



# NZCPS 2010 Guidance note

## Policy 15: Natural features and natural landscapes

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## ***Policy 15***

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

- (a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and
- (b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;

including by:

- (c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:
  - (i) natural science factors, including geological, topographical, ecological and dynamic components;
  - (ii) the presence of water including in seas, lakes, rivers and streams;
  - (iii) legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes;
  - (iv) aesthetic values including memorability and naturalness;
  - (v) vegetation (native and exotic);
  - (vi) transient values, including presence of wildlife or other values at certain times of the day or year;
  - (vii) whether the values are shared and recognised;
  - (viii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;
  - (ix) historical and heritage associations; and
  - (x) wild or scenic values;
- (d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and
- (e) including the objectives, policies and rules required by (d) in plans.

## ***Overview of the policy***

Policy 15 of the New Zealand Coastal Policy Statement 2010 (NZCPS 2010) directs the protection of natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use and development. As with all management of natural and physical resources, determination of what is an appropriate or inappropriate effect on natural features and natural landscapes must be looked at in context.

Policy 15 requires the identification of natural features and natural landscapes by local authorities and for provisions to be included in policy statements and plans. Land typing, soil characterisation and landscape characterisation are identified as the minimum components of assessment methods. The Policy sets out matters to be considered when doing such assessments.

All readers of this Policy 15 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 protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development as a matter of national importance. Natural features and landscapes are an important resource of the coastal environment and can be fundamental to New Zealanders' sense of well-being. Relevant matters include geology, aesthetic values, expressiveness and associative values.

Policy 15 is a response to concerns about the progressive degradation of natural features and natural landscapes in the coastal environment, particularly from cumulative adverse effects. Resource management decision support tools, including national policy, can help to address these threats. National direction on these matters provides greater certainty for practitioners and decision-makers.

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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 features and natural landscapes) between the various provisions of the NZCPS 2010, the RMA, and other legislation.

### **NZCPS 2010**

Implementing Policy 15 requires careful consideration of all NZCPS 2010 objectives and policies. Objectives 2 and 6, and Policies 1, 4, 5, 6, 7, 13 and 14 of the NZCPS 2010 are particularly relevant. The links between these are considered below.

Key related objectives and policies	Other related objectives	Other related policies
Objectives 2 and 6 Policies 1, 4, 5, 6, 7, 13 and 14	1, 3, and 4	2, 3, 8, 9, 10, 11, 16, 18, 19, 20, 23, and 26

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

Objective 2 seeks to preserve the natural character of the coastal environment and to protect natural features and landscape values through recognising the matters that make up natural character, identifying and protecting those areas where various forms of subdivision, use and development would be inappropriate, and encouraging restoration. Policy 15 is a key method for implementing those aspects of Objective 2 relating to natural features and natural landscapes.

#### ***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 15.

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

Policy 1 outlines matters relevant in determining the extent and characteristics of the coastal environment, and recognises that the extent and characteristics of the coastal environment vary between regions and localities with differing issues and effects. Assessments to identify the extent and relevant characteristics of the coastal environment may be undertaken as a first step in a bigger study of coastal values and uses. Implementation of Policy 1 will be important in achieving Objective 2 and implementing Policy 15.

#### ***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 15, including collaboration between administrative authorities when undertaking assessments of natural features and natural landscapes and in the management of activities.

***Policy 5: Land or 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 features and natural landscapes within the coastal environment. Consideration of these areas is relevant to the implementation of Policy 15.

***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 also 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 also 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 links between Policy 6 and Policy 15 in terms of the recognition and provision for natural features and natural landscapes when making decisions on activities in the coastal environment. Policy 6 directs consideration of the effect of activities on visually sensitive headlands and ridgelines in the coastal environment.

***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 features and landscapes is an important consideration for strategic planning processes affecting the coastal environment.

***Policy 13: Preservation of natural character***

Policy 13 identifies steps required to achieve the preservation of the natural character of the coastal environment and protection from inappropriate subdivision, use and development. While natural character is not the same as natural features and

landscapes, the information and methods used to characterise natural character in relation to Policy 13 and Policy 15 can be related.

#### ***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, including making provisions in statutory plans and through regulatory decision-making. Restoration priorities are likely to be informed by the assessments done as part of the implementation of Policy 13: Preservation of natural character and Policy 15: Natural features and natural landscapes.

### **Resource Management Act 1991**

Section 6(b) of the RMA requires the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development, to be recognised and provided for as a matter of national importance.

Section 7 requires that decision-makers shall have particular regard to (c) the maintenance and enhancement of amenity values and (f) the maintenance and enhancement of the quality of the environment.

### **Other national policy statements (NPS)**

#### ***National Policy Statement for Freshwater Management 2011***

The *National Policy Statement for Freshwater Management 2011* (NPSFM)<sup>2</sup> came into effect on 1 July 2011. The NPSFM applies to freshwater resources, including freshwater within the coastal environment. Therefore some of the objectives and policies of the NZCPS apply to the same waterbodies and subject matter as the NPSFM and both will need to be considered and given effect to. This is discussed further in the NZCPS 2010 guidance introductory note<sup>3</sup>.

The quality and quantity of freshwater can have a direct impact on natural features and natural landscapes within the coastal environment, including outstanding features and significant values.

Further information is available from the Ministry for the Environment<sup>4</sup>.

#### ***National Policy Statement for Renewable Electricity Generation 2011***

The *National Policy Statement for Renewable Electricity Generation 2011* (NPSREG)<sup>5</sup> came into effect on 13 May 2011. “The NPS will drive a consistent approach to planning for renewable electricity generation in New Zealand by giving clear

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<sup>2</sup> [www.mfe.govt.nz/publications/rma/nps-freshwater-management-2011/docs/nps-freshwater-mgmt-2011.pdf](http://www.mfe.govt.nz/publications/rma/nps-freshwater-management-2011/docs/nps-freshwater-mgmt-2011.pdf)

<sup>3</sup> [www.doc.govt.nz/nzcps-introductory-note](http://www.doc.govt.nz/nzcps-introductory-note)

<sup>4</sup> [www.mfe.govt.nz/rma/central/nps/freshwater-management.html](http://www.mfe.govt.nz/rma/central/nps/freshwater-management.html)

<sup>5</sup> [www.mfe.govt.nz/publications/rma/nps-renewable-electricity-generation-2011/docs/nps-reg-2011.pdf](http://www.mfe.govt.nz/publications/rma/nps-renewable-electricity-generation-2011/docs/nps-reg-2011.pdf)

government direction on the benefits of renewable electricity generation and requiring all councils to make provision for it in their plans.’<sup>6</sup>

The NZCPS 2010 recognises that the coastal environment contains renewable energy resources of significant value that can provide social, economic, and cultural benefits for people and communities. Renewable energy generation includes generation from tidal, wave or ocean current energy sources. Other renewable energy generation projects (e.g. wind) may also be located within the coastal environment.

The coordination between the NZCPS 2010 and the NPSREG is further discussed in the section on *Implementing the policy*.

Further information is available from the Ministry for the Environment<sup>7</sup>.

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<sup>6</sup> [www.mfe.govt.nz/rma/central/nps/generation.html](http://www.mfe.govt.nz/rma/central/nps/generation.html)

<sup>7</sup> [www.mfe.govt.nz/rma/central/nps/generation.html](http://www.mfe.govt.nz/rma/central/nps/generation.html)

## *Origins of the policy*

Submissions to the Board of Inquiry into the Proposed New Zealand Coastal Policy Statement (2008) raised issues about the degradation of important natural features and natural landscapes from cumulative effects. A key point to emerge from the Board's assessment was the importance of outstanding and other natural features and natural landscapes to our experience of the coast, the current threats to them, and the need for more proactive steps to achieve sustainable management.

The New Zealand Coastal Policy Statement 1994 (NZCPS 1994) contained relatively high level policy direction to address natural features and natural landscapes. Landscapes, seascapes and landforms that were essential or important elements of the natural character of the coastal environment were required to be protected (Policy 1.1.3). Regional policy statements and plans were directed to identify landscape features important to a region or district and requiring special protection, and to provide that protection through plan provisions (Policy 3.1.2).

The direction for new policy was considered at length by the Board of Inquiry with the findings summarised in their final report and recommendations to the Minister of Conservation<sup>8</sup>. In particular, the Board of Inquiry recommended further direction be given on the management thresholds required to achieve the purpose of the RMA in relation to natural features and natural landscapes, including:

There is a danger that 'avoid, remedy, or mitigate adverse' effects is simply used under s5(c) as a mantra and the phrase is reeled off in policies because of the way it is written in the RMA. We consider that where matters are identified as of national importance under s6, i.e. where they require preservation (natural character) or protection (outstanding natural features and landscapes, areas of significant indigenous vegetation and indigenous fauna) as well as protection from inappropriate subdivision, use and development, there is a need to consider circumstances where adverse effects should be avoided as a national priority (s58) RMA. Only if there are good reasons under Part 2 RMA and particularly in arriving at an overall judgment under s5, should the approach be to move to 'remedy' or 'mitigate' adverse effects. We recommend this approach be applied in an amended policy. (Volume 2, page 201).

A point that should be made here also [is] that there is no need to identify national, regional and district levels of outstanding natural features and natural landscapes. All outstanding features and landscapes are deemed a matter of national importance under s6 RMA. (Volume 2, page 202.)

Further matters considered by the Board included issues of definitions and assessment methodologies. The Board observed that expert landscape assessment practice had evolved since the NZCPS 1994 was gazetted. Environment Court decisions in cases such as Pigeon Bay<sup>9</sup> and Wakatipu Environmental Society<sup>10</sup> have

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<sup>8</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>9</sup> Pigeon Bay Aquaculture Ltd v Canterbury Regional Council C32/99 [www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/1999/105.html?query=Pigeon%20Bay%20aquaculture](http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/1999/105.html?query=Pigeon%20Bay%20aquaculture)

<sup>10</sup> Wakatipu Environmental Society Inc v Queenstown Lakes District Council C180/99 [www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/1999/417.html?query=Wakatipu](http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/1999/417.html?query=Wakatipu)



been particularly influential in determining approaches to landscape assessment and evaluation. The evidence on behalf of Mighty River Power to the Board of Inquiry particularly usefully summarises the evolution of these criteria<sup>11</sup>.

At the time of the review, the ‘amended Pigeon Bay criteria’ were generally accepted by the Board and many submitters as the starting point for most landscape assessments, with the Court acknowledging that the list of criteria should not be frozen, with scope to be improved with further use and understanding, especially of some of the issues we now explore. These criteria provide the basis for the matters listed in Policy 15(c), and are outlined in Table 1 below.

Table 1: Amended Pigeon Bay criteria

<p><b>Natural science factors</b> – the geological, topographical, ecological and dynamic components of the landscape.</p> <p><b>Expressiveness or ‘legibility’</b> – how easy it is to ‘read’ the processes that formed a landscape.</p> <p><b>Aesthetic values</b> – including memorability and naturalness.</p> <p><b>Transient values</b> – including presence of wildlife or seasonal changes.</p> <p><b>Whether the values are shared and how widely they are recognised.</b></p> <p><b>Values to tangata whenua.</b></p> <p><b>Historical association.</b></p>
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The NZCPS 2010 and in particular the matters now codified in Policy 15(c) reflect changes in practice and the relative consensus amongst decision-makers and practitioners on the matters to have regard to when doing landscape assessments.

The issue of criteria is just one part of the discussion on landscape assessment methodologies. In relation to the issue of methodology, the Board of Inquiry noted:

We consider it is outside our terms of reference to recommend that a programme to co-ordinate and compile a national coastal landscape methodology and assessment be instituted by central government. However, we note that the exercise could be quicker, more efficient and more cost-effective than requiring each authority to develop its own methodology and undertake its own assessment. But as an alternative, we suggest regional and local councils should collaborate (perhaps through LGNZ) to establish a common methodology and terminology for determining natural character, and outstanding natural features and landscapes in the coastal environment. If this does not happen, we consider New Zealand is in danger of losing many nationally important natural attributes which underpin the public’s enjoyment of the coastal environment by New Zealanders as well as overseas tourists. (Volume 2, page 202.)

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<sup>11</sup> [www.doc.govt.nz/documents/getting-involved/consultations/current-consultations/nzcps/evidence/361-nzcps-evidence-1-4.pdf](http://www.doc.govt.nz/documents/getting-involved/consultations/current-consultations/nzcps/evidence/361-nzcps-evidence-1-4.pdf)

The Board of Inquiry concluded that the factors for assessment of natural features and natural landscapes have been well tested in the Courts for a considerable length of time and were sufficiently accepted to be adopted for inclusion in Policy 15. They noted that the list of factors should also be inclusive in order that it may be added to at a later time.

For further information refer to the *Proposed New Zealand Coastal Policy Statement (2008): Board of Inquiry Report and Recommendations*, vol. 2, pp. 198–205<sup>12</sup>.

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<sup>12</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 15, 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>13</sup> which covers the matters that are relevant in giving effect to the NZCPS 2010.

Policy 15 gives direction on the concept of natural features and natural landscapes (including seascapes) and the planning approach to achieve the purpose of the RMA and to protect outstanding natural features and landscapes from inappropriate subdivision, use, and development. The policy direction includes:

- Avoiding adverse effects of activities in areas of the coastal environment with outstanding natural features and outstanding natural landscapes (Policy 15(a))
- Avoiding significant adverse effects of activities on natural features and natural landscapes in all other areas of the coastal environment (Policy 15(b))
- Identifying and assessing the natural features and natural landscapes of the coastal environment of a region or district, using as a minimum land typing, soil characterisation and landscape characterisation (Policy 15(c))
- Ensuring regional policy statements and plans map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules, and including these provisions (Policy 15(d) and (e)).

It should be noted that for the purposes of the RMA the above policy represents direction for decision-makers. The determination of what is an appropriate or inappropriate effect is discussed in the section on *Objectives, policies and rules*. It is also clear that implementation of Policy 15 needs to be progressed through good practice methods, including early consultation with affected landowners.

Policy 15 covers a number of aspects of natural features and natural landscapes which are discussed below.

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<sup>13</sup> [www.doc.govt.nz/nzcps-introductory-note](http://www.doc.govt.nz/nzcps-introductory-note)

## What are natural features and natural landscapes of the coastal environment?

Case law applying RMA Section 6(b) and the NZCPS 1994 has contributed to development of the ‘Amended Pigeon Bay criteria’<sup>14</sup>. These criteria are partially codified in Policy 15(c)(i) to (x), which sets out ten matters that may contribute to natural features and natural landscapes. Recognition of these elements is considered necessary to implement Policy 15. The list of attributes in Policy 15(c) is not exclusive. Other elements may be considered relevant on a case by case basis. Some relevant practice considerations are given in the *Resources* section.

The terms ‘natural features’ and ‘natural landscapes’ can include a range of resources within the coastal environment. Definitions are important when working with these terms, to clarify the scope of Policy 15.

Consideration of the coastal environment should distinguish between ‘natural features and landscapes’ and ‘natural character’. Both involve biophysical (natural patterns, processes and elements) as well as experiential aspects (including sounds, smells and movement as well as scenic). But how societies have associated with a place, such as heritage aspects, is addressed only in terms of the natural features and landscapes. These associative aspects are not part of natural character.

Discussion of ‘landscape’ in terms of the RMA, and relevant case law, is provided by the Quality Planning guidance note on Landscape (see the *Resources* section). In relation to the meaning of landscape, the Environment Court in *Mainpower NZ Ltd v Hurunui District Council* states:

[300] In attempting to respond in a way that may assist our decision-making, having discussed the matter with witnesses, we offer the following definition:

Landscape means the natural and physical attributes of land together with air and water which change over time and which is made known by people’s evolving perceptions and associations.

[301] In keeping with the Act such a definition enables the development of landscape assessment which takes account of:

- natural and physical environment; and
- perceptual; and
- associative aspects (beliefs, uses, values and relationships)

which may change over time.<sup>15</sup>

Natural features of the coastal environment include those resources that are the result of natural processes, particularly those reflecting a particular geology, topography, geomorphology, hydrology, ecology, or other physical attribute that creates a natural feature or combination of natural features.

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<sup>14</sup> *Wakatipu Environmental Society Inc v Queenstown Lakes District Council* C180/99 [www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/1999/417.html?query=Wakatipu](http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/1999/417.html?query=Wakatipu)

<sup>15</sup> *Mainpower NZ Ltd v Hurunui District Council* [2011] NZEnvC 384 in particular paragraphs 290 to 302 under the heading ‘What is landscape?’ [www.nzlii.org/nz/cases/NZEnvC/2011/384.html](http://www.nzlii.org/nz/cases/NZEnvC/2011/384.html)

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

There are specific directions in Policy 15(a) to (e) for regional policy statement (RPS) and plan preparation.

A positive implementation of Policy 15 would see local authorities use the assessment of natural features and natural landscapes (including seascapes) to identify the areas and provisions necessary to give effect to Policy 15 and to achieve the purpose of the RMA.

There is already a strong body of experience in this area, and future practice is expected to build on existing approaches. Information on existing approaches and best practice is provided in the *Resources* section, including guidance from Quality Planning and the New Zealand Institute of Landscape Architects (NZILA), and some examples of assessments already provided for local government.

An important part of identifying and providing for landscape will involve consultation with tangata whenua, landowners, resource users, and other parties in the implementation of Policy 15.

These matters are discussed in more detail below.

## **Assessment and mapping**

Policy 15(c) directs the identification and assessment of natural features and natural landscapes and the matters to be considered in those assessments. This direction is relevant to RPS, plan and regulatory decision processes.

Policy 15(d) is specific to RPSs and plans. It directs that areas where the protection of natural features and natural landscapes require objectives, policies and rules are to be mapped or otherwise identified.

### ***Consultation***

Consultation with landowners, tangata whenua, coastal users and other parties is an important part of Policy 15(c) assessments, particularly in relation to RPS and plan processes. The assessment is expected to canvass community values and perceptions in relation to natural features and natural landscapes, including seascapes. It is also important for landowners, tangata whenua, coastal users and others to understand the basis for the assessment work, how the findings will be used, and the opportunities for further input. Opportunities to comment on draft findings and draft provisions can be a valuable part of this consultation process.

### ***Collaboration and peer review***

Landscape practitioners specialise in describing, evaluating and mapping natural features and natural landscapes. These assessments are often undertaken as part of a larger coastal study assessing other matters such as the extent and characteristics of the coastal environment, existing and future commercial uses, public uses, indigenous biodiversity, and natural character. The assessment of natural features and natural landscapes would ideally form part of the coastal study for a region or district.

Collaboration by local authorities to resource and implement natural features and landscape assessments and other coastal assessments is strongly encouraged and is likely to be cost-effective. A formal process of independent technical peer review is also encouraged.

### ***Methodologies***

In terms of methodology, Policy 15 directs, as a minimum, the use of land typing, soil characterisation and landscape characterisation. The terms land typing and landscape characterisation are defined in the NZCPS and are repeated in the glossary of this guidance note. Examples of land typing, soil characterisation and landscape characterisation, and application of the criteria in Policy 15(c)(i) to (x) are given in the *Resources* section.

Land typing, soil characterisation and landscape characterisation are tools widely used by landscape practitioners, and bring together soil, land type, climatic, land use and other data to define areas where characteristics combine to make an area distinct from its neighbours. The matters listed in Policy 15(c)(i) to (x) are relevant to this assessment and subsequent evaluation of significance of a natural feature and a natural landscape.

Areas for inclusion in the assessment include those natural features and natural landscapes at the land/water interface, and marine features within the coastal marine area. Assessments will also need to consider the method for distinguishing ‘outstanding’ natural features and natural landscapes from the rest. This is discussed in the following section.

As part of the assessment, careful consideration should also be given to land or water managed under other statutes, such as the Reserves Act 1977, Conservation Act 1987, and the National Parks Act 1980. Assumptions in relation to such places, for example that they are all outstanding, should also be tested.

Areas that are assessed as less than ‘outstanding’ may still be important to recognise within regional or district planning and consenting. Examples include those places where communities hold a strong connection with the feature or landscape.

Not all activities will have the same effects on natural features and natural landscapes. To implement Policy 15, assessments will need to cover other natural features and natural landscapes, including the particular attributes that make up those areas, and the resilience or sensitivity of these areas to adverse effects. Assessments would consider where the adverse effects would be less than significant, with those activities being considered to be compatible with these areas.

It is recognised that as yet there is no standard methodology available for assessments of natural features and natural landscapes. A standard methodology would provide clarity and certainty for practitioners and RMA decision-makers, and reduce costs to councils and other parties.

Development of the ‘amended Pigeon Bay criteria’ and their codification into Policy 15(c), has significantly assisted in the development of more consistent assessment approaches for planning and consent decision-making. Councils vary in their capacity to undertake assessments and need to be able to prioritise their expenditure for coastal planning. The assessment required for consent decisions is expected to

reflect matters such as plan requirements, scale of the proposal, and the sensitivity of the receiving environment.

For RPSs and plan processes, the options to identify natural features and natural landscapes include through maps, schedules and lists. Maps are more certain for implementation, especially where there are associated rules. Whichever option is chosen, the methodology and criteria used to identify and rank areas should be explicitly acknowledged. Approaches to identification are given in the *Resources* section under ‘Examples of policy statements and plan provisions’.

### ***‘Outstanding’ natural features and natural landscapes***

Policy 15(a) and (b) distinguish ‘outstanding’ natural features and natural landscapes, and natural features and natural landscapes more generally. The purpose of this policy distinction is to provide the greatest protection for areas of the coastal environment with the highest value, while also ensuring that the rest of the continuum is recognised in RPS and plan provisions and regulatory decision-making. A similar distinction is provided in Policy 13 for areas of outstanding natural character.

Planning for ‘outstanding’ natural features and natural landscapes is not new to RMA decision-making. Many regions and districts already identify outstanding areas in their RPSs and plans.

Practice and case law provide guidance on the meaning and application of ‘outstanding’ when assessing and evaluating natural features and natural landscapes<sup>16, 17</sup>. The rank of ‘outstanding’ relates to an area’s pre-eminence or exceptional nature, relative to the scale of assessment. The NZILA Practice Note further defines an ‘outstanding natural landscape’ as ‘a natural landscape that is particularly notable at a local, district, regional or national scale’. A link to this practice note is provided in the *Resources* section.

The resilience or sensitivity of outstanding natural features and natural landscapes should occur as part of the study of natural features and natural landscapes. This part of the assessment will be of particular interest to landowners and communities with an interest in the effect of an outstanding classification on their day to day and/or proposed future uses. In many pastoral settings within the coastal environment, normal management activities are likely to be unaffected.

The distinctions in Policy 15 are relevant to all stages of the assessment, mapping and planning involved in implementing the policy. For all processes, consultation with affected landowners, coastal users and other parties is critical.

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<sup>16</sup> Pigeon Bay Aquaculture Ltd v Canterbury Regional Council C32/99 [www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/1999/105.html?query=Pigeon%20Bay%20aquaculture](http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/1999/105.html?query=Pigeon%20Bay%20aquaculture)

<sup>17</sup> Wakatipu Environmental Society Inc v Queenstown Lakes District Council C180/99 [www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/1999/417.html?query=Wakatipu](http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/1999/417.html?query=Wakatipu)

### ***Objectives, policies and rules for natural features and natural landscapes***

Policy 15(d) and (e) set a requirement to include objectives, policies and rules in plans where necessary to protect natural features and natural landscapes (including seascapes). The plan framework should provide certainty to decision-makers, users and the community in relation to the management of natural features and natural landscapes, including, but not limited to those features or landscapes that are outstanding.

The actual provisions suitable for an RPS or plan will depend on many things, including the results of the natural feature and natural landscape assessment, consideration of current and future use and development patterns, including potential threats or conflicts, and the resilience or sensitivity of these areas to adverse effects. 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 features and natural landscapes must be looked at in context. Implementation of Policy 15 should be considered together with other objectives and policies in the NZCPS 2010 which address activities in the coastal environment, including Objective 6, Policy 6: Activities in the coastal environment 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, thresholds for management of important values, such as natural features and natural landscapes, are expected to be identified 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.

The specific direction in Policy 15(a) is likely to build on approaches used by many authorities in the past, particularly in terms of setting out provisions to direct avoidance of the effects of activities on outstanding natural features and natural landscapes. Fresh efforts may be required in relation to the direction in Policy 15(b) and the avoidance of significant adverse effects on other natural features and landscapes.

RPSs and plans can usefully set out a threshold of significance, to provide certainty to decision-makers. Methods include:

- Identification of known important natural features and natural landscapes through mapping overlays, schedules and/or criteria
- Criteria to assess outstanding natural features and natural landscapes
- 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 by 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
- Other methods.

Practice in this area will be documented as local authorities make progress in giving effect to Policy 15. Examples of policy and plan provisions pre-dating the NZCPS 2010 are given in the *Related and ongoing work* and *Resources* sections.

Where there are gaps and changing baselines, RPSs and plans can recognise these 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. These matters are relevant to the implementation of other NZCPS policies, including Policy 13: Preservation of natural character.

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.

While not specified in the policy, other methods or approaches, including non-regulatory methods, can be useful to support the management of natural features and natural landscapes. Tools in this category include education, funding for purchase or environmental enhancement, and multiagency collaboration, particularly in relation to the management of lands and waters managed under other statutes, and the provisions of other statutory plans, such as Conservation Management Strategies. These tools can also assist in the implementation of other provisions of the NZCPS 2010, including Policy 11: Indigenous biological diversity, Policy 14: Restoration of natural character, Policy 19: Walking access and Policy 21: Enhancement of water quality.

## Significant adverse effects

Policy 15(b) directs that significant adverse effects are to be avoided on the natural features and natural landscapes not covered in Policy 15(a) for outstanding natural features and natural landscapes. 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 indigenous 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.

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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/).

The above list is consistent with the matters identified as relevant to the implementation of Policy 11: Indigenous biodiversity and Policy 13: Preservation of natural character.

## Regulatory decision-making

RMA regulatory decision-making, including decisions on consents, is required to have regard to Policy 15. This includes having regard to the direction to avoid adverse effects on outstanding natural features and natural landscapes in the coastal environment, and to avoid significant adverse effects of activities on natural features and natural landscapes in all other parts of the coastal environment.

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

As with the guidance for Policy 13: Preservation of natural character, an important factor to consider in regulatory decision-making includes the degree of adverse effect on existing natural features and natural landscapes that would constitute a 'significant adverse effect' for the purposes of Policy 15(b). The degree of adverse effect determines the extent of change acceptable before consideration of 'avoidance' is triggered. The methods used to address this issue will often require assessment on a case by case basis. The different methods are outlined in the discussion of RPS and plan provisions above.

Options for implementing Policy 15 through regulatory decision-making include:

1. **Effects assessment:** Decisions on a proposed activity require a particularly careful effects assessment if the proposed activity will have or is likely to have adverse effects (including cumulative effects) on an outstanding natural feature or natural landscape of the coastal environment. Decision-makers may find the activity to be inappropriate at that location.
2. **Addressing matters early:** Incorporating landscape considerations into early design stages as part of the pre-application process can support assessment and decision-making.
3. **Design options:** Referring to available design guides and design assessment processes can support assessment and decisions about design options.
4. **Structure plans**<sup>19</sup>: Structure plans can assist in determining appropriate conditions, including restoration or mitigation that is in keeping with the natural features and natural landscapes of the particular location.
5. **Conditions:** Resource consent conditions will be key matters to evaluate and consider against Policy 15, as well as relevant RPS and plan provisions. Integration with other NZCPS policies and other statutory requirements is desirable.

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<sup>19</sup> Refer to the glossary of terms for the definition of 'structure plan'.

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

## **Coordinated implementation of the NZCPS 2010 and other national policy statements**

The *National Policy Statement for Freshwater Management 2011* (NPSFM)<sup>20</sup> and the *National Policy Statement for Renewable Electricity Generation 2011* (NPSREG)<sup>21</sup> will sometimes be relevant to the implementation of Policy 15, and should be considered in RPS, plan and consent decision processes relating to effects on natural features and natural landscapes (including seascapes) of the coastal environment.

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<sup>20</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>21</sup> [www.mfe.govt.nz/publications/rma/nps-renewable-electricity-generation-2011/docs/nps-reg-2011.pdf](http://www.mfe.govt.nz/publications/rma/nps-renewable-electricity-generation-2011/docs/nps-reg-2011.pdf)

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

A number of regions and districts are doing assessments of natural features and natural landscapes that will give effect to the NZCPS 2010.

- ***Horowhenua Proposed Plan Change 22: Outstanding natural features and landscapes***

[www.horowhenua.govt.nz/Council/Consultation/Plan-Changes/Plan-Change-22/](http://www.horowhenua.govt.nz/Council/Consultation/Plan-Changes/Plan-Change-22/)

- ***Environment Southland RPS review***

[www.es.govt.nz/publications/policies/regional-policy-statement/proposed-rps-2012/rps-2012-review/](http://www.es.govt.nz/publications/policies/regional-policy-statement/proposed-rps-2012/rps-2012-review/)

- ***Horizons Regional Council's Proposed One Plan***

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

[www.horizons.govt.nz/assets/publications/about-us-publications/one-plan-publications-and-reports/factsheets/NaturaFeaturesLanscapesFactsheet.pdf](http://www.horizons.govt.nz/assets/publications/about-us-publications/one-plan-publications-and-reports/factsheets/NaturaFeaturesLanscapesFactsheet.pdf)

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

Decisions on Part 1 Regional Policy statement, Chapter 7 Indigenous biological diversity, landscape and historic heritage:

[www.horizons.govt.nz/assets/one-plan-august-010/HRC\\_OP\\_Vol3\\_Chapter7.pdf](http://www.horizons.govt.nz/assets/one-plan-august-010/HRC_OP_Vol3_Chapter7.pdf)

Decisions on regionally outstanding natural features and landscapes:

[www.horizons.govt.nz/assets/one-plan-august-2010/HRC\\_OP\\_Vol3\\_ScheduleF.pdf](http://www.horizons.govt.nz/assets/one-plan-august-2010/HRC_OP_Vol3_ScheduleF.pdf)

- ***Northland Regional Council RPS review:***

[www.nrc.govt.nz/Your-Council/Council-Projects/New-Regional-Policy-Statement-/](http://www.nrc.govt.nz/Your-Council/Council-Projects/New-Regional-Policy-Statement-/)

The Northland Regional Council notified a proposed regional policy statement for Northland in 2012 that includes provisions relating to natural features and natural landscapes.

- ***Tauranga City Council Proposed Plan***

Tauranga City Council Proposed Plan sets out the management of natural features and natural landscapes in Tauranga City:

[www.tauranga.govt.nz/council-documents-reports/councils-regulatory-documents/tauranga-city-plan/city-plan.aspx](http://www.tauranga.govt.nz/council-documents-reports/councils-regulatory-documents/tauranga-city-plan/city-plan.aspx)

- ***Waikato RPS review***

[www.waikatoregion.govt.nz/Council/Policy-and-plans/Regional-Policy-Statement/Regional-Policy-Statement-Review/](http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Regional-Policy-Statement/Regional-Policy-Statement-Review/)

## Examples of policy statement and plan provisions

- *Far North District Plan*  
[www.fndc.govt.nz/services/environmental-policy-and-forward-planning/the-far-north-district-plan/district-plan-electronic-version](http://www.fndc.govt.nz/services/environmental-policy-and-forward-planning/the-far-north-district-plan/district-plan-electronic-version)

## Examples of design guides

- *Best practice design guide for subdivision and infrastructure development in Hastings District 2011*  
[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/)

## Resources

### Relevant methodologies

#### *Quality Planning*

- Landscape (2013):  
[www.qualityplanning.org.nz/index.php/planning-tools/land/landscape](http://www.qualityplanning.org.nz/index.php/planning-tools/land/landscape)
- Coastal land development(2013):  
[www.qualityplanning.org.nz/index.php/planning-tools/coastal-land-development](http://www.qualityplanning.org.nz/index.php/planning-tools/coastal-land-development)

#### *Other practice notes*

- The New Zealand Institute of Landscape Architects supported the production of the following practice note:  
Best Practice Note 10.1: *Landscape Assessment and Sustainable Management* (2010): [www.nzila.co.nz/media/53268/nzila\\_ldas\\_v3.pdf](http://www.nzila.co.nz/media/53268/nzila_ldas_v3.pdf)

#### *Land typing, soil characterisation and landscape characterisation*

- Lucas Associates [lucas-associates.co.nz/resources/coastal-land-types/](http://lucas-associates.co.nz/resources/coastal-land-types/)

#### *Presentations*

- Resource Management Law Association/Local Government New Zealand Seminar (2010): *The Issue of landscape: Achieving consistency and clear direction for the identification and management of landscape values:*  
[rmla.org.nz/upload/files/rmla\\_lgnz\\_seminar\\_rhu\\_20100713.pdf](http://rmla.org.nz/upload/files/rmla_lgnz_seminar_rhu_20100713.pdf)

#### *Landscape studies*

- *Canterbury Regional Landscape Study Review (2010):*  
[ecan.govt.nz/publications/Pages/canterbury-regional-landscape-study-review-2010.aspx](http://ecan.govt.nz/publications/Pages/canterbury-regional-landscape-study-review-2010.aspx)
- Horowhenua District (2011):  
[www.horowhenua.govt.nz/Documents/District%20Plan/Plan%20Changes/Natural%20Landscapes%20and%20Features%20Review%20August%202011.pdf](http://www.horowhenua.govt.nz/Documents/District%20Plan/Plan%20Changes/Natural%20Landscapes%20and%20Features%20Review%20August%202011.pdf)
- *Waikato Regional Landscape Assessment (2010):*  
[www.waikatoregion.govt.nz/Services/Publications/Technical-Reports/TR-201012/](http://www.waikatoregion.govt.nz/Services/Publications/Technical-Reports/TR-201012/)

## 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)

### *Quality Planning*

- Landscape (2013):  
[www.qualityplanning.org.nz/index.php/planning-tools/land/landscape](http://www.qualityplanning.org.nz/index.php/planning-tools/land/landscape)
- Coastal land development (2013):  
[www.qualityplanning.org.nz/index.php/planning-tools/coastal-land-development](http://www.qualityplanning.org.nz/index.php/planning-tools/coastal-land-development)

### *Other*

Environmental Defence Society *Community Guide to Landscape Protection under the Resource Management Act 1991* (2005):

[www.eds.org.nz/shop/publication/4.htm](http://www.eds.org.nz/shop/publication/4.htm)



## *Glossary of terms and definitions*

### **NZCPS 2010 glossary**

**Land typing:** Describes land types which form the basis over which land cover, land use and association information are addressed as the basis for land characterisation.

**Landscape characterisation:** Utilises the land typing base and overlay with land cover, land use and associations affecting or affected by coastal processes.

### **Other definitions**

**Structure plan:** A high-level plan that shows the arrangement of land-use types, and identifies public infrastructure, such as streets, schools, rail, reservoirs and natural features. The integration of multiple transport modes and destinations can also be shown.

(Urban Design Toolkit, Ministry for the Environment (2007)<sup>22</sup>)

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<sup>22</sup> <http://www.mfe.govt.nz/publications/urban/urban-toolkit-2009/html/page1.html>