*
- (c) avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.*

Policy 1.1.2

It is a national priority for the preservation of the natural character of the coastal environment to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in that environment by:

- (c) protecting ecosystems which are unique to the coastal environment and vulnerable to modification including estuaries, coastal wetlands, mangroves and dunes and their margins; and*

(d) recognising that any other areas of predominantly indigenous vegetation or habitats of significant indigenous fauna should be disturbed only to the extent reasonably necessary to carry out approved activities.

Policy 1.1.3

It is a national priority to protect the following features, which in themselves or in combination, are essential or important elements of the natural character of the coastal environment:

(a) *landscapes, seascapes and landforms, including:*

- (i) *significant representative examples of each landform which provide the variety in each region;*
- (ii) *visually or scientifically significant geological features; and*
- (iii) *the collective characteristics which give the coastal environment its natural character including wild and scenic areas;*

Policy 1.1.4

It is a national priority for the preservation of natural character of the coastal environment to protect the integrity, functioning, and resilience of the coastal environment in terms of:

- (a) *the dynamic processes and features arising from the natural movement of sediments, water and air;*
- (b) *natural movement of biota;*
- (c) *natural substrate composition;*
- (d) *natural water and air quality;*
- (e) *natural bio diversity, productivity and biotic patterns; and*
- (f) *intrinsic values of ecosystems.*

Policy 1.1.5

It is a national priority to restore and rehabilitate the natural character of the coastal environment where appropriate.

3.1 Maintenance and Enhancement of Amenity Values

Policy 3.1.1

Use of the coast by the public should not be allowed to have significant adverse effects on the coastal environment, amenity values, nor on the safety of the public nor on the enjoyment of the coast by the public.

Policy 3.1.2

Policy statements and plans should identify (in the coastal environment) those scenic, recreational and historic areas, areas of spiritual or cultural significance, and those scientific and landscape features, which are important to the region or district and which should therefore be given special protection; and that policy statements and plans should give them appropriate protection.

Policy 3.1.3

Policy statements and plans should recognise the contribution that open space makes to the amenity values found in the coastal environment, and should seek to maintain and enhance those values by giving appropriate protection to areas of open space.

3.2 Providing for the Appropriate Subdivision, Use and Development of the Coastal Environment

Policy 3.2.1

Policy statements and plans should define what form of subdivision, use and development would be appropriate in the coastal environment, and where it would be appropriate.

Policy 3.2.2

Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.

Policy 3.2.4

Provision should be made to ensure that the cumulative effects of activities, collectively, in the coastal environment are not adverse to a significant degree.

2.3 Regional Policy Statement for Northland (1999) (RPS)

The Kaipara District Plan must have regard to the Northland Regional Policy Statement. Chapter 19 of the RPS became operative in 2002. This chapter deals sets out objectives and policies to recognise and provide for the protection of outstanding natural features and outstanding landscape areas in terms of Sections 5 and 6 of the Act.

19.3 Objectives

- 1. The identification of outstanding natural features and outstanding landscapes and their protection of from inappropriate subdivision, use and development.*
- 2. To recognise, in the identification and protection of outstanding natural features and outstanding landscapes, that their values include intrinsic values of ecosystems, ecological, heritage, cultural, spiritual, and amenity aspects.*
Section 19 - Outstanding Natural Features and Outstanding Landscapes
- 3. Any adverse effects of human activities on natural and physical resources are avoided, remedied or mitigated so that the qualities and values of any outstanding natural features and outstanding landscapes are maintained.*

Policies

- 1. To identify and classify the variety of natural features and landscapes found within the region, using a consistent methodology and consultation with landowners, tangata whenua and community groups, to define which natural features and landscapes are of outstanding value.*
- 2. To ensure protection of outstanding natural features and outstanding landscapes, particularly those important to the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, by avoiding, remedying or mitigating adverse effects from inappropriate subdivision use and development, which may include activities such as earthworks, structures and vegetation clearance.*
- 4. To recognise and provide for outstanding natural features and outstanding landscapes and associated intrinsic values of ecosystems, and for heritage, ecological, cultural, spiritual and amenity values.*
- 5. To recognise and provide for the protection of outstanding landscapes by avoiding those effects of subdivision, use and development which adversely impact on the integrity of an outstanding landscape unit.*
- 6. To recognise that productive uses, such as farming and forestry, do occur within some outstanding landscape units.*

2.4 Regional Coastal Plan for Northland (1994)

Sections 7 and 8 of the NRC Regional Coastal Plan for Northland (1994) are of relevance and focus on the preservation of the natural character of the coastal marine area (CMA) the identification of, and management of landscapes and

- 1. In assessing the actual and potential effects of an activity to recognise that all parts of Northland's coastal marine area have some degree of natural character which requires protection from inappropriate subdivision, use and development.*
- 2. As far as reasonably practicable to avoid the adverse environmental effects including cumulative effects of subdivision, use and development on those qualities which collectively make up the natural character of the coastal marine area including:*
 - (a) natural water and sediment movement patterns*
 - (b) landscapes and associated natural features*
 - (c) indigenous vegetation and the habitats of indigenous fauna*
 - (d) water quality**and where avoidance is not practicable, to mitigate adverse effects and provide for remedying those effects to the extent*

practicable.

5. *To ensure a consistent approach to the assessment of the natural character of Northland's coastal marine area.*

6. *To promote an integrated approach to the preservation of the natural character of Northland's coastal environment as a whole.*

7. *To promote, where appropriate, the restoration and rehabilitation of the natural character of the coastal marine area where it has been significantly degraded.*

Section 8 identifies a number of features or landscapes recognised as outstanding. Those within the study area are as follows:

- **Mangawhai sandspit**
- **Maunganui Bluff**
- **North Head, Kaipara Harbour entrance**

The plan then sets out policies for protection of these landscapes:

2. *To recognise and provide for the protection from inappropriate subdivision, use and development of landforms and/or geological features of international, national or regional importance which are wholly or partially within Northland's coastal marine area.*

3. *To identify and protect from inappropriate subdivision, use and development any other regionally outstanding features and landscapes within Northland's coastal marine area in a co-coordinated and consistent manner.*

4. *To promote the identification and protection of outstanding natural features and landscapes immediately adjacent to Northland's coastal marine area in a coordinated and consistent manner.*

2.5 Environment Court Guidance

The Environment Court has considered matters related to landscapes and the natural character of the coastal environment, with the most relevant decisions being:

Pigeon Bay Aquaculture Limited v. Canterbury Regional Council (C32/99)

Wakatipu Environmental Society Inc. v Queenstown Lakes District Council (C180/99)

In the Pigeon Bay decision the Court identified a list of criteria for assessing landscapes, being:

- a) *the natural science factors - the geological, topographical, ecological and dynamic components of the landscape;*
- b) *its aesthetic values including memorability and naturalness;*
- c) *its expressiveness (legibility): how obviously the landscape demonstrates the formative process leading to it;*
- d) *transient values: occasional presence of wildlife; or its values at certain times of the day or of the year;*
- e) *whether the values are shared and recognised;*
- f) *its value to tangata whenua;*

g) *its historical associations.*" [para 80, pp46-47 full text]

The Court went on to say that the list was not to be regarded as frozen.

In the Wakatipu decision the Court stated that:

"A tripartite distinction could be made in the landscapes [of the district]: outstanding natural landscapes and features; visual amenity landscapes, to which particular regard was to be had under s7; and landscapes in respect to which there was no significant resource management issue. The outstanding landscapes of the district were Romantic landscapes - the mountains and the lakes. Each landscape in the second category wore a cloak of human activity much more obviously – they were pastoral or Arcadian landscapes with more houses and trees."

The assessment methodology has been structured in response to the Court's criteria from the Pigeon Bay case by adopting the principles outlined above within the assessment worksheet criteria. A two tier framework of Outstanding Landscape Areas and Visual Amenity Landscapes has been highlighted by the assessment in acknowledgement of the Wakatipu case. A copy of the worksheets used for assessment is appended to this report.

3.0 Landscape Assessment Methodology

3.1 Background

In the last 20 years there has been a variety of landscape evaluation methods used to subjectively assess landscape quality. These include:

- Public preference models, where scenic assessment is based upon public input;
- descriptive inventories, where component landscape or scenic elements are described and rated (usually by 'experts' in the specific area of interest);
- psychological models, where an understanding of the public's response and preference with regard to landscape enables the distilling of those responses into constructs such as complexity, mystery, legibility and coherence; and
- quantitative holistic methods, which combine two of the above approaches - qualitative public preference surveys and landscape features inventories. These models have tended to use quantifiable landscape attributes to predict scenic quality, using measurements of physical landscape features to predict preference for visual quality within the landscape.

In 1998 S.Swaffield and R.Burton prepared a paper titled "**Community perceptions of Landscape Values in the High Country**" (*DoC Science Report December 2000*). This paper detailed the various approaches used to assess landscape in New Zealand. It described how, broadly speaking, policy based landscape assessment has been relied on what is described as the 'Expert Paradigm' (Zube *at al.* 1982) whereby evaluation of landscape quality is undertaken by skilled and trained observers. The evaluation methods used around the country have varied from 'descriptive inventories' to approaches using 'psychological models'. The approach used in the 1999 Kaipara District Landscape Assessment was based on the work undertaken by Rachel and Stephen Kaplan in the United States and was closely aligned to the psychological model described above.

It has been recognised by the Environment Court that public input into landscape assessment has generally been limited.

The 2004 **Auckland Regional Landscape Assessment** used a process which included Q-Sort testing of public attitudes to different landscapes. This approach has been used in a number of studies within New Zealand (including Kaikoura, Rotorua, Westland and the Coromandel Peninsula). These studies indicated a notable degree of consistency of result in public preference to landscape types. The results were also reflected in the previously mentioned 2004 Auckland study.

Q-Sort methodology is a survey method, which seeks to gain an understanding of the attitudes of a community based on a limited sample size. The approach is described in the following section, which is an extract from the Auckland Regional Council Technical Assessment Report.

[Q Sort].....was developed as “the scientific study of subjectivity” and aims to profile or characterise the subjective values of individuals taken as a whole. By comparing the profiles of different individuals it develops an understanding of the different ways of thinking about an issue that are present in a defined community. In regard to landscape, it enables landscape to be evaluated as a holistic phenomenon or experience. One advantage is that the technical requirements for the survey are typically less restrictive than those of ‘R’ surveys. In particular, Q does not attempt to predict population wide characteristics, and so the numbers and conditions of the survey are less onerous. Technically, Q is based upon ‘theoretically’ sampling, driven by the nature of research question rather than by the statistical requirements of prediction.

The ARC technical report also explains how the results of the study showed a high degree of consistency with previous studies undertaken in Kaikoura (1998), Rotorua (2000), Westland (2002) and the Coromandel (1999). More recently, the Q Sort approach was used in the Whangarei Landscape review. The ARC technical report concluded that use of the Q Sort approach provided a detailed understanding of the factors that contribute to landscape preferences within the community.

3.2 Methodology for the Kaipara District Assessment: Public Consultation

The Q Sort methodology was adopted for the public consultation in the Kaipara District. The consultation sought to evaluate two areas of information. The first was designed to identify those landscapes or features that individuals considered ‘outstanding’. To this end consultees were invited to identify landscapes and features of importance on NZMS 260 Topomaps using stick-on red dots. The list of features and landscapes identified, along with their location, are appended to this report. A limited number of additional landscapes or features were identified by respondents, but more importantly, a number of outstanding and significant landscape features and units included in the 1999 study were omitted. Whilst the Tangihua ranges and Mangatipa were the only outstanding units and features omitted, the majority of significant units and features were not identified. This might be attributed in some respects to the very limited accessibility of some of these landscapes or features (Motukumara Point (SLF5), bush knoll on Hargreaves Basin (SLF9) and Gittos Point (SLF8) and their restricted visibility (Manganui River wetlands (SLF2).

The second portion of the consultation sought to understand the ‘types’ of landscapes which individuals valued. Consultees were presented with a number of boards containing approximately 74 images of landscapes. The images illustrated landscapes and features from locations around Northland and were divided into 4 separate generic landscape ‘types’, these being:

- a. Coastal

- b. Estuaries / harbour
- c. Hill Country / ranges
- d. Lowlands / wetlands

Respondents were asked to identify those photographs which appealed to them and record their preference using red stickers on smaller black and white copies of the 4 landscape type photographic sheets. Since the photographs were drawn from around Northland, and many did not represent any recognisable feature or landscape within Kaipara, the common elements which characterise those 'preferred landscapes' could be identified without the respondents having been distracted by images of familiar places. Reduced copies of the image boards presented for the consultation are included as Appendix 1 of this report.

Consultation was undertaken in two locations within the District. The first round of consultation was held in Mangawhai on 14th October 2005 and the second from the 7th December – 23rd December 2005 in the Dargaville Library. The display was visited by some 30-40 individuals in Mangawhai and an estimated 30-50 individuals in Dargaville. The limited numbers of people visiting the displays was disappointing and reflected a similar experience in the Whangarei District Landscape Review, which also saw poorly attended public consultation meetings.

3.3 Analysis of consultation

Based on the consultation display results, the following is a summary of the outstanding landscape areas identified by the respondents.

Specific location and feature / landscape identified	Number of respondents identifying feature or landscape	Identification ref. from 1999 Study
Mangawhai Consultation		
<i>Brynderwyn Ranges Q08 ref4668, Q08 ref4769, Q08 ref4869, Q08 ref4969, Q08 ref5069, Q08 ref5069</i>	6	TOL1
<i>Bream Tail</i>	5	COL1
<i>Mangawhai Heads</i>	2	
<i>Mangawhai Sandspit</i>	6	COL3
<i>Mangawai Estuary</i>	12	
<i>Te Arai Point (outside District)</i>	1	
<i>Site on Valley Road Q08 ref.4758</i>	1	
<i>Hakaru River south of Hakaru. Q08 ref.4660 & 4659</i>	2	
<i>Pukekaroro</i>	1	OLF1
<i>Bald Rock</i>	1	OLF2
<i>Local peak within Brynderwyn Range NE of Bald Rock. Q08 ref 4363</i>	1	OlF2
<i>Junction Tara Road and Garbolino Road Q08 ref 4964</i>	1	
<i>Rocky Point Q08 ref 2753</i>	1	
<i>Pouto ocean beach P08 ref9852</i>	1	COL5
<i>North Head dune lakes P09 ref 0534</i>	1	OLF7
<i>South Head (outside district)</i>	1	
<i>Tokatoka</i>	1	OLF6
<i>Pouto ocean beach P08 ref9458</i>	1	COL4
<i>Tutamoe Ranges P07 ref 7707</i>	1	SLU1
<i>Tutamoe Ranges P07 ref 8304</i>	1	SLU1
<i>Pouto ocean beach west of Omamari P07 ref7092</i>	1	COL4
<i>Kai Iwi Lakes O07 ref 6900</i>	1	SLF15
<i>Maunganui Bluff</i>	1	OLF8
<i>Trounson Kauri Park</i>	2	OLF3
<i>Waipoua State Forest O06 ref 6019</i>	1	TOL3
<i>Waipoua State Forest O06 ref 6119</i>	1	TOL3

Dargaville Consultation		
<i>Baleys Beach P07 ref 7783</i>	4	COL5
<i>Cliffs to north of Maunganui Bluff O06 ref 5710</i>	1	COL4
<i>Cliffs to south of Pouto Q09 ref 1536</i>	1	COL5
<i>Coastal cliffs, Pouto Peninsula P08 ref 9458/9459</i>	2	COL4
<i>Dargaville P07 ref 8984</i>	4	
<i>Glinks Gully / settlement P08 ref 8768</i>	4	COL5
<i>Kai Iwi Lakes O07 ref 6900</i>	1	SLF15
<i>Kai Iwi Lakes O07 ref 6999</i>	20	SLF15
<i>Kaipara Harbour (Pahi River, Otamatea River, Hargraves Basin)</i>	3	
<i>Lake Kahuparere P09 ref 1436</i>	1	OLF7
<i>Mahuta / Mahuta Gap P08 ref 8177</i>	8	COL5
<i>Mangawhare (Dargaville) P07 ref 8883</i>	2	
<i>Maunganui Bluff</i>	5	OLF8
<i>Maungaraho (P08 ref 9975)</i>	2	OLF5
<i>Mohinui P08 ref 0350</i>	1	
<i>North east of Ruawai P08 ref 0564</i>	1	
<i>North Head dune lakes P09 ref 0534</i>	1	OLF7
<i>Omamari and cliffs to south P07 ref 7092 - 7389</i>	9	COL5
<i>Pahi Settlement Q08 ref 2059</i>	1	
<i>Pouto ocean beach P08 ref9458</i>	1	COL4
<i>Pouto ocean beach west of Omamari P07 ref7092</i>	1	COL4
<i>Pouto Peninsula (west of Muarangji No. 2) P09 Ref 0645</i>	1	
<i>Pouto Peninsula coastal cliffs south of Lake Kapoai P08 ref 8572</i>	3	COL5
<i>Pouto Peninsula sand dunes. P09 ref 0534</i>	3	COL5
<i>Pouto Peninsula, Lake Mokeno P09 ref 0538</i>	1	
<i>Pouto Settlement Q09 ref 1536 / 1537</i>	3	
<i>Pupua / Titipu Islands Q08 ref1552</i>	1	
<i>Sail Point / Clarkes Bay / Te Kuri Point P08 ref 0655/0654</i>	3	
<i>Te Rewarewa / Ru Point Q09 ref 1446</i>	1	
<i>Te Whakarapa Point Q09 ref 2952</i>	1	
<i>The Black Rocks, Pouto Peninsula P08 ref 8965</i>	2	COL4
<i>Toetoe Point / Pareotaunga Point / Okaro Creek estuary Q09 ref 1443 / 1444</i>	2	SLF11
<i>Tokatoka</i>	2	OLF6
<i>Trounson Kauri Park O07 ref 6708</i>	3	OLF3
<i>Tutamoe Ranges P07 ref 7707</i>	1	SLU1
<i>Tutamoe Ranges P07 ref 7807</i>	1	SLU1
<i>Waikere Creek estuary P09 ref 1442</i>	1	SLF11
<i>Waipoua State Forest O06 ref 6019</i>	6	TOL3
<i>Waipu Gorge Forest Q08 ref 3670</i>	1	
<i>Whakapirau Settlement Q08 ref 2159</i>	1	
<i>Whenuanui (Tramline / Robertson Roads junction) P08 ref 0467</i>	1	
Total	164	

The second portion of the consultation related to identifying the community values or preference for landscape types. The 'key landscape characteristics' of each landscape represented in the photographs 'selected' by respondents were noted and tabulated. The results are displayed below. As with the Whangarei Landscape Review study, the images used were of 'generic landscapes' rather than local, more easily recognizable landscapes. This allowed limited cross referencing of results between the Whangarei and Kaipara studies, and the earlier Auckland Regional study.

The results were generally consistent with earlier studies illustrating a strong preference for those images depicting coastal landscapes (90), followed by estuarine and harbour landscapes (68), the hill country / ranges landscape type (61) and the Lowland / wetland landscape type (39).

Landscape Type: Photos:	Lowland:	Hill:	Estuary:	Coastal
a	8	2	1	1
b	5	7	3	1
c	2	2	3	3
d	-	2	10	3
e	2	8	1	5
f	-	-	7	7
g	-	-	1	8
h	1	2	-	2
i	5	-	3	1
j	3	1	1	2
k	10	10	3	4
l	1	11	9	3
m	-	1	2	6
n	-	4	2	9
o	-	-	4	2
p	-	5	2	8
q	1	2	1	6
r	2	5	1	1
s			4	5
t			3	7
u			1	1
v			1	1
w			2	4
x			3	-
Total Responses:	40	62	68	90

The most popular 3 images for each of the landscape types were as follows:

- Lowland: k, a, b
- Hill Country l, k, e
- Estuary d, l, f
- Coastal n, g, f / t

		
Lowland: a	b	k
		
Hill Country: e	k	l
		
Estuary: d	f	l
		
Coastal: g	f	n
		
t		

To gain an understanding of the features and elements which influence the community's landscape preferences, it was necessary to 'tease out' those features, characteristics and elements that define the preferred images. The following table lists the key physical characteristics and describes the character of these 3 top ranked landscape images for each of the types:

Landscape Types	Key Physical Characteristics	Character
Lowland / wetland	<ul style="list-style-type: none"> ○ Contained areas of water ○ Predominance of native vegetation cover, particularly if mature ○ Minimal numbers of people ○ Lack of development ○ Pristine' appearance – clear and clean water, no visible weeds. ○ Interplay of water, and / or pasture and vegetation ○ Rolling pastoral landform ○ Colour and textural contrasts 	<ul style="list-style-type: none"> ○ Sense of enclosure and containment. ○ Distinctive NZ character ○ Undisturbed / unmodified ○ Naturalness ○ Quiet / tranquil ○ Uninhabited ○ Distinctive colours and textures. ○ Cohesion ○ Sense of structure and pattern in landscape
Hill Country / ranges	<ul style="list-style-type: none"> ○ Elevated landform relief ○ Predominance of native vegetation cover ○ Minimal numbers of people ○ Lack of development ○ Pristine' appearance – clear and clean water, no visible weeds ○ Interplay of remnant native vegetation and pasture ○ Treed backdrop to bush and water. 	<ul style="list-style-type: none"> ○ Rugged / steep, high relief ○ Distinctive NZ character ○ Uninhabited ○ Quiet / tranquil ○ Remote ○ Distinctive colours and textures. ○ Naturalness ○ Cohesion. ○ Sense of structure and pattern in landscape
Estuarine harbour /	<ul style="list-style-type: none"> ○ Contained areas of water ○ Headlands and peninsulas ○ Predominance of native vegetation cover and indigenous vegetation (including wetlands) ○ Minimal numbers of people ○ Lack of development ○ Clean water ○ Pristine' appearance – clear and clean water, no visible weeds. ○ Interplay of water, land and vegetation (including pasture) 	<ul style="list-style-type: none"> ○ Sense of enclosure and containment. ○ Distinctive NZ character ○ Undisturbed / unmodified ○ Naturalness ○ Quiet / tranquil ○ Uninhabited ○ Distinctive colours and textures. ○ Cohesion ○ Sense of structure and pattern in landscape
Coastal	<ul style="list-style-type: none"> ○ High levels of naturalness ○ Predominance of native vegetation cover ○ Lack of development ○ Evidence of natural processes. ○ 'Pristine' appearance – white sand, clear and clean water, no visible weeds ○ Minimal numbers of people ○ Rock shoals ○ Cliffs, headlands, enclosed bays ○ Beaches backed with elevated landform 	<ul style="list-style-type: none"> ○ Undisturbed / unmodified ○ Quiet / tranquil ○ Distinctive NZ character ○ Uninhabited ○ Naturalness ○ Distinctive colours and textures. ○ Remote ○ Cohesion. ○ Sense of enclosure and containment. ○ Rugged / steep, high relief

It is notable from the above 'preferred images' that the community appears to value both unmodified and more managed, even manicured, landscapes. It is noted that a similar phenomenon was noted in the Whangarei study, although to a lesser degree of significance. It may be that the relatively limited sample sizes have allowed the results to be distorted slightly in this regard but without a greater sample size, it is difficult to know

the significance of this deviation. Landscapes with elevated relief, predominantly native vegetation and water, feature highly.

The results suggest some similarity to the studies undertaken in Whangarei and Auckland where respondents displayed similar levels of preference for coastal and estuarine landscapes, particularly where these displayed high or moderate levels of ‘naturalness’ – dominance by, or the presence of indigenous vegetation. This lends weight to the findings of the Whangarei and other Q Sort studies, which demonstrated:

- The strong overlap between ecological (natural science) values and community perceptions of landscape values; and
- The strong relationship between naturalness, or high natural character values with high landscape values.

- By distilling the character information listed in the table above, we can anticipate that high value is likely to be placed by the public on landscapes that display the following characteristics:
 - *Naturalness*
 - *Lack of development*
 - *Predominance of native bush or other native vegetation*
 - *A strong New Zealand character*
 - *Unmodified habitats*
 - *Moderate to high relief*
 - *Strong patterning and structure*
 - *Containment*
 - *Expansive views*
 - *Remoteness*
 - *Tranquility*
 - *Wildness*

To reflect and ‘interpret’ community preference, the characteristics listed above have been included as criteria within the assessment worksheets to enable a ‘grading’ of the various landscapes within the District. The worksheets are included as Appendix 2 to this report.

3.4 Development of the Worksheets

As discussed above, the worksheet criteria were crafted to reflect both the criteria set out by the Environment Court, and the results of the community consultation. In addition to this, reference has also been made to the Environmental Performance Indicators (EPIs) relating to natural character, which have been prepared by the Ministry for the Environment. (*Environmental Performance Indicators: Landscape Aspect of Natural Character. Boffa Miskell 2002, MfE*).

In 2002 the MfE hosted a workshop the aim of which was to determine a set of ‘environmental indicators’ for the assessment of Natural Character. The following indicators were agreed and have since been used as a standard for this purpose in a wide variety of locations.

	Elements	Patterns
Abiotic	Landform	

	Waterform	
Biotic	Indigenous vegetation cover measured as % cover	Fragmentation of indigenous vegetation. Geometry / linearity of exotic vegetation
Absence of Structures	Absence / presence of buildings Absence / presence of infrastructure services	

It was determined that the worksheets should reflect some of the elements of the above criteria and that the structure of the EPIs would benefit by identification of levels of Natural Character.

The worksheet comprises 4 sections.

1. The first identifies the landscape area, contains photographs of the unit and displays 'preferred' images drawn from the consultation, which identify the 'baseline' against which potential Outstanding Landscape Areas or Visual Amenity Landscapes are tested.
2. The second section records the physical details of the landscape area, including the presence of specific landscape elements and vegetation types.
3. The third contains the assessment of the experiential values identified in the consultation.
4. The fourth identifies the presence of clearly visible heritage values or features.

A conscious decision was made to avoid a 'score and total' approach to ranking landscape, since it was recognised that a landscape may be deemed outstanding whilst only satisfying a minimal number of the listed experiential characteristics. Instead, each experiential characteristic was ranked using letters; with 'A' being high and 'D' low, to give an indication of which characteristics are most critical in defining the identity of a landscape.

Thus:

Outstanding Landscape Areas are deemed to be those units, which strongly display the above experiential characteristics and are prominent in the landscape, lending it a sense of spectacle and unity with a minimum of development or modification.

Visual Amenity Landscapes display some of the above characteristics to a moderate level. They possess a sense of physical coherence, which may include a level of modification or development. This is usually integrated successfully within the existing landscape patterns and structure.

The assessment was undertaken using ground survey (largely from public road corridors) aerial survey and aerial photographs. As may be expected, the landscapes previously identified in the 1999 study have also been assessed as having particular value by this study, although the boundaries have been modified or refined to some extent, since new aerial photographs have allowed more accurate mapping. Delineation of the Visual Amenity Landscapes has increased the total area identified as possessing significance. Generally these landscapes are either:

1. Associated with the fringes of Outstanding Landscape Areas where modification such as bush clearance for pasture has 'decreased' the naturalness of the landscape.

2. Include areas of the District which display an interplay of rolling or moderate to high relief with a balance of remnant native vegetation and pasture. These areas are, in the main, 'productive landscapes'.

It is estimated that the Outstanding Landscape Areas cover an area of some 35,945.197 ha, whilst the Visual Amenity Landscapes cover an area of some 15,056.103 ha. The total area of Kaipara District is some 311,719.025 ha.



The Outstanding Landscape Areas and Visual Amenity Landscapes are listed below:

<i>Outstanding Landscape Areas</i>	<i>Visual Amenity Landscapes</i>
<i>OLA01: Waipoua Forest</i>	<i>VAL01 : Waipoua Forest fringes</i>
<i>OLA02: West Coast Ocean Beach</i>	<i>VAL02 : Tutamoe, Kaihu & Marlborough Forest fringes</i>
<i>OLA03: Tutamoe / Kaihu / Marlborough Forest</i>	<i>VAL03 : Muriwai Stream Wetlands</i>
<i>OLA04: Maunganui Bluff</i>	<i>VAL04 : Maunganui Bluff Bush Fringes</i>
<i>OLA05: Trounson Kauri Park</i>	<i>VAL05 : Marlborough Road Bush</i>
<i>OLA06: Kai-Iwi Lakes</i>	<i>VAL06 : Donnelly's Crossing Bush South</i>
<i>OLA07: Mangatipa</i>	<i>VAL07 : Donnelly's Crossing Bush North</i>
<i>OLA08: Maungaru Range</i>	<i>VAL08 : Ngakiripauri Stream Bush & Wetlands</i>
<i>OLA09: Tangihua Range</i>	<i>VAL09: Ahikiwi bush</i>
<i>OLA10: Maungaraho</i>	<i>VAL10: Pukewharaiki & Adjacent Hill Bush Fringes</i>
<i>OLA11: Tokatoka</i>	<i>VAL11 : Maungaru Range Bush Fringes</i>
<i>OLA12: Pukekohe Hill Reserve</i>	<i>VAL12 : Valley System Inland of Omamari</i>
<i>OLA13: Mareretu Forest</i>	<i>VAL13 : Houito</i>
<i>OLA14: Bream Tail / Brynderwyn Ranges</i>	<i>VAL14 : Tangihua Bush Fringes</i>
<i>OLA15: Bald Rock</i>	<i>VAL15 : Hoanga Road Bush</i>
<i>OLA16: Pukearenga</i>	<i>VAL16 : Manganui Wetland Bush</i>
<i>OLA17: Pukekaroro</i>	<i>VAL17 : Te Whiro Bush</i>
<i>OLA18: Bream Tail Coast</i>	<i>VAL18 : Tokatoka Bush / Montgomery Scenic Reserve</i>
<i>OLA19: Sentinel Rock Coast</i>	<i>VAL19: Omaru Valley Bush</i>
<i>OLA20: Mangawhai Barrier Spit</i>	<i>VAL20 : Smoky Hill Bush</i>
<i>OLA21: Te Koupa Point headland & harbour edge</i>	<i>VAL21 : Parahi Scenic Reserve Bush</i>
<i>OLA22: North Head Dune Lakes</i>	<i>VAL22 : Ararua Road Bush & Wetlands</i>
<i>OLA23: North Head Coast & Western Dune Lakes</i>	<i>VAL23 : Bentley Road Bush</i>
	<i>VAL24: Rehia</i>
	<i>VAL25 : Pahi River Bush</i>
	<i>VAL26 : Te Mateotetawa Creek Bush</i>
	<i>VAL27 : Golden Stairs Road Bush</i>
	<i>VAL28 : Golf Course Road Bush</i>
	<i>VAL29 : Waipu Scenic Reserve / Snapper Knoll Bush</i>
	<i>VAL30 : Wairau River / Pukekaroro bush</i>
	<i>VAL31 : Pukearenga Bush</i>
	<i>VAL32 : Otamatea River Bush</i>
	<i>VAL33 : Puketotara Bush</i>
	<i>VAL34 : Tara Road Bush</i>
	<i>VAL35 : Bream Tail</i>
	<i>VAL36 : Otioro Road Bush</i>
	<i>VAL37 : Massey Road Bush</i>
	<i>VAL38: Whakapirau Creek Bush</i>
	<i>VAL39 : Tinopai Peninsula Harbour Edge</i>
	<i>VAL40 : Punahaere Creek & Harbour Edge</i>
	<i>VAL41 : Okaro Creek & Harbour Edge</i>
	<i>VAL42 : Tinopai Bluff</i>
	<i>VAL43 : Oruawharo River Headland</i>
	<i>VAL44 : Bush Knoll on Hargreaves Point Reserve</i>
	<i>VAL45: Gittos Point</i>
	<i>VAL46: Backshore Strip of Grazed Dune North of Poutu</i>

4.0 Recommended Approaches to Managing Landscapes

4.1 Landscape Management Methods

Retaining or enhancing these areas of landscape value is reliant on the recognition and 'conservation' of the characteristics listed above. Since each Outstanding Landscape Areas or Visual Amenity Landscapes displays its own unique qualities, the methods required to achieving such outcomes may need to be slightly different for each area; the values displayed by the Mangawhai spit and issues related to its management, for example, differ significantly from those displayed by the Brynderwyn Ranges. There is, however, a general commonality in terms of the 'threats' which have the potential to detract from the values of the Outstanding Landscape Areas and Visual Amenity Landscapes identified. The main threats are listed below.

Potential Threat		Options for Management
<ul style="list-style-type: none"> ✓ Buildings, structures and associated infrastructure which singly or cumulatively intrude into, adversely effect or dominate a landscape. 		<ul style="list-style-type: none"> ✓ Minimum site areas. ✓ Minimum separation distances between dwellings. ✓ Average site areas. ✓ Prescribed building platform. ✓ Requirements to cluster dwellings. ✓ Concept development plans. ✓ Restrictive covenants preventing future subdivision. ✓ Maximum building height. ✓ Maximum site coverage. ✓ Visually unobtrusive building design. ✓ Location of buildings away from ridgelines, headlands and visually prominent areas. ✓ Prescribed building colours and external materials. ✓ Restrictions on location and extent of infrastructure. ✓ Proactive relationships with infrastructure providers to develop agreed approaches.
<ul style="list-style-type: none"> ✓ Earthworks and vegetation removal associated with the construction of buildings, structures or infrastructure. 		<ul style="list-style-type: none"> ✓ Restrictions on location, extent and/or volume of earthworks. ✓ Restrictions on location and extent of vegetation removal. ✓ Restrictions on location and extent of infrastructure. ✓ Promote avoidance and site rehabilitation strategies.
<ul style="list-style-type: none"> ✓ Monoculture forestry and other cultivation activities which can mask underlying landscape characteristics and/or introduce hard geometric lines and patterns into the landscape. 		<ul style="list-style-type: none"> ✓ Restrictions on the planting of forestry in sensitive and inappropriate locations. ✓ Guidelines and protocols for forestry location, composition, pattern and form.

<p>✓ Quarrying / mineral extraction in visually sensitive and / or inappropriate locations.</p>		<p>✓ Restrictions on location and extent of activities.</p>
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It is important to recognise that the ‘visual sensitivity’ of some of both the Outstanding Landscape Areas and Visual Amenity Landscapes can be compromised relatively easily – for example by the construction of a visually imposing building in a sensitive and prominent location. Having said this, whilst the Outstanding Landscape Areas are highly sensitive to development - making the integration of buildings and structures (and related infrastructure) difficult to achieve without compromising their values - the Visual Amenity Landscapes may offer cues and opportunities for the successful integration of development.

In part this is due to strong landscape patterns created by landform and vegetation that are often found in VAL’s, along with the scattered buildings and infrastructure commonly present in rural areas. Elements such as these provide the landscape with what is termed ‘visual absorption capability’ - literally the ability of absorb development. The successful integration of development into these landscapes does, however, require careful and sensitive design to ensure that:

1. lot sizes, arrangement and shapes reflect the dominant landscape patterns;
2. these patterns (watercourses, remnant indigenous vegetation, landform etc) are retained and enhanced;
3. buildings and structures are located carefully within the landscape in locations where their prominence is minimized and that access roads flow with the landform rather than cut across it; and
4. the design and colour of the buildings, structures and associated infrastructure is generally recessive.

The prescribing of generic rules that cover large parts of the District to achieve the outcomes described above is problematic, since the characteristics of each site will be unique. Consideration on a site by site basis is a preferable approach, but there is a need for well tuned “triggers” in the Plan to ensure that these preferred outcomes are indeed achieved.

Identifying and delineating Outstanding Landscape Areas and Visual Amenity Landscapes allows this more ‘targeted’ approach to landscape management. The Outstanding Landscape Areas, by their very nature, would attract a high level of protection with restrictive rules. Some development might be anticipated within the Visual Amenity Landscapes, but Council would need to be confident that development occurring within these areas maintained and/or (ideally) enhanced the quality of the environment and amenity values. This could be achieved using a restricted discretionary or discretionary regime for subdivision and each subdivision would be assessed on its merits on a site-specific basis, using a range of assessment criteria that would be clearly set out in the Plan. There are opportunities for information and education methods sitting outside of the Plan to further support this approach.

The rules relating to subdivision of land outside of the OLA’s and VAL’s would be more permissive.

This option is recommended.

If Council should decide not to identify and delineate the landscape areas, then to meet their responsibilities under the Act they would need to consider how landscapes relating to sections 6(a) [natural character of the coastal environment], (b) [outstanding natural features and landscapes] and 7(c) [amenity values] of the RMA, might be. This would tend to require a greater level of control throughout the district's rural and coastal landscapes. For example, this may involve specifying minimum lot areas for subdivision as a controlled activity, and setting a relatively high threshold (such as 10 or 20 ha).

This approach is rather a 'blunt instrument' to achieve landscape protection and fails to target those more sensitive landscapes displaying higher values which merit a greater level of protection. Moreover, the minimum site area will not reflect local variations and will not encourage sensitive design, which responds to the individual site. Consideration of the detail of topography and landscape patterns, which are, influenced both by landform and vegetation is essential when planning the integration of development within a landscape. Applying minimum lot sizes discourages consideration of these issues or the potential for 'clustering' of development where the site allows. It is likely to involve those looking to develop some of the least sensitive parts of the District's landscape in resource consent processes that could be avoided if the controls are targeted at the more sensitive areas – which in turn would require the identification of those areas.

Unless there are associated controls over the location of dwellings on the allotments, the spacing of allotments does not necessarily mean that the buildings will be located well apart. Examples of this situation have occurred around Mangawhai where inappropriate clusters or ribbons of buildings have developed - located close to the access roads and often in areas of heightened landscape sensitivity - despite being located on 4 ha lots. Such development patterns tend to detract from rural amenity. This could be avoided either by requiring setbacks from internal boundaries, or by requiring building platforms be identified at time of subdivision.

There is the possibility that the latter approach may impact on Council's resources. It is anticipated that setting a high minimum lot size as a controlled activity will result in an increase in the numbers of subdivision applications being processed as discretionary activities. This is likely to have cost implications both for applicants and for Council.

There is the option with this approach to provide the maps containing the identified landscape areas, along with the associated worksheets, outside the Plan and to have these available to the public (possibly through the Council Website and in hard copy at Council offices, libraries. The maps and worksheets would then form a tool for the processing planners to assist with understanding of the location, extent and characteristics of areas of higher visual value. In addition, in conjunction with landscape / subdivision best practice guidelines, they might assist the applicant with the understanding and responding to the values of a particular site. At present no such guidelines exist for Kaipara, although these have been produced for other councils.

4.2 District Plan Rules

This section of the report will examine the existing Plan provisions relating to landscape protection and determine whether these suffice, or whether they may need reconsideration.

The existing landscape areas are delineated in the District Plan; however they carry no real weight, Section 8.1.6 states:

The outstanding and significant features and units identified in the assessment and shown in Figures 8.3 and 8.4 are indicative only. Discussions are planned with the Regional Council landowners and other interested parties on use of the assessment findings and possible policy and rule changes to the district plan. This is because the feature and unit boundaries have not been precisely determined and the potentially 'affected' and interested parties have not been consulted. Also the rating technique used by the report authors requires some further evaluation, particularly in terms of whether it should incorporate some 'testing' of what the public consider to be 'significant' and 'outstanding' landscapes. Under Section 32 of the Act the District Council is required to consider these and other matters before introducing new plan provisions. The Council intends commencing the necessary consultation and section 32 work in the 2003/2004 financial year.

Existing rules relating to these areas are therefore either contained within the sections of the Plan dealing with subdivision, the underlying zone or the Kaipara Harbour Environment Area.

Subdivision: The minimum lot size as a controlled activity in the Rural Zone is 4ha and include provisions for increased density where indigenous vegetation is protected. In addition, more innovative subdivision design is encouraged through 11.5.1(1)(ii)(g) Forest or Farm Park Type Subdivisions. The following provisions are included:

- the lots are clustered into groups which protect and enhance the ecological, heritage, landscape and amenity values of the site and surrounding area, and
- the subdivision is the subject of a comprehensive management plan containing ecological, landscape and rural amenity protection and enhancement works. This plan is also to cover protection and enhancement of historic places where they are present on the site, and

The Environment Court has generally indicated that it favours this approach to subdivision, although not necessarily the activity status currently provided for by the Kaipara District Plan. A drawback of the current Controlled Activity status is that a broadly "complying" application cannot be declined and the potential scope for those assessing applications to apply conditions that seek necessary amendments to boundaries, changes to the design and layout of the subdivision, or the setting aside of areas of bush, waterways or other natural features. Furthermore, controlled status consent cannot require the deletion of certain lots or a reduction in the total number of lots below that permitted in accordance with the minimum requirements, even when this is necessary to avoid adverse effects.

This 'Forest or Farm Park' provision or a similar 'management plan' approach has been used with some success in the Far North District Plan, and has merit and potential application within Kaipara, subject to some refinement.

The 4ha minimum as a controlled activity is considered generally appropriate to the landscapes outside of the Outstanding Landscape Areas and Visual Amenity Landscapes. It is not recommended for those areas identified as Outstanding Landscape Areas or Visual Amenity Landscapes.

It is likely that, unless relevant information regarding the outcomes sought for this approach is provided by Council, applicants will struggle to understand those outcomes.

One approach to tackling this problem, as mentioned previously, is to provide the community with landscape guidelines that explain potential issues or effects and offers possible measures to avoid or remedy those effects.

The minimum lot size as a controlled activity in the Coastal Zone is 20 ha. This level is considered appropriate given the high level of natural character and sensitivity of the coastal edges of the District.

The minimum lot size in the Rural-Residential (Landscape and Ecological Enhancement) Zone is 4000m². This zone takes in land in the coastal environment around the Mangawhai Harbour. 11.3.1 states that the 4,000 m² minimum area standard and associated subdivision rules are intended to provide for forms of subdivision which protect and enhance the land's ecological and landscape values.

The Kaipara Harbour Environment Area. 11.3.1 Subdivision in the coastal environment states:

The subdivision of land in the Kaipara Harbour Environment Area is to be assessed in terms of special criteria. The criteria emphasise a heritage and landscape based approach to subdivision design which respects the natural landform and features and minimizes access and subsequent building related earthworks. They also require avoidance of archaeological sites and historic places and encourage protection and enhancement of remnant forest shrubland and wetland areas and other natural character enhancement measures.

The Plan describes how its policies and rules focus on potential effects of land use and subdivision on the natural character of the area. It suggests that most significant threats include earthworks and the clearance of indigenous vegetation. These are issues that are of relevance to the Outstanding Landscape Areas and Visual Amenity Areas and have implications for rural amenity more broadly. The provisions do not directly affect or restrict building development.

Rules are included in the current Plan to address these two 'threats.' These are as follows:

In the Kaipara Harbour Environment Area no earthworks on a site shall exceed;

- 1000m² in area in any 12 month period, or
- involve a cut or fill slope greater than 2 metres in height over a distance more than 50 metres.

without land use consent from the District Council unless the following conditions are met:

- (i) The earthworks are ancillary to road and track maintenance, or
- (ii) The earthworks involve the construction of a road, private way, pedestrian walkway, building site or vehicle access to a building site which is the subject of an approved land use or subdivision consent and the earthworks are carried out in accordance with the consent conditions, or
- (iii) The earthworks involve construction of a drain, dam or other man made water feature, or
- (iv) An earthworks management plan is submitted to and approved by the Council prior to commencement of the activities and the earthworks are carried out in accordance with the approved plan.

and

- (a) all bare earth areas, including cut and fill batter faces, are appropriately revegetated within 6 months of the earthworks being completed.
- (b) all revegetated areas are maintained and managed so as to achieve 80% ground cover within 24 months of the earthworks being completed.

6.3.2A Kaipara Harbour Environment Area states the following:

The Council recognises that the land use (earthworks) consent 'thresholds' are set relatively high and will not cover small scale tracking and building site preparation works which can in some circumstances be very damaging. Some control over these activities is exercised at the time of subdivision and guidance is also given with building consents. Publicity and landowner education on the sensitivity of prominent landforms and other features likely to contain archaeological or cultural sites is seen as the most effective method for dealing with small scale earthworks.

This has some relevance to the Visual Amenity Landscapes, which are, similarly, productive landscapes. That said; whilst Council needs to recognize the day to day operations associated with farming activities, earthworks have the potential to significantly detract from landscape amenity, particularly in these more sensitive areas.

For the sake of consistency, there may be merit in retaining and applying this existing rule to the Visual Amenity Landscapes, in conjunction with a vegetation clearance rule. The Outstanding Landscape Areas warrant a greater level of protection. Furthermore, the majority of these Outstanding Landscape Areas are elevated and comprise contiguous indigenous vegetation and earthworks of the scale considered in this rule would have the potential to generate significant adverse visual effects. It is recommended that management of these issues be dealt with and assessed as a discretionary activity.

The existing vegetation clearance rule (overleaf) restricts the cutting of indigenous vegetation greater than 6m in height to an area of less than 500m². This is relatively restrictive and reflects the visual and ecological importance of vegetation along the Kaipara Harbour coast. The significance of indigenous vegetation with respect to the rural and visual amenity of the Visual Amenity Landscapes is similar. It may be appropriate to apply this rule to those areas. It is recommended that management of these issues within the Outstanding Landscape Areas be dealt with and assessed as a discretionary activity.

The Kaipara Harbour Environment Area does not place any direct restrictions on buildings. It is considered that provisions governing the location, colour and height of buildings and other structures within the Visual Amenity Landscapes and Outstanding Landscape Areas would be appropriate. It is considered, however that these issues are best dealt with through assessment as a Restricted Discretionary or Discretionary Activity, rather than trying to prescribe general rules.

8.10 Kaipara Harbour Environment Area – Rules on Damage or Destruction of Naturally Occurring Indigenous Vegetation and Individual Indigenous Trees[#]

In the Kaipara Harbour Environment Area, the following activities are **permitted**:

- (i) The clearing, cutting, damaging or destroying of an area of naturally occurring indigenous vegetation not exceeding 500m² on any site after the date that this rule is made operative.
- (ii) The removal or destruction of a naturally occurring indigenous tree that is less than or equal to 6 metres in height and is not located within 100 metres of the coastal marine area.
- (iii) The clearing, cutting, damaging or destroying of any naturally occurring indigenous vegetation or individual indigenous tree in the following circumstances:
 - a) the vegetation or tree has regenerated within an area of land used for farming or forestry activities within 5 years of the proposed clearing, cutting, damaging or destroying and the clearance is to enable the continuation of those activities on the land.
 - b) it is necessary for the purposes of the fencing and excluding livestock from an area which is to be protected permanently for ecological and/or soil conservation purposes.
 - c) the vegetation or tree comprises the understorey directly beneath exotic or native plantation forest and the activity is carried out as part of forestry operations.
 - d) it is carried out in accordance with the terms of a Queen Elizabeth II National Trust or other covenant or a sustainable management permit or plan under the Forests Amendment Act.
 - e) it is necessary for the treatment or removal of dead, damaged or diseased native trees or other works relating to native trees and is immediately necessary to avoid any actual or potential damage to the life, health or property of the owners of the site on which the vegetation or tree is located or any adjacent site.
 - f) it is necessary for the maintenance of any existing building, structure, road or track including any telecommunication work or utility service, or provision of a firebreak, or for the maintenance and upgrading of any existing transmission line.

In the Kaipara Harbour Environment Area, the following activities are **restricted discretionary**:

- (i) The clearing, cutting, damaging or destroying of any naturally occurring indigenous vegetation or individual indigenous tree which is not otherwise permitted.

The Council will restrict the exercise of its discretion to:

- a) the ecological significance of the indigenous vegetation or individual indigenous tree and associated presence of rare or endangered flora and fauna; and
- b) the landscape values of the indigenous vegetation or individual indigenous tree and its contribution to the natural character of the coastal environment; and
- c) the extent to which adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided, remedied or mitigated; and
- d) the extent to which any proposed measures will result in the protection and enhancement of the ecological values of the area; and
- e) the extent to which the activity may adversely impact on visual and amenity values; and
- f) the extent to which the activity may adversely affect cultural and spiritual values.

For the purposes of Rule 8.10, the height of indigenous vegetation should be taken as the uppermost canopy tier in any contiguous stand of vegetation (including contiguous stands which have varying canopy heights).

5.0 Conclusion

Comparison of the areas defined by the 1999 Landscape Assessment and this more recent assessment indicates that time, intervening land use changes and a refining of the criteria for assessment has not resulted in a significant change in results for areas originally identified as outstanding. Minor adjustments in extent are a reflection of the use of more accurate aerial photography for delineation of the areas. There has been an increase in the number of areas identified as outstanding where features or units previously identified as 'significant' have now been reassessed as outstanding. The main change has been in the identification of landscape units as 'Visual Amenity Landscapes' under s7 of the RMA. Many of these units are or include productive landscapes and are thus subject to slightly different pressures and constraints than are the Outstanding Landscape Areas.

This said, the total areas identified have changed only slightly. The 1999 assessment reported a total of 4.5% and 7.5% of the District being assessed as Significant and Outstanding respectively. This study has identified totals of 4.8% and 11.5% being Visual Amenity Landscape and Outstanding Landscape Areas respectively.

The RMA requires Council to provide for the preservation of natural character of the coastal environment, the protection of outstanding natural features and landscapes and the maintenance and enhancement of amenity values. Future protection of landscapes through the Proposed District Plan may be implemented through delineation (mapping) of those landscapes within the Plan, or by not mapping but providing protection through the implementation of broad rules. The implementation of broad rules to address landscape protection is seen as presenting some difficulties since it is somewhat 'blunt' in its approach. In this regard, mapping of the landscape areas is considered to be a preferable approach.

Consideration of alternative methods such as advocacy and the provision of information is an important tool that can work alongside regulatory methods. These other tools do, however, need to be funded and resourced appropriately to have any affect.

Providing for development whilst protecting landscape values is a challenge. Whilst the integration of development within a landscape is often possible, it is difficult to guide this through prescriptive rules. The Environment Court has signaled that it favours the use of rules which encourage comprehensive consideration of development within the landscape – similar to the Management Plan approach currently within the Kaipara District Plan. This approach is considered to be useful, although the current controlled activity status limits Council's ability to require change to layout or design.

The overall intent of the rules, and the issues associated with the Kaipara Harbour Environment Area (KHEA), have some parallels with the Visual Amenity Landscapes (VAL) and an opportunity exists to apply those rules to the VAL. This would, however require the VAL to be mapped. Some concerns remain, however over the 'applicability' of the earthworks and vegetation clearance rules to some of the more elevated or more extensively vegetated VAL. Furthermore, controls on the construction of buildings would

need to be dealt with separately, preferably through assessment as a Restricted Discretionary or Discretionary Activity rather than through general rules.