

# Āhuatanga Taiao

Natural Character

205. This Chapter focuses exclusively on s6(a) matters—the preservation of natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins—not the natural character of landscapes in general.

206. Section 8(e) of the consultation draft of the Natural and Built Environments Bill requires more simply that “in respect of the coast, lakes, rivers, wetlands and their margins,—(i) public access to and along them is protected or enhanced; and (ii) their natural character is preserved”.

207. Naturalness in this context is the extent to which natural processes, elements, and patterns occur and the relative absence of human elements such as structures and roads. It is a measure of the actual and apparent modification from a fully natural state.

208. Albeit, determined from an area’s specific characteristics and qualities.

209. Natural character is an attribute of places and features—it does not exist of itself. See for example ‘Port Gore’ [2012] NZEnvC 072, paragraph 132.

210. It is interesting to compare this policy with the superseded NZCPS 1994 which stated at Policy 1.1.3 that “it is a national priority to protect the following features, which in themselves or in combination, are essential or important elements of the natural character of the coastal environment (a) landscapes, seascapes and landforms, including: (iii) the collective characteristics which give the coastal environment its natural character...”

211. New Zealand Coastal Policy Statement, 2010, Policy 13 (1)(c).

212. See ‘Save Wanaka Lakefront’ [2017] NZEnvC 88, paragraphs 175–176. “On the evidence, we find that an assessment of effects on natural character should consider both biophysical and perceptual dimensions, as the words ‘natural character’ suggest. The relative weighting of these dimensions is a matter of judgment on the evidence. [176] We also find on the evidence that landscape character is inherently related to natural character. As noted also, the experts agreed that “‘natural character’ is a subset of landscape character...” See also ‘Clearwater Mussels’ [2016] NZEnvC 21, paragraph 65.

## What is natural character?

9.01 ‘Natural character’<sup>205</sup> has specific application in Aotearoa New Zealand because s6(a) of the RMA provides, as a matter of national importance, for:

*the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.*<sup>206</sup>

9.02 Natural character has been interpreted as:  
– the naturalness<sup>207</sup> or degree of modification of an area  
– an area’s distinct combination of natural characteristics and qualities.

9.03 The former is a quantitative attribute—a condition.<sup>208</sup> The latter is a character specific to each area.

9.04 The Guidelines adopt the interpretation that natural character is a type of character—the distinct combination of an area’s natural characteristics and qualities,<sup>209</sup> and that naturalness is one attribute of that natural character.

*Natural character is an area’s distinctive combination of natural characteristics and qualities, including degree of naturalness.*

9.05 The reasons for this interpretation are:  
– It recognises that s6(a) uses the term ‘natural character’ rather than ‘naturalness.’  
– It is consistent with Objective 2 of the NZCPS, which is (amongst other things) to recognise the characteristics and qualities that contribute to natural character; and with the matters listed in Policy 13(2), of which the range of natural character between pristine and modified (i.e. naturalness) is only one matter.<sup>210</sup>  
– It allows for assessment of each area’s specific natural character (compared to the generic attribute of naturalness) and therefore a more responsive approach to understanding each area’s natural character and protecting it from inappropriate activity. It lends itself to a nuanced approach to all areas of the coastal environment (and the other waterbodies), rather than the temptation to focus only on “mapping or otherwise identifying at least areas of high natural character.”<sup>211</sup>  
– It is consistent with the evolution of concepts of ‘natural’ and ‘natural character’ (see paragraphs 9.41–9.56).  
– It aligns with a consistent use of ‘natural’ and ‘character,’<sup>212</sup> as those terms are interpreted elsewhere in the Guidelines.  
– It potentially resolves the different interpretations by incorporating the condition of ‘naturalness’ as one attribute of ‘natural character’.

213. Such a list is consistent with Objective 2 of the NZCPS because it recognises characteristics and qualities that contribute to natural character of the coastal environment.

214. There are different views within the profession (and in other disciplines and organisations) on what natural character is and how it should be assessed. While the Guidelines set out a coherent interpretation and approach, they also promote flexibility for alternative approaches subject to the overriding principles of transparency and explanation.

9.06 In lieu of a definition, the New Zealand Coastal Policy Statement 2010 (NZCPS) lists examples of matters that contribute to natural character of the coastal environment. The list comprises the natural physical environment and how it is perceived and experienced in context:<sup>213</sup>

*Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:*

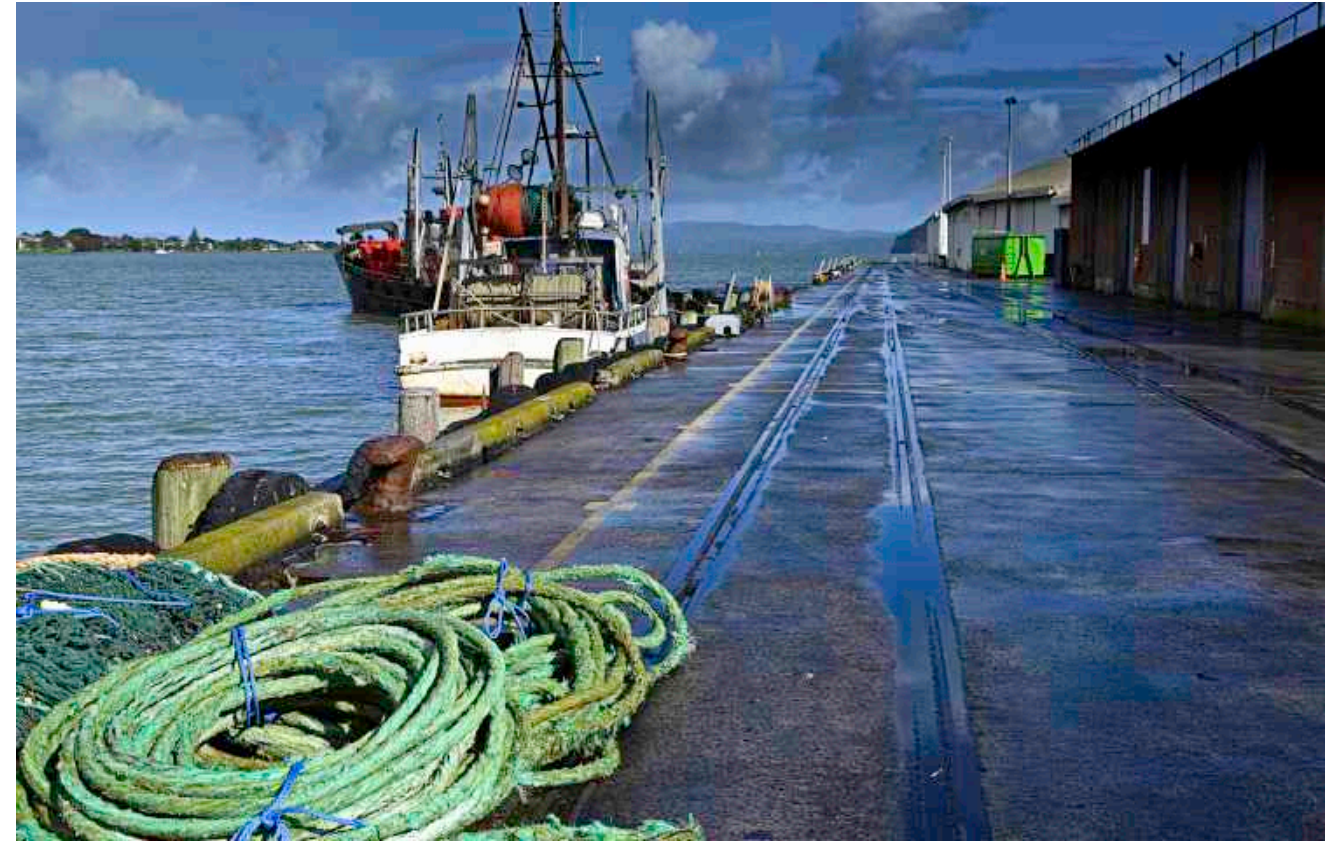
- *natural elements, processes and patterns;*
- *biophysical, ecological, geological and geomorphological aspects;*
- *natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;*
- *the natural movement of water and sediment;*
- *the natural darkness of the night sky;*
- *places or areas that are wild or scenic;*
- *a range of natural character from pristine to modified; and*
- *experiential attributes, including the sounds and smell of the sea; and their context or setting. [Policy 13 (2):]*

9.07 The focus on the degree of natural character (or what these Guidelines refer to as 'naturalness') arises in part because of Policies 13(1)(a), (b), and (c) of the NZCPS:

- Policy 13(1)(a) is to avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character.
- Policy 13(1)(b) is to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment.
- Policy 13(1)(c) of the NZCPS is to achieve these outcomes by assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character.

9.08 Some regional and district assessments, therefore, focus on identifying and mapping areas of high and outstanding natural character, rather than what the Guidelines consider to be a broader concept of natural character.

9.09 It is recognised that the interpretation offered by these Guidelines is not universal. It is therefore important to explain the interpretation of natural character and the method to be used in any assessment.<sup>214</sup>





215. Have regard also to the body of 'case law' on natural character. Subject to the caveats in paragraphs 2.30–2.31, it helps to be cognisant of relevant decisions to help understand natural character and frame assessments.

### Assessing natural character

- 9.10 The same principles and approaches apply to assessing natural character as apply to assessing other types of character: in short, the approach is to describe and analyse the attributes (characteristics and qualities) and interpret how they come together as overall character. In this instance, the focus is on the natural characteristics and qualities, and their collective expression as natural character.
- 9.11 Natural character assessments may be included as sections within other landscape assessments or as stand-alone reports depending on the nature and complexity of the situation. Natural character assessments may be undertaken for such purposes as:
- proposal-driven assessments—for instance, the effects of a resource consent application on the natural character of an area of the coastal environment, or of a water body and its margins
  - policy-driven assessments—for instance, an assessment of a region to identify and map areas of high and outstanding natural character (area-based), or to inform policies for certain types of activity (e.g. coastal residential development, forestry, marine farms) with respect to natural character (issue-based).
- 9.12 While each is different, the various types of natural character assessment are likely to share the following common elements:
- explain the methodology and method
  - identify the relevant area
  - assess the natural characteristics and qualities of the area
  - interpret how the characteristics and qualities come together to create the area's natural character
  - evaluate and determine the natural character with respect to context and purpose of the assessment, which may include:
    - i) the significance of the area's natural character, ii) the key characteristics and qualities that embody such significance, and iii) the degree of naturalness.
- 9.13 The following paragraphs elaborate on each of these elements.

#### Explain methodology

- 9.14 Define 'natural character'. Explain your interpretation of natural character to be used in the assessment (see paragraphs 9.02–9.09). As discussed above, this is important given the different interpretations of natural character. Explaining your interpretation of natural character helps transparency and will help decision-makers (and others) understand your assessment. Explain your interpretation in terms of consistency with the intent, principles, and language of the NZCPS (where applicable) and with RMA s6(a).<sup>215</sup>
- 9.15 Tailor the method for assessing natural character to each project's purpose and context (see Chapter 2).

Hawaiki is the land where  
the food grows wild

## Ko Hawaiki te whenua e tupu noa mai te kai







Above: Cape Egmont  
Lighthouse, Taranaki  
Image: Sophie Fisher

216. For RMA purposes, natural character is an aspect of areas in the coastal environment, wetlands, lakes and rivers and their margins.

217. The consultation draft of the Natural and Built Environments Bill refers to preserving the natural character of the coast, lakes, rivers, wetlands, and their margins. It does not use the term coastal environment.

- 9.16 Explain the method. A methodology statement might say that the assessment follows the concepts and principles of these Guidelines (or otherwise if that is the case) and then outline the method tailored to the project.

#### **Identify the relevant area**

- 9.17 Identify the extent of the relevant area using reasoned judgement as to scale and context:
- Natural character is an aspect of an area.<sup>216</sup>
  - The areas to which natural character applies occur at different spatial scales. The appropriate extent will be determined by considering the landscape itself, together with the purpose of the assessment. For instance, a regional policy-driven assessment will typically identify and map areas with consistent natural character, while a proposal-driven assessment will focus on an area sufficient to understand the proposal's effects on the natural character of the receiving environment.
  - Include both water and land. Each of the areas to which natural character applies under RMA s6(a) is centred on bodies of water and includes their margins and land context. Focusing on the land or water alone can lead to errors of scale and to overlooking key natural character elements (integration across jurisdictional boundaries is discussed further at paragraph 9.60).
  - Focus on the relevant area but also explain it in its broader context.
  - Provide reasons to support the area identified.
- 9.18 The seaward extent of the coastal environment is the limit of territorial waters (12 nautical miles from the New Zealand mainland and islands). It includes the seabed and the marine environment (the sea).<sup>217</sup>
- 9.19 District plans often map the inland extent of the coastal environment. The following pointers are relevant in those instances where the inland extent has not already been identified.
- The coastal environment is the area in which coastal processes, influences or qualities are significant. Significant means major – more than a moderate influence or view.
  - Identify the inland boundary with respect to the physical landscape characteristics. The coastal environment is an environment rather than a zone. Topographic features or obvious changes in the influence of coastal processes often provide a marker to the inland extent of the coastal environment (e.g. cliffs, ridge, inland extent of coastal vegetation, tidal influence, changes in land use caused by exposure to the coast). The leading ridgeline behind the coast has been used as a rule-of-thumb for the inland extent of the coastal environment. This may be sensible where there is an immediate relationship of ridge to coast but may not be relevant if the leading ridge is too far inland to define an environment in which coastal processes, influences or qualities are significant. In other places



218. 'Kaupokonui Beach Society' NZEnvC Decision No. W 030/2008, paragraph 37 (quoting a 1990 Planning Tribunal decision Hay v Banks Peninsula District Council).

219. It would be logically consistent for margins to also apply to wetlands, especially given that wetlands and lakes are part of a continuum, however the s6(a) punctuation means margins apply only to lakes and rivers. The recommended wording in the consultation draft of the Natural and Built Environment Bill would fix this apparent anomaly.

220. 'High Country Rosehip Orchards' [2011] NZEnvC 387, paragraph 140.

the inland boundary can be blurred or indistinct because coastal influence diminishes gradually. Assessing the inland boundary is a matter of judgement, taking all factors together. As with all matters of judgement, justify with reasons (see also paragraphs 5.20 and 8.30 on a reasoned approach to boundaries).

- The extent should derive from the environment rather than potential effects.
- Consider the land and sea together when deciding on the inland boundary.
- The extent will vary from place to place. It has been said that the extent of the coastal environment is "...one of those theoretically difficult questions which will usually yield to the facts and a liberal dose of common sense."<sup>218</sup>

9.20 The following pointers are relevant when delineating the extent of the margins of lakes and rivers.<sup>219</sup>

- The word 'margin' suggests a relatively narrow area compared to 'environment'.
- While the Queen's Chain (20m) is sometimes referred to as a starting point, especially for streams, the High Country Rosehip Orchards decision says that "margins are likely to be areas beyond the wave action of a lake or extending away from the banks of a river for, depending on topography and other factors, at least 20–50 metres and sometimes more."<sup>220</sup>
- The margins should be determined with reference to the attributes and context of the lakes and rivers themselves.
- The extent is likely to be influenced by the size of the feature. For example, the margins of Taupō moana are likely to be wider than those of a small lake or tarn, the margins of a river may be wider than those of a stream.
- The margins are also likely to be influenced by topography (for instance, the sides of a gorge) and land use (for instance, the boundary between cultivation and natural riparian vegetation).

#### Assess natural characteristics and qualities

9.21 Assess the characteristics and qualities that contribute to natural character. NZCPS Policy 13(2) lists some examples. In summary, they include:

- Physical natural elements and processes including abiotic aspects (e.g. landform and water, hydrological processes, geomorphology, climate) and biotic aspects (flora and fauna, ecology).
- How they are perceived and experienced including how natural the area appears (how apparent or dominant the human structures or activities are) and how the area's natural aspects are experienced and appreciated (e.g. exposure to the sound of water, feel of coastal wind, smell of the sea, its aesthetic qualities such as areas that are wild and scenic).

221. Such information may relate to the water itself, underwater topography, coastal or marginal flora and fauna, in-water flora and fauna, and coastal or freshwater processes.

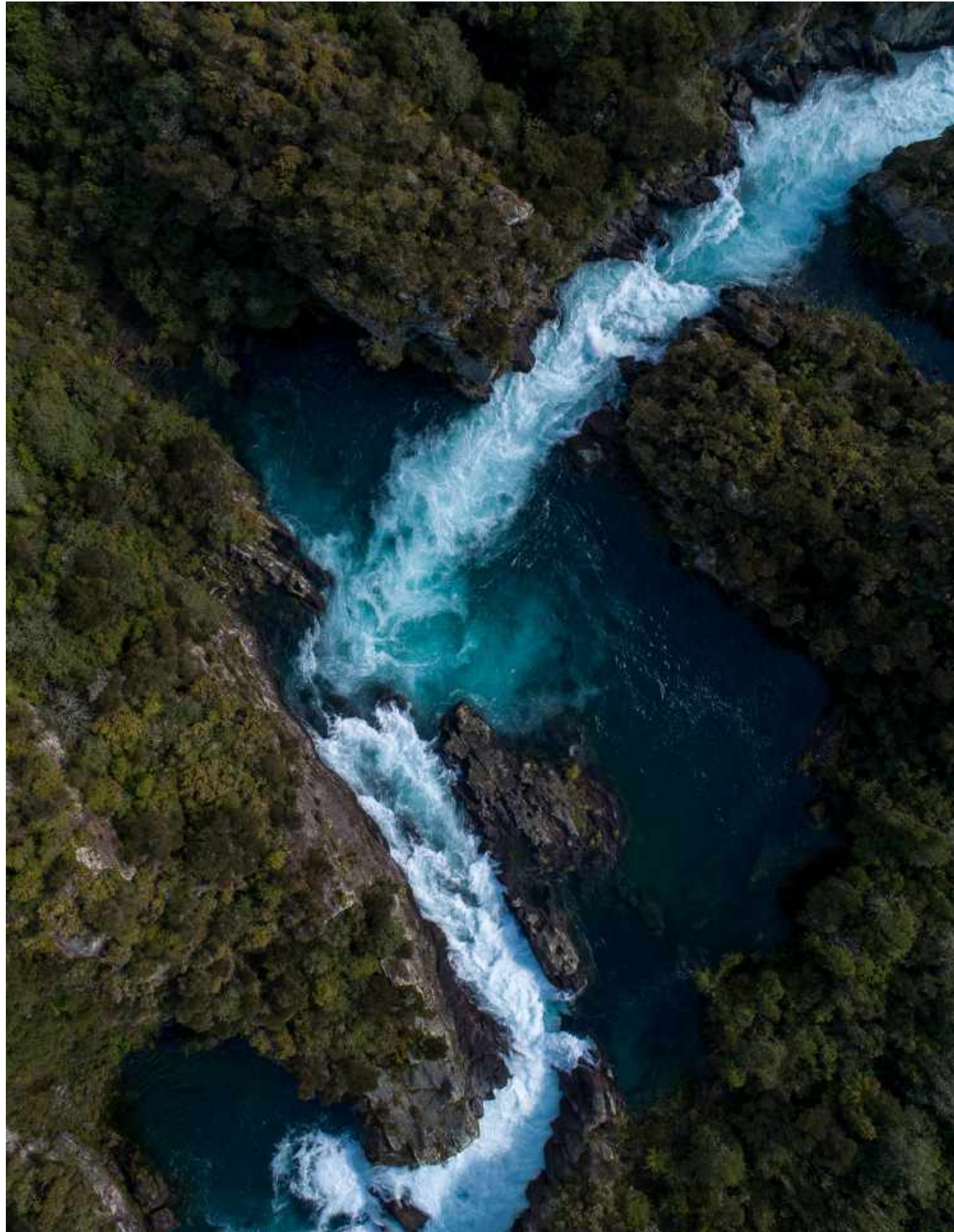
222. Some natural character assessments may be undertaken by a team that includes specialists from different disciplines. In other instances it may be sufficient to rely on existing information.

223. Natural character is more than a measure of the extent to which an area has been modified from a pre-human state. It is an area's collective natural characteristics and qualities and how they are perceived—including how they are understood and experienced.

- 9.22 Assessment will require both desk-top research and field work.
- Desk-top research includes information<sup>221</sup> sourced from and/or supplied by experts in such fields as such as ecology (marine, freshwater, terrestrial), geomorphology, and coastal and freshwater processes.<sup>222</sup> It includes remote information (such as charts and reports on the marine environment) to understand the continuity between terrestrial and underwater landscapes. Interpret and integrate the information into an overall natural character assessment as one would when assessing landscape character.
  - Field work includes assessing the natural characteristics and qualities including both the biophysical environment and perceptual/experiential attributes. Such assessment should be intelligent and informed by knowledge, not limited to superficial impression. For instance, the mere presence of vegetation or water and absence of structures is not a sufficient indication of an area's natural character. What might appear superficially natural might comprise modified natural elements (e.g. weeds or pests) and modified natural processes (e.g. drainage and land management).
  - One characteristic of natural character is naturalness: the extent to which natural elements, patterns, and processes occur and the relative absence of buildings, infrastructure, and other human elements.<sup>223</sup> Assess naturalness against the 7-point scale (see paragraph 6.21), explaining the rating with reasons.







Above: Aratiatia rapids, Taupō  
Image: Petra Leary

224. See 'Clearwater Mussels' [2018] NZEnvC 88, paragraph 154. "The determination of the natural character values of an area involves a high degree of evaluative judgment. That is both as to the nature and degree of the natural character values of the environment and how an activity affects those values. Natural character assessment properly commences with consideration of the biophysical status of the area in question. As looks can deceive, this enquiry is an important first step in order to understand the degree of naturalness of (or degree of human modification to) the relevant area. It is both a factual and science-focussed enquiry. 'Character' is a perceived value. Hence, once the degree of naturalness in the receiving environment is accurately gauged, the second step in a natural character assessment is to evaluate how people would sense and experience the naturalness of that environment".

9.23 'Trajectory' is a relevant characteristic: for instance, whether the area's natural character is increasing (e.g. regenerating former farmland) or decreasing (e.g. increasing sedimentation and decreasing water quality).

***Interpret how the natural characteristics and qualities come together as natural character***

- 9.24 Interpret how the natural characteristics and qualities come together as each area's distinct natural character. Natural character is the composite character of the area's natural characteristics and qualities. It is a whole that is greater than the sum of its parts.
- 9.25 The process of analysing the natural characteristics and qualities and interpreting how they come together as natural character resembles the process used to assess landscape character, except that natural character is concerned only with the natural characteristics and qualities.
- 9.26 Natural character is an outcome of physical environment and perception. Perception is influenced by what we know of an area's natural characteristics and qualities (including input from natural sciences) and how we experience them.
- 9.27 Integrate information from different disciplines to interpret overall natural character.

***Evaluate and determine natural character***

- 9.28 Evaluate the significance of the area's natural character<sup>224</sup> and determine the key natural characteristics and qualities, including the degree of naturalness. The significance of an area's natural character is influenced by setting and context. Have regard also to relevant statutory planning provisions and the purpose in undertaking an evaluation. As with all matters of judgement, explain the reasons.
- 9.29 Evaluate whether the area has outstanding natural character where relevant (see paragraphs 9.31–9.33 below).
- 9.30 Identifying the significance of an area's natural character, and its key natural characteristics and qualities (what might be termed its 'natural character values'), are important to managing natural character. For instance, such matters go to findings on effects and on what is appropriate subdivision, use and development.

***Outstanding natural character***

- 9.31 'Outstanding' is assumed to mean the same with respect to natural character as it does to natural features and landscapes. That is, it encapsulates both quality and relativity. It is a matter of reasoned



judgement. 'Outstanding' is a high threshold but does not mean 'the best' or 'uniquely superior'.

- It is not limited by quota: there are extensive lengths of coast in some parts of the country with outstanding natural character (for instance, Fiordland).
- On the other hand, it does not mean 'best of a poor choice': it may be that there are no areas of outstanding natural character in a district.
- Outstanding natural character should be reasonably obvious and compelling, particularly when the reasons are explained.

9.32 With reference to the interpretation of natural character at paragraph 9.04, 'outstanding natural character' means areas where the collective natural characteristics and qualities have outstanding significance or value. That is, it is a qualitative rather than a quantitative measure. It is a matter of reasoned judgement. It does not mean 'outstanding naturalness'—although a high degree of naturalness may very well be a key characteristic that contributes to an area's outstanding natural character.

9.33 Identifying areas of outstanding natural character has implications for management because of NZCPS Policy 13(1)(a) which is to avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character.

#### ***Recommend measures to manage natural character***

9.34 It is worth remembering that the purpose of assessing natural character is to inform its management. That is, to preserve the natural character of the coastal environment, and of wetlands, lakes and rivers and their margins, and protect the natural character of those places from inappropriate subdivision, use and development.

9.35 That purpose applies to all such areas, not just those with a high degree of naturalness. An area's remnant natural character may be important even though it is highly modified.

9.36 Preserving and protecting natural character does not necessarily mean maintaining the status quo or avoiding subdivision, activities, and development. For instance, NZCPS Policy 14 promotes restoration or rehabilitation of natural character in the coastal environment.

225. As with landscape effects in general, such ratings of magnitude are one descriptor that help describe the effect on natural character. The rating is not the effect itself. The nature and degree of effect are to be considered together. See paragraph 6.20.

#### **Assessing effects on natural character**

- 9.37 Assessing effects on natural character is similar to assessing effects on landscape character, except the focus is on:
- the natural characteristics and qualities that contribute to natural character values
  - appropriateness in terms of what is to be protected, which arises from the specific natural character of an area and the relevant statutory provisions (such as NZCPS Policy 13(1)(a) and (b), and regional and district policy statements/plans).
- 9.38 Assess the nature and magnitude of effect on the area's natural character. Describe the nature of the effect on the key natural characteristics and qualities, including the degree of naturalness. Rate the magnitude of such effects using the 7-point scale.<sup>225</sup> Provide reasons to justify the assessment.
- 9.39 Effects on natural character may be positive or adverse. As discussed above, these Guidelines promote improvement of such landscape values (positive effects) rather than simply maintaining the status quo or mitigating adverse effects.







—Zaha Hadid (2006).  
'I don't do nice',  
in 'The Guardian'

'The beauty of the landscape—where sand,  
water, reeds, birds, buildings, and people all  
somehow flowed together—has never left me.'

Above: Te Puna o te Waihou/  
Blue Spring, Putaruru, Waikato  
Image: Sophie Fisher

226. 'Upper Clutha Tracks (Parkins Bay)' [2010] NZEnvC 432, paragraph 62 "But in the end we are wary of scales of 'naturalness' or 'natural character'. At the risk of being unduly repetitive 'natural' is a cultural construct rather than a scientific term. Chinese or Maori communities understand 'nature' and 'natural' in different ways to Europeans. These different cultural concepts are not readily placed on a simple scale". See also 'High Country Rosehip Orchards' [2011] NZEnvC 387, paragraph 93.

227. 'Harrison' [1994] NZRMA 193, paragraph 197.

228. 'WESI' [1999] NZEnvC Decision C32/99, paragraph 89.

229. 'Long Bay' [2008] NZEnvC Decision A78.2008, paragraph 135. The decision discusses natural character of coastal environment under landscape—see paragraph 106.

## Additional notes

### History of 'natural' and 'natural character'

- 9.40 'Natural character' originates from Western-derived concepts of nature and culture. It is a cultural construct.<sup>226</sup>
- 9.41 Concepts of natural character in Aotearoa have evolved over the years and will likely continue to evolve. Matters debated during this time include:
- the legitimacy of exotic vs indigenous nature
  - evolution from concepts based on superficial impression to those based on perception informed by deeper understanding of natural elements and processes and how they are experienced
  - the relative role of scientific vs perceptual/experiential approaches
  - whether 'natural character' means an area's distinct combination of natural characteristics and qualities (specific character) or the degree of naturalness (generic condition).
- 9.42 The following paragraphs summarise some of this history of ideas.

#### Naturalness vs natural character

- 9.43 'Natural character' has often been conflated with 'naturalness', but they are not the same.
- 9.44 Discussions of 'naturalness' often quote the 'Harrison' decision. This approach relies on impression and a simple binary distinction between natural and human elements: farm pasture and domestic stock are natural, farm buildings are not.

*The word "natural" does not necessarily equate with the word "pristine" except in so far as landscape in a pristine state is probably rarer and of more value than landscape in a natural state. The word "natural" is a word indicating a product of nature and can include such things as pasture, exotic tree species (pine), wildlife both wild and domestic and many other things of that ilk as opposed to manmade structures, roads, machinery etc.'*<sup>227</sup>

- 9.45 Such criteria were set out in the WESI decision<sup>228</sup> with respect to the naturalness of outstanding natural landscapes, and a slightly modified version was set out in the Long Bay decision with respect to the naturalness of the coastal environment:

- relatively unmodified and legible physical landform and relief;
- the landscape being uncluttered by structures and/or obvious human influence;
- the presence of water (lake, river, sea);
- the presence of vegetation (especially native vegetation) and other ecological patterns.<sup>229</sup>

230. 'West Wind' [2007] NZEnvC Decision W031/2007, paragraph 157. (The criteria are referenced as having been agreed at a 2002 Ministry for the Environment natural character workshop).

231. Reported in Bronwyn Newton, John Fairweather and Simon Swaffield, Public perceptions of Natural Character in New Zealand: Wild Nature Versus Cultured Nature, *New Zealand Geographer*, 58 (2), 2002.

232. Evidence quoted in 'Long Bay' [2008] NZEnvC 78 paragraph 134. The decision goes on to observe: "In fact a 'cultured nature' landscape in terms of the Swaffield/Fairweather analysis is simply a 'natural' landscape in terms of Harrison, and a pristine landscape (where it can be found) must be a very natural landscape."

233. Policy 1.1.3 "It is a national priority to protect the following features, which in themselves or in combination, are essential or important elements of the natural character of the coastal environment: "(a) landscapes, seascapes and landforms, including (i) significant representative examples of each landform which provide the variety in each region; (ii) visual or scientifically significant geological features; and (iii) the collective characteristics which give the coastal environment its natural character including wild and scenic areas; (b) characteristics of special spiritual, historical or cultural significance to Māori identified in accordance with tikanga Māori; and (c) significant places or areas of historic or cultural significance".

9.46 The West Wind decision adopted similar criteria for naturalness with respect to the natural character of the coastal environment and added further criteria relating to expressiveness and context.

*Natural character is generally understood to occur on a continuum from pristine to totally modified. The criteria for assessing naturalness include:*

- the physical landform and relief;
- the landscape being uncluttered by structures and/or "obvious" human influences;
- wildness, exposure and the natural sculpturing of landforms and vegetation;
- the presence of water—in this case coastal seas and streams and wetlands;
- the vegetation (especially native) and other ecological patterns;
- the wider natural landscape context and the site's relationship to this context.<sup>230</sup>

#### Indigenous vs exotic nature

9.47 Such interpretations were supported by research into New Zealanders' perceptions of naturalness by Fairweather and Swaffield.<sup>231</sup> They identified two paradigms that they termed 'wild nature' and 'cultured nature'. While the former (i.e. indigenous or endemic wilderness) is regarded as 'more natural', the latter is "more accepting of exotic vegetation and productive rural uses, but again shows a strong aversion to obvious signs of development and buildings in the landscape."<sup>232</sup> Such cultured nature aligns with the 'Harrison' definition quoted above. Cultured nature landscapes have been deemed sufficiently natural to be considered as ONLs. Fairweather and Swaffield's research also identified that plantation forests were perceived as relatively unnatural despite the trees being 'products of nature'.

#### NZCPS 1994

9.48 The NZCPS 1994 did not define natural character but contained policies indicating that the concept entailed a combination of characteristics. Specifically, Policy 1.1.3 (a)(iii) referred to "the collective characteristics which give the coastal environment its natural character ...". The policy lists such attributes of natural character as "landscapes, seascapes, and landforms; representative examples of each landform which provide the variety in each region; visually or scientifically significant geological features; wild and scenic areas; characteristics significant to Māori; and areas of historical or cultural significance."<sup>233</sup>

234. Ministry for the Environment, Environmental Performance Indicators for Natural Character workshop, 2002. Referred to in Department of Conservation, Natural Character and the NZCPS 2010, National Workshop – Summary of Discussion and Outcomes, 2 August 2011, page 19

235. This is easier to imagine in New Zealand compared to many other countries given that human settlement has been relatively recent on relatively isolated islands, and a distinction can be readily made between indigenous and introduced elements.

236. Froude, V.A. Quantitative methodology for measuring natural character in New Zealand's coastal environments, 2011, PhD thesis, University of Waikato, <http://researchcommons.waikato.ac.nz/handle/10289/5919> (retrieved 18/06/2021).

237. Department of Conservation, Natural Character and the NZCPS 2010, National Workshop – Summary of Discussion and Outcomes, 2 August 2011, page 19

#### Degree of natural character (degree of modification)

9.49 On the other hand, the focus on degree of natural character as a generic parameter (or condition) reflecting the degree of modification is highlighted in the definition agreed by practitioners at a workshop convened by the Ministry for the Environment in 2002:<sup>234</sup>

*Natural character is the term used to describe the natural elements of all coastal environments. The degree or level of natural character within an environment depends on:*

- The extent to which the natural elements, patterns and processes occur;
- The nature and extent of modification to the ecosystems and landscape/seascape;
- The highest degree of natural character (greatest naturalness) occurs where there is least modification.

9.50 This definition indicates greater attention to natural processes compared with the 'Harrison' reliance on impressions alone. Rather than the absence of obvious human presence, this approach defines natural character as an outcome and expression of natural processes and the extent of modification from an implied benchmark (e.g. a pre-human state).<sup>235</sup>

9.51 QINCCE (Quantitative Index for measuring the Natural Character of the Coastal Environment) is an example of a method derived from such concepts.<sup>236</sup> It seeks to objectively quantify natural character by aggregating scores from various indices. The indices are designed to measure ecological, hydrological, and geomorphological naturalness, and freedom from buildings and structures. Natural character under this approach is thought of as the extent of biophysical naturalness and absence of human modification and presence.

#### NZCPS 2010

9.52 The NZCPS 2010 reinforced the importance of natural science aspects while at the same time highlighting that natural character is comprised of natural characteristics and qualities, and that natural character has a perceptual and experiential dimension. At a workshop convened by the Department of Conservation in 2011, the 2002 natural character definition quoted above was revised and explained as follows:<sup>237</sup>



238. 'Matakana Island (2nd Decision)' [2019] NZEnvC 110, paragraph 50. As discussed above, these Guidelines adopt a broad definition of 'perception' as meaning more than superficial impression. Rather, perception is informed by what we know of an area's natural characteristics and qualities (including input from natural sciences) and how we experience and interpret them (see paragraph 9.26).

239. 'Clearwater Mussels' [2018] NZEnvC 88, paragraph 154

240. 'Bayswater Marina' [2009] NZEnvC Decision A18/09, paragraph 116.

241. New Zealand Institute of Landscape Architects, 'Best Practice Note 10.1, Landscape assessment and sustainable management. 2010, page 5.

242. NZCPS Policy 13(2) says that natural character includes a range from pristine to modified, not that natural character is the range or degree of modification.

*Natural character is the term used to describe the natural elements of all coastal environments. The degree or level of natural character within an environment depends on:*

1. *The extent to which the natural elements, patterns and processes occur*
2. *The nature and extent of modification to the ecosystems and landscape/seascape.*

*The degree of natural character is highest where there is least modification.*

*The effect of different types of modification upon natural character varies with context and may be perceived differently by different parts of the community.*

*Footnote: For the purposes of interpreting the NZCPS 2010 Policy 13.2, 'elements, patterns and processes' means: biophysical, ecological, geological and geomorphological aspects; natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks; and the natural movement of water and sediment.*

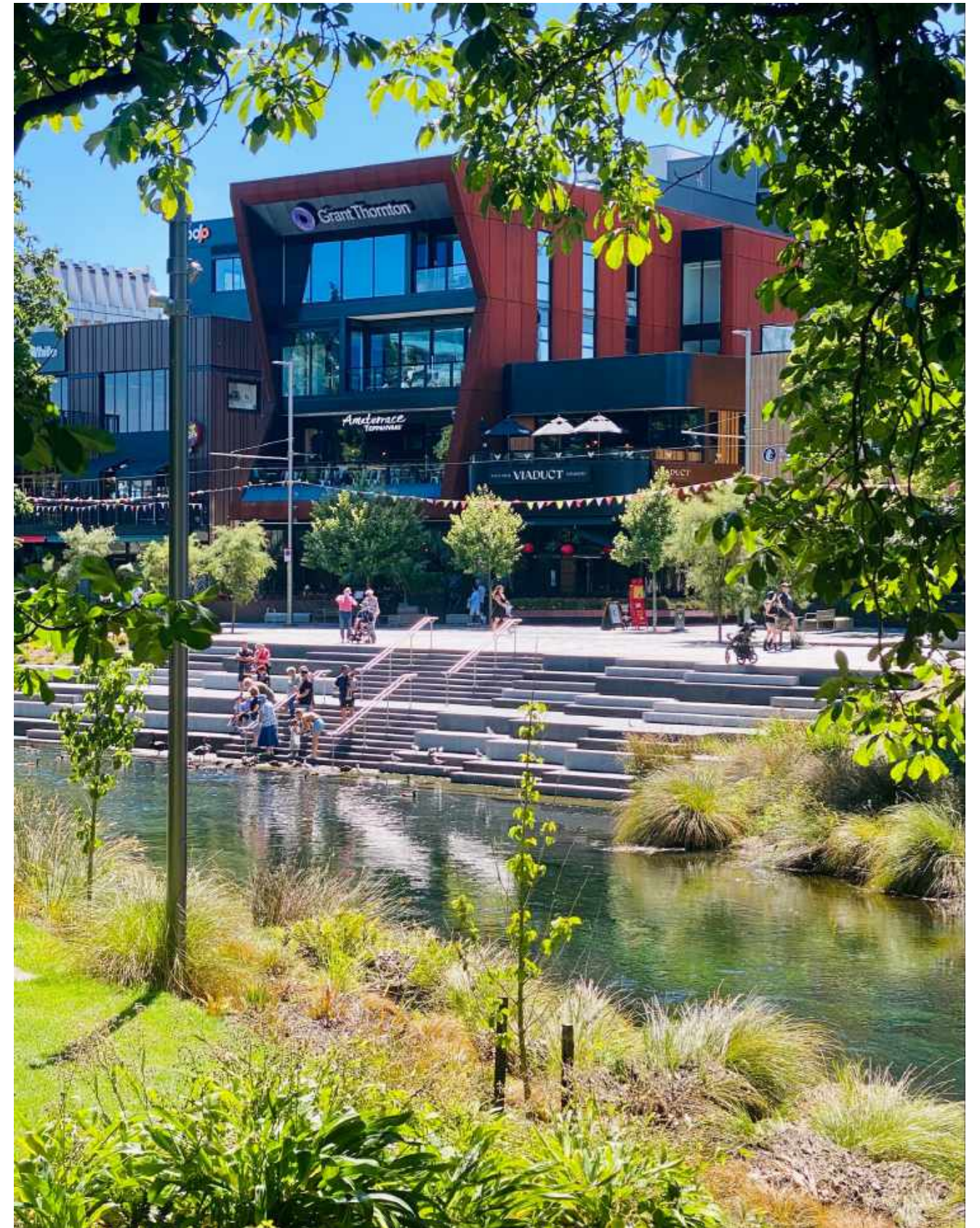
9.53 Environment Court decisions have noted that "naturalness is necessarily perceived",<sup>238</sup> that "character is a perceived value",<sup>239</sup> and that "... natural character is not an aspect that can be measured quantitatively, as an object. It must be assessed in terms of qualities, as well as elements, processes and patterns. In the case of natural character we are not addressing a scientific assessment..."<sup>240</sup>

9.54 The NZILA Best Practice Guide 2010 definition of natural character uses the term 'expression' which implies that natural character is perceived and that such perceptions flow from the natural elements, patterns, and processes.

*Natural character is the expression of natural elements, patterns and processes in a landscape.*<sup>241</sup>

#### Characteristics and qualities

9.55 Objective 2 of the NZCPS 2010 is explicit: to recognise the "characteristics and qualities that contribute to natural character." Similarly, the description (in lieu of a definition) in Policy 13(2) lists a range of characteristics and qualities that contribute to natural character, including both physical and experiential attributes. The degree of modification, "a range of natural character from pristine to modified",<sup>242</sup> is just one list item. Nevertheless, the degree of modification, or naturalness, remains a key attribute.







Top: Karekare Beach  
Image: Sophie Fisher  
Below: Abel Tasman National  
Park–Awaroa Inlet  
Image: Richard Denney

243. See 'Port Gore' [2012] NZEnvC 072, paragraph 132, which discusses these things as different categories.

244. Section 2 RMA. "Amenity values means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."

245. For example, natural landscape character, natural attributes, naturalness, natural values—depending on the intended meaning.

9.56 Current best practice is to integrate and interpret natural science and experiential aspects. The environmental context and purpose of the assessment influences whether the focus is on natural character as character (the collective expression of the area's natural characteristics and qualities) or on the condition of naturalness (degree of natural character).

**Natural character is not the same as natural features and landscapes, or amenity values**

9.57 NZCPS Policy 13(2) states that natural character is not the same as natural features and landscapes or amenity values. They are different categories of things:<sup>243</sup>

- Natural features and landscapes are places (or areas) while natural character is an aspect of such places or areas.
- Amenity values relate to pleasantness, aesthetic coherence, and cultural and recreational attributes,<sup>244</sup> whereas natural character is an overall character derived from natural characteristics and qualities. The former is a value, the latter a character type.
- Natural character in the context of s6(a) of the RMA is also focused on only certain parts of the landscape (i.e. the coastal environment, wetlands, and lakes and rivers and their margins).

**Reserve the term 'natural character' to its applications under the RMA**

9.58 While any landscape could be described in terms of its natural character, it assists clarity if the term is reserved for its specific RMA s6(a) application—the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins. There are straightforward alternatives for use in other situations that avoid unnecessary confusion.<sup>245</sup>

**Consider land and water together**

9.59 Each of the places in which natural character applies under s6(a) of the RMA relates to a water body (including the sea). Each place includes the land beneath the water (for example, the underwater topography, aquatic/marine biota, natural hydrological and marine processes), and the land or margins framing the water body. The central feature is the water body, but the land beneath and framing the water body is integral. A potential pitfall is to limit attention only to the land or the water body.



246. See 'Clearwater Mussels' [2018] NZEnvC 88, paragraph 192. "In reality, there are no such divisions [between land and sea] in how a person would typically perceive the natural character of the coastal environment. In terms of s6(a) RMA and related NZCPS, Sounds Plan and pEMP objectives and policies, 'the natural character of the coastal environment' is more properly to be assessed holistically."

### **Natural character straddles overlapping jurisdictions**

9.60 The coastal environment and, therefore, the natural character of the coastal environment, straddles the overlapping jurisdictions between regional and local authorities. Regional councils have jurisdiction over the coastal marine area (CMA) below Mean High Water Springs (MHWS), and over wetlands, lakes and rivers—including those within the coastal environment. The jurisdictions for local authorities cover terrestrial areas landward of MWHS. Assessments for both regional or local authorities should consider natural character holistically (i.e. the adjacent land and sea together),<sup>246</sup> although management responsibility and focus will differ between authorities. NZCPS Policy 4 provides for integrated management in the coastal environment, and activities that affect the coastal environment, including across administrative boundaries.









A tree comes from one seed but bears many fruit

## Kotahi te kākano, he nui ngā hua o te rākau

## Whakarāpopototanga

### Summary

Natural character has been interpreted as:

- an area’s naturalness or degree of modification (a generic condition)
- an area’s distinct combination of natural characteristics and qualities (specific character).

The Guidelines adopt the second of these interpretations, namely that natural character is the distinct combination of an area’s natural characteristics and qualities, including degree of naturalness.

It is acknowledged that there is no certainty or universal agreement as to the correct interpretation. Assessors should therefore be clear in explaining the interpretation and method on which their assessment is based.

Methods for assessing natural character vary depending on purpose, context, and issues, but in general include the following:

- explain methodology
- identify the relevant area (its spatial extent)
- assess the natural characteristics and qualities of the area
- interpret how the characteristics and qualities come together to create the area’s natural character
- evaluate and determine the natural character with respect to context and purpose, which may include: i) the significance of the area’s natural character or ii) the key characteristics and qualities, including degree of naturalness, that embody such significance.

Land and water bodies should be considered together when assessing natural character in terms of s6(a) of the RMA.

Effects are assessed on the key characteristics and qualities that contribute to the area’s natural character.