

1. Landscapes and Natural Features

1.0 Introduction

1.0.1 Landscapes, in their broadest sense, mean the world around us. A working definition of landscape¹ is as follows:

Landscape involves natural and physical resources, including land, water, air, plants, animals and structures, and various factors relating to the viewers and their perception of the resources.

Landscape provides a linkage between individual natural and physical resources and the environment as a whole, through considering a group of such resources together, and emphasising that our attitudes to these resources are affected by social, economic, aesthetic and cultural conditions.'

1.0.2 The landscapes and natural features of the Southland Region define a special place.

1.0.3 The Southland region encompasses a range of landscapes, including coastlines, mountains, river valleys, bush, plains and rolling hills. Included in this, is a range of natural and geological features and landforms. Southland landscapes and natural features make it unique and help give us our particular “sense of place”.

1.0.4 The Department of Conservation is responsible for managing a number of large and important landscapes in Southland, in terms of public conservation lands. Such areas are managed by the Department of Conservation principally under the jurisdiction of the Conservation Act 1987, and other key statutes such as the National Parks Act 1980 and the Reserves Act 1977 through Conservation Management Strategies and National Park Plans. The current New Zealand Coastal Policy Statement (NZCPS) was made operative in 1994, with the proposed NZCPS 2008 publicly notified by the Minister in early 2008. The NZCPS provides policy direction for local authorities in their day to day management of coastal areas, including subdivision, use and development activities and issues around natural character.

1.0.5 The Resource Management Act 1991 (RMA) requires Councils to recognise, provide for and have particular regard to:

- preserving the natural character of the coastal environment;
- the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- the maintenance and enhancement of amenity values;
- the quality of the environment.

¹ Peart, R (2002). Environmental Defence Society: *Community Guide to Coastal Development*, pages 50-51.

- 1.0.6 Section 30 of the RMA sets out the functions of regional councils. In terms of the management of landscapes and natural features, these functions include:
- the establishment, implementation and review of objectives, policies and methods to achieve integrated management of natural and physical resources of the region (Section 30(1)(a));
 - the preparation of objectives and policies in relation to the actual or potential effects of the use, development, or protection of land which are of regional significance (Section 30(1)(b)).
- 1.0.7 Given these functions, Environment Southland is responsible for taking the lead role in the Southland region for establishing a framework for integrated management of resources and uses of land which are of regional significance, including matters relating to the management of landscapes and natural features. This responsibility is primarily implemented through the Southland Regional Policy Statement (RPS), which provides a policy framework to achieve integrated management of landscapes and natural features. In particular, Section 62 of the RMA provides that the RPS must state the significant resource management issues for the region, as well as the associated objectives, policies and methods.
- 1.0.8 The Southland District, Invercargill City and Gore District Councils also have important functions for controlling and managing the effects of land use and subdivision activities on landscapes and natural features. This is primarily undertaken through the establishment and implementation of District Plans.
- 1.0.9 Increased levels of development in certain areas of the Southland District in recent years have given rise to landscape issues that were not present when the existing District Plan was formulated. The Southland District Council has received feedback from some members of the public expressing concern that the level of new development that has occurred in various parts of the District is having an adverse effect on the landscapes and natural features of these areas. Coastal areas such as Riverton/Aparima, Colac Bay/Ōraka, Curio Bay and Porpoise Bay have all experienced significant levels of growth while significant levels of development have also occurred in the Te Anau Basin. Winton has also experienced significant growth and this has given rise to concerns about adverse effects on the rural landscape surrounding this town. Residential development in rural areas throughout the District is another emerging landscape issue and there have been a number of rural/residential lifestyle developments that could be viewed as having an adverse effect on some of the District's rural landscapes.
- 1.0.10 Also highly topical in recent times on the Southland District has been the landscape effects of extractive activities, such as mining of landforms for minerals and also a marked increase in gravel and rock extraction, often associated with the expansion of the dairy sector. Some members of the public have commented that such activities can significantly detrimentally affect landscape values, both individually and cumulatively. While these activities are not new in the Southland context, with extractive industries having been present for well over 100 years in some form, the recent location and /or scale of some extraction has led to significant landscape concerns being expressed

from some quarters and an expressed demand for a greater level of control over activities which can detrimentally affect landscape.

1.0.11 The inappropriate subdivision, use and development of outstanding landscapes and natural features is considered to be a significant resource management issue for the Southland region. There is probably also an increasing recognition that “all” landscapes have value, and that sustainable management of landscapes is not just about protection of the most valued (i.e. outstanding) landscapes under Section 6(b) of the Act.

1.0.12 The imposition of planning controls to protect landscapes/natural features can lead to significant conflict between private landowners and community expectations. For example, planning controls can restrict landowner property rights to use and manage their land, in exchange for actual or perceived benefits to the public good of the community (ie sustainable management).

2.0 Relevance of Existing Regional Policy Statement/Southland District Council Issues

2.0.1 One of the purposes of this paper is to assess whether the existing issues relating to the management of landscapes and natural features contained in the Regional Policy Statement and Southland District Plan are still relevant and whether the objectives and policies that are presently contained in these planning documents address the issues appropriately.

2.1 Regional Policy Statement

2.1.1 Issues, objectives, policies and methods relevant to the management of landscapes and natural features are primarily found in Section 5.9 “Landscape and Natural Features” of the current RPS. Section 5.9 is a “standalone” section in the Regional Policy Statement, however landscapes and natural features have linkages to other parts of the RPS, including Section 5.1 “Takata Whenua” and Section 5.13 “Coast”.

2.1.2 Resource management issues relating to landscapes and natural features contained in Section 5.9 “Landscape and Natural Features” of the current Regional Policy Statement, are as follows:

1. many of the outstanding natural features and landscapes of the Region have been adversely affected by the activities that have taken place on 2;
2. insufficient regard has been given to landscape values in preparing resource management documents, considering resource consents, designing buildings and locating activities;
3. the lack of recognition of the important contribution that the different plants and animals, namely biodiversity, make to the varied Southland landscape;
4. changes in landscape affect the cultural relationship of Maori with

ancestral lands, water, sites, wahi tapu and wahi taoka.

2.2 **General comments across Section 5.9 “Landscape and Natural Features” of the current RPS**

- The current Regional Policy Statement generally provides an “enabling and hands-off” approach to the management of landscapes and natural features in the Southland region. There are two objectives and three policies in the current Regional Policy Statement, which link to the matters in Section 6 of the RMA (i.e. outstanding natural features and landscapes, biodiversity and Māori values). Overall, the Regional Policy Statement provides little strategic or consistent guidance for managing landscape and natural feature change. This has resulted in inconsistent approaches in managing landscapes and natural features by Southland local authorities in preparing their District Plans and also the Southland Regional Coastal Plan. As a result, major development proposals have tended to rely on the various provisions of the District Plans for assessing the effects on landscape values and consideration through the resource consent process on a “case by case” basis.

- The current Regional Policy Statement does not identify those landscapes in the region that are “outstanding”. At the time the current Regional Policy Statement was being prepared in the mid-1990’s, landscape values had not been identified in detail. Method 9.5 (Investigations and Research) of the current Regional Policy Statement provides for a subsequent process to define outstanding/important landscapes within the Southland region, and the Southland Regional Landscape Assessment was subsequently commissioned by Council and completed by Boffa Miskell Limited in 1997, although due to its timing it does not form part of the current Regional Policy Statement.

2.2.1 During the preparation of the Southland Regional Coastal Plan, a coastal landscape assessment was undertaken which divides the Southland coast up into 31 distinct units and gives a “naturalness” rating for each landscape unit. During 2006, Environment Southland and the Southland District Council commissioned individual landscape studies in specified “hotspots” including Te Anau Basin and along parts of the Southland Coast. In summary, investigations and research have tended to be the main method in the current Regional Policy Statement for managing regional landscapes and natural features in Southland.

2.2.2 In terms of natural features, the introduction to Section 5.9 of the current Regional Policy Statement identifies the Geopreservation Inventory for the Southland Region, prepared by the New Zealand Geological Society, noting that the Inventory identifies:

- nine sites of international scientific importance (eight sites of which are specifically listed);
- 64 sites of national scientific, educational or aesthetic importance; and

- 256 sites of regional significance, educational or aesthetic importance.
- 2.2.3 The Geopreservation Inventory is a “living document” and the lists of natural sites are updated by the New Zealand Geological Society as required. Rather than identifying numbers and details of individual sites, the Regional Policy Statement could instead refer to the Inventory as an external document and in turn focus on appropriate objectives, policies and other methods for protecting natural features. This would ensure records are kept up to date, and avoid the need for constant changes to the Regional Policy Statement.
- 2.2.4 The Regional Policy Statement does not identify which natural feature sites are “outstanding”:
- threats (or major drivers of landscape change) are not currently identified in the current Regional Policy Statement. By way of example, in Southland these include rural/residential subdivision, windfarms, pylons, infrastructure, telecommunications and structures on prominent ridge top and skyline locations, buildings, earthworks, indigenous vegetation removal, forestry and mining of limestone outcrops;
 - Section 5.9.8 of the current Regional Policy Statement specifies the roles of regional council and territorial authorities in respect of landscape management. The roles in respect of landscape management roles and responsibilities could be clarified, including:
 - the regional council functions under Section 30 of the RMA (including the establishment, implementation and review of objectives, policies and methods to achieve integrated management of natural and physical resources of the region and the control of land use activities which are of regional significance);
 - the role of the Regional Policy Statement being a policy framework to achieve integrated management of landscapes and natural features within the Southland region;
 - the role of regional plans and the new requirement under Section 67 of the Act to “give effect” to the Regional Policy Statement;
 - The district council functions under Section 31, including land use and subdivision;
 - the role of district plans in controlling and managing the effects of land use on landscapes and natural features in their respective Districts, and the new requirement under Section 75 of the Act to “give effect” to the Regional Policy Statement.
 - Section 5.9 makes limited (if any) linkages between landscapes/natural features and other key matters contained in Part 2 of the RMA 1991, including:
 - the preservation of the natural character of the coastal environment, wetlands, lakes and rivers and their margins (and wetlands, lakes, rivers and their margins) from inappropriate subdivision, use and development which is a matter of national importance under Section 6(a). In particular, the preservation of the natural character of the coastal environment from inappropriate

subdivision and development is significantly linked to landscape values;

- the maintenance and enhancement of amenity landscapes and the quality of the environment, which are relevant matters identified in Section 7 of the RMA.

2.3 Southland District Plan

2.3.1 Identification of Different Landscapes

2.3.1.1 The existing Southland District Plan in section 1.1 'Landscape Areas' identifies a range of landscape forms within the Southland District including plains, rolling hills, bush, pasture, mountains, harbours, rocky bluffs and sandy beaches. This section of the existing Plan divides the Southland District up into seven distinct landscape areas with these being:

- Fiordland
- Stewart Island
- The Coast
- Catlins
- The Mountains
- The Hills
- The Plains

2.3.1.2 Given the variation in landscape types found within the Southland District and the large size of the District itself the definition and listing of specific landscape areas is a useful approach. A similar approach could be used for framing landscape issues in the second generation Southland District Plan. The new District Plan however may need to recognise specific landscape areas that fall within these broad categories and are not specifically defined in the current Plan. Two recent landscape studies the 'Southland Coastal Landscape Study 2006' and the 'Te Anau Basin Growth Planning Landscape Capacity Study 2006' indicate that formal recognition and protection of these landscapes would be appropriate and this is discussed further in this paper.

2.3.2 Scenic Resource Area

2.3.2.1 The existing District Plan identifies and defines one Scenic Resource Area (SRA) which relates to an area of land situated between Te Anau and Manapouri. This area is identified in the existing Plan as an outstanding landscape and significant natural resource in terms of section 6 of the RMA 1991. Within the Scenic Resource Area buildings and structures are controlled activities, subdivision is a discretionary activity and the planting of trees for shelter and commercial purposes and mass plantings for ornamental purposes are controlled activities. The purpose of these rules is to avoid adverse effects on the outstanding visual amenity of the area and to prevent intensive development within this outstanding landscape. The District Council is currently proceeding with a number of proposed plan changes relating to the Te Anau Basin area. One of these plan changes relates to a proposed extension

to the SRA in the Te Anau Basin and this is discussed further later in this paper.

2.3.3 Sites of Natural or Unique Significance

2.3.3.1 The existing district Plan in appendix 6.11 includes a list of Sites of Natural or Unique Significance. While these sites are listed in the Plan there are no specific rules or controls that relate to them and they are therefore included for information purposes only; and for this reason their inclusion has proven to have limited worth in the current District Plan- i.e. they are identified as significant but there is no regulatory regime to provide any meaningful level of protection . Potentially some of the natural features listed or other natural features that are not included in this list could be given formal recognition and protection under the second generation District Plan as outstanding natural features.

3.0 Emerging Landscape and Natural Feature Issues

3.0.1 A number of new circumstances have occurred since the current Southland Regional Policy Statement and Southland District Plan were made operative in respect of the management of natural features and landscapes. The new circumstances are as follows.

3.1 National Issues

3.1.1 Change in the overall philosophy of the value of landscapes and their management

3.1.1.1 In the past, there has been an emphasis on the identification and protection of “outstanding” natural features and landscapes within Southland, and this is reflected in the current Regional Policy Statement. Recent changes of thinking favour the management of “all” landscapes, including those that fall outside of Section 6(b) of the RMA such as landscapes with amenity, heritage/cultural and other values. It may not be a case of “protecting the best and forgetting the rest”.

3.2 Legislative changes and new case law around landscapes and natural features

3.2.1 Since 1997, there have been a number of changes in Resource Management Act legislation including key amendments in 2003 and 2005. While there are no new or additional legislation changes directly affecting the management of landscapes or natural features, the following changes do have implications:

- strengthening of the role of Regional Policy Statement’s (i.e. Sections 67 and 75 of the Act require that regional and district plans are to give effect to RPS’s). Therefore, the Regional Policy Statement takes the lead role in establishing the framework for integrated management of landscape and natural feature values;

- a new Matter of National Importance as Section 6(f) of the Act, being the protection of historic heritage from inappropriate subdivision, use and development (which may include heritage/cultural landscapes).
- 3.2.2 Since 1997, there has been a significant body of Environment Court case law around the protection of landscapes and natural features. Significant decisions in terms of landscapes include:
1. *Wakatipu Environmental Society Inc v Queenstown Lakes District Council (C180/99)* which classified landscapes in the Queenstown Lakes District as follows:
 - outstanding natural landscapes and outstanding natural features Section 6(b);
 - visual amenity landscapes (Section 7(c) and (f));
 - other landscapes.
 2. *Wakatipu Environmental Soc Inc v Queenstown Lakes DC* [2000] NZRMA 59 (EnvC), where it was found that landscape includes both the physical and the aesthetic or perceptual qualities. To fall within s 6(b) of the RMA, a landscape must be both outstanding and natural.
 3. *Pigeon Bay Aquaculture Ltd v Canterbury RC* [1999] NZRMA 209 (EnvC) and other cases, where it was found that the criteria for assessing a landscape include, but are not limited to:
 - (a) the natural science factors — geological, topographical, ecological, and dynamic components of the landscape;
 - (b) its aesthetic values, including memorability and naturalness;
 - (c) its expressiveness (legibility)- how obviously the landscape demonstrates the formative processes leading to it;
 - (d) transient values — occasional presence of wildlife or its values at certain times of the day or year;
 - (e) whether the values are shared and recognised;
 - (f) its value to tāngata whenua;
 - (g) its historical associations.
- 3.2.3 Further significant case law around natural features and landscapes is found in the appendices of this paper. Environmental case law in the area of landscapes and natural features will likely continue to emerge.

3.3 National Policy Statements (including the New Zealand Coastal Policy Statement)

- 3.3.1 A Regional Policy Statement must give effect to a National Policy Statement or New Zealand Coastal Policy Statement.
- 3.2.2 In early 2008, the Minister of Conservation prepared the Proposed New Zealand Coastal Policy Statement 2008 (NZCPS) with objectives and policies to achieve the purpose of the RMA in relation to New Zealand’s coastal environment. Implications of the NZCPS for the Regional Policy Statement and the management of landscapes and natural features include:
- proposed new definition of “coastal environment”;

- proposed objective and policies around subdivision, use and development;
- proposed objective and policies around natural character.

3.2.3 In March 2008, the government issued the National Policy Statement (NPS) on electricity transmission. The NPS provides for “the recognition of the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of existing and new transmission networks”. Policy 8 of the NPS provides that “in rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes...”

3.4 **Regional/Local Issues**

3.4.1 **Preparation and implementation of provisions in District and Regional Plans**

3.4.1.1 It is noted that since 1997, all three Southland territorial authorities have prepared and now have operative District Plans, and Environment Southland has prepared a Regional Coastal Plan (the majority of which is operative). The Plans identify a range of approaches for managing landscapes and natural features, as follows:

- the Gore District Council’s District Plan identifies the Hokonui Hills as an outstanding natural feature and landscape, which is delineated on the planning maps notated “Hokonui Hills Significant Landscape”. The Mataura River is identified as a significant natural feature, which is best protected through the provisions of a regional plan. The Plan provides methods, including Rule 2.2.9 which sets thresholds for certain land use activities within the “Hokonui Hills Significant Landscape” area;
- the Invercargill City Council’s District Plan use a criteria based approach to identify outstanding landscapes and natural features, which are in turn delineated on the District Planning Maps (these are Ōtatara Peninsula, Bluff Hill/Motupōhue, Three Sisters-Bluff Dunes System, Awarua Wetlands, New River Estuary, Bluff Harbour/Awarua Bay, Sandy Point Reserve, Thomsons Bush). The District Plan identifies a number of methods of implementation (non-regulatory, information and regulatory methods). In terms of regulatory methods, Rule 4.22 applies to the planning maps and provides performance standards for land use activities (i.e. extent of land contours, structure sizes and visibility in the Ōmāui, Greenhills and Bluff Area), which if cannot be met require consent as a discretionary activity;
- the Southland District Council’s District Plan divides the District into landscape character areas, including Rural, Fiordland, Stewart Island, Coast, Catlins, Mountains, Hills, Plains and Scenic Resource Areas. These Resource Areas are identified on planning maps which associated Objectives, Policies and Methods for each Resource Area. The District Plan provides for a “Scenic Resource Area” (i.e. an area situated between Te Anau - Manapōuri Road, the Waiau River and between Lake Te Anau

outlet and Supply Bay Road), which is identified as an outstanding landscape and significant natural resource of the District, in terms of Section 6 of the RMA. The Plan also identifies sites of natural or unique significance, significant geological sites and landforms. District Plan changes have been initiated and completed by the Southland District Council some of which directly involve landscape values, including Plan Changes for Wilding Pines in the Mountains Resource Area and Stewart Island Urban Resource Area. A draft District Plan change for the Te Anau Basin was circulated by the District Council for comment in mid-2008 (with possible significant extensions proposed to the existing “Scenic Resource Area”, based on the findings of the Te Anau Basin Growth Planning Landscape Capacity Study prepared by Boffa Miskell Limited and dated April 2006). Following feedback received this is currently in the process of refinement;

- Environment Southland’s Regional Coastal Plan has effect over the coastal marine area of the Southland region. A coastal landscape assessment was undertaken and forms part of the Regional Coastal Plan², which divides the coast into 31 distinct units and gives a natural rating for each landscape unit. The Regional Coastal Plan is also informed by the Southland Regional Landscape Assessment prepared by Boffa Miskell in 1997, and contains an inventory of important Geological Sites and Landforms in the Southland coastal environment.

3.4.1.2 District and regional plans are an important means of achieving sustainable management of landscapes and natural features. Land use and subdivision are the primary issues and drivers of landscape change, and are the focus of objectives, policies and methods in many District Plans. Over the last 10 years in Southland, major development proposals with significant impacts on landscape and natural features have tended to rely on the various provisions of the District Plans, and assessment and consideration on a case-by-case basis through individual resource consent processes.

3.4.1.3 Southland territorial authorities are implementing the Regional Policy Statement and RMA provisions differently, and natural features and landscapes are being identified and protected to varying degrees across the region (e.g. Plan approaches include the identification and delineation of outstanding landscapes, criteria based approaches, investigations/research, and a range of land use activity consent thresholds).

3.4.1.4 The reason there is little consistency between existing District Plans in managing landscapes and natural features within the region, is due in part to the current Southland RPS providing very little strategic guidance and direction on how to achieve integrated management of landscapes and natural features.

3.5 **Landscape Investigations/Assessments**

3.5.1 Since the mid-1990s, landscape assessments now play an important role as a basis for planning and managing landscapes. They can assist to determine

² A natural character and landscape study of the Southland coastal environment

which areas may be regarded as being of special importance and may also address pressures on the landscape. A landscape assessment can help clarify the values and issues involved, in what is often a controversial topic area.

3.5.2 In Southland, a number of new landscape/natural feature investigations and assessments have been undertaken since 1997. These include:

- (a) *Area-based landscape assessments* - carried out at a regional/district level, in particular to identify landscape values:
 - (i) this includes the Southland Regional Landscape Assessment prepared by Boffa Miskell Limited (dated August 1997). This “region wide” study sought to obtain a community view of the Southland landscape (rather than impose the assessment of the professionals involved). The key recommendations of the Assessment are that:
 - the following two extensive landscapes are considered to be outstanding:
 - Te Wāhi Pounamu (South West New Zealand) World Heritage Area-Fiordland
 - Rakiura (Stewart Island).
 - additional outstanding landscapes, which comprises: The Inland Mountains (Takitimu, Livingstone, Eyre, Garvie and Umbrella Ranges and the entire Southland Coast).
 - characteristic Landscapes, which comprises: Southland Hills (Longwoods, Taringaturas, Hokonuis, Inland Catlins) and Southland Valleys and Plains;
 - (ii) preparation of the Southland Coastal Landscape Assessment (prepared by Alan Petrie of the Department of Conservation, which forms part of the Southland Regional Coastal Plan).
- (b) *Capacity or issue driven landscape assessments* - these assessments are typically prepared in response to areas facing particular development pressures, and the need to identify the capability of the landscape to accommodate the particular pressure. Examples in Southland have included the Te Anau Basin Growth Planning Landscape Capacity Study and the Southland Coastal Landscape Study both prepared by Boffa Miskell Limited (see further details below).
- (c) *Proposal driven landscape assessments* - these assessments are prepared and submitted on a “case by case” basis as part of development proposals, such as subdivisions and infrastructure developments. Examples of such assessments in the Southland region include Landscape assessments prepared individually for major resource consent proposals in Southland (e.g. windfarms consented or proposed at White Hill, Kaiwera, Slopedown, rural-residential subdivision along the Southland coast and in Te Anau Basin

3.6 **Development Guidelines for Resource Users**

3.6.1 A number of Guidelines have been developed throughout the region by territorial authorities in many instances to assist with the management of landscapes and natural features, including:

- Te Anau Basin Non-Regulatory Development Guidelines (prepared by the Southland District Council in 2003);
- Riverton/Aparima Non-Regulatory Development Guidelines (prepared by the Southland District Council in 2005).

3.7 **Coastal Development/Subdivision**

3.7.1 Development along the coast of the Southland District has increased significantly in recent years with property located directly adjacent, in close proximity or over looking the coast becoming increasingly popular. Southland's unique coastal landscapes, its coastal views and its relatively undeveloped nature are all features that attract property buyers. Coastal property can also achieve a premium in the real estate market and as such it can also be an attractive investment for property developers. The increasing popularity of coastal property has resulted in an increase in demand for residential sections and a significant increase in subdivision activity in the District's coastal areas. These levels of development were not envisaged at the time the existing Southland District Plan was written and the policy and rules of the existing Plan reflect this. The construction of residential buildings and formation of new roads and related infrastructure in new subdivision development can have significant visual and amenity impacts on prominent coastal landscapes.

3.7.2 In addition in recent years there has also been an increase in the number of dairy farms located in coastal areas of the District. While this in itself may not have significant landscape effects, the effects of gravel and rock extraction associated with such expansion, and modification of coastal indigenous vegetation, could potentially have detrimental landscape effects if not appropriately managed.

3.8 **Coastal Landscape Issues and the Southland Coastal Landscape Study 2006**

3.8.1 Concern about the impact of increased levels of development in coastal areas of the District resulted in the Southland District Council and Environment Southland in 2006 commissioning a landscape assessment of the District's coast. Boffa Miskell Limited was commissioned to undertake the assessment and produced the 'Southland Coastal Landscape Study 2006'. The key findings of this study were as follows:

- the Coastal Resource Area is identified as significant;
- some areas within the CRA are identified as worthy of consideration for an Outstanding Natural Landscape or Outstanding Natural Feature overlay to aid protection from inappropriate forms of further development;

- maintenance and enhancement of connections at the interface between the shoreline and the coastal setting. These ‘edge’ landscapes are vulnerable and valuable - what happens to one will generally affect the other;
- maintain the sustainable patterns of agriculture that are reflected in much of the landscape character of these areas. The central role of farming in much of this landscape means that retaining a viable farming community is essential;
- maintain, enhance and safeguard significant open space, ecological linkages, landscapes and landforms/natural features;
- concentrate pressure for coastal subdivision in a few areas capable of absorbing landscape change, rather than submitting to the spread of isolated developments, where these will change existing settlement patterns and the rural or remote character of the coastline;
- this report encourages strategic decisions such as establishing limits to settlements or determining the scale and role of commercial, recreational or other facilities, to be examined in settlement structure plans, so that these concepts are subject to further, more specific investigations. In many cases the question of whether the landscape is able to accommodate further development could be less of a matter for concern provided that policies are able to give confidence that permitted development will be appropriate in terms of its nature, scale, form, siting and relationship with the character of its surrounding environment.

3.8.2 The key findings of this study and the approach and information detailed in it form a useful base from which coastal landscape issues can be addressed in a more proactive manner in the second generation Southland District Plan.

3.9 **Te Anau Basin Growth and Proposed Te Anau Plan Changes**

3.9.1 The District Council is currently proceeding with a number of proposed plan changes relating to the Te Anau Basin area. Te Anau has experienced considerable growth over recent years with a large amount of residential subdivision activity occurring. The majority of these subdivisions are located outside the existing Urban Resource Area of Te Anau in what was previously a rural landscape. A number of new rural residential subdivision developments are also located further out from Te Anau Township and are also situated within rural landscapes. There are a number of landscape features in the Te Anau Basin that have helped make the area popular with property developers and buyers. These include but are not limited to the views that can be obtained of Lake Te Anau and surrounding mountain ranges as well as views of nearby parts of Fiordland National Park. Other features of the Te Anau basin include its varied topography, remaining areas of indigenous vegetation and predominantly rural landscape. The construction of residential buildings and formation of new roads and related infrastructure in new subdivision developments in the basin can have significant visual and amenity impacts on its landscape. Where development occurs on higher areas of ground the visual effect can be even more prominent.

3.9.2 The Council has recognised a need to manage growth in this part of the District more proactively. At the time the existing District Plan was formulated the level of growth and development that has occurred in the Te Anau area had

not been envisaged. The impact of residential and rural/residential development on the Te Anau basin landscape is one major growth issue that the proposed Te Anau Plan changes will seek to manage. The District Council has taken the view that resource management issues associated with growth and development in the Te Anau basin need to be addressed with urgency and as such these plan changes are likely to take place prior to the development of the second generation Southland District Plan. These Plan changes would then eventually be incorporated into the new District Plan.

3.10 **Rural/Residential Lifestyle Block Development**

3.10.1 Residential development in general rural areas , such as the Southland Plains around the periphery of Winton, throughout the District is another emerging landscape issue and there have been a number of rural/residential lifestyle developments that could be viewed as having an adverse effect on some of the District's rural landscapes. In some cases these developments have been located on productive rural land in relatively isolated rural areas. Although these developments have relatively low densities the creation of a number of new allotments and the construction of new dwellings on them can have a significant impact on a rural landscape. These landscapes may have previously been characterised by low numbers dwellings and farm buildings associated with large farm units. These changes can significantly alter rural landscapes as well as giving rise to a number of other resource management issues which have been detailed in other Issues and Options papers.

3.11 **Commercial Wind farm Development**

3.11.1 The development of commercial wind farms in the Southland District is a resource management issue that has emerged since the existing District Plan was adopted. White Hill wind farm was the first commercial windfarm developed in the District and this development and has now been completed and power generation has commenced. Resource consent applications for a second commercial windfarm proposal near Slopedown are expected in 2009 and there is potential for additional commercial wind farm developments in other parts of the District in the future.

3.11.2 Commercial wind farm developments due to their height, size and infrastructure requirements can give rise to significant landscape issues. The second generation District Plan should recognise the potential impact commercial windfarm developments can have on the District's landscapes. There may be some outstanding landscapes within the District that may not be appropriate for commercial windfarm development. While the siting of windframs is mainly influenced by the suitability of sites to generate electricity, some of the most suitable sites could be located in outstanding landscape areas. Policies and rules requiring the design and location of windfarm developments to address values associated with landscapes and natural features would be one way of addressing these issues. Recognition and definition of outstanding landscapes and features could also allow the Southland District Council through the second generation District Plan to indicate landscape areas where commercial windfarms are not considered appropriate.

3.12 Scenic Resource Area and Rule SRA.2

- 3.12.1 Under Rule SRA.2 – ‘Trees’ of the existing District Plan within the Scenic Resource Area the planting of trees for shelter and commercial purposes and mass plantings for ornamental purposes are controlled activities. There have been difficulties administering this rule particularly in the case of ornamental and shelter belt plantings. Controlling commercial forestry plantings with the SRA is required to protect the landscape and amenity values of the area and would be an appropriate approach for inclusion in the second generation District Plan. Large scale ornamental plantings and shelter belts could also have a significant effect on the landscape but in order to ensure that any rule relating to these activities is appropriate and effective this rule may need to be re-examined/reworded.
- 3.12.2 In general terms the current provisions of the District Plan which seek to address this planting issue in the Scenic Resource Area have proven unworkable due to their administrative uncertainty. If the second generation District Plan is to include such wording, it needs to be in a form that is certain for all parties.

4.0 Options for Addressing Issues

- 4.0.1 Options for the second generation review of the Regional Policy Statement and Southland District Plan include:

Option A: Status Quo. This option is roughly the current regional/district approaches, which would continue to provide an “enabling/hands off” approach to the management of natural features and landscapes in Southland.

Option B: Limited regional policy intervention (with correspondingly more district council autonomy). Under this option, the management of landscapes and natural features would be largely left to district/regional plans and resource consent processes, albeit with some regional policy direction on specified matters. District Councils may choose to include any of the following in their second generation District Plans:

- *Definition and mapping of outstanding natural features and landscapes in District Plans.* This is an approach that has been used by a number of territorial authorities throughout New Zealand and would be particularly useful for addressing landscape issues that have arisen in specific areas. Coastal areas such as Riverton and also in the Te Anau Basin would be two areas where definition and mapping of these features and landscapes would be appropriate. Two recent landscape studies the ‘Southland Coastal Landscape Study 2006’ and the ‘Te Anau Basin Growth Planning Landscape Capacity Study 2006’ would be useful information sources for this. These two studies have identified areas that warrant

stronger landscape protection from future growth and development.

- *Identification and mapping of locations within areas of high landscape values, where future growth would be appropriate and best absorbed.* The definition and mapping of these areas would be a useful way of directing future growth in a manner that protects and preserves these landscapes and natural features.
- *Regulatory methods.* A regulatory approach based on the definition and mapping of areas of outstanding natural features and landscapes could be adopted in the second generation District Plan. A regulatory approach to landscape issues is considered appropriate in the second generation Southland District Plan. A number of landscape issues have arisen since the existing District Plan was formulated. Subdivision and development in coastal areas, the Te Anau Basin and other rural areas of the District have had an impact on specific landscapes. The Council has a duty under the RMA 1991 to protect outstanding natural features and landscapes and a regulatory approach is one way in which this could be achieved. The findings and recommendations of recent landscape studies on coastal areas and the Te Anau Basin could be used as a base for a regulatory approach to landscape issues while further study, analysis and public consultation would also be required. Such a regulatory approach would not necessarily be a “no go” for any future development in such identified areas. However, Plan provisions could make it clear that the identified areas are considered to have significant landscape values, and assessment criteria for development applications in these areas could provide for a more robust regime than currently exists, and hence require new developments to take into account these landscape values more specifically in their design.
- *Non-regulatory approaches.* The use of non-regulatory measures could be utilised as part of the approach taken to natural features and landscape issues in the second generation District Plan. The Southland District Council currently has two non-regulatory development guideline booklets with one relating to the Riverton/Aparima Township and area (2005) and another relating to the Te Anau Ward (2003). These guidelines focus on specific characteristics of each of these communities and provide some design guidance and information on issues that are of particular concern to each township. They provide guidance to developers and other interested parties on the community values of each township and promote the unique nature of each local environment. The development and use of these design

guidelines is one example of an information resource which the Council could develop to address landscape issues. Council has experienced positive feedback on these non-regulatory guidelines from several developers who have embraced their contents when designing new developments. There are also a number of best practice examples of similar guidelines that have been produced by other Councils throughout the country that could be used as references in the development of new guidelines.

Option C: Additional and comprehensive regional policy intervention (with correspondingly less district/city council autonomy). This option could include introducing any or all of the following changes into the RPS:

- The introduction of wording changes into the RPS, to include mandatory and certain language to require RPS objectives, policies and methods for landscapes and natural features to be “given effect to” by district and regional plans, as well as timeframes for implementation (eg district and regional plans shall ... before or at the time of the next Plan review/change).
- Criteria for assessing the significance of landscapes and natural features, and policy direction on landscape assessment processes and management techniques for district and city councils.
- Identification of regionally important landscapes/natural features within the RPS (ie incorporate maps/words into the RPS that identify landscapes and natural features from various existing studies and other sources).

Option D: Another approach (or combination of approaches). Following consultation with the regional community, other approaches may be identified for the protection and management of landscapes and natural features in Southland.

5.0 Questions for Discussion

1. Does Southland have any outstanding/significant landscapes or natural features (eg coastlines, mountains, river valleys, plains, hills, geological features or other areas or places) that the regional community value or feel are special areas?
2. Are the landscapes/natural features listed in the table in the Table below the outstanding/significant landscapes and natural features of Southland? Please identify any others, and the values they hold.
3. What outstanding/significant natural features and landscapes within Southland should the RPS/District Plan look to protect from inappropriate subdivision, use and development?

4. Can you identify any specific examples or locations in Southland, where natural features and landscapes are/are not being appropriately protected?
5. How should landscapes and natural features actually be managed and protected, and what methods (or combination of methods) should be used in the second generation RPS/District Plan:
 - is the use of non-regulatory development guidelines a useful approach for managing natural features/landscapes, and one that the Councils should continue with in Southland?
 - is a rules based approach that seeks to protect and preserve more stringently Southland’s outstanding natural features and landscapes an approach that should be adopted in the second generation RPS/District Plan?
 - are there other appropriate policy methods/instruments for managing landscapes and natural features (e.g. self-regulation, voluntary methods, education and information, economic instruments, or free-market methods)?

Table 1: Landscapes/Natural Features in the Southland Region

Source	Outstanding landscapes/natural features	Important/significant landscapes and natural features
Southland Regional Landscape Assessment prepared by Boffa Miskell Limited (dated August 1997)	Te Wāhipounamu World Heritage Area-Fiordland	Longwoods
	Stewart Island/Rakiura	Taringatura’s, including the limestone outcrops at Castle Rock
	The Inland Mountains, including the Takitimu, Livingstone, Eyre, Garvie and Umbrella Ranges	Hokonui’s, including Croydon, Waterfall Range, Southland syncline
	The Southland Coast	Waimea Plains
	The Te Anau Basin	Southland Plains, including Forest Hill
		Lower Waiau Valley, including Clifden rock outcrops
Inland Catlins, including Venlaw, Slopedown and Pukerau		
Ngāi Tahu Claims Settlement Act 1998	Takitimu Mountains, Motupōhue/Bluff Hill, Tūtoko, Mount Anglem/Hananui, Tribal Properties (e.g. Taramea, Matariki, Rarotoka) and others.	
Gore District Plan	Hokonui Hills	
Invercargill City District Plan	Ōtatara Peninsula, Bluff Hill/Motupōhue, Three Sisters-Bluff Dunes System, Awarua Wetlands, New River Estuary, Bluff Harbour/Awarua Bay, Sandy Point Reserve, Thomsons Bush.	
Southland District Plan	Scenic Resource Area (situated between Te Anau - Manapōuri Rd, the Waiau River and between Lake Te Anau outlet and Supply Bay Rd).	Other Resource Areas in the District Plan
Southland Coastal Landscape Study prepared by Boffa Miskell Limited and dated August 2006.	Areas within the Southland District Council “Coastal Resource Area” identified in the study as being an “Outstanding Natural Feature” or an “Outstanding Natural Landscape”.	Significant Visual and Landscape Character Areas
Te Anau Basin Growth Planning Landscape	Areas within the Te Anau Basin identified in the study as having “low” and “moderately low” landscape capacity.	

Source	Outstanding landscapes/natural features	Important/significant landscapes and natural features
Capacity Study prepared by Boffa Miskell Limited and dated April 2006.		
New Zealand Geological Society Geopreservation Inventory for the Southland Region	Natural features and areas identified within the Inventory.	

Appendix 1 - Analysis of Existing Regional Policy Statement Issues

1.1 Specific comments on each of the Resource Management Issues contained in Section 5.9 of the current Regional Policy Statement

1.1.1 Issue 1:

Many of the outstanding natural features and landscapes of the Region have been adversely affected by the activities that have taken place on them.

1.1.1.1 The issue of activities adversely affecting outstanding natural features and landscapes remains relevant.

1.1.1.2 Other than afforestation, forest clearance and burning, it is not clear in the current Regional Policy Statement which activities constitute “inappropriate subdivision, use and development in terms of landscapes and natural features. Threats (or major drivers of landscape change) could be identified (perhaps as an explanation to the issue). For example, rural/residential subdivision, infrastructure (e.g. windfarms, pylons), buildings, earthworks and mining activities, telecommunications on prominent ridge top and skyline locations, earthworks, and mining of limestone outcrops.

1.1.1.3 The current Regional Policy Statement only recognises the Councils obligation to identify and protect those landscapes and natural features to which Section 6 applies. Sustainable management is not just about the protection of “outstanding” landscapes and natural features. Whilst outstanding landscapes are important in terms of Section 6(b) of the RMA, there are likely other important landscape and natural values that fall outside of Section 6(b) that may also need to be protected. It may not be a case of “protecting the best and forgetting the rest”. Examples include the maintenance and enhancement of amenity values (which include amenity derived from landscape), and landscapes valued for their heritage/cultural and other values which may contribute strongly to local identity.

1.1.1.4 The word “adversely affected” potentially limits the issue to “adverse” impacts on landscape and natural feature values. Under Section 3 of the RMA, “effect” includes any positive or adverse effect, temporary or permanent effect, past, present, or future effect, or cumulative effect. In particular, the cumulative adverse effects of subdivision in outstanding landscapes or natural areas is important. It may therefore be appropriate to incorporate the term “effect” into the issue.

1.1.2 Objective 9.1:

To protect outstanding natural features and landscapes of the Region.

1.1.2.1 This objective directly covers the protection of outstanding natural features and landscapes, and links to Issue 1. It remains relevant, in so far as the Section 6(b) requirement to protect landscapes and natural features that are “outstanding”.

1.1.2.2 As noted above, there is probably an increasing recognition that “all” landscapes have value, and that sustainable management of landscapes is not just about protection of the most valued landscapes. There may be “other” important landscapes outside of Section 6(b) which may also need to be protected (e.g. landscapes values for their amenity, heritage/cultural and other values).

1.1.3 **Policy 9.1:**

Identify and encourage the protection of outstanding natural features and landscapes within Southland.

1.1.3.1 The policy directly covers the identification and protection of outstanding natural features and landscapes and links directly to Objective 9.1 above.

1.1.3.2 The policy remains somewhat relevant, in so far as it seeks to directly meet Councils obligation under Section 6(b) of the RMA to protect “outstanding natural features and landscapes” within Southland.

1.1.3.3 Problems with the policy include:

- the policy provides little strategic or consistent guidance for managing landscapes for the management of landscapes or natural features, other than what already exists in the RMA (or even less, as the RMA obligates the Council to “recognise and provide for” whilst the policy provides for “identify and encourage the protection of”). In particular, the policy lacks direction and guidance for territorial authorities in implementing the policy in preparing or changing their District Plans and in terms of their day to day implementation of District Plans (e.g. resource consent proposals). This lack of guidance for the management of landscapes is a key weakness of the policy, given that the role of Regional Policy Statement’s has been strengthened through amendments to the RMA (i.e. Sections 67 and 75 requires that regional and district plans are to “give effect” to the Regional Policy Statement). This means that the Regional Policy Statement should take the lead role in establishing the framework for integrated management of landscape issues in the region.
- the policy is discretionary (i.e. use of the word “encourage”).
- the policy does not clearly indicate (or provide criteria) for:
 1. identifying actual outstanding natural features and landscapes within Southland;
 2. giving guidance on how outstanding natural features and landscapes should be protected from inappropriate subdivision, use and development
- the policy provides little guidance of what activities would constitute inappropriate subdivision, use or development of the region’s landscapes or natural features. In planning terms, such “threats” may include rural/residential subdivision in local landscape areas, infrastructure (e.g., pylons, windfarms, telecommunications on prominent ridge top and skyline locations) buildings, earthworks, indigenous vegetation removal and forestry.

- 1.1.3.4 Given the above, it is questionable how much value the policy is adding to the management of landscapes and natural features in the Southland region.
- 1.1.3.5 There may also be merit in separating out the policy into individual components:
- outstanding landscapes;
 - other landscapes;
 - natural features/geological values.
- 1.1.4 **Issue 2:**
Insufficient regard has been given to landscape values in preparing resource management documents, considering resource consents, designing buildings and locating activities.
- 1.1.4.1 The issue of landscape values in resource management decision-making remains relevant.
- 1.1.4.2 The issue is probably broader than just landscape values and should include landscapes and natural features.
- 1.1.4.3 The issue at hand is probably that “there is a lack of regional guidance for what would constitute inappropriate subdivision, use or development of the Southland regions landscapes and natural features”.
- 1.1.5 **Objective 9.1:**
To protect outstanding natural features and landscapes of the Region.
- 1.1.5.1 This objective directly covers the protection of outstanding natural features and landscapes, and links to Issue 1.
- 1.1.5.2 It remains relevant, in so far as the Section 6(b) requirement to protect landscapes and natural features that are “outstanding”.
- 1.1.5.3 As noted above, there is probably an increasing recognition that “all” landscapes have value, and that sustainable management of landscapes is not just about protection of the most valued landscapes. There may be “other” important landscapes outside of Section 6(b) which may also need to be protected (e.g. landscapes values for their amenity, heritage/cultural and other values).
- 1.1.6 **Policy 9.1:**
Identify and encourage the protection of outstanding natural features and landscapes within Southland.
- 1.1.6.1 The policy provides little guidance and direction for incorporating landscape values into “day to day” resource management work (e.g. resource management documents, resource consents, buildings and activities), which is the main focus of Issue 2. A separate policy may be needed to link directly to Issue 2 and Objective 9.1, by providing guidance when assessing proposals, to ensure there is no significant effects on landscapes and natural features. This could include landscape assessment criteria to be used for the following:
- district and regional plan preparation

- resource consent proposals
- notices of requirements.

1.1.7 **Issue 3:**

The lack of recognition of the important contribution that the different plants and animals, namely biodiversity, make to the varied Southland landscape.

1.1.7.1 The issue of biodiversity contributing to landscape values is somewhat relevant. In particular, the removal of indigenous vegetation can degrade the landscape values.

1.1.7.2 Environment Southland has a responsibility for maintaining indigenous biological diversity under Section 30(1)(ga) of the RMA.

1.1.7.3 Pest animal and weed control is also relevant, and should be included in the Issue or Explanation.

1.1.7.4 Restoration and enhancement of degraded landscapes is relevant (e.g. through landscape plantings). In some circumstances, landscape plantings can also assist with mitigating the effects of individual subdivision and land use activities on landscape values (e.g. screening new buildings from prominent public view points).

1.1.7.4 The issue is primarily dealt with under the biodiversity issues and options paper for the RPS, which is covered separately.

1.1.8 **Objective 9.2:**

To avoid, remedy and mitigate adverse effects on ecosystems which contribute to the diversity of landscapes in the Region.

1.1.8.1 The objective covers ecosystems (i.e. biodiversity) and their contribution to landscape diversity in the region.

1.1.8.2 The comments above under Issue 3 are relevant.

1.1.9 **Policy 9.2:**

Promote, and where appropriate provide for, the protection of significant trees, areas of indigenous forests and scrublands, groups of trees, wetlands and tussock lands which contribute to the diversity of landscapes within the Region.

1.1.9.1 The policy provides for biodiversity and the linkage to landscapes within the region and links to Objective 9.2.

1.1.9.2 The comments above under Issue 3 are relevant.

1.1.10 **Issue 4:**

Changes in landscape affect the cultural relationship of Maori with ancestral lands, water, sites, wahi tapu and wahi taoka.

1.1.10.1 The issue of Māori cultural relationships with landscapes remains relevant.

- 1.1.10.2 Landscapes such as some maunga (mountain tops), are of traditional importance to tāngata whenua in terms of cultural identity and to effectively exercise roles as kaitiaki over the natural environment. Some landscape areas also provided territory markers between iwi/hapu groups, and also used as important physical markers for resource gathering.
- 1.1.10.3 Section 6(e) of the RMA specifically covers “...the relationship of Māori and their culture and traditions with their ancestral lands...”.
- 1.1.10.4 The linkage between landscapes and natural features and Māori cultural values has probably been strengthened by Section 6(f) of the RMA, which provides for the protection of historic heritage as a Matter of National Importance. The concept of “cultural landscapes” is implied in (b)(iv) of the Section 2 definition of “historic heritage” under the RMA 1991, “...*surroundings associated with natural and physical resources*”.
- 1.1.10.5 The proposed approach is to work with tāngata whenua to identify valued landscapes and natural features and associated concepts within Murihiku, and to understand the reasons.
- 1.1.10.6 As an initial starting point, some landscape areas have been identified in the Ngāi Tahu’s Treaty Settlement with the Crown, in order to recognise traditional cultural values and also to provide for tāngata whenua input into decision-making in respect of these areas. For example, the Ngāi Tahu Claims Settlement Act 1998 identifies:
- Tōpuni sites, which place a statutory overlay of Ngāi Tahu values on specific areas of land highly valued for cultural purposes and provide for iwi input in the management of these area-e.g. Takitimu Range, Motupōhue/Bluff Hill, Tūtoko
 - Statutory acknowledgement areas, aimed to improving the effectiveness of Ngāi Tahu’s participation under the RMA-e.g. Hananui/Mount Anglem,
 - Tribal properties vested in the ownership of the Iwi (e.g. Matariki, Taramea, Rarotoka).
 - Dual place names, to acknowledge Ngāi Tahu’s relationship with a number of landscapes-e.g. Stewart Island/Rakiura, Milford Sound/Piopiota.
- 1.1.10.7 Te Tangi a Tauira iwi planning document may also provide further guidance on landscapes and natural features of value to tāngata whenua of Murihiku.
- 1.1.11 **Policy 9.3:**
Consult with takata whenua and provide for Maori cultural and traditional spiritual values in relation to the issues affecting landscapes and natural features.
- 1.1.11.1 The policy provides for tāngata whenua to be consulted on landscapes and natural features and links to Objective 9.1.
- 1.1.11.2 The comments above are relevant.

1.1.12 **Methods 9.1 to 9.12**

- 1.1.12.1 Section 5.9.5 of the current Regional Policy Statement identifies 12 separate methods to achieve the objectives and policies contained in Section 5.9 (Landscape and Natural Features). A number of the methods in the current RPS remain relevant to the protection of outstanding natural features and landscapes.
- 1.1.12.2 Method 9.5 (Investigations and Research) has probably been the main focus to date, for managing regional landscapes and natural features in Southland. This method provides for the preparation of the Southland Regional Landscape Assessment, which was completed by Boffa Miskell Limited in August 1997.
- 1.1.12.3 Method 9.6 (Prepare, implement and administer Regional and District Plans) is of a fairly “generic nature” and probably provides little direction to local authorities for managing landscapes and natural features in their Regional and District Plans. The method could be improved by introducing specific regional policy direction for the protection of landscape/natural features, as well as a timeframe for Regional and District Plans to implement the relevant policy(s) contained in the Regional Policy Statement. For example, outstanding landscapes and natural features are to be identified/protected before or at the time of the next Plan review.
- 1.1.12.4 Some additional methods of implementation for managing landscapes and natural features include:
- area based landscape assessments-i.e. an assessment carried out at a regional, district or city scale to identify landscape values and what kind of landscape management is required;
 - capacity driven or issue driven landscape assessments-i.e. where a region or a district is facing a particular development pressure (e.g. subdivision, windfarms), and needs to identify the capability of a landscape to accommodate the particular pressure;
 - environmental mitigation for screening the visual impact of development proposals (i.e. through the use of indigenous vegetation plantings) is considered to be an additional implementation method.
 - proposal driven landscape assessments (prepared and submitted as part of individual development proposals, to identify the effects of a proposal on landscape values);
 - computer based assessment tools (e.g. Geographic Information Systems, 3D Terrain Models, Visual Simulation/Photomontages);
 - a further “refined” Southland Regional Landscape Assessment by x date (as the existing one is already 11 years old). For example, to reflect new thinking in respect of landscape management, to consolidate existing landscape studies into one place, and consider emerging development pressures;
 - Environment Southland to formally submit on resource consent applications received by territorial authorities for subdivision or land use activities where there is potential for effects on outstanding landscapes or natural features;

- Environment Southland will formally seek changes to district plans if required, to ensure provisions are in place to provide an appropriate level of protection to outstanding natural features and landscapes;
- further methods relevant to cultural/heritage landscapes may include:
 - dual Māori place names;
 - implementation of the Ngāi Tahu Claims Settlement Act 1998 (e.g. tōpuni sites, statutory acknowledgement areas, dual place names and tribal properties)

TOPIC: LANDSCAPES AND NATURAL FEATURES				
Issue	Relevance Y/N	Relevant objective	Relevant policy	Relevant method
1. Protection of outstanding natural features & landscapes				3, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9, 9.10, 9.11, 9.12
2. Landscape decision-making	Y	9.1	9.1, 9.2	9.4, 9.5, 9.6, 9.7, 9.8
3. Landscape & biodiversity values	Y/N	9.2, 2.2	9.2, 2.3	9.1, 9.2, 9.5, 9.6, 9.7, 9.8, 9.11
4. Landscape & Maori cultural values	Y	9.1, 1.1, 1.2, 1.3	9.3, 1.1, 1.2	9.1, 9.2, 9.3, 9.4, 9.6, 9.7, 9.8, 9.9, 9.11

1.2 In addition to the above issues contained in Section 5.9 “Landscape and Natural Features”, resource management issues relating specifically to landscapes and natural features are scattered throughout a number of other sections of the current Regional Policy Statement (see pages 133 and 134), as follows:

- Section 5.1: Takata Whenua
- Section 5.6: Lakes, Rivers and Wetlands
- Section 5.8: Soils
- Section 5.10: Built Environment
- Section 5.11: Transportation
- Section 5.13: Coast
- Section 5.14: Mineral and Energy Resources
- Section 5.15: Natural Hazards
- Section 5.16: Solid Waste Management
- Section 5.18: Cross-boundary Issues

1.3 The following sections of the current RPS do not contain provisions that relate specifically to landscape and natural features:

- Section 5.2: Biodiversity

Appendix 2 - References/Sources

- 2.1 Southland Regional Landscape Assessment prepared by Boffa Miskell Limited (dated August 1997)
- 2.2 Te Anau Basin Growth Planning Landscape Capacity Study prepared by Boffa Miskell Limited and dated April 2006.
- 2.3 Southland Coastal Landscape Study prepared by Boffa Miskell Limited and dated August 2006.
- 2.4 New Zealand Geological Society Geopreservation Inventory for the Southland Region
- 2.5 Ngāi Tahu Claims Settlement Act 1998
- 2.6 Assessments of Environment Effects's of large subdivision, use and development proposals in Southland (Windfarms, subdivisions)

Appendix 3 - Brookers Online Legislation On October 2008

3.1 Case Law Commentary under Section 6(b) of the RMA 1991

3.1.1 A6.06 Outstanding natural features and landscapes — scope of para (b)

3.1.1.1 (1) “Landscape”: scope of concept

3.1.1.2 (a) Outstanding and natural

1. Landscape includes both the physical and the aesthetic or perceptual qualities. To fall within s 6(b) a landscape must be both outstanding and natural: *Wakatipu Environmental Soc Inc v Queenstown Lakes DC* [2000] NZRMA 59 (EnvC). What is outstanding is a subjective judgment — a district council must assess landscape in a district-wide context and landscapes that are not outstanding or “natural” under s 6(b) still need consideration under s 5(2) and under s 7(b), (c), (d), (f), and (g).
2. *Wakatipu Environmental Soc Inc v Queenstown Lakes DC* [2000] NZRMA 59 (EnvC), discusses the meaning of “outstanding”, “natural”, and “landscape”; the subsequent *Wakatipu Environmental Soc Inc v Queenstown Lakes DC* EnvC C129/01, also discusses the meaning of “feature” as meaning a distinctive or characteristic part of a landscape, having regard to the modified *Pigeon Bay* criteria. While an outstanding natural landscape (“ONL”) is usually so obvious in general terms that there is no need for expert analysis, such analysis is required to determine where the ONL ends.
3. The definition of a category of outstanding natural landscape is a zoning decision involving much more discretion with respect to the objectives and policies that should apply: *Wakatipu Environmental Soc Inc v Queenstown Lakes DC* EnvC C129/01.
4. Following the two *Wakatipu* appeals, the Court held in *Trident International Ltd v Queenstown Lakes DC* EnvC C146/04, that the plan did not require an urban landscape within the broad rural zone to be assigned to a class of rural landscape rather than being recognised for what it was, an area of urban landscape within a general rural zone.

3.1.1.3 (b) Standard is not “nationally outstanding”

1. Section 6(b) does not apply only to nationally outstanding landscapes. It is the local context that is relevant: *Walker v Manukau CC* EnvC C213/99, following *Wakatipu Environmental Soc v Queenstown Lakes DC* (above). See A6.06(3).

3.1.1.4 (c) Perception is relevant

1. “Landscape” is not restricted to the purely visual, but may comprise and encompass the ways in which individuals and communities perceive the natural and physical resources, as through traditions, lore, and legends that express the significant and memorable elements of a landscape: *Outstanding Landscape Protection Soc Inc v Hastings DC* [2008] NZRMA 8 (EnvC).

3.1.1.5 (2) **Assessment criteria**

3.1.1.6 The series of “Wakatipu” decisions sets out criteria for the assessment of “landscape”:

- (a) *Wakatipu Environmental Soc Inc v Queenstown Lakes DC* [2000] NZRMA 59 (EnvC);
- (b) *Wakatipu Environmental Soc Inc v Queenstown Lakes DC* EnvC C074/00;
- (c) *Lakes District Rural Landowners Soc Inc v Wakatipu Environmental Soc Inc* EnvC C075/01;
- (d) *Wakatipu Environmental Soc Inc v Queenstown Lakes DC* EnvC C129/01;
- (e) *Lakes District Rural Landowners Soc Inc v Queenstown Lakes DC* EnvC C162/01; and
- (f) *Wakatipu Environmental Soc Inc v Queenstown Lakes DC* [2003] NZRMA 289 (EnvC).

3.1.1.6 In the first case, the factors identified as relevant criteria in *Pigeon Bay Aquaculture Ltd v Canterbury RC* [1999] NZRMA 209 (EnvC), were accepted as appropriate. “Landscape” does not require precise definition. It is an aspect of “environment”, including natural and physical features and resources as well as social and cultural factors.

3.1.1.7 The criteria for assessing a landscape include, but are not limited to:

- (a) The natural science factors — geological, topographical, ecological, and dynamic components of the landscape;
- (b) Its aesthetic values, including memorability and naturalness;
- (c) Its expressiveness (legibility) — how obviously the landscape demonstrates the formative processes leading to it;
- (d) Transient values — occasional presence of wildlife or its values at certain times of the day or year;
- (e) Whether the values are shared and recognised;
- (f) Its value to tangata whenua;
- (g) Its historical associations.

3.1.1.8 When determining what parts of the Queenstown-Lakes area was an outstanding natural landscape, the most significant factors were (a), (b), (c), and (e).

3.1.1.9 (3) **Application of criteria**

3.1.1.10 The Court has not adopted a comparative approach to evaluating the landscape values of one area against the overall landscape of the surrounding area. While

an area overall may be generally modified, what is at issue is the outstanding landscape of the particular area for which a development is proposed. Even if an area is no longer classified as an “outstanding area”, there may be a landscape that justifies the protection of s [6\(a\)](#): *Chance Bay Marine Farms v Marlborough DC* EnvC W070/99; *Kaikaiawaro Fishing Co Ltd v Marlborough DC* (1999) 5 ELRNZ 417 (EnvC).

3.1.1.11 **(4) Other natural features**

3.1.1.12 In *Baker v Franklin DC* EnvC A070/98, the Court found that high class soils were an outstanding natural feature of the district. Fragmentation of titles by residential subdivisions would not promote sustainable management or efficient use of this finite resource. See also [A5.07\(2\)](#).

3.1.1.13 **(5) Buildings**

3.1.1.14 In *Arrigato Investments Ltd v Rodney DC* (1999) 5 ELRNZ 540; [1999] NZRMA 241 (EnvC), the Court was critical of the perception that buildings are inherently negative visual elements or that buildings on a ridge line, even in a coastal environment, are inherently unattractive.