

138. See 'Centre Hill Wind Farm' [2013] NZEnvC 59/13, paragraph 140. "In our view the degree of change to a landscape is a factor to be taken into account...The degree to which that change has occurred (a matter for the Court to assess), may or may not result in a finding that the effect is adverse, depending on the facts of the case".

139. Another way of putting it is the characteristics and qualities that contribute to the landscape's values. See 'Blueskin Energy' [2017] NZEnvC 150/17 paragraph 199.

140. Section 3 of the RMA defines the meaning of 'effect' by describing types of effects as follows: "In this Act, unless the context otherwise requires, the term effect includes—(a) Any positive or adverse effect; and (b) any temporary or permanent effect; and (c) any past, present, or future effect; and (d) any cumulative effect which arises over time or in combination with other effects—regardless of the scale, intensity, duration, or frequency of the effect, and also includes—(e) any potential effect of high probability; and (f) any potential effect of low probability which has a high potential impact." The consultation draft of the proposed Natural and Built Environments Act does not include an equivalent description of effect.

141. A reason that landscape and visual effects are sometimes treated separately in NZ and elsewhere is that professional practice historically combined separate methods based on physical character derived from the UK landscape character assessment (LCA) approach and on visual parameters derived from the USA visual resource management (VRM) approach.

What is a landscape effect?

- 6.01 A landscape effect is an outcome for a landscape value.
- 6.02 While effects are consequences of changes to the physical environment, they are the outcomes for a landscape's values that are derived from each of its physical, associative, and perceptual dimensions.
- 6.03 Change itself is not an effect: landscapes change constantly. It is the implications of change for a landscape's values that is the effect.¹³⁸
- 6.04 To assess effects it is therefore necessary to first identify the landscape's values—and the physical characteristics that embody those values.¹³⁹ There is a direct link between assessing landscape character and values (Chapter 5), assessing landscape effects (Chapter 6), and managing such effects (Chapter 7).
- 6.05 Positive effects are effects. While there is a tendency to focus on adverse effects, it is important to also identify and pursue positive effects.¹⁴⁰
- 6.06 Effects on landscape values are assessed against the existing environment and the relevant statutory provisions. Provisions often anticipate change and certain outcomes for landscape values.
- 6.07 Assessing landscape effects entails professional judgment based on expertise and experience. As with all professional assessment, provide explanation and reasons.

Visual effects are a subset of landscape effects

- 6.08 A visual effect is a kind of landscape effect. It is a consequence for landscape values as experienced in views. Visual effects are a subset of landscape effects. A visual assessment is one method to help understand landscape effects.
- 6.09 These Guidelines take a different approach from that taken in some other guidelines which treat landscape and visual effects separately.¹⁴¹ Some approaches, for instance, confine landscape effects to physical landscape character (landform, streams, vegetation, buildings etc) and visual effects to visibility and amenity of views. Such approaches treat each of landscape and visual matters narrowly. These Guidelines promote an integrated approach for the following reasons:
 - Landscape values arise from the combination of physical, associative, and perceptual dimensions. To restrict consideration of effects to just the physical dimension would be inconsistent with the definition of 'landscape'. Rather, effects on landscape values should consider not only the physical environment but also its associated meanings and how it is perceived through all the senses.
 - Visual values are inherently linked to landscape values. The nature of a view depends on how it is perceived and the extent to which it is valued or not. It includes how the landscape in the view is

142. Such an approach is consistent with the RMA Schedule 4, 7(1)(b) which requires AEEs to address “any physical effect on the locality, including any landscape and visual effects.” Even if there are likely to be no relevant landscape and visual effects, it is good practice for an AEE to say so. While effects that are likely to be negligible may be ignored, all other effects (minor or above) are to be considered. See ‘Upland Landscape Protection Society’ [2008] NZEnvC C85, paragraph 94. “The Court is of course entitled to disregard effects that might be described as minimal (or de minimis) but it must properly have regard to all other effects. Case law clearly establishes that activities with very significant effects may be granted consents, while others without such particular effects may be refused consent. The scale of the effect is clearly a matter which will go into the evaluation necessary under Part 2 of the Act but is not determinative of it. Any effects which are more than minimal must be had regard to in the overall evaluation...”

143. Consistent with RMA Schedule 4 (2)(3)(c).

144. Even a simple memo should provide reasons. For instance, ‘Any adverse landscape and visual effects will be negligible for the following reasons: ...’

145. The matters decision-makers must have regard to when considering resource consent applications are set out in s104 of the RMA and comprise the effects (including positive effects to offset/compensate for adverse effects), relevant provisions, and any other relevant matters—all subject to Part 2 of the Act. The matters for Notices of Requirement are set out in s171.

understood, interpreted, and what is associated with it. Visual effects arise from changes to such landscape values. For example, visual effects may arise from changes to a view’s aesthetic qualities, or the expression in the view of the landscape’s biophysical wellbeing, or whether a meaning associated with a landscape is strengthened or diminished in the view. A pitfall is to superficially treat visual effects as mere visibility or changes to a view rather than the implications for the landscape values experienced in the view.

- Treating landscape and visual effects separately and narrowly means things can fall through the cracks. Associative matters, for example, can be overlooked as not part of either physical or visual effects.

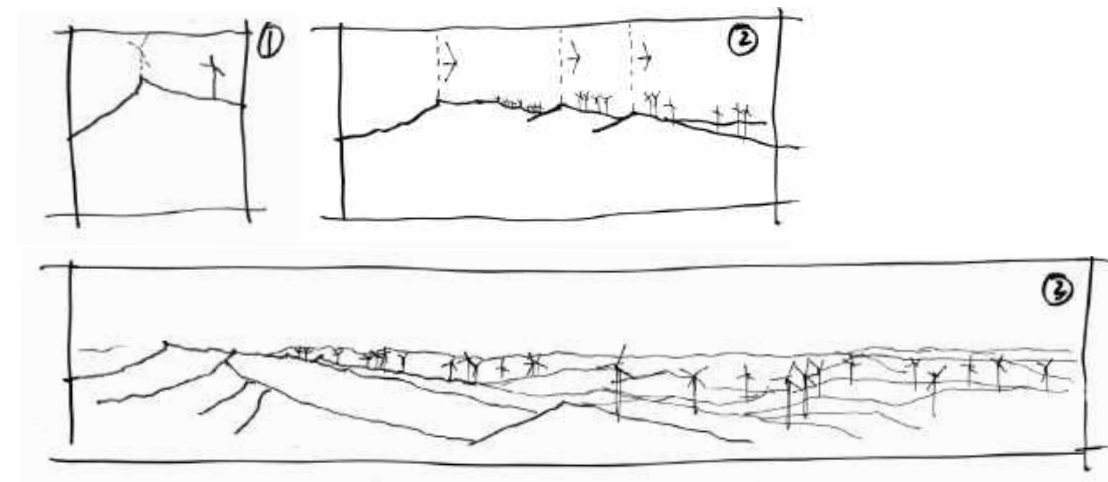
When is an assessment of landscape effects required?

- 6.10 Assessments of landscape and visual effects are carried out as part of an Assessment of Environmental Effects (AEE) for resource consent applications and notices of requirement (i.e. proposal-driven). Landscape and visual effects are a matter to be considered for every application, and an assessment should be included with the AEE where there are likely to be any landscape and visual effects.¹⁴² But assessments should be in a form that corresponds with the scale and significance of such effects.¹⁴³ An assessment could be a simple memo if there are likely to be no landscape effects of any note. On the other hand, the assessment should be comprehensive if there are potentially significant adverse effects.¹⁴⁴
- 6.11 Policy-driven assessments (such as area or issue-based assessments) are different in that they typically require landscape assessors to anticipate (or estimate) effects on landscape values that may arise from potential activities that may occur in the future. While such assessments are more general and abstract, and the report format different, the principles described below apply across all types of landscape effect assessment.

Assessing landscape effects

What are effects assessed against?

- 6.12 Landscape effects are assessed against
- The landscape values (embodied in certain attributes); and
 - The relevant provisions (what the objectives and policies say with respect to landscape values, what type and magnitude of development or change in the landscape is anticipated).¹⁴⁵
- 6.13 It can help clarity—for both assessor and reader—to list the issues ahead of the assessment of effects. The issues are the likely potential effects with respect to the landscape values and relevant provisions: it is not uncommon to refine the issues in an iterative way as you carry out the assessment.



Above: Proposed Waitahora Wind Farm, Puketoi Range, Wairarapa
Photo simulation and sketch: Isthmus Group

The mokoroa (grub) may be small, but it cuts through the kahikatea

He iti te mokoroa, nāna i kati te kahikatea



¹⁴⁶ For resource consents, s104(1)(b) and (c) RMA. For Notices of Requirement, s171 (1)(a) and (d) RMA.

- ^{6.14} An assessment of the existing landscape character and values (see Chapter 5) is therefore an essential part of an assessment of landscape effects. It is important, though, that such assessment of the existing landscape is tailored to purpose: that it focuses on the landscape values/attributes relevant to the issues. For example, the sub-headings of the ‘existing landscape’ section should reflect the issues and the pertinent landscape values and not follow a template of standard sub-headings. For this reason, the ‘existing landscape’ section may be revised as the effects are assessed. The description should provide context but it should not labour irrelevant details. The test is whether the information will assist decision-makers (and others).
- ^{6.15} Effects are to be assessed at the relevant spatial context (see paragraphs 5.15–5.17). Beware of understatement by diluting effects across an unreasonably wide area or overstatement by concentrating on an unreasonably narrow context. You may, though, measure different types of effect at different scales. For example, a high-rise building may have an effect on the city skyline over a wide area, while its streetscape effects may be confined to a block or two.
- ^{6.16} Effects are also to be assessed in the context of the relevant statutory provisions and any other matters.¹⁴⁶ Review the provisions before starting an assessment. The purpose for reviewing the provisions is not to undertake a planning assessment. It is to frame the landscape assessment in a way that best assists the decision-maker and others. For instance, if a policy is to maintain rural character, the landscape assessor should reach a professional opinion (with reasons) on whether the proposal achieves that outcome in landscape terms, but leave the assessment of the proposal against the relevant statutory provisions to the planner.

Describe both the nature and magnitude of effects

- 6.17 Describe both the nature and magnitude (degree, level) of effect.
- 6.18 Describe the nature of effect in terms of specific values and attributes. For example:
 - reduction in rural character values because of development that is out-of-keeping with typical rural activities, relative presence of buildings to open space, coherence with natural topography etc.
 - enhancement of natural values because of stream bank revegetation connecting areas of natural vegetation, fencing and pest control
 - reduction in an area’s natural wilderness values because of intrusion of human activity and structures
 - maintenance of an urban area’s amenity values because of coherent building height, bulk, grain, appearance, typology etc.
 - enhancement of a cultural landscape’s values because physical access and sightlines between related sites are protected.
- 6.19 Values often arise from the interplay of physical, associative, and perceptual attributes. Effects should therefore be interpreted in the same way. Sub-headings in the section of an assessment addressing effects should reflect the relevant landscape values and issues.
- 6.20 Describe the magnitude of effect against the 7-point scale discussed below in paragraph 6.21. A rating of magnitude is merely a descriptor that helps understand the effect. The primary matter is the nature of the effect. Magnitude is not the effect. While there is a temptation to ‘home in’ on magnitude because it is quantifiable, magnitude on its own is meaningless. Rather, first explain the nature of the effect, then your assessment of its magnitude, and then give the reasons. For example, ‘a moderate reduction in the quality of the streetscape because ...’ or ‘a mod-high effect on the integrity of natural processes for the following reasons...’
- 6.21 Use the following 7-point scale as a universal scale to describe the magnitude of such qualitative assessments.

VERY LOW	LOW	LOW-MOD	MODERATE	MOD-HIGH	HIGH	VERY HIGH
LOW		MODERATE		HIGH		

147. The UK GLVIA guidelines recommend “ideally three or four, but a maximum of five categories” and the use of word rather than numerical scales (GLVIA op cit., section 3.27, page 38). It suggests, for instance, “major/moderate/minor/negligible”. See the reference at paragraph 6.22 to observations in one of the Matakana Island decisions that people are likely to be able to understand a simple low, medium, high scale and combinations and qualifications of those terms.

148. ‘Matakana Island’ [2019] NZEnvC 110, paragraph 25

149. For example, a widely used scale of landscape/visual effects defines low as “a slight loss to the existing character, features or landscape quality”, moderate as “partial change to the existing character or distinctive features of the landscape and a small reduction in the perceived amenity”, and high as “noticeable change to the existing character or distinctive features of the landscape or reduction in the perceived amenity or the addition of new but uncharacteristic features and elements.” Auckland Council, Information Requirements for the Assessment of Landscape and Visual Effects, page 6

It is an appropriate scale for the following reasons:

- it is symmetrical around ‘moderate’
- it has even gradations
- it uses neutral terms so does not confuse rating and qualitative aspects
- the scale is suitable for both positive and adverse effects, and for other purposes such as landscape value and natural character—it can be used in a universal manner
- the seven points provide for nuance of ranking while being near the practical limit of reliable distinctions
- for those who struggle with seven points, the scale can be envisaged as three simpler categories (low, moderate, high) with finer steps above, below, and in-between.¹⁴⁷

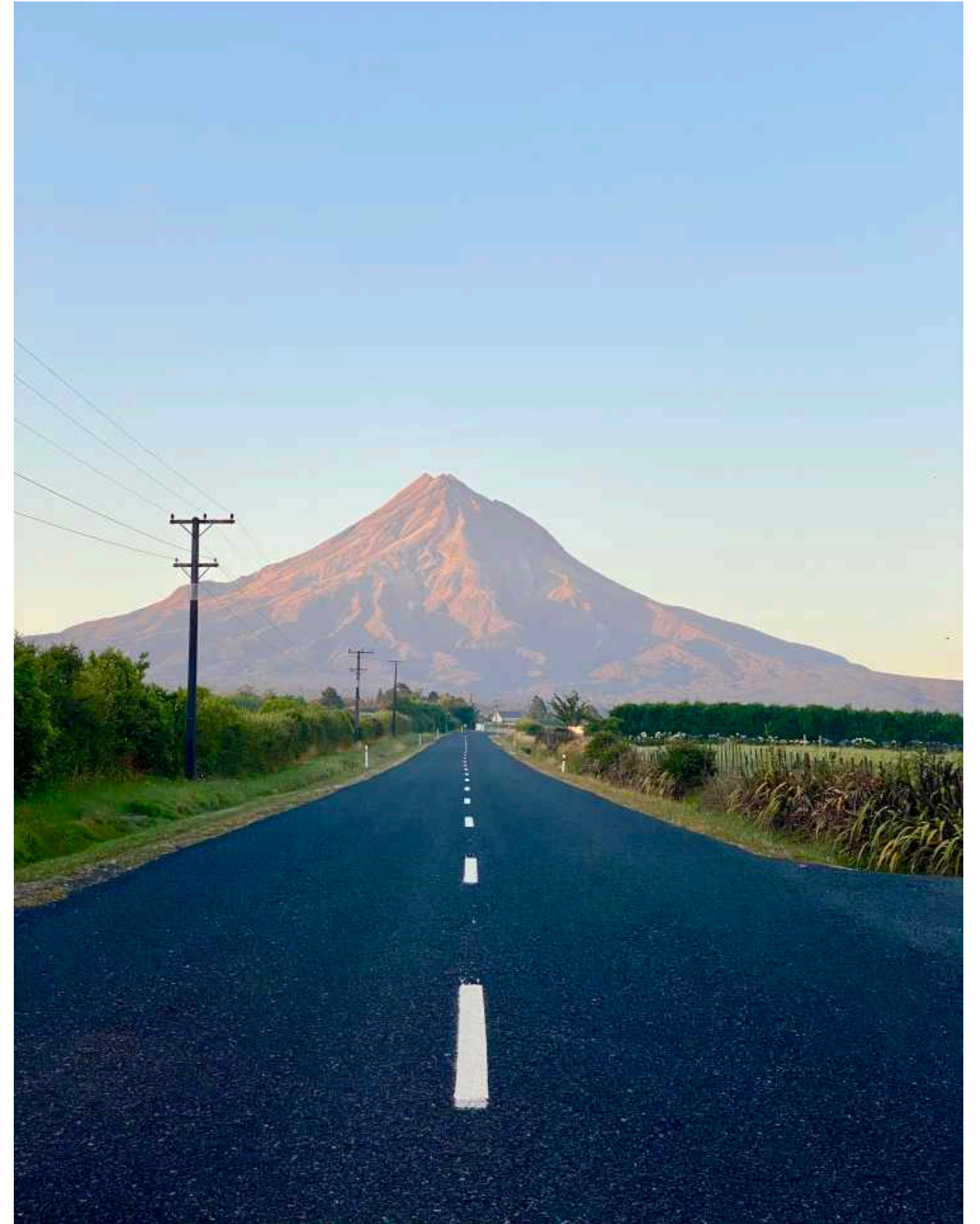
- 6.22 The practical application of the 7-point scale, with caveats against placing too much weight on such rating in isolation, and the importance of the substantive assessment, is summarised in the following decision extract:

We think that [people] are likely to be able to understand qualitative assessment of low, medium and high, and combinations or qualifications of those terms without the need for explanation. We do not consider rating of that kind to constitute a fully systematic evaluation system in a field as complex as landscape: in this context, the system depends far more on the substantive content of the assessment, especially the identification of attributes and values, than on the fairly basic relativities of low-medium-high...¹⁴⁸

- 6.23 Descriptors are sometimes used to define each of the scale gradations.¹⁴⁹ While in theory they promise to be of assistance, in practice such descriptors have the following pitfalls:
 - They are typically either too specific to respond to the complexity of landscape factors and the variety of contexts, or are so general as to become circular (e.g. a low effect is a slight loss).
 - They can themselves become de facto criteria that distract from, or replace, the assessment of specific effects. The descriptors can be misconstrued as the effect.
 - They can encourage an over-reliance on a magnitude scale rather than the substantive assessment of the nature and degree of effect. As suggested above at 6.22, it is better to rely on a simple rating scale that most people can understand without the need for further explanation.
- 6.24 In any event, such descriptors do not replace the need to describe the specific nature of the effect, rate its magnitude, and explain the reasons.

Visual effects

- 6.25 Visual effects are effects on landscape values as experienced in views. They contribute to our understanding of landscape effects. They are a subset of landscape effects.
- 6.26 The common technique for assessing the visual effects of a proposal is to:
- identify the ‘visual catchment’ (where it will be seen from)
 - identify the ‘audiences’ (who will see it)
 - describe the effects on landscape values from certain viewpoints (e.g. representative public views or affected private properties).
- 6.27 The nature and degree of effect is assessed, in the same manner as other landscape effects, from each viewpoint. The nature of the effect will be assessed with respect to landscape character and values, and the degree will be influenced by visual parameters.
- For example, a proposal that is in keeping with the landscape values may have no adverse visual effects even if it is a large change to the view. Conversely, a proposal that is completely out of place with landscape values may have adverse effects even if only occupying a small portion of the view.
 - Visual parameters include distance, orientation of the view with respect to the proposal, extent of view occupied, screening, backdrop, perspective depth (the depth and complexity of foreground and middle-ground layers), and type of view.





150. Visibility is not of itself an adverse effect. See 'Seafarers Building' [2013] NZEnvC 303, paragraph 104. "It is inevitable that a building 55 metres high on the Seafarers' site will be visually obvious...We were not persuaded that the resulting visual effects will necessarily be negative, but will depend on the building design and how it relates to other buildings in the same block and nearby...." See also 'Central Wind' [2010] NZEnvC14, paragraph 119. "We do not consider that visibility of itself is an adverse effect. We ask ourselves whether or not the sight of the [wind turbines] would in some way diminish the quality of the outstanding features and landscapes contained within the Park and the Desert or diminish the experience of visitors to them. We consider it would not."

151. See for instance 'Schofield' [2012] NZEnvC 68/12, paragraphs 51–57.

152. Including relevant evidence from other disciplines such as acoustics, odour, etc.

Additional Notes

Potential pitfalls

- 6.28 Pitfalls when assessing landscape effects include:
- assessing change rather than effect on landscape values (and the attributes which embody those values)
 - limiting assessment to effects on physical character rather than landscape values derived from all its physical, associative, and perceptual dimensions
 - stating a magnitude of effect rather than describing both the nature and magnitude
 - assessing generic type of effect (e.g. on amenity values or 'landscape amenity') rather than explaining the specific effect on a landscape's values (and the attributes that embody those values)
 - focusing on visual effects as a surrogate for landscape effects
 - assessing change to views or visibility as an adverse visual effect¹⁵⁰
 - stating an opinion or a degree of effect without providing reasons.

Community and individual perceptions of landscape and visual effects

- 6.29 As discussed at paragraph 2.23, decision-makers have regard to community and individual perceptions of landscape and visual effects. Such perceptions are normally expressed through submissions and lay evidence. Residents, for instance, will be the most familiar with the amenity values they enjoy and will be best placed to describe such values and their interpretation of effects on those values. Theirs is an insider perspective. An expert landscape assessor, on the other hand, is typically an outsider. Our role is to provide an independent assessment that decision-makers can use to help compare and interpret community input. To fulfil this role in a balanced manner a landscape assessor should be aware of—and acknowledge—the range of views likely to be held within a community. However, our role is not to repeat (or attempt to mirror) the views of others but to provide an independent professional opinion. It is a different and complementary role to that of submitters and lay witnesses. Decision-makers may make findings by having regard to:¹⁵¹
- the lay witnesses (affected parties), and
 - the values anticipated by plan provisions, and
 - the independent professional evidence.¹⁵²

Existing environment and permitted baseline

- 6.30 Landscape effects are measured against the landscape values of the existing environment. The 'existing environment' includes unimplemented resource consents that are likely to be implemented.



Although just a small point of land, it cannot be put to one side

Ahakoia iti te koutu whenua, e kore e taea te parepare



Above: Kawarau/Remarkables—viewed from Jacks Point Otākou/Otago
Image: Richard Denney

153. For instance, the Auckland Unitary Plan policies and criteria, in addressing change and intensification, specifically require effects to be considered against the planned urban form.

154. Such as a resource consent application or a notice of requirement.

155. For instance, objectives, policies, development standards and assessment criteria for assessing future applications for resource consent.

- 6.31 Decision-makers may also have regard to the ‘permitted baseline’—the effects that could occur from permitted activities that comply with development standards. State when you are using the permitted baseline as a benchmark against which to measure effects. In those situations:
- be clear on the difference between effects on the existing landscape and the permitted baseline
 - take a non-fanciful approach as to what might reasonably be anticipated—a decision-maker is not obliged to have regard to the permitted baseline and may place little weight on a fanciful approach
 - activities that require consent, such as a restricted discretionary activity, cannot be considered part of the permitted baseline.
- 6.32 Landscape effects are also interpreted against the outcomes sought in the relevant statutory provisions. Such provisions can comprise generic outcomes as stated in objectives and policies. Policies and criteria can also specifically require consideration of the planned future form of an area.¹⁵³
- 6.33 Confirm planning matters such as the permitted baseline and planned future form with a planner or lawyer.

Differences between types of assessments of effects

- 6.34 Different approaches will be required in assessing effects for proposal-driven and policy-driven assessments.
- 6.35 For proposal-driven assessments there will be a specific proposal,¹⁵⁴ site, and statutory planning context. The effects can therefore be assessed precisely. Matters decision-makers consider when deciding resource consent applications are set out in RMA s104, differing for different types of activity status, and the requirements for AEEs are set out in Schedule 4. Matters decision-makers consider when deciding a Notice of Requirement (NoR) are set out in RMA s171. For a landscape and visual assessment, a key difference for a NoR compared to a resource consent application is the requirement in many circumstances to consider the effects of alternative locations and methods. Development standards also do not apply within a designation.
- 6.36 For policy-driven assessments, in contrast, the focus will typically be large areas, potential activity types, and higher order policies. Such assessments are required to inform Plan Preparation and for Plan Changes. The assessment will assess the potential effects of such generic activities, and the effectiveness of proposed policy measures¹⁵⁵ to manage such effects. The approach will be more strategic. Policy-driven assessments of landscape effects may be used to inform the RMA s32 evaluation report as to whether the proposed provisions are the most appropriate way to achieve the purpose of the RMA. Such reports are required to identify other reasonably practical options to

156. These tests relating to the term ‘minor’ may be a thing of the past under the new legislation. The Randerson Report recommended removing non-complying activities as an activity class, and changing the notification provisions to remove tests based around ‘minor adverse effects’.

157. The alternative gateway test for non-complying activities is that the activity must not be contrary to the relevant objectives and policies.

158. Use the ordinary meaning of terms such as ‘minor’ and ‘significant’. While the terms are to be interpreted in the context of the statutory instruments, they retain their ordinary meaning. Statements such as ‘moderate is equivalent to minor in RMA terms’ are not correct. See ‘Okura’ [2018] NZEnvC 78, para 557, “...we had some difficulty with the proposition that the term moderate equated to minor [...] We understand the word to mean lesser or comparatively small in size or significance. We consider the conflation of the two words would be contrary to the understanding of many persons as to their meaning and certainly contrary to our understanding”. See also ‘Trilane Industries’ [2020] NZHC 1647 paragraph 55, “In my view, a conclusion that there would be moderate adverse effects imports a clear finding that the effects would not be minor or less than minor.”

159. Temporary adverse effects should be considered when assessing whether adverse effects are ‘minor’ or ‘less than minor’ for the purposes of notification decisions. The limited duration or subsequent mitigation over time of such effects is not relevant in those notification situations—although it may be pertinent to the main decision (or “substantive decision”) on whether to grant consent. (‘Trilane Industries’ [2020] NZHC 1647 paragraph 59–62), “I therefore consider the Council erred [in making its notification decision] in ignoring a temporary adverse effect which was moderate in scale by taking account that it would be mitigated in due course.”

160. See also ‘Progressive Enterprises’ [2004] CIV-2004-404-7139, paragraph 54: “‘Minor’ is not defined. The dictionary definitions of ‘Minor’ include ‘petty’ and ‘comparatively unimportant’ (Cassell Concise English Dictionary); ‘relatively small or

achieve the objectives, the efficiency and effectiveness of proposed provisions, and the reasons for adopting the proposed provisions. They are required to identify the costs and benefits of the environmental, economic, social, and cultural effects that will arise from the proposal. Landscape assessors carrying out policy-driven assessments should therefore be conscious of s32 and frame their assessments to be useful to the writer of the s32 report.

Activity status

- 6.37 Be conscious of the activity status of resource consent applications and any specific assessment criteria, and tailor the assessment accordingly.
- Tailor an assessment to address criteria where relevant (there are often criteria for controlled and restricted discretionary activities for example).
 - For a controlled or restricted discretionary activity, focus on the matters to which control or discretion has been confined.
 - For a discretionary activity, consider all landscape and visual effects.
 - For a non-complying activity, the planners may have additional specific questions about the extent to which the proposal is consistent with objectives and policies (those relevant to landscape matters), or whether the adverse landscape and visual effects are more than minor (see below).

‘Minor’, ‘less than minor’, ‘no more than minor’, ‘significant’

- 6.38 The terms ‘minor,’ ‘less than minor,’ and ‘no more than minor’ apply only to the following RMA situations:¹⁵⁶
- As one of the ‘gateway tests’ for non-complying activities under s104D: i.e. that “the adverse effects of the activity on the environment ... will be minor”¹⁵⁷
 - As one of the tests for deciding if an application is to be publicly notified under s95A: i.e. that the adverse effects of the activity “on the environment are more than minor”.
 - As one of the tests for determining if a person is an “affected person” for the purpose of deciding if they are to be notified under the s95E “limited notification” provisions: i.e. that the adverse effects on the person will be “minor or more than minor (but are not less than minor).”
- 6.39 Such terms are often over-used. In the interests of precision, only use them where they are relevant (it may help to check with a planner or lawyer involved in the project). In those few situations where they are relevant, the terms can be described as follows:
- ‘More than minor’ can be characterised as ‘moderate’ or above.¹⁵⁸
 - ‘Minor’ adverse effects means some real effect but of less than moderate magnitude and significance. It means the lesser part of the ‘minor-moderate-major’ scale.¹⁵⁹ ‘Minor’ can be characterised as ‘low’ and ‘mod-low’ on the 7-point scale.¹⁶⁰

unimportant...Of little significance or consequence’ (Oxford English Dictionary).”

161. See ‘Gabler’ [2017] NZHC 2086 paragraph 94. “The test used to be of ‘de minimis’ effect. The use of the expression ‘less than minor’ points in a similar direction. ‘Less than minor’ in my judgement means that which is insignificant in its effect, in the overall context, that which is so limited that it is objectively acceptable and reasonable in the receiving environment and to potentially affected persons.”

162. Note that the test under s95E as to whether effects are ‘less than minor’ relate to an activity’s “adverse effects on a person”. The test relates to notification, not the determination of an application. A cautious approach is recommended because the test is relevant to matters of natural justice: whether an affected person is given the opportunity to be heard. See also ‘McMillan’ [2017] NZHC 3148, paragraphs 12–15, and ‘Green’ [2013] NZHC paragraphs 94–95.

163. ‘McMillan’ [2017] NZHC 314, paragraph 13.

164. Opinions on whether effects are minor (or less than or more than)—or significant—usually fall to planners who look across all disciplines and effects. While we need to be ready to provide clear advice, it is recommended that landscape assessors use the 7-point scale except where there is a clear question as whether the landscape effects are ‘minor’ (or less or more) or ‘significant’—and in those situations to provide such an opinion as a subsequent step.

165. ‘Significant’ also has meanings that derive from ‘signify’ (indicate). For instance, a small difference may be ‘statistically significant’, people may exchange a ‘significant glance’. Be conscious of such nuances. In landscape assessment, significant usually means of large magnitude and importance.

166. ‘Self Family Trust (Crater Hill)’ [2018] NZEnvC 49, paragraph 501. “Significant adverse effects are, like inappropriate ones, a matter of context.”

– ‘Less than minor’ means insignificant. It can be characterised as ‘very low’ and overlapping with ‘low’ on the 7-point scale.^{161 162}



- 6.40 However, avoid an overly mechanical approach: “One is dealing with degrees of smallness. Where the line might be drawn between the three categories might not be easily determined.”¹⁶³ There are different interpretations within the profession as to where the boundaries of such categories precisely fall. The key is to be transparent and explain the reasons to justify a professional judgement.¹⁶⁴ The 7-point scale is a rating of magnitude, whereas an assessment of whether effects are minor (or less than or more than) is a reasoned consideration of the magnitude and importance (significance) of such effects in context. Assess the individual effects first using the 7-point scale in the normal manner. Following that, consider whether the adverse effects are minor (or less than or more than) in the context of the relevant test.
- 6.41 Likewise, the term “significant adverse effect” applies to certain specific RMA situations, such as a threshold for the requirement to consider alternative sites, routes, and methods for Notices of Requirement under RMA s171(1)(b), and the requirements to consider alternatives in AEEs under s6(1)(a) of the Schedule 4. It may also be relevant to tests under other statutory instruments such as considering effects on natural character of the coastal environment or on outstanding natural features and landscapes in the coastal environment, under the New Zealand Coastal Policy Statement (NZCPS) Policies 13 (1)(b) and 15(b).
- 6.42 Significant adverse effect means of major magnitude and importance. A significant effect can be characterised as ‘high’ or ‘very high’ on the 7-point scale¹⁶⁵—the upper part of the minor-moderate-major scale. But as above, it is a matter of context.¹⁶⁶ Assess individual effects first in terms of their nature and magnitude against the 7-point scale. Then, assess whether the adverse effect is significant in magnitude and importance (significance) in the context of the relevant test and statutory planning provisions. Explain the reasons to justify your professional judgement.



Above: Wainui Bay Spat Farm,
Mōhua/Golden Bay
Below: Tokangawha Point,
Coromandel Peninsula
Images: James Bentley

167. Such matrices were common in the past and are recommended in some overseas guidelines. For example, the GLVIA 3rd edition sets out the use of such matrices as a conventional approach, but also highlights the problems with such a convention and points out that the Institute of Environmental Management and Assessment promotes the replacement of 'sensitivity' and 'magnitude' with the 'nature' of the landscape and 'nature' of effect' (GLVIA box 3.1, page 37) which is similar to the approach recommended by these Guidelines.

168. 'Summerset Villages (St Johns)' [2019] NZEnvC 173, paragraph 76. "The use of repeated s127 or other applications has the ability to derogate from the finely balanced outcomes of an integrated consent and the finely crafted conditions. In these cases the Court can properly see the consent and conditions as entire. Thus the change of one element may add cumulative effects or otherwise compromise the original consent."

Sensitivity and magnitude

- 6.43 Avoid using matrices to measure the significance of effect as a function of 'sensitivity' and 'magnitude'¹⁶⁷ for the following reasons:
- Landscape values are too complex and varied to reduce to a single parameter such as 'sensitivity'. Similarly, 'magnitude' does not adequately address the nature and degree of effects on landscape values.
 - Such matrices falsely imply that landscape effects can be practically measured as a type of mathematical function. They suggest an objectivity that is not warranted. At most, in a landscape context, such matrices illustrate a concept.
 - Such matrices are an abstraction (an additional step) that introduces an additional chance of error.
- 6.44 Instead, it is more direct and transparent to describe the actual nature and degree of effect on the landscape's actual values (and attributes) and explain with reasons.

Cultural impact assessments

- 6.45 An assessment of landscape effects should integrate information on effects contained in a cultural impact assessment (or similar reports such as a cultural landscape effects assessment or a cultural values assessment, where these are available). As explained in paragraph 4.37, best practice is not to merely repeat or catalogue the findings of another report, which decision-makers will have regard to anyway, but to interpret the information to help inform an independent professional assessment of landscape effects.

Cumulative effects

- 6.46 Cumulative effects are the effects of a proposal in combination with those of previous developments. This might relate to such things as s127 variations to a resource consent (e.g. further additions to an approved development),¹⁶⁸ expansion of a facility (e.g. shopping mall), intensification of an element of infrastructure (e.g. 'four-laning' a two-lane highway), or additional projects of a certain type in an area (e.g. further rural subdivision, wind farms, marine farms).
- 6.47 Cumulative effects should be considered carefully because in one sense all effects are cumulative. Previous lawfully established activities are part of the existing environment against which the effects of a new activity are assessed. Mostly, the effects of a proposal are simply the effects on the existing environment. Likewise, a proposal's different types of effect (for instance noise and visual effects) are simply the proposal's combined effects rather than what is meant by cumulative effects.

169. Or 'saturation point' or 'the straw that will break the camel's back'. See 'Te Waka Wind Farm' [2007] NZEnvC Decision W24/07, paragraph 51-53 "...If a consent authority could never refuse consent on the basis that the current proposal is... the straw that will break the camel's back, sustainable management is immediately imperilled [...]. Logically, it is an unavoidable conclusion that what must be considered is the impact of any adverse effects of the proposal on the environment. That environment is to be taken as it exists or, following Hawthorn, as it can be expected to be, with whatever strengths or frailties it may already have, which make it more, or less, able to absorb the effects of the proposal without a breach of the environmental bottom line—the principle of sustainable management".

170. While a landscape assessor takes responsibility for their assessment (they cannot rely on a group view), it is valid to mention techniques such as independent second opinions and the like in the methodology statement as a quality assurance method.

6.48 Cumulative effects come into play in circumstances where an additional effect takes a landscape beyond a 'tipping point'¹⁶⁹—which would normally require a benchmark against which the effects are to be measured. Such benchmarks might include the character envisaged in the district plan or the 'capacity' of a landscape to accommodate development before compromising its landscape values (its valued attributes). This is a matter of context and judgement. As with all matters of professional judgement, the key is in the reasons.

Calibration studies and second opinions

6.49 A useful tool is a calibration study, which entails assessing existing activities similar to that proposed to help pinpoint and calibrate the influence of factors on effects. Examples include studies to calibrate the prominence of features (such as wind turbines, power pylons, marine farms) at certain distances, and the extent to which certain factors (e.g. sun angle, elevation) may influence effects. However, tools such as calibration studies (and matrices discussed above) are only an aid. Do not surrender professional judgement to them.

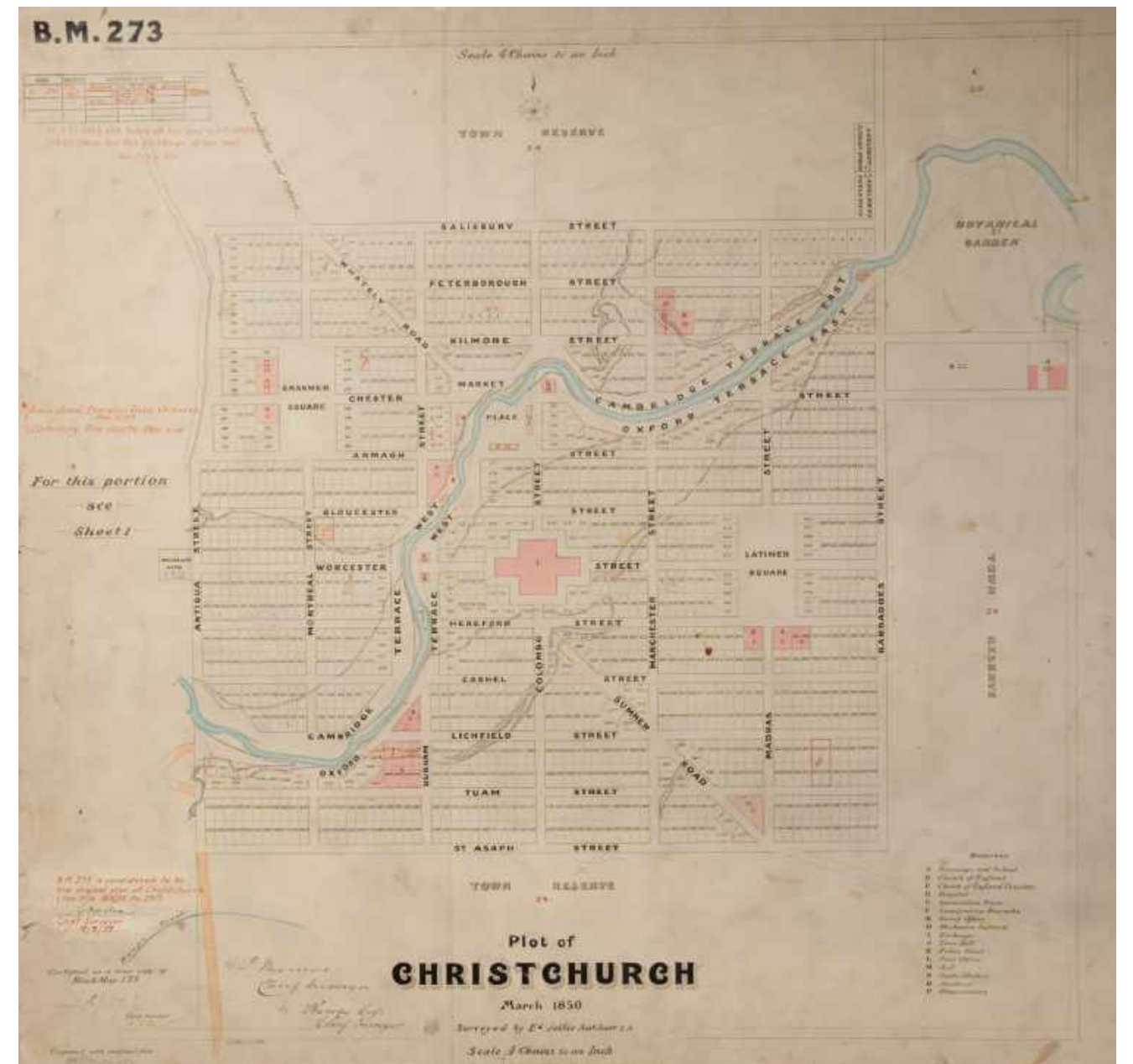
6.50 A second person independently assessing a proposal (for example, independently rating magnitude of effects) can be a useful technique to provide a check of findings. However, such checks are for the sole benefit of the primary assessor who still takes responsibility for their findings.¹⁷⁰

Photo simulations (visual simulations)

6.51 Photo simulations (or visual simulations) are useful tools for pictorially depicting proposed developments. But they should be properly prepared, and their limitations understood and explained.

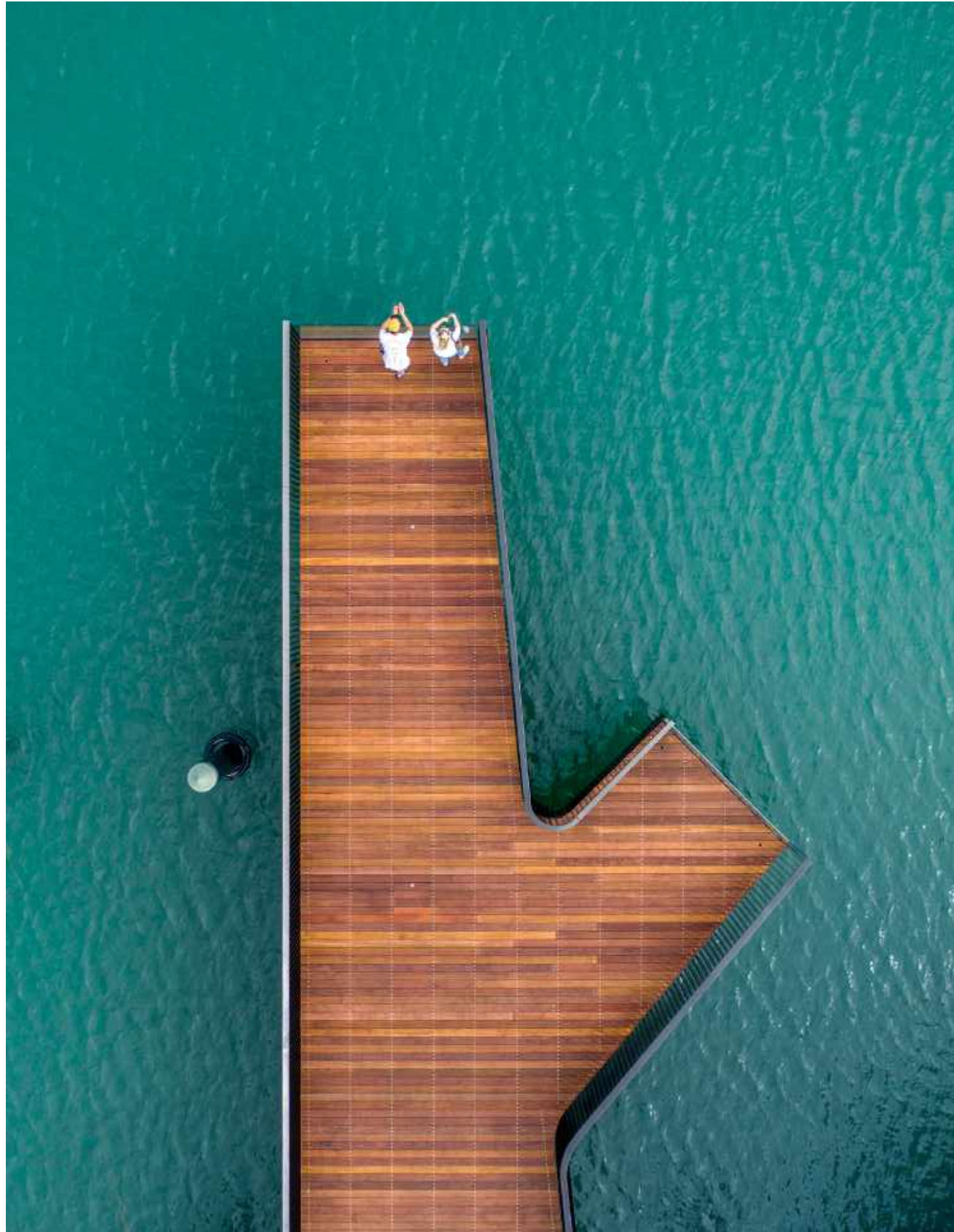
6.52 Guidelines are set out in 'NZILA Best Practice Guide 10.2, Visual Simulations' (2010). Key parameters for presenting photo simulations are:
 – field-of-view (wide enough to depict perspective and context)
 – image scale (depicting correct size at a practical reading distance)
 – resolution.

6.53 Limitations to bear in mind are that photos are static, have a limited field of view, and tend to flatten perspective. People typically experience landscapes as they move around and in a range of conditions—whereas photos often do not depict context and are taken from one viewpoint in one set of conditions. Representative viewpoints selected for photo simulations are also typically those in which the proposal will be clearly visible: they tend to present a 'worst case scenario' and may overstate how a proposal will be truly experienced. Photo simulations can focus attention on visual matters rather than overall landscape values. The 'before and after' format also can focus attention on change rather than effects on



—Jane Hirschfield. This haiku was used by visiting landscape architect and sculptor Richard Hansen to explain what he considered the essence of landscape architecture.

'Everything changes, everything is connected, pay attention'



Above: Te Mata Topaki
Image: Petra Leary

landscape values. Understanding such limitations is not to discourage the use of photos but to ensure they are presented and interpreted in the most accurate way.

Potential visibility diagrams

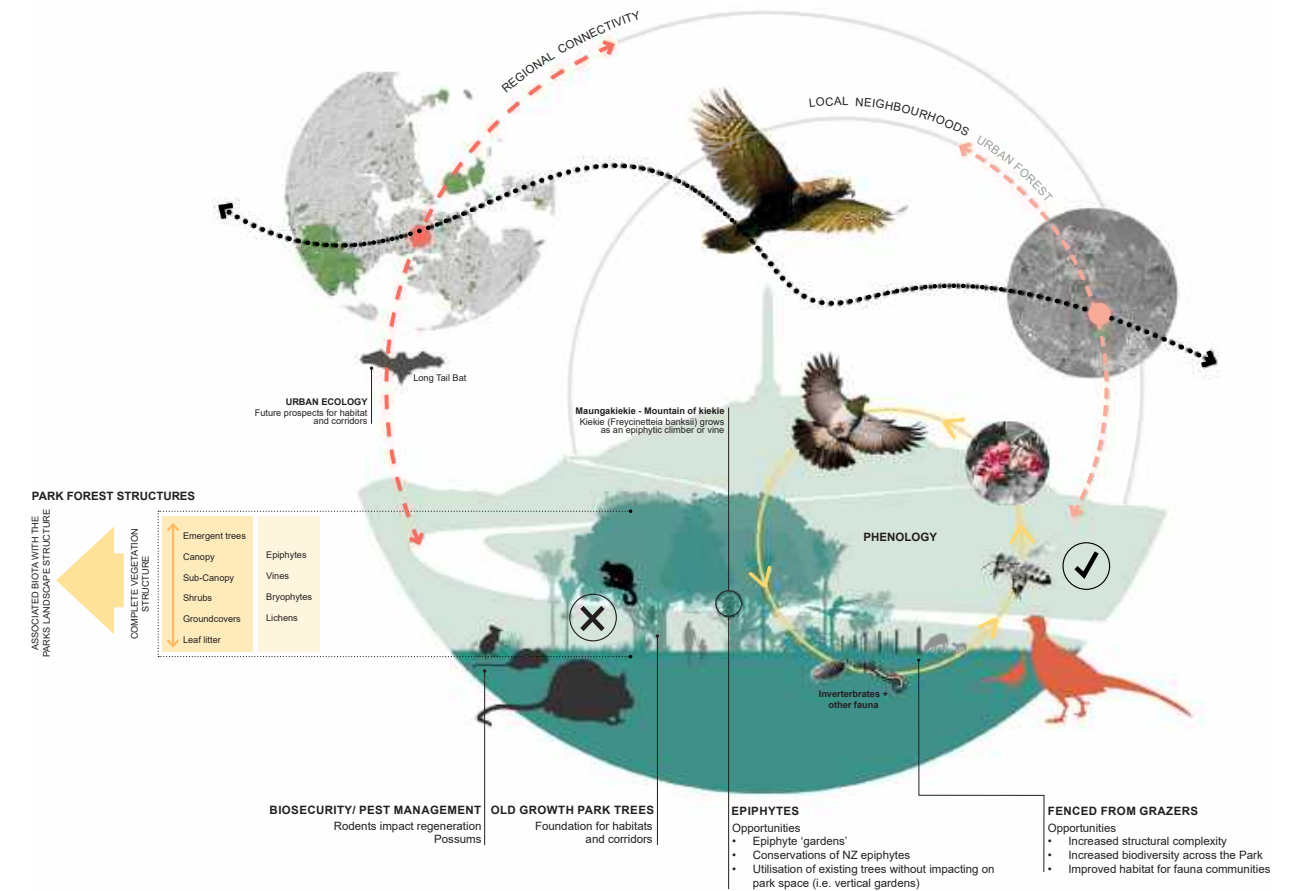
- 6.54 Potential visibility diagrams have several names including ‘Zone of Theoretical Visibility’ (ZTV), ‘visual catchment’, ‘viewshed’. Such diagrams can be a useful tool to indicate potential visibility. They can assist in selecting representative viewpoints. They may help illustrate the difference in potential visibility between a proposal and that which is enabled by a plan as a permitted baseline.
- 6.55 However, such visibility diagrams should not be used as an indicator of effects. They have the following limitations and pitfalls:
- Seeing something is not itself an adverse effect—a potential pitfall is to interpret visibility diagrams as such.
 - Visibility diagrams do not indicate the nature of effect such as the extent to which a proposal affects landscape values (i.e. whether it is out of place or not). They focus on visibility which is only one parameter.
 - Visibility diagrams also have shortcomings in predicting actual visibility. They typically depict potential visibility based on topography alone, whereas actual visibility is often influenced by intervening vegetation or buildings. (This shortcoming can be addressed only if buildings and trees are modelled using (say) LIDAR survey data).
 - Visibility diagrams also do not indicate the degree of visibility or prominence, and therefore give few clues as to magnitude of effect. For example, they do not indicate how much of the subject is visible or such parameters as distance, orientation, backdrop, and perspective depth.
 - Visibility diagrams can focus attention to the margins of visibility where the degree of effect is typically also marginal. Effects are mostly experienced from closer places where visibility is not in question.
- 6.56 Accompany visibility diagrams with a commentary on how they have been used and explain their potential limitations.



171. The most common examples of landscape peer reviews are those prepared for the reporting planner on behalf of a council (i.e. for the s42A report). However, parties may sometimes commission peer reviews as an internal quality assurance method.

Peer reviews

- 6.57 A peer review is an evaluation of an assessment by someone with similar competencies.¹⁷¹ Its weight relies upon the reviewer being impartial and having sufficient expertise and experience with respect to the subject of the principal assessment.
- 6.58 A peer review is a focused appraisal of the principal assessment, not a parallel assessment.
- 6.59 Peer reviews should be consistent with the professional role described in Chapter 2: The purpose is to assist decision-makers (and others) by checking an assessment's method and findings. Peer reviews should:
- be succinct and to the point
 - focus on the principal assessment
 - provide reasons to support the review.
- 6.60 No two landscape assessors are likely to carry out an assessment in precisely the same way. It is not helpful for a peer reviewer to demonstrate how they might have carried out the assessment differently or to dwell on unimportant details. However, if the reviewer considers the assessment method is not sound, or the assessment does not follow its stated method, or the findings are not credible, or there are gaps that are germane to findings, then additional assessment of part (or all) of the principal assessment may be warranted. Make clear where that is the case, explain the reasons for further assessment, and ensure that the additional assessment is reasoned and transparent. The differences in findings between the peer reviewer and principal assessment in such situations should be clear and reasoned.
- 6.61 A peer reviewer will typically review the assessment report, make a site visit, and write a short report confirming (or not) that the assessment:
- follows a sound methodology and method for the purpose
 - considers the relevant statutory provisions and any relevant 'other matters'
 - accurately describes, interprets, and evaluates the relevant landscape character and values
 - analyses the effects on landscape values (for proposal-driven assessments) in a balanced and reasoned way
 - reaches credible findings supported by reasons
 - makes appropriate recommendations with respect to findings (depending on the type of assessment).
- 6.62 Landscape assessors should anticipate peer review by ensuring that the matters above have been addressed.



Example of peer review format

6.63 The following is an example of how a peer review might be structured:

– Introduction

Introduce the project to be reviewed. Outline who engaged you, the documents reviewed, site visits undertaken, and any other relevant background.

– Purpose and method of review

Explain that the purpose of the peer review is an appraisal of the assessment (not a parallel assessment). You might say that the review follows principles set out in these Guidelines and go on to outline the matters to be reviewed.

– Appropriate methodology and method

Confirm that the reviewed assessment contains a methodology statement (or not). State whether the assessment is consistent with the concepts and principles set out in these Guidelines, and whether the method is appropriate. Considerations as to whether the method

Above: Site Ecology Diagram,
Cornwall Park Masterplan
Diagram: Sam Bourne and
Rachel de Lambert

Whāia te mātauranga, hei oranga mō koutou



Above: Matakītiki (Matukītiki)
river valley flats—Wanaka
Image: Richard Denney

is appropriate include the purpose of the assessment, the landscape context (its character and values), the statutory planning provisions, the potential landscape issues, and the scale of the proposal and its potential effects.¹⁷² State also whether the assessment has been carried out consistently with its stated method.

– **Existing landscape**

Confirm that the relevant landscape is identified (i.e. the relevant context and spatial scale), and its attributes and values pertinent to the assessment are described. Confirm that existing consents are considered in the description of the existing landscape, and that the permitted baseline or planned environment has been considered where relevant. The latter may be especially important, for example, where there is policy direction to achieve a different form from the existing landscape, such as in growing urban areas.

– **Proposal**

Confirm that the proposal is described clearly enough to understand potential landscape effects.

– **Statutory planning provisions**

Confirm that the assessment identifies and is framed in response to the relevant provisions. Check that the assessment considers, for example, relevant objectives and policies of the district plan, and consideration of any ONFLs. If near the coast, confirm that consideration has also been given to whether the assessment's subject is in the coastal environment, and if so, the relevant provisions of the NZCPS.

– **Landscape (including visual) effects**

Confirm that the assessment identifies the issues (or likely potential effects on landscape values) in the context of the relevant statutory provisions. Confirm that the assessment then explains (with reasons) both the nature and magnitude of assessed effects. Confirm that the assessment identifies both adverse and positive landscape effects. Confirm that any photo simulations and plans etc., are accurate and presented in a fair way (see paragraph 6.51–6.53).

– **Design response**

Confirm that the design measures taken to avoid potential adverse effects, or to remedy or mitigate such effects, will be effective. Confirm that such measures are underpinned by effective recommended conditions.

– **Conclusions**

Confirm that the assessment's findings and overall conclusions are credible and consistent with the analysis.



As people disappear from sight, the land remains

Whatungarongaro te tangata, toitū te whenua

Whakarāpopotanga

Summary

Landscape effects are consequences for landscape values which arise from changes to a landscape's physical attributes. Change itself is not an effect. Rather, an effect is an outcome for a value. Landscapes are always changing.

To assess landscape effects, it is therefore necessary to first identify the landscape's values and the attributes (physical characteristics) on which such values depend.

Landscape effects can be adverse or positive.

Effects are considered against the existing landscape values, and the outcomes (or landscape values) sought in the statutory provisions.

It is important to assess both the nature and magnitude of effect. Magnitude only makes sense as a descriptor of the nature of effect. The magnitude is not the effect.

As with all matters of interpretation and appraisal, explain and justify assessments of effects with reasons.

Visual effects are a subset of landscape effects. They are effects on landscape values as experienced in views.

A typical 'proposal-driven' assessment of landscape and visual effects includes the following steps:

- identify the relevant landscape context and its appropriate scale(s) (i.e. extent)
- identify landscape values
- review the relevant provisions
- identify the issues
- assess the nature and degree of effects—with reasons
- design measures to avoid, remedy or mitigate adverse effects and to achieve positive effects (see Chapter 7)
- recommend conditions to ensure landscape outcomes.