

Report

# Variation 1: Landscapes to the Proposed Kaipara District Plan : Section 32 Evaluation Report

**Prepared for (Kaipara District Council)**

**By Beca Carter Hollings & Ferner Ltd (Beca)**

22 November 2010

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## Revision History

Revision N°	Prepared By	Description	Date
A	Catherine Richards	Section 32 for Public Notification of Blank Chapter 18.	October 2009
B	Jacky Bartley	Section 32 for Council Workshop dated 22 September 2010	September 2010
C	Lisa Lyons	Section 32 for Public Notification of Variation 1: Landscapes	September 2010

## Document Acceptance

Action	Name	Signed	Date
Prepared by	Lisa Lyons		22 November 2010
Reviewed by	Michele Perwick		22 November 2010
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on behalf of	Beca Carter Hollings & Ferner Ltd		

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## 1 Purpose and Methods of the Section 32

The purpose of this Report is to present a summary of the evaluation of the objectives, policies and methods of the Variation 1: Landscapes (Variation 1) to the Proposed Kaipara District Plan (PDP), under Section 32 of the Resource Management Act.

### 1.1 Introduction

This report summarises the evaluation of Variation 1 to the PDP undertaken in accordance with Section 32 of the Resource Management Act 1991 (RMA). Under Section 32 of the RMA, local authorities are required to carry out and report on an evaluation to examine whether the objectives in the variation are the most appropriate to achieve the purpose of the Act. The evaluation must also examine the efficiency and effectiveness of proposed policies, rules and other methods in achieving the objectives.

Section 31(1) sets out the Council's functions for the purpose of giving effect to the Act. As a territorial authority, the Council's functions include:

- (a) *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
- (b) *The control of any actual or potential effects of the use, development or protection of land, including...*

Section 72 states:

*The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.*

Section 74(1) of the RMA states:

*A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32, and any regulations.*

The following provisions of section 76 are also relevant:

- (1) *A territorial authority may, for the purpose of –*
  - (a) *Carrying out its functions under this Act; and*
  - (b) *Achieving the objectives and policies of the plan, - includes rules in a district plan.*
- (3) *In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities, including, in particular, any adverse effect.*

### 1.2 Purpose and Methods of the Section 32

In achieving the purpose of the Act, the council must carry out an evaluation under section 32 of the RMA before publicly notifying a district plan or a plan change. Section 32(3), (3A) and (4), (5) and (6) states:

- (3) *An evaluation must examine -*
  - (a) *the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and*
  - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*
- (3A) *This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any prohibition or*

*restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstances of the region or district.*

- (4) *For the purposes of the examination referred to in subsections (3) and (3A), an evaluation must take into account –*
  - (a) *the benefits and costs of policies, rules, or other methods; and*
  - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.*
- (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
- (6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.*

### **1.3 Value of Section 32 evaluation process**

The Section 32 evaluation process provides a number of benefits both in the development, implementation and decision-making of the District Plan.

The main benefits are:

- Providing decision-makers with sound policy analysis to base their decisions on resource management issues;
- Providing for good resource management outcomes, at the lowest practicable cost to individuals and the community
- Providing for targeted Plan Provisions that achieve the purpose of the RMA by the most appropriate Methods;
- Providing for the re-assessment (through subsequent evaluation) whether expectations and assumptions made during the policy development stage are correct. This will be apparent if the plan provisions are shown, on the basis of observed environmental outcomes (and other costs and benefits) to be effective and efficient

### **1.4 Method of Assessment**

With regard to Section 32, this report assesses matters of the Variation 1 to the PDP under the following general headings:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act;
- Whether the policies, rules, or other methods are the most appropriate for achieving the Objectives:
- Having regard to their efficiency and effectiveness.
- Taking into account the benefits and costs of policies, rules, or other methods.
- Taking into account the risk of acting or not acting if there is uncertain and/or insufficient information about the subject matter of the policies, rules, or other methods.

Throughout the District Plan development process, which commenced in 2005, Council has held workshops and undertaken consultation with the community on the issues, environmental outcomes sought and possible method options for valued landscapes in the District.

## 2 Summary of the District Plan Review Process

### 2.1 District Plan Review

Kaipara District Council (Council) commenced the review of the Operative Plan (1997) in 2005 and Beca Carter Hollings & Ferner Ltd ('Beca') was commissioned to assist the Council. The management and protection of Outstanding Landscapes Areas was recognised as a priority issue, given the Operative Plan identified Outstanding Landscape Areas as indicative only and had no rules associated with them. Littoralis Landscape Architects Ltd (Littoralis) were then commissioned to undertake a landscape study, including mapping of landscape units. During this review process, Council held workshops and undertook consultation with the community on the issues, environmental outcomes sought and possible method options for valued landscapes.

'Environmental Outcomes' were adopted by Council and were consulted on with the wider community, including iwi and other key stakeholders (with initial meetings with the Department of Conservation, Regional Council and others). The Environmental Outcomes adopted by Council are as follows

*"Outstanding landscapes mapped and protected from inappropriate subdivision, use and development"; and*

*"The maintenance and enhancement of those values that contribute to amenity landscapes."*

A draft technical report on landscapes in the Kaipara District was received by Council in August 2006 ("the Littoralis Report"). The Littoralis Report identified a number of Outstanding Landscape Areas and Visual Amenity Landscapes within the District.

In March 2007, the Council consulted with the community on the broad method options for landscapes. The directions for methods on outstanding landscapes were further developed through workshops held during 2007 and 2008.

In March 2008 a further workshop was held to present to the Council the findings of the digital mapping of Outstanding Landscape Areas and to discuss options for the inclusion of this information in the Proposed Plan. This workshop included discussion on land use development activities that potentially threaten Outstanding Landscape Areas and options for consultation with landowners affected by the identified landscape areas.

In July 2008 Council approved the consultation strategy for landscapes. Following Council's directions, a community forum discussion was held in Mangawhai in September 2008 to gain insight into the community views on Outstanding Landscape Areas. The Council also initiated consultation with directly affected landowners of the (7) 'new' Outstanding Landscape Areas identified in the Littoralis Report in September and October 2008. These 'new' landscape areas were the landscapes identified as outstanding that had not previously been identified in the Operative Plan. Council commenced the scheduling of consultation meetings with landowners and the community for early November 2008.

The feedback from the community at the forum discussion was mixed. On 29 October 2008, the Council held a workshop, facilitated by Beca, in which Councillors indicated that due to *"...the entrenched and intransigent position of the stakeholders who are opposed to the identification of outstanding landscapes in the Kaipara District"*, they did not want to spend any more time and resources progressing the Landscape Chapter of the PDP and wished to concentrate Council's limited resources on other key strategic elements of the Plan review. In particular, Council indicated that it considered the costs of proceeding with the Outstanding Landscape Areas provisions outweighed the benefits, due to both the ongoing resourcing and costs of proceeding

with the Landscape Chapter and the potential to compromise delivery of other economic and environmental outcomes identified in the PDP. This conclusion was reflected in the Section 32 Reports released with the PDP in October 2009.

It is noted that Northland Regional Council (NRC) is embarking on the preparation of their second generation Regional Policy Statement (RPS). NRC<sup>1</sup> anticipates that the proposed RPS will provide a more balanced view of economic environmental and infrastructure priorities than the Operative RPS, addressing the following matters:-

- Amendments to the RMA since the Regional Policy Statement was made operative
- Inconsistent approaches adopted by District Councils to the protection of Northland's Outstanding Landscapes and Outstanding Natural Features.
- Mapping
- Providing clear guidance as to the level and methods of protection expected from inappropriate subdivision and development.

Kaipara District Council acknowledges that it has a statutory obligation to under Section 75 (3) to give effect to the any Regional Policy Statement. However, Council cannot delay the notification of the Variation 1 Landscapes to its Proposed District Plan.

Variation 1 has been developed to take into consideration the provisions of adjoining local authorities, particularly the Far North District Plan, which is considered by Kaipara District Council to be the most relevant and appropriate for its district.

The PDP was notified in October 2009, with a blank chapter 18 – Landscapes. A draft chapter 18 Landscapes was appended to the Section 32 Evaluation for the PDP, for information purposes.

Shortly after the Plan was notified, the Environmental Defence Society sought a declaration from the Environment Court on the 'missing chapter' within the PDP for Outstanding Landscapes.

## **2.2 Submissions and Hearings on the Proposed Kaipara District Plan**

A number of submissions were made on the Landscape Chapter. A summary of submissions on the Draft Landscapes Chapter was provided in pages 1369 to 1455 of the Summary of Submissions and Further Submissions Report. The two key matters raised by submissions were to include a completed landscapes section in into the PDP or to continue to exclude Landscapes from document.

In making a decision on the submissions on submissions to the Landscape Chapter, three options were available to Council, namely:

Option 1: Status quo: Retain the Proposed Plan without a Landscapes Chapter.

Option 2: Provide for a Landscapes Chapter by way of submissions; or

Option 3: Notify a separate plan variation providing for Objective/Policies/Methods, Rules and Maps.

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<sup>1</sup> Northland Monitoring and Review Report

The reporting planner in the Landscapes Hearing Report recommended Option 3 (a full variation) would satisfy the requirements of the RMA and enable the public to have sufficient information and uncertainty as to the process of providing for Outstanding Landscape Areas. Option 1 was not considered to satisfy the requirements of the RMA, particularly Section 6 and 7, nor was it in the best interests of the community. Option 2 was not considered to be robust enough to satisfy the requirements of the RMA and would be at odds with Council's desired environmental outcomes.

In response to the Environment Defence Society seeking a declaration from the Environment Court to include the Landscapes Chapter in the Proposed District Plan, a Council meeting on 28 April 2010 resolved that, following the hearing of submissions on the PDP, Council would proceed to finalise and notify a variation on the Landscapes in September 2010.

The reasons for this decision were stated as:

*Council has always been committed to having provisions within the PDP on outstanding landscapes. The exact nature of these provisions has not been decided. Following legal advice from Council's lawyers Brookfields as a result of Environment Court proceedings against Council by the Environmental Defence Society, now is the most appropriate time to decide on when outstanding landscapes provisions should be included.*

*Notifying a variation after the hearing of submissions will enable Council to hear and consider submissions relating to outstanding landscapes while have been filed in respect of the Proposed Plan, and for those matters to inform the content of the variation. In addition, this process could be considered to be part of Council's ongoing section 32 consideration and part of its ongoing consultation with the community.*

### **2.3 Environment Court Direction**

On 23 August 2010, the Environment Court issued a decision (2010 NZ Env C 284) on the proceeding from Environmental Defence Society on the 'missing chapter' for Outstanding Landscapes. While the Court has not issued final judgement on the Environmental Defence Society's application for a declaration, there are a number of comments made in the Environment Court's decision which give a clear indication of the Judge's direction on this matter. In summary, the following comments are highlighted:

*"... the Council embarked on a course of action [stopping the process of the District Plan Review with respect to Outstanding Landscapes] that fails to include provision that recognises and provides for the protection of outstanding natural features and landscapes"... "possible that the omissions of Kaipara District Council have been in breach of s31 RMA".*

*"... the Council has not yet got to the point of meeting its obligations under s6(b), s31, and to give effect to relevant Policies in the New Zealand Coastal Policy Statement and Objectives [and] positions in the Northland Regional Policy Statement".*

*"There is no basis under the RMA for arguing that... [parties submitting on the Plan] should do the council's work for it and create a landscape chapter. There is a right of participation by such parties, but no obligation to anyone other than the council".*

*"It is possible that if a Variation is promulgated, the Council may then be seen to some extent or another, to be meeting its obligations and carrying out its functions".*

## **2.4 Variation 1: Landscapes**

Following on from Council's April 2008 resolution to notify a variation and taking into account the Environment Court decision, Beca were instructed by Council to update the draft Chapter 18 and the section 32 report in preparation for a notification date in September 2010. The amended draft variation and section 32 report was reported to Council for adoption at a Council meeting on 22 September 2010.

At this meeting Beca confirmed that while the variation met the statutory requirements for notification in its currently form there were a number of areas in which a significant amount of further work was still required, in order to avoid significant change to the Variation once notified.

The following Council resolutions were made at this meeting:-

### **Resolution One                      Alspach/Smith**

**That**, subject to Resolution Two, Council adopts for public notification as Landscape Variation 1 to the Proposed Kaipara District Plan, the draft Chapter 18: Landscapes and Section 32 report, subject to technical and drafting amendments being made that do not change the purpose and intent of the document.

#### **Reason for Resolution One**

Council must adopt draft Chapter 18: Landscapes and Section 32 Report before these documents can be publicly notified.

### **Resolution Two                      Alspach/Smith**

**That** Council asks the Environment Court for an "Extension of Time" from 30 September 2010 to between 31 March 2011 and 30 June 2011 within which to notify Landscape Variation 1, known as draft Chapter 18: Landscapes, to the Proposed Kaipara District Plan provided that if the Court refuses the extension of time, it be publicly notified as soon as practicable after receiving that decision.

#### **Reason for Resolution Two**

Council can notify the Chapter as at 30 September 2010 however Chapter 18: Landscapes, would benefit from extra technical work being undertaken.

### **Resolution Three                      Alspach/Smith**

**That** in support of its request to the Environment Court for an "Extension of Time", the Court be advised that the Council considers the following work and actions to be desirable before finalising draft Chapter 18: Landscapes, for public notification as Landscape Variation 1 to the Proposed Kaipara District Plan:

- a. Additional input on cultural landscapes; and
- b. Additional input and definitions of landscapes with regard to the natural character of the coastal environment; and
- c. Further concentrated landowner consultation/ground truthing; and
- d. It is desirable that there be some time allowed so as to enable deliberations and decisions on submissions to occur in respect of the Proposed Kaipara District Plan so as to ensure appropriate linkages between the provisions relating to overlays and activities generally, with draft Chapter 18: Landscapes.

## Reason for Resolution Three

Council can notify as at 30 September 2010 however draft Chapter 18: Landscapes, would benefit from extra technical work being undertaken.

## 2.5 Conclusions

Recognising the submissions, the decision of the Environment Court, and the need for Council to meet its statutory obligations under Part 2 of the RMA, new landscapes provisions have been presented to Council in order to provide a clear direction on how 'Outstanding Landscape Areas' and 'Visual Amenity Landscapes' will be managed within the Kaipara District. This is the subject of this Section 32 Report and follows from the Section 32 undertaken and released with the PDP (October 2009).

### Update since Council resolution (September 2010) to accept the section 32 report to Variation 1.

*This update is provided for information purposes only and does not form part of the section 32 report to Variation 1.*

After considering Council's request for an extension of time, the Environment Court issued its decision on the 10 November 2010, stating:

*"The variation is best therefore notified forthwith in its current form, with council submissions, and/or a replacement variation, and/or a variation on the variation, to follow."*

Further work is being progressed by the Council that will be updated into the Plan over time, either by way of submissions or further variations to the Plan. These include:

- Additional work on Outstanding Natural Features;
- Additional assessment of areas of high natural character;
- Ground truthing of Outstanding Landscape Areas and landowner consultation;
- Further consultation with tangata whenua;
- Review of decisions on the Proposed District Plan in relation to overlaps between Outstanding Landscape Areas and Overlays;
- Further liaison and engagement with Northland Regional Council to better integrate the outcomes of the Landscapes Chapter.
- Updates to reflect changes required to satisfy the New Zealand Coastal Policy Statement 2010

## 3 Consultation

Clauses 3 and 3B of Schedule 1 of the RMA set out the consultation requirements for the preparation of the variation. Council undertook consultation on the Landscapes Chapter prior to the notification of the PDP from 2005-2008 (as outlined above). A summary of this consultation is provided in Appendix A.

Submissions and evidence presented at hearings on landscape matters in 2010 have been taken into consideration in drafting Variation 1. During August and September 2010 consultation was undertaken with the following parties in accordance with Schedule 1:

- *Rodney District Council;*
- *Far North District Council;*

- *Whangarei District Council;*
- *Northland Regional Council;*
- *Te Uri o Hau;*
- *Te Roroa; and*
- *Ministry for the Environment.*

A summary of consultation responses is provided in Appendix B. Key comments include:-

- Develop a clear, strong policy framework and rules to protect Outstanding Landscape Areas;
- Ground truth Outstanding Landscape Areas;
- Address cross boundary issues and inconsistencies in the protection and management of Outstanding Landscape Areas;
- Consider the development of methods to ensure appropriate consideration is given to development adjacent to Outstanding Landscape Areas;
- Have a clear assessment criteria;
- Make worksheets used for the assessment of Outstanding Landscape Areas and Visual Amenity Landscapes publicly available;
- Map both Outstanding Landscape Areas and Visual Amenity Landscapes;
- Identify cultural and historical values of landscapes;
- Identify sites in the Geopreservation Inventory as Outstanding Natural Features and protect these from inappropriate subdivision use and development;
- The need for engagement with tangata whenua to identify cultural and heritage values of Outstanding Landscape Areas and Amenity Landscapes and consider using heritage provisions of the RMA;
- The need for a package of both restrictions and incentives;
- Further refinement of Appendix 18A and the Draft Kaipara District Plan Review Technical Landscape Report 2006;
- To recognise public benefits of Outstanding Landscape Areas and Outstanding Natural Features and that this public good is often derived from land in private ownership;
- Have a clear policy framework for the Visual Amenity Landscapes;
- The need for outcomes to be expressed positively;
- Expand Appendix 18B to include commentary of threats to values from development
- Include sites identified in the Te Uri o Hau Treaty Settlement in the Outstanding Landscape Areas; and
- Information is being compiled on the sites identified in the Te Uri o Hau settlement by Te Uri o Hau's Cultural and Heritage Project Leader.

The above comments received during consultation have been considered and incorporated into Variation 1 where appropriate or included as methods, as matters for further investigation.

### 3.1 Conclusion

On the basis of the consultation undertaken, as outlined above, it is considered the Council meets the minimum statutory requirements set out in Schedule 1 section 3 and 3B of the RMA. It is acknowledged further consultation through the public notification process will be undertaken particularly with key stakeholders, including tangata whenua, landowners and the community.

## 4 Proposed Landscape Issues

The draft section 32 report for Landscapes in the PDP (October 2009) identified a number of landscape issues as a result of the Operative Plan review, and the Issues and Options assessment, including Council workshops<sup>2</sup> and community consultation. These were:

- The threat to important landscapes from incompatible development
- Natural character of the coast (e.g. wilderness aspect)
- The impacts of growth on the sense of place of existing settlements
- The lack of a consistent approach to the identification and management of Landscapes, at a District level.

These board brush issues have been further refined in the development of Variation 1, based on the above work together with consideration of the submissions filed to the PDP, evidence presented at the PDP Hearings, Council workshops, and statutory consultation feedback. These are discussed below. For completeness in this report, similar issues identified in Chapter 4 Overlays of the PDP are also referenced.

### 4.1 The threat to important landscapes from incompatible development

Kaipara District contains a diversity of landform, a long coastline, numerous rivers and wetlands and extensive areas of native vegetation all of which combine to make the District unique. Retaining the District's distinctive landscape character relies on maintaining the character of those landscapes and component features. It also involves conserving the key characteristics that define some of the less 'sensitive' landscapes' that contribute more broadly to the District's identity.

The values that make individual landscapes outstanding and / or contribute to amenity values have the potential to be adversely affected or in some cases permanently lost or degraded by incompatible development. Development can be incompatible due to the scale, form and colour of buildings or other structures; the location of building platforms and driveways; or the location and extent of earthworks and vegetation clearance.

The District Plan needs to manage the effects of activities in a way that recognises and protects the range and variety of distinctive landscapes that distinguish Kaipara.

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<sup>2</sup> Issues confirmed by Council resolution at the Council Meeting on 25 July 2007

Variation 1 has recognised the following issues facing outstanding and visual amenity landscapes:

- Issue 18.5.1 - *Inappropriate subdivision, use and development has the potential to threaten the values of Outstanding Landscape Areas and Visual Amenity Landscapes;*
- Issue 18.5.2 - *The need to identify and protect Outstanding Landscape Areas and maintain and enhance Visual Amenity Landscapes whilst also providing for social and economic wellbeing;*
- Issue 18.5.3 - *Outstanding Landscape Areas have a relatively low capacity to accommodate change without compromising their essential characteristics, and therefore must be protected);*
- Issue 18.5.4 - *Visual Amenity Landscapes can be compromised by the effects of subdivision, use and development through vegetation clearance, poor siting and appearance of buildings and structures, driveways, and inappropriate planting; and*
- Issue 18.5.5 - *The need to recognise and maintain a diversity of landscape types.*

Relevant issues identified in Chapter 4 Overlays of the PDP are;

#### **4.2 Waterways**

- Issue 4.3.10 - *A lack of integrated and sustainable management of land adjacent to waterways has the potential to adversely impact on those features and elements which significantly contribute to the landscape and ecological values of the wider area.*

#### **4.3 Harbours**

- Issue 4.3.7 - *Land use and development on the catchments of the Mangawhai and Kaipara Harbours significantly contributes to the social and economic wellbeing of the community. However, activities in these catchments have the potential to degrade the values of these sensitive receiving environments, particularly:*
  - *Loss of public access to and along the harbour;*
  - *Loss of habitats and adverse impacts on ecological values;*
  - *Changes to landscape and amenity values;*
  - *Loss of cultural and heritage sites; and*
  - *Degradation of water quality.*

#### **4.4 Rural**

- Issue 12.4.3 - *Growth, development and land use change create an opportunity for improved maintenance, protection and enhancement of the District's significant natural and cultural environment.*

#### **4.5 Natural character of the coast (e.g. wilderness aspect)**

Inappropriate subdivision and development can result in the degradation of natural character along the coast. The Kaipara District stretches from the east coast to the west coast. Different 'values' contribute to the natural character of each coastline.

Kaipara's west and east coasts are valued for their high levels of natural character. The current low levels of built development (particularly on the west coast) in this environment contribute to

these values. Both coasts and their harbours have a long history of resource and land use. Council is seeking to enable compatible land uses, while managing the effects of those activities which are a potential 'threat' to these natural character values, particularly inappropriate subdivision and development and some land use activities.

To date, areas of high natural character in the District have not been specifically identified and mapped. However, areas displaying elevated levels of natural character are generally contained within Outstanding Landscape Areas. On this basis, it is considered that issues associated with the protection of natural character will be addressed in the landscapes assessment. These are:

- Issue 18.5.1 - *Inappropriate subdivision, use and development has the potential to threaten the values of Outstanding Landscape Areas and Visual Amenity Landscapes;*
- Issue 18.5.3 - *Outstanding Landscape Areas have a relatively low capacity to accommodate change without compromising their essential characteristics, and therefore must be protected;*
- Issue 18.5.5 - *The need to recognise and maintain a diversity of landscape types.*

Chapter 4 Overlays in the PDP identifies a number of issues which are of relevance to both landscape and natural character, in particular this considers the interrelationship of natural processes, patterns and elements in the protection of natural character.

#### **4.6 West Coast**

- Issue 4.3.1 - *Activities on the foreshore and adjacent coastal margins have the potential to compromise the natural character and quality of the coastal environment, particularly its wilderness and the low level of built form and development.*

#### **4.7 East Coast**

- Issue 4.3.3 - *Activities on the foreshore and adjacent coastal margins have the potential to compromise the natural character and quality of the coastal environment.*

#### **4.8 The impacts of growth on the sense of place of existing settlements**

Growth and uncontrolled rural-residential development are resulting in a loss of distinctive character / sense of place, of existing settlements and their hinterland.

There are a number of small settlements along the West Coast that are recognised and valued for their special sense of place and 'amenity'. It is anticipated that there will be on-going growth and development of these settlements. However, without management direction, this growth and development has the potential to adversely impact on these values.

Mangawhai is also recognised as having a special sense of place and residential amenity, associated with the historic development of the area, its ecological and landscapes values and the lifestyle opportunities it provides. The Mangawhai Structure Plan recognises and provides direction for the District Plan on the protection of these values.

Variation 1 would introduce overlaps between the Mangawhai and Bayleys Beach growth areas and scheduled Outstanding Landscape Areas.

Variation 1 recognises this issue as follows:

- Issue 18.5.1 - *Inappropriate subdivision, use and development has the potential to threaten the values of Outstanding Landscape Areas and Visual Amenity Landscapes;*

Issue 18.5.3 - *Outstanding Landscape Areas have a relatively low capacity to accommodate change without compromising their essential characteristics, and therefore must be protected*);

Council in its decision making on both the PDP and Variation 1 will need to consider carefully this conflict, when protecting the values of Outstanding Landscape Areas.

Relevant issues identified in Chapter 4 Overlays of the PDP are;

#### **West Coast**

Issue 4.3.2 - *The amenity of existing coastal settlements has the potential to be compromised by inappropriate development.*

#### **Harbours**

Issue 4.3.8 - *Unmanaged development and land use has the potential to adversely affect the special residential amenity and built form of the Mangawhai area.*

#### **Waterways**

Issue 4.3.10 - *A lack of integrated and sustainable management of land adjacent to waterways has the potential to adversely impact on these features and elements which significantly contribute to the landscapes and ecological values of the wider area.*

### **4.9 The lack of a consistent approach to the identification and management of Landscapes at a District level**

The Kaipara District Council and adjoining territorial authorities are in different stages of identifying and have different approaches to protecting Outstanding Landscape Areas and Visual Amenity Landscapes. This can result in inconsistent identification and management of these features at a district level which results in the diminishment of the coherence of the landscape values of the broader landscape.

Council is seeking to work with other territorial authorities to develop a consistent approach to the management of landscapes over time. Variation 1 identifies this issues as follows:

Issue 18.5.6 - *Adjoining District Councils are at different stages of identifying Outstanding Landscape Areas and Visual Amenity Landscapes, and have different approaches to protecting and managing those areas. Those differences have the potential to diminish the coherence and value of the broader landscape entity.*

## **5 Proposed Landscape Objectives**

The assessment of this report, as summarised in Section 1 above, and provided in more detail in Part A of the Section 32 Report released with the Proposed District Plan (October 2009), sets out a methodology for the assessment of objectives. The remainder of this section is undertaken in accordance with that process.

## Objective 18.6.1

### To protect Outstanding Landscape Areas from inappropriate subdivision, use and development, including built structures, earthworks and vegetation clearance.

This objective seeks to protect Outstanding Landscape Areas from the effects of inappropriate subdivision, use and development, including buildings, structures, earthworks and vegetation clearance. Activities that seek to establish within an Outstanding Landscape Area will be required to demonstrate that consideration has been given in the design, scale, location, and intensity of the development to the values of the Outstanding Landscape.

#### a. Evaluation

RMA Provision	Evaluation
s5(2)(a)	The objective will protect the values associated with the Outstanding Landscapes in the District and therefore will sustain the ability for the public and future generations to enjoy them.
s5(2)(b)	The objective aims to manage the effects of subdivision, use and development which have the potential to adversely impact on the values of Outstanding Landscape Areas. The key physical characteristics (e.g. clean water; predominance of natural vegetation cover and features, and amenity) of these landscapes contribute to why they are valued. Management of these values will contribute to safeguarding the life-supporting capacity of these natural resources.
s5(2)(c)	The objective is consistent with this sub-section, as it aims to protect Outstanding Landscapes by managing the effects of subdivision use and development.
Social wellbeing	Protecting values of Outstanding Landscapes contributes to the social wellbeing of the Kaipara community and to visitors to the District as it helps to maintain the character and identity of the district.
Economic wellbeing	Economic wellbeing is implicit in the provision of protecting Outstanding Landscapes values which protect the character and identity of the district.
Cultural wellbeing	The Outstanding Landscapes in the District are exceptional natural or physical features that reflect cultural and/or physical processes. In protecting Outstanding Landscape Areas, this Objective will therefore assist the Kaipara community to provide for their cultural wellbeing.
Health and safety	Health and safety is not specifically referred to in this Objective.
s6	<p>The objective recognises and provides for:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> s6(a) – The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.</li> <li><input checked="" type="checkbox"/> s6(b) – The protection of outstanding natural features and landscapes from inappropriate subdivision use and development.</li> <li><input checked="" type="checkbox"/> s6(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</li> <li><input checked="" type="checkbox"/> S6(f) The protection of historic heritage from inappropriate subdivision, use and development Melinda comment</li> </ul>
s7	<p>The objective has particular regard to:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> s7(c) – The maintenance and enhancement of amenity values;</li> <li><input checked="" type="checkbox"/> s7(e) – Recognition or protection of the heritage values of sites, buildings, places or areas.</li> <li><input checked="" type="checkbox"/> s7(f) – The maintenance and enhancement of the quality of the environment.</li> </ul>

RMA Provision	Evaluation
s8	<input checked="" type="checkbox"/> The objective takes into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
Response to Issues	<input checked="" type="checkbox"/> 18.5.1 – Inappropriate subdivision, use and development has the potential to threaten the values of Outstanding Landscape Areas and Visual Amenity Landscapes <input checked="" type="checkbox"/> 18.5.2 <b><i>The need to identify and protect Outstanding Landscape Areas and maintain and enhance Visual Amenity Landscapes whilst also providing for social and economic well-being</i></b> 18.5.3 – Outstanding Landscapes have a relatively low capacity to accommodate change without compromising their essential characteristics, and therefore must be protected

b. Overall assessment

The objective is considered the most appropriate in achieving the purpose of the Act, as it aims to balance the needs of the community to provide for their social and economic wellbeing with the needs to protect the environment.

In particular, this objective is consistent with the requirements of Section 6 of the Act to protect Outstanding Landscape Areas from inappropriate subdivision, use and development. The objective seeks to only to manage the effects of inappropriate land use and subdivision on the values of Outstanding Landscape Areas.

c. Outstanding issues

Nil.

**Objective 18.6.2:**

**To ensure that subdivision, use and development is undertaken in the District in a manner that avoids adverse effects on Outstanding Landscape Areas (and where this is not practicable remedies or mitigates such impacts) and avoids, remedies or mitigates adverse effects on Visual Amenity Landscapes.**

This objective seeks to specifically avoid adverse effects of those activities that have the potential to adversely impact on Outstanding Landscape Areas including the subdivision of land that creates increased demand for building development, earthworks and vegetation clearance (as those activities which pose the greater threat to these landscape values in terms of potential adverse effects). This objective also seeks to avoid, remedy and mitigate adverse effects on Visual Amenity Landscapes.

d. Evaluation

RMA Provision	Evaluation
s5(2)(a)	The objective aims to sustain the capacity of natural and physical resources for future generations by avoiding adverse effects on Outstanding Landscape Areas and avoiding, remedying or mitigating adverse effects on Visual Amenity Landscapes.
s5(2)(b)	The objective aims to ensure that adverse effects associated with subdivision, use and development including earthworks and vegetation clearance are avoided in Outstanding Landscape Area and avoided, remedied or mitigated in Visual Amenity Landscapes. Thereby safeguarding the life-supporting capacity of these

RMA Provision	Evaluation
	natural resources.
s5(2)(c)	The objective is consistent with section 5(2)(c) provides for avoiding adverse effects in Outstanding Landscape Areas and avoiding, remedying or mitigating adverse effects on Visual Amenity Landscapes.
Social wellbeing	Social wellbeing is implicit in the provision for avoiding, adverse effects on Outstanding Landscape Areas and avoiding, remedying or mitigating adverse effects on Visual Amenity Landscapes through this objective, though not specifically provided for.
Economic wellbeing	Economic wellbeing is implicit in the provision for avoiding, adverse effects on Outstanding Landscape Areas and avoiding, remedying or mitigating adverse effects on Visual Amenity Landscapes They provide opportunities for the community to enhance their economic wellbeing, for example through recreation or tourism opportunities.
Cultural wellbeing	The Outstanding and Visual Amenity Landscapes in the District are exceptional natural or physical features that reflect cultural and/or physical processes. In avoiding, adverse effects on Outstanding Landscape Areas and avoiding, remedying or mitigating adverse effects on Visual Amenity Landscapes, this Objective will therefore assist the Kaipara community to provide for their cultural wellbeing.
Health and safety	Health and safety is not specifically referred to in this objective.
s6	The objective recognises and provides for: s6(a) – The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development. s6(b) – The protection of outstanding natural features and landscapes from inappropriate subdivision use and development.
s7	The objective has particular regard to: s7(c) – The maintenance and enhancement of amenity values; s7(e) – Recognition or protection of the heritage values of sites, buildings, places or areas. s7(f) – The maintenance and enhancement of the quality of the environment.
s8	The objective takes into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
Response to Issues	<input checked="" type="checkbox"/> 18.5.1 – Inappropriate subdivision, use and development has the potential to threaten the values of Outstanding Landscape Areas and Visual Amenity Landscapes. <input checked="" type="checkbox"/> 18.5.2 The need to identify and protect Outstanding Landscape Areas and maintain and enhance Visual Amenity Landscapes whilst also providing for social and economic well-being. <input checked="" type="checkbox"/> 18.5.4 Visual Amenity Landscapes can be compromised by the effects of subdivision, use and development through vegetation clearance, poor siting and appearance of buildings and structures, driveways, and inappropriate planting. <input checked="" type="checkbox"/> 18.5.5 The need to recognise and maintain a diversity of landscape types

#### e. Overall assessment

The objective is considered the most appropriate in achieving the purpose of the Act, balancing the needs of the community to provide for their social and economic wellbeing with the needs to protect the environment. In particular, this objective seeks to avoid adverse effects on Outstanding Landscape Areas and avoid, remedy or mitigate adverse effects on Visual Amenity Landscapes.

f. Outstanding issues

Nil.

**Objective 18.6.3: To encourage the active management and voluntary protection of Landscapes by private landowners.**

Several important landscapes are located on private property. The support of landowners and their appreciation of the values and sensitivities of Outstanding Landscape Areas and Visual Amenity Landscapes is therefore an important facet of sustainable management of the District's landscape resource.

g. Evaluation

RMA Provision	Evaluation
s5(2)(a)	The objective aims to sustain the capacity of natural and physical resources for future generations by encouraging active management and voluntary protection of Outstanding Landscape Areas and Visual Amenity Landscapes.
s5(2)(b)	The objective aims to encourage active management and protection of Outstanding Landscape Areas and Visual Amenity Landscapes. Such 'management' will contribute to safeguarding the life-supporting capacity of these natural resources.
s5(2)(c)	The objective aims to encourage active management and voluntary protection. It recognises that management practices used by many landowners in the District are currently assisting to avoid, remedy or mitigate potential adverse effects on Outstanding Landscape Areas and Visual Amenity Landscapes.
Social wellbeing	Social wellbeing is implicit in the provision for the protection of Outstanding Landscape Areas and Visual Amenity Landscapes, though not specifically provided for. The Kaipara community will be able to enjoy the visual amenity of these landscapes. They also contribute to the distinctive character and identity of the District.
Economic wellbeing	Economic wellbeing is implicit in the provision for active management and voluntary protection of Outstanding Landscape Areas and Visual Amenity Landscapes, though not specifically provided for. Outstanding Landscape Areas and Visual Amenity Landscapes contribute to the District's identity and therefore can attract visitors to the area. Landowners may also benefit when they undertake development which directly protects or enhances landscape features through incentives (as proposed through financial incentives and development bonuses )
Cultural wellbeing	The protection and enhancement of Outstanding Landscape Areas and Visual Amenity Landscapes and their associated values including cultural and historical associations implicitly provide for cultural wellbeing.
Health and safety	Health and safety is not specifically provided for in this objective.
s6	The objective recognises and provides for: <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> s6(a) – The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.</li> <li><input checked="" type="checkbox"/> s6(b) – The protection of outstanding natural features and landscapes from inappropriate subdivision use and development.</li> <li><input checked="" type="checkbox"/> S6(f) The protection of historic heritage from inappropriate subdivision, use and development</li> </ul>
s7	The objective has particular regard to: <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> s7(c) – The maintenance and enhancement of amenity values;</li> </ul>

RMA Provision	Evaluation
	<input checked="" type="checkbox"/> s7(e) – Recognition or protection of the heritage values of sites, buildings, places or areas. <input checked="" type="checkbox"/> s7(f) – The maintenance and enhancement of the quality of the environment.
s8	<input checked="" type="checkbox"/> The Objective takes into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
Response to Issues	<input checked="" type="checkbox"/> 18.5.1 – Inappropriate subdivision, use and development has the potential to threaten the values of Outstanding Landscape Areas and Visual Amenity Landscapes. <input checked="" type="checkbox"/> 18.5.2 The need to identify and protect Outstanding Landscape Areas and maintain and enhance Visual Amenity Landscapes whilst also providing for social and economic well-being. <input checked="" type="checkbox"/> 18.5.3 Outstanding Landscape Areas have a relatively low capacity to accommodate change without compromising their essential characteristics, and therefore must be protected. <input checked="" type="checkbox"/> 18.5.4 Visual Amenity Landscapes can be compromised by the effects of subdivision, use and development through vegetation clearance, poor siting and appearance of buildings and structures, driveways, and inappropriate planting.

#### h. Overall assessment

The objective is considered the most appropriate in achieving the purpose of the Act, balancing the needs of the community to provide for their social and economic wellbeing with the needs to protect and manage effects on the environment. In particular, this objective seeks to encourage landowners to actively maintain and enhance landscape values on their property. This objective seeks to minimise the amount of regulation required to protect important landscapes and allow landowners to choose the method most effective to their individual property and circumstances.

#### i. Outstanding issues

Nil.

#### **Objective 18.6.4: To recognise and provide for the distinctiveness, diversity and complexity of landscapes across the District.**

This objective seeks to provide for a range of landscapes within the Kaipara District. There are a number of landscape types identified within the Kaipara District each with their own attributes and characteristics which add to their value. Without a clear direction in the District Plan on the identification and value of each of the different types of landscape these have the potential to be degraded or destroyed through inappropriate subdivision, use and development. While the degree of protection (as set by other objectives) affords priority to Outstanding Landscapes Areas, this objective acknowledges the importance of amenity landscapes in contributing to amenity, sense of place and the integrated management of the environment.

#### j. Evaluation

RMA Provision	Evaluation
s5(2)(a)	The objective aims to protect the values associated with the Outstanding Landscape Areas and Visual Amenity Landscapes by providing for the protection, preservation, maintenance and enhancement of landscape diversity within the Kaipara District, for generations to enjoy them.

RMA Provision	Evaluation
s5(2)(b)	The objective aims to recognise and provide for a distinct, diverse and complex range of Outstanding Landscape Areas and Amenity Landscapes which will implicitly contribute to better environmental outcomes therefore safeguarding the life-supporting capacity of these natural resources.
s5(2)(c)	The objective aim to provide a distinct, diverse and complex range of Outstanding Landscape Areas and Visual Amenity Landscapes in a way that ensures that any potential adverse effects on the values associated with those landscapes are either avoided, remedied or mitigated.
Social wellbeing	A consistent approach to identification, protection and management of Outstanding Landscape Areas and Visual Amenity Landscapes contributes to the social wellbeing of the Kaipara community and to visitors to the District as it helps to maintain the character and identity of the district.
Economic wellbeing	Economic wellbeing is implicit in the provision of a diversity of Outstanding Landscape Areas and Visual Amenity Landscapes values which protect the character and identity of the district, and encourage economic wellbeing through tourism and recreation opportunities.
Health and safety	Health and safety is not specifically referred to in this objective.
s6	<p>The objective recognises and provides for:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> s6(a) – The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.</li> <li><input checked="" type="checkbox"/> s6(b) – The protection of outstanding natural features and landscapes from inappropriate subdivision use and development.</li> <li><input checked="" type="checkbox"/> s6(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</li> <li><input checked="" type="checkbox"/> S6(f) The protection of historic heritage from inappropriate subdivision, use and development</li> </ul>
s7	<p>The objective has particular regard to:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> s7(c) – The maintenance and enhancement of amenity values;</li> <li><input checked="" type="checkbox"/> s7(e) – Recognition or protection of the heritage values of sites, buildings, places or areas.</li> <li><input checked="" type="checkbox"/> s7(f) – The maintenance and enhancement of the quality of the environment.</li> </ul>
s8	<input checked="" type="checkbox"/> The objective takes into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
Response to Issues	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> 18.5.5 – The need to recognise and maintain a diversity of landscape types.</li> <li><input checked="" type="checkbox"/> 18.5.6 - Adjoining District Councils are at different stages of identifying Outstanding Landscape Areas and Visual Amenity Landscapes, and have different approaches to protecting and managing those areas. Those differences have the potential to diminish the coherence and value of the broader landscape entity.</li> </ul>

#### k. Overall assessment

The objective is considered the most appropriate in achieving the purpose of the RMA, by providing for their social and economic and sustaining the potential of natural resources to meet the needs of future generations.

#### l. Outstanding issues

Nil.

## 6 Evaluation of Policies and Methods

The assessment of this report, as summarised in Section 1 above and provided in more detail in Part A of the Section 32 Report released with the Proposed District Plan (October 2009), sets out the methodology for assessment of policies and methods. The remainder of this section is in accordance with that process.

Appendix C summarises an assessment of the proposed policies and methods. In particular, it considers whether these policies and methods are the most appropriate for achieving the objectives, having regard to their efficiency and effectiveness.

Appendix D examines the costs and benefits of the proposed policies and methods. It also includes an assessment of the risk of not acting and the risk of not having the Objectives, policies and methods proposed in the Landscape Chapter. Appendix E assesses the alternative method options available that have been considered as part of the determination for this District Plan.

### 6.1.1 Costs and Benefits of Policies and Methods

The following options were considered by Council's Consultant Project Team:

- Option 1 – Retaining the operative plan policies and rules as a means of achieving the Objectives (i.e. maintaining the status quo).
- Option 2 – Use of more restrictive policies and rules as a method of achieving the objectives.
- Option 3 – Use of a combination of policies, performance standards, rules, incentive mechanisms and non-regulatory methods to achieve the objectives.
- Option 4 – No landscape chapter in the Plan.

It is noted that the evaluation of non-regulatory, methods, maintaining the provisions of the Operative District Plan and a review of the Plan are considered in section District Wide Resource Management Issues of this report – for the entire Plan Review.

A more detailed assessment of policies and methods is also provided in Appendices C, D and E of this report.

#### ***Option 1 - Retaining the Operative Plan's Policies and Rules as a means of achieving the Objectives***

Under Option 1, the general direction and intent of policies in the Operative District Plan would not be altered as part of the District Plan Review. A separate Chapter (or part-chapter) containing Issues, Objectives and Policies would be included in the District Plan. An indicative map of the location of identified Outstanding Landscape Areas would be provided for information and possible future implementation purposes. However, identified Outstanding Landscape Areas and Visual Amenity Landscapes would not be mapped on the District Plan maps. No additional rules would apply to the type of activities or scale of development within these areas.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
	The current Operative District Plan does not contain any rules in the Landscape Chapter. There are also no strong objectives and policies or assessment criteria in the zone chapters (or other sections) of the Plan, which target the protection of

Benefits	Costs
	<p>important landscapes in the District.</p> <p>Therefore, this approach would not provide mechanisms to protect these environments (would not satisfy the requirements of Part 2 of the RMA, in particular Sections 6 and 7, would not be consistent with recent Environment Court decisions or best practice and would not be consistent with the New Zealand Coastal Policy Statement 1994 or the Northland Regional Policy Statement).</p> <p>Cost to the wider environment.</p>
	<p>Would not achieve the Landscape Outcomes consulted on in the October 2006 Consultation round.</p>
	<p>Will result in cumulative effects:</p> <p>A loss of areas in the coast with high natural character;</p> <p>A loss of Outstanding Landscape Areas, which contribute to the distinctive identity of the District</p> <p>A loss of areas which have amenity, landscape and heritage and cultural values, which contribute to the sense of place, and identity of communities and parts of the District.</p> <p>Costs to the wider environment.</p>
<u>Cultural</u>	<u>Cultural</u>
	<p>Would not achieve the Landscape Outcomes consulted on in the October 2006 Consultation round and recognise the cultural value of these landscapes. Cost to the community generally.</p>
<u>Social and Economic</u>	<u>Social and Economic</u>
<p>Avoids additional rules in the Plan, which may be resisted by landowners.</p> <p>Less compliance costs for the landowner and less plan implementation costs for Council.</p>	<p>Will result in cumulative effects - loss of opportunities for the community to enhance their social, cultural and economic wellbeing.</p> <p>Costs to the wider community.</p>
<p>Including a method relating to 'investigating the feasibility of mapping Outstanding Landscape Areas and developing rules for their protection', requires less Council resources at the Plan development stage. The boundaries of the existing landscape areas identified as part of the 2006 Landscape Assessment Review do not have to be "ground truthed" until a later date, and no further consultation is required with landowners.</p> <p>Benefit to the general ratepayer.</p>	<p>This method was included in the Operative Plan and was not implemented. Including this method again in the Proposed Plan, may call into question its effectiveness and the likely timeframes for its implementation.</p> <p>Costs to the integrity of the Plan and the timely process of making it operative.</p>

This option would not meet Part 2 of the RMA and would be inconsistent with the New Zealand Coastal Policy Statement 1994 and the Northland Regional Policy Statement. This option would also not achieve the Environmental Outcomes consulted on in the October 2006 Consultation round. The potential environmental, social and economic costs to the community of undertaking this option, therefore outweigh any benefits to individuals which may result.

Therefore Option 1 is not the most effective or efficient method of addressing the Issues within the Landscape Chapter or Part A of the Plan and consequently is not the most appropriate method of achieving the Objectives.

## Sufficiency of information available

Council has sufficient information on Option 1 to make a decision on the subject matter.

### ***Option 2<sup>3</sup> - Use of Policies and Rules which are more restrictive for all activities and subdivision as a means of achieving the Objectives***

Option 2A - Mapping Outstanding Landscape Areas and Visual Amenity Landscapes in the District Plan.

Benefits	Costs
<p><u>Environmental</u></p> <p>Provides a mechanism to recognise and potentially protect landscapes of value in the District and would address both Sections 6 and 7 of the Act and is considered consistent with current best practice.</p>	<p><u>Environmental</u></p>
<p><u>Cultural</u></p> <p>Would recognise the Landscape Outcomes consulted on in the October 2006 Consultation round and recognise the cultural value of these landscapes. Benefit to the community generally.</p>	<p><u>Cultural</u></p> <p>Many Outstanding Landscape Areas are identified as Maori Land and some lands are included in the Treaty Settlement process. Depending on management approach taken to mapping these landscapes, this may result in Maori landowners incurring a disproportional cost and reduced ability to gain economic return from this land and cultural re-association with the area (e.g. moving back to Kaipara). Cultural cost to Maori landowners.</p>
<p><u>Social and Economic</u></p> <p>Provides more certainty for the community and in particular landowners if landscapes, which District Plan methods apply to, are identified.</p>	<p><u>Social and Economic</u></p> <p>Increases the level of control exercised by the Council, which may be resisted by landowners. Will translate into a more complex framework of District Plan methods than the current policy approach. Increases compliance costs for landowners and implementation costs for Council.</p>
<p>This option is supported by Council's consultant team and therefore Council would have technical support in regulatory processes and Plan development.</p>	<p>Requires additional Council resources at the Plan development stage as the boundaries of the existing landscape areas identified as part of the 2006 Landscape Assessment Review do not have to be "ground truthed" and no further consultation is required with landowners. Benefit to the general ratepayer.</p>

<sup>3</sup> Note: Options 2a, 2b and 2c are either/or options

Option 2B – Do not specifically identify any important landscapes and their values. Focus more on the effects of activities rather than controlling activities, i.e. more restrictive District-wide rules for earthworks, vegetation removal and building location.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Supports the effects-based approach of the RMA, (but note that it would require additional controls in all Zone Chapters to achieve the purpose of the RMA).	Would not achieve the Landscape Outcomes consulted on in the October 2006 Consultation round.
	Would require these methods to be applied across the District (additional rules on all land use activities in the Zone Chapters), to ensure that adverse effects are avoided in important landscapes and the coastal environment. Therefore used on its own would result in increased regulation of activities in the District.
<u>Cultural</u>	<u>Cultural</u>
Would recognise the Landscape Outcomes consulted on in the October 2006 Consultation round and recognise the cultural value of these landscapes. Benefit to the community generally.	Many Outstanding Landscape Areas are identified as Maori Land and some lands are included in the Treaty Settlement process. Depending on management approach taken to mapping these landscapes, this may result in Maori landowners incurring a disproportional cost and reduced ability to gain economic return from this land and cultural re-association with the area (e.g. moving back to Kaipara). Cultural cost to Maori landowners.
Would provide a mechanism for the cultural value of landscapes to be considered in consenting process but on a case-by-case basis. Benefit to the community generally.	
<u>Social and Economic</u>	<u>Social and Economic</u>
Imposes less restriction on people's choice of where to live and work.	Less certainty for landowners

Option 2C - Rely on additional rules (or higher thresholds) in the Overlays only, to manage the effects on landscapes. It is noted that only half of the identified Outstanding Landscape Areas are within identified 'Overlays' (which have been mapped to encapsulate issues of natural character of the coastal environment and maintaining the quality of the coastal environment, coastal waters and major waterbodies such as waterways discharging to the Harbours and the Kai Iwi Lakes).

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Will capture the effects of earthworks and vegetation clearance on landscapes.	Low earthworks and vegetation clearance thresholds would have to apply to all land within Overlays.
	May not achieve the level of protection required for the most significant areas. Several important landscapes are in not in Overlays.
<u>Cultural</u>	<u>Cultural</u>
Would provide a mechanism for the cultural value of	Would not provide any mechanism to consider

Benefits	Costs
landscapes to be considered in consenting process but on a case-by-case basis within Overlay areas. Benefit to the community generally and particularly in those areas where additional protection applied.	cultural landscapes outside Overlay areas. Cost to community generally and particularly in the Rural Heartland.
<u>Social and Economic</u>	<u>Social and Economic</u>
Avoids additional regulation.	In order to manage the effects of building location, resource consent would be required for all buildings (over a certain size) in Overlays.
Provides a level of certainty for those landowners in non-Overlay areas (Heartland).	Requires more Council resources as assessment would be required on a case-by-case basis.

a. Conclusions for Option 2 (including sub-options)

In general this option (and sub-options) are considered to have a higher proportion of costs to benefits. In particular, the following are noted:

- The additional cost of mapping amenity landscapes, as well as the potential risk to the successful implementation of the Variation due to resistance from landowners, is considered to outweigh the benefits.
- The additional compliance costs to landowners, and Council's processing costs of implementing more restrictive district-wide rules are considered to outweigh the benefits to the environment. If applied only to Overlays, it is noted that the costs in terms of environmental outcomes are considered high as only half of the identified Outstanding Landscape Areas are within Overlays.

The potential social and economic costs to the community of undertaking these sub-options therefore outweigh any benefits to the environment which may result.

Therefore the sub-options of Option 2 are not the most effective or efficient method of addressing the Issues within the Landscape Chapter and consequently is not the most appropriate method of achieving the objectives.

**Sufficiency of information available**

Council has sufficient information on Option 2 and its sub-options to make a decision on the subject matter.

***Option 3<sup>4</sup> - Use of a combination of policies, rules and non-regulatory methods to achieve the Objectives (Preferred Option)***

This combination of policies, rules and non-regulatory methods would include:

Option 3A

Outstanding Landscapes Areas - Only map the 23 Outstanding Landscape Areas (identified in the 2006 Landscape Assessment) on the District Plan Maps. Include specific rules in the 'Sites and Features' section of the District Plan which apply to these areas.

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<sup>4</sup> Note: Options 3a, 3b and 3c are either/or options

Visual Amenity Landscapes - Use rules in the Zone Chapters to manage the effects of activities which are considered potential threats to landscape and amenity (building location, large scale vegetation clearance and earthworks).

*(This is the policy response recommended in the Draft District Plan Landscape Chapter 18)*

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
The most significant landscapes in the District will be protected. Other policy approaches can be used to manage amenity landscapes, without specifically mapping these in the District Plan.	Does not actively address the requirements of Section 7 of the RMA. May result in the loss of landscape values from amenity landscapes, which are not 'outstanding', but still contribute to the sense of place and identity of the District.
The feedback received from the April 2007 Consultation round indicated that the majority of people considered that these proposed tools for managing landscapes would 'definitely contribute' to achieving the environmental outcomes.	
<u>Cultural</u>	<u>Cultural</u>
Would provide a mechanism for cultural values to be mapped (where they contribute to Outstanding Landscapes Areas) and considered in consenting process (though on a case-by-case basis for amenity landscapes). Benefit to the community generally and particularly focussing on protection of those cultural elements in Outstanding Landscape Areas.	Would not provide any mechanism to consider cultural landscapes outside Overlay areas. Cost to community generally and particularly in the Rural Heartland.
<u>Social and Economic</u>	<u>Social and Economic</u>
Rules provide certainty for landowners.	

### Option 3B

Provide incentives (through the subdivision rules) such as increased development potential for the permanent protection of important landscapes.

*(This is the policy response recommended in the Draft District Plan Landscape Chapter 18 in conjunction with 3a and 3c).*

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Can work more efficiently than rules limiting development in Outstanding Landscape Areas to achieve enhancement. Imposes less regulation and can address site specific constraints and opportunities. Measures such as covenanting of landscape features can protect them permanently.	Requires a rigorous assessment process to ensure that the benefits of the protected features are sufficient to justify increased level of development potential. Involves a trade-off, which may not be sufficient level of protection in Outstanding Landscape Areas and areas of high natural character.
<u>Cultural</u>	<u>Cultural</u>
Maintains a mechanism for cultural values to be mapped and increased potential for their protection as a benefit from development. Benefit to the community generally and particularly focussing on protection of those cultural elements in Outstanding Landscape Areas.	Many Outstanding Landscape Areas are identified as Maori Land and some lands are included in the Treaty Settlement process. Depending on management approach taken to mapping these landscapes, this may result in Maori landowners incurring a disproportional cost and reduced ability

Benefits	Costs
	to gain economic return from this land and cultural re-association with the area (e.g. moving back to Kaipara). Cultural cost to Maori landowners.
<u>Social and Economic</u>	<u>Social and Economic</u>
Many landscapes identified on Maori Land and by other single large landholders. By providing increased development potential in areas where landscapes are protected provides a 'win-win' trade off. Economic benefit to landowners and environmental benefit to community generally.	

### Option 3C

The use of non RMA methods including bylaws, voluntary agreement, covenants or education / advocacy as a means of achieving the Objectives.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
Involves less regulation and can address site-specific constraints and opportunities.	When used on its own lacks 'statutory teeth'. Purely non-regulatory methods may not be effective on their own, particularly in protecting the most significant areas. Council does not have the same level of certainty that they will mitigate effects.
Raises awareness and understanding of the need for regulation and or encourage voluntary protection measures (covenanting) and environmental enhancement measures (e.g. replanting).	
The feedback received from the April 2007 Consultation round indicated that the majority of people considered that these proposed tools for managing landscapes would 'definitely contribute' to achieving the environmental outcomes.	
<u>Cultural</u>	<u>Cultural</u>
Recognises the ethic of stewardship and kaitiaki in the protection of landscapes. Benefit to community generally.	May not afford protection to landscapes of cultural value and therefore cost to community generally.
<u>Social and Economic</u>	<u>Social and Economic</u>
Gets the community and landowners involved in managing landscapes.	If used on its own would require additional Council staff or consultant resources. Education/ Advice material requires Council resources to prepare and update. Requires on-going capacity building for Council staff. Requires on-going monitoring of its implementation and success.

In general, this option (when all sub-options are used together) is considered to have a higher proportion of benefits to costs and therefore having regard to its effectiveness and efficiency, it is the most appropriate for achieving the Objectives. This was the policy response recommended in the Draft District Plan Landscape Chapter 18 for use in conjunction with Regulatory Methods 3a and 3b. Option 3 is the policy response recommended by the Council's

Consultant Project Team and the option that has been used to develop Landscapes Chapter Variation 1 to the PDP.

### Sufficiency of information available

Council has sufficient information on Option 3 to make a decision on the subject matter.

### **Option 4 – No Landscape Chapter (or part Chapter).**

Under Option 4, no separate Landscape Chapter would be included in the PDP and no specific Objectives and Policies relating to Outstanding Landscape Areas would be included in other parts of the Plan.

Benefits	Costs
<u>Environmental</u>	<u>Environmental</u>
This option removes the requirement to consult with landowners in Outstanding Landscape Areas and therefore reduces resourcing requirements and the risks of delays to the remainder of the Plan development process, which may give effect to other protective provisions of the Plan more quickly.	Currently the remainder of the PDP (e.g. Part A Chapters) does not currently contain strong objectives, policies and methods of implementation, which target the protection of important landscapes in the District. Therefore, this approach would not provide mechanisms to protect these environments and would not satisfy the requirements of Part 2 of the RMA, in particular Sections 6 and 7. It would also not be consistent with recent Environment Court decisions or best practice in terms of providing for Outstanding Landscape Areas. Cost to Outstanding Landscape Areas.
	Would not achieve the Landscape Outcomes consulted on in the October 2006 Consultation round.
	Will result in cumulative effects: A loss of protection of areas in the coast with high natural character; A loss of protection of Outstanding Landscape Areas, which contribute to the distinctive identity of the District A loss of protection of areas which have amenity, landscape and heritage and cultural values, which contribute to the sense of place, and identity of communities and parts of the District. Costs to the wider environment.
<u>Cultural</u>	<u>Cultural</u>
	Would not achieve the Landscape Outcomes consulted on in the October 2006 Consultation round and recognise the cultural value of these landscapes. Cost to the community generally.
<u>Social and Economic</u>	<u>Social and Economic</u>
Avoids additional rules in the Plan, which may be resisted by landowners. Less compliance costs for the landowner and less plan implementation costs for Council.	Will result in cumulative effects - loss of opportunities for the community to enhance their social, cultural and economic wellbeing. Costs to the wider community.

This option would not meet Part 2 of the RMA and would be inconsistent with the New Zealand Coastal Policy Statement 1994 and the Northland Regional Policy Statement. This option would

also not achieve the Environmental Outcomes consulted on in the October 2006 Consultation round. The potential environmental, social and economic costs to the community of undertaking this option, therefore outweigh any benefits to individuals, which may result.

Therefore Option 4 is not the most effective or efficient method of addressing the Issues within the Landscape Chapter or Part A of the Plan and consequently is not the most appropriate method of achieving the Objectives.

#### **Sufficiency of information available**

Council has sufficient information on Option 4 to make a decision on the subject matter.

## **7 National Planning Documents<sup>5</sup>**

### **7.1 New Zealand Coastal Policy Statements<sup>6</sup> and National Policy Statements**

Section 75 (3) of the RMA states that a district plan must give effect to any National Policy Statement and any New Zealand Coastal Policy Statement.

#### **7.1.1 New Zealand Coastal Policy Statement 1994**

*Note: This variation was prepared before the New Zealand Coastal Policy Statement 2010 came into effect, therefore this assessment does not give consideration to New Zealand Coastal Policy Statement 2010. This will be addressed either by way of a Council submission to the Variation or further variations to the PDP.*

New Zealand Coastal Policy Statement (NZCPS) policies specifically relevant to Variation 1 include Policies 1.1.1, 1.1.3, 3.1.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4.

Overall, Variation 1 is considered to give effect to the NZCPS. In particular, the following is noted:

An assessment of natural character in so far as it relates to the identification of Outstanding Landscape Areas and Visual Amenity Landscapes is contained in the Kaipara District Landscape Technical Report (2010)<sup>7</sup>. 'Natural character' areas within Outstanding Landscape Areas and Visual Amenity Landscapes have not been specifically identified and mapped. However, areas displaying elevated levels of natural character are identified and are generally contained within Outstanding Landscape Areas. On that basis, it is considered that areas of high natural character will be protected through the proposed policy framework, rules and assessment criteria.

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<sup>5</sup> It is noted that where the National Policy Statement is proposed that no weight is afforded to it.

<sup>6</sup> It is noted that a revised version of the New Zealand Coastal Policy Statement (the Proposed Coastal Policy Statement 2010) will be effective after 3 December 2010, this may result in significant change to the Variation in its current form, this will be addressed through a Council Submission to the Variation.

<sup>7</sup> Specifically, worksheets used to identify Outstanding Landscape Areas and Visual Amenity Landscapes include consideration of natural elements and patterns as a component of the values influenced by natural character. Those values in turn were then related to a number of other values to determine whether an area is deemed to be an Outstanding Landscape Areas of Visual Amenity Landscape.

The objectives and policies aim to protect Outstanding Landscape Areas and maintain and enhance Visual Amenity Landscapes. The key physical characteristics and character are listed in an Appendix 18A and 18B and in the Kaipara District Landscape Technical Report (2010) to provide direction for consent processing and future structure planning in growth areas.

Variation 1 includes rules and assessment criteria to protect Outstanding Landscape Areas from inappropriate subdivision, use and development. Specifically, proposed rules restrict excavation and fill, vegetation clearance, the erection and alteration of buildings and structures location, height, and subdivision and network utilities within Outstanding Landscape Areas which include parts of the coastal environment.

Outstanding Landscape Areas ‘include: significant representative examples of different types of landforms; significant geological features; and seascapes which give the coastal environment its natural character including wild and scenic areas. It is proposed in Variation 1 through a new method to confirm if all sites identified on the Geopreservation Inventory are included within the identified Outstanding Landscape Areas on the Series 1 maps.

The protection of Outstanding Landscape Areas and the maintenance and enhancement of Visual Amenity Landscapes also contribute to maintaining landscape diversity in the region.

The proposed subdivision rules provide for landowners to obtain environmental benefits (additional lots) if Outstanding Landscapes Areas are permanently protected. A District Plan method is also proposed to investigate providing incentives to landowners within Outstanding Landscape Areas.

A method in the Draft Landscape Chapter to work in partnership with Te Uri O Hau, Te Roroa and other iwi groups to identify areas of spiritual, cultural and historical significance to tangata whenua associated with Outstanding Landscape Areas.

### **7.1.2 Other National Policy Statements**

In addition to the NZCPS, there are three further National Policy Statements, some of which are still in proposed form as well as a reviewed Coastal Policy Statement:

- National Policy *Statement* on Electricity Transmission 2008; and
- National *Policy* Statement for Renewable Electricity Generation

Variation 1 is not inconsistent with the national policy statements. The District Plan already provides for wind generation activities (noise standards). The Network Utilities Chapter provides for electricity transmission.

Policy 8 of the National Policy Statement on Electricity Transmission 2008 is relevant to Variation 1. It states the following:

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

A new rule is proposed to avoid the installation and alteration of Network Utilities within an Outstanding Landscape Area unless it is underground or does not involve any change in scale, character and appearance of the feature. On this basis it is considered that Variation 1 gives effects to the National Policy Statement on Electricity Transmission.

The National Policy Statement for Renewable Electricity Generation does not directly relate to this variation and is more appropriately addressed at a District Wide level and will be incorporated through the Decisions Version of the District Plan.

## **7.2 Regional Planning Documents**

Section 75 of the RMA states that a district plan must give effect to any regional policy statement and regional plan.

### **7.2.1 Northland Regional Policy Statement**

The Operative Northland Regional Policy Statement (2002) sets out the significant natural resource Issues in the Northland Region, and a long-term strategy for their sustainable management. The RPS objectives relevant to Variation 1 include:

#### **Section 19 - Outstanding Natural Features and Outstanding Landscapes**

##### 19.4 Policies and Methods of Implementation

###### 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.*
3. *To establish and provide for the relationship of Maori and their culture and traditions with their ancestral lands in relation to outstanding natural features and outstanding landscapes.*
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.*

## Methods

1. *In consultation with Tangata Whenua, local communities and landowners, the Regional Council, in collaboration with District Councils will, building on the existing landscape assessment work done in the Far North, Kaipara and Whangarei Districts:*
2. *(a) Identify natural features and landscapes to be considered 'outstanding' in terms of Section 6(b) of the RMA. The determination of landscapes and natural features to be considered 'outstanding' will take account of their aesthetic and heritage value, their rarity, ability to absorb development and visibility.*
3. *Include appropriate provisions in the district plans including policies, methods and rules, to avoid, where practicable, or otherwise remedy or mitigate the adverse effects of inappropriate subdivision, use and development of land on 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....*
4. *Include criteria in Regional and District Plans designed to ensure, that appropriate ways of avoiding, remedying or mitigating adverse effects on outstanding natural features and outstanding landscapes are considered in resource consents decisions over these areas...*

Further investigation to confirm to what extent the Outstanding Landscape Areas include Significant Natural Areas is proposed as a new method to recognise and provide for the intrinsic values of ecosystems and ecological values of Outstanding Landscape Areas. It is considered that this method will strengthen the provisions in the District Plan.

For the reasons set out above (including those matters relating to the New Zealand Coastal Policy Statement) it is considered that Variation 1 gives effect to the Regional Policy Statement.

## **7.3 Regional Plan**

There are three operative Northland Regional Plans:

### **Regional Coastal Plan**

- Covers the region's "coastal marine area", which is the area from mean high water springs to the 12 nautical mile (22.2 km) limit of New Zealand's territorial sea.
- Manages activities such as structures (e.g. wharves and boat ramps), reclamation and impoundment, discharges to water, dredging, moorings and marinas, and aquaculture.

### **Regional Air Quality Plan**

- Identifies the significant air quality Issues and sets out policies and rules so that these will be managed.

### **Regional Water and Soil Plan**

- Identifies the significant water and soil Issues faced by Northlanders and seeks to address these through the policies and rules.

Overall Variation 1 is considered to be consistent with the objectives, policies and methods any of the above Northland Regional Plans.

## **8 Summary for Chapter**

The evaluation of the proposed objectives and policies for the Landscape Chapter of Variation 1 has shown that they are appropriate. The proposed objectives will assist in achieving the purpose of the RMA.. Similarly, having regard to their costs and benefits, the proposed policies, rules and other methods have been shown to be the most appropriate way of achieving the proposed objectives. It has been clearly shown that the provisions of Variation 1 to the PDP

will promote the sustainable management of the natural and physical resources of the Kaipara District. As such, it is considered that the requirements of Section 32 of the RMA have been met with respect to the objectives, policies, rules and other methods proposed. On this basis, it is considered that the option selected by Council is the most appropriate to achieve the purpose of the RMA, particularly sections 6 and 7 of Part 2.

## Appendix A

## Summary of consultation undertaken for Landscapes

Event/date	Content
<p><b>Council Workshop 28/9/05</b> Issues and Options Workshop Held after Draft Issues and Options Report had been prepared</p>	<p>Workshop content</p> <ul style="list-style-type: none"> <li>■ Requirements of s32 of RMA</li> <li>■ Key Issues for Landscape/ Coast/ Water</li> <li>■ Current District Plan's approach to landscapes</li> <li>■ Suggested policy response</li> </ul> <p>Hand-out included 'Suggested Objectives' for landscapes and a Preferred Policy Approach</p>
<p><b>Landscape Values Consultation</b> October 2005</p>	<p>Display at Dargaville library, with feedback forms. Mangawhai drop in afternoon.</p> <ul style="list-style-type: none"> <li>■ People asked to put dots on maps of the District showing the location of landscapes they thought were outstanding.</li> <li>■ People asked to mark-up Photoboards of generic landscapes, with those they thought were outstanding.</li> </ul>
<p><b>Issues and Options Report</b> Rev A Rev B November 2005 Final January 2006</p>	<p>Contains 'initial s32' for 'Landscape/ Coast/ Water':</p> <ul style="list-style-type: none"> <li>■ Key Issues</li> <li>■ Strengths &amp; weaknesses of current plan</li> <li>■ Draft new Objectives</li> <li>■ Policy response options (strengths &amp; weaknesses)</li> <li>■ Methods(strengths &amp; weaknesses)</li> </ul>
<p><b>Landscape Technical Report</b></p>	<p>Draft completed by Littoralis March 2006</p>
<p><b>Land Use and Subdivision Technical Report</b> March 2006</p>	<p>Draft provided to Brendon Neal. Contains summary of subdivision patterns over last 10 years for all settlements. Relevant to considering whether subdivision and development is occurring close to Outstanding Landscape Areas.</p>
<p><b>Council Workshop 22/3/06</b> <b>Results of Technical Investigations</b></p>	<p>Attended by Beca and Simon Cocker from Littoralis Workshop Content</p> <ul style="list-style-type: none"> <li>■ Description of Littoralis assessment process – including that it was a review of 1999 Assessment.</li> <li>■ Feedback from consultation in Dargaville and Mangawhai</li> <li>■ Revisit - why protect and manage landscapes?</li> <li>■ Maps of draft landscapes identified by Littoralis displayed</li> <li>■ Powerpoint showed photos of examples of Outstanding Landscape Areas</li> <li>■ Discussion of threats and options for management – Councillors asked whether they agreed or disagreed.</li> <li>■ Handout included a 'Landscape Technical Report Summary'</li> <li>■ Resource Description – to be used if we had a separate chapter for Landscapes.</li> <li>■ Feedback on communities preferences for important</li> </ul>

Event/date	Content
	<p>landscapes (criteria)</p> <p>Workshop discussion on:</p> <ul style="list-style-type: none"> <li>■ Threats</li> <li>■ Key Resource Management Issues</li> <li>■ Draft Objectives</li> <li>■ Preferred Policy Approaches</li> <li>■ Suggested Methods</li> </ul>
<p><b>Council Workshop 17/5/06 Environmental Outcomes</b></p>	<p>Focus of workshop on how the Long Term Council Community Plan visions could be achieved through the District Plan. Resulted in Draft Environmental Outcomes.</p> <ul style="list-style-type: none"> <li>■ What do you want the District to look like in 20 years time?</li> <li>■ Material available to Councillors and/ or used by Project Team during workshop included:</li> <li>■ List of draft Outstanding Landscape Areas.</li> <li>■ Data on growth trends in Rural areas –no. of lots being granted under 4ha – pressure areas included around rural service centres and Baylys Beach</li> </ul>
<p><b>Council Workshop 8/11/06 Method Options for Landscape and Ecology</b></p>	<p>This one was attended by Willie Shaw for Ecology</p> <p>Workshop Content Included:</p> <ul style="list-style-type: none"> <li>■ Feedback on consultation on landscape outcomes</li> <li>■ Reminded them that Issues and Options Report presented strengths &amp; Weakness of method options. Now needed to re-evaluate all methods to see if they would assist in achieving the outcomes.</li> <li>■ Current District Plan provisions and ‘gaps’ in these</li> <li>■ Difference between ‘landscape’ and ecology’ values</li> <li>■ Method Options</li> <li>■ Discussion on what method Options to take forward for consultation in March</li> </ul>
<p><b>Council Workshop 7/6/06 Management Methods</b></p>	<ul style="list-style-type: none"> <li>■ Aim was to move on from discussion on outcomes to management methods. Decided that couldn’t agree on preferred options for management methods until resolution reached on outcomes. Workshop material included Landscape methods for consultation</li> </ul>
<p><b>Landscape Technical Report</b></p>	<p>Completed September 2006</p>
<p><b>Council Meeting 23/8/06</b></p>	<p>Resolve on Environmental Outcomes</p> <ul style="list-style-type: none"> <li>■ Outstanding Landscape Areas outcome refers to mapping landscapes</li> </ul>
<p><b>October 2006 Consultation Round</b></p>	<ul style="list-style-type: none"> <li>■ Environmental Outcomes – included Landscape</li> </ul>
<p><b>March 2007 Consultation Round</b></p>	<p>Open Forum posters and handouts included brief discussion on methods for landscapes, including mapping of Outstanding Landscape Areas.</p> <p>Feedback forms available included questions on management options for Landscape.</p> <p>These were also on Council’s website</p>

Event/date	Content
<b>Council Workshop 13/06/07 Land Use and Subdivision (1)</b>	Feedback on consultation, including landscape responses Start of discussion on Rural Issues
<b>Council Workshop 20/6/07 Land Use and Subdivision (1)</b>	More on Rural Issues Start of discussion on management options
<b>Council Workshop 9/9/06 Confirmation of Environmental Outcomes</b>	Landscape Technical Report available. Attended by Mike Farrow and Simon Cocker from Littoralis Workshop Content included. <ul style="list-style-type: none"> <li>■ RMA requirements for landscapes.</li> <li>■ Explanation of landscape categories - characteristics making an Outstanding Landscape Areas and Visual Amenity Landscapes.</li> <li>■ Maps provided to allow Councillors to compare draft new Outstanding Landscape Areas with those already in District Plan.</li> <li>■ Suggested Landscape Management Approaches – including basic advantages and disadvantages (s32).</li> <li>■ Also covered other alternative management approaches (other than suggested/ preferred by Project Team).</li> </ul>
<b>Council Meeting July 2007</b>	Council Resolved on two Reports, which summarised the outcomes of previous workshops: <ul style="list-style-type: none"> <li>■ Setting Directions for Management of Land Use and Subdivision; and</li> <li>■ Setting Directions for Management of Landscape and Ecology.</li> </ul> Landscape report included: <ul style="list-style-type: none"> <li>■ Landscape Issues.</li> <li>■ Summary of workshop discussion on methods.</li> <li>■ Further work packages.</li> </ul>
<b>Council Workshop 29/9/07</b>	District Plan Structure/ Overlays
<b>Council Workshop 5/12/07 Update new Council</b>	Provided new Council with a summary of previous work/ resolutions made on District Plan. See District Plan Review Progress to Date (September 2007) booklet. Councillors identified criteria they consider make an Outstanding Landscape Area (significant overlap with Outstanding Landscape Area assessment matters).
<b>Council Workshop 12/3/08 Landscape and Ecology</b>	Handout given comparing criteria identified by Councillors to Littoralis criteria to Environment Court Criteria. <ul style="list-style-type: none"> <li>■ Revisit of Outstanding Landscape Areas in existing District Plan vs 2006 Report.</li> <li>■ Littoralis landscape Worksheets made available.</li> <li>■ Revisit Issues identified in 2007.</li> <li>■ Discussion on costs/ benefits of management options.</li> </ul>
<b>July 2008</b>	Council approved the consultation strategy for Landscapes.

Event/date	Content
<b>September 2008</b>	Community Discussion forum in Mangawhai to gain insight into the community views on Outstanding Landscape Areas.
<b>September - October 2008</b>	Council initiated consultation with directly affected landowners of the (7) 'new' Outstanding Landscape Areas identified in the Littoralis Report. These 'new' landscapes were the landscapes identified as outstanding that had not previously been identified in the Operative Plan.
<b>29 October 2008</b>	Council workshop decided that the costs of proceeding with the Outstanding Landscape Areas provisions outweighed the benefits, due to both the on-going resourcing and costs of proceeding with the Landscape Chapter and the work was put on hold.
<b>Proposed Plan Review – Submissions and Hearings on “Missing” Chapter 18 – Landscapes October 2009 – August 2010</b>	A number of submissions were received on the 'missing' chapter 18 through the Proposed Plan Review process. Council hearing of evidence from submitters on Landscape matters. Council resolved on 28 April 2010 to prepare a variation to the Plan to include a new Chapter 18 - Landscape by September 2010.
<b>Consultation in accordance with Schedule 1 of the RMA</b>	Refer Appendix B for details
<b>Council Workshop – 15/09/2010 Chapter 18 – Landscapes adopted for notification.</b>	Beca presented the updated Chapter 18 – Landscapes, Maps and Section 32 report to Council for adoption, ready for notification at the end of September 2010.  Draft Littoralis Landscape Review 2006 adopted.

## Appendix B – Feedback from Statutory Consultation for Variation 1 - Landscapes

Communication details	Time Date
<p><b><i>Teleconference with Whangarei District Council (Paul Waanders, Nick Williams, Melissa McGrath).</i></b></p> <p>Key outcomes were to try and create consistency of assessment criteria (used Pigeon Bay) across the 3 Territorial Authorities to avoid any cross boundary issues.</p> <p>If rules aren't going to be included need very clear direction through Policies and Methods including a framework so don't get speculation through misinformation of landowners.</p> <p>Ground truthing would be useful.</p> <p>Focus on the consenting (and compliance) regime and the impacts on affected residents.</p> <p>Will review draft week after next week.</p>	<p>25 August 2010 11:00 a.m.</p>
<p><b><i>Teleconference with Department of Conservation (Andrew Riddell)</i></b></p> <p>Are expecting the landscapes chapter to address the requirements of the New Zealand Coastal Policy Statement (either through landscapes or overlays).</p> <p>Would not be happy if no rules as landscapes will not be properly protected or provided for. However if there are no rules there needs to be a very strong policy framework and plan for how they will be managed / added in the future.</p> <p>Think ground truthing would be useful.</p> <p>Look at the Whangarei District Council 2005 report. Need to try and be consistent with the rest of the region.</p> <p>Will review draft next week.</p>	<p>25 August 2010 12:00 p.m.</p>
<p><b><i>Teleconference with Northland Regional Council (Kathryn Ross, Jonathan Gibbard and Justin Murfitt)</i></b></p> <p>Northland Regional Council are currently rewriting their Regional Policy Statement so are dealing with landscapes. There is currently no agreed policy position in Northland Regional Council.</p> <p>The issue in regards to landscapes are very similar between Kaipara District Council and Northland Regional Council. They would like a consistent approach between Northland Regional Council and the Territorial Authorities.</p> <p>If no rules were included Northland Regional Council might submit rules when they have more time to consider the chapter.</p> <p>If doing a 2 tier process the first tier needs to clearly define the second. Believe success in Outstanding</p>	<p>25 August 2010 2:00 p.m.</p>

Communication details	Time Date
<p>Landscape Areas is based on process taken.</p> <p>Highlighted the Waitomo case where Council pay for ground truthing upon resource consent application.</p> <p>If notification gets pushed out there is an opportunity to work together with benefits. Potentially a risk for Kaipara District Council to notify prior to Northland Regional Council.</p> <p>Will review draft next week.</p>	
<p><b><i>Telephone Conversation with Rodney District Council (Peter Vari)</i></b></p> <p>Rodney District Council wished to see something before engaging in discussions. Rodney do not usually provide feedback to other Councils. A copy of Section 32 report that accompanied the KPDP was sent for their consideration.</p>	25 August 2010
<p><b><i>Telephone Conversation with Ministry for the Environment</i></b></p> <p>The Ministry for the Environment do not usually provide feedback during district plan development. When notice is served on the Minister they just file it away.</p>	26 August 2010
<p><b><i>Teleconference with Te Uri o Hau (Deborah Harding, Alyse Ranger)</i></b></p> <p>Agreed the new process should contain details of the Treaty Settlement Land process.</p> <p>Looking at transferrable development rights and recommending Council to review and accept due to restrictions placed by Outstanding Landscape Areas.</p> <p>Are going to try and find out who correct person to contact at Te Roroa is.</p> <p>Would like to see s32 analysis prior to reviewing draft chapter next week.</p>	27 August 2010 10:00 a.m.
<p><b><i>Teleconference with Far North District Council (Lou-Ann Ballantyne)</i></b></p> <p>Far North District Council have met with Northland Regional Council through the Regional Policy Statement process. It is smart to all be involved for consistency, it sounds like the criteria are already similar.</p> <p>Far North District Council have used LA4 to write provisions then ground truthed through the submissions process, though ideally would be done first.</p> <p>Far North District Council are looking at refining their criteria in the future based on the Whangarei District Council 2005 method.</p> <p>Support the inclusion of a chapter and are looking for consistency and any cross boundary issues. No cross boundary issues to date.</p> <p>Will review draft next week.</p>	27 August 2010 11:00 a.m.

Communication details	Time Date														
<p><b>Telephone Conversation with Te Roroa (Alex Nathan)</b></p> <p>A new person has recently been appointed to Te Roroa. Alex is going to discuss the project with the relevant people. A copy of Section 32 report that accompanied the Kaipara Proposed District Plan was sent for their consideration. They will review the Draft Landscapes Variation and we will have a teleconference following that.</p>	27 August 2010														
<p><b>Letter to Statutory Consultees</b></p> <p>A letter has been sent to all the statutory consultees outlining the key directions for the Landscapes Variation. Attached to the letter was a copy of the Section 32 Report.</p>	3 September 2010														
<p><b>Email to Statutory Consultees</b></p> <p>An email was sent to statutory consultees. It outlined a summary of the proposed changes and attached the original section 32 report and draft chapter along with some maps. The email asked for responses by 14 September 2010 in time for the Council workshop on 15 September 2010.</p> <p>The email was sent to the following:</p> <table data-bbox="212 730 1064 1002"> <tr> <td>Whangarei District Council</td> <td>Melissa McGrath and Paul Waanders</td> </tr> <tr> <td>Far North District Council</td> <td>Lou-Ann Ballantyne</td> </tr> <tr> <td>Rodney District Council</td> <td>Peter Vari</td> </tr> <tr> <td>Northland Regional Council</td> <td>Kathryn Ross</td> </tr> <tr> <td>Department of Conservation</td> <td>Andrew Riddell</td> </tr> <tr> <td>Te Uri o Hau</td> <td>Deborah Harding / Alyssce Ranger</td> </tr> <tr> <td>Te Roroa</td> <td>Alex Nathan / Turo L Rahui</td> </tr> </table>	Whangarei District Council	Melissa McGrath and Paul Waanders	Far North District Council	Lou-Ann Ballantyne	Rodney District Council	Peter Vari	Northland Regional Council	Kathryn Ross	Department of Conservation	Andrew Riddell	Te Uri o Hau	Deborah Harding / Alyssce Ranger	Te Roroa	Alex Nathan / Turo L Rahui	8 September 2010
Whangarei District Council	Melissa McGrath and Paul Waanders														
Far North District Council	Lou-Ann Ballantyne														
Rodney District Council	Peter Vari														
Northland Regional Council	Kathryn Ross														
Department of Conservation	Andrew Riddell														
Te Uri o Hau	Deborah Harding / Alyssce Ranger														
Te Roroa	Alex Nathan / Turo L Rahui														
<p><b>Whangarei District Council – Letter via email (Melissa McGrath - Senior Policy Planner)</b></p> <p>Whangarei District Council have completed a brief review of the Landscape Technical Report dated September 2006, draft Section 32 Report, draft Landscape Chapter, Environmental Benefit/Valued Landscape maps and letter outlining technical changes proposed to the draft Landscape Chapter.</p> <p>The general direction of the chapter and proposed direction of changes are considered to be logical, noting that comprehensive feedback regarding implementation is impossible in the absence of draft provisions.</p> <p>As discussed during the conference call of 25 August 2010, Whangarei District Council reviews have identified technical errors in the LA4 mapping of Outstanding Landscape areas (for Whangarei); therefore Whangarei District Council recommends caution when creating the map series.</p>	13 September 2010														

Communication details	Time Date
<p>Whangarei District Council cites the Environment Court ruling <i>Dudin v Whangarei District Council (A022/07)</i> which highlights the need to consider development surrounding 'mapped' Outstanding Landscape Areas and notes that it will be considering various methods of ensuring appropriate consideration is given to developing adjacent to Outstanding Landscape areas.</p> <p>Objective 18.5.1 seeks to 'protect the values of outstanding landscapes from inappropriate subdivision, land use and development'. Whangarei District Council notes the draft provisions and accompanying Section 32 Report do not explain what is considered to be 'inappropriate'. While it is acknowledged this is a difficult task, the limitation of provisions for vegetation clearance, earthworks, buildings and structures indicate that such activities are considered to be inappropriate.</p> <p>It is noted that the draft provisions and Section 32 considerations do not cover all recommended approaches listed in Section 4 of the Landscape Technical Report. Whangarei District Council understands that further guidance is being sought from Mike Farrow of Littoralis in this respect.</p> <p>The draft Objectives and Policies for Chapter 18 are high level, providing limited direction for application assessment. Assessment of landscape assessment reports or visual impact reports as part of resource consent applications can be difficult in the absence of guidelines or criteria. Consideration could be given to additional assessment criteria.</p>	
<p><b><i>Department of Conservation – Email</i></b>  <b><i>(Andrew Riddell – Community Relations Supervisor (Conservation Awareness) Northland Conservancy)</i></b></p> <p>The Department of Conservation considers the following should be given more attention:</p> <ol style="list-style-type: none"> <li>1. Policies need to be directive and strong if the desired environmental outcomes are to be achieved;</li> <li>2. The worksheets for the assessment of each of the Outstanding Landscape Areas and Visual Amenity Landscapes needs to be made available along with the original maps showing the boundaries so it is possible to see what changes have been made in the district plan;</li> <li>3. It needs to be clear on the maps which of the identified landscapes are outstanding and which are Visual Amenity Landscapes;</li> <li>4. The links to the landscape requirements from the NZ Coastal Policy Statement need to be made much clearer;</li> <li>5. It would be of more value if Appendices 18A and 18B were combined and more detail given on the specific character of each landscape;</li> <li>6. It should be noted that this approach is a narrow physical characteristic approach to landscapes. It does not cover historic and cultural landscapes well, and significantly understates the landscape value of exotic vegetation and pasture. The presence/ absence of indigenous vegetation is one determinative of landscape value, not the pre-dominant one as Appendix 18A suggests.</li> <li>7. All landscapes have value. More detail is needed on the important characteristics of the overlays. Is further work on these planned after the Outstanding Landscape Area work?</li> </ol>	<p>14 September 2010 8:36 a.m.</p>
<p><b><i>Northland Regional Council – Letter via Email</i></b>  <b><i>(Kathryn Ross - Regional Policy Senior Programme Manager)</i></b></p>	<p>14 September 2010 10:55 a.m.</p>

## Communication details

## Time Date

1. The intention to clearly distinguish between Outstanding Landscape Areas and Visual Amenity Landscapes and the management regimes appears reasonable to Northland Regional Council.
2. Issue 18.4.1 of Draft Chapter 18 refers to “*incompatible development*”. The meaning of this term is unclear and should be amended to better illustrate the issue of concern. Northland Regional Council supports the stated intention to provide greater specificity and guidance in Policies.
3. Northland Regional Council notes Draft Chapter 18 makes no distinction between Outstanding Natural Features and Outstanding Landscape Areas. The basis for identifying Outstanding Natural Features is not stated and it is unclear whether the Outstanding Landscape Areas identified in Variation 1 (using criteria in Appendix 18A) would ‘capture’ all Outstanding Natural Feature in the Kaipara District. Both the Whangarei District Council and Far North District Council Plans identify Outstanding Natural Features on maps. It is recommended that Variation 1 identifies all sites in the Geopreservation Inventory<sup>1</sup> and provides protection from inappropriate subdivision, use and development in a manner similar to other districts in the region.
4. It appears premature to define subdivision standards (E.g. 20ha) in isolation from land-use controls. Controls on land-use and subdivision should ideally be developed together to provide a consistent and practical approach to managing development.
5. In the letter dated 8 September, Northland Regional Council notes that the nature of the “*recent information*” referred to that has since become available is unclear. If Variation 1 is to address cultural heritage values, Northland Regional Council considers Tangata Whenua must have significant input into any such proposal, however that it is not evident (on information provided) that Kaipara District Council has consulted sufficiently or has adequate information to progress this matter via Variation 1. If Kaipara District Council decides that cultural heritage values will be addressed in the landscapes variation, Northland Regional Council considers the heritage provisions in the RMA should be used, as this may prove more effective and efficient than the process used for identifying and protecting “outstanding natural landscapes”.
6. Northland Regional Council considers it is best not to take a piecemeal approach to addressing maintenance and enhancement of Visual Amenity Landscapes and the preservation and protection of Outstanding Landscapes Area. It considers that the whole management package (including restrictions and incentives) should be presented to give stakeholders a clear view of the proposal in the round. Rather than two variations building upon each other, we would prefer to see one variation that addressed all relevant issues, including all proposed methods and how they would be used.
7. Chapter 18 states that the characteristics listed in Appendix 18A are used to identify Outstanding Landscape Area. Northland Regional Council considers this raises some issues; namely:
  - a. Section 3.2 of the 2006 Kaipara District Plan Landscape Technical Report acknowledges the consultative process used to identify the characteristics in Appendix 18A was not well attended and that the process used to select participants raises the issue of (statistical) bias. Northland Regional Council considers the Kaipara District Council should ensure that the Landscape Assessments are scientifically robust rather than rushing the process and risking further legal challenges to both the process and the content.
  - b. The factors in Appendix 18A used to identify Outstanding Landscape Area do not appear to rest well with “best practice” principles developed in Environment Court case law and may well attract challenge on this basis.
  - c. Many of the characteristics identified are variable - for example *numbers of people, no visible weeds, quiet/tranquil,*

Communication details	Time Date
<p><i>rolling pastoral landform, contained areas of water.</i> Appendix 18A states that these characteristics are required in order for a landscape to be considered outstanding, however these may change and present an argument that the land is no longer an Outstanding Landscape Areas (e.g. allowing the spread of weeds, exotic forestry over <i>rolling pastoral landform</i>).</p> <p>d. The Appendix 18A explanation states these characteristics are “required” for land to be considered an Outstanding Landscape Area. If Appendix 18A is to remain, Northland Regional Council considers it may be better to state that these features and character traits are factors in assessing landscape value.</p> <p>e. The purpose of Appendix 18A is unclear unless it is intended to be referred to in the assessment criteria or performance standards.</p> <p>8. The second outcome in 18.8.2 is subjective and would be difficult to monitor. Objective measurable outcomes should be used and inappropriate developments should be identified and controlled.</p> <p>9. It is suggested that Kaipara District Council consider including recognition of the public benefit of Outstanding Natural Features and Outstanding Landscape Area values in the Variation (and Section 32 report) and that this ‘public good’ is often derived from land in private ownership.</p> <p>10. Northland Regional Council has commissioned Boffa Miskell to undertake a review of the Landscape Assessment Methodologies used by District Councils for identifying Northland’s Outstanding Natural Features and Landscapes. While currently in draft form this review may be of use in developing Variation 1.</p>	
<p><b>Rodney District Council – Email with comments attached</b>  <b>(Alison Pye – Policy Planner)</b></p> <p>Rodney District Council notes the mapping and proposed provision of additional rules governing the use, development and activities within the Kaipara District Council’s significant landscapes is compatible with the approach taken by Rodney District Council.</p> <p>Notes the approach to VAL is unclear– is this to be a performance standard or development guidelines? If a performance standard – will there be a consent requirement for non-compliance with the standard?</p> <p>The word “examples” is a concern in <i>Issue 18.4.2</i> “.....Retaining the Kaipara District’s distinctive landscape character relies on maintaining high quality examples of each of the main landscapes...”</p> <p>Suggests adding an Issue addressing capacity of landscape to absorb additional development or change in use.</p> <p>Suggests developing the Objectives further and the differences between Outstanding Landscape Areas and Visual Amenity Landscapes, how they are treated and should be managed. Suggests a positive linkage in the Objectives to Appendix 18A values and the protection/preservation of the key components listed there. E.g. what may be considered “inappropriate” subdivision, land use and development.</p> <p>Suggests the matters to be considered in relation to activities in the two landscape areas are more direct so that what is</p>	<p>14 September 2010  4:25 p.m.</p>

Communication details	Time Date
<p>required to comply is self-evident.</p> <p>Suggests that Policies outline how buildings, structures and utilities should try to be avoided in Outstanding Landscape Areas.</p> <p>Notes the Landscape Outcomes section is thin on content and focus should perhaps be on (positive) desired outcomes rather than broad-brush negatives.</p> <p>Queries whether there are outcomes for Visual Amenity Landscapes.</p> <p>Queries - why there is no cross reference to Appendix 18A, no linkages between Appendix 18A and 18B, and why there are assessment criteria in Appendix 18C.</p> <p>Suggests expanding Appendix 18B to include commentary of threats to values from development – some indication of thresholds for absorption of buildings/structures and the identification of pristine areas unsuitable for modification.</p> <p>Rules - For earthworks, suggests a minimum distance from significant vegetation and wetlands – to avoid sediment suffocating/clogging these resources. For vegetation clearance, suggests using the thresholds and exemptions listed in the Vegetation Removal rules for Kai Iwi Lakes. Suggests a performance standard where necessity of clearance is required to be justified and alternatives are non-existent or impracticable, particularly if Threatened Environment or habitat is involved. Should be refocused on avoidance of disturbance. For Waterways, notes that these appear to be at odds with the Objectives and Policies of the Outstanding Landscape Areas and Visual Amenity Landscapes.</p> <p>Supports proposed new rules for the erection and alteration of buildings and structures within an Outstanding Landscape Areas. However considers a standard should be included for density/intensity and linked to values in Appendix 18A (if within Outstanding Landscape A).</p> <p>Considers mapping buffer areas to Outstanding Landscape Areas as development on the outskirts of an Outstanding Landscape Areas/in the buffer could have impact also.</p> <p>Supports Discretionary Activity status of structures and buildings within Outstanding Landscape Areas and subdivision rules restrictions.</p>	

Communication details	Time Date
<p>Queries absence of Outstanding Landscape Areas Assessment Criteria.</p> <p>Supports the proposed new definitions developed for Outstanding Landscape Areas and Visual Amenity Landscapes.</p> <p>Supports providing for Rural Subdivision within Outstanding Landscape Areas (with threshold of 20ha) as a Discretionary Activity.</p> <p>Supports the provision of Environmental Benefit subdivision as a Restricted Discretionary Activity, although recommends some form of qualification to apply the process, developed such that <u>significant</u> environmental benefit are demonstrated. Recommend Restricted Discretionary Activity status if transferrable development rights and Discretionary Activity if not. Further recommends that ongoing maintenance and monitoring (cost recovery inclusive) is built into consent conditions.</p>	
<p><b>Telephone Conversation with Far North District Council (Lou-Ann)</b> Lou-Ann is going to try and provide comments to us by 21 September.</p>	16 September 2010
<p><b>Te Uri O Hau Settlement Trust - Email (Alyssce Ranger - Environmental Officer)</b> It is noted that there are places of value mapped in Appendix G (Environmental Benefit / Valued Landscapes). Te Uri O Hau proposes that all its cultural heritage sites (that it got back in its settlement) are included in these maps. It is noted that Mikaera Miru is now working for Te Uri O Hau as the cultural heritage project leader and that he is redressing and compiling journals on all the information on these sites. He and Deb Harding also agree with the above suggestion.</p>	16 September 2010 3:13 p.m.
<p><b>Far North District Council – Comments via email</b> Notes that the section 32 report needs to reflect the Environment Court Direction regarding notification. The Chapter should reference ‘Maori cultural values’ to be consistent and align with Far North District Council. The Outstanding Landscape Areas do not match the Outstanding Landscape Areas in the Far North District Plan. It is unclear which maps are inaccurate. Suggests this matter is investigated prior to finalization of the maps. Apart from the above the two district plans are relatively closely aligned.</p>	20 September 2010 9:48 a.m.

## Appendix C: Are the Policies & Methods the Most Appropriate Way to Achieve the Objectives?

Policy/Method	Objective	Are the Policies/Methods Most Appropriate for Achieving Objectives?
<p>Policy 18.7.1 To recognise and protect the Outstanding Landscape Areas of the District by:</p> <ol style="list-style-type: none"> <li>Identifying and confirming the extent and characteristics of Outstanding Landscape Areas;</li> <li>Protecting natural and physical features and natural systems (such as landforms, vegetation and watercourses) that contribute to the character and values of Outstanding Landscape Areas;</li> <li>Avoiding inappropriate subdivision, use and development within Outstanding Landscape Areas and, in particular, from the effects of vegetation clearance and land modification, building location, earthworks and accessways, built form and building appearance;</li> <li>Encouraging and recognising the wider benefit of sensitive development that protects Outstanding Landscape Areas;</li> <li>Carefully managing existing land uses and development within Outstanding Landscape Areas to protect those characteristics that contribute to landscape values;</li> <li>Avoiding subdivision, use and development that has the potential to compromise Outstanding Landscape Areas values, particularly when viewed from public places, public roads and the coast.</li> </ol> <p>Methods:</p> <ul style="list-style-type: none"> <li>The Outstanding Landscape Areas are identified on the Series 1 - District Plan Maps and a schedule outlining the values associated with them included in Appendix 18B. New subdivision, use and development rules are included in the Plan outlining how Outstanding Landscape Areas will be protected.</li> <li>Restricting the density of subdivision within Outstanding Landscape Areas.</li> <li>Additional assessment criteria (in the Zone Chapters) for subdivision, use and development in Outstanding Landscape</li> </ul>	<p><i>This policy is most appropriate for achieving Objective 18.6.1, Objective 18.6.2, Objective 18.6.3, Objective 18.6.4</i></p>	<p>This policy is effective as it offers a range of methods within the Plan to 'recognise and protect' Outstanding Landscape Areas.</p> <p>This provides clear guidance and incentive to land owners when wanting to develop land within Outstanding Landscape Areas on how to protect landscapes from those activities that pose the greatest threat such as vegetation clearance, earthworks, buildings, structures, network utilities and subdivision. The policy provides direction to the public and practitioners on practical ways to address these matters within the Plan.</p>

Policy/Method	Objective	Are the Policies/Methods Most Appropriate for Achieving Objectives?
<p>Areas and Visual Amenity Landscapes,</p> <ul style="list-style-type: none"> <li>■ Consideration of Outstanding Landscape Areas and Visual Amenity Landscapes in the definition of and structure planning for identified Growth Areas.</li> <li>■ Investigating the incorporation of sites included in the Geopreservation Inventory in Outstanding Landscape Areas.</li> <li>■ Additional assessment of cultural landscapes in areas of significance to Maori.</li> <li>■ Investigating the development of Transferrable Development Rights to provide additional development rights where the subject land is not able to absorb further development.</li> <li>■ Investigating additional development rights if areas of Outstanding Landscape Areas on private property are permanently protected or degraded landscapes are enhanced and protected.</li> <li>■ Design guidelines - Council will investigate providing guidelines on how to protect landscapes and their values (e.g. information on preferred building locations and advice on revegetation);</li> <li>■ Financial support - Council will investigate opportunities for discounts for resource consents fees and costs of specific detailed assessment of landscape areas associated with the protection of landscapes;</li> <li>■ Landscape assistance fund - Council will establish a fund to assist in the costs of protective fencing, pest control and costs associated with establishing covenants.</li> </ul>		
<p>Policy 18.7.2 To maintain and enhance Visual Amenity Landscapes of the district by:</p> <ol style="list-style-type: none"> <li>a) Considering and recognising the values of Visual Amenity Landscapes in the assessment of resource consents;</li> <li>b) Providing for subdivision, use and development that is integrated with the landscape and maintains and enhances landscape values and provides for the remediation of adverse effects on amenity landscape values;</li> <li>c) Avoiding, remedying or mitigating the effects of subdivision,</li> </ol>	<p><i>This policy is most appropriate for achieving Objective 18.6.2, Objective 18.6.3, and Objective 18.6.4</i></p>	<p>This policy is effective as it provides clear guidance on methods within the Plan to 'maintain and enhance' Visual Amenity Landscapes.</p> <p>It provides clear guidance and incentives for land owners when wanting to develop land within Visual Amenity Landscapes on how to maintain and enhance landscapes from those activities that pose the greatest threat such as vegetation clearance, earthworks, buildings, structures,</p>

Policy/Method	Objective	Are the Policies/Methods Most Appropriate for Achieving Objectives?
<p>use and development which detracts from the character of Visual Amenity Landscapes including vegetation clearance, building location, earthworks and access ways, built form and building appearance.</p> <p>d) Encouraging visual and ecological enhancement and innovative design responses to subdivision, use and development such that the landscape values of the Visual Amenity Landscape are maintained and enhanced;</p> <p>e) Encouraging naturalistic planting patterns to reflect existing patterns in the landscape</p> <p>Methods:</p> <ul style="list-style-type: none"> <li>■ The Visual Amenity Landscapes are indicated in Appendix G and a schedule outlining the values associated with them included in Appendix 18B. The values of the Visual Amenity Landscapes are a matter for assessment on resource consents within or adjacent to these features to provide guidance on how these Landscapes will be maintained and enhanced.</li> <li>■ Additional assessment criteria (in the Zone Chapters) for subdivision, use and development in Outstanding Landscape Areas and Visual Amenity Landscapes</li> <li>■ Additional assessment criteria (in the Zone Chapters) for selected activities (subdivision, excavation and fill, indigenous vegetation clearance). If a resource consent is required for that activity, the location of identified amenity landscapes will be one matter Council will consider in assessing the consent.</li> <li>■ Consideration of Outstanding Landscape Areas and Visual Amenity Landscapes in the definition of and structure planning for identified Growth Areas.</li> <li>■ Additional assessment of cultural landscapes in areas of significance to Maori.</li> <li>■ Investigating the use of ground truthing to further define the values associated with, and extent of, Outstanding Landscape Areas.</li> <li>■ Design guidelines – Council will investigate providing</li> </ul>		<p>network utilities and subdivision. The policy provides direction to the public and practitioners on practical ways to address these matters through guidance on how development can be designed to avoid, remedy or mitigate adverse effects.</p>

Policy/Method	Objective	Are the Policies/Methods Most Appropriate for Achieving Objectives?
<p>guidelines on how to protect landscapes and their values (e.g. information on preferred building locations and advice on revegetation);</p>		
<p>Policy 18.7.3 Working with neighbouring local authorities to provide a consistent approach to the identification, protection and management of Outstanding Landscape Areas and Visual Amenity Landscapes</p> <p>Methods:</p> <ul style="list-style-type: none"> <li>■ Active involvement with the Northland Regional Council, Far North District Council, Rodney District Council, DoC and Whangarei District Council to develop a consistent approach to the protection and management of Outstanding and Amenity Landscapes within the Northland Region – in particular as a statutory consultee in the development of the Northland Regional Policy Statement Review.</li> <li>■ Develop monitoring indicators for Outstanding Landscape Areas and Visual Amenity Landscapes.</li> </ul>	<p><i>Objective 18.6.1, Objective 18.6.2, Objective 18.6.4</i></p>	<p>This policy is effective as it provides the impetus for a consistent approach to the protection of Outstanding Landscape Areas and to avoid remedy and mitigate adverse effects on Visual Amenity Landscapes.</p>
<p>Policy 18.7.4 Encouraging subdivision boundaries and the alignment and location of utilities (including roading networks) to reflect the existing patterns of the landscape and thus avoiding potential adverse effects on landscape values. This may include aligning boundaries or utilities along the edges of landforms or areas of vegetation or where practicable burying utilities below ground).</p> <p>Methods:</p> <ul style="list-style-type: none"> <li>■ The Outstanding Landscape Areas are identified on the Series 1 - District Plan Maps and a schedule outlining the values associated with them included in Appendix 18B. New subdivision, use and development rules are including in the Plan outlining how Outstanding Landscape Areas should be protected and preserved.</li> <li>■ The Visual Amenity Landscapes are indicated in Appendix G and a schedule outlining the values associated with them included in Appendix 18B. The values of the Visual Amenity Landscapes are a matter for assessment on resource consents within or adjacent to these features to provide</li> </ul>	<p><i>Objective 18.6.1, and Objective 18.6.2</i></p>	<p>This policy is effective because it provides for the protection of Outstanding Landscape Areas and the avoidance of adverse effects on landscape values.</p>

Policy/Method	Objective	Are the Policies/Methods Most Appropriate for Achieving Objectives?
<p>guidance on how these Landscapes should be maintained and enhanced.</p> <ul style="list-style-type: none"> <li>■ Restricting the density of subdivision within Outstanding Landscape Areas.</li> <li>■ Additional assessment criteria (in the Zone Chapters) for subdivision in Outstanding Landscape Areas and Visual Amenity Landscapes, for example managing the shape of lots and building locations within new lots to encourage land use patterns that avoid or minimise impacts on Outstanding Landscape Areas and Visual Amenity Landscapes.</li> <li>■ Additional assessment criteria (in the Zone Chapters) for selected activities (subdivision, excavation and fill, indigenous vegetation clearance). If a resource consent is required for that activity, the location of identified amenity landscapes will be one matter Council will consider in assessing the consent.</li> </ul>		
<p>Policy 18.7.5 To encourage the rehabilitation of landscapes and recognise the benefits of this protection for the wider community.</p> <p>Methods</p> <ul style="list-style-type: none"> <li>■ Investigating additional development rights if areas of Outstanding Landscape Areas on private property are permanently protected or degraded landscapes are enhanced and protected.</li> <li>■ Investigating the development of Transferrable Development Rights to provide additional development rights where the subject land is not able to absorb further development</li> <li>■ Financial support - Council will investigate opportunities for discounts for resource consents and specific detailed assessment of landscape areas associated with the protection of landscapes;</li> <li>■ Landscape assistance fund - Council will establish a fund to assist in the costs of protective fencing, pest control and costs associated with establishing covenants; and</li> <li>■ Council will provide support for Landcare and Coastcare</li> </ul>	<p><i>Objective 18.6.3</i></p>	<p>This policy is effective as it encourages the active management and voluntary protection of landscapes by private landowners.</p>

Policy/Method	Objective	Are the Policies/Methods Most Appropriate for Achieving Objectives?
<p>Programmes.</p> <ul style="list-style-type: none"> <li>■ Community liaison - Council will assist in the establishment of community care groups and will provide technical advice and will assist them in gaining funding for community projects;</li> <li>■ Design guidelines - Council will investigate providing guidelines on how to protect landscape and their values (e.g. information on preferred building locations and advice on revegetation);</li> <li>■ Maintain a register of professional services that can advise on landscapes and their values;</li> </ul>		

Policy	Benefits <input checked="" type="checkbox"/> / Costs <input checked="" type="checkbox"/> (Environmental, Social, Cultural and Economic)	Stakeholders							Risk of Acting or Not Acting
		Landowners	Business	Ratepayers	General Community	Tangata Whaikaha	Recreation	Northland	Other
Policy 18.7.1 -To recognise and protect the Outstanding Landscape Areas of the District by: a) Identifying and confirming the extent and characteristics of Outstanding Landscape Areas; b) Protecting natural and physical features and natural systems (such as landforms, vegetation and watercourses) that contribute to the character and values of Outstanding Landscape Areas; c) Avoiding inappropriate subdivision, use and development within Outstanding Landscape Areas and in particular, from the effects of vegetation clearance a land modification, building location, earthworks and accessways, built form and building appearance; d) Encouraging and recognising the wider benefit of sensitive development that protects Outstanding Landscape Areas; e) Carefully managing existing land uses and development within Outstanding Landscape Areas to protect those characteristics that contribute to landscape value; f) Avoiding subdivision, use and development that has the potential to compromise Outstanding Landscape Area values, particularly when viewed from public places, public roads and the coast.	<b>BENEFITS</b> <input checked="" type="checkbox"/> Provides certainty to landowners and community on the extent of the Outstanding Landscape Areas <input checked="" type="checkbox"/> Focuses Council resources and the community on protecting the most significant landscapes in the District, which may result in more support for enhancing these areas. <input checked="" type="checkbox"/> Additional Rules can be targeted to the mapped areas only. <input checked="" type="checkbox"/> Rules focus on the 'effects' of activities but retains flexibility for landowners in the activities themselves; <input checked="" type="checkbox"/> Protects Outstanding Landscape Areas from those effects which pose greatest risk; <input checked="" type="checkbox"/> Provides for subdivision providing that the effects of the subdivision are considered and managed. <input checked="" type="checkbox"/> Additional development rights will encourage protection of Outstanding Landscape Area's <b>COSTS</b> <input checked="" type="checkbox"/> Costs associated with obtaining accurate mapping which can be high and boundaries are often argued. <input checked="" type="checkbox"/> People can perceive that this area is a 'no development' zone or area. <input checked="" type="checkbox"/> Compliance costs in association with processing consents; <input checked="" type="checkbox"/> Increased restrictions on land owners; <input checked="" type="checkbox"/> Compliance costs increase for landowners in Outstanding Landscape Areas; <input checked="" type="checkbox"/> Increases Council processing and administration costs; <input checked="" type="checkbox"/> Requires management to ensure that the development does not compromise the OLA.	<input checked="" type="checkbox"/>	p						

<p>Policy 18.7.2 - To maintain and enhance Visual Amenity Landscapes of the district by:</p> <p>a) Considering and recognising the values of Visual Amenity Landscapes in the assessment of resource consents;</p> <p>b) Providing for subdivision, use and development that is integrated with the landscape and maintains and enhances landscape values and provides for the remediation of adverse effects on amenity landscape values;</p> <p>c) Avoiding, remedying or mitigating the effects of subdivision, use and development which detracts from the character of Visual Amenity Landscapes including vegetation clearance, building location, earthworks and access ways, built form and building appearance.</p> <p>d) Encouraging visual and ecological enhancement and innovative design responses to subdivision, use and development such that the landscape values of the Visual Amenity Landscape are maintained and enhanced;</p> <p>e) Encouraging naturalistic planting patterns to reflect existing patterns in the landscape.</p>	<p><b>BENEFITS</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Provides guidance to landowners and community on how to manage development within Visual Amenity Landscapes</li> <li><input checked="" type="checkbox"/> No change to permitted activities within the Proposed Kaipara District Plan</li> <li><input checked="" type="checkbox"/> Allows focus to be directed to the protection and preservation of Outstanding Landscape Areas, whilst enabling the management and enhancement of less significant areas within the District;</li> <li><input checked="" type="checkbox"/> No need for additional costs associated with detailed mapping;</li> <li><input checked="" type="checkbox"/> Results in the enhancement of Visual Amenity Landscapes within the District</li> </ul> <p><b>COSTS.</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Compliance costs in association with processing consents;</li> <li><input checked="" type="checkbox"/> Increased matters for assessment and control on land owners when resource consents are required;</li> <li><input checked="" type="checkbox"/> Increases Council processing and administration costs;</li> <li><input checked="" type="checkbox"/> The lack of rules and detailed mapping of these areas may result in lack of control in some situations where an activity meets the permitted activity performance standards and does not require a resource consent.</li> </ul>	✓	✓	✓	✓	✓	✓	✓	✓	✓	
<p>Policy 18.7.3 - Working with neighbouring local authorities to provide a consistent approach to the identification, protection and management of Outstanding Landscape Areas and Visual Amenity Landscapes.</p>	<p><b>BENEFITS</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Provides for the identification and protection of Outstanding Landscape Areas in a consistent manner.</li> <li><input checked="" type="checkbox"/> Potential for cost efficiencies in the identification and protection of Outstanding Landscape Areas.</li> <li><input checked="" type="checkbox"/> Provides for the maintenance and enhancement of amenity values</li> </ul> <p><b>COSTS.</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Costs associated with liaising with neighbouring authorities.</li> <li><input checked="" type="checkbox"/> Time associated with liaising with neighbouring authorities</li> </ul>	✓	✓	✓	✓	✓	✓	✓	✓	✓	

<p>Policy 18.7.4 - Encouraging subdivision boundaries and the alignment and location of utilities (including roading networks) to reflect the existing patterns of the landscape and thus avoiding potential adverse effects on landscape values. This may include aligning boundaries or utilities along the edges of landforms or areas of vegetation or where practicable, burying utilities below ground.</p>	<p><b>BENEFITS</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Provides for the protection of Outstanding Landscape Areas</li> <li><input checked="" type="checkbox"/> Provides for the maintenance and enhancement of amenity values</li> </ul> <p><b>COSTS.</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Costs associated with obtaining consent for landowners/utility operators</li> <li><input checked="" type="checkbox"/> Time associated with liaising with neighbouring authorities</li> <li><input checked="" type="checkbox"/> Compliance costs in association with processing consents</li> <li><input checked="" type="checkbox"/> Increases Council processing and administration costs;</li> </ul>	✓	✓	✓	✓	✓	✓	✓	✓	
<p>Policy 18.7.5 - To encourage the rehabilitation of landscapes and recognise the benefits of this protection for the wider community.</p>	<p><b>BENEFITS</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Provides for the protection of Outstanding Landscapes Areas</li> <li><input checked="" type="checkbox"/> Provides for the maintenance and enhancement of amenity values</li> <li><input checked="" type="checkbox"/> Provides incentives for landowners to protect Outstanding Landscapes Areas and Visual Amenity Landscapes</li> <li><input checked="" type="checkbox"/> Provides benefits to the wider community</li> </ul> <p><b>COSTS.</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Costs associated with providing incentives</li> <li><input checked="" type="checkbox"/> Costs/time to landowners associated with the protection Outstanding Landscapes Areas and Visual Amenity Landscape</li> </ul>	✓	✓	✓	✓	✓	✓	✓	✓	

## Appendix E: Alternative Options to Achieve Objectives and Policies

Part A Section 6 of the Section 32 Report, October 2009 provides an overview of the alternative options considered in the evaluation of the Plan and methods for the Plan Review.

In other sections of the Section 32 Report, October 2009 (released with the Proposed District Plan), addressing other Chapters of the Plan, a table has been included in this Appendix, which provides a summary of key methods considered to achieve the Policies in this Chapter. It is noted that this is not intended as an exhaustive list of the alternative options considered, but rather highlights areas which are considered particularly 'sensitive' and focuses on the alternatives considered for these.

Method Options Considered	Benefits	Costs
<b>a. Excavation and fill</b>		
Option 1 – Use same threshold as Kai iwi Lakes Overlay for Outstanding Landscape Areas 150m <sup>3</sup>	<input checked="" type="checkbox"/> Is consistent with the most restrictive Overlay controls; <input checked="" type="checkbox"/> Achieves environmental outcome to protect Outstanding Landscape Areas	<input checked="" type="checkbox"/> Greater number of resource consent applications for excavation and fill within an Outstanding Landscapes Areas required
Option 2 – Use different threshold 300m <sup>3</sup> same as Far North District Council	<input checked="" type="checkbox"/> Is consistent with some neighbouring authorities' excavation and fill control. <input checked="" type="checkbox"/> Fewer number resource consent applications required	<input checked="" type="checkbox"/> Is not consistent with most restrictive Overlay controls <input checked="" type="checkbox"/> Would not achieve an appropriate level of protection within Outstanding Landscape Areas
Status Quo No additional controls on excavation and fill in Outstanding Landscape Areas	<input checked="" type="checkbox"/> Familiarity with existing excavation and fill controls	<input checked="" type="checkbox"/> Is not consistent with most restrictive Overlay controls <input checked="" type="checkbox"/> Would not achieve an appropriate level of protection within Outstanding Landscape Areas

### Recommended Most Effective and Efficient Option:

On balance, it is considered appropriate that Option 1 is the most effective and efficient option, as it would afford the greatest protection to Outstanding Landscape Areas and would be consistent with the Overlay Kai Iwi Lakes excavation and fill controls.

Method Options Considered	Benefits	Costs
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**b. Vegetation Clearance;**

Option 1: Status quo	<input checked="" type="checkbox"/> Familiarity with existing vegetation clearance controls	<input checked="" type="checkbox"/> Is not consistent with most restrictive Overlay controls <input checked="" type="checkbox"/> Would not achieve an appropriate level of protection within Outstanding Landscape Areas
Option 2: Provide a consistent approach to other District Council's e.g. Far North	<input checked="" type="checkbox"/> Is consistent with some neighbouring authorities' excavation and fill control. <input checked="" type="checkbox"/> Fewer number applications for resource consent required	<input checked="" type="checkbox"/> Is not consistent with most restrictive Overlay controls <input checked="" type="checkbox"/> Would not achieve an appropriate level of protection within Outstanding Landscape Areas
Option 3: Same threshold as Kai Iwi Lakes threshold	<input checked="" type="checkbox"/> Is consistent with the most restrictive Overlay controls; <input checked="" type="checkbox"/> Achieves environmental outcome to protect Outstanding Landscape Areas	<input checked="" type="checkbox"/> Greater number of applications for vegetation clearance within an Outstanding Landscape Areas required

**Recommended Most Effective and Efficient Option:**

On balance, it is technically considered that Option 3 is the more efficient and effective approach as it provides the greatest level of protection to Outstanding Landscape Areas.

**c. Subdivision in an Outstanding Landscape;**

Option 1: Status quo	<input checked="" type="checkbox"/> No adverse effect on the ability of landowners to provide for their economic and social well being	<input checked="" type="checkbox"/> Would not achieve an appropriate level of protection within Outstanding Landscape Areas
Option 2: Provide a consistent approach to other District Council's e.g. Far North	<input checked="" type="checkbox"/> Is consistent with some neighbouring authorities' <input checked="" type="checkbox"/> Clear direction provided for the amount of subdivision no matter what zone; <input checked="" type="checkbox"/> Allows limited amount of subdivision, does not preclude development entirely	<input checked="" type="checkbox"/> Limits landowners ability to provide for their economic and social well being.
Option 3: Precautionary Approach – no subdivision	<input checked="" type="checkbox"/> Protects Outstanding Landscape Areas from inappropriate subdivision use and development	<input checked="" type="checkbox"/> Adversely effects the ability of landowners to provide for their economic and social well being.

**Recommended Most Effective and Efficient Option:**

On balance, it is technically considered that Option 2 is the more efficient and effective approach as it provides the protection to Outstanding Landscape Areas, whilst balancing the often conflicting needs for landowners to provide for their social and economic well being.