

Natural and Built Environment Bill Reform Series: Landscapes

Removal of amenity values in landscape assessments

The Natural and Built Environment Bill (**NBE Bill**) introduces new system outcomes that will require the National Planning Framework and all plans to provide for the protection, or if degraded, restoration of Outstanding Natural Landscapes and Outstanding Natural Features (**ONL/ONFs**) as well as the natural character of the coastal environment, wetlands, and lakes and rivers including their margins. Section 6 of the Resource Management Act 1991 (**RMA**) provides for the protection of outstanding natural features and landscapes as a matter of national importance. Under section 7 case law emerged giving weight to amenity values when assessing effects of an activity on landscapes. The Bill removes amenity values, the policy objective behind the removal is to remove amenity as a value that stalls development and is often, colloquially, recognised as the NIMBY clause.

The Bill does not refer to *Te Tangi a te Manu: The Aotearoa Landscape Assessment Guidelines* released in 2020. The intent behind the release of the guidelines was "to provide a stronger platform from which to assess and manage New Zealand landscapes"¹. *Te Tangi a te Manu: The Aotearoa Landscape Assessment Guidelines* are a collaborative work by New Zealand Landscape Architects drawing on collective knowledge and experience in the profession, research of international guidelines and a significant body of New Zealand case law. The New Zealand Institute of Landscape Architects (**NZILA**) recommended changes to the Bill that included changes to the definition of 'environment' and defining Landscape. None of the recommended changes to the exposure draft by NZILA were included into the Bill.

¹ *Te Tangi a te Manu*, <https://nzila.co.nz/about/te-tangi-a-te-manu> [accessed: 07 February 2023]

In summary:

- The Bill removes amenity as a matter to have regard to and removes any express reference to amenity values, often considered in a landscape assessment.
- The new definition of cultural heritage includes cultural landscapes, however leaves the phrase undefined in the Bill.
- Places of natural importance include an outstanding feature or outstanding natural landscape and specified cultural heritage.
- The landscape context must be considered when offsetting or redressing any use of biodiversity or cultural heritage sites.
- Any physical effects on the locality, including any landscape and visual effects, must still be addressed in the Assessment of Environmental Effects when assessing the effects proposed activity on the environment.

General themes from industry submissions on the landscape aspects of the Bill include:

- Supportive of a definition of the environment that recognises people and communities as a part of the environment and generally support the inclusion of te Oranga o te Taiao.
- Propose that system outcomes should also include an outcome that recognises positive human relationships with place as a necessary part of supporting human well-being.
- Concern there is a tension with the national direction for outstanding natural landscapes

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(Continued)

and features. Many have ONLs and ONFs been identified regionally but have yet to be evaluated at a national scale.

- Concern that the use of 'trivial' effects suggests a higher threshold than the existing King Salmon threshold which supports a tolerance of 'minor' or 'transient'.
- Believe Spatial Plans need to engage with and address landscape characteristics and values in the Bill as part of supporting appropriate development, use or protection.

Want to know more?

Please contact a member of our [Environments, Planning and Natural Resources Team](#) if you would like to know more.