

**Aorere ki uta Aorere ki tai - Tasman Environment Plan
Issues and Options Report**

**Outstanding Natural Features and
Landscapes**

Final report date: 24 June 2021
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Acronyms in this document

CE	Coastal Environment
LPA	Landscape Priority Area
NBA	Natural and Built Environment Act
NZCPS	New Zealand Coastal Policy Statement
ONF	Outstanding Natural Feature
ONFL	Outstanding Natural Features and Landscapes
ONL	Outstanding Natural Landscape
RMA	Resource Management Act 1991
RPS / TRPS	Tasman Regional Policy Statement
TEP	Tasman Environment Plan
TRMP	Tasman Resource Management Plan

1 Executive Summary

1.1 Introduction

The “*protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development*” is set out as a matter of national importance under s6(b) of the RMA. This protection is also explicit within the coastal environment under policy 15 of the NZCPS.

This topic report focuses on the identification of Outstanding Natural Features and Landscapes (ONFL) of the District and the protection of the values and attributes that make these areas outstanding. It also addresses other significant landscape areas that have values but are not identified as being outstanding.

This topic has been previously discussed with the Council in two workshops in 2020. Firstly a workshop held in June 2020, which provided a presentation of the draft Tasman District Landscape Study¹. A second workshop was held with Councillors in December 2020 to discuss the issues and options for managing landscapes, discuss the types of rules commonly applied to ONFL elsewhere, and seek endorsement of a public engagement process.

1.2 Purpose and Scope

The purpose of this report is to:

- reiterate the issues and options relating to the mapped Outstanding Natural Landscape (ONL) and Outstanding Natural Feature (ONF) areas, and the identified values of these areas,
- provide an update on the landowner and community engagement process, and
- outline next steps for engagement, refinement of mapping and development of a management (rules) approach.

The feedback and direction received on the recommended option(s) will inform development of the Draft Aorere ki uta Aorere ki tai - Tasman Environment Plan (TEP).

1.3 Issue(s)

Key issues addressed under this topic include:

- **Issue 1: Identification of ONFL “Where are the ONFL and what are their values?”**

Technical assessment is required to identify and map the ONF and ONL areas within the District, and to identify the values and attributes of each area, the key values and qualities to be protected within an area, and the types of activities likely to be inappropriate in protecting those values and attributes. There is currently no comprehensive ONFL identification for the District for the TRMP. Without such identification, protection of ONFL values has not been enabled and thus the RMA has not been given effect to.

¹ Tasman District Landscape Study 2021, Draft for Landowner Consultation. Bridget Gilbert, Bridget Gilbert Landscape Architecture. March 2021. Prepared for Tasman District Council.

- **Issue 2: Management of Activities in ONFL “What is needed to protect the values of ONFL?”**

To achieve protection of ONFL values (as a whole and individually) a management approach needs to be developed. This management approach needs to set out clear protection outcomes for ONFL through an integrated objective/policy framework. Provisions (rules) are also needed to implement the RMA, NZCPS (for ONFL in the coastal environment) and other relevant instruments of national direction, as well as reflect recent key landscape caselaw (including the King Salmon and Davidson cases) and take into account relevant planning documents recognised by iwi authorities. With no current ONFL in the TRMP there is inadequate recognition of, or protection for, ONFL values.

- **Issue 3: Other landscapes**

In order to respond to community feedback, it is necessary to consider if there are ‘other’ landscapes within the District where special values are held by the community but where the areas are not identified as outstanding, and whether such areas require identification / mapping and/or specific management through provisions in the TEP.

1.4 Public Engagement

The engagement process undertaken has involved:

- Mailout – letters sent to all landowners with land identified as having a draft ONF or ONL overlay on it, and follow up letters providing information on the open day events.
- Council website page – providing all relevant information for landowners and the public on the topic, and including an interactive map tool to identify overlay areas, links to public webinars, links to the technical reports, FAQ’s, contact details and a feedback form.
- Webinars – four webinars that presented a summary of the coastal and landscape topics and the work undertaken to date and enabled live question and answer sessions.
- Open day events – a series of thirteen open day events were held over the course of two weeks across the district, to meet with landowners and discuss property specific issues.
- Meetings – at the same time as the open day events, the project team also met with a range of other groups and stakeholders around the district.

Considerable feedback has been received on the mapping of the ONFL and on the possible rules that could apply within these areas to provide the required protection.

1.5 Recommendations

1. In relation to Issues 1 and 2, it is requested that the Council endorse further steps of engagement with landowners and the community in relation to ONFL including:
 - follow up on feedback received through engagement to date
 - meetings and site visits to refine mapping of the ONF and ONL areas, and discuss possible rules for ONFL
 - documentation of feedback received, and changes made to mapping
 - undertake hui with iwi to determine a method of incorporating cultural values and issues
 - finalisation of maps and the Tasman District Landscape Study

- refinement of possible rules prior to formal rule drafting, including through testing possible rules with representative landowners in the different ONFL
2. In relation to Issue 3, it is recommended that the Council adopt Option 5 for addressing 'other' landscapes, and that this issue be integrated into the wider TEP development including in the Rural workstream.
 3. Further, it is also recommended that the Council support a Councillor workshop later this year to bring together some of the overlapping topics and to facilitate discussion and integration between overlapping workstreams.

2 Principles Underpinning the Development of the TEP

2.1 Guiding Principles

The Council will use guiding principles in the development of the TEP. These principles are the philosophy and values that will underlie the approach and content of the TEP, but will not in themselves have specific objectives, policies or methods. The anticipated outcomes of the TEP should achieve these principles.

The principles are:

1. To recognise the interconnectedness of the environment and people, ki uta ki tai / mountains to the sea.
2. To enable healthy and resilient communities by achieving healthy and resilient environments (Te Mana O Te Taiao).
3. To meet the present and future needs of our communities, council and iwi by working in partnership.
4. To enable community development within environmental limits.
5. To support and enable the restoration of environments.
6. To recognise and provide for the wellbeing of individuals, where this is not at the expense of the public good.
7. To take a precautionary or responsive management approach, dependent on the nature and extent of the risk, and where there is uncertainty or a lack of information.
8. To ensure the TEP provides strategic leadership for Council's key planning documents.

These principles will be implemented through evaluation of options in this report and in future Section 32 assessment, drafting and decisions.

2.2 Te Mana O Te Taiao

Te Mana O Te Taiao is the mana² of the natural world. People are a part of nature – and we can only thrive when nature thrives.

The TEP process and document provides a key mechanism to achieve our desired outcomes for our relationship with Te Taiao (the natural world), including the community outcomes defined in the Long Term Plan³, and the vision of the Te Taihu Intergenerational Strategy (Wakatū, 2020):

“We are the people of Te Taihu. Together, we care for the health and wellbeing of our people and our places. We will leave our taonga in a better state than when it was placed in our care, for our children and the generations to come.”

The use of Te Mana O Te Taiao in this report utilises a similar approach and hierarchy to that defined for Te Mana O Te Wai in the National Policy Statement for Freshwater Management 2020

² Mana is defined in the online Maori dictionary as: prestige, authority, control, power, influence, status, spiritual power, charisma - mana is a supernatural force in a person, place or object. Mana goes hand in hand with tapu, one affecting the other. The more prestigious the event, person or object, the more it is surrounded by tapu and mana. source: <https://maoridictionary.co.nz>

³ The outcomes are available in the Long Term Plan on the Council's website

(MfE,2020. NPS-FM), and extends this fundamental concept to other domains: Te Tai (sea), Te Āngi (air) and Te Whenua (land).

The objective of this approach is to ensure that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of the natural environment and ecosystems
- (b) second, the health needs of people
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

The protection of the values of ONFL contributes to all three of the objectives for Te Mana O Te Taiao, as the ONFL contain high ecosystem and biodiversity values and areas of significant natural character, provide for recreational activities, and contribute to community wellbeing in a range of ways.

3 Background Context

The “*protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development*” is set out as a matter of national importance under s6(b) of the RMA. This protection is also explicit within the coastal environment under policy 15 of the NZCPS.

This topic report focuses on the identification of Outstanding Natural Features and Landscapes (ONFL) of the District and the protection of the values and attributes that make these areas outstanding. It also addresses other landscape areas that have values but are not identified as being outstanding.

This topic has been previously discussed with the Council in two workshops in 2020. Firstly a workshop held in June 2020, which provided a presentation of the draft Tasman District Landscape Study⁴. A second workshop was held with Councillors in December 2020 to discuss the issues and options for managing the CE, discuss the types of rules commonly applied to ONFL elsewhere, and seek endorsement of a public engagement process.

Appendix 1 contains a description of the Tasman District Landscape Study, the various ONF and ONL areas, and a summary of the current provisions relating to landscapes.

Many of the ONFL are within the wilder and more remote parts of the rural environment, although in some areas they extend into more modified and populated areas. Some areas are heavily utilised e.g. Abel Tasman, and others contribute to a spectrum of users e.g. the waters of Golden Bay.

Specific iwi interest in the topic of landscapes lies in the protection of highly valued culturally important landscapes, especially the maunga landscapes and hill country, as well as the highly valued rivers. Appropriate identification of ONFL, and robust protection through provisions, will assist to protect these areas of value to iwi. Community feedback through the initial TEP consultation (October - November 2020) clearly shows that landscape values are of significance to the community and that change in uses and visual change is seen as detrimental to the values that make up the district. Many of the ‘special places’ have been identified on the basis of visual and landscape values.

The topic of Landscapes overlaps with a range of other topics as set out in 8.2 **Appendix 1**.

As discussed in the December 2020 workshop, the key issues that are to be addressed under this topic include:

- **Issue 1: Identification of ONFL “Where are the ONFL and what are their values?”**

Technical assessment is required to identify and map the ONF and ONL areas within the District, and to identify the values and attributes of each area, the key values and qualities to be protected within an area, and the types of activities likely to be inappropriate in protecting those values and attributes. There is currently no comprehensive ONFL identification for the District for the TRMP. Without such identification, protection of ONFL values has not been enabled and thus the RMA has not been given effect to.

⁴ Tasman District Landscape Study 2021, Draft for Landowner Consultation. Bridget Gilbert, Bridget Gilbert Landscape Architecture. March 2021. Prepared for Tasman District Council.

- **Issue 2: Management of Activities in ONFL “What is needed to protect the values of ONFL?”**

To achieve protection of ONFL values (as a whole and individually) a management approach needs to be developed. This management approach needs to set out clear protection outcomes for ONFL through an integrated objective/policy framework. Provisions (rules) are also needed to implement the RMA, NZCPS (for ONFL in the coastal environment) and other relevant instruments of national direction, as well as reflect recent key landscape case law (including the King Salmon and Davidson cases) and take into account relevant planning documents recognised by iwi authorities. With no current ONFL in the TRMP there is inadequate recognition of, or protection for, ONFL values.

In addition to these outstanding landscape issues, a further issue has been identified as being of relevance to this workstream:

- **Issue 3: Other landscapes**

In order to respond to community feedback, it is necessary to consider if there are ‘other’ landscapes within the District where special values are held by the community but where the areas are not identified as outstanding, and whether such areas require identification / mapping and/or specific management through provisions in the TEP.

The work undertaken to date on this topic has included the development of a draft Tasman District Landscape Study (presented to and endorsed by the Council in June 2020), the June and December workshops discussing options for engagement and possible rule approaches, and a programme of landowner, stakeholder and public engagement undertaken during March-June 2021.

3.1 Public Engagement

Given the spatial extent of the ONF and ONL areas (over 70% of the District has been identified as being ONFL, including the three National Parks in Tasman) and the overlap of these areas with private land ownership, a specific programme of engagement was planned for the ONFL aspects of this topic⁵ (combined with the Coastal Environment topic). This programme involved:

- Mailout – letters sent to all landowners with land identified as having a draft ONF or ONL overlay on it⁶, and including a link to the website page for further information. This also included follow up letters providing information on the open day events.
- Council website page – this page was set up specifically for this topic (and the coastal environment) and provided all relevant information for landowners and the public on the topic. It included an interactive map tool to identify overlay areas, links to public webinars, links to the technical reports, FAQ’s, etc. It also had contact details and a feedback form.
- Webinars – there were four webinars held during the week of 12 April 2021. These presented a summary of the coastal and landscape topics and the work undertaken to date and enabled live question and answer sessions to address participants concerns. All issues not addressed in the sessions were followed up subsequently with the participants by email.

⁵ The issue of ‘other’ landscapes was not explored in the public engagement process.

⁶ A total of around 3,500 letters were sent out to the landowners affected by the draft landscape and coastal environment mapping.

- Open day events – a series of thirteen open day events were held over the course of two weeks⁷ across the district⁸, to meet with landowners and discuss property specific issues.
- Meetings – at the same time as the open day events, the project team also met with a range of other groups and stakeholders around the district⁹.

This engagement has reinforced the high degree of landowner interest in the topic of landscapes, and highlighted the wider public interest. Much of the feedback has been concerned over potential impacts on future use of the land and property values. The key issues and concerns raised include:

3.1.1 Why is the work required?

A lot of the discussions with landowners and the public required explanation of the reasons why the Council needs to identify and protect the ONFL. The team provided detailed explanations of the requirements of the RMA and the NZCPS which set out the legislative requirements and outline the approach and methodology to be applied. There was also considerable discussion of the relevant case law and best practice and plan development approaches used around the country and as applied by landscape planners.

Many people expressed a desire that the landscape overlay not apply to their land or that they have no rules imposed on their land (see also section 3.1.6 below). Explanation was given on how such approaches have been applied in neighbouring districts and why the Council is required to undertake this work in forming the TEP.

3.1.2 Tasman District Landscape Study

There were many questions around the methodology used and criteria applied to identify the ONFL. Tailored explanations were given depending on the level of interest in technical details with people directed to the study for more information or walked through the methodology by the study author in attendance at the open day event or involved in the meetings (Bridget Gilbert).

Many people were interested in the explanations of the values within the different ONL and ONF areas, and in gaining an understanding of the types of activities that threaten the values identified. Explanation was given on the level of detail used to develop the draft study and lines (largely desktop and GIS based background with limited site visits).

One of the key outcomes of the engagement process was to test the draft overlay lines with landowners and gather information on where the lines may not be in the right place based on local knowledge. This process also involved a lot of feedback to landowners on the reasons why the lines had been located as drafted. During the engagement sessions, mapping was reviewed directly with landowners and, in some cases, lines were redrawn to recognise those discussions. Further discussions on mapping are ongoing with some landowners (see also next steps in section 4 below).

⁷ From 23 May to 3 June 2021.

⁸ 23 May Motueka Sunday Market, 24 May Takaka, 25 May Mangarakau and Collingwood, 26 May Marahau and Motueka, 27 May Richmond, 31 May Murchison, 1 June Upper Moutere, 2 June St Arnaud and Wakefield, 3 June Mapua and Richmond.

⁹ Golden Bay Federated Farmers, forestry owners/managers, private landowners, Takaka Hill Biodiversity Group.

3.1.3 What is the process for the topic and TEP review generally?

Many people sought information on the wider TEP review process and timing for the project. Information was provided on the further opportunities likely to be provided for engagement on this workstream (site visits, meetings and feedback), together with the wider process of formal submissions and hearings on the TEP.

3.1.4 What rules will apply?

A deliberate choice was made to not go into this engagement process with a set of draft rules, as past experience has shown that this can appear preemptive to the public and give a perception that decisions have already been made. A key outcome of the engagement process was to talk to people about the rules that are used elsewhere in the country and those that could be applied in this district, together with collecting information on existing activities and, where possible, future aspirations for the use of land.

The purpose of the rules will be to implement the national direction on protection of the special values of the ONFL, and through this to identify 'appropriate' or 'inappropriate' activities. The types of activities that could cause degradation of values will differ across the various ONF and ONL as the values of each area varies widely. The intent of the rules, as expressed through engagement, is to explicitly provide for existing activities and future change that is appropriate to protection of values, while imposing restrictions where necessary to ensure protection. New rules cannot override existing lawfully established activities and the current uses of the land, including the many working farms, will be able to continue to operate as they currently do. The outstanding values identified have been assessed to include the current activities.

Part of the discussion related to the nature of the different ONF and ONL. The seven ONL areas range from the largely open pasture landscapes of the North West Coast to the enclosed bush clad valleys and mountains around Murchison. There is also a dominance of Crown Land (National Parks and similar) in the ONLs. Some of the ONL areas are historically modified and all are of such large scale that there is likely to be the ability for them to absorb some change. In contrast, most of the ONF are small scale areas with a strong geological basis, where even modest change in land use could have a significant impact.

This process of discussion has led to good knowledge of the existing land uses that will enable clarity in the rules around what can continue to be enabled in the ONFL. The engagement process also enabled landowners to become aware that there are likely to be rules restricting large-scale land use change. The nature and scale of such change is yet to be detailed but will relate to activities that are unable (or unlikely) to protect the identified values within each ONFL. All of the discussions reinforced the need for tailored rule packages for individual or groups of ONFL to focus the provisions on the differing values and threats. Further discussion on potential rules is contained in section 5 of this report.

It was also quite obvious that some people are unaware that there are zones, overlays and rules that currently apply across the District. Some were aware that current TRMP rules require a resource consent for key activities, predominantly new dwellings, however many in the rural areas did not know this. For many people there is little aspiration to change their landuse such that new rules are highly unlikely to affect the future use of their land.

We learnt through the feedback received that there is a perception that the resource consent process for development in these rural areas (and consenting generally in the Tasman District) is costly, time consuming and difficult. There were many examples given to us that the consent process was seen as bureaucratic and a barrier to people using their land in a way they considered to be reasonable. There was clear feedback that the community would like to see the TEP provisions

being streamlined (remove perceived duplication of rules) and simplified (to clearly relate to specific issues rather than just being a process that has to be undertaken).

3.1.5 Support for protection

While many of the people involved in the engagement were worried about the process or concerned at the regulation, there was a high degree of support expressed for the protection of the special landscapes across the District. Considerable feedback was provided that the areas identified as having outstanding landscape value are an important part of the district and need to be protected from large scale change.

3.1.6 Legislation and regulation

A high level of concern was raised by members of the community that landowners, especially rural landowners, feel they are the subject of repeated and ongoing imposition of regulation from Government (through the agency of the Council). Recent changes in legislation and regulation relating to farm plans, freshwater management, wetlands, nutrient management and the like have taken a toll on the farming community and the impending changes to national direction on indigenous biodiversity are of high concern to farmers particularly. There was specific mention that landowners feel scarred by the recent wetlands experiences and there is a lack of trust in the Council and Government.

A range of landowners expressed their disappointment that the Government direction (through the RMA) is for protection of special areas for the public good, but that there is no contribution to the private costs that this imposes on landowners (whether actual or perceptual). Statements were made that the Council needs to tell Government that they need to change the legislation, that Council should not require rates on land within the CE, and that landowners should be compensated for having regulation imposed on them. Some landowners have likened the layers of regulation as feeling like confiscation of their land or imposition on their private property rights. It was apparent that even when the overlay and associated rules would be unlikely to place any real restriction on use of a property, the landowners were simply opposed to there being any identification or control at all and particularly in the light of uncertainty regarding future change in Government direction.

There was also a level of concern that the landscape overlays could impact on land value or on the ability to sell or borrow against land. While there is no clear evidence to date that such impacts are material, this has not been explored in the Tasman context. This will be discussed further within the TEP team with a view to determining the most efficient way to gather additional technical material on this matter and how best to provide such information to landowners.

While many of these matters above relate to this workstream (and other similar workstreams stemming from section 6 of the RMA like coastal areas and biodiversity), there is very little that the Council can do within the TEP process to address such concerns. The Council will need to consider other mechanisms that they may have to follow up on these issues with the community.

Two key areas in which these matters can be considered in this workstream are the identification of existing and appropriate activities within the Tasman District Landscape Study and incorporation of rules to enable appropriate activities and only impose constraint through rules on inappropriate activities (see section 3.1.4 above). Another way to deal with these issues is to ensure that all the TEP workstreams are well integrated to avoid duplication of rules.

Related to this was concern that the rules relating to ONFL will require landowners to allow public access to their private land, or require them to undertake works on their land such as fencing or pest/weed management.

4 Issue 1 – Identification of ONFL

Mapping of the ONFL, based on technical information and methodologies, including identification of values and threats, is the outcome sought under Issue 1.

Technical assessment is required to identify and map the ONF and ONL areas within the District, and to identify the values and attributes of each area, the key values and qualities to be protected within an area, and the types of activities likely to be inappropriate in protecting those values and attributes. The technical assessment also needs to address the background to landscapes within the district, particularly including consideration of the findings of the Small Working Group process in Golden Bay which set out to identify ONFL¹⁰.

There is currently no comprehensive ONFL identification for the District within the TRMP and thus the RMA has not been given effect to for identification (and subsequent protection of ONFL values as identified under Issue 2 below has not been enabled). Similarly the ability to provide the anticipated outcomes for the indicated identification of outstanding landscapes under the forthcoming Natural and Built Environments Act (NBA)¹¹ is not possible to achieve. Further the lack of a district wide landscape assessment was commented on by Judge Kirkpatrick in the Wainui Bay Environment Court case.

In early stages of the TEP process the Council considered options to deal with this issue, including the status quo or the commissioning of an independent assessment¹². The Council determined it appropriate to commission an independent report and this has been undertaken by Bridget Gilbert of BGLA Ltd. Further this has been peer reviewed by James Bentley of Boffa Miskell Ltd.

The draft Tasman District Landscape Study has set out draft overlay areas and these have been tested through community and landowner engagement as discussed above. A number of changes were made to the mapping during the course of the engagement process. Further refinement to the

¹⁰ In 2011, a 'Small Working Group' (SWG) was convened to identify outstanding natural features and landscapes in Golden Bay and Northwest Coast. The SWG members all committed a significant amount of time and energy in this process. They represented a variety of community groups including Federated Farmers; Friends of Nelson Haven and Tasman Bay; Friends of Golden Bay; economic development interests; Manawhenua ki Mohua; Forest & Bird; Northwest Coast farmers; and marine farming and wild fishing interests. Tasman District Council supported the process by providing a planning staff member and mapping services.

The SWG members brought a vast amount of local knowledge to the project and went through a collaborative, iterative and rigorous process over three years to reach agreement on the recommendation of the six outstanding natural landscapes and ten outstanding natural features for protection. A draft proposed plan change released in 2016 is based on the recommendations of the SWG.

That work did not proceed beyond a draft plan change but the outputs of the SWG process and subsequent consultation have been fed into the draft Tasman District Landscape Study 2020.

¹¹ *NBA exposure draft: (1) To assist in achieving the purpose of this Act, those exercising functions and powers under it must provide for the following outcomes:*

Natural Environment

- (a) *enhancement of features and characteristics that contribute to the quality of the natural environment;*
- (b) *protection and enhancement of:*
 - (i) *nationally or regionally significant features of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes, rivers and their margins;*
 - (ii) *outstanding natural features and outstanding natural landscapes; ...*

¹² See Appendix 2 to this report for more information on the options considered.

content of the study, including additional text on existing activities and potential threats, will be undertaken in due course to reflect feedback received.

The next steps proposed to work through the identification issue are to:

- Follow up to engagement – many of the people involved in the engagement have provided feedback and the Council has received a lot of written feedback in relation to the mapping. All of these matters need to be reviewed, documented, and responded to where required.
- Meetings and site visits – further one on one meetings and/or site visits will be arranged with landowners who have concerns over the mapping (where this has not been resolved through the engagement process to date). It is intended that this be undertaken during August – October 2021.
- Documentation – feedback on the identification of the ONFL, and changes made as a result of that feedback will be documented in a brief report (together with feedback on rules as set out below in section 5 of this report).
- Finalization of the maps and the Tasman District Landscape Study, subject to the formal submission process for the TEP.

It is requested that the Council endorse this next phase of engagement and refinement of the mapping and identification process.

5 Issue 2 – Management of Activities in ONFL

The outcome sought for this issue is that the identified areas of ONFL are protected from threats to their core values from future changes in land use and development. The statutory direction is to ensure protection of ONFL values however one approach intended for the TEP is to encourage and provide for enhancement wherever possible. In relation to landscapes it is not strictly possible to enhance landscapes but many actions under other topics are likely to contribute to enhancement of natural landscape values e.g. regeneration or revegetation of indigenous biodiversity.

To achieve protection of ONFL and their values, the TEP needs to clearly state the intended outcomes for these ONFL (as a whole and individually), and include an integrated objective/policy/rule framework to achieve these outcomes. The provisions (rules) need to implement the RMA, NZCPS (for ONFL in the coastal environment), the anticipated NBA outcomes, and other relevant instruments of national direction, as well as reflect recent key landscape case law (including the King Salmon and Davidson cases) and take into account relevant planning documents recognised by iwi authorities.

In the Councillor workshop on this issue in December 2020, discussion was led on the potential types of rules that are commonly applied within ONFL, and the types of activities usually considered inappropriate. This is largely grounded in the technical study which has identified the types of activities that threaten ONFL values. The engagement process described above (see section 3.1 of this report) has enabled further discussion with landowners over the types of activities being undertaken in ONFL currently and the values that require protection.

The engagement process has allowed discussion with landowners on the types of rules likely to be considered and it is clear from the feedback received that there is a strong desire that the rules not just focus on 'inappropriate' activities or those that could threaten identified values. There was considerable feedback that the rules need to clearly set out what activities are already occurring, or are anticipated to occur, and that these be stated as permitted to avoid confusion or misunderstanding. Further there is a desire that there be some degree of flexibility for change to recognise that land uses, and farming in particular, are not static but need to change to respond to changing markets or environmental or community changes over time. The identification of 'appropriate' activities needs to be carefully considered to avoid unforeseen consequences when land use activity changes occur over time.

The types of activities discussed through the engagement to date include:

- Land disturbance / Earthworks / Mining and Quarrying were clearly recognised as having the greatest potential for impact on the ONFL areas that are geologically based (sink holes, cave systems, fossils etc). There was general acceptance that such activities need to be carefully managed.
- Buildings:
 - There was a lot of discussion over the ability for the different ONFL areas to absorb change and what scale / location of buildings is anticipated or acceptable. There was agreement that some ONFL (inland, complex landscapes, bush dominated) can absorb more development than other more open landscapes.
 - There appears to be general acceptance of the need to control larger scale buildings and those located that can be visually prominent e.g. on ridgelines or with bright colours.
 - There was general agreement that where there is existing modification e.g. farm homesteads and buildings, additional modification can be enabled at a relatively low risk to that landscape. Discussions focussed on a clustering approach to keep future change within areas already modified.

- Similarly, small scale structures to enable continued function of farm operations are necessary.
- The scale of buildings to be controlled needs further consideration.
- ‘Inappropriate’ activities:
 - There was general acceptance that the activities of new exotic plantation forestry (afforestation), mining/quarrying, large scale earthworks and indigenous vegetation clearance are most likely to be ‘inappropriate’ within the ONFL and merit stringent rules.
- Other activities:
 - Discussion was had around other activities that may (or may not) have impacts on the ONFL, and which may require a resource consent process to ensure that effects are avoided or managed. Such activities discussed include fencing, infrastructure, tracks and roads, farming generally and subdivision.
 - There was discussion on enabling modest change where it can be controlled to avoid or mitigate effects e.g. small scale farm quarries for site specific use but not large scale quarrying, or new farm tracks where no large cut faces are required.

Reflecting on the feedback received and discussions held, it is clear that there needs to be careful consideration of the appropriate package of rules for individual or groups of ONL and ONF areas. The rule packages need to be tailored to reflect the existing values and character of the areas and their ability to absorb change. A blanket approach to rules across all ONFL will not be efficient or effective.

The next steps proposed to work through the management and rules issue are to:

- Follow up to engagement – many of the people involved in the engagement have provided feedback and the Council has received a lot of written feedback in relation to activities and rules. All of these matters need to be reviewed, documented, and responded to where required.
- Meetings and site visits – it is proposed that as part of the meetings and/or site visits in August – October 2021 there be specific discussion on possible rules to better understand reaction to the possible management approach.
- Testing of possible rules – during the course of the open days and meetings a number of people in different parts of the district expressed a desire to be involved in the development of rules or to provide input and response to possible rules. It is recommended that a group of people be used to test possible rules and to provide specific feedback on the impact or implications of rules as they would apply on the ground.
- Documentation – it is proposed that the feedback on the rule be documented in a brief report (together with feedback on mapping as set out above in section 4 of this report). It is noted that formal rule drafting will not commence until 2022 but that further refinement of possible rules can be efficiently undertaken in parallel with the engagement processes.
- Iwi hui – it would be appropriate to facilitate a specific hui with iwi to discuss options for incorporating cultural values and issues into the Tasman District Landscape Study and associated plan provisions, and to discuss the overlap of this topic with other key topics of interest to iwi.

It is requested that the Council endorse this next phase of engagement and refinement of the possible rules prior to formal rule drafting.

Given the clear overlap in both spatial areas and values / characteristics between this landscape topic and the topics of the coastal environment, hazards, biodiversity and cultural values, it is recommended that integration be carefully considered. It is important to ensure that policy direction on these topics is clear and does not lead to confusion in implementation. Similarly, it is

necessary to ensure that rules relating to these topics are clearly applied and do not look or act like duplication. To facilitate clarity and integration, it is recommended that consideration be given to holding a workshop later this year with relevant staff and Councilors to start to progress integration. This will also work towards the goal of the TEP achieving ki uta ki tai.

6 Issue 3 - Identification and management of ‘other’ landscapes

At a landscape / spatial level, the District is made up of primarily of urban and rural areas, within which there are areas of distinct character and varying landuse expectations. The Council now has the technical information (as set out above) to establish the areas of ONFL through the district wide Tasman District Landscape Study.

However, beyond those areas identified as ONFL, the various parts of the wider rural environment also have different character and values, some of which may be considered to be special and which make up part of the wider landscapes that community feedback has shown to be important to the district. The issue here is whether any further areas need to be identified or managed in some way to recognise their specialness.

6.1 Outcome(s) Sought

The outcome sought for this issue is that the Council can make an informed decision on whether to identify and manage ‘other’ landscape areas (beyond the ONFL).

6.2 Scale and Significance

Table 1: Evaluation of Options - Issue 3

	Comments	Assessment
Degree of change from the Status Quo	The TRMP does not explicitly recognise ‘other’ landscapes so introducing this to the TEP would be a new concept.	Moderate
Effects on matters of national importance (s6 RMA)	Resource Management Act section 7 (c) the maintenance and enhancement of amenity values, and 7(f) maintenance and enhancement of the quality of the environment. But no requirement to do this work.	Moderate
Scale of effects – geographically (local, district wide, regional, national)	Could impact on a number of areas of the district.	Moderate
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)	Unknown, but potentially extensive as may relate to private land parcels	Unknown, possibly high
Scale of effects on those with particular interests, e.g. Tāngata Whenua	Unknown	Unknown
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	Unknown at this stage	Unknown

	Comments	Assessment
Likelihood of increased costs or restrictions on individuals, businesses or communities.	Potential effects on individuals if areas identified and controls put in place restricting landuse change.	Unknown, possibly high

6.3 Option(s) to address Outcomes

The option(s) to enable the Council can make an informed decision on whether to identify and manage ‘other’ landscape areas beyond the ONFL, are summarised in Table 2:

Table 2: Options identified - Issue 3

Option number	Option Name	Description of Option
Option 1	Retain status quo	Retain the current RPS/TRMP approach with no provisions relating to ‘other’ landscapes except through general amenity controls
Option 2	Undertake an amenity landscape assessment	Undertake a district wide or focussed assessment to determine areas of ‘amenity’ value.
Option 3	Undertake a rural character assessment	Undertake a district wide or focussed assessment to determine areas of ‘rural character’ value.
Option 4	Develop guideline documents (non-statutory)	Develop guideline documents to address specific amenity or character issues, or respond to local aspirations for protection of visual character and amenity values.
Option 5	Ensure integration through other TEP workstreams	Integrate rural amenity and character values into the relevant TEP workstreams.

These options are described in turn below, followed by an assessment of their strengths and weaknesses.

6.3.1 Option Analysis

The status quo within the RPS/TRMP gives no direct consideration to ‘other’ landscapes and does not identify or provide for landscapes with special but not outstanding values¹³. Continuation of the status quo approach would mean very limited recognition of, or provision for, such areas beyond the two landscape priority areas identified in the TRMP.

Option 2 involves commissioning a district wide or focussed assessment to determine areas of ‘amenity’ value. Amenity value assessment has been undertaken in many other districts to inform planning processes. Such processes are often done as part of a district wide landscape study and if explored in Tasman could be based on the Tasman District Landscape Study recently undertaken. The additional work would be a technical exercise undertaken by a Landscape Planner with an agreed methodology. Under the RMA, ‘Amenity Landscapes’ are usually identified to show areas that do not qualify as outstanding but have attributes and values greater than ‘average’¹⁴.

¹³ The St Arnaud and Takaka Hill Landscape Priority areas could be considered to be ‘other’ landscapes as they were not put in the TRMP in relation to any district wide landscape study, but these areas were not included directly to address the ‘other’ landscapes concepts as often applied in contemporary district plans.

¹⁴ Described in various places such as: Environment Guide website:

<http://www.environmentguide.org.nz/issues/landscape/protection-of-landscapes-and-features/amenity-landscapes/>, Quality Planning website: <https://qualityplanning.org.nz/node/804>, NZAIA website:

Sometimes these areas may be buffer areas to ONFL, sometimes special in their own right but modified such that the requirements of outstanding are not met. They are also sometimes referred to as a 'second tier' landscape. The result of this type of analysis is usually an overlay on planning maps and a set of additional restrictions on activities e.g. building scale, but not as restrictive as in ONFL. Where an amenity assessment is undertaken in a focussed way it can concentrate on particular areas of sensitivity (due to growth pressures, risk of cumulative effects of development, identifiable different values).

Option 3 involves commissioning a district wide or focussed assessment to determine areas of 'rural character' value. Rural character studies are most often used to focus on the visual character of different parts of a rural area for the purpose of determining appropriate activities e.g. character driven by spaciousness leads to greater minimum lot sizes or smaller permitted buildings. They also may be driven by the types of activity or the scale of development, or may have a focus on understanding existing character in order to manage residential density and business activities, bulk and location of buildings and amenity planting, shelterbelts and plantation forestry in the rural zones.

Option 4 would be to develop guideline documents to address specific localised amenity or character issues, that have been identified by Council or the community e.g. rural subdivision. Such documents could be used either in the TEP (through assessment matters associated with specific rural rules or a schedule) or outside a district plan. The St Arnaud Landscape Guide currently being used to influence development in the St Arnaud village and surrounds is an example of such a guideline document.

Option 5 is to integrate rural landscape, amenity and character values into the relevant TEP workstreams. Rural character and amenity values tend to be a product of a perception of the balance between 'openness' and built form, with openness made up of greenness (trees, crops, pasture), productiveness (crops or animals) etc and built form covering both buildings and associated things like access, fencing etc. Community concern commonly arises where there are changes in the use of the land or the scale / number of buildings. Methods to address this are common in typical rural rules including setbacks and minimum site areas. These usual provisions go a long way towards maintaining rural character. Another method of controlling location and visual impact of buildings is to require specified building platforms as part of all rural subdivision applications (similar to what is done in parts of the TRMP currently). This can ensure that the location of a future building is appropriate for the anticipated scale set by the rules.

Other ways to protect specific identified values may be through other sections of the TEP that can be used to provide additional landscape / visual benefit. For example, the visual amenity value of the trees in Takaka valley has been mentioned as being a key value – this could be identified and protected through notable tree rules. Similarly, the rolling character of the Moutere Hills could be addressed through restricting the location of buildings to reduce their visibility e.g. requirement for buildings to be below all ridgelines or selected ridgelines (similar to the existing approach but updated to be more robust). Community feedback and known issues can also be a key driver for planning responses that do not need to have a technical report behind them e.g. scale of buildings in the rural zone where directly connected to rural use e.g. packing sheds. These types of activity could be managed with restrictive rules placed into the rural zone provisions to manage activities, building scale etc.

<https://www.nzai.org.nz/stephen-brown.html>, Landscape Architecture Aotearoa:
<https://www.landscapearchitecture.nz/landscape-architecture-aotearoa/2017/5/14/rural-landscape-or-landscape>

6.3.1.1 Assessment of Strengths and Weaknesses

Table 3: Assessment of Strengths and Weaknesses - Issue 3

	Strengths	Weakness
Option 1: Status Quo	<ul style="list-style-type: none"> No change required 	<ul style="list-style-type: none"> Does not give effect to the RMA and NZCPS, or indications for the forthcoming NBA Gives no basis for protection Does not meet community interest for protection of landscape values generally
Option 2: Amenity landscape assessment	<ul style="list-style-type: none"> Would enable consideration of amenity values under section 7 of the RMA Approach undertaken by many other Councils e.g., Selwyn District, Timaru District, Nelson City, Marlborough District. Gives a basis for protection provisions Would address community concerns for protection of landscape values generally 	<ul style="list-style-type: none"> Higher level of evaluation is likely to raise community concern
Option 3: Rural character assessment	<ul style="list-style-type: none"> Approach undertaken by many other Councils e.g., Selwyn District, Waimakariri District, Kapiti Coast District. Gives a basis for protection provisions Would address community concerns for protection of rural character values generally 	<ul style="list-style-type: none"> Higher level of evaluation is likely to raise community concern
Option 4: Guideline documents (non-statutory)	<ul style="list-style-type: none"> Can be targeted at key issues such as rural subdivision. Can support protection provisions May address community concerns for protection of landscape or rural character values generally 	<ul style="list-style-type: none"> If guidelines sit outside the TEP and they would have no statutory weight.
Option 5: Integration through other TEP workstreams	<ul style="list-style-type: none"> Integration can deal with wider issues in a more holistic way. Potential for a reduced level of research and technical study. Can be targeted at key issues such as rural subdivision. Can support protection provisions May address community concerns for protection of landscape or rural character values generally 	<ul style="list-style-type: none"> Not explicit in their intent to address landscape, amenity or character issues.

6.3.1.2 Relevance and Applicability

This has not been identified as a regionally significant issue and has not had any prominence in community feedback to date. It is not crucial to meeting council's functions or achieving integrated management. It would assist in rounding out landscape, amenity and character issues but is not fundamental to a robust TEP.

Table 4 summarises the extent to which each option meets or achieves a number of key considerations.

Table 4: Evaluation of Options - Issue 3

Options possible listed below	RMA purpose	National Direction	TEP Principles	Efficiency at addressing issue(s)	Effectiveness at addressing issue(s)	Strengths	Weaknesses
Option 1	Does not meet	N/A	N/A	Does not meet	Does not meet	Low	High
Option 2	Achieves	N/A	N/A	Achieves	Achieves	Moderate	Low
Option 3	Achieves	N/A	N/A	Achieves	Achieves	Moderate	Low
Option 4	Achieves	N/A	N/A	Achieves	Achieves	Moderate	Low
Option 5	Achieves	N/A	N/A	Achieves	Achieves	Moderate	Low

6.4 Issue 3: Draft Recommended Option

6.4.1 Draft Recommended Option

At this point in time, the recommended option is Option 5, to pursue an integration approach covering general rural landscape, amenity, and character issues within other workstreams.

6.4.2 Assessment and Reasons

It is recommended that this issue be reconsidered once advancements have been made in other workstreams, especially the rural workstream. It is recommended that the Tasman District Landscape Study landscape units be used as input material to the rural and urban workstreams, and consideration made to whether further technical inputs (Options 2 or 3) could be useful to those workstreams. These recommendations are made on the basis of efficiency and not rushing ahead with technical work that may not be necessary but waiting to determine if it is a necessary input.

7 Summary

Table 5: Summary of Issues and Options

Issue	Outcome(s) Sought	Option Adopted / Recommended Option	Engagement	Assumptions, Uncertainties, Further work, Information Gaps	Next steps
<p>Issue 1: Identification of ONFL</p>	<p>Mapping of the ONFL, based on technical information and methodologies, including identification of values and threats.</p>	<p>Undertake an independent technical assessment of the district to determine all the areas of ONF and ONL.</p>	<p>Landowner and community engagement through website, webinars, technical reports, meetings and open days. Discussion of study methodology and criteria, mapping approach and mapping changes where relevant.</p>	<p>The community engagement process undertaken has refined the understanding of areas, values and threats and will enable updates to the technical assessment. Further gaps can be filled with additional engagement.</p>	<p>Follow up to engagement in response to the feedback received.</p> <p>Meetings and site visits to deal with issues raised and mapping concerns following engagement.</p> <p>Documentation of feedback received, and changes made as a result of that feedback.</p> <p>Finalization of the maps and the Tasman District Landscape Study (subject to the formal submission process for the TEP).</p>

Issue	Outcome(s) Sought	Option Adopted / Recommended Option	Engagement	Assumptions, Uncertainties, Further work, Information Gaps	Next steps
<p>Issue 2: Management of Activities in ONFL</p>	<p>The identified areas of ONFL are protected from threats to their core values from future changes in landuse and development.</p>	<p>Develop a comprehensive set of objectives and policies that clearly state the intent to provide for protection of ONFL values, supported by a set of rules targeted towards managing future landuse and development that has the potential to damage or destroy the identified values.</p>	<p>Landowner and community engagement through website, webinars, technical reports, meetings and open days. Discussion of existing landuses, potential future land use and activities that require restriction.</p>	<p>The community engagement process undertaken has given a better understanding of current landuse, aspirations for future landuse and impacts of possible rules. This will inform the development of an objective, policy and rule package. Further gaps can be filled with additional engagement.</p>	<p>Follow up to engagement in response to the feedback received.</p> <p>Meetings and site visits to address issues raised and continue conversations on possible rules to better understand reaction to the possible management approach.</p> <p>Testing of possible rules with a group of landowners to better understand the impact of rules on the ground.</p> <p>Documentation of feedback received, and possible rules to apply.</p> <p>Iwi hui to facilitate discussion on a process to enable incorporation of</p>

Issue	Outcome(s) Sought	Option Adopted / Recommended Option	Engagement	Assumptions, Uncertainties, Further work, Information Gaps	Next steps
					cultural values and issues into the landscapes and associated workstreams.
Issue 3: Other landscapes	The Council can make an informed decision on whether to identify and manage 'other' landscape areas beyond the ONFL.	Pursue an integration approach covering general rural landscape, amenity and character issues within other workstreams.	-	It is recommended that this issue be reconsidered once advancements have been made in other workstreams, especially the rural workstream, to determine if further technical assessment is merited.	-

8 Appendix 1 – Background Summary

The following is a summary of the background to the Outstanding Natural Landscapes and Features aspects of this workstream and is an expansion on section 3 of this report. Much of this material has already been presented to the Council in earlier workshops on this topic.

The “*protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development*” is set out as a matter of national importance under s6(b) of the RMA. This protection is also explicit within the coastal environment under policy 15 of the NZCPS. The exposure draft of the forthcoming NBA also indicates that there will remain a requirement to identify and protect outstanding landscape areas.

This topic report seeks to define the Outstanding Natural Features and Landscapes (ONFL) of the District and determine appropriate management approaches to the protection of the values and attributes that make these areas outstanding¹⁵.

Many of the ONFL are within the wilder and more remote parts of the rural environment, although in some areas they extend into more modified and populated areas. Some areas are heavily utilised e.g. Abel Tasman, and others contribute to a spectrum of users e.g. the waters of Golden Bay.

The areas identified in the Tasman District Landscape Study¹⁶ cover a large proportion of the district as summarised in Figure 1 below.

¹⁵ The statutory direction is to ensure protection however the TEP approach is to encourage and provide for enhancement wherever possible. In relation to landscapes it is not strictly possible to enhance landscapes but many actions under other topics are likely to contribute to enhancement of natural landscape values e.g. regeneration or revegetation of indigenous biodiversity.

¹⁶ Tasman District Landscape Study, Bridget Gilbert, 2020.

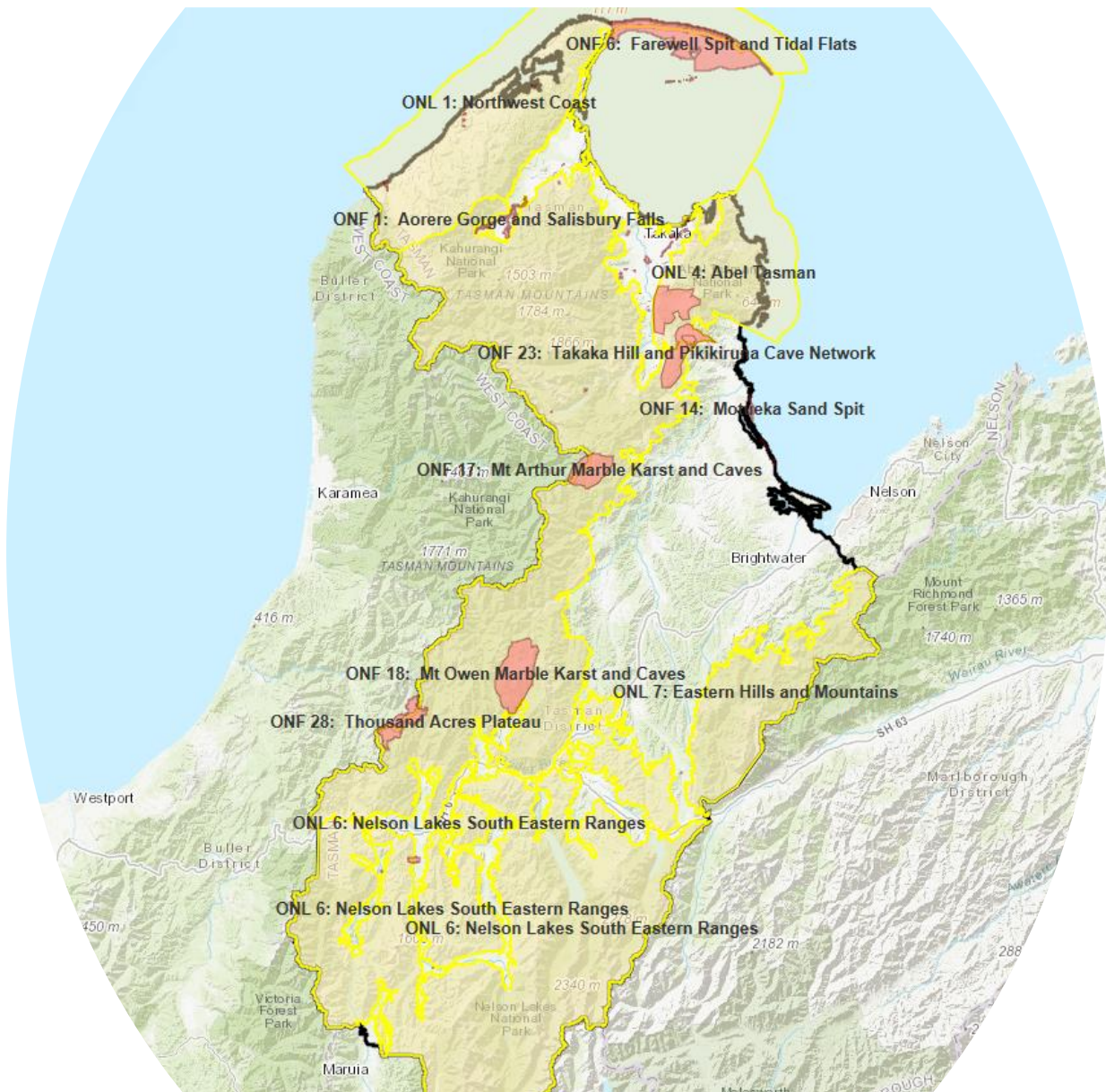


Figure 1: Summary of draft ONFL

The operative TRMP addresses the topic of landscapes within Chapter 9 and the section 35 report has concluded that the general landscape provisions in Chapter 9 are broadly in line with the requirements in the RMA, but are significantly undermined by a lack of progress in identification of outstanding natural features and landscapes and other valued landscapes. Many of the objectives and policies are dated and no longer fit for purpose. In addition, there is not always internal consistency with provisions in other areas of the plan that could affect landscape outcomes.

The section 35 report also recommended that the landscape provisions are redeveloped to:

- Reflect recent key landscape case law, particularly the King Salmon and Davidson cases.
- Implement the New Zealand Coastal Policy Statement 2010 (for areas in the coastal environment) and other relevant instruments of national direction.
- Take into account any relevant planning document recognised by an iwi authority.
- Include identification of the region's outstanding natural features and landscapes and other valued landscapes.

- Clearly state the outcomes sought for specific landscapes and include integrated objective/policy/rule sets to achieve these outcomes.
- Ensure integration with other parts of the Plan.

The Statutory Acknowledgement areas relevant to the Tasman District include many areas within the identified ONFL and there is a strong overlap of spatial areas between the identified ONFL and areas of particular cultural significance. The Iwi Management Plans reiterate the interest of iwi in maintenance and enhancement of landscape values including retention of indigenous vegetation where that contributes significantly to landscape character. Degradation of natural features and landscapes through mining and exploration activities is a concern to iwi, and also the impacts of land use activities, tourism, and recreation on maunga landscapes where this imposes on the relationship of iwi with those landscapes.

Community feedback through the initial TEP consultation (October - November 2020) clearly shows that landscape values are of significance to the community and that change in uses and visual change is seen as detrimental to the values that make up the district. Many of the 'special places' have been identified on the basis of visual and landscape values. While often community feedback does not explicitly state that areas are outstanding or that the visual / landscape values are what the community wants protected, the feedback received talks about the use of these areas, open spaces and the like, which protection of ONFL directly contributes to.

Recent landowner engagement (March – May 2021) regarding the draft ONFL boundaries in the Tasman District Landscape Study has shown the high degree of landowner interest in these issues, and highlighted the wider public interest. While much of the feedback has been concerned over potential impacts on future use of the land and property values, there has been notable supportive feedback for the protection of landscape values.

8.1 Issue(s) we are seeking to Address

Key issues that are to be addressed under this topic include:

- **Issue 1: Identification of ONFL “Where are the ONFL and what are their values?”**

Technical assessment is required to identify and map the ONF and ONL areas within the District, and to identify the values and attributes of each area, the key values and qualities to be protected within an area, and the types of activities likely to be inappropriate in protecting those values and attributes.

There is currently no comprehensive ONFL identification for the District for the TRMP. Without such identification, protection of ONFL values has not been enabled and thus the RMA has not been given effect to. It is unlikely the outcomes anticipated by the forthcoming NBA will be achievable without identification of ONFL and their values.

- **Issue 2: Management of Activities in ONFL “What is needed to protect the values of ONFL?”**

To achieve protection of ONFL values (as a whole and individually) a management approach needs to be developed. This management approach needs to set out clear protection outcomes for ONFL through an integrated objective/policy framework. Provisions (rules) are also needed to implement the RMA, NZCPS (for ONFL in the coastal environment) and other relevant instruments of national direction, as well as reflect recent key landscape case law (including the King Salmon and Davidson cases) and take into account relevant planning documents recognised by iwi authorities.

With no current ONFL in the TRMP there is inadequate recognition of, or protection for, ONFL values. Again, the anticipated outcomes for the forthcoming NBA require protection of ONFL and values.

- **Issue 3: Other landscapes**

In order to respond to community feedback, it is necessary to consider if there are 'other' landscapes within the District where special values are held by the community but where the areas are not identified as outstanding, and whether such areas require identification / mapping and specific management through provisions in the TEP.

8.1.1 Regional Significance of Issue(s)

Landscapes are only generally mentioned in the current TRMP and the identification and/or protection of ONFL is not identified as a regionally significant issue in the operative Tasman Regional Policy Statement. However, landscapes have been identified in the TEP process as a regionally significant issue, based particularly on the requirement to give effect to the RMA with the RMA identifying ONFL as a nationally significant issue. See also the Significant Resource Management Issues paper provided to Council on 17 March 2021.

There is a very large extent of land that is assessed to be an ONF or ONL¹⁷ (at least 70% of the district land area and the majority of Golden Bay). ONFL are highly valued by people and the community of Tasman District, are very visually prominent and are heavily used by the community and visitors.

At a recent Iwi Policy Working Group hui on 14 May 2021, iwi representatives present identified ONFL as a priority resource management issue across the region.

8.1.2 Why Change is Needed (or Not)

The current TRMP does not identify ONFL or provide for the protection of landscape values explicitly. In this regard it does not give effect to the RMA or other national direction, including the indications of the likely content of the forthcoming NBA.

Landscape areas and their values are of significant importance to the local community, the wider Tasman community, iwi, stakeholder groups and many people around the country who value and use these areas for activities such as active and passive recreation. The landscapes of the district are iconic and are a valued part of the makeup of the area, and a key part of what makes the district special. Many activities currently occurring and likely to occur in the future have the potential to impact significantly on landscape values and to change the inherent character of the district if change is allowed to occur without control.

This workstream needs to be undertaken to give effect to higher order directions, through identifying the ONFL comprehensively and providing a provision framework for the protection of landscape values.

8.1.3 Issue(s): Waahi-Specific or Whole of District?

Council must implement integrated management of natural resources. This will be supported by the ki uta ki tai guiding principle, where everything is connected – from the mountains to the sea. To

¹⁷ See Tasman District Landscape Study 2020.

achieve this, the TEP process will consider natural resource use, protection and enhancement spatially across Tasman in seven waahi (places). The waahi are based on groupings of catchments where there are communities with shared values and interests (see Appendix 1) that are likely to affect natural resources in those catchments. Consideration of issues and options across all the resource management functions within each waahi will allow for identification of conflicts or overlaps between different issues, as well as synergistic options that provide for multiple outcomes sought within the waahi.

Waahi planning is at its core a means to:

- Coordinate management of interconnected elements/resources (natural, cultural, social, economic, physical).
- Take into account the impacts of management of one element/resource on the values of another, or the environment.
- Ensure resource management approaches across administrative boundaries are consistent and complementary.
- Ensure strategic outcomes are identified for each waahi, promoting healthy ecosystems and ecosystem services, and associated objectives, policies and methods that negate the risk of exceeding environmental bottom limits.
- Ensure principles of Te Tiriti O Waitangi are taken into account.

Table 6 below identifies if the issue occurs in a specific waahi or across the whole of the district.

Table 6: Planning Issues and Where they Occur

Planning Issue	Waahi 1 Waimea	Waahi 2 Moutere	Waahi 3 Motueka-Riwaka	Waahi 4 Abel Tasman- Kaiterere	Waahi 5 Tākaka	Waahi 6 Aorere-West Coast	Waahi 7 Upper Buller
Issue 1: Identification of ONFL	Applies to all areas						
Issue 2: Provisions managing activities in ONFL	Applies to all areas						
Issue 3: Other landscapes	Applies to all areas						

8.2 How Issue(s) relate to other Topics

The topic of Landscapes overlaps with a range of other topics in the following ways:

- **Ecosystems / Biodiversity** – many of the ONFL have very high ecosystem and biodiversity values and in some cases the area identified is closely aligned with areas of indigenous vegetation cover. The value of ecosystems and biodiversity, and particularly indigenous vegetation, to the attributes of the ONFL is high and thus there is a correlation between the protection of biodiversity values and the protection of the ONFL. Some ONFL however also encompass areas with low biodiversity value and high

modification. Integration between these topics will be needed to avoid duplication within TEP provisions.

- **Coastal Environment** – the ONFL have key overlaps with the Coastal Environment, especially in relation to the Golden Bay ONL and some areas of coastal foreshore. There is a commonality in the values that make up these areas and the likely management approaches which will require integration in the development of TEP provisions.
- **Heritage and Cultural values** – there are many areas of heritage and cultural value located within the ONFL and there will be a commonality of protection to manage these areas of national importance. Known areas of heritage and cultural significance have been considered in defining the ONFL areas. Again, good integration will be necessary to avoid duplication.
- **Natural Hazards** – in a spatial sense, ONFL also overlap with many areas of natural hazards especially coastal, flood and fault line hazards. In a management sense however there is less overlap and the restrictions that will be required to achieve natural hazard risk prevention may be of benefit to protecting ONFL values.
- **Rural** – some of the ONFL encompass working rural land and the management approaches to ensure protection of ONFL values may restrict wider rural activities. Exploration of the overlap, or potential conflict, between these issues will be explored through community and landowner engagement processes.

8.3 How Issues(s) relate to Iwi Interests and Values

The TEP plays an important a role to support the expression of kaitiakitanga and rāngatiratanga. Iwi resource management priorities and leadership may be realised through provisions of the TEP. An innovative plan will support aspirations for managing ancestral whenua and taonga in the Tasman District and across Te Tau Ihu. To achieve Te Mana O Te Taiao, Te Mana O Te Wai and Te Mana O Te Tāngata, this report has considered the following strategic outcomes:

- Respectful partnerships and governance structures supporting council and iwi collaboration, in the Tasman District and across Te Tau Ihu are established and strengthened.
- Te Tiriti O Waitangi principles and customary rights inform a resource management framework to support iwi resource management values and priorities within the TEP.
- Iwi connections and access to cultural landscapes, sites of significance and heritage are protected and restored.
- Economic and cultural development is enabled through access to and the use of cultural redress resources, Te Tiriti O Waitangi settlement land and taonga, including the coastal environment, in accordance with Settlement Acts and Statutory Acknowledgments.
- Environmental limits and targets are set to achieve meaningful cultural, environmental and economic outcomes, enhancing the mauri of Te Taiao.
- Integrated management is supported by a ki uta ki tai philosophy enabling the application of tikanga and Mātauranga Māori to TEP provisions.

Specific iwi interest in the topic of landscapes lies in the protection of highly valued culturally important landscapes, especially the maunga landscapes and hill country, as well the highly valued rivers. There will also be overlap between some ONFL and areas of mahinga kai or wāhi tapu areas. Some activities are identified in the iwi management plans as being particularly detrimental to cultural landscape values (such as vegetation clearance and extractive industries). Appropriate

identification of ONFL, and robust protection through provisions, will assist to protect these areas of value to iwi.

The Iwi Management Plans reiterate the interest of iwi in maintenance and enhancement of landscape values including retention of indigenous vegetation where that contributes significantly to landscape character. Degradation of natural features and landscapes through mining and exploration activities is a concern to iwi, and also the impacts of land use activities, tourism, and recreation on maunga landscapes where this imposes on the relationship of iwi with those landscapes.

8.4 Statutory, Policy Context and Scope

Key statutory drivers for this topic include:

Resource Management Act

Section 6 Matters of National Importance

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development

Section 7 Other Matters

(c) the maintenance and enhancement of amenity values

NZ Coastal Policy Statement Policy 15

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development ...

Statutory Acknowledgement areas

The Statutory Acknowledgement areas relevant to the Tasman District include many areas within the identified ONFL. The Statutory Acknowledgements require the Council to acknowledge the relationship of iwi with these places and to provide for cultural values in the management of these areas.

Natural and Built Environment Act (NBA)¹⁸

At the time of preparing this report, the content of the NBA is unknown, but an early exposure draft includes proposed section 8(1) (a) –(d) which requires high level protection of natural values associated with outstanding landscape areas.

Essentially the outcomes for outstanding landscapes include: the identification of areas, protection and enhancement of their values. There is no statutory driver for identification or management of 'other' landscapes.

¹⁸ The RMA reform currently occurring will include the development of three new pieces of legislation including the Natural and Built Environment Act (NBA).

8.5 Methods Considered

Consideration of options to address identified issues and achieve desired outcomes fall into six main categories that are within the functions of Council:

- Regulation (through the Tasman Environment Plan)
- Investigation and Monitoring
- Education, Advice and Advocacy
- Works and Services provided by Council
- Financial assistance
- Community Partnerships

Other methods may also be undertaken by iwi, industry or community groups, which play an important role in achieving the outcomes sought in the Tasman district, however these aspects fall outside the scope of the options considered in this report, except indirectly where they may be supported by a council function or service (for example financial subsidy or technical assistance for a community group project).

8.5.1 Implementation Plans

Any regulation options identified will be implemented through the development of the TEP. Any other non-regulatory methods identified will be actioned through a separate Implementation Plan that is released for community feedback alongside the Draft TEP.

The intent of the Implementation Plan will be to outline and cost the non-regulatory methods for inclusion in other council processes including funding through the Long Term Plan process and implementation through the Activity Management Plans.

9 Appendix 2 – Analysis for the Identification of ONFL

The following analysis relates to Issue 1: Identification of ONFL. It elaborates on the scale and significance of the issue and the options explored earlier in consideration of this workstream.

9.1 Scale and Significance

Table 7: Scale and significance table – Issue 1

	Comments	Assessment
Degree of change from the Status Quo	There is no current district wide landscape assessment, so this outcome is a significant change from the status quo	High
Effects on matters of national importance (s6 RMA)	Resource Management Act Section 6 Matters of National Importance <i>(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development</i> Section 7 Other Matters <i>(c) the maintenance and enhancement of amenity values</i> NZ Coastal Policy Statement Policy 15 <i>To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development ...</i>	High
Scale of effects – geographically (local, district wide, regional, national)	Large areas of the district have been identified as being with the ONFL. The effects of identification are across large parts of the district.	High
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)	There is a high degree of interest in this subject from landowners (around 700 landowners own land subject to the draft ONFL), iwi entities, stakeholder and community groups and the general public. This issue is also of relevance to future generations.	High
Scale of effects on those with particular interests, e.g. Tāngata Whenua	Tāngata whenua have a particular interest in landscape values due particularly to the overlap of these areas with areas of high cultural value, especially in relation to indigenous biodiversity.	High
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	The recently completed Tasman District Landscape Study has provided a very high level of knowledge of the landscape values of the district and a good evidence base. There is a high level of understanding of the potential risks to the values of ONFL. There is a good level of understanding of benefits and costs and the approach is similar to that employed elsewhere, including in Nelson and Marlborough.	High
Likelihood of increased costs or restrictions on individuals, businesses or communities.	The loss of outstanding landscape values has the potential for acute and cumulative adverse effects. The effects are identified as a potential	High

	Comments	Assessment
	<p>negative impact on a matter of national importance (Part 2).</p> <p>There is the potential for effects on social, economic and cultural wellbeing, as well as on environmental wellbeing, if ONFL are not robustly identified.</p> <p>Identification of land as having high landscape value could lead to restriction on the use of that land by individuals.</p>	

9.2 Option(s) to address Outcomes

The main option(s) to manage identification of ONFL are summarised in Table 8:

Table 8: Options identified - Issue 1

Option number	Option Name	Description of Option
Option 1	Status quo	Retain the current RPS/TRMP approach.
Option 2	Commission an independent assessment: approach taken by many other Councils (including Nelson and Marlborough)	Commission an independent technical assessment of ONFL and use the findings of that assessment to identify and map ONFL.

These options are described in turn below, followed by an assessment of their strengths and weaknesses.

9.2.1 Option Analysis

The status quo option involves retaining the current RPS/TRMP approach with no district wide landscape study and no identification of ONFL. Continuing this approach would not provide any robust basis on which to develop appropriate rules to manage activities and achieve protection of values. It also would not enable the TEP to give effect to the RMA and other national direction which relies on identification of areas of ONFL.

The alternative approach of commissioning an independent technical assessment is the approach taken by most Councils in preparation of contemporary plans. This ensures a robust assessment that meets all the requirements for identification of areas, values and threats. It provides a strong basis on which to build policy and provisions for protection.

9.2.1.1 Assessment of Strengths and Weaknesses

Table 9: Assessment of Strengths and Weaknesses - Issue 1

	Strengths	Weakness
Option 1: Status Quo	<ul style="list-style-type: none"> No change required 	<ul style="list-style-type: none"> Does not give effect to the RMA and NZCPS, or indications for the forthcoming NBA Out of date approach Gives no robust basis for protection

		<ul style="list-style-type: none"> Does not meet community concerns for protection of landscape values
Option 2: Independent Technical Assessment	<ul style="list-style-type: none"> Would give effect to the expectations of the RMA and NZCPS, and likely direction for the NBA Contemporary and best practice approach, as undertaken by many other Councils and as applied by technical experts (landscape planners) Gives a robust basis for protection provisions Would address community concerns for protection of landscape values 	<ul style="list-style-type: none"> Higher level of evaluation is likely to raise community concern

9.2.1.2 Relevance and Applicability

This is a regionally (and nationally) significant issue of relevance to many parties. The need for robust, independent and contemporary assessment of outstanding landscape values means that the status quo option is not an applicable method. The use of an independent assessment is necessary to ensure that Council's resource management functions are met and there is a strong technical basis for the development of policy and provisions.

9.2.2 Evaluation Summary per Option

Table 10 summarises the extent to which each option meets or achieves a number of key considerations.

Table 10: Evaluation of Options - Issue 1

Options	RMA purpose	National Direction	TEP Principles	Efficiency at addressing issue(s)	Effectiveness at addressing issue(s)	Strengths	Weaknesses
Option 1	Does not meet	Does not meet	Does not meet	Does not meet	Does not meet	Low	High
Option 2	Achieves	Achieves	Achieves	Achieves	Achieves	High	Low

9.2.3 Option Pursued

The Council chose to pursue option 2 and has commissioned an independent technical assessment which has produced a draft Tasman District Landscape Study.

This option was chosen because it most closely achieves the purpose of the RMA and relevant national direction including the NBA. It will provide a robust assessment of ONFL meeting national direction, applying case law, using best practice and from an independent technical perspective. It will enable a strong basis for understanding existing values and further threats, enabling well designed management of activities. This option is the most efficient and effective option because the strengths outweigh the weaknesses, and this option supports the TEP principles because it will enable environmental limits to be set, protection to be enabled to meet the needs of present and future generations and provides a precautionary approach to the management of this important natural resource.

10 Appendix 3 – Analysis for the Management of Activities in ONFL

The following analysis relates to Issue 2: Management of Activities in ONFL. It elaborates on the scale and significance of the issue and the options explored earlier in consideration of this workstream.

10.1 Scale and Significance

Table 11: Scale and significance table - Issue 2

	Comments	Assessment
Degree of change from the Status Quo	There is currently no comprehensive policy approach or provisions applying to protect ONFL across the district.	High
Effects on matters of national importance (s6 RMA)	Resource Management Act Section 6 Matters of National Importance <i>(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development</i> Section 7 Other Matters <i>(c) the maintenance and enhancement of amenity values</i> NZ Coastal Policy Statement Policy 15 <i>To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development ...</i>	High
Scale of effects – geographically (local, district wide, regional, national)	Large areas of the district have been identified as being with the ONFL. The effects of protective policy and provisions are across large parts of the district.	High
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)	There is a high degree of interest in this subject from landowners (around 700 landowners own land subject to the draft ONFL), iwi entities, stakeholder and community groups and the general public. This issue is also of relevance to future generations.	High
Scale of effects on those with particular interests, e.g. Tāngata Whenua	Tāngata whenua have a particular interest in landscape values due particularly to the overlap of these areas with areas of high cultural value, especially in relation to indigenous biodiversity.	High
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	The recently completed Tasman District Landscape Study has provided a very high level of knowledge of the landscape values of the district and a good evidence base for the development of policy and rules. There is a high level of understanding of the potential risks to the values of ONFL. The policy approach can be tailored to this understanding. There is a good level of understanding of benefits and costs and	High

	Comments	Assessment
	the approach is similar to that employed elsewhere including in Nelson and Marlborough.	
Likelihood of increased costs or restrictions on individuals, businesses or communities.	<p>The loss of outstanding landscape values has the potential for acute and cumulative adverse effects. The effects are identified as a potential negative impact on a matter of national importance (Part 2).</p> <p>There is the potential for effects on social, economic and cultural wellbeing, as well as on environmental wellbeing, if ONFL are not robustly identified.</p> <p>Additional policy and rules to protect areas of outstanding landscape value could lead to restriction on the use of that land by individuals.</p>	High

10.2 Option(s) to address Outcomes

The main option(s) to manage the need for policies and provisions to protect ONFL are summarised in Table 12:

Table 12: Options identified - Issue 2

Option number	Option Name	Description of Option
Option 1	Status quo	Retain the current RPS/TRMP approach with: <ul style="list-style-type: none"> - No explicit consideration of ONFL at the RPS level - One general objective focussing on protection from adverse effects - A range of policies focussing on land use activities - Rules relating to buildings and planting in landscape priority areas at St Arnaud and Takaka Hill, on identified ridgelines and in the coastal environment
Option 2	Comprehensive policy and provisions: approach taken by many other Councils (including Nelson and Marlborough)	Develop a comprehensive set of objectives, policies and rules to direct protection and manage landuse and development that could damage or destroy the identified ONFL values.

These options are described in turn below, followed by an assessment of their strengths and weaknesses.

10.2.1 Option Analysis

The status quo option involves retaining the limited policy and rule approach to landscapes within the current TRPS/TRMP. This would not enable any clear direction towards protection or robust provisions that achieve protection from future landuse and development. It also would not enable the TEP to give effect to the RMA, anticipated outcomes of the forthcoming NBA, and other national direction which expects active protection to be provided to areas of ONFL.

The alternative approach of developing a robust set of objectives, policies and rules will enable clear direction on the intention for protection, and robust provisions focussed on landuse change that can

damage or destroy the identified values of the ONFL. This approach has been taken by many Councils in preparation of contemporary plans.

10.2.1.1 Assessment of Strengths and Weaknesses

Table 13: Assessment of Strengths and Weaknesses - Issue 2

	Strengths	Weakness
Option 1: Status Quo	<ul style="list-style-type: none"> No change required 	<ul style="list-style-type: none"> Does not give effect to the RMA and NZCPS, or indications for the forthcoming NBA Out of date approach Gives no clear direction that the intention is to provide for protection of ONFL values Does not meet community concerns for protection of landscape values Implies only some areas merit protection Does not provide protection from the range of landuse changes possible
Option 2: Comprehensive policy and provisions	<ul style="list-style-type: none"> Would give effect to the expectations of the RMA and NZCPS, and forthcoming NBA Contemporary and best practice approach, as undertaken by many other Councils and as applied by technical experts (landscape planners) Gives a robust basis for protection of values Would address community concerns for protection of landscape values Would provide a comprehensive set of provisions to achieve protection of values 	<ul style="list-style-type: none"> Higher level of evaluation is likely to raise community concern

10.2.1.2 Relevance and Applicability

This is a regionally (and nationally) significant issue of relevance to many parties. The need for comprehensive protection of outstanding landscape values means that the status quo option is not an applicable method. The use of comprehensive set of objectives, policies and rules is necessary to ensure that Council's resource management functions are met and there is a strong direction towards protection through rules.

10.2.2 Evaluation Summary per Option

Table 14 summarises the extent to which each option meets or achieves a number of key considerations.

Table 14: Evaluation of Options - Issue 2

Options	RMA purpose	National Direction	TEP Principles	Efficiency at addressing issue(s)	Effectiveness at addressing issue(s)	Strengths	Weaknesses
Option 1	Does not meet	Does not meet	Does not meet	Does not meet	Does not meet	Low	High
Option 2	Achieves	Achieves	Achieves	Achieves	Achieves	High	Low

10.2.3 Option Pursued

The Council chose to pursue Option 2 and the public engagement has proceeded on the basis that there will be a comprehensive set of policy and provisions dealing with this topic in the TEP that clearly state the intent to provide for protection of ONFL values, supported by a set of rules targeted towards managing future landuse and development that has the potential to damage or destroy the identified values.

This option was chosen because it most closely achieves the purpose of the RMA, likely outcomes for the NBA, and relevant national direction because it will provide for protection of ONFL and their values. It will enable clear direction to enable protection of values from identified threats, enabling robust rules to manage activities. This option is the most efficient and effective option because the strengths outweigh the weaknesses, and this option supports the TEP principles because it is will enable environmental limits to be set, protection to be enabled to meet the needs of present and future generations and provides a precautionary approach.

11 Appendix 4 - References

Reference	Detail
Tasman District Landscape Study 2021	Bridget Gilbert, Bridget Gilbert Landscape Architecture Ltd. March 2021. Prepared for Tasman District Council. Draft for Landowner Consultation.
Section 35 Report, Chapter 9, 2019	TDC, Ro Cudby, Efficiency and Effectiveness Evaluation, Chapter 9: Landscapes, 10 December 2019