

VARIATION 1: LANDSCAPES TO THE PROPOSED KAIPARA DISTRICT PLAN

Pursuant to First Schedule of the
Resource Management Act 1991

Date of public notification: 2 December 2010

Closing Date for Submissions: 28 February 2011

SCHEDULE

1. Insert new Chapter 18 – Landscapes
2. Amendments to the Planning Maps Series 1 and Legend

The variation inserts corresponding amendments to the relevant text within the following chapters and appendices of the Proposed Kaipara District Plan:

3. Table of Contents
4. Chapter 0.1 Rules Effective Immediately
5. Chapter 1 - Structure and Tools of the Plan
6. Chapter 2 - District Wide Resource Management Issues
7. Chapter 9 – Definitions and Appendix 24h
8. Chapter 10 – Network Utilities
9. Chapter 11 – Transport Network
10. Chapter 12 – Rural
11. Chapter 13 – Residential
12. Chapter 15A – Maori Purposes: Maori Land
13. Chapter 15B - Maori Purposes: Treaty Settlement Land
14. Appendix G – Visual Amenity Landscapes

Explanatory Note:

This explanatory note provides a brief summary of the proposed amendments to the Proposed Kaipara District Plan, for the purposes of understanding the variation, and does not form part of Variation.

The purpose of this Variation is to provide for the protection of 23 Outstanding Landscape Areas and the maintenance and enhancement of 46 Visual Amenity Landscapes as identified in the Kaipara District Landscape Technical Report (2010).

Council has a statutory obligation to protect outstanding natural features and landscapes from inappropriate subdivision, use and development and to maintain and enhance amenity values under the RMA. Variation 1 Landscapes enables Council to meet its statutory obligations.

Background

The Proposed Kaipara District Plan was notified in October 2009, with a blank chapter 18 – Landscapes. This was in response to a Council resolution to put the development of this chapter on hold, in order to concentrate the Council's limited resources on other key strategic elements of the District Plan Review.

Shortly after the Plan was notified, the Environmental Defence Society sought a declaration from the Environment Court on the 'missing chapter' within the Proposed Kaipara District Plan 2009 for Outstanding Landscapes.

At the same time, hearings on submissions to the Proposed Kaipara District Plan were completed in August 2010. A number of submissions related to the provision of a Landscapes chapter.

On 10 November 2010, the Environment Court issued an interim decision 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."

Accordingly Council has prepared Variation 1 for notification.

Proposed Changes

Proposed key changes are outlined below:

- A new Chapter 18 – Landscapes including Issues, Objectives, Policies and Methods and Outcomes to provide a policy framework for the implementation of the protection of Outstanding Landscape Areas and the maintenance and enhancement of Visual Amenity Landscapes. New appendices are provided, being:
 - Appendix 18A – Key Physical Characteristics and Character of Outstanding Landscape Areas, relating to the four types of Outstanding Landscapes Areas found in Kaipara District.
 - Appendix 18B - Outstanding Landscape Areas and Visual Amenity Landscapes within the Kaipara District, provides a brief description of each landscape area.
 - Appendix 18C – Additional Assessment Criteria when considering the effects of activities within Outstanding Landscape Areas and Visual Amenity Landscapes within the Kaipara District
- Amendments to Planning Maps Series 1 to apply Outstanding Landscape Areas and consequential changes to the map legend.
- Delete Appendix G Environmental Benefit/ Valued Landscapes in its entirety and insert new Appendix G Visual Amenity Landscapes
- Consequential amendments to Chapter 9 Definitions and Appendix 24h Definitions including new and amended definitions (note Appendix 24H is the same as Chapter 9 definitions)
- Consequential amendments to Chapters 10 All Zones Network Utilities, and Chapter 11 All Zones including new and amended rules and assessment criteria,
- Consequential amendments to Chapter 13 Residential, Chapter 12 Rural, Chapter 15A Maori Land and Chapter 15B Treaty Settlement Land including new and amended rules and assessment criteria and updated figures.
- Consequential changes to the Table of Contents, Chapter 0.1 Rules Effective Immediately, Chapter 1 Structure and Tools of the Plan, Chapter 2 -, District Wide Resource Management Issues including updating references and figures.

Further work required

Further work is still being progressed by the Council that will be updated into the Proposed District Plan over time, either by way of a Council submission to Variation 1 or further variations to the Plan. These include:-

- a) Additional work on Outstanding Natural Features;
- b) Additional assessment of areas of high natural character;
- c) Ground truthing (site visits to confirm the aerial extent of landscapes) of Outstanding Landscapes Areas and landowner consultation;
- d) Further consultation with tangata whenua;
- e) Review of decisions on the Proposed District Plan in relation to overlaps between Outstanding Landscapes and Overlays;
- f) Further liaison and engagement with Northland Regional Council to better integrate the outcomes of the Landscapes Chapter.
- g) Update to reflect changes resulting from the New Zealand Coastal Policy Statement 2010.

How to read Variation 1:

- **All proposed text is shown underlined and text proposed to be deleted is shown ~~struck through~~.**
- **All other wording shown as grey is to provide context only and is not subject to this variation. It has not changed from the Proposed Kaipara District Plan as notified October 2009, as decisions on submissions on the Proposed Kaipara District Plan have not yet been released.**
- **Where text has not been included in Variation 1 (as it does not assist with the understanding of provisions Variation 1) this has been denoted by "[.....]"**
- **Variation references are denoted by the following references [VAR1/15A/1] (Variation Number/ Chapter Number/ Amendment Reference)**