

10 July 2023

The Honourable David Parker
Minister for the Environment
Parliament Buildings
Wellington 6160

Via email: d.parker@ministers.govt.nz

Tēnā koe Sir,

**Re: Natural and Built Environment Bill – New Zealand Institute of Landscape Architects
Tuia Pito Ora Incorporated – Supplementary Letter**

This letter has been prepared by Tuia Pito Ora, New Zealand Institute of Landscape Architects (the NZILA). It follows our previous submission on the Natural and Built Environment Bill (1 February 2023) and the continued opportunities for engagement to assist in the development of this important legislation.

Through this work, we recognise the importance of addressing the relationship between the health of the natural environment and the health, well-being and identity of people and communities, now largely imbedded in the meaning of Te Oranga o te Taiao incorporated in the purpose of the Bill. Within this letter we raise two critical issues identified in the recommendations of the Environment Committee's Report (26 June 2023) that we consider contrary to best practice landscape assessment and have potential to prove detrimental to ongoing effective management of Aotearoa New Zealand's landscapes.

1. Places of national importance

The Natural and Built Environment Bill (NBEB) signals ongoing protection for areas with exceptional natural character, outstanding natural landscapes and outstanding natural features. We agree these all qualify as 'places of national importance'. Under the Resource Management Act, such areas must be established through robust landscape assessments applied at Regional and District scales. Across Aotearoa, most of this work has been done. It is through robust landscape assessment that relevant landscape values and their boundaries have been identified. The result of this work is that areas which remain readily identifiable as outstanding in their specific contexts are largely already recognised. It is such places that continue to require protection as a matter of national importance.

It is important to stress that landscapes or areas of environment that are recognised as exceptional or outstanding need not be identified through national scale assessment. In essence, all landscapes and environments of Aotearoa hold varying qualities and values according to the specific contexts within which they occur. Specifying assessments to be undertaken and mapped on a national scale, does not necessarily ensure the protection of our exceptional or outstanding areas. The validity of this approach has been confirmed through numerous environment court decisions including the specific direction of *Man O War Station Limited v Auckland Council – NZHC 767 (2015)* which concludes that the concept of ONL applied by the Environment Court to date has been developed at regional and district scales that are of national importance.

In seeking to align this policy direction with the ordinary meaning of what constitutes exceptional or outstanding and through which matters of national importance apply, we recommended the following changes to interpretation:

place of national importance means any of the following:

- (a) *an area of the coastal environment, or a wetland, lake, or river or its margins that has exceptional natural character on a ~~national~~ regional or district scale:*
- (b) *a natural landscape or natural feature (including geo-heritage) that is identified in the national planning framework as being exceptional on a ~~national~~ regional or district scale:*

2. Assessment of Landscape Effects

The recommendation to delete landscape and visual effects from Schedule 10.7(1) setting out matters that must be addressed through an assessment of environmental effects is not explained in the Environment Committee's Report. Notwithstanding this, we note the inclusion of any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value which must be addressed, reflects a suite of relevant attributes which ordinarily contribute to our landscapes.

As highlighted in our submission, NZILA recently published *Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines* in July 2022. The purpose of *Te Tangi a te Manu* is to improve landscape assessment in a statutory planning context and thereby assist decision makers and others to manage and improve landscape values. The Guidelines also recognise the increasing use of landscape as an integrative concept that can respond to a broad complex of environment values and issues which must be addressed.

We recognise the specific direction taken in terms of disregarding any effect of an activity on scenic views from private properties as reflected under s108(b). Notwithstanding this, we remain concerned that the body of national and international understanding of landscape through which this provision is inherently engaged may no longer remain clear. This also has specific relevance to Aotearoa New Zealand in seeking alignment between Te Ao Māori and Te Ao Pākehā world views through improving landscape assessment within which Te Tangi a te Manu is wholly engaged.

We therefore recommend the following amendment:

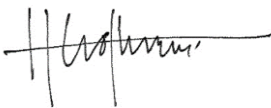
7 Matters that must be addressed by assessment of environmental effects

(1) An assessment of the activity's effects on the environment must address the following matters:

- (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:
- (b) **any physical effect on the locality, including any landscape ~~and~~ visual effects:**
- (c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:
- (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:
- (e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:
- (f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.

We request that, if possible, the above is considered in formal sessions regarding the Natural and Built Environment Act and welcome any opportunity to discuss or present this further matter.

Nā māua noa, nā



Henry Crothers
President



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Vice President

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