Tuia Pito Ora
New Zealand Institute
of Landscape Architects

Assessment of Landscape Effects Guidance Note

Advice to Landscape Practitioners on Navigating the Transition Period under the Planning Act 2026

Summary of Key Practice Points with Respect to Views from Private Property

During the transition period; consent authorities must disregard views from private property, however landscape effects and effects in relation to the maintenance and enhancement of amenity values under RMA section 7(c) remain relevant to the assessment of district land-use activities.

This does not make visual effects analysis irrelevant (potentially including an analysis of visual effects from private property) from a technical perspective. Visual effects analysis remains one means of understanding effects on identified landscape values, including their physical, associative and perceptual dimensions. This methodological context should be clearly explained in an Assessment of Landscape Effects.

While the provisions might constrain consideration of effects on views from private property, that doesn't alter our professional view that they are part and parcel of landscape effects. In other words, our professional position is constrained but not changed by political direction.

The transitional provisions therefore warrant a more precise explanation of the purpose for which private-property viewpoints are used in an Assessment of Landscape Effects. Assessments of Landscape Effects should expressly connect any visual effects analysis (including any private viewpoint-based effects discussion) to the assessment of effects on the identified landscape values (i.e. the physical, associative and perceptual values).

The drafting of the Planning Act 2026 is uncertain, and the authors of this Guidance Note are aware that a variety of legal interpretations are emerging. This Guidance Note therefore represents a starting position of the Institute, and it is possible that it may need to be updated as the various legal interpretations are tested over time.

In light of this uncertainty, landscape assessment authors are encouraged to structure their assessments so that they can withstand strikethrough of the parts describing views from private property, without compromising a decision makers' understanding of the analysis and conclusions in relation to the effects of the proposal on landscape values.

The uncertainty of the transitional provisions along with the potentially dynamic plan context of the transition period means that the impact of the transitional provisions should be confirmed for each project. This may include advice from planners and/ or legal counsel with respect to the

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relevance of the transitional provision terminology to the Te Tangi a te Manu seven-point effects rating scale and RMA notification thresholds. Assessment authors are encouraged to clearly articulate such contextual assumptions in their Assessment of Landscape Effects to assist decision makers.

This Practice Note does not address the relevance of the transitional provisions as they relate to the Fast-track Approvals Act 2024, plan change requests, subdivision consents, regional consenting or designation processes. Guidance on these matters will likely be provided either by way of a separate Guidance Note or through revision of this Guidance Note.

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Purpose and Scope

This guidance note concerns assessments of landscape effects prepared for district land use activity applications for resource consent to which the transitional statutory context amendments apply.

This guidance note does not necessarily apply in the same way to regional consent matters, notices of requirement, plan-making, existing proceedings, or applications governed by different transitional provisions and for these reasons the relevant statutory pathway and applicable transitional provisions should be confirmed for each project with the applicant's/requestor's legal counsel and/or planner on a project-by-project basis. This may include advice with respect to the relevance of the RMA terminology to the Te Tangi a te Manu seven-point effects rating scale, notification thresholds and how the transitional statutory context amendments apply to Fast-track Approval Act (2024) during the transition period.

The Transitional Statutory Context

The Planning and Natural Environment bills were passed into law and received royal assent on 30 September 2026. They are now the Planning Act 2026, and the Natural Environment Act 2026.

There is a transition period that includes two key timeframes, described in detail below. During the transition period, the Resource Management Act 1991 still applies (with modifications).

The first change applies from 30 October 2026 and is created by an amendment to Section 104 of the RMA. Among other things, this amendment means that when considering effects of a district land use activity application for resource consent under the amended RMA, a consent authority must (among other things) disregard the outdoor living space, the size of landscaped areas, and views from private property. The relevant sections of that amendment are shown here (**emphasis** added):

Planning Act 2026

Schedule 12

Part 2

After section 104(1), insert:

(1A) When considering the effects of a district land use activity, a consent authority must disregard —

(a) any of the following where they relate to residential activities (except in relation to the protection of historic heritage):

(i) the area of glazing:

(ii) the presence or absence of balconies:

*(iii) **the outdoor living space:***

(iv) the internal layout:

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(v) *the size of a residential unit:*

(vi) ***the size of landscaped areas (except in relation to permeability):***

(b) *negative effects of development on trade competition, including on competing providers of input goods and services:*

(c) *effects on retail distribution:*

(d) *in relation to a project,—*

(i) *any lack of demand for the project; or*

(ii) *the fact that the project is not financially viable:*

(e) *the type of residents to be housed in a new development:*

(f) ***views from private property.***

(1B) When considering an application for a district land use consent, the consent authority may disregard a national environmental standard, a plan or proposed plan, a national policy statement, or a regional policy statement to the extent that it regulates or purports to regulate a matter described in subsection (1A).

Amendments are also made to sections 95D and 95E of the Resource Management Act 1991, requiring the same matters to be disregarded for notification decisions.

This guidance note focusses on the influence of the requirement to disregard views from private property within Assessments of Landscape Effects.

Duration of the Transitional Period

The repeal of the RMA is not a fixed date and will happen when the Governor-General, on the recommendation of the Minister, makes an Order in Council specifying the transition date, once certain conditions are met. Any date specified must be after 31 December 2027. There are two possible outcomes:

1. The Order sets one transition date, which occurs when all spatial plans have been decided and all proposed land use plans and natural environment plans have been notified.
2. The Order sets a transition date for a region or area once that region's regional spatial plan has been decided, and the region's natural environment plan, and each proposed land use plan in the region has been notified.

What this means is that either the Planning Act and Natural Environment Act will come into full effect (replacing the RMA) all at once across the whole country, or they might come into effect region by region. However, section 2(8) of the Planning Act provides a backstop: any part of the Act that has not come into force 4 years after Royal assent (i.e. by 30 September 2030) comes into force then. This includes section 344, which repeals the RMA.

LOOKING AHEAD: POST TRANSITIONAL PERIOD

Once the repeal date (or dates if it is by region) of the RMA is confirmed, the new Section 17 (formerly clause 14) of the Planning Act will come into effect. Section 17 deals

with effects outside the scope of the Planning Act, and includes the character, appearance, and aesthetic qualities of a use, development, or building. It also includes views from private property and the effects on landscape if the landscape is not outstanding, or an area of high natural character. In terms of landscape effects, this is a relatively broad exclusion compared to the narrower exclusion during the transitional period.

Tuia Pito Ora intends to provide additional guidance to members with respect to the implications of Section 17 of the Planning Act 2026 in due course. For completeness, it is the authors' understanding that the Section 17 exclusions of the Planning Act 2026 **do not** apply during the transition period, except where they are replicated in Section 104(1A) of the RMA as amended by the Planning Act.

Implications for Assessments of Landscape Effects During the Transition Period

WHAT'S IN AND WHAT'S OUT?

During the transition period, consideration of landscape effects remains within scope.

Effects on views from private property must be disregarded when assessing a district land-use activity.

However, from a technical landscape assessment perspective, impacts from private property can assist an understanding of the effects of a proposal on the landscape character and values, which is discussed in more detail below. Further, during the transitional period, consideration of effects on the maintenance and enhancement of amenity values under RMA section 7(c) remains a relevant consideration; however, advice should be sought from planning experts and / or legal counsel on a project-by-project basis, with any assumptions in this regard documented in the methodology section of the assessment report.

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VIEWS FROM PRIVATE PROPERTY

The RMA 1991 has not generally conferred an absolute right to the preservation of a private view (i.e. private views are not protected per se under the RMA). Nevertheless, effects experienced from private property have historically formed part of many assessments of landscape effects, particularly through the consideration of amenity values under RMA section 7(c), relevant plan provisions and notification for affected-person assessments. Consideration of effects on private property also frequently guide the appropriate on-site (and sometimes, off-site) landscape mitigation strategy for a development.

As set out below, Te Tangi a te Manu is helpful here, as it explains that a visual effects assessment is helpful in understanding how the proposal affects the physical, associative, and perceptual dimensions of the relevant landscape values.

5.25 Visual matters are integral to landscape rather than a separate category. Physical, associative, and perceptual dimensions are each experienced visually (and through other senses). Assessing the 'physical landscape' and the 'visual environment' separately, for example, is less straightforward and integrated than simply treating them as aspects inherent in the landscape.

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 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.

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.

It will be important for Assessments of Landscape Effects to explain this Te Tangi a te Manu context for consideration of visual effects (including in relation to views from private properties) undertaken during the transition period.

COMPETING LEGAL INTERPRETATIONS

There are competing legal interpretations on what disregarding views from private property (during the transition period) means:

- One is that, while it rules out effects on a view per se, it does not rule out effects on amenity values (or landscape values) as experienced in views from private property. This interpretation points to case law with respect private views vs amenity values.
- The other is that the provisions rule out consideration of any effect as experienced through views from private property.

The former interpretation is further nuanced. One position is that private views are background analysis to help understand overall effects on the landscape values of an area (as part of 'landscape character' or 'amenity values'). The other is that it is valid to consider the effects on each individual property's 'landscape character' or 'amenity values'.

The profession naturally favours the first interpretation because it aligns with our professional position on what landscape is, as set out in Te Tangi a te Manu. That is, we prefer to continue to assess the visual effects on landscape values as experienced in views from private property because it is integral to landscape. But we accept that others hold different views and that clients and lawyers may brief on the alternative interpretation. Either way, there is a need for transparency given the current uncertainty.

Landscape assessment authors should therefore include statements explaining the basis for their assessments. If an assessment from private property is included, the report should be structured so that it can stand if a strikethrough is drawn through parts describing views from private property. In other words, findings on landscape values experienced in views from private property should be discrete, and it should be clear how striking out such those parts might affect the overall conclusions.

While the provisions might constrain consideration of effects on views from private property, that doesn't alter our professional view that they are part and parcel of landscape effects. In other words, our professional position is constrained but not changed by political direction.

The transitional amendments therefore warrant a more precise explanation of the purpose for which private-property viewpoints are used in an Assessment of Landscape Effects.

PLAN GUIDANCE ON VIEWS FROM PRIVATE PROPERTY

During the transition period, a consent authority may:

- disregard a plan or proposed plan (and National Policy Statement / Regional Policy Statement / National Environmental Standard) to the extent it regulates a matter in s104(1A);
- amend a district plan to remove/amend provisions relating to s104(1A) matters.

This suggests that reliance on plan requirements as the justification for private viewpoint analysis may diminish over time, placing increasing importance on clearly articulating the contextual basis for an analysis of visual effects (and, in particular, views from private property).

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What this might look like in practice for an Assessment of Landscape Effects (and Peer Reviews) during the Transition Period

Report Title: Consider using the title Assessment of Landscape Effects rather than Assessment of Landscape and Visual Effects. (It is noted that alternative titles may remain appropriate where required by the relevant plan, brief, or consenting context.)

Report Structure: Consider using a report structure that can withstand strikethrough of the parts describing views from private property, without compromising a decision makers' understanding of the analysis and conclusions in relation to the effects of the proposal on landscape values.

Methodology Section: Consider including a clear explanation of the relevant context (e.g. required by plan policies and/or contextual a necessary part of a landscape assessment that aligns with the guidance of Te Tangi a te Manu), and/or contextual assumptions (eg as advised by counsel /planner) for any visual effects analysis included in the report.

When explaining that the assessment has been undertaken in accordance with guidance outlined in Te Tangi a te Manu (including the effects rating scale etc), consider expanding on this to reference Te Tangi a te Manu paragraphs 5.25, 6.08 and 6.09 above, as a way of explaining why the discussion of visual effects is relevant to an understanding of effects on landscape values.

In terms of views from private property, it may be appropriate to explain that these may be of relevance in so far as they help to understand the effects on existing landscape values (or landscape character) as experienced by the local community (e.g. sense of place, identity etc).

Existing Landscape Values: Consider structuring this discussion in terms of existing physical, associative, and perceptual values. Important views (e.g. a scenic lookout) and aesthetic considerations are likely to come up in the discussion of perceptual values and/or associative values. Residential dwellings in the local area are likely to be referenced in the discussion of physical values.

Assessment of Effects on Landscape Values: Consider structuring this discussion in terms of effects on the physical, associative, and perceptual values with effects rated using the Te Tangi a te Manu seven-point scale.

Where detailed viewpoint analysis materially assists the assessment, consider whether it should be appended to the report. Any such Visual Effects Appendix (including comments in relation to private viewpoints) may record the viewpoint location, audience, nature, and degree of visual effect (i.e. effects rating using the Te Tangi a te Manu seven-point scale), much in the same way as current practice. The main assessment should explain how the Visual Effects analysis informs the evaluation of effects on the physical, associative, and perceptual dimensions of landscape values. Separate ratings for each viewpoint may be unnecessary unless they materially assist the assessment, development of appropriate mitigation strategies, or are required by the project brief. Where viewpoints are rated, this can flow through to a stated range of effects (e.g. 'low' to 'moderate' etc.) in the discussion of effects on perceptual values. Viewpoint ratings should not be treated as a substitute for an integrated assessment of effects on landscape values.

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Practically, assessments should:

- avoid focussing solely on views from private properties and impacts on those views; and
- avoid using terminology relating to "views from private property". Rather, consider using "visual effects" terminology.
- avoid using the term visual amenity where possible, unless it is used in the relevant plan or recommended by counsel. Although consideration of effects in relation to amenity values remains relevant during the transition period, the general trajectory of the resource management legislation reforms over the last 6 years has been to avoid this terminology.

State of Flux

The authors of this Guidance Note are acutely aware that the scope and complexity of the changes in how Aotearoa New Zealand's resources are managed during the transition period (and beyond) means that the way that the transitional statutory context amendments apply is still being worked through by the broader resource management community.

For this reason, the interpretation expressed in this Guidance Note may be modified over time. Any updated version will be circulated to the membership by Tuia Pito Ora (NZILA).

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AUTHORS AND APPROVALS

This Guidance Note has been prepared by subject matter experts within the Environmental Legislation Working Group on behalf of Tuia Pito Ora New Zealand Institute of Landscape Architects.

Lead Authors: Bridget Gilbert, Ben Ormsby, Simon Button, Peter Kensington and Julia Wick.

Reviewers and Key Contributors: Gavin Lister, Rachel De Lambert, Alan Titchener (as the collective authors of Te Tangi a te Manu)

This Guidance Note has also been informed by the generous pro bono advice received from a number of legal counsel – thank you for your contributions.

Ngā mihi nui.