



# NZCPS 2010 Guidance note

## Policy 13: Preservation of natural character

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## ***Policy 13***

- (1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:
    - (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
    - (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;including by:
    - (c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and
    - (d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.
  - (2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:
    - (a) natural elements, processes and patterns;
    - (b) biophysical, ecological, geological and geomorphological aspects;
    - (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
    - (d) the natural movement of water and sediment;
    - (e) the natural darkness of the night sky;
    - (f) places or areas that are wild or scenic;
    - (g) a range of natural character from pristine to modified; and
    - (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.
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## *Overview of the policy*

Policy 13 of the New Zealand Coastal Policy Statement 2010 (NZCPS 2010) directs the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use, and development. Policy 13 requires the natural character of the coastal environment to be assessed, at least areas of high natural character to be mapped or otherwise identified, and provisions to be included in statutory plans where necessary to preserve natural character. The policy recognises natural character occurs on a continuum and provides a list of matters that may be included.

All readers of this policy guidance note should also refer to the NZCPS 2010 Implementation Guidance Introductory note<sup>1</sup>. The Introductory note contains general information and guidance that is important for implementing all of the objectives and policies in the NZCPS 2010.

## *Rationale*

Section 6(a) of the Resource Management Act 1991 (RMA) identifies the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use, and development as a matter of national importance. Natural character comprises the living and non-living elements, patterns and processes that are natural to our coast. Certain matters are identified in Policy 13(2) including biophysical and geological aspects, natural landforms, and wild and scenic areas.

New Zealanders have a high regard for these matters. Present threats include inappropriate subdivision, use and development and continued incremental loss of natural character as a result of cumulative adverse effects including effects from plant and animal pests, and coastal discharges including increased sedimentation. Resource management decision support tools, including national policy, can assist in addressing these threats.

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<sup>1</sup> [www.doc.govt.nz/nzcps-introductory-note](http://www.doc.govt.nz/nzcps-introductory-note)

## ***Related objectives, policies and provisions***

This section covers the links (in terms of natural character) between the various provisions of the NZCPS 2010, the RMA, and other legislation.

### **NZCPS 2010**

Implementing Policy 13 of the NZCPS 2010 requires careful consideration of all NZCPS 2010 objectives and policies. Objectives 2 and 6 and Policies 1, 4, 5, 6, 7, 11, 14 and 15 are particularly relevant to discussions on natural character:

Key related objectives and policies	Other related objectives	Other related policies
Objectives 2 and 6 Policies 1, 4, 5, 6, 7, 11, 14 and 15	1 and 3	2, 3, 8, 9, 10, 16, 18, 21, 22, 23, 24, and 26

#### ***Objective 2***

Objective 2 directs the preservation of natural character of the coastal environment and the protection of natural features and landscape values through recognising the matters that make up natural character, and identifying and protecting areas where subdivision, use and development would be inappropriate. This objective also encourages restoration of the coastal environment. Implementation of Policy 13 is important to achieving Objective 2.

#### ***Objective 6***

Objective 6 focuses on enabling people and communities to provide for social, economic and cultural well-being and their health and safety as a result of decisions on activities affecting the coastal environment and the coastal marine area. The direction in Objective 6 will be relevant to the implementation of Policy 13.

#### ***Policy 1: Extent and characteristics of the coastal environment***

Policy 1 outlines matters relevant when considering the extent and characteristics of the coastal environment. It also recognises that the extent and characteristics of the coastal environment vary from region to region and locality to locality, with potentially differing issues and effects requiring management. Implementation of Policy 1 will be important in achieving Objectives 2 and 6, and in implementing Policy 13.

#### ***Policy 4: Integration***

Policy 4 provides for integrated management of both the natural and physical resources in the coastal environment, and any activities that affect that environment. Ways to achieve integration include coordinated management or control of activities within the coastal environment that cross administrative boundaries, and working collaboratively with other resource management interests.

Integrated management will assist with the implementation of Policy 13, including the collaboration between administrative authorities in undertaking and applying natural character assessments, and the management of activities in an integrated way.

### ***Policy 5: Lands and waters managed or held under other Acts***

Policy 5 focuses on considering and managing effects on coastal land or waters that are held or managed under other Acts (i.e. not the RMA) for conservation or protection purposes. These areas include but are not limited to coastal land of the Crown held under the Reserves Act 1977 and marine reserves under the Marine Reserves Act 1971. Lands and waters such as these will often have special values related to their status, and can be important contributors to the natural character of the coastal environment. Consideration of these areas is relevant to the implementation of Policy 13.

### ***Policy 6: Activities in the coastal environment***

Policy 6 is about the provision for activities in the coastal environment, such as infrastructure, energy generation and transmission, mineral extraction, built development, and renewable energy generation. Policy 6 states principles about the location and scale of these activities. Priority is given to activities with a functional need to locate and operate in the coastal marine area, and providing for those activities in appropriate places.

The policy encourages consideration of certain coastal resources and values, including built character, headlands and ridgelines, natural character, open space, public access, amenity, indigenous biodiversity and historic heritage.

There are strong links between Policy 6 and Policy 13 in terms of the recognition and provision for natural character when making decisions on activities in the coastal environment. In particular, development should be set back from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment (Policy 6(1)(i)).

### ***Policy 7: Strategic Planning***

Policy 7 requires strategic planning in the preparation of regional policy statements, regional plans and district plans. Priority is given to three strategic planning actions:

- consider where, how and when to provide for activities in the coastal environment
- identify where uses are inappropriate
- identify coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects and, where practicable, set thresholds in plans to help determine when activities causing adverse cumulative effects are to be avoided.

The management of natural character is an important consideration for strategic planning processes affecting the coastal environment.

### ***Policy 11: Indigenous biological diversity (biodiversity)***

Policy 11 concerns the protection of New Zealand's indigenous biodiversity in the coastal environment. Indigenous biodiversity is often an important component of natural character. Information and decisions taken in relation to Policy 11 are relevant to the implementation of Policy 13.

### ***Policy 14: Restoration of natural character***

Policy 14 promotes the restoration or rehabilitation of natural character of the coastal environment by identifying where this might occur, and through the inclusion of enabling provisions in statutory plans and regulatory decision-making.

Implementation of Policy 14 is expected to be achieved in an integrated way by having regard to assessments and plan provisions implemented as part of Policy 13. The links between these policies will be in part determined by the scope of work done in relation to Policy 13.

### ***Policy 15: Natural features and natural landscapes***

Policy 15 addresses the RMA section 6(b) requirements in relation to the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.

Like Policies 11 and 13, Policy 15 directs the assessment and evaluation of natural features and natural landscapes and the inclusion of appropriate provisions in statutory plans. Policy 15 sets policy thresholds to achieve sustainable management and lists matters to be considered in the assessment of natural features and landscapes.

Implementation of Policies 13 and 15 will be often linked through related processes. Both require specialist assessment and engagement with affected agencies, stakeholders and communities.

## **Resource Management Act 1991<sup>2</sup>**

Section 58(a) of the RMA provides that a New Zealand coastal policy statement may state objectives and policies about national priorities for the preservation of the natural character of the coastal environment, including protection from inappropriate subdivision, use, and development.

Section 6(a) provides for the preservation of the natural character of the coastal environment, and its protection from inappropriate subdivision, use, and development to be recognised and provided for as a matter of national importance.

Section 7(c) provides that decision-makers shall have particular regard to the maintenance and enhancement of amenity values in achieving the purpose of the RMA.

Section 7(f) provides that decision-makers shall have particular regard to the maintenance and enhancement of the quality of the environment in achieving the purpose of the RMA.

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<sup>2</sup> [www.legislation.govt.nz/act/public/1991/0069/latest/DLM230265.html](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230265.html)

## Other national policy statements (NPS)

### *National Policy Statement for Freshwater Management 2011*<sup>3</sup>

The *National Policy Statement for Freshwater Management 2011* (NPSFM) came into effect on 1 July 2011. The NPSFM applies to freshwater resources, including freshwater within the coastal environment. Outstanding freshwater bodies are identified in the NPSFM as those water bodies with outstanding values, including ecological, landscape, recreational and spiritual values. Therefore the NZCPS applies to the same waterbodies and subject matter as the NPSFM and both will need to be considered. This is discussed further in the NZCPS 2010 guidance introduction<sup>4</sup>.

Further information on the NPSFM is available on the Ministry for the Environment website<sup>5</sup>.

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<sup>3</sup> [www.mfe.govt.nz/publications/rma/nps-freshwater-management-2011/docs/nps-freshwater-mgnt-2011.pdf](http://www.mfe.govt.nz/publications/rma/nps-freshwater-management-2011/docs/nps-freshwater-mgnt-2011.pdf)

<sup>4</sup> [www.doc.govt.nz/nzcps-introductory-note](http://www.doc.govt.nz/nzcps-introductory-note)

<sup>5</sup> [www.mfe.govt.nz/rma/central/nps/freshwater-management.html](http://www.mfe.govt.nz/rma/central/nps/freshwater-management.html)

## *Origins of the policy*

The natural character provisions of the RMA and preceding planning laws recognise the significant value of natural elements and the functioning of the coastal environment and their contribution to sustainable management.

To achieve the requirements of the RMA, the first New Zealand Coastal Policy Statement in 1994 (NZCPS 1994) directed local authorities and other resource management decision-makers to preserve the natural character of the coastal environment. The following matters were identified as national priorities:

- Preserving natural character by encouraging development in areas already compromised and avoiding sprawling and sporadic subdivision, use and development in the coastal environment, and avoiding cumulative adverse effects (Policy 1.1.1)
- Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna in the coastal environment (Policy 1.1.2)
- Protecting particular features (Policy 1.1.3)
- Protecting the integrity, functioning and resilience of the coastal environment (Policy 1.1.4), and
- Making it a national priority to restore and rehabilitate the natural character of the coastal environment where appropriate (Policy 1.1.5).

The experience in natural character planning under the NZCPS 1994, RMA and earlier planning laws is documented in a report on natural character concept development in New Zealand planning law and policy (2000)<sup>6</sup>. More recent experience is described and discussed in Dr Rosier's *Independent Review of the NZCPS 1994 (2004)*<sup>7</sup>, the *NZCPS Review Natural Character and Biodiversity Theme Overview Report (2008)*<sup>8</sup> and the *Proposed New Zealand Coastal Policy Statement (2008): Board of Inquiry Report and Recommendations (2009)*<sup>9</sup>.

By way of example, the former Planning Tribunal's decision on *Harrison v. Tasman District Council* [1993] W42/93 is one of a number of cases that has contributed to the practice in relation to natural character. This case concerned a decision by Tasman District Council in relation to the operation of an existing refuse transfer station at an estuary in Golden Bay. The site consisted of an old open tip site on the edge of the estuary with nearby pasture, a pine plantation and wilding pines. Nevertheless the natural character of that site made the proposed refuse transfer station 'inappropriate'.

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<sup>6</sup> [www.waikatoregion.govt.nz/PageFiles/6568/natchar.pdf](http://www.waikatoregion.govt.nz/PageFiles/6568/natchar.pdf)

<sup>7</sup> [www.doc.govt.nz/upload/documents/conservation/marine-and-coastal/coastal-management/nzcps-review-2004.pdf](http://www.doc.govt.nz/upload/documents/conservation/marine-and-coastal/coastal-management/nzcps-review-2004.pdf)

<sup>8</sup> [www.doc.govt.nz/upload/documents/getting-involved/consultations/current-consultations/nzcps/theme25-natural-character-and-biodiversity.pdf](http://www.doc.govt.nz/upload/documents/getting-involved/consultations/current-consultations/nzcps/theme25-natural-character-and-biodiversity.pdf)

<sup>9</sup> [www.doc.govt.nz/getting-involved/consultations/results/new-zealand-coastal-policy-statement/proposed-new-zealand-coastal-policy-statement-2008-board-of-inquiry-report-and-recommendations/](http://www.doc.govt.nz/getting-involved/consultations/results/new-zealand-coastal-policy-statement/proposed-new-zealand-coastal-policy-statement-2008-board-of-inquiry-report-and-recommendations/)



In this case, the Tribunal commented: *'the word "natural" does not necessarily equate with the word "pristine" except insofar as landscape in its pristine state is probably rarer and of more value than landscape in a natural state. The word "natural" is a word indicating a product of nature and can include such things as pasture, exotic tree species (pine), wildlife both wild and domestic and many other things of that ilk as opposed to man-made structures, roads, machinery etc.'*

Other key points to emerge from the NZCPS review reports (2004, 2008 and 2009) are the importance of natural character and the current threats to it, and that more proactive management of natural character is required to achieve sustainable management. In the Board of Inquiry's words: *'There is need to drastically improve the consideration of natural character as a matter of national importance that can be lost and to recognise that the cumulative adverse effects of such loss do not achieve the purpose of the RMA. That must happen immediately.'* (*Board of Inquiry Report and Recommendations*, p. 232.)

The Board of Inquiry process identified the following pressures:

- The risk of incremental loss of natural character as a result of built development and other activities in the coast is high.
- Local authorities require support and encouragement to assess natural character in their regions and districts.
- While natural character practitioners are generally agreed on the core elements to natural character, there is a high variability in the descriptive and evaluative methods used.
- The risks to natural character could be helpfully addressed by good information gathering and forward thinking at a strategic and spatial level to identify high value and outstanding areas of natural character and provide for them in perpetuity.
- Local authorities see the value of natural character assessments but want to reduce the costs where possible. More national guidance could help with this situation.

Definitional issues were also recognised by the Board of Inquiry as being relevant to the discussion of appropriate national policy direction in an NZCPS. The Board's report considers the meaning of natural character alongside the experience and case law in relation to RMA section 6(a) and the NZCPS 1994, before recommending a list of matters to be recognised that may be included in natural character.

The Board observed that *'natural character is not the same as natural landscape, a point that escapes many'*. The Board also commented that natural character did not need to be nationally outstanding to be relevant to RMA section 6(a).

For further information refer to the *Proposed New Zealand Coastal Policy Statement (2008): Board of Inquiry Report and Recommendations (2009)*, vol. 2 pp. 224-234<sup>10</sup>.

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<sup>10</sup> [www.doc.govt.nz/getting-involved/consultations/results/new-zealand-coastal-policy-statement/proposed-new-zealand-coastal-policy-statement-2008-board-of-inquiry-report-and-recommendations/](http://www.doc.govt.nz/getting-involved/consultations/results/new-zealand-coastal-policy-statement/proposed-new-zealand-coastal-policy-statement-2008-board-of-inquiry-report-and-recommendations/)

## ***Implementing the policy***

While guidance is provided here on implementing Policy 13, it is also necessary to consider the entire NZCPS 2010 when implementing each policy. Please also refer to the NZCPS 2010 Implementation Guidance Introductory note<sup>11</sup>, which covers the matters that are relevant in giving effect to the NZCPS 2010.

Policy 13 guides the planning approach needed to achieve, as a matter of national importance, the direction in RMA section 6(a) of recognising and providing for the 'preservation' of natural character and protecting it from inappropriate subdivision, use and development. Policy 13(2) and case law gives direction on the matters that contribute to natural character, including recognising that it can range from pristine to modified.

The matters identified in Policy 13 include:

- Adverse effects of activities on areas of 'outstanding' natural character in the coastal environment are to be 'avoided' (Policy 13(1)(a))
- In all other areas 'significant adverse' effects on natural character are to be avoided and other effects are to be 'avoided, remedied or mitigated' (Policy 13(1)(b))
- The natural character of a region or district is assessed by mapping or otherwise identifying at least areas of high natural character (Policy 13(1)(c))
- Policy statements and plans should identify areas where preserving natural character is important and objectives, policies and rules are to be provided (Policy 13(1)(d))
- Recognising that natural character is distinct from amenity values or natural features and landscapes (Policy 13(2))
- Recognising the elements that make up the natural character of the coastal environment (Policy 13(2)).

These and other aspects of Policy 13 are discussed below.

### **What is the natural character of the coastal environment?**

The Department of Conservation held two workshops in August and September 2011 to consider the issues raised by the new NZCPS 2010. These workshops were attended by ecologists, landscape architects and planners and have informed the development of this guidance note.

Workshop results are reported in this guidance note, particularly in relation to the definition of natural character and the policy thresholds and planning approach directed by Policy 13. The workshop reports are provided as background for readers in the *Resources* section.

The term natural character of the coastal environment covers the living and non-living elements, patterns and processes of the coast that are the products of nature; that is not human-made. Natural character includes the perception of these elements, patterns and processes. Natural character is not limited to matters that are indigenous. The extent to

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<sup>11</sup> [www.doc.govt.nz/nzcps-introductory-note](http://www.doc.govt.nz/nzcps-introductory-note)

which indigenous aspects are relevant will depend on the context of the assessment. The Courts have agreed an area can have high natural character even if the vegetation and species present are not largely indigenous.

'Natural character' is not defined in the RMA. Participants at the August 2011 workshop built on the matters listed in Policy 13(2) to arrive at a working definition of natural character which most workshop attendees agreed to:

Natural character is the term used to describe the natural elements of all coastal environments. The degree or level of natural character within an environment depends on:

1. The extent to which the natural elements, patterns and processes\* occur;
2. The nature and extent of modification to the ecosystems and landscape/seascape;
3. The degree of natural character is highest where there is least modification;
4. The effect of different types of modification upon natural character varies with context and may be perceived differently by different parts of the community.

\* For the purposes of interpreting the NZCPS 2010 Policy 13.2, 'elements, patterns and processes' means: biophysical, ecological, geological and geomorphological aspects; natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks; and the natural movement of water and sediment.

This definition reflects RMA Section 6(a) and the NZCPS 1994 case law from consent decision-making and plan making. It is very similar to a definition agreed at the Ministry for the Environment's 'Environmental Performance Indicators for Natural Character' workshop held in 2002<sup>12</sup>. It is endorsed by the Department of Conservation as a useful and appropriate definition to guide natural character assessments undertaken in relation to Policy 13 of the NZCPS 2010, providing adequate regard is given to the matters listed in Policy 13(2)(a)-(h). Recognition of these elements is considered necessary to implement Policy 13. The list of attributes in Policy 13(2) is not exclusive. Other elements may be considered relevant on a case-by-case basis.

The meaning of natural character is further examined in the Natural Character Think Pieces prepared by three experienced practitioners for the August 2011 workshop and available in the workshop report. Natural character and natural character attributes are also discussed in the Board of Inquiry's report<sup>13</sup>.

Natural character is not the same as landscape. Landscape is 'the cumulative expression of natural and cultural features, patterns and processes in a geographical area, including human perceptions and associations'<sup>14</sup>. Associative elements include heritage values.

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<sup>12</sup> The major change from the earlier to present-day definition is the addition of a footnote referring to items listed in NZCPS 2010 Policy 13(2).

<sup>13</sup> [www.doc.govt.nz/getting-involved/consultations/results/new-zealand-coastal-policy-statement/proposed-new-zealand-coastal-policy-statement-2008-board-of-inquiry-report-and-recommendations/](http://www.doc.govt.nz/getting-involved/consultations/results/new-zealand-coastal-policy-statement/proposed-new-zealand-coastal-policy-statement-2008-board-of-inquiry-report-and-recommendations/)

<sup>14</sup> New Zealand Institute of Landscape Architecture, Best Practice Note Landscape assessment and sustainable management, June 2010.

These matters are discussed further in the guidance note to Policy 15: Natural features and natural landscapes.

Natural character is also relevant to lakes and rivers and their margins and can relate to water bodies in the coastal environment as well as extending far inland (see RMA section 6(a)). This NZCPS 2010 guidance note is confined to the resources within the coastal environment.

## **Regional policy statement and plan preparation**

There are specific directions in Policy 13(1)(a)–(d) for RPS and plan preparation. These directions include:

- Avoid adverse effects of activities in areas of the coastal environment with outstanding natural character
- Avoid significant adverse effects of activities on natural character in all other areas of the coastal environment
- Identify, at the very least, the areas of high natural character in the coastal environment
- Identify the areas where preserving natural character requires objectives, policies and rules and include such planning provisions.

A positive implementation of these parts of Policy 13 would see local authorities use a process of natural character assessment to identify the areas and provisions necessary to give effect to Policy 13 and to achieve the purpose of the RMA. Implementation of Policy 13(1)(a)–(d) is likely to require a more finely tuned approach to natural character than some previous planning practice. These matters are discussed in more detail below.

### ***Natural character assessment and mapping for RPSs, plans and consents***

Policy 13(1)(c) directs that the natural character of the coastal environment of the region or district be assessed, and at least areas of high natural character be mapped or otherwise identified. This part of Policy 13 is fundamental to delivering other parts of Policy 13 and recognising and providing for the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development (RMA section 6(a)). Working these matters through in consultation with the relevant community interests will be a very important aspect when implementing Policy 13.

The RMA requires consideration of more than just outstanding natural character. Policy 13(1)(d) directs that RPSs and plans are to identify the areas where preserving natural character requires objectives, policies and rules, and are to include those provisions. Together these actions can provide certainty to decision-makers, users and the community in relation to the management of natural character values as well as identifying the opportunities for restoration. Ways to include information about natural character include maps, schedules of areas and criteria for assessment. Further technical information may be included by reference.

It is recognised that there is no ‘standard’ natural character assessment methodology or criteria to assess its significance. Councils also vary in their capacity to undertake assessments and need to be able to prioritise their expenditure for coastal planning. The option of a national assessment mapping and ranking project is sometimes discussed but

has not been identified as a priority relative to other activities. A national assessment might also struggle to capture relevant matters relating to local setting and context.

Natural character expert practitioners specialise in describing, evaluating and mapping what is important to the natural character of a place. These practitioners generally—although not always—require the expertise in one or more of landscape assessment, coastal geomorphology and hydrology, and terrestrial and aquatic ecology, and climatology. Information on the experiential attributes will usually be obtained, and can be taken from a range of cultural and social sources, and interpreted to assess and evaluate the natural character of an area.

An important component of natural character is the ecological processes and patterns including those in the marine environment. Marine environment data can be lacking and new data can be expensive to obtain. Collaboration between agencies to share existing information as well as the costs of gathering new information can be a good means of bridging these gaps.

The assessment is expected to involve a first stage that considers the spatial scales to be used. It will also consider how to approach the description of elements, patterns and processes that occur across terrestrial, freshwater and marine components of the coastal environment. A natural character assessment is expected to draw on a wide range of information. Environment-typing to determine units for description may also be helpful.

A second stage of the assessment will typically score the natural character parameters on a continuum. This scoring is likely to include consideration of the degree of modification exhibited at the place assessed. The assessment of outstanding natural character is likely to be a further stage again, and is discussed below under ‘Outstanding natural character’.

The scale and context of the first stages in assessment and ranking of natural character will depend on the purpose of the assessment, in particular whether it is for an RPS, plan, or resource consent. An area assessed at a large scale could also yield different results from one at a smaller scale. A common example of this effect is in relation to perceptions of natural character, such as an area of coast that is popular with a local community.

Practitioner level discussions and peer reviews of both the methodologies and information used for specific areas can be useful ways to progress the question of natural character investigations. These practices were endorsed at the August 2011 Natural Character Workshop<sup>15</sup> and further discussed at the September 2011 Marlborough Workshop<sup>16</sup>.

Based on the discussion above, key questions for councils undertaking natural character assessments and mapping projects include:

- What method is the assessment intending to use? How well does this assessment cover the matters identified in NZCPS 2010 Policy 13?
- What scale (s) is proposed for assessment?
- How will the assessment cover the marine component of natural character out to the seaward boundary of the territorial sea?

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<sup>15</sup> [www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/implementation-project/](http://www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/implementation-project/)

<sup>16</sup> [www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/implementation-project/](http://www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/implementation-project/)

- How will the assessment describe, assess and rank the different levels of natural character, and the attributes and processes that contribute to these rankings? What criteria will guide these assessments?
- If done at a regional scale, what variations may be useful for local scale assessments?
- What is the process for peer review of the study methodology and results?

A natural character assessment undertaken in collaboration with relevant regional and district authorities is expected to be cost-effective. This type of assessment can also help in achieving good integration between regional and district planning, and assisting with implementation of other NZCPS policies, including NZCPS Policy 1: Coastal environment, Policy 4: Integration, Policy 6: Activities in the coastal environment and Policy 7: Strategic Planning. A number of local authorities are now looking to see what assessments are required to implement Policy 13. This guidance will be updated as the results of this work are available. Examples of work to implement NZCPS 2010 Policy 13 are given in the *Related and ongoing work* section below. That section will be updated with examples as local authorities make progress in implementing Policy 13. Examples of provisions pre-dating the NZCPS 2010 are given in the section on *Resources*.

Please note also that consent applicants might have to do additional natural character assessments, where a district and/or regional assessment has not been done, and/or to assess the effect of the activity on already identified natural character at the relevant scale.

### ***‘Outstanding’ natural character and natural character more generally***

Policy 13(1) (a) and (b) distinguish areas of ‘outstanding’ natural character, and natural character more generally. The purpose of these policy distinctions is to provide the greatest protection for areas of the coastal environment with the highest natural character, while also ensuring that the rest of the natural character continuum is recognised in RPS and plan provisions and regulatory decision-making.

The policy approach for ‘outstanding’ natural character is new to an NZCPS, and provides new direction for statutory planning. However the concept of differing levels of natural character isn’t new, and reflects various Environment Court decisions. Examples of relevant case law are given in the *Resources* section.

The Department of Conservation’s September 2011 workshop in Marlborough discussed methodologies to identify and assess natural character and identify ‘outstanding’ in the context of Marlborough District<sup>17</sup>.

The workshop identified the following as a possible approach to the identification of ‘outstanding’:

**Outstanding** is a comparative evaluative term meaning to stand out, exceptional, pre-eminent, clearly superior to others in the same group or category.

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<sup>17</sup> The natural character framework of the *Marlborough Sounds Resource Management Plan* was made operative in 2003 and includes policies and rules to recognise the natural character components within the 11 land and 8 marine ecosystem areas described in the Plan’s Appendix Two at [www.marlborough.govt.nz/Your-Council/RMA/Marlborough-Sounds-Resource-Management-Plan.aspx](http://www.marlborough.govt.nz/Your-Council/RMA/Marlborough-Sounds-Resource-Management-Plan.aspx).

As with outstanding natural landscapes, the coastal environment may have high natural character on a wide range of parameters and, in that context, be outstanding.

**Methods to identify ‘outstanding natural character’:** the coastal environment may be outstanding where it has very high levels of naturalness. Assessment to establish whether a coastal sector has outstanding natural character is generally undertaken when all or part of the coastal environment is initially assessed.

High or very high natural character is not the same as outstanding. Outstanding is a category of its own, and its assessment will depend on context.

**Criteria for ‘outstanding natural character’:** Those areas containing a combination of elements, patterns and processes that are exceptional in their intactness, integrity and lack of built structures and other modifications compared to others in the Marlborough Sounds.

As noted previously, the National and Marlborough workshops identified possible approaches to natural character assessment and mapping, but also found it not possible to recommend a particular approach or methodology for New Zealand at this stage. The work progressed in Marlborough may be of benefit elsewhere.

### ***Objectives, policies and rules to preserve natural character***

Policy 13(1)(d) sets a requirement to include objectives, policies and rules in RPSs and plans where it is necessary to preserve natural character and to protect it from inappropriate subdivision, use and development. The actual provisions suitable for an RPS or plan will depend on many things including the results of the natural character assessment, and consideration of current and future use and development patterns, including potential threats or conflicts. Consultation with the relevant community interests will also be very important.

As with all management of natural and physical resources, determination of what is an appropriate or inappropriate effect on natural character must be looked at in context. Implementation of Policy 13 should be considered together with the other objectives and policies in the NZCPS 2010 which address activities in the coastal environment, including Objective 6, Policy 6: Coastal activities and Policy 7: Strategic planning.

Policies 6 and 7 encourage local authorities to proactively forecast and provide for communities’ social and economic needs alongside identifying those values or uses that should continue to be recognised and provided for. In particular, councils are encouraged to identify thresholds for management of important values, such as natural character, in RMA statutory plans. Decision-makers will need to carefully consider the NZCPS 2010 as a whole when considering what is required to achieve sustainable management.

RPS and plan provisions are important in managing natural character effects in the coastal environment, particularly in relation to coastal water bodies and their landward boundaries.

Provisions to address statutory responsibilities in relation to the natural character of the coastal environment include setting priorities as well as identifying how matters will be assessed, to provide guidance to decision-makers as well as applicants. Preservation of natural character, and protection of it from inappropriate subdivision, use and development is easier to achieve where the attributes and processes that make up natural character are known and thresholds for change are identified.

There are a number of ways to address these matters, including:

- Identification of known important natural character values through mapping overlays, schedules and/or criteria
- Criteria to assess high and outstanding natural character
- Direction through objectives and policies including the specification of areas and/or attributes that are required to be recognised and provided for in the course of resource management decision-making
- Other regulatory provisions such as the identification of zones, management areas, and/or overlays including rules setting out:
  - consent status for particular activities
  - performance standards for particular categories of activities
  - matters to guide the assessment of applications
  - the information to be provided as part of consent applications including proposed actions to avoid, remedy and mitigate adverse environmental effects
- Reference to external documents that explain assessment methodologies and results, including a description of the process for peer review.

Identification of important areas through maps and schedules will be an important part of implementing Policy 13. The challenges in preparing a comprehensive natural character survey, particularly in relation to the coastal marine area and some experiential values, are acknowledged. It is also acknowledged that natural character values may change with time.

Where there are gaps and changing baselines, it is suggested that RPSs and plans can recognise these gaps through planning tools such as: policy criteria to identify significant values; provisions that enable recognition of new information arising from regulatory assessments; and methods that enable further district- or region-wide investigation where this may be necessary, as well as case-by-case assessment in relation to particular activities.

The specification of relatively detailed policy guidance, performance standards and assessment matters in a plan can be helpful to later assessments of proposed activities. These methods can be further supplemented by external material and approaches, including design guides to specify locally relevant guidance, and design panels to review proposals. These tools can assist project design to achieve consistency with plan provisions. Examples of these approaches are provided in the *Resources* section.

The direction in Policy 13(1)(a) is to avoid adverse effects of activities in areas of the coastal environment with outstanding natural character. Also relevant is the requirement in Policy 13(1)(b) that 'significant' adverse effects on natural character in all other areas of the coastal environment are to be avoided.



The following guidance aims to help with determining the extent to which an adverse effect is ‘significant’. This guidance has been adapted from an approach used in Bay of Plenty’s *Proposed Regional Policy Statement*<sup>18</sup>.

**Status of resources:** The importance of the area—locally and regionally. (Effects on rare or limited resources are usually considered more significant than impacts on common or abundant resources).

**Proportion of resource affected/area of influence:** The size of the area affected by the activity will often influence the degree of impact (i.e. affecting a large area will generally be significant). Affecting a large proportion of a limited area or resource will tend to be significant.

**Persistence of effect:** The duration and frequency of effect (for example, long-term or recurring effects as permanent or long-term changes are usually more significant than temporary ones. The ability of the resource to recover after the activities are complete is related to this effect).

**Sensitivity of resources:** The effect on the area and its sensitivity to change. (Impacts to sensitive resources are usually more significant than impacts to those that are relatively resilient to impacts).

**Reversibility or irreversibility:** Whether the effect is reversible or irreversible. Irreversibility will generally be more significant (depending also on nature and scale), and reversibility the converse.

**Probability of effect:** The likelihood of an adverse effect resulting from the activity. Unforeseen effects can be more significant than anticipated effects. (Adopting a precautionary approach may reduce the likelihood of adverse effects occurring).

**Cumulative effects:** The accumulation of impacts over time and space resulting from the combination of effects from one activity/development or the combination of effects from a number of activities. Cumulative effects can be greater in significance than any individual effect from an activity (for example, loss of multiple important sites).

**Degree of change:** The character and degree of modification, damage, loss or destruction that will result from the activity. Activities that result in a high degree of change are generally more significant.

**Magnitude of effect:** The scale and extent of possible effects caused by an activity (for example on the number of sites affected, on spatial distribution etc). Activities that have a large magnitude of effect are generally more significant.

In determining whether the proposal is ‘inappropriate’, a key aspect to consider in the implementation of Policy 13 is how things are proposed to be done. Early consideration of natural character values and the effects of an activity of those values can be enabled through plan provisions that explain these considerations, set principles for their management, and provide a framework to support good design and good decision-making.

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<sup>18</sup> Appendix G *Bay of Plenty Proposed Regional Policy Statement* at [www.boprc.govt.nz/knowledge-centre/policies/the-next-regional-policy-statement/proposed-regional-policy-statement/](http://www.boprc.govt.nz/knowledge-centre/policies/the-next-regional-policy-statement/proposed-regional-policy-statement/).

For example, if a proposed activity will have or is likely to have adverse effects (including cumulative effects) on an area of outstanding natural character, then plan provisions in relation to that activity could require a particularly careful effects assessment through later regulatory processes.

RPS and plan provisions to monitor performance against Policy 13 will also be important.

## **Regulatory decision-making**

RMA regulatory decision-making, including decisions on consents, is required to have regard to Policy 13. This includes the direction to avoid adverse effects in areas of the coastal environment with outstanding natural character, and to avoid significant adverse effects of activities on the natural character of all other parts of the coastal environment.

The nature and scale of an activity and the level of existing information will determine the level of additional natural character information required to make decisions on consent applications. The level of information required will be informed by the relevant plan provisions and the assessment criteria in the plan.

An important factor to consider in regulatory decision-making includes the degree of adverse effect on existing natural character that would constitute a 'significant adverse effect' for the purposes of Policy 13 (1)(b). This determines the extent of change acceptable before consideration of 'avoidance' is triggered. Ways to address this issue will often be relevant to assessments on a case-by-case basis and are outlined in the discussion of RPS and plan provisions above.

Early design considerations will be an important part of the pre-application process. It will be important to evaluate and consider whether conditions attached to resource consents can address the intent of Policy 13 and the relevant RPS and plan provisions. As noted above, available design guides and design assessment processes can be useful to assist implementation of Policy 13. Structure plans can also assist in determining appropriate conditions, including rehabilitation that is in keeping with the natural character of the particular location.

If a proposed activity will have or is likely to have adverse effects (including cumulative effects) on an area of outstanding natural character, decisions on that activity should require a particularly careful effects assessment. Decisions on that activity may find it to be inappropriate at that location.

The opportunities for restoration of natural character can also be considered throughout the consent process, starting from the inception of the project. These matters can also be relevant to the implementation of NZCPS Policy 14: Restoration of Natural Character.

## ***Related and ongoing work***

A number of regions are doing natural character assessments and planning. These include:

### ***Bay of Plenty Regional Council RPS review***

[www.boprc.govt.nz/knowledge-centre/policies/next-rps-variation-1-\(coastal-policy\)/](http://www.boprc.govt.nz/knowledge-centre/policies/next-rps-variation-1-(coastal-policy)/)

Bay of Plenty Regional Council notified a variation in 2012 to the coastal provisions of the Proposed RPS to give effect to the NZCPS 2010. The variation is supported by a natural character assessment undertaken by Boffa Miskell Ltd.

### ***Marlborough District Council RPS review***

[www.marlborough.govt.nz/Your-Council/RMA/Review-of-Resource-Management-Documents.aspx](http://www.marlborough.govt.nz/Your-Council/RMA/Review-of-Resource-Management-Documents.aspx)

Marlborough District Council's RPS review project will be informed by a natural character assessment that is running in parallel with the review project.

### ***Northland Regional Council RPS review***

[www.nrc.govt.nz/Resource-Library-Summary/Plans-and-Policies/New-Regional-Policy-Statement/Proposed-New-Regional-Policy-Statement/](http://www.nrc.govt.nz/Resource-Library-Summary/Plans-and-Policies/New-Regional-Policy-Statement/Proposed-New-Regional-Policy-Statement/)

The Northland Regional Council notified a proposed regional policy statement for Northland in 2012 that includes natural character provisions.

## Resources

### Relevant case law

#### ***Natural Character: Concept Development in NZ Planning Law and Policy (2000)***<sup>19</sup>

A comprehensive summary and discussion of regulatory decisions concerning natural character is available in the report prepared by the Waikato Regional Council (formerly Environment Waikato), Boffa Miskell Ltd and the Ministry for the Environment.

#### ***Board of Inquiry decision on applications by NZ King Salmon Co Ltd [2013]***<sup>20</sup>

Natural character effects—including assessment of the effects of an activity on subsurface natural character—are considered by the Board of Inquiry in its decision on the applications by New Zealand King Salmon Co. Limited for new salmon farms in the Marlborough Sounds.

#### ***Director-General of Conservation v. Marlborough District Council W089/97***<sup>21</sup>

The natural character at Kenny Isle Scenic Reserve is described and evaluated.

#### ***Harrison v. Tasman District Council W42/93***

This case concerned a decision by Tasman District Council in relation to the operation of an existing refuse transfer station at an estuary in Golden Bay. The natural character of that site made the proposed refuse transfer station ‘inappropriate’.

#### ***Kuku Mara Partnership v. Marlborough District Council W039/2004***<sup>22</sup>

The Environment Court’s decision on the application by Kuku Mara Partnership for a marine farm in Beatrix Bay applies the Marlborough Sounds natural character framework to aquaculture decision-making (2004).

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<sup>19</sup> [www.waikatoregion.govt.nz/PageFiles/6568/natchar.pdf](http://www.waikatoregion.govt.nz/PageFiles/6568/natchar.pdf)

<sup>20</sup> [www.epa.govt.nz/Resource-management/King-Salmon/Pages/default.aspx](http://www.epa.govt.nz/Resource-management/King-Salmon/Pages/default.aspx)

<sup>21</sup> [www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/1997/292.html?query=title\(Director-General%20of%20Conservation%20and%20Marlborough%20District%20Council%20\)](http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/1997/292.html?query=title(Director-General%20of%20Conservation%20and%20Marlborough%20District%20Council%20))

<sup>22</sup> [www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/2004/155.html?query=kuku%20mara](http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/2004/155.html?query=kuku%20mara)

## Examples of plan provisions

### *Horizons Regional Council's One Plan*

[www.horizons.govt.nz/about-us/one-plan/](http://www.horizons.govt.nz/about-us/one-plan/)

The One Plan combines a regional policy statement with regional plan provisions to manage the effects of subdivision, use and development on coastal values and natural character. The plan focuses on integrated management across mean high water springs.

### *Marlborough District Council's Marlborough Sounds Resource Management Plan*

[www.marlborough.govt.nz/Your-Council/RMA/Marlborough-Sounds-Resource-Management-Plan/~/.media/Files/MDC/Home/Your%20Council/RMA/MSRMP/V1Cho2\\_Natural\\_Character.ashx](http://www.marlborough.govt.nz/Your-Council/RMA/Marlborough-Sounds-Resource-Management-Plan/~/.media/Files/MDC/Home/Your%20Council/RMA/MSRMP/V1Cho2_Natural_Character.ashx)

This plan sets out provisions to preserve the natural character identified in Appendix Two of the Plan:

[www.marlborough.govt.nz/Your-Council/RMA/Marlborough-Sounds-Resource-Management-Plan/~/.media/Files/MDC/Home/Your%20Council/RMA/MSRMP/rma\\_v1\\_ap2.ashx](http://www.marlborough.govt.nz/Your-Council/RMA/Marlborough-Sounds-Resource-Management-Plan/~/.media/Files/MDC/Home/Your%20Council/RMA/MSRMP/rma_v1_ap2.ashx)

### *Waikato Regional Coastal Plan*

[www.waikatoregion.govt.nz/Council/Policy-and-plans/coastal-policy/Regional-Coastal-Plan/](http://www.waikatoregion.govt.nz/Council/Policy-and-plans/coastal-policy/Regional-Coastal-Plan/)

Policy 3.1.4 in *Environment Waikato's Regional Coastal Plan* refers to what can be considered 'inappropriate' use and development in the coastal marine area. This policy is considered good practice as it provides direction on what is considered inappropriate in the coastal marine area, including applications that contribute to the cumulative effects of sprawling use and development on natural character.

### *Bay of Plenty Regional Coastal Environment Plan*

[www.boprc.govt.nz/knowledge-centre/plans/regional-coastal-environment-plan.aspx](http://www.boprc.govt.nz/knowledge-centre/plans/regional-coastal-environment-plan.aspx)

Policy 4.2.3(b) of the *Bay of Plenty Regional Coastal Environment Plan* provides an example of how to provide direction on the relative weight to be attached to the protection of natural character in particular localities within the wider coastal environment. This includes reference to identified areas of significant conservation and cultural value. The plan also makes specific reference to management guidelines for natural features and landforms prepared for different coastal areas (for example, harbours, headlands) which are attached as an appendix to the plan.

## Examples of design guides

*Best Practice Design Guide for Subdivision and Infrastructure Development in Hastings*

[www.hastingsdc.govt.nz/subdivision-and-development-best-practice-design-guide](http://www.hastingsdc.govt.nz/subdivision-and-development-best-practice-design-guide)

*Tasman District Urban Design Action Plan and Panel*

[www.tasman.govt.nz/environment/urban-design/](http://www.tasman.govt.nz/environment/urban-design/)

*Kāpiti Coast District Council subdivision and development guidelines*

[www.kapiticoast.govt.nz/Planning/Resource-Consents/Subdivision-Development-Guidelines/](http://www.kapiticoast.govt.nz/Planning/Resource-Consents/Subdivision-Development-Guidelines/)

## Reports, websites and additional information

### *Department of Conservation*

- What will the new NZCPS do for the environment?

[www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/questions-and-answers/#6-environment](http://www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/questions-and-answers/#6-environment)

- DOC August 2011 national workshop report on Natural Character:

[www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/implementation-project/](http://www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/implementation-project/)

An overview of some key issues in relation to natural character and landscapes and includes three natural character think pieces.

- DOC September 2011 Marlborough workshop report on Natural Character:

[www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/implementation-project/](http://www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/implementation-project/)

Description of a process to consider methodological approaches for natural character in the coastal environment.

### *Ministry for Environment Urban design tool kit (2007)*

[www.mfe.govt.nz/publications/urban/urban-toolkit-2009/html/index.html](http://www.mfe.govt.nz/publications/urban/urban-toolkit-2009/html/index.html)

### *New Zealand Institute of Landscape Architects*

[www.nzila.co.nz/](http://www.nzila.co.nz/)

The NZILA supports the development of professional practice for assessments of natural character, natural features and natural landscapes.

## *Glossary of terms and definitions*

### **NZCPS 2010 glossary**

No relevant definitions.

### **Other definitions**

**Natural character:** ...is the term used to describe the natural elements of all coastal environments. The degree or level of natural character within an environment depends on:

1. The extent to which the natural elements, patterns and processes\* occur;
2. The nature and extent of modification to the ecosystems and landscape/seascape;
3. The degree of natural character is highest where there is least modification;
4. The effect of different types of modification upon natural character varies with context and may be perceived differently by different parts of the community.

\* For the purposes of interpreting the NZCPS 2010 Policy 13.2, 'elements, patterns and processes' means: biophysical, ecological, geological and geomorphological aspects; natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks; and the natural movement of water and sediment.

(Definition endorsed at a 2011 workshop convened by the Department of Conservation<sup>23</sup>)

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<sup>23</sup> [www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/implementation-project](http://www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/implementation-project)