

LANDSCAPE ACT

Wholly Amended by Act No. 12013, Aug. 6, 2013

Amended by Act No. 13426, Jul. 24, 2015

Act No. 13726, Jan. 6, 2016

Article 1 (Purpose)

The purpose of this Act is to contribute to the creation of the national environment and regional environments which are beautiful and pleasant and feature regional characteristics by providing for matters necessary for the conservation, management and creation of landscapes in order to manage landscapes of the national territories in a systematic manner.

Article 2 (Definitions)

The terms used in this Act shall be as follows:

1. The term "landscape" means things featuring a group of regional environmental characteristics comprising natural and artificial elements, lifestyles of residents, etc.;
2. The term "building" means any building under Article 2 (1) 2 of the Building Act.

Article 3 (Basic Principles of Landscape Management)

Landscapes shall be planned and managed in accordance with the following principles:

1. To help people enjoy beautiful and pleasant landscapes;
2. To feature indigenous nature, history and culture to a region and to maintain landscapes in good conditions by the mutual consent of local residents in close relationships with the life and economic activities of the local residents;
3. To encourage each region to adopt management methods of autonomous landscape administration so that landscapes of each region may have indigenous characteristics and diversities and to encourage local residents to participate in such administration voluntarily;
4. To have acts related to development harmonized and balanced with landscapes;
5. To conserve excellent landscapes and to improve and restore damaged landscapes, while inducing newly created landscapes to feature distinctive elements;
6. To refrain from excessive restrictions on property rights of people and to take into account equity between regions.

Article 4 (Duties of State, Local Governments, etc.)

(1) The State and local governments shall devise policies necessary for the creation of beautiful and pleasant landscapes and discover, support and promote excellent landscapes.

(2) The State and local governments shall endeavor to enhance people's understanding of the basic principles of landscape management.

(3) People shall actively cooperate in policies of the State and local governments for the conservation and improvement of beautiful and pleasant landscapes.

Article 5 (Relationship with other Acts)

Except as otherwise provided for in other Acts, this Act shall apply to the conservation, management, creation, etc. of landscapes.

Article 6 (Formulation, etc. of Master Plans for Landscape Policies)

(1) The Minister of Land, Infrastructure and Transport shall formulate and execute a master plan for landscape policies every five years in order to create beautiful and pleasant landscapes of the national territories and discover, support and promote excellent landscapes.

(2) The following matters shall be included in a master plan for landscape policies:

1. Matters concerning landscapes of the national territories and the prospects of changes in conditions;
2. Matters concerning the basic directions of landscape policies and the formulation of the vision of desirable landscapes of the national territories;
3. Matters concerning the comprehensive and systematic management of landscapes of the national territories;
4. Matters concerning the integrated landscape management of infrastructure;
5. Matters concerning the conservation of excellent landscapes and support therefor;
6. Matters concerning the nurturing of professionals in the field of landscape;
7. Matters concerning the participation of local residents;
8. Other important matters concerning landscapes.

(3) When the Minister of Land, Infrastructure and Transport formulates a master plan for landscape policies, he/she shall formulate it so that it can be related to plans related to landscapes, such as a master plan for improvement of the quality of life of farmers and fishermen and regional development of agricultural and fishing villages under Article 5 (1) of the Special Act on Quality Improvement of Life of Farmers and Fishers and Development Promotion of Agricultural and Fishing Villages.

(4) Where the Minister of Land, Infrastructure and Transport intends to formulate or revise a master plan for landscape policies, he/she shall consult with the heads of related central administrative agencies, such as the Minister of Environment, and undergo deliberation by the Landscape Committee established under the control of the Minister of Land, Infrastructure and Transport pursuant to Article 29 (1) after gathering opinions through public hearings, etc.

(5) Where the Minister of Land, Infrastructure and Transport formulates a master plan for landscape policies, he/she shall officially announce it on the Official Gazette or the Internet homepage of the Ministry of Land, Infrastructure and Transport, and inform the heads of related central administrative agencies and any of the following persons thereof: *<Amended by Act No. 13426, Jul. 24, 2015>*

1. The Mayor of each Special Metropolitan City, the Mayor of each Metropolitan City, the Mayor of each Special Self-governing City, the Governor of each Do and the Governor of each Special Self-governing Province (hereinafter referred to as the "Mayor/Do Governor");
2. The head of each Si *[excluding the head of each administrative Si (hereinafter referred to as the "head of an administrative Si) under Article 10 (2) of the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City; hereinafter the same shall apply)]*/Gun *(excluding the head of a Gun located in the jurisdiction of a Metropolitan City; hereinafter the same shall apply)*;
3. The head of each administrative Si;
4. The head of each Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) and the head of each Gun in the jurisdiction of each Metropolitan City (hereinafter referred to as the head of a Gu, etc.);
5. The head of an administrative organization (hereinafter referred to as "free economic zone authority") established pursuant to Article 27-2 (1) of the Special Act on Designation and Management of Free Economic Zones (hereinafter referred to as "head of a free economic zone authority").

Article 7 (Persons with Authority to Formulate Landscape Plans and Areas Subject to Landscape Plans)

(1) Each of the following persons shall formulate a plan for the conservation, management and creation of landscapes (hereinafter referred to as "landscape plan") of an area over which he/she has jurisdiction:

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1. Mayors/Do Governors;
 2. The head of a Si with a population of more than 100,000 (excluding an administrative Si (hereinafter referred to as "administrative Si") under Article 10 (2) of the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City; hereinafter the same shall apply);
 3. The head of a Gun with a population of more than 100,000 (excluding a Gun in the jurisdiction of a Metropolitan City; hereinafter the same shall apply in paragraphs (2) and (4) of this Article).
- (2) The head of a Si/Gun with a population of not more than 100,000, the head of an administrative Si, the head of a Gu, etc. or the head of a free economic zone authority may formulate a landscape plan for an area over which he/she has jurisdiction.
- (3) The Mayor of a Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor of a Special Self-governing City, the Governor of a Do, the head of a Si/Gun, the head of an administrative Si, the head of a Gu, etc. or the head of a free economic zone authority may jointly formulate a landscape plan for an area extending over the jurisdiction of at least two Special Metropolitan cities, Metropolitan Cities, Special Self-governing Cities, Dos, Sis/Guns/Gus (referring to autonomous Gus; hereinafter the same shall apply), administrative Sis or free economic zones.
- (4) Where the head of a Si/Gun makes a request or the Governor of a Do deems it necessary, he/she may formulate a landscape plan for an area extending over the jurisdiction of at least two Sis or Guns.

Article 8 (Proposal for Formulation of Landscape Plans)

- (1) Any resident (including an interested person due to the formulation of a landscape plan) may propose that a person who may formulate a landscape plan pursuant to Article 7 should formulate the landscape plan along with his/her propositions.
- (2) Any person who receives a proposal that he/she should formulate a landscape plan pursuant to paragraph (1) shall inform a person who has made the proposal of the outcomes of his/her dealing with the proposal.
- (3) In addition to matters provided for in paragraphs (1) and (2), matters necessary for a proposal of a landscape plan, dealing with the proposal, etc. shall be prescribed by Presidential Decree.

Article 9 (Details of Landscape Plans)

(1) The following matters shall be included in a landscape plan: Provided, That matters referred to in subparagraphs 4 through 11 may be omitted in a landscape plan formulated by a Do Governor, and matters referred to in subparagraphs 5 through 9 and 11 may be omitted in a landscape plan formulated by the Mayor of a Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor of a Special Self-governing City, the Governor of a Special Self-governing Province, the head of a Si/Gun, the head of an administrative Si, the head of a Gu, etc. or the head of a free economic zone authority:

1. Matters concerning the basic directions and objectives of the landscape plan;
2. Matters concerning the survey and evaluation of landscape resources;
3. Matters concerning the establishment of landscape structure;
4. Matters concerning the management of an area requiring the focused conservation, management and creation of landscapes (hereinafter referred to as "focused landscape management area");
5. Matters concerning the management and operation of landscape districts under Article 37 (1) 1 of the National Land Planning and Utilization Act (hereinafter referred to as "landscape district") and fine view districts under subparagraph 2 of the aforesaid paragraph (hereinafter referred to as "fine view district");
6. Matters concerning the promotion of landscape projects under Article 16;
7. Matters concerning the management and operation of landscape agreements under Article 19;
8. Matters concerning an administration system of the management of landscapes and an action plan therefor;
9. Matters concerning the management of specific landscape elements, such as specific types of landscapes including natural landscapes, cityscapes, agricultural, fishing and mountainous village landscapes, buildings, streets, parks and green spaces;
10. Matters concerning the raising of financial resources for the implementation of the landscape plan and the gradual promotion of the landscape plan;
11. Other matters necessary for the conservation, management and creation of landscapes, which are prescribed by Municipal Ordinance of the relevant local government.

(2) A landscape plan of a Si/Gun/Gu, administrative Si or free economic zone authority formulated in the jurisdiction of a Special Metropolitan City, Metropolitan City, Special Self-governing City, Do or Special Self-governing Province (hereinafter referred to as "City/Do") where a landscape plan has already been formulated shall correspond to the landscape plan of the relevant City/Do, and where the details of the landscape plan of the Si/Gun/Gu, administrative Si or free economic zone authority are different from those of the City/Do, the landscape plan of the City/Do shall take precedence over that of the Si/Gun/Gu, administrative Si or free economic zone authority.

(3) Where the Mayor/Do Governor, the head of a Si/Gun, the head of an administrative Si, the head of a Gu, etc. or the head of a free economic zone authority (hereinafter referred to as the "Mayor/Do Governor, etc.") formulates a landscape plan, he/she shall formulate it so that it may correspond to a landscape-related plan already formulated pursuant to other Acts, and where he/she formulates a landscape-related plan pursuant to other Acts after he/she has formulated the landscape plan, he/she shall formulate it so that it may correspond to the landscape plan already formulated.

(4) A landscape plan shall correspond to a Si/Gun master plan (referring to a Si/Gun master plan under subparagraph 3 of Article 2 of the National Land Planning and Utilization Act; hereinafter the same shall apply), and where the details of the landscape plan are different from those of the City/Do master plan, the details of City/Do master plan shall take precedence over the details of the landscape plan.

(5) The Minister of Land, Infrastructure and Transport shall jointly prescribe and announce criteria, etc. for the formulation of landscape plans with the heads of related central administrative agencies, as prescribed by Presidential Decree.

Article 10 (Basic Surveys for Formulation or Revision of Landscape Plans)

Where the Mayor/Do Governor, etc. intends to formulate or revise a landscape plan, he/she shall survey matters necessary for the formulation or revision of the landscape plan, as prescribed by Presidential Decree: Provided, That where there are the outcomes of surveys conducted pursuant to other Acts and subordinate statutes on matters necessary for the formulation or revision of the landscape plan, he/she may utilize the outcomes of such surveys.

Article 11 (Public Hearings and Hearing Opinions of Local Council)

(1) Where the Mayor/Do Governor, etc. intends to formulate or revise a landscape plan, he/she shall hold public hearings in advance to hear opinions of residents, related experts, etc., and when he/she deems opinions presented in the public hearings reasonable, he/she shall reflect such opinions in the landscape plan.

(2) Matters necessary for holding public hearings under paragraph (1) shall be prescribed by Municipal Ordinance of the relevant local government, as prescribed by Presidential Decree.

(3) Where the Mayor/Do Governor, etc. intends to formulate or revise a landscape plan, he/she shall hear the opinion of the relevant local council (in cases of an administrative Si or a free economic zone authority, referring to the council of a local government to which the administrative Si or free economic zone authority belongs; hereinafter the same shall apply in this paragraph). In such cases, except in

extenuating circumstances, the local council shall present its opinion within 30 days, and if it fails to submit its opinion, it shall be deemed to have no opinion.

(4) Where a Do Governor intends to formulate or revise a landscape plan pursuant to Article 7 (4), he/she shall send a draft landscape plan to the heads of related Si/Guns to hear their opinions, specifying a deadline therefor.

(5) The head of a Si/Gun that receives a draft landscape plan pursuant to paragraph (4) shall submit his/her opinion on such draft landscape plan to a Do Governor by a specified deadline, and if he/she fails to submit his/her opinion by the deadline, he/she shall be deemed to have no opinion.

Article 12 (Procedures for Formulating Landscape Plans)

(1) Where the Mayor/Do Governor or the head of a Si/Gun formulates or revises a landscape plan, he/she shall undergo deliberation by a landscape committee established under the authority of the relevant Mayor/Do Governor or the head of the relevant Si/Gun pursuant to Article 29 (1) after he/she reaches an agreement with the heads of related administrative agencies, such as the Minister of Environment, in advance.

(2) The head of a related administrative agency requested to reach an agreement pursuant to paragraph (1) shall submit his/her opinion within 30 days from the date he/she receives such request, except in extenuating circumstances, and if he/she fails to submit his/her opinion within such period, the agreement shall be deemed reached.

(3) Where the Mayor/Do Governor or the head of a Si/Gun formulates or revises a landscape plan, he/she shall send related documents to the heads of related administrative agencies, make an official announcement, and offer them for perusal of residents, as prescribed by Presidential Decree.

Article 13 (Approval for Landscape Plans)

(1) Where the head of an administrative Si, the head of a Gu, etc. or the head of a free economic zone authority intends to formulate or revise a landscape plan pursuant to Article 7 (2), he/she shall obtain approval from the competent Mayor/Do Governor, as prescribed by Presidential Decree.

(2) Where the Mayor/Do Governor intends to approve a landscape plan pursuant to paragraph (1), he/she shall undergo deliberation by a landscape committee established under the authority of the relevant Mayor/Do Governor pursuant to Article 29 (1) after he/she reaches an agreement with the heads of related administrative agencies, such as the Minister of Environment, in advance.

(3) Where the Mayor/Do Governor approves a landscape plan, he/she shall send related documents to the heads of related administrative agencies, the head of the relevant administrative Si, the head of the relevant Gu, etc. or the head of the relevant free economic zone authority, and the head of the administrative Si, the head of the Gu, etc. or the head of the free economic zone authority who receives related documents shall publicly announce them and offer them for perusal of residents, as prescribed by Presidential Decree.

(4) Article 12 (2) shall apply mutatis mutandis to an agreement under paragraph (2).

Article 14 (Designation and Management of Landscape Districts and Fine View Districts)

(1) The Mayor/Do Governor, etc. may designate or request the designation of landscape districts and fine view districts in accordance with a landscape plan. In such cases, Article 37 of the National Land Planning and Utilization Act shall apply to procedures, etc. for designating landscape districts and fine view districts.

(2) The Mayor/Do Governor, etc. who has formulated a landscape plan shall manage landscape districts and fine view districts in accordance with the landscape plan.

Article 15 (Readjustment of Landscape Plans)

Any person who has formulated a landscape plan pursuant to Article 7 shall review the validity of the landscape plan under the aforesaid Article and readjust it every five years.

Article 16 (Objects, etc. of Landscape Projects)

(1) The head of a central administrative agency or the Mayor/Do Governor, etc. may execute the following projects (hereinafter referred to as "landscape project") in areas for which a landscape plan has been formulated to improve the landscapes of the area and raise awareness of landscapes:

1. Project for the readjustment and improvement of street environments;
2. Project related to afforestation in the area;
3. Project for the creation and improvement of nightscapes;
4. Project to revitalize landscapes featuring regional historic and cultural characteristics;
5. Project to improve natural landscapes and living environments of agricultural, mountainous and fishing villages;
6. Other projects for the conservation, management and creation of landscapes, which are prescribed by Municipal Ordinance of the relevant local government.

(2) Any person, other than a person who may execute a landscape project pursuant to paragraph (1), may execute a landscape project in an area for which a landscape plan has been formulated by obtaining approval from the heads of related central administrative agencies or the Mayor/Do Governor, etc. who has formulated such landscape plan. In such cases, a person who intends to obtain approval for the execution of a landscape project shall submit a project plan to the head of a central administrative agency or the Mayor/Do Governor, etc., as prescribed by Presidential Decree.

(3) The head of a central administrative agency that receives an application for approval under paragraph (2) shall undergo deliberation by the Landscape Committee established under the authority of the Minister of Land, Infrastructure and Transport or a committee related to landscape established under the authority of the head of the central administrative agency that receives an application for approval pursuant to Article 29 (1) before he/she approves the execution of a landscape project, and where the Mayor/Do Governor, etc. receives an application for approval for a landscape project, he/she shall undergo deliberation by a landscape committee established under the authority of the relevant Mayor/Do Governor, etc. pursuant to Article 29 (1) before he/she approves the execution of a landscape project.

Article 17 (Landscape Project Promotion Council)

- (1) Where necessary to promote a landscape project smoothly, the head of a central administrative agency or the Mayor/Do Governor, etc. may establish a landscape project promotion council comprised of local residents, non-governmental organizations, related experts, etc.
- (2) A landscape project promotion council shall participate in all stages of a landscape project, such as the formulation of a plan for the landscape project, the promotion and post management of the landscape project, and endeavor to maintain the consistency of the landscape project.
- (3) Matters necessary for the organization, operation, tasks, etc. of a landscape project promotion council shall be prescribed by Presidential Decree.

Article 18 (Financial Support, etc. for Landscape Projects)

- (1) The State and local governments may provide subsidies or loans for all or some of expenses incurred in implementing landscape projects under Article 16 (1) and (2), and provide technical support necessary for landscape projects.
- (2) When the head of a central administrative agency or the Mayor/Do Governor, etc. deems it necessary, he/she may order a person who executes a landscape project to make a report or submit data necessary for supervision.

Article 19 (Conclusion of Landscape Agreements)

- (1) Landowners and other persons prescribed by Presidential Decree (hereinafter referred to as "landowner, etc.") may conclude an agreement for the creation of a pleasant environment and beautiful landscape (hereinafter referred to as "landscape agreement") by unanimous agreement. In such cases, a landscape agreement shall only come into effect on landowners, etc. who have entered into the landscape agreement.
- (2) Even in cases where an owner of a tract of land or a piece of land is one person, the owner of such land may determine a landscape agreement making an area on the relevant land the area subject to the landscape agreement. In such cases, such one landowner shall be deemed a person who has entered into the landscape agreement.
- (3) Where a landowner, etc. enters into a landscape agreement pursuant to paragraph (1) (including cases where one landowner determines a landscape agreement pursuant to paragraph (2); hereinafter the same shall apply), he/she shall comply with the following matters:
 1. Not to violate this Act and related Acts and subordinate statutes;
 2. Not to include details restricting a site for infrastructure under subparagraph 6 of Article 2 of the National Land Planning and Utilization Act.
- (4) A landscape agreement may include the following matters: *<Amended by Act No. 13726, Jan. 6, 2016>*
 1. Matters concerning the design, colors and outdoor advertisements (referring to outdoor advertisements under subparagraph 1 of Article 2 of the Act on the Management of Outdoor Advertisements, etc. and Promotion of Outdoor Advertisement Industry) of buildings;

2. Matters concerning the location of structures *[referring to structures built after reporting to the Governor of a Special Self-governing Province or the head of a Si/Gun (including the head of a Gun in the jurisdiction of a Metropolitan City; hereinafter the same shall apply in Articles 27 (4) and 28 (3))/Gu pursuant to Article 83 (1) of the Building Act; hereinafter the same shall apply]* and construction facilities *(referring to construction facilities under Article 2 (1) 4 of the Building Act)*;

3. Matters concerning external space of buildings, structures, etc.;

4. Matters concerning the preservation and use of land;

5. Matters concerning the management and creation of historic and cultural landscapes;

6. Other matters prescribed by Presidential Decree.

(5) Where a landowner, etc. enters into a landscape agreement, he/she shall prepare a written landscape agreement and the following matters shall be specified in the landscape agreement:

1. Title of the landscape agreement;

2. Location and the limits of an area subject to the landscape agreement;

3. Objectives of the landscape agreement;

4. Details of the landscape agreement;

5. Name, title and domicile of a person who enters into the landscape agreement (hereinafter referred to as "person who enters into the agreement") pursuant to paragraph (1) and a landscape agreement steering committee under Article 20 (1);

6. Period of validity of the landscape agreement;

7. Matters concerning sanctions when one party to the landscape agreement violates the landscape agreement;

8. Other matters prescribed by Municipal Ordinance of the relevant local government, which are necessary for the landscape agreement.

Article 20 (Establishment of Landscape Agreement Steering Committee)

(1) Where necessary for the preparation of a written landscape agreement and the management of the landscape agreement, any person who enters into the agreement may establish a steering committee (hereinafter referred to as "landscape agreement steering committee") as an autonomous organization among persons who enter into the agreement.

(2) Where persons who enter into an agreement intend to establish a landscape agreement steering committee, they shall appoint the representative and members of the landscape agreement steering committee with the consent of a majority of persons who enter into the agreement and make a report to the relevant Mayor/Do Governor, etc., as prescribed by Presidential Decree.

Article 21 (Approval for Landscape Agreements)

(1) Any person who enters into an agreement or the representative of the landscape agreement steering committee shall prepare a written landscape agreement and obtain approval from the relevant Mayor/Do Governor, etc., as prescribed by Presidential Decree. In such cases, the Mayor/Do Governor, etc. who receives an application for approval shall undergo deliberation by a landscape committee established

under the authority of the relevant Mayor/Do Governor, etc. pursuant to Article 29 (1) before he/she grants approval.

(2) When the Mayor/Do Governor, etc. has granted approval for a landscape agreement pursuant to paragraph (1), he/she shall officially announce the details thereof and offer them for perusal of residents, as prescribed by Presidential Decree.

Article 22 (Revision to Landscape Agreements)

@Articles 19 and 21 shall apply mutatis mutandis to revision to a landscape agreement: Provided, That the foregoing shall not apply to cases where any insignificant matter prescribed by Presidential Decree is revised.

Article 23 (Rescission of Landscape Agreements)

(1) Where any person who enters into an agreement or the representative of a landscape agreement steering committee intends to rescind the landscape agreement, he/she shall obtain approval from the relevant Mayor/Do Governor, etc. with the consent of a majority of persons who enter into the agreement, as prescribed by Presidential Decree.

(2) Article 21 (2) shall apply mutatis mutandis to the rescission of a landscape agreement.

Article 24 (Observation of and Succession to Landscape Agreements)

(1) Any person who has entered into an agreement and intends to perform an act falling under matters under the subparagraphs of Article 19 (4) in an area subject to the landscape agreement shall observe the details of the landscape agreement approved pursuant to Articles 21 and 22.

(2) Among persons to whom a right is transferred or for whom a right is established by a landowner, etc. who is a person who enters into the agreement in an area subject to the landscape agreement after the landscape agreement has been officially announced pursuant to Article 21 (2), any person prescribed by Presidential Decree shall succeed to the position of a person who enters into the agreement: Provided, That where the landscape agreement provides otherwise, the landscape agreement shall apply to such person.

Article 25 (Support for Landscape Agreements)

(1) The Mayor/Do Governor, etc. may provide technical and financial support for landscape agreements, such as providing advice and suggestions on the preparation of written landscape agreements.

(2) Where any person who enters into an agreement or the representative of a landscape agreement steering committee intends to receive subsidies for expenses incurred in relation to the landscape agreement, etc., he/she shall submit a project plan to the relevant Mayor/Do Governor, etc., as prescribed by Presidential Decree.

Article 26 (Deliberation on Landscapes of Infrastructure Projects)

(1) Where an agency which is a project owner under subparagraph 6 of Article 2 of the Construction Technology Promotion Act (hereinafter referred to as "project owner") intends to implement a project exceeding the scale prescribed by Presidential Decree, which is an infrastructure project under the following subparagraphs, it shall undergo deliberation by a landscape committee under Article 29 (1) (hereinafter referred to as "landscape committee" in this Chapter), as prescribed by Presidential Decree:

1. Road under the Road Act;
2. Railroad facilities under the Railroad Construction Act;
3. Urban railroad facilities under the Urban Railroad Act;
4. River facilities under the River Act;
5. Other facilities prescribed by Municipal Ordinance of a local government.

(2) The Minister of Land, Infrastructure and Transport shall announce criteria for deliberation of a landscape committee under paragraph (1) after he/she holds consultations with the Minister of Environment about such criteria so that the criteria may not overlap with environmental assessment under Acts related to environment.

(3) Notwithstanding the provisions of paragraph (1), where a project owner has gone through deliberation by a committee related to landscape it organized, as prescribed by Presidential Decree, it shall not undergo deliberation by a landscape committee. In such cases, the project owner shall submit the outcomes of deliberation to the relevant landscape committee within 15 days.

Article 27 (Deliberation on Landscapes of Development Projects)

(1) Any person who intends to execute a development project prescribed by Presidential Decree, such as an urban development project under Article 2 (1) 2 of the Urban Development Act, shall undergo deliberation by a landscape committee, as prescribed by Presidential Decree, before he/she obtains designation of a district or approval for a project plan due to a development project.

(2) The Minister of Land, Infrastructure and Transport shall announce criteria for deliberation of a landscape committee under paragraph (1) after he/she holds consultations with the Minister of Environment about such criteria so that the criteria may not overlap with environmental assessment under Acts related to environment.

(3) Any person who intends to execute a development project of at least the scale prescribed by Presidential Decree among development projects under paragraph (1) shall undergo deliberation by a landscape committee after he/she formulates a preliminary landscape plan including the following matters, as prescribed by Presidential Decree: Provided, That where the following matters are included in a development project plan, he/she shall be deemed to have formulated a preliminary landscape plan:

1. Matters concerning the basic directions and objectives of the landscape plan;
2. Matters concerning the current status of landscapes of surrounding areas;
3. Matters concerning the establishment of landscape structure;
4. Matters concerning the three-dimensional basic design of urban space structure through major landscape elements, such as buildings, streets, parks and green spaces.

(4) Where necessary to create excellent landscapes, any person who intends to undergo deliberation by a landscape committee after he/she formulates a preliminary landscape plan pursuant to paragraph (3) (including cases where he/she is deemed to have formulated a preliminary landscape plan pursuant to proviso to the aforesaid paragraph) may file an application for designation of a special building zone under Article 71 (1) of the Building Act with the Mayor/Do Governor or the head of a Si/Gun/Gu. In such cases,

the Mayor/Do Governor or the head of a Si/Gun/Gu requested to designate a special building zone shall comply with such request, except in extenuating circumstances.

Article 28 (Deliberation on Landscapes of Buildings)

(1) Any person who intends to build any of the following buildings shall undergo deliberation by a landscape committee, as prescribed by Presidential Decree:

1. Buildings in a landscape district (excluding buildings prescribed by Municipal Ordinance of the relevant local government);
2. Buildings prescribed by Municipal Ordinance of the relevant local government, which are located in a focused landscape management area;
3. Buildings prescribed by Municipal Ordinance of the relevant local government, which are built by the local government, public institutions under the Act on the Management of Public Institutions or local public enterprises under the Local Public Enterprises Act;
4. Other buildings prescribed by Municipal Ordinance of the relevant local government, which are necessary for the management of landscapes in its jurisdiction.

(2) The Minister of Land, Infrastructure and Transport shall announce criteria for deliberation of a landscape committee under paragraph (1) after he/she holds consultations with the Minister of Environment so that such criteria may not overlap with environmental assessment under Acts related to environment.

(3) Where necessary to create excellent landscapes, any person who intends to build buildings falling under paragraph (1) 1 and 2 may request the Mayor of a Special Metropolitan City, the Mayor of a Metropolitan City, the Mayor of a Special Self-governing City, the Governor of a Special Self-governing Province or the head of a Si/Gun/Gu (hereinafter referred to as "person who has the authority to grant permission" in this Article) to apply lenient criteria under Articles 42, 55, 58, 60 and 61 of the Building Act, as prescribed by Presidential Decree.

(4) A person who has the authority to grant permission under paragraph (3) shall determine whether to apply leniency in the relevant criteria and the scope of application following deliberations by a building committee under Article 4 of the Building Act and inform an applicant of the outcomes thereof.

(5) Procedures for requesting leniency in criteria and determination under paragraphs (3) and (4) and other necessary matters shall be prescribed by Presidential Decree.

Article 29 (Establishment of Landscape Committee)

(1) A landscape committee shall be established under the authority of the Minister of Land, Infrastructure and Transport or the Mayor/Do Governor, etc. for deliberation or providing advice and suggestions on matters concerning landscapes: Provided, That where it is difficult to establish and operate a landscape committee, a landscape-related committee prescribed by Presidential Decree shall perform functions of the landscape committee.

(2) The head of a Si/Gun, the head of an administrative Si, the head of a Gu, etc. or the head of a free economic zone authority may request the Mayor/Do Governor to deliberate on matters by a landscape

committee established in the City/Do to which the relevant local government (including an administrative Si and a free economic zone authority) belongs without organizing its landscape committee separately.

(3) Where it is necessary to deliberate on matters relating to landscapes, the Minister of Land, Infrastructure and Transport or the Mayor/Do Governor, etc. may undergo joint deliberation by a committee established pursuant to other Acts and a landscape committee under paragraph (1) (including a committee related to landscape which performs functions of the landscape committee on its behalf pursuant to proviso to the aforesaid paragraph; hereinafter the same shall apply), as prescribed by Presidential Decree.

Article 30 (Functions of Landscape Committee)

(1) Matters that should be deliberated by a landscape committee shall be as follows:

1. Formulation or revision of landscape plans under Article 12;
2. Approval for landscape plans under Article 13;
3. Approval for the execution of landscape projects under Article 16;
4. Approval for landscape agreements under Article 21;
5. Deliberation on landscapes of infrastructure projects under Article 26;
6. Deliberation on landscapes of development projects under Article 27;
7. Deliberation on landscapes of buildings under Article 28;
8. Other matters prescribed by Presidential Decree, which have a significant effect on landscapes.

(2) The Minister of Land, Infrastructure and Transport or the Mayor/Do Governor, etc. should seek advice on the following matters from a landscape committee: Provided, That subparagraphs 3 and 4 shall be applicable to the Mayor/Do Governor, etc. only:

1. Matters concerning landscape plans;
2. Matters concerning the planning of landscape projects;
3. Matters concerning the enactment and amendment of municipal ordinances concerning landscapes;
4. Other matters prescribed by Municipal Ordinance of the relevant local government, which have a significant effect on landscapes.

Article 31 (Organization and Operation of Landscape Committee)

In addition to matters provided for in this Act, matters concerning the organization and operation of a landscape committee and other necessary matters shall be prescribed by Presidential Decree.

Article 32 (Training of Human Resources and Support Therefor)

(1) The State and local governments may train and educate professionals, discover excellent landscapes and provide necessary support, such as giving rewards therefor, in order to promote the conservation, management and creation of landscapes.

(2) Where the State provides subsidies to local governments for expenses incurred in executing regional development or improvement projects, it may preferentially provide subsidies to local governments in which plans for the conservation, management and creation of landscapes or the results thereof are excellent.

Article 33 (Building and Operation of Landscape Management Information System)

(1) The Minister of Land, Infrastructure and Transport or the Mayor/Do Governor, etc. may build and operate a landscape management information system in order to efficiently manage landscapes, such as the formulation of landscape plans and deliberation on landscapes.

(2) The Minister of Land, Infrastructure and Transport or the Mayor/Do Governor, etc. may provide matters prescribed by Presidential Decree, such as the current status of landscape resources and the details of landscape projects, to related agencies and the general public via a landscape management information system.

(3) In addition to matters provided for in paragraphs (1) and (2), matters necessary for building and operating a landscape management information system shall be prescribed by Presidential Decree.

Article 34 (Legal Fiction of Public Officials When Penal Provisions Are Applied)

When the provisions of Articles 129 through 132 of the Criminal Act are applied to a person who is not a public official among the members of a landscape committee under Article 29 (1), he/she shall be deemed a public official.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Basic Surveys)

The amended provision of proviso to Article 10 shall apply, beginning with cases where the Mayor/Do Governor, etc. formulates or revises a landscape plan after this Act enters into force.

Article 3 (Applicability to Deliberation on Landscapes of Infrastructure Projects)

The amended provisions of Article 26 shall apply, beginning with cases where a project owner enters into a design services contract for an infrastructure project after this Act enters into force.

Article 4 (Applicability to Deliberation on Landscapes of Development Projects)

The amended provisions of Article 27 shall apply, beginning with cases where a person applies for designation of a district or approval for a project plan due to a development project after this Act enters into force.

Article 5 (Applicability to Deliberation on Landscapes of Buildings)

The amended provisions of Article 28 shall apply, beginning with cases where a person applies for a building permit or reports construction after this Act enters into force.

Article 6 (Transitional Measures concerning Formulation of Landscape Plans)

A landscape plan formulated before this Act enters into force shall be deemed a landscape plan formulated pursuant to the amended provisions of Article 7.

Article 7 (Transitional Measures concerning Si/Gun Landscape Plans)

Notwithstanding the amended provisions of Article 12, the former provisions shall apply to a Si/Gun landscape plan for which an application for approval has been filed with the Governor of a Do pursuant

to the former Article 11 before this Act enters into force.

Article 8 (Transitional Measures concerning Enforcement Date of Construction Technology Promotion Act)

Of the amended provision of Article 26 (1), "subparagraph 6 of Article 2 of the Construction Technology Promotion Act" shall be deemed "subparagraph 5 of Article 2 of the Construction Technology Promotion Act" until May 22, 2014.

Article 9 Omitted.

Article 10 (Relationship with other Acts)

Where the provisions of the former Landscape Act are cited by other Acts and subordinate statutes as at the time this Act enters into force, the relevant provisions of this Act shall be deemed cited, in lieu of the former provisions.

ADDENDA <Act No. 13426, Jul. 24, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 39 Omitted.

ADDENDA <Act No. 13726, Jan. 6, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.