

# **Resource Management Law Association Conference 2002**

## **Workshop on**

### **Landscape: New developments for Assessment and Control of adverse effects**

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I am third generation high country farmer with sheep, cattle, deer and bees on Mt Aspiring Station, near Wanaka. I feel very privileged to live in one of the most beautiful areas in the world. My family are indebted to the courage and vision of my grandparents who returned from World War 1 and took up the lease of Mt Aspiring Station.

#### **Management Programme**

Mt Aspiring Station is 10,040ha of pastoral lease carrying 10,000 stock units. As outlined in our business plan, approx. 2000 ha is farmed moderately intensively, 2000 ha low impact grazing and 6000 ha managed for its considerable conservation and recreation values. We estimate that 40,000 to 50,000 people visit our property annually to carry out a wide range of recreation activities. We do our best to integrate landscape considerations into all management decisions.

#### **Farmer Views of Landscape**

Generally farmers appreciate the landscape in which we live and work and have a desire to maintain an attractive landscape, but must balance that with the need to maintain a viable business, and achieve long-term sustainability of both their land and business enterprise. In my view, sustainable management requires use of currently accepted 'best management practises', monitoring results of this management and changing practises as new knowledge becomes available. This means the rural agricultural environment must be seen as a dynamic changing landscape. As NZ farmers operate in a very competitive world economy (no subsidy) and export most of our produce into a highly protected world markets, we must remain highly competitive and efficient. There is no room for a 'cost plus' mentality if we wish to remain competitive and viable.

We also recognise that one of our strongest marketing assets is our so-called 'clean green' image, our high standards of production, processing and marketing and our outstanding landscapes. Therefore it is very much in our interests to maintain these landscapes to a high standard.

#### **Management of Land**

I have seen at first hand the damage caused by high numbers of deer, goats, rabbits, possums, stoats and more recently hieracium, wilding pines, briar, broom, gorse, lagarosiphon. If left unmanaged these pests will substantially modify or destroy the values we hold so dear, and in many situations are doing so as we sit here. These threats and many others require continual management which of course requires funding and in most situations the funding for sustainable management of land is directly provided by the production off that land. It is very important that plans do not unduly restrict the production opportunities off that land or add unnecessary cost. **This is absolutely fundamental** but appears to be often overlooked by planners and Councils.

Lets not forget that the landscape we live in is ever changing and simply trying to lock in the status quo is not an option. The ice-sculptured landforms around Lakes Wakatipu and Wanaka formed during various ice advances were frequently referred to during the Environment Court hearings. Can you imagine the Court sitting during an ice age and being urged to set rules locking in the glacial landscape as it then existed? Not likely to be very successful. Since the last ice age much of the Wakatipu and Upper Clutha basins have been through a forest regime, much of which had evolved to a tussock, shrubland and bracken cover well before Europeans arrived. The plants and animals introduced by humans have introduced further irreversible changes. It is clear that landscapes change over time due to non human, as well as human induced influences.

Therefore I promote the concept of management of values, rather than simple protection. So often protection simply implies a concept of enclosing the area under protective rules to prevent adverse effects, and assuming the values will be maintained unchanged. This is unrealistic. Most areas still need proactive management. I note the title of this workshop incorporates the wording 'control' of adverse effects. I much prefer the word 'management', which suggests ongoing care and nurturing of desired values, rather than a command and control approach.

This proactive management necessary for long-term sustainability is largely carried out by people out on the ground ie farmers, farm staff, DoC field staff, weed and pest control contractors. At best good plans provide a framework to guide this management while poor plans merely inhibit good management..

## **Role of Planning**

Plans should contain a set of objectives for the community to work towards, but I believe many do not. It is very difficult for landowners to manage towards landscape objectives if it is not clear what those objectives are. Most plans are focused on rules to prevent or manage many (but not all) adverse effects. Very few are designed to promote proactive long-term management, and generally RMA plans as they are currently designed, will not achieve this. Land management requirements vary hugely from block to block, issues and threats vary from block to block and successful management and new techniques require innovation, modification and an element of financial risk.

In my view, a good plan should aim to implement a community consensus and as far as possible empower people to work towards those objectives. Plans should be

designed to enable people to carry out activities provided they comply with site standards. The aim should be for rules to apply only when people cannot or will not comply with site standards, which reflect the community view, rather than trying to change the community view. Rules are unlikely to succeed if they attempt to drive the community view. Plans must reflect a wide vision of sustainability, not be captured by narrow sector views.

In referring to community consensus I cannot emphasise strongly enough the need to balance the ever-changing needs of sustainable management, land owners legitimate rights to use the land for a range of production options and wider community views for an attractive landscape. **Community consensus does not simply mean the majority imposing their will on the minority.** Unless a reasonable balance is achieved, a community consensus has not been achieved.

## **Landscape Management**

How do we achieve effective management of the landscape? I don't believe we have done very well in this regard. The principles I suggest are basic and by no means new, but the implementation of them would be a new concept to many Councils.

## **Community Objectives**

The first requirement is to achieve a common community goal on what form of landscape we wish to maintain. Landscape assessment is such a subjective art many communities are widely split on the goals, but it is very difficult to manage landscape if you don't know what you are aiming to achieve. There are a range of options including

- Indigenous community (flora and fauna)
- Rural pastoral
- Rural residential
- Rural intensive/arable
- Urban

Land managers must know what the broad objectives are within their area. This sounds basic, but in many districts has not been done well. Within QLDC district we achieved objectives to some extent via four years of Environment Court appeals, a very expensive, adversarial and confrontational approach which, has left very few in the community with any sense of ownership of the outcomes as they are decided by an outside party.

I believe it absolutely fundamental to achieve a degree of community consensus on and commitment to preferred objectives, before attempting to assess or control adverse effects. This consensus must recognise the needs of sustainable management and landowners as well as reflecting the wishes of others for an attractive view or playground. Many districts have simply employed a landscape 'expert' to draft the relevant sections of the plan, with little attempt to involve the local community. This approach means there is little community ownership of the objectives leading to limited commitment to achieve them.

## **Guidelines**

Councils, as the main bodies responsible for regulating landscape effects, should be prepared to provide clear simple guidelines on best management practises for integrating landscape planning into projects. As I already stated, land managers generally appreciate the landscape and given guidelines will attempt to comply with them, especially if it means the need for expensive consents is reduced or eliminated.

Councils should be prepared to assist land managers to comply with district objectives, rather than being seen simply as judge and jury. I believe Councils should be prepared to provide advice on how to best comply with plan objectives.

## **Planning methods**

As already outlined, long-term sustainable management requires proactive implementation of ever changing best management practises and this requires flexibility and innovation. Plans must recognise this and resist any temptation to lock in management regimes.

The best way to achieve this is to focus on effects and not attempt to regulate activities themselves. Given flexibility to do so, managers will find a host of ways to avoid, remedy or mitigate adverse effects, especially if there are financial incentives to do so, such as activities becoming permitted or lower complexity of consent if site standards are met.

## **Cost issues**

As already discussed, farmers operate in a very competitive world economy and have no ability to pass on additional costs. Plans and regulatory mechanisms must aim to maximise efficiency and minimise costs if they are serious about optimising long-term sustainability.

Enforced compliance costs are generally funded instead of discretionary items in the farm budget such as weed and pest control, erosion control, riparian management and fertiliser. These are all necessary for long-term sustainable management. Committing a significant proportion of a farms discretionary income to administration and compliance is not a good way to ensure proactive management.

There are a number of ways to minimise costs

- Provision of guidelines and co-operating with applicants
- Provision of site standards, which if complied with, make activities permitted or a lower form of consent eg controlled rather than discretionary.
- Maximum use of non-notified consents. If Council has the confidence of their community there should be less demand for notification.

Landowners bear the major share of managing community values such as landscape

- As ratepayers funding Council
- As taxpayers funding appellants such as DoC
- Funding planners and lawyers to support the landowner case in Court appeals and hearings
- As applicants for activities
- In funding the actual management of the land.

Therefore we have a much greater interest in ensuring efficient and sustainable management than do others in the community. Lets not forget that for most farmers their farm represents their lifetimes investment, their superannuation fund and their source of income.

## **Integrated Vision**

I have a major concern about the common lack of both a long-term view and an integrated approach to the planning processes. Plans have become so complex that they are broken down and considered issue by issue, and often sub issue by sub issue. Decisions are made without full consideration of how they impact and interact on other decisions in terms of their practical effects on land management.

For example, in the QLDC plan we have controls either currently or proposed to control effects of activities, which are part of routine farm operation, such as

- Earthworks
- Forestry and shelterbelts
- Landscape
- Farm buildings
- Areas of significant flora and fauna
- Clearance of all indigenous vegetation

While it can be argued that each of these individually don't contribute significantly to farm operating costs, collectively they have potential to add \$5000 to \$8000 annually to farm operating costs. This is money not available for long-term proactive management, and no one seems prepared to address the implications of this.

Section 5 of the RMA clearly charges Councils with promoting sustainable management to enable future as well as current use of resources. However, plans have tended to focus on preventing adverse effects, especially with regard to landscape, rather than promoting proactive long-term management.

Some Councils such as, Otago Regional Council have done this well for management of soil, water, air and vegetation. However, when it comes to landscape, Councils have tended to almost entirely confine themselves to rules based management of adverse effects.

## **Summary**

Landscape requires active management.

Rural landscape is a diverse cultural changing scene.

Plans should set clear goals and assist managers achieve.

Cost of plan implementation should be minimal.

Plans must incorporate an integrated vision of all aspects of sustainability.