

Appendix A: Landscape Description and Landscape Values

Extract from Decision No. [2010] NZEnvC 432

[50] The latest response to criticisms that earlier discussions by the court of 'landscape' did not include land uses, and that they mixed objective and subjective elements, is in Maniototo Environmental Society Incorporated and others v Central Otago District Council and Otago Regional Council (the Lammermoor case). There the Environment Court gave its understanding of a 'landscape' within the meaning of section 6(b) of the Act¹. It wrote:

... In our view a landscape is four-dimensional in space and time within the given environment – often focussed on a smaller relevant space such as an application site – which is the sum of the following:

- (1) a reasonably comprehensive (but proportionate to the issues) description of the characteristics of the space such as:*
 - the geological, topographical, ecological and dynamic components of the wider space (the natural science factors);*
 - the number, location, size and quality of buildings and structures;*
 - the history of the area;*
 - the past, present and likely future (permitted or consented) activities in the relevant parts of the environment; and*

- (2) a description of the values of the candidate landscape including:*
 - an initial assessment of the naturalness of the space (to the extent this is more than the sum of the elements described under (1) above);*
 - its legibility – how obviously the landscape demonstrates the formative processes described under (1);*
 - its transient values;*
 - people and communities' shared and recognised values including the memories and associations it raises;*
 - its memorability;*
 - its values to tangata whenua;*
 - any other aesthetic values; and*
 - any further values expressed in a relevant plan under the RMA; and*

¹ *Maniototo Environmental Society Incorporated and others v Central Otago District Council and Otago Regional Council* Decision C103/2009 at paragraphs [202] to [204].

(3) *a reasonably representative selection of perceptions – direct or indirect, remembered or even imagined – of the space, usually the sub-sets of:*

(a) the more expansive views of the proposed landscape²; and

(b) the views, experiences and associations of persons who may be affected by the landscape.

... There is some repetition within the sets. For example the objective characteristics of the landscape go a long way towards determining its naturalness. More widely, the matters in the third set influence the perceptions in the second.

... To describe and delimit a landscape a consent authority needs at least to consider the matters in set (1) and, to the extent necessary and proportionate to the case, those in sets (2) and (3) also...

We broadly agree with that, although we might be inclined to place "the history of the area" in (2) the associative or relationship values; and move legibility to (3) as a perceptual value.

² *Kircher v Mar/borough District Council* Decision C90/2009 (Judge McElrea) at para [76].