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Report to the Environment Committee
from Richard Peterson, Policy Advisor (Statutory)

Landscape Guidelines – Feedback from Consultation

1. Purpose

To inform the Committee about the results of the landscape guideline consultation and to obtain direction from the Committee on the future of the guideline project.

2. Background

When the Council resolved to withdraw the Proposed Landscape Plan in 1998, it also resolved to:

prepare non-statutory guidelines for the sustainable management of regionally significant landscapes and implement these through targeted regional forums, education programmes, information dissemination, statutory advocacy and other associated initiatives.

The full decision of the Council and the reasons for this decision are included as Attachment 1 to this report. Of particular importance to the current project are the following two paragraphs:

We consider that appropriate guidance on the management of regionally significant landscapes can be achieved by re-casting the Proposed Plan into non-statutory guidelines. The guidelines would have no statutory basis but could be widely used as an advocacy, education, and advisory tool by the Regional Council. Additional flexibility, compared to a statutory plan, would be achieved by the ability to include additional regional landscapes, justified by professional analysis, as our knowledge base increases.

Implementation of the guidelines can be via targeted regional forums, education programmes, information dissemination, statutory advocacy and other associated initiatives.

As a consequence of this decision, Boffa Miskell was engaged to provide advice on the content, format and use of guidelines in the management of landscape. Specifically Boffa Miskell were engaged to:

Identify options for the Regional Council's landscape guidelines and to make recommendations on their content and format, target audience and the steps that should be undertaken in their development.

Some of the key recommendations of their report were:

- That the essence of the six landscapes is that they have unique qualities which make them outstanding, and these qualities would not be recognised if generic guidelines were developed. Broad guidelines for landscape change need to first communicate what those qualities are and provide guidelines that are responsive to those particular characteristics.
- That landscape guidelines need, first, to promote an awareness of a landscape's qualities and values in order to guide future landscape management. It was recommended that this information be developed from the content of the *Proposed Regional Landscape Plan*.
- That although the Kapiti / Mana Island and Tararua / Rimutaka / Aorangi Ranges landscapes were a lower priority in terms of the pace and nature of change, promotional material should be prepared for them.
- That some public consultation should be incorporated into the preparation of the published material, while being careful to avoid the impression of embarking on another Road Show. This would help to gain buy-in by involving potential recipients of the brochures/booklets, test out ideas, and gain information

In accordance with the Council's decision and these recommendations, we have proceeded with the current guideline project on the basis that it should involve a consultation process limited to re-confirming the areas and values identified in the Proposed Plan. The consultation process was not designed as a means to re-litigate the more fundamental issues about the role of the Regional Council in landscape or about which landscapes should be addressed. Opportunity exists to prepare guidelines for other landscapes, including the other regionally significant landscapes identified in the Proposed Landscape Plan, in future years.

The specific objectives for the guideline project and the original work programme were outlined in my report to the October meeting of this Committee. This report (Report 99.577) is included as Attachment 2.

Since the October report was presented, the work programme has been amended to enable the project to be better promoted. Specifically, the public workshops were delayed until after the Christmas break to give us more time to arrange:

- newspaper articles;
- public notices; and
- articles within the Regional Council's own publications.

This extra time also allowed us to send an original and a follow-up letter to all those who made comment on the Draft and Proposed Landscape Plan advising them of the public workshops and inviting them to attend.

3. **The Consultation Process**

Between the 25th of January and 1st of February five public workshops were held, one in or near each of the five Regionally Outstanding Landscapes included in this project. A parallel consultation phase has also started with the region's Iwi authorities

Feedback to date has ranged from fundamental questions about the need for and scope of the project, to qualified support for the project, to input on specific values and threats associated with each landscape.

The landscape values that recurred in people's comments included:

- the importance of the natural and indigenous vegetation cover on Kapiti Island and over all three Ranges;
- the importance of the landscapes within the local or regional economy;
- recreation values; and
- the historical associations of the region's Iwi to the landscapes.

The commonly noted threats included:

- the potential impacts of plantation forestry;
- poorly designed subdivision;
- recreational activities;
- plant and animal pests;
- prominent structures; and
- earthworks.

Some of the effects that these activities were seen to contribute to were the break up of natural ridgelines, the reduction in the natural vegetation cover, slope instability and soil erosion.

Subject to any changes resulting from this report, our consultants will thoroughly review all feedback before drafting the guidelines.

However, before work proceeds the more fundamental questions that were raised during the consultation need consideration. These questions are largely those that were raised in response to the Proposed Landscape Plan and include:

- What is the justification for the Regional Council's involvement in landscape?
- What guarantees can the Regional Council give that the guidelines will not be used as defacto rules or that the territorial authorities will not adopt them as District Plan rules?

- What right does the community, through the Regional Council, have to tell individual landowners what to do on their land? The Regional Council should compensate landowners for the loss of their rights.
- Why have particular areas been included in a Regionally Outstanding Landscape, e.g. the backdrop to Castlepoint and the Wainuiomata Valley?
- Why have other areas not been included in the project, e.g. Makara and the Kapiti coastal area?

Many of these questions were addressed in the "Background Report", which was released at the same time as the Proposed Plan, and subsequently by the Officer's recommendations on the decisions requested in submissions on the Proposed Plan.

Unfortunately the reasons given in these documents seem not to have resolved the concerns being expressed at the public workshops.

Other questions have been raised which are more directly linked to the guideline project:

- What is the value of the project when the guidelines can be ignored?
- What is the value of completing guidelines for areas that are managed largely by public agencies, e.g. Kapiti and Mana Islands, and all three Ranges?
- What further opportunities will there be for landowners and the territorial authorities, in particular, to participate in the development of the guidelines?
- Why is the Regional Council repeating work that it (e.g. soil conservation and the Soil Plan) and other agencies (e.g. District Plans) are already doing?

The progress of the guidelines has also angered some of the groups and individuals that submitted on the Proposed Land Plan. They feel that in effect the Council's decision to withdraw the Proposed Plan, but to still base the landscape guidelines on its contents, has sidestepped their submissions. From that perspective the guidelines do not offer the same open and accountable decision making process that is required with a Regional Plan.

4. The future of the Regional Council's Involvement in Landscape

This section outlines two options for the future of the Regional Council's involvement in landscape management. Within these options there are numerous secondary options for the Committee to consider. It should be noted that the options do not represent an exhaustive list, nor are the individual options mutually exclusive.

No direct recommendations are made, although some of the implications of the options are noted. The Background Report for the Proposed Landscape Plan, the officer reports on the submissions on the Proposed Landscape Plan, the Council's decision and the guideline options report address, in detail, many of the issues raised in the above section. These documents provide a useful background to the options presented below. Copies of these quite lengthy documents have been placed in the Councillor's lounge.

Option 1. Cease work on the current landscape guideline project.

If the Council decides to cease work on the current project it can take one of two choices:

- (a) it can withdraw from landscape totally and in doing so leave territorial authorities to implement the policies identified in Landscape and Heritage Chapter of the Regional Policy Statement; or
- (b) it can amend the Landscape and Heritage Chapter of the Regional Policy Statement so that it gives statutory recognition to the Regionally Outstanding and other Regionally Significant landscapes. The Council may also choose to include within the Chapter methods that specifically refer to the guideline project.

Ultimately, choice (a) may require an amendment to the Regional Policy Statement so that this split between the functions of the different authorities is explicitly stated. This choice would undermine the State of Environment Report that presents the fact that the Regionally Significant Landscapes have been identified as "Good News". Also, withdrawing totally from landscape would not recognise the numerous individuals and groups who have expressed their support, admittedly often qualified support, to a regional perspective on landscape.

Choice (b) would give the public the ability to use the statutory processes, including the right of appeal, to have their views on landscape considered, and importantly, to have decisions made on these views. Amending the Policy Statement would also give further weight to the State of the Environment Report's "Good News" on landscape. However, making these amendments would require a significant change to the for the Resource Policy Department's business plan.

Option 2. Continue with the landscape guidelines project.

As with the previous option, if the Council decides to continue with the guidelines project there are secondary choices that should be made:

- (a) The Council could continue with the project unchanged, aiming to complete a set of guidelines for the five Regionally Outstanding Landscapes this financial year. This approach is likely to alienate many of the groups that the Council is hoping to work with to implement the contents of the guidelines.
- (b) The Council could make a minor amendment to the project to include an extra phase of consultation associated with the release of draft landscape guidelines. This will allow further comment, but will importantly enable this comment to be focussed and more aware of the Council's intentions. However, it still may not overcome some of the fundamental opposition to the guidelines.

If the Council chooses either of these secondary options it would also be appropriate to develop a process through which a review can be

undertaken next financial year of those other areas for which landscape guidelines would be appropriate.

- (c) As an alternative approach the Council could adjust the emphasis of the guidelines away from the Regionally Outstanding Landscapes to focus on general landscape type. For example, guidelines may be developed for coastal escarpments or ridgelines. Such an approach would have the effect of removing the need to delineate specific areas and also remove the responsibility from a limited number of landowners. This approach may also allow the Regional Council to more easily use its resources to assist or work with the territorial authorities

The Regional Council would need to re-evaluate its justification for being involved in landscape if this approach was taken. Currently, the Council's involvement with landscape is linked to section 6 (b) and section 30 (1) (b) of the Resource Management Act. These provisions are explained in some detail in the Background Report to the Proposed Landscape Plan. An amended focus would be better justified by section 30 (1) (a) of the Act which lists as one of the Council's functions the ability to establish, implement and review

..objectives, policies and methods to achieve integrated management of the natural and physical resource of the region

If the Council continues with the landscape guidelines in whatever form, it would be useful for it to give a clear direction that it intends to incorporate landscape consideration into its other land management work. Such a direction would help overcome some of the confusion that exists about where landscape fits with the Council's other work programmes.

5. **Communications**

Any amendments to the project will be publicised through local and regional newspapers and letters will be sent to all those that attended the public workshops.

6. **Recommendation**

1. *That the report be received and the information noted.*
2. *That the Committee recommend to the Council a direction for the Council's future involvement in the management of the Region's landscape.*

Report prepared by:

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Approved for submission:

A handwritten signature in black ink, appearing to read 'Wayne Hastie', written in a cursive style.

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Attachments: 2