

## 2.19 Landscapes - section 32 evaluation for the Proposed Auckland Unitary Plan

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## **1 Overview and Purpose**

This evaluation should be read in conjunction with Part 1 in order to understand the context and approach for the evaluation and consultation undertaken in the development of the Unitary Plan. In particular, this evaluation addressed the approach taken to Outstanding Natural Landscapes (ONL), Outstanding and High Natural Character Areas (ONC) (HNC) in the Proposed Auckland Unitary Plan (the Unitary Plan).

### **1.1 Subject Matter of this Section**

This report evaluates the options for implementing objectives, policies and rules relating to the protection of the natural character of the coastal environment and outstanding natural landscapes from inappropriate subdivision, use and development.

### **1.2 Resource Management Issue to be Addressed**

The Unitary Plan is required to address natural character and outstanding natural landscape protection as matters of national importance in terms of Section 6 of the RMA. Furthermore the New Zealand Coastal Policy Statement 2010 contains prescriptive policies setting out how regional policy statements and plans should determine what constitutes inappropriate subdivision, use and development of land and the coastal marine area, which together constitute the coastal environment.

There are comprehensive and detailed policies in the NZCPS which state the outcomes to be achieved in the management of New Zealand's coastal environment and the processes to be used to achieve these outcomes. These processes include the use of rules to determine appropriate development in appropriate areas. This report acknowledges that the objectives and policies of the Unitary Plan follow the directions of the national policy statement.

Flexibility is given to local authorities to determine the local flavour of the policies and the level of control through plan rules, depending on the type and intensity of development pressure they are facing.

Reforms to sections 6 and 7 of the RMA currently being considered by central government are expected to add further topics to section 6. They are also likely to change the overall management approach to "making an overall judgement" rather than prioritising the achievement of one outcome over others. However this approach will still require an evaluation of the overall appropriateness of development and how it affects natural character and natural landscape values. Although there may be a shift in emphasis at the national policy level, the techniques available to district and regional plans to give effect to these changes will remain the same.

The main pressures affecting natural character and landscape values in Auckland are those associated with the subdivision of land into smaller lifestyle blocks and the construction of dwellings and accessory buildings in physically and visually sensitive areas. Land prices especially those associated with coastal locations or locations with significant views support the construction of houses of a significant size, with surrounding curtilage and access requirements. These result in individual and cumulative changes to the naturalness of coastal character and landscape areas.

As the approach to rural land subdivision influences the amount of pressure on natural landscape and character values, it is important that this evaluation is read in conjunction with the evaluation of the approach to rural land subdivision.

Other buildings including those associated with farming activities and plantation forestry can also have adverse visual impacts on natural character and outstanding natural landscape values, depending on their size and location.

The issue for this Unitary Plan is the type and level of regulatory control (rules) to use to determine appropriate versus inappropriate subdivision, use and development while providing for the protection of outstanding and high natural character areas and outstanding natural landscapes.

### **1.3 Significance of this Subject**

The significant policy shift is the adoption of a targeted approach to the management of natural landscape and natural character values. That being maps are used to identify Outstanding Natural Landscapes (ONLs) and areas with High Natural Character (HNC) and Outstanding Natural Character (ONC) values in the coastal environment.

The mapping of areas with these values is not considered a significant policy shift in itself as:

- ONLs have recently been identified through Change 8 to the Auckland Regional Policy Statement
- identification high and outstanding natural character values in the coastal environment is required by the New Zealand Coastal Policy Statement

However, the move away from a case-by-case assessment of a wider suite of development and the adoption of a targeted approach which place constraints on the size of buildings, earthworks and vegetation clearing, only within these areas is a substantial shift in approach.

This has enabled a more permissive approach to farm buildings and other activities in rural zones outside of the overlays.

### **1.4 Auckland Plan**

The Auckland Plan highlights the defining role of Auckland's natural heritage on land and in water and sets a target of *no loss in the area of significant landscape, natural character and natural features*.

There are three relevant directives of the Auckland Plan.

#### Directive 7.2

Recognise and promote:

- The contribution of natural heritage to urban character, quality, amenity and sense of place
- Natural heritage as a part of sustainable rural land management
- Opportunities for conservation of natural heritage on public open space and private land

#### Directive 7.3

Identify significant landscapes, landscape character, natural character and natural features, and appropriately manage these to protect and enhance their biophysical and sensory qualities and associated values.

#### Directive 7.4

Identify places of high natural heritage values, and where appropriate, protect, manage and expand public open space areas so they can be enjoyed by everyone.

### **1.5 Current Objectives, Policies, Rules and Methods**

Managing the adverse effects of inappropriate subdivision, use and development on natural character and outstanding natural landscape values is not a new planning issue. Provisions relating to both have been in the Auckland Regional Policy Statement since initial notification in 1994 and in the Auckland Regional Plan: Coastal since 1995. In both documents there were objectives and policies relating to the preservation of the natural character of the

coastal environment and objectives, policies and maps relating to management of outstanding natural landscapes. In the case of the regional coastal plan which contains rules, the effects of subdivision, use and development on natural character and landscape values is determined by the types of activities provided for in these areas and the use of assessment policies against which resource consent proposals are assessed.

Auckland's legacy district plans have addressed natural character and landscape protection in a number of different ways. The natural character component has generally been addressed by objectives and policies and decisions on what constitute permitted activities, versus those that require resource consents. There has been no mapping of natural character areas at the district level. However plans such as Franklin District have more recently identified a coastal zone and the Waitakere District Plan maps areas of natural habitat and natural feature value. Rodney District Plan has identified zones and overlays based on natural landscape values and character. Several of these zones acknowledge the significance of the coast as part of the overall landscape.

Despite the different approaches to the management of natural character and outstanding natural landscapes in legacy district plans, there is common policy on how these areas should be managed and similar planning techniques are used. These relate to the level of control on the following activities:

- Buildings – dwellings may be subject to greater control than other farm buildings, although this varies across legacy plans. Dwellings are generally restricted discretionary activities and may be subject to controls on their size (Gross Floor Area)
- The level of control on farm accessory buildings varies from permitted to restricted discretionary activity.
- Activities, including rural activities that require large buildings (eg intensive farming) are restricted within coastal zones or natural landscape based zones.
- Vegetation clearance – the clearance of indigenous vegetation in rural areas is subject to a variety of controls, usually based on the size of the area to be cleared and the purpose of the clearance. These controls are multi-outcome focussed and address biodiversity retention matters as well as natural character and outstanding natural landscapes.
- Earthworks (land disturbance) are subject to a hierarchy of control, associated with the size (square metres) or volume (cubic metres) of the disturbance. The focus has been on earthworks associated with the establishment of building platforms for dwellings and accessways and roading associated with forestry harvesting. There are few controls on the size of earthworks undertaken as part of normal farming activities, such as the construction of farm tracks.
- Exotic production forestry is a permitted activity except in specific identified rural areas of high natural value.
- Activities that are likely to have significant impacts on natural and amenity values and water quality, such as landfills are not provided for in rural areas near the coast.

The Unitary Plan carries over the legacy plan policy approach, in response to the directive provisions of the New Zealand Coastal Policy Statement 2010. This report assesses the policies against the requirements of section 32. It also focuses on the appropriateness of the rules in implementing the objectives and policies. These rules bring together a range of different legacy plan development control thresholds.

## **1.6 Information and Analysis**

An Auckland-wide analysis of Outstanding Natural Landscapes was undertaken for Change 8 to the Auckland Regional Policy Statement, the proposed Unitary Plan carries forward those identified areas.

An Auckland-wide analysis of High and Outstanding Natural Character values in the coastal environment was undertaken. The outcomes of this analysis form the maps identifying High and Outstanding Natural Character areas in the Proposed Auckland Unitary Plan.

## **1.7 Consultation Undertaken**

To inform the development of the Auckland Unitary Plan discussion draft, consultation was undertaken with a key environmental stakeholder, local boards and other groups. In particular, rural sector stakeholders through Council's Rural Advisory Panel.

Subsequent to the release of the draft Auckland Unitary Plan feedback has been received and evaluated which have further informed the development of the proposed plan.

## **1.8 Decision-Making**

The targeted approach to the management of natural character and landscape values was initially presented, and received support from the Unitary Plan Political Working Party. On this basis, further work was undertaken to develop the draft plan provisions.

Having further developed the approach, more detailed rules, including the proposed thresholds on permitted building size were put forward to the Political Working Party and received general support.

In general feedback received on the subject of this evaluation, the introduction of targeted rules, did not receive substantial feedback and on balance was supported for inclusion in the proposed Unitary Plan by the Auckland Plan Committee of Council.

## **1.9 Proposed Provisions**

The Proposed Unitary Plan identifies on its overlay maps areas of Outstanding Natural Character (ONC), High Natural Character (HNC) and Outstanding Natural Landscapes (ONL). These areas are in rural parts of Auckland and the overlays affect several rural zones. Section 4.3 of the Regional Policy Statement 4.3.1 contains objectives and policies relating to Areas of Outstanding Natural Character and Areas of High Natural Character. Section 4.3.2 contains objectives and policies relating to landscapes and natural features.

There are three main activities that are the focus of specific controls in ONC, HNC and ONL areas. They are:

- a. buildings, including dwellings, accessory buildings and farm buildings
- b. earthworks and other land disturbance activities
- c. vegetation removal.

Specific rules relating to these three activities are contained in 6.0 Overlay rules and 4.0 Auckland wide rules. These are:

- a. Natural Heritage – 6.2 ONLs, ONCs and HNCs (buildings).
- b. Natural Resources:
  - 4.2.3.9 – Earthworks
  - 3.16 – Vegetation Management

Activities in these overlays are more restrictive than outside the overlays. Generally buildings require restricted discretionary activity consent in the overlay rather than being permitted activities. Smaller areas of land disturbance and vegetation removal are permitted in the overlay areas than outside these areas and there are tighter controls on production forestry.

Rules relating to earthworks and vegetation management also apply to ONC, HNC and ONL overlays. However these provisions are discussed in separate section 32 reports dealing with the management of land disturbance activities and indigenous vegetation management.

These controls are summarised as follows:

	<b>ONL / HNC</b>	<b>ONC</b>
<b>Permitted earthworks</b>	< 50m <sup>2</sup> or 250m <sup>3</sup>	< 5m <sup>2</sup> or 5m <sup>3</sup>
<b>Permitted vegetation clearing</b>	< 50m <sup>2</sup>	< 50m <sup>2</sup>
<b>Permitted building size (GFA)</b>	< 50m <sup>2</sup>	< 25m <sup>2</sup>
<b>New production forestry</b>	< 2ha	Non complying

### 1.10 Reference to other Evaluations

This section 32 report should be read in conjunction with the following evaluations:

- 2.8 Sustainable design
- 2.11 Biodiversity
- 2.18 Maori & natural resources
- 2.22 Future Urban zone
- 2.31 Earthworks
- 2.35 Rural land subdivision

## **2 Objectives, Policies and Rules**

### **2.1 Objective - Natural Character and Outstanding Natural Landscapes**

*Protection from inappropriate subdivision, use and development*

Objectives Under Part 1, Chapter B of the Unitary Plan address the protection of natural character areas and the protection of outstanding natural landscapes. The key objectives related to subdivision use and development (below) are considered together.

*4.3.1.1 Subdivision, use and development in the coastal environment is designed and located to avoid significant adverse effects on natural character, and to retain the particular elements or features that significantly contribute to the natural character of an area.*

*4.3.1.2 The natural character of areas with high or outstanding natural character value is preserved, and subdivision use and development is managed to maintain their high levels of naturalness.*

*4.3.2.1.1 Auckland's ONLs and ONFs are protected from inappropriate subdivision, use, and development.*

Appropriateness of the Objective(s)

The objectives give effect to Sections 6 (a) and (b) of the RMA and Objective 2 of the New Zealand Coastal Policy Statement 2010. This national objective requires the identification of those areas where various forms of subdivision, use and development would be inappropriate and directs that these areas be protected from such activities. The RMA makes it mandatory that regional policy statements, regional and district plans give effect to the New Zealand Coastal Policy Statement.

#### **Relevance**

As this is a substantial resource management issue for Auckland the inclusion of the above objectives is relevant.

#### **Usefulness**

The objectives give effect to NZCPS Objective 2, which is prescriptive in what policy statements and plans are required to do to preserve natural character and protect outstanding natural landscapes. This means that changes to the wording of the objective are not necessary or beneficial. The objectives are supported by the identification of natural character and outstanding natural landscape areas on the UP maps. Determining what constitutes inappropriate development is the focus of the policies and assessment criteria for the rules. This level of detail is not a matter for a plan objective.

#### **Achievability**

Five key activities are identified in the rules as being the focus for implementing the objectives. The council has the powers under sections 9, 11 and 12 of the RMA to control these activities. Measurement of a successful outcome is subjective as determination of what constitutes appropriate development in areas of outstanding and high natural character is often a matter of opinion. However the plan adopts a nationally approved policy approach as its decision making framework.

One method for measuring successful outcomes is to monitor the type and location of approved resource consents to determine the level of change occurring in natural character areas. This is part of Council's wider monitoring requirements. Another method is to repeat the professional assessment of natural character and outstanding natural landscapes at a later date to update the research that forms the basis for the areas mapped in the UP.

It is expected that the levels of change occurring through a progressive reduction in naturalness will be less in ONC areas than in HNC and ONL areas. This is because many of the ONC areas are in public reserve or in areas where there are significant physical constraints on development (eg presence of sand dunes and cliffs) or are high energy wave environments.

Areas of high natural character and outstanding natural landscapes encompass greater amounts of land used for rural purposes. Potential conflicts between the use and development of this land for rural and residential activities and the retention of a high natural character are expected. Success will be measured by resource consent and building consent monitoring

### **Reasonableness**

It has been determined at a national level that it is reasonable to control development in identified natural character and outstanding natural character areas. The costs of implementing such controls are deemed to be outweighed by the benefits, which include environmental, economic, social and cultural outcomes.

Consideration of reasonableness for the Unitary Plan involves an evaluation of the type and scale of the rules that control activities in the natural character and natural landscape areas. This is contained in Section 3.2 relating to the preferred option.

### **Legacy Issues**

There is no significant change in the two objectives as they were both matters included in the first NZCPS and implemented in the legacy regional policy statement, regional and district plans. The major difference is the recognition given to a hierarchy of natural character – both outstanding and high, which comes from the New Zealand Coastal Policy Statement 2010.

#### **2.1.1 Policies**

Regarding natural character of the coastal environment, the policies are presented in three tranches. Firstly, policies for ONC and HNC areas together, secondly specific policies for ONC areas, and thirdly, specific policies for HNC areas (see policies 4.3.1.1 – 4.3.1.11). Together they provide a hierarchical management approach where by subdivision and development in high natural character areas is managed to avoid significant adverse effects and maintain natural character values. While in outstanding natural character areas, subdivision use and development is avoided, except for specific exclusions.

This hierarchy reflects the relative intactness of the high and outstanding natural character areas and their vulnerability to the effects of subdivision use and development.

Regarding Outstanding Natural Landscapes, the relevant policies are 4.3.2.16 which seek to protect the physical and visual integrity and the landscape values of ONLs. This is generally consistent with the *management* of adverse effects approach adopted for High Natural Character areas.

These policies will be achieved as specific areas are identified and rules applied which place limits on the size of buildings, earthworks and vegetation clearing that enable the objectives and policies to be achieved.

#### **Areas of outstanding and high natural character of the coastal environment**

Policies 4.3.1.1- 4.3.1.7 reflect the detailed and directive components of Policy 13 of the New Zealand Coastal Policy Statement 2010. Policy 3 links the overlay maps of outstanding and high natural character areas back to the national policy statement directive in 13 (1) (c).



Policy 4 states the outcomes to be achieved in the management of subdivision, use and development in outstanding and high natural character areas. The outcomes stated in clauses (a) to (f) provide more detail on how the national policy matters are to be implemented in the Auckland region.

Policy 5 focuses on the management of areas immediately adjoining areas of outstanding and high natural character to ensure the values of these high value areas are not diminished by inappropriate development. The policy takes account of the relatively small size of identified ONC and HNC areas in Auckland and their proximity to intensely developed rural areas.

Controlling the amount and distribution of rural subdivision is a key component in managing the impacts of built development in outstanding and high natural character areas. Policies 6 and 7 address the application of the transferable rural site subdivision within these areas. The latter is a key component of the UP's rural strategy.

### **Outstanding natural character of the coastal environment**

Policies 4.3.1.8 and 4.3.1.9 give effect to the NZCPS direction that inappropriate subdivision, use and development be avoided in areas of Outstanding Natural Character. Unitary Plan Policy 8 recognises the continuity of existing uses within ONL areas, but directs new subdivision, use and development away from these areas. Small scale buildings are recognised as being appropriate in Outstanding Natural Character areas and the development controls provide guidance on this. The need to balance the protection of ONC areas against national or regional development requirements is also acknowledged by the policy.

Policy 9 directs that where subdivision, use and development require an ONC location it should minimise the level of adverse effects and modification of natural areas and natural processes.

### **High natural character of the coastal environment**

Policies 4.3.1.10 and 4.3.1.11 apply to areas of high natural character identified in the Unitary Plan are larger in extent than ONC areas and as such cover a greater diversity of existing land use activities. Policy 10 supports the use of alternative locations for new subdivision, use and development, where these are available. Policy 11 gives effect to the detailed provisions of the NZCPS by stating the outcomes to be achieved in terms of natural character protection from development proposals. These factors also reflect current best practice in the management of the adverse effects of use and development on the natural character of the coastal environment.

### **Outstanding Natural Landscapes**

The Unitary Plan policy 4.3.2.2 reflects Policy 15 of the NZCPS. These criteria were used to identify outstanding natural landscapes in the 2006 Auckland Regional Landscape Assessment report. This assessment forms the basis of the ONL areas identified in the UP maps. The inclusion of these matters in Policy 2 clarifies the criteria by which existing ONLs have been identified, and how any future assessment of outstanding natural landscapes and outstanding natural features should be undertaken.

UP Policy 4.3.2.16 provides guidance on the outcomes to be achieved when determining appropriate subdivision, use and development in outstanding natural landscapes. The national policy statement identifies the factors to be considered in determining what constitutes an outstanding natural landscape. Policy 16 builds on established landscape

management and planning practice to identify how these factors should be managed as part of the RMA resource consent process.

UP Policy 4.3.2.6 recognises that there are some activities that have positive environmental effects on natural landscapes and natural features, or which enable people and communities to obtain a better appreciation of the values of these areas. The policy supports the establishment of works and development for these purposes. This is particularly the case for Outstanding Natural Features, where enabling greater public access or viewing capability may be enabled by particular works.

The natural qualities and values of outstanding natural landscapes are influenced by the type and intensity of development on immediately adjacent land. Policy 4.3.2.8 identifies ways in which management of ONLs and adjacent areas can be better integrated.

In Auckland many large sized outstanding natural features associated with its volcanic past, are also outstanding natural landscapes in themselves or form part of a wider ONL area. Many features are also in public ownership and have a variety of scientific, cultural and heritage values in addition to their landscape and visual significance. Policy 4.3.2.9 requires that these significant ONLs are protected and that their multiple values are recognised and maintained, even though their day to day management of these areas may be through public or private management plans developed outside the RMA.

### **2.1.2 Rules and other methods**

The proposed provisions are summarised in 1.9 above.

The proposed thresholds for buildings and earthworks have been set in light of the rural nature of the majority of land to which the overlays apply. The application of thresholds to specific mapped areas has enabled a more permissive approach to farm buildings outside of overlay areas.

The thresholds for buildings, earthworks and vegetation clearing in ONL and HNC areas are considered appropriate to enable to ongoing operation and development of productive farms. This enables some new farm tracks, the construction of moderate farm or utility building with associated vegetation clearing and earthworks without the requirement for a resource consent. More substantial development would require a resource consent to enable an assessment of the nature of the proposal against the values which are sought to be protected by the overlays.

The lower thresholds for Outstanding Natural Character Areas reflect their very limited extent, high degree of naturalness and sensitivity to new structures. Many of the locations identified as ONCs are public land within parks.

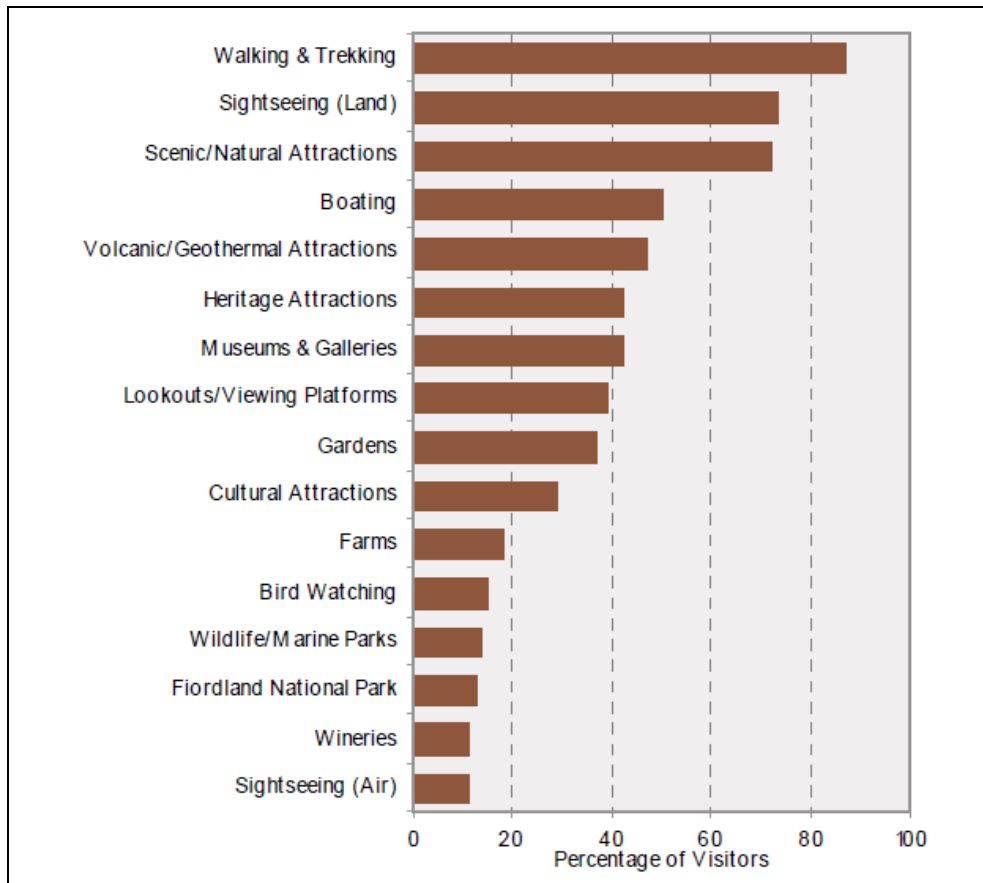
Lower thresholds than those above, may present an undue restriction on the use of land and are not considered necessary in light of the expected reduction in development pressure for non-rural uses in light of the proposed approach to rural subdivision.

However higher thresholds may result in a long-term decline the natural landscape and natural character values of these areas and would result in a failure to achieve the Auckland Plan, RMA and NZCPS requirements as previously discussed.

### **2.1.3 Costs and Benefits of Proposed Policies and Rules**

Based on 2008 figures, Auckland is New Zealand's top nature based tourism destination in New Zealand for intentional holiday visitors (Ministry of Tourism 2009). This generates significant local, regional and national economic benefit.

In 2008 New Zealand received 1,184,000 holiday visitors (Ministry of Tourism, 2008). From that Auckland received 813,000 holiday visitors. The significant majority of activities undertaken by international holiday visitors rely heavily Auckland's natural character and landscape values either as places within which these activities take place, or as a backdrop to activities.



Key Activities by International Holiday Visitors, 2008 (Tourism sector profile, International visitors, Total, Series C10, Ministry of Tourism, June 2009,)

Top 5 Destination Regions (RTOs)	Auckland	Northland	Canterbury	Rotorua	Coromandel	NZ
International	541,700	246,800	431,200	563,400	149,600	1,559,700
Domestic	1,381,100	950,800	602,200	468,200	858,500	9,554,200
Total	1,922,800	1,197,600	1,033,400	1,031,600	1,008,100	11,113,900
% Share	17%	11%	9%	9%	9%	100%

Nature-base tourism by key region and source markets 2008 (Tourism sector profile, Tourist Activity, Nature-Based Tourism, Series B3, Ministry of Tourism, June 2009,)

While this extends beyond Auckland, the direct added value of tourism in the Hauraki Gulf was estimated in 2011 to be \$656 Million in direct added value and \$281 Million in indirect and induced added value while generating employment of approximately 15,742 full time equivalents.

The economic cost of the proposed rules is associated with the cost of consent where the permitted thresholds are proposed to be exceeded within the identified areas. The table

below shows the extent of areas relative to the total extent of the rural zones. It is also important to note that many of the properties affected by these overlays will also contain land which is outside an overlay. This will result in an incentive to locate new buildings and structures which exceed the thresholds to areas outside of the overlays. Where there is no alternative site outside of the overlay, an easier test is applied through the resource consent process.

Zone Name	Zone Area (ha)	Zone within ONL		Zone in ONC		Zone in HNC	
		%	Area (ha)	%	Area (ha)	%	Area (ha)
Countryside Living	21080	5	1000	0	0	0	74
Mixed Rural	39230	8	3120	0	0	0	28
Rural Conservation	6400	56	3610	12	750	9	604
Rural Production	173430	12	20060		0	0	382
Rural Coastal	73970	21	15250	1	430	9	6329

Table 1: Proportion of rural zones within ONL, ONC and HNC overlays (full analysis as **Attachment 9**)

The primary cultural coasts are from the potential impediment to the development of Maori land which is over represented as a proportion of land within these overlay areas.

Social benefits from the protection of natural character and landscapes are derived from the experiential qualities of these areas which either provide a backdrop to and/or area areas within which Aucklanders recreate.

#### **2.1.4 Adequacy of Information and Risk of Not Acting**

It is considered there is sufficient information on which to base the proposed policies and methods. In particular, the Council has undertaken a comprehensive assessment to identify areas of ONC, HNC and ONL in accordance with the direction of the Resource Management Act 1991 and the New Zealand Coastal Policy Statement 2010.

As such the risks of acting associated with unintended constraint on reasonable use and development, primarily on rural production activities are low.

The risks of not acting relates to failure to have sufficient regard to the matters of national importance and failure to give effect to policies of 13, 14 and 15 of the New Zealand Coastal Policy Statement. Not acting may result in a failure to achieve the Auckland Plan target of *no loss in the area of significant landscape, natural character and natural features*.

The risk of acting is outweighed by the risk of not acting.

### **3 Alternatives**

The proposed preferred alternative is discussed in 2.0 above. The status quo alternative is outlined in 1.5 above. The following is an evaluation of the potential responses to the issue through the proposed provisions. Two approaches are discussed, with a focus on the rules. This is because the policy direction is set by the New Zealand Coastal Policy Statement. How the Unitary Plan gives effect to these policies is determined by the contents of its rules.

Alternatives are:

1. **Alternative Status quo** - This approach involves a carry over of legacy plan approaches, which are highly variable and reflect the characteristics and information base of the individual territorial authorities (see 1.5).

2. **Alternative 2 - Preferred** - The of areas of Outstanding and High Natural Character and Outstanding Natural Landscapes and limiting the scale of buildings, earthworks, vegetation clearing and new commercial forestry that can be undertaken without a resource consent.

	Status Quo Alternative	Alternative 2 - Preferred
Appropriateness	<p>The legacy provisions do not support the objectives because:</p> <ul style="list-style-type: none"> <li>the inappropriate effects of subdivision, use and development on natural character values are not addressed</li> <li>There is inequity in how buildings are treated in terms of their adverse effects on landscape values</li> <li>More specific mapping information does not provide a basis for the legacy rule regime.</li> </ul>	<p>The policies and rules support the objectives as they provide a framework for determining what constitutes appropriate and inappropriate use and development in areas of outstanding and high natural character and in outstanding natural landscapes.</p>
Effectiveness	<p>Maintaining the legacy plan approach is not an effective measure because of the diversity of different rule approaches across the Auckland council area. It does not provide an integrated and consistent management approach that reflects national policy directives or case law. It also would continue planning approaches that were developed nearly 20 years ago and which do not take account of the changing development pressures facing Auckland's rural areas.</p>	<p>Assessing development proposals in ONC, HNC and ONL by a resource consent process is an effective way of implementing national policy directions. It provides a framework by which the Council and other interested parties can evaluate the positive and negative effects of a development proposal.</p> <p>It also provides a measure by which changes in natural character and landscape values can be monitored over time.</p>
Efficiency	<p>The legacy plan approach is not efficient to administer because of its significant variability that reflects historic circumstances. Legacy provisions take little or no account of existing regional information on natural character areas or outstanding natural landscapes. This information is now available to map ONC, HNC and ONL areas as required by the NZCPS. It is difficult to align existing policies and rules with this newer information base.</p> <p>Maintaining a different rule base depending on whether the location is in the north or the south of the region also gives rise to issues of equity, where one group of landowners do not require resource consent approval while others do, for undertaking the same activity.</p>	<p>The main efficiency arises from having a consistent and region wide set of rules relating to buildings and plantation forestry in ONC, HNC and ONL. These areas are also identified by use of nationally accepted criteria and mapped for the whole region.</p> <p>Adopting a regulatory approach to natural character and landscape protection has already been determined to be efficient at the national policy level.</p> <p>Applying rules to all buildings depending on their size, rather than their proposed use enables consideration of all built environment impacts on ONC, HNC and ONLs and thereby is better able to address adverse cumulative effects.</p>
Costs	<ul style="list-style-type: none"> <li>Economic costs associated with obtaining resource consents limited to dwelling houses and accessory buildings within a smaller area of the Auckland region than Alternative Two.</li> <li>Controls on dwelling houses have been in place in legacy plans for 20 years, so planning approach known to landowners. Social expectations about the district plan and financial outlays for constructing houses in identified areas are known and accepted by landowners.</li> <li>Costs generally fall to the individual in terms of requiring resource consent, but public benefits (environmental, social and economic) accrue from maintenance of natural character and landscape values.</li> <li>Plantation forestry able to establish in large parts of Auckland's rural areas, without resource consent. Planting decisions largely affected by market prices for timber, land values in Auckland and operator policy decisions to avoid higher quality land.</li> <li>Favours rural landowners undertaking production activities, over other activities requiring buildings, as many legacy plan controls did not affect farm buildings.</li> <li>Not an effects-based or integrated approach to implementing Section 6 matters, because of diversity of different legacy land controls.</li> <li>Legacy plan approaches do not reflect current best practice or Environment Court decisions.</li> <li>Legacy plan approaches are inconsistent with New Zealand Coastal Policy Statement 2010 directives.</li> </ul>	<p>The preferred option of identifying areas of outstanding and high natural character and outstanding natural landscapes as specific overlays has been chosen because it implements the directives of the New Zealand Coastal Policy Statement. Policy 13 (1) refers to</p> <p><i>(c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character and</i></p> <p><i>(d) ensuring that regional policy statements and plans, map or otherwise identify areas where preserving natural character requires objectives, policies and rules</i></p> <p>while Policy 15 refers to</p> <p><i>(c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district....</i></p> <p><i>(d) ensuring that regional policy statements and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules.</i></p> <p>Assessments of Natural Character Areas and Outstanding Natural Landscapes at the regional level were prepared by highly qualified landscape architects with considerable work experience in Auckland, using assessment methodologies endorsed by the Environment Court and alluded to in the New Zealand Coastal Policy Statement assessment criteria. These natural character and outstanding natural landscape assessments provide the basis for the ONC, HNC and ONL overlays.</p> <p>The gross floor areas of buildings permitted by the rules in ONC, HNC and HNL are generally more restrictive than rules in the legacy district plans. Using a permitted activity baseline of 50m2 is consistent with rules relating to accessory building sizes used in some legacy district plans (Rodney District Plan). However having a permitted activity baseline of 25m2 in ONC areas is a new provision for the UP. This is due to the fact that regional and district plans in Auckland did not previously identify and map natural character areas.</p> <p>Given the complexity and variability of different policy approaches in legacy plans to the management of built forms in significant natural character and landscape areas, it is difficult to establish a generic indicator of economic cost associated with a more restrictive rule regime. In the northern parts of rural Auckland the legacy district plan has a variety of controls on farm buildings, depending on the zone or policy overlay. In the south of the region, the Unitary Plan permitted activity maximum of 50m2 for all</p>

	Status Quo Alternative	Alternative 2 - Preferred
		<p>buildings will require resource consents for larger buildings, where previously farm buildings were permitted activities.</p> <p>A permitted activity cut off of 50m2 provides for the establishment of small utility buildings such as those used for pump houses or implement sheds. Larger farm buildings required for dairy production, shearing, or housing large farm machinery will require a resource consent. The focus of the policies and rules is on addressing the appropriate location for such buildings, rather than whether the buildings should be there in the first place.</p> <p>Overall it is considered that the 50m2 maximum permitted activity rule will increase economic costs to landowners, particularly those affected by the larger ONL overlay. The spatial extent of the HNC areas is more limited in the amount of open farm land affected, while the ONC overlay is considered to have minimum impact on location decisions for farm buildings. Where rural properties have a natural character overlay, alternative locations for farm buildings are usually available outside of these high value areas.</p> <p>The use of the 50m2 maximum permitted activity control does not take account of the recent Environment Court decision <i>Federated Farmers of New Zealand (Auckland Region), Environmental Defence Society Inc v Auckland Council (C050, April 2013)</i>. That decision, the result of negotiated settlement permits accessory buildings to farming up to 200m2 or 300m2 at a specific density, which is related to the size of the property. The implications of this approach to the management of farm buildings in ONLs and possibly HNCs require further investigation.</p> <p>Controls on coastal protection works along the coastal edge and moorings in areas of the coastal marine area identified as ONC, HNC and ONL are a continuation of the existing policy approach. These identified areas are largely in the common estate and direct economic and social costs to private individuals are minimal. High energy wave environments and exposed aspect impose natural physical constraints on the construction of erosion protection works and the construction of moorings.</p> <p>Controls on the establishment of new areas of plantation forestry in ONL areas was supported by the Environment Court decision C/74 2012 -<i>Federated Farmers of New Zealand Inc v Auckland Council</i> (previously Franklin District Council). This decision determined that in order to give effect to Part II of the RMA and to the provisions of the New Zealand Coastal Policy Statement that it is appropriate to assess the impacts of plantation forestry proposals greater than 2ha in area on ONL values through a resource consent process. The Court also noted that there was no evidence of intensive demand for afforestation in the Awhitu Peninsula ONL.</p> <p>It is acknowledged that there are social and economic costs expected from the 2ha control on plantation forestry. The immediate costs are those associated with obtaining a resource consent. It is also expected that landowners will be discouraged from planting farm woodlots greater than 2 ha, because of the perceived difficulties of the resource consent process.</p> <p>This rule is expected to have less effect on larger commercial forestry operators. Significant expansion of new plantation forestry in Auckland is not anticipated due to the unavailability of large enough areas of suitable land.</p> <p>However the potential impacts of the 2ha limitation on the operation of existing commercial forests at Woodhill and Mangawhai requires further assessment.</p>
Benefits	<ul style="list-style-type: none"> <li>• Social benefits from local familiarity with legacy provisions and a feeling that these provisions well reflect local circumstances.</li> <li>• Reduced development costs for landowners in areas of Auckland where resource consents are not required for buildings.</li> <li>• Provisions may have been settled through lengthy and expensive Environment Court processes. Maintaining these consented provisions without change has economic and social benefits to those parties who achieved what they wanted out of the appeal process.</li> </ul>	<ul style="list-style-type: none"> <li>• A standardised approach to the management of built form in the overlays has benefits in terms of providing <ul style="list-style-type: none"> <li>▪ region wide consistency</li> <li>▪ a simple approach</li> <li>▪ equity among activities, whereby building are treated like with like in terms of their size related visual impacts, rather than exceptions being made to the purpose for which the building is used (rural production versus rural residential lifestyle).</li> </ul> </li> <li>▪ Environmental, social and cultural values arise from the protection and maintenance of high natural character and natural landscape values in particular rural areas. ONC, HNC and ONL areas</li> </ul>

	Status Quo Alternative	Alternative 2 - Preferred
		<ul style="list-style-type: none"> <li>▪ Contain high natural values with low levels of built modification and development.</li> <li>▪ Usually have important ecological values.</li> <li>▪ Provide for landscape appreciation both physical and experiential</li> <li>▪ Contribute to the economy of Auckland by providing tourism and recreational experiences.</li> <li>▪ Provide places of wild and scenic value and a contrast to urban Auckland or coastal settlements.</li> <li>▪ May contain intact areas of significance to Mana Whenua</li> </ul> <p>The benefits of protecting ONC, HNC and ONL have been identified at the national level through the NZCPS and are not covered in detail here.</p>
Risks	<p>Risk does not arise from uncertain or insufficient information about the subject matter. Rather a key risk is that associated with legal action by interested parties against Council for non compliance with the New Zealand Coastal Policy Statement. This action could be initiated by environment groups, or even by the Minister of Conservation. In the latter case the Minister could refuse to approve the regional coastal plan component of the Unitary Plan.</p>	<p>Making buildings or plantation forestry subject to a resource consent process in identified areas with natural values is not a new planning technique. It is a fundamental part of resource management in rural areas, particularly those with significant development pressure. It is not considered a subject matter where there is uncertain or insufficient information available and where there are risks of acting or not acting because of information levels. The risk of not acting would put the Unitary Plan in conflict with the national policy directives set out in the NZCPS.</p> <p>The main risk associated the implementation of these provisions is the opposition likely to be encountered by rural land owners, who are required to obtain resource consents for farm buildings greater than 25 or 50 m2, where their properties are affected by ONC, HNC and ONL overlays. This is particularly likely where parties have settled on the status of farm accessory buildings through Environment Court decision C050/2013 relating to Plan Change 132.</p>



## **4 Conclusion**

Based on the above discussion, the following conclusions are drawn:

- 1 The New Zealand Coastal Policy Statement largely prescribes the approach to be taken by the Unitary Plan in managing subdivision, use and development in Outstanding and High Natural Character Areas and Outstanding Natural Landscapes. The NZCPS directs that these areas be identified and/or mapped. The national policies are based on landscape planning practice developed for regional policy statement and district plan landscape assessments. Hence there is considerable overlap between the level of detail in the NZCPS and the provisions of the Unitary Plan. Some of these provisions were developed in Plan Change 8 to the Auckland Regional Policy Statement and amended by appeals.
- 2 Council has flexibility to decide what activities should be subject to rules within these areas and the appropriate level of control.
- 3 The Unitary Plan focuses on activities that introduce man made elements into natural character and natural landscape areas. This means a focus on buildings and on plantation forestry.
- 4 An approach that addresses the effects of all buildings over 25m<sup>2</sup> or 50 m<sup>2</sup> in size, and places limits on permitted earthworks, vegetation clearing and new commercial forestry, enables consideration of individual and incremental changes in landform modification.
- 5 The preferred option supports a region wide and integrated approach to natural character and natural landscape management. It also supports management of adverse cumulative effects.

## **5 Record of Development of Provisions**

### **5.1 Information and Analysis**

- Auckland Regional Landscape Assessment Study 2003-04, compiled version 2006. Boffa Miskell Ltd, Stephen Brown Environments Ltd and Lincoln University, for the Auckland Regional Council (Appendix 3.19.1)
- Auckland Regional Policy Statement: Outstanding Natural Landscape Areas, Assessment Against WESI Criteria. Stephen Brown Environments and Boffa Miskell Ltd, August 2008, for the Auckland Regional Council (Appendix 3.19.2)
- Auckland Regional Policy Statement – Proposed Change 8: Part 2 Landscape Decisions Version 27 October 2010. Auckland Regional Council (Appendix 3.19.3)
- Natural Character Assessment Auckland Region Stephen Brown Environments, December 2009 for the Auckland Regional Council (Appendix 3.19.4)
- Federated Farmers of New Zealand Inc v Auckland Council (prev Franklin District Council), Environment Court decision C/74 2012. (Appendix 3.19.5)
- Federated Farmers of New Zealand (Auckland Region) v Auckland Council (prev Rodney District Council), Environment Court decision [2013] NZEnv C 050 (Appendix 3.19.6)
- Resource Management Act 1991 (Appendix 3.19.7)
- New Zealand Coastal Policy Statement 2010 (Appendix 3.19.8)

- Tourism sector profile, International visitors, Total, Series C10, Ministry of Tourism, June 2009 (Appendix 3.19.9)
- Tourism sector profile, Tourist Activity, Nature-Based Tourism, Series B3, Ministry of Tourism, June 2009 (Appendix 3.19.10)
- Towards an Economic Valuation of the Hauraki Gulf: A Stock-take of Activities and Opportunities, Auckland Council Technical Report: 2012/035, November 2012. (Appendix 3.19.11)

## 5.2 Consultation Undertaken

- Rural Advisory Panel Meeting 14 December 2012
- Rural Advisory Panel Meeting 21 September 2012

## 5.3 Decision-Making

<b>Meeting</b>	<b>Document</b>	<b>Decision/direction</b>
Unitary Plan Political Working Party 31 October 2012	Minutes of meeting ( <b>Attachment 6</b> )  Presentation ( <b>Attachment7</b> )	Presented with proposed approach including mapping and where possible alignment of consistent triggers.
Unitary Plan Political Working Party 9 November 2012	Minutes of meeting ( <b>Attachment 8</b> )	The working party confirmed general direction.