

13 September 2024

Department of Conservation / Te Papa Atawhai
Whare Kaupapa Atawhai / Conservation House
PO Box 10420
Wellington 6143

Attention: Ellen Legg, Graduate Policy Advisor

Via email: elegg@doc.govt.nz

Re: Pre-engagement response to the targeted review of the New Zealand Coastal Policy Statement 2010 proposed by the New Zealand Government

Tēna koe Ellen

This feedback has been provided by the New Zealand Institute of Landscape Architects Tuia Pito Ora Incorporated (NZILA). NZILA welcome the opportunity to contribute our expertise and knowledge through pre-engagement conversations with the Department of Conservation (DOC) on the New Zealand Government's proposed targeted review of the New Zealand Coastal Policy Statement (NZCPS). We understand the scope of this review is in response to the Government's direction in seeking to better enable development within the context of the existing NZCPS Policies 13, 14 and 15.

We understand that the main pressures for change, which have resulted in this proposed targeted review of the NZCPS being initiated, have come as a result of infrastructure and aquaculture aspirations. We also acknowledge the urgency required to mitigate and adapt to increasing impacts of climate change. Specifically, we understand that the Government wants national direction amended so that it is easier to consent new infrastructure, including renewable energy, and better enable aquaculture and other primary industries within the Coastal Environment. The aquaculture, renewable electricity generation and transmission sectors consider that some existing NZCPS policies can be a barrier to what is termed these "priority activities".

Given this opportunity for pre-engagement provided to the NZILA, we have shared the identified scope of review and questions which were provided by DOC with our members, with collective responses reflected in our feedback¹. As a profession, we understand that effective landscape planning, management and design requires engaging with and understanding the specific context and relationships between people and place. This understanding is often articulated as landscape values and these regularly form the heart of statutory planning

¹ Note: given time constraints associated with providing this response, we have not engaged with Te Tau a Nuku, a group of Māori Landscape Architects acting under the umbrella of Ngā Aho (the national organisation of Māori design professionals in Aotearoa).

matters which are necessary to address when considering change. Through our profession we recognise that all landscapes have values, and this equally holds true within the whole Coastal Environment, including when seeking to enable priority activities.

In essence, we recognise that the Coastal Environment, including the Coastal Marine Area and its relationship with land, forms an integral part of Aotearoa New Zealand's natural and physical environment.

Within this inherently dynamic context, it is through engaging with landscape values, characteristics, and qualities that landscape architects often assist with enabling appropriate activities and help assist with managing potential adverse effects. This commonly entails articulating a landscape's values (and the attributes on which those values depend), assessing effects on such values, and designing measures to maintain and improve the values.

In this sense, landscape can be conceived as an integrative concept that can help respond to the broad complex of environmental values and issues relating to change which are at play.

To be effective, landscape assessment must engage with and address relevant landscape attributes and dimensions. To advance appropriate outcomes through this understanding, the NZILA promotes an Aotearoa New Zealand practice to assess landscape through our landscape assessment guidelines [Te Tangi a te Manu](#), including through addressing Te Ao Māori and Te Ao Pakeha landscape perspectives. It is through engaging with physical, sensory, and associative dimensions which embody the relationships between people and place that positive landscape outcomes are enabled. It is combining such perspectives that is key to understanding and appreciating our landscapes.

Alongside landscape values, change can also affect natural character. In this sense, change may be positive or negative and can also provide a catalyst which can influence opportunities for restoring coastal elements, patterns or processes which have previously been modified. 'Change' itself is not an effect: landscapes change constantly. It is the implications of change for a landscape's values that is the 'effect'. We recognise through 'natural processes', that change occurs naturally. Within the Coastal Environment, understanding this trajectory of overall change has increased importance when promoting opportunities to restore or rehabilitate natural character.

Assessing landscape effects and mitigation is different from identifying compensation to reduce economic impacts. Managing landscape change must engage with or address the relevant dimensions which operate between people and place, including identified landscape values. Similarly, landscape goes beyond what you see and embraces the cumulative physical aspects of place, including how the area is experienced and perceived, and its associated meanings. Providing clarity around the values, characteristics and qualities which may be affected is necessary when enabling appropriate change and addressing necessary preservation, protection, or restoration outcomes.

Some activities, such as renewable energy generation, may also contribute positively to

landscape values in benefiting the wider community.

Within the context of our Coastal Environment, we recognise Outstanding Natural Features, Outstanding Natural Landscapes and Outstanding Natural Character form elevated statutory matters with direct relevance often influencing the appropriateness of change. While the presence or otherwise of such matters may influence outcomes, greater certainty sought when managing effects is only enabled through clearly defining the nature of the values for which decisions on sustainable management must apply. This process can also often help address adverse effects as well as ensure positive outcomes occur as part of enabling appropriate development or activities in suitable locations.

NZILA thank the Department of Conservation for initiating this pre-engagement discussion and hope our attached responses to your initial questions are of assistance at this early stage. We welcome the opportunity to provide continued input into this NZCPS Review.

Nā mātou noa, nā

Rhys Girvan, Peter Kensington, Di Lucas

On behalf of the NZILA Environmental Legislation Committee Working Group

Key contributors: Clive Anstey, Geraldine Bayly, Kate Blackburne, Bridgit Gilbert, John Hudson, Josh Hunt, Daniel McEwan, Helen Mellsop, Mike Moore, Dennis Scott, Paul Smith, Hannah Wilson and other NZILA members.

Attached – NZPCS Review: NZILA response to questions

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NZCPS Review: NZILA response to questions

Q1: What distinction do you draw between landscape, natural character and feature/landform?

The Glossary within Te Tangi a te Manu (at page 271) sets out that –

Landscape embodies the relationship between people and place. It is the character of an area, how the area is experienced and perceived, and the meanings associated with it.

Landscape is a broad, integrative concept that encompasses both natural and human-modified environments. It includes the physical elements of an area, such as landforms, water bodies, and vegetation, as well as the associative and perceptual dimensions, which relate to the meanings, values, and emotional responses that people attach to a place. The landscape is seen in a holistic manner and reflects the relationships between people and place across time. Landscape can have high values despite not being readily accessible or experienced by people.

The Glossary within Te Tangi a te Manu (at page 271) sets out that –

Natural character is an area's distinct combination of natural characteristics and qualities, including degree of naturalness.

Natural character refers to the degree to which an area or feature remains in its natural state, without significant modification by human activities. It focuses specifically on the natural elements of the environment, such as the landforms, indigenous vegetation, and ecosystems, and how these elements are expressed without human alteration. Natural character is assessed based on the extent to which these natural elements, patterns and their processes are intact, with higher levels of natural character associated with environments that have minimal human influence.

Feature/landform is a specific physical element within the landscape, such as a mountain, valley, waterfall or coastline. These are tangible, distinct components of the physical environment that can be identified and described. Features and landforms are integral to the overall landscape but might be considered more focused on specific elements compared to the broader concept of landscape. However there are natural features with very high associative values, such as cultural landmarks for tangata whenua, or heritage and scenic landmarks for pakeha.

Note: a 'natural feature' is not necessarily a landform (for example, heritage trees / dark sky) and nor is a feature purely about its physical attributes, there may be associative or perceptual attributes that contribute to the values of a natural feature.

Q2: Are landscapes real things, in the way a landform is, or are they a human construct. If we assume a human construct, what relevance does proximity to human presence and activities

have? Do we have “landscapes” where people seldom go and so aren’t seeing the place (deep sea, seascapes far from the coast and not on a ferry route), or should we just use natural character and landform/feature provisions for those places. Would restricting landscapes to places that are within sight of land be helpful or just further complicate things?

‘Environment’ is turned into ‘Landscape’ in the human mind – the physical, experiential and associative elements. In this sense, a landscape may be defined and valued based on human experiences. Biophysical and intrinsic values might however be very high but seldom experienced. Areas that are regularly seen, used, or traversed by people are more likely to be recognized as a landscape in the conventional sense. This does not mean that a landscape is limited to areas where people are present, as a valued landscape can exist in remote or less frequented areas.

Restricting the concept of landscape to areas within sight of land or areas frequently accessed by humans would be unhelpful and counterproductive. It would overlook the broader physical (abiotic) and ecological (biotic) significance of remote areas alongside potential associative values. Such a restriction would also complicate assessments by creating artificial boundaries between what is considered a landscape and what is not, undermining the holistic approach advocated by Te Tangi a te Manu.

Q3: Assuming that some of what makes a landscape is how it looks to people, do temporary modifications matter much? We know a tanker passing through doesn’t worry most people, but what about a temporary drilling rig? How long is “temporary”? [note: our edit to this question is shown as underlined text]

Temporary modifications do matter in landscape assessment, especially when considering how they are perceived by people. The impact of such modifications depends on their nature, duration, and the context in which they occur (for example a remote landscape versus a busy harbour). A tanker may be temporary for example but if the passing is frequent then this can drastically alter the common experience of a landscape. While ‘temporary’ is a relative term, modifications lasting from a few weeks to several months could be considered significant (i.e. transformative in terms of landscape and natural character values), particularly if they impact on the characteristics and qualities of that place and the values that are associated with it.

Q4: And how much change can happen without it ceasing to be outstanding? Is there a steady decline in value, or is there a tipping point between outstanding and of no interest? Is that about the intensity of the modification or whether people can physically or mentally block it out of their view because it affects on a tiny bit (cf Milford tourism infrastructure)?

There is not a simple, linear decline in value as a landscape undergoes change. Also appropriate change can happen to the extent that the outstanding values are still retained. A landscape may remain outstanding despite some level of modification, particularly if those changes are minor, temporary, or confined to specific, less critical parts of the landscape. However, a ‘tipping point’ can

occur where the cumulative impact of changes or a particularly significant modification leads to a perceptible loss of the qualities that made the landscape outstanding in the first place. It might be the sound or smell (experiences) or identity of a place (sense of place) that change landscape values, not just limited to views.

The determination of whether a landscape remains outstanding despite changes is complex and depends on both the physical changes themselves and the perceptual and associative values held by people. There is no exact formula for when a landscape ceases to be outstanding, but it generally involves a combination of the intensity and extent of modifications and the ability (or inability) of people to mentally reconcile these changes with the landscape's outstanding qualities. It is very difficult to work out when a landscape is nearing its 'tipping point', but easier to work out when it has been breached, which suggests that a conservative approach is appropriate.

Q5: When does a development add to the landscape values? Cf historic structures, fancy bridges, sculptures, gardens.

This requires a case by case judgement, depending on context, what is being proposed and how this relates (detracts or enhances) the existing landscape values.

Development that is planned, designed and implemented well, can, in some circumstances, offer 'more than the sum of the parts' in the landscape value of an environment.

Q6: Can you offset loss of a landscape value? Or is offsetting an approach that should be saved for physical things like biodiversity?

Offsetting is not typically considered an appropriate or effective approach for addressing the loss of landscape values due to the unique, irreplaceable nature of a landscape and the deep cultural and perceptual connections these places have for people. Value is attached to that specific place.

A more appropriate approach is to use mitigation or avoidance strategies that aim to protect and enhance the landscape within its original context, recognizing that the value of a landscape is inherently tied to its specific location and cannot be easily replicated elsewhere.

Offsetting may be suitable for more tangible, physical attributes like biodiversity, but landscape values require a more nuanced and place-based approach.

Q7: If you were to use compensation for landscapes/landforms/features, how would you assess a reasonable level of compensation? How do you value these things? What would you do with the money?

Very difficult / inappropriate to assign monetary value to a landscape, because landscape values are not primarily economic and different people would benefit if the compensation were in a different place. It is not possible to monetarily value the loss of landscape value.

Q8: Do you support retaining Policy 15 wording ‘avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment’, or do you feel that sometimes other options such as ‘remedy and mitigate’ can be appropriate?

Support retaining the wording. When values are outstanding, avoid is appropriate. This ensures that the highest level of protection exists for outstanding natural features and landscapes in the coastal environment, particularly those with significant values. This approach aligns with the precautionary principle and respects the unique and often irreplaceable nature of coastal landscapes.

However, if there is a desire for more flexibility in balancing development or activities with environmental protection, and if there are effective mechanisms in place to ensure that adverse effects are genuinely remedied or mitigated, then introducing the option for ‘remedy and mitigate’ could be considered. This would allow for a more nuanced approach but requires strict safeguards to ensure that the overall integrity of the landscape is not compromised.

The outcome shouldn’t simply be to enable development or activities, but to enable appropriate development or activities that is good for society and where no alternative is available.

Q9: Is there a good methodology for assessing economic impacts of changes to landscape and determining who would be compensated for those effects (e.g. tourism operations affected)?

No. This is too shallow an approach when managing landscape values.

Q10: Do you have a recommendation as to how Policy 14 could be amended to better enable restoration opportunities (this was discussed at the meeting – relates to issue of landscape architects promoting restoration but clients not undertaking work because of the cost, and things that don’t require extra cost but create better outcomes for protected values, and the question of how these could be supported through policy amendments.)

Policy 14 is appropriate as is currently worded but the cost/funding/responsibility question remains.

Q11: ~~The values of landforms and~~ natural features (including landforms) include the existence of the thing itself, but also the ability of people to see it (a mineral outcrop is more useful than the same mineral buried under another rock layer), e.g. use in science/education or as a tourism destination. Do the geopreservation inventory’s assessments adequately cover all those facets? Would reliance on the inventory be appropriate? [note: our edit to this question is shown as strikethrough and underlined text]

The Geopreservation Inventory is a valuable resource for identifying and protecting geologically significant sites in New Zealand but it is primarily based on natural science values. A landscape lens is broader and includes associative (including cultural) and perceptual values. Therefore, reliance on

the inventory alone is not appropriate for identification of a natural feature in the 'landscape'. Natural features are not limited to geological features (for example, a significant waterfall, ancient trees, or an area of significant dark sky).

Q12: For outstanding (natural) landscapes, an option to remove uncertainty is to list ones we are confident about, while leaving plan or consent processes to determine whether there is an outstanding natural landscape elsewhere. How easy would it be to do an initial list (e.g. major tourism destinations like Milford Sound and the Hole in the Rock, add geopreservation inventory features that are also landscape features, add some that have been assessed in the past)?

Outstanding Natural Features and Landscapes (ONF/L) should be determined on a regional or district basis, rather than on a national basis. Although most regions/districts have identified their ONF/L, there are still some that are behind (for example Tasman is about to notify) and the ONF/L in those regions/districts could therefore miss out on protection. Undertaking a stocktake of existing regional and district plan ONF/L mapping would assist this understanding. However, creating a national-scale listing of ONF/L could potentially undermine the importance of the regional/district plan-making processes for the identification of local ONF/L.

The purpose of landscape evaluation is to establish and articulate the physical, experiential and associative attributes that define landscape values. Where assessed at a district or regional scale, this enables attributes which contribute to important values to be more readily defined, including representation of a community's connection with place. Essentially, it is through defining the relationships that people and communities have with a particular natural landscape that offers greater certainty when ensuring important landscape values will be appropriately managed.

Q13: Could we list places that we are sure aren't outstanding landscapes? How would you do that?

No, this would be just as difficult as identifying 'outstanding' landscape and could miss areas that have value for other reasons and lead to unnecessary consequences (degradation). It would be preferable to focus on the identification and protection of 'outstanding landscapes'.

Q14: What effect would there be if "landscape" was restricted to areas on dry land or within view of dry land? (That would mean that only natural character and landform/features would be addressed further offshore. It would remove one perceived issue for big offshore developments.)

We do not support this approach – the landscape extends over lands and waters, and within waters. Restricting the definition of landscape to areas on dry land or within view of dry land would simplify the regulatory process for offshore developments or activities by removing the need to address perceptual and associative impacts. It would also potentially lead to undervaluation of offshore areas and a more fragmented approach to environmental management. While this change might benefit certain development / activity interests, it could undermine the holistic management of

coastal and marine environments, and may lead to challenges in maintaining the integrity of biophysical, experiential and associative values in offshore areas.

Q15: Do you see any potential implementation issues with a potential restriction of landscape to dry land only as described above (e.g. council mapping)? Or do you have any comments on implementation of the NZCPS generally?

Restricting the definition of 'landscape' to dry land only presents several potential implementation challenges, such as in terms of mapping (e.g. boundary definitions and transition zones), regional consistency, and stakeholder engagement. It could also lead to legal and policy conflicts, especially where existing protections are diminished. It also inappropriately spatially limits landscape assessment. Landscapes transcend the land-water boundary. Values are derived from rivers, lakes, and the sea; land along the coast is valued and experienced differently from land away from the coast or land beneath the sea. Intertidal areas vary enormously daily and through time (for example during periods of dryness or as a result of storms and natural processes). We have a NZCPS because we, as a society, attach particular value to coastal environments.