

**IN THE MATTER** of the Resource Management Act  
1991, its amendments and regulations

**AND**

**IN THE MATTER**

of a submission from Mighty River Power Limited on the  
Horizon Regional Proposed One Plan.

**STATEMENT OF EVIDENCE OF BRAD COOMBS**

**1.0 INTRODUCTION**

- 1.1 My name is Brad Coombs. I am an Associate, Senior Landscape Architect, and the Tauranga Manager of Isthmus Group Ltd. I hold qualifications of Bachelor of Landscape Architecture (Hons), and Bachelor of Horticulture. I have 12 years experience working as a Landscape Architect in New Zealand and overseas on a range of design, project management, and landscape planning projects. I am an Associate member of the New Zealand Institute of Landscape Architects (NZILA), and a Registered NZILA Landscape Architect. I am a member of the elected National Executive of the NZILA for the 2005-2007 and 2007-2009 terms.
- 1.2 I was one of the authors of a Variation underpinned by landscape and natural character principles, to the Rotorua District Plan in the Lakes A Zone, a sensitive lakes environment. I have undertaken extensive work in the coastal environments of the North Island including projects and district and regional plan policy review in Northland, Auckland, Waikato, Coromandel Peninsula, Bay of Plenty, Poverty Bay, Manawatu, and Wellington. I have undertaken a number of projects in the Horizon Region. I have also reviewed and submitted on national planning legislation and National Policy Statement reviews for energy sector clients and professional institutes.

- 1.3 I have provided advice to Mighty River Power Limited (Mighty River Power) regarding aspects of its submission to the Horizon Proposed One Plan (The Plan) and have since reviewed the submission lodged by Mighty River Power in respect of the Plan. I have attended a prehearing meeting held by Horizons Regional Council on the Landscape Chapter (7) and Schedule F of the Plan.
- 1.4 I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note and I agree to comply with it. I have considered all of the material facts that I am aware of that might alter or detract from the opinions that I express. This evidence is within my area of expertise.

## **2.0 SCOPE OF EVIDENCE**

- 2.1 I will highlight pertinent points in relation to:

- The data, information and assumptions that I have relied on in preparing my evidence.
- Schedule F: Regional Landscapes:
  - Coastline of the Region: West and East Coasts.
  - The Skyline of the Tararua Ranges.
- Chapter 7: Living Heritage.
- Cross Submissions:
  - Tararua Aokautere Guardians (TAG).
  - The Minister of Conservation.
- Summary and Conclusions.

## **3.0 DATA, INFORMATION AND ASSUMPTIONS**

- 3.1 There is a range of data and information which has informed the development of this evidence relating to landscape issues in the coastal environment and in particular natural character and the assessment of landscape, and the landscape context of the Horizon Region and the Proposed One Plan.
- 3.2 Specific to the Horizon Region and the Proposed One Plan I have undertaken the following tasks and documents reviews:
  - Visited many of the areas within the region, especially those where Outstanding Natural Features and Landscapes (ONFLs) have been identified within Schedule F of the Proposed One Plan. Visited the coastlines of each side of

the region, where they are accessible by public road. Most fieldwork was undertaken by visiting public roads throughout the region;

- Reviewed the relevant sections and provisions of the Horizons One Plan, as notified, in particular Chapter 7, and Schedule F;
- Reviewed the submission of Mighty River Power;
- Reviewed a number of submissions in relation to Chapter 7 and Schedule F, in particular those from the Tararua Aokautere Guardians (TAG) and the Minister of Conservation;
- Reviewed the Further Submission of Mighty River Power;
- Reviewed the 'Tracked Changes Versions of Chapter 7 and Schedule F, both dated 10 March 2009;
- Reviewed the Section 42A Reports by Clive Anstey and John Maassen in relation to Chapter 7 and Schedule F, both on behalf of Horizons Regional Council;
- Reviewed other relevant information in relation to the Horizons Region and landscape matters as they relate to the Mighty River Power submission, and other submissions and further submissions.

- 3.3 I have found it difficult to accurately assess the location and boundaries of some of the ONFL's identified in Schedule F due to the scale and graphic quality of some of the images presented within the Schedule. Therefore I have cross referenced the images in Schedule F with NZMS 260 Series 1:50,000 scale topographic maps for the same locations. This has allowed me, in conjunction with the field work that I have undertaken, to better understand the topography, vegetation and land use patterns throughout the region. The 1:50,000 scale maps provide a sound basis and scale for understanding the spatial extent and characteristics of areas identified in Schedule F.

- 3.4 Court decisions and years of development of practitioner based best assessment techniques have lead to the development of a strong understanding of landscape and natural character issues under the Resource Management Act 1991 (“the RMA”).
- 3.5 The seminal case regarding landscape under s6 of the RMA is the decision of the Environment Court in *Wakatipu Environmental Society Inc v Queenstown Lakes District Council*<sup>1</sup>. The Decision is specific about the use of the ‘Amended Pigeon Bay Criteria’. The Court held:

*“The corrected list of aspects or criteria for assessing a landscape includes:*

- (a) *the natural science factors – the geological, topographical, ecological and dynamic components of the landscape;*
- (b) *its aesthetic values including memorability and naturalness;*
- (c) *its expressiveness (legibility): how obviously the landscape demonstrates the formative processes leading to it;*
- (d) *transient values: occasional presence of wildlife; or its values at certain times of the day or of the year;*
- (e) *whether the values are shared and recognised;*
- (f) *its value to tangata whenua;*
- (g) *its historical associations.”*

*We should add that we do not consider this list as frozen – it may be improved with further use and understanding, especially of some of the issues we now explore.”<sup>2</sup>*

- 3.6 The criteria or aspects are therefore not specific to the assessment of outstanding landscapes and natural features, but should be applied to the assessment and evaluation of all landscapes. The Court also identified that the list was non-exhaustive and can be improved with further use.
- 3.7 The extract from the *Wakatipu Environmental Society Incorporated* decision above is often truncated to exclude the qualifier that the list is not frozen. This point is important, as it is clear that the Court had never intended for the list to be used as a static template for the assessment of landscape under the RMA. The list requires some level of interpretation every time it is used for the assessment of landscape. Therefore the reference to the dynamic nature of the list should be incorporated into any further use of it under the RMA.
- 3.8 There is inevitably some overlap between section 6(a) and 6(b) matters as one deals with natural character and the other with outstanding natural features and landscapes. Therefore the identification of appropriate methods for assessing naturalness is required. The *Wakatipu Environmental Society Incorporated* Decision is helpful here in providing guidance on what is included in the consideration of

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<sup>1</sup> *Wakatipu Environmental Society Incorporated v Queenstown Lakes District Council* (C180/99).

<sup>2</sup> Ibid at para [20].

naturalness. The recent interim Decision of the Environment Court in *Long Bay-Okura Great Parks Society Inc v North Shore City Council*<sup>3</sup> has updated this reference and it was noted by the Court at paragraph [135] that:

*"We consider that the list becomes more useful; if it is modified and extended so that the list of criteria of naturalness under section 6(b) of the RMA then includes:*

- *relatively unmodified and legible physical landform and relief*
- *the landscape being uncluttered by structures and/or 'obvious' human influence*
- *the presence of water (lakes, rivers, sea)*
- *the presence of vegetation (especially native vegetation) and other ecological patterns.*

*The absence or compromised presence of one or more of these criteria does not mean that the landscape is non-natural, just that it is less natural. There is a spectrum of naturalness from a pristine natural landscape to a cityscape, and a 'cultured nature' landscape may still be an outstanding natural landscape."*

- 3.9 From a review of the relevant case law for section 6 of the RMA, I conclude that human influence can have some (not completely destructive) effect on natural character.
- 3.10 In addition to the case law relating to natural character, an Environmental Indicator Program (EIP) initiated by the Ministry for the Environment has lead to a practitioner developed and generally accepted definition of the term 'natural character'. The definition includes reference to the presence and health of natural elements, patterns and processes, and the degree of human intervention.
- 3.11 The definition of 'natural character' developed through the EIP is:

*"Natural character is a term used to describe the naturalness of all coastal environments. The degree or level of natural character within an area depends on: (1) the extent to which natural elements, patterns and processes occur (2) The nature and extent of modifications to the ecosystems and landscape/seascape. The highest degree of natural character (greatest naturalness) occurs where there is least modification. The effects of different types of modification upon the natural character of an area vary with the context, and may be perceived differently by different parts of the community."<sup>4</sup>*

- 3.12 The EIP definition has been accepted by the Environment Court on a number of occasions and in my view represents the current best practice in relation to the assessment of natural character<sup>5</sup>.
- 3.13 It is my opinion that ultimately, outstanding natural features and landscapes and natural character cannot be completely separated within the RMA. Some landscapes or features will be both outstanding and natural, and have high natural character. Therefore any definition of naturalness should be able to be applied to either natural

<sup>3</sup> *Long Bay-Okura Great Parks Society Incorporated v North Shore City Council* (A78/08) at para [135].

<sup>4</sup> Natural Character Definition: Environmental Indicator Program for the Ministry for the Environment.

<sup>5</sup> See *Kaupokonui Beach Society Inc and others v South Taranaki District Council* (W030/2008) at p20.

features and landscapes, and natural character consistently, and it should be acknowledged that criteria relating to naturalness do not necessarily lead to double counting, but to a layering approach as is intended in section 6 of the RMA.

- 3.14 In *Pigeon Bay Aquaculture Ltd v Canterbury Regional Council*<sup>6</sup> the Environment Court held that section 6(a) meant that:
- “1. All coastal environments have natural elements;
  - 2. It is important to identify those natural elements, patterns and processes;
  - 3. That section 6(a) seeks to preserve those natural elements to protect them from:
    - (a) inappropriate development; but
    - (b) subject to the overriding constraints of section 5.”
- 3.15 The term ‘coastal environment’ is not defined by the RMA. However the Planning Tribunal in *Northland Regional Planning Authority v Whangarei County Council*<sup>7</sup> defined the coastal environment as “*an environment in which the coast is a significant part or element*”. The Tribunal also commented that:
- “What constitutes the coastal environment will vary from place to place and according to the position from which a place is viewed. Where there are hills behind the coast, it will generally extend up to the dominant ridge behind the coast.”*
- 3.16 It is the body of material and case law outlined above that I have used to inform and develop my understanding of outstanding natural features and landscapes, natural character, and coastal environment case law and best practice as they relate to the Proposed One Plan.
- 3.17 Mighty River Power supports the application of the Amended Pigeon Bay Criteria and believes that the list provides a solid foundation from which to base the assessment of landscape on.

## 4.0 SPECIFIC PROVISION RESPONSES

### Schedule F: Regional Landscapes

- 4.1 Schedule F of the Proposed Plan identifies 13 Regional ONFLs within the Manawatu–Wanganui Region and these are listed in **Table F1**. The table lists a series of ‘Characteristics/Values’, and ‘Other Values’ which presumably have lead to the area being identified as an ONFL. Maps for each of the 13 ONFLs are also included within **Schedule F**, indicating the location and boundary of the area considered to be outstanding.

<sup>6</sup> See *Pigeon Bay Aquaculture Ltd v Canterbury Regional Council* (C179/03).

<sup>7</sup> (1977) (A4828) (TCPAB) at p4831.

- 4.2 It is not clear from the information included in Schedule F why there is a differentiation between the two columns labelled ‘Characteristics/Values’, and ‘Other Values’. It could be that Schedule F suggests that what is listed under ‘Characteristics/Values’ are what makes the identified ONFL outstanding, and ‘Other Values’ also attribute some importance to the ONFL, without contributing to the determination of the area as an ONFL. It seems appropriate that the characteristics and values listed within the two columns should be aligned with the criteria which have been developed for the identification of ONFLs within the region, otherwise known as the Amended Pigeon Bay Criteria.
- 4.3 In each of the descriptions of the Characteristics/Values for the Scheduled ONFLs the first characteristics or values attributed are Visual and Scenic characteristics. The criteria listed under ‘Other Values’ which have been developed for the identification of ONFLs throughout the region, largely based on the amended Pigeon Bay Criteria<sup>8</sup>, identifies such factors as natural science factors, aesthetic values, expressiveness, transient values, whether the values are shared and recognised, value to tangata whenua and historical associations, which acknowledge a deeper functioning and perception of landscape than is inferred by visual and scenic characteristics.
- 4.4 Only three Scheduled ONFLs (the Skyline of the Ruahine and Tararua Ranges, the Manawatu Gorge and the Coastline of the Region) identify other characteristics or values, other than visual and scenic characteristics in the same column. For the Manawatu Gorge and the Coastline of the Region geological processes are acknowledged as attributing some value. The Skyline of the Ruahine and Tararua Ranges ONFLs list ‘importance to tangata whenua’ within the Characteristics/Values column. Within the ‘Other Values’ column, values such as recreational, scientific, ecological, intrinsic, importance to tangata whenua, and historic heritage are identified. These values all align with both recognised characteristics or values associated with landscape assessment, and also the amended Pigeon Bay Criteria. Therefore it is evident that the ‘Other Values’ column also presents values which are intended to add to the identification of the individual areas as ONFLs.
- 4.5 The heavy reliance on visual and scenic characteristics in the identification of ONFLs appears to largely downplay the recognised criteria which have been established for the identification of ONFLs. In the case of the Tongariro National Park (a World Heritage Site), for example, the value of the ONFL appears to be understated by the

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<sup>8</sup> *Wakatipu Environmental Society Incorporated v Queenstown Lakes District Council* (C180/99) at para [80].

exclusion of scientific value, ecological value, importance to tangata whenua and historic values from the description of the Characteristics/Values of this ONFL<sup>9</sup>.

- 4.6 The logical conclusion from this analysis of the Schedule F descriptions and the actual values which are contained within the ONFLs within the region is that ONFLs within the region have been identified largely based on visual and scenic values. Visual and scenic values clearly contribute to and are recognised by some of the Pigeon Bay Criteria, for example as a contributor to aesthetic values, however visual and scenic values are not sufficient on their own to satisfy the test of an outstanding landscape in RMA terms.
- 4.7 The identification of ONFLs can only be undertaken once a full appraisal and assessment of the District or Regions landscapes has been undertaken in relation to each other. The Environment Court has determined that:
- “... what is outstanding can in our view only be assessed – in relation to a district plan – on a district-wide basis because the sum of the district’s landscapes are the only immediate comparison that the territorial authority has. In the end of course, this is an ill-defined restriction.”<sup>10</sup>*
- 4.8 The assessment of the regionally important landscapes, as described in Schedule F, can only be undertaken with both knowledge of and comparison with the rest of the regions landscape resource.
- 4.9 The assessment of the district and regions landscapes should be undertaken utilising the criteria or factors discussed above and below. Appropriate assessment and identification of ONFLs in a regional context cannot be undertaken without the use of the appropriate criteria, and the broad comparison with the appropriate landscapes. I understand that the regions landscapes have not been assessed using the criteria which have been established.
- 4.10 This has been confirmed in the Section 42A Report of Mr Clive Anstey:

*“In my view all of the areas scheduled as Outstanding Natural Features and Landscapes would satisfy the criteria generally accepted by the Environment Court as ‘outstanding’, although some boundaries may be more indicative than precise. It is therefore my view that a systematic landscape assessment would confirm the scheduled landscapes as outstanding at a regional level but there would be some*

<sup>9</sup> Chapter 7: 7.1.3 Pg 7-2. The Living Heritage Chapter of the One Plan identifies the natural values of the Tongariro National Park as having significance and states that:

*“Natural Character is a sliding scale and varies from a low degree of naturalness, such as urban environments, to a high degree of naturalness (for example, Tongariro National Park).”*

<sup>10</sup> *Wakatipu Environmental Society Inc v Queenstown Lakes District Council (C180/99), 5 NZED 85 at p 49.*

*boundary refinements. Many of the scheduled outstanding natural features and landscapes would undoubtedly qualify as nationally outstanding. A systematic assessment would enable this to be confirmed and would enable refinement of the boundaries*<sup>11</sup>

- 4.11 While some of the landscapes contained within the region will be undoubtedly outstanding in a regional, and even a national sense, (for example the areas of the Tongariro National Park which fall within the region), other landscape resources will be less well recognised, and in particular, the boundaries between what is outstanding and what is not, requires a more detailed level of assessment than has been undertaken to put together the list of ONFLs contained in Schedule F.
- 4.12 The identification of a series of criteria to assess landscapes in the Horizons Region seems appropriate and logical, however mapping and setting boundaries to the regions landscapes without having completed a detailed study is inconsistent with case law and developing best practice under the RMA.
- 4.13 The full detailed landscape assessment of the Horizon Regions' landscapes is required to be undertaken before ONFL's can be accurately identified and boundaries can be set. In the mean time the areas and boundaries identified in Schedule F should be indicated as interim only, with a set timeframe and process identified for the full regional landscape assessment to be undertaken.

#### **Coast Line of the Region: West Coast**

- 4.14 Schedule F identifies the entire coastlines of the eastern and western coastal boundaries of the region as ONFLs. The ONFLs are presented in **Figures F11** and **F12**. For both the east and the west coasts the areas identified include a broad extent of seascape being the defined Coastal Marine Area (CMA - 12 nautical miles wide). However the landward portion of the ONFLs varies considerably in both cases, with a varying relationship to the underlying topography, land cover, land use, landscape unit, or the characteristics and values which have been identified in the Table F1 of Schedule F.
- 4.15 On the west coast boundary of the Horizon Region the landward depth of the coastal zone identified as part of the ONFL varies considerably in depth from several kilometres (almost 5 kilometres at its' deepest point) to a very narrow margin: being the width of a line on the map. The depth of the landward area identified bears no relationship to the underlying topography or the identification of what might be considered to constitute the 'coastal environment'.

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<sup>11</sup> Section 42A Report of Clive Anstey on behalf of Horizons Regional Council. At Pg 4.

- 4.16 There has been a sequence of Environment Court decisions relating to what might be found in the coastal environment, and where the boundary might be placed. It has been generally accepted by the Court that the coastal environment is divided into four zones; sub tidal, intertidal, coastal dominance, and coastal influence, which is merely a reflection of the fact that as one moves inland from the sea, coastal influences generally diminish. The Decision of the Court in *Kaupokonui Beach Society Inc v South Taranaki District Council*<sup>12</sup> is helpful regarding the arbitrary placement of the inland boundary of the coastal environment boundary when it states:

*'A significant factor in our considerations was the evidence given by Mr Smale making the point that the river basin was a **single landscape unit**, a position with which the Applicant's landscape witness (Mr R A Bain) agreed. It was the opinion of both Messrs Quinlan and Smale that it would be **artificial** to draw a line through the middle of that discrete, physically contained landscape unit and say that one side was in the coastal environment and the other side was not. Mr Bain agreed that it would be inappropriate to divide this particular unit with a line and that the basin is...an **holistic landscape entity**.*

*The coastal environment is just that, **an environment**. It is not a **zone** which might be readily identified by lines on a map. In defining that environment there will frequently be **grey areas and blurred edges**.<sup>13</sup> (emphasis added and internal case references removed).*

- 4.17 For the west coast, the boundary is very tight to the north and west of Wanganui, appearing to follow the top of a small coastal cliff system. The boundary remains close (within 200m) to the intertidal zone to the south of Wanganui, until it reaches an area adjacent to the Whangaehu River mouth, where it cuts inland abruptly following the inland edge of the Santoft Forest for approximately 25km to Tangimoana. The inland boundary of the Santoft forest does not follow any logical landscape unit, nor does the boundary of the mapped ONFL. In this location the inland boundary contains plantation forestry, but excludes natural features such as Lake Koitiata, which might be expected to have higher natural and landscape values than a plantation forest.
- 4.18 From Tangimoana, the inland boundary 'straight lines' through forest, pasture, lagoons and lakes to the intersection of Himatangi Beach Road and Wylie Road. The boundary then follows Wylie Road for its' length: approximately 9km, containing a strip of land some 4 to 5 km deep subjected to a variety of land uses, including

<sup>12</sup> (W30/2008) (Environment Court Wellington, 19 May 2008, Environment Commissioners PA Catchpole & JR Mills, Dwyer J).

<sup>13</sup> *Kaupokonui Beach Society Inc v South Taranaki District Council* (W030/2008), at paras [45] & [46], p13-14.

natural areas, plantation forestry and pasture. Wylie Road does not follow a landscape unit boundary, or have any topographical constraint or logic. Wylie Road dissects a large coastal plain landscape unit.

- 4.19 From the south end of Wylie Road, the inland boundary ‘straight lines’ again to the inland edge of the Waitarere Forest, again containing the entire forest, before stepping inland at Waitarere, and orienting parallel to the coast, approximately 3km inland to the southern extent of the region just south of Waikawa Beach. The boundary between Waitarere and Waikawa Beach doesn’t appear to follow any landform or land use edge. It is merely a line that is parallel to the coast through pasture, plantation forest, inland dunes, and some limited indigenous vegetation. The West Coast ONFL contains a number of significant sized settlements, including Himatangi Beach, Foxton Beach, Waitarere, Hokio Beach, and Waikawa Beach. The ONFL also contains large areas of existing plantation forestry which are in places 3-4km deep.
- 4.20 The descriptors within Table F1 of Schedule F of the Characteristics/Values and Other Values for the Coastline of the Region are highlighted below:

<b>Outstanding Natural features or Landscapes</b>	<b>Characteristics / Values</b>	<b>Other values</b>
(k) Coastline of the region, particularly the Akitio Shore Platform (Figures F:11 and F:12)	(i) Visual and scenic characteristics, particularly provided by its special coastal landscape features (ii) Coastal geological processes	(i) Ecological value, particularly the Whanganui, Whangaehu, Turakina and Rangitikei river estuaries as habitats for indigenous fauna (ii) Recreational value (iii) Significance to tangata whenua (iv) Historic heritage

- 4.21 The west coast line of the region contains visual and scenic characteristics and coastal geological processes which are worthy of recognition and protection. It is not clear how the containment of the Waitarere and Santoft Forests within the West Coast ONFL contributes to the protection of the visual and scenic characteristics, or the coastal geological processes, as the scenic characteristics and coastal geological processes have been altered within the forested areas to the extent that they are either highly modified or non-existent when considered in relation to the open coastline landscape, which is clearly the focus of ONFL classification.
- 4.22 The inland boundary of the West Coast ONFL is arbitrary and dissects a number of landscape units: in particular the edge of the coastal plains which extend as far inland

as the Manawatu River corridor and Palmerston North City (over 30km in places). This point is supported at Paragraph 49 of Mr Ansetys' Section 42 A Report:

*"The areas within which a distinctly coastal natural character can be expected to occur are depicted on maps in Schedule F. As with most other mapped areas I cannot comment on the boundaries. I am aware from personal experience that the boundary of the coastal environment on the western side of the North Island is extremely difficult to determine and that little of the original 'indigenous' character remains, at least in anything like a pristine state. There are however significant natural features that, in spite of cultural impositions, continue to assert their character and confer identity. For example, there are significant dune systems, dune lakes, and coastal escarpments".<sup>14</sup> (emphasis added).*

- 4.23 I agree with Mr Anstey that these natural features exist and assert character and identity. I also agree that these features might contribute to an area being identified as an ONFL. I do not agree that plantation production forestry belongs in the list highlighted by Mr Anstey, and I am unsure why the boundary of the West Coast ONFL should contain these forests.
- 4.24 I have completed a landscape unit analysis of the West Coast of the region between Wanganui and Waikawa Beach. I have driven the roads and viewed each of the areas of open coast line and the main river outlets and estuaries. I have considered those landscapes in relation to the relevant case law and methods of landscape and coastal environment assessment outlined in Section 3. I conclude that the inland edge of the coastal environment would be approximately 3-5km inland, including the historical dunes and lakes (approximately 3km inland), with some deeper areas of coastal environment where streams, rivers and estuaries are subjected to coastal erosion and tidal processes. I would generally conclude that within this location, the coast environment is 3 to 5km deep.
- 4.25 It is important to make the distinction between the identification of the coastal environment and the area that is considered to be an ONFL. While the coastal environment is 3 to 5km deep, the ONFL which contributes to the visual and scenic characteristics and coastal geological processes as outlined in Table F1 of Schedule F is much tighter. The areas of the west coast which contain the characteristics and values described are much closer to the coastal edge, including the intertidal zones and beaches, unplanted (with plantation forestry) dunes, coastal cliffs, river mouths

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<sup>14</sup> Section 42A Report of Clive Anstey on Behalf of Horizons Regional Council. At para [49].

and estuaries. This list is largely consistent with those natural features highlighted by Mr Anstey.

- 4.26 The ONFL area which contributes to the characteristics and values described is generally between 200 and 500m deep, and up to 2km deep where it extends over unplanted dunes, river mouths and estuaries. The ONFL boundary should be set at the back of the coastal cliff and open dune systems, and on the coastal edge of the plantation forests within the area. The ONFL should exclude the settlements of Himatangi Beach, Foxton beach, Waitarere, Hokio Beach, and Waikawa Beach due to the inherent conflicts between the management of natural features and landscapes, and urban environments.
- 4.27 Based on a more detailed and refined assessment of the areas on the west coast of the region which contribute to characteristics and values of the area that are outstanding I have mapped a more appropriate inland boundary to the West Coast ONFL. The Horizons West Coast ONFL boundary, and my suggested proposed West Coast ONFL boundary are mapped in **Attachment BC1** to this evidence. The mapped boundary reflects a tighter land area, set on the seaward side of the Santoft and Waitarere Forests, the exclusion of existing settlements, and the inclusion of the sensitive river mouths and estuaries. The proposed ONFL boundary should be adopted as it better reflects the characteristics and values of the West Coast which have lead to it being identified as outstanding.

#### **Coast Line of the Region: East Coast**

- 4.28 Mighty River Power has focussed on the identification of landward portions of the West Coast of the region as an ONFL as the West Coast provides better and current opportunities for renewable energy generation development. The same Characteristics/Values have been listed as contributing to the identification of the East Coast landscape unit as an ONFL. The scale and graphic quality of the East Coast landscape unit also provides difficulties in making an accurate assessment of the location of the inland boundary.
- 4.29 Generally, the boundary appears to be placed on the upper edge of coastal cliffs, or at the apex of the first leading ridge. This approach is consistent with definitions and approaches which have been accepted by the Court in the past.
- 4.30 The coastal environment on the East Coast will generally be narrower than on the West Coast within the Horizon Region due to the predominant westerly weather pattern across the island, in conjunction with the subtle topography in the West (coastal plains), and the more distinct topography in the East (coastal ridges and cliffs

100 to 400 metres high). The East Coast ONFL inland boundary generally follows roads and farm tracks which are the upper edges of coastal cliffs and ridge lines. This boundary is generally appropriate.

- 4.31 The Track Changes 10 March 2009 Version of Schedule F includes an amended Figure 12 which has a straight line boundary adjustment at the north end of the East Coast ONFL capturing Cape Turnagain within the ONFL. I am unsure of the justification for including Cape Turnagain within the East Coast ONFL, however it is obvious that the amended Pigeon Bay Criteria have not been applied to the assessment of Cape Turnagain for inclusion within the ONFL. For consistency a detailed ONFL assessment is required, and an appropriate inland boundary to the Cape Turnagain section of the East Coast ONFL should be selected according to the application of those criteria, rather than the straight line boundary which is currently indicated.

#### **Coast Line of the Region: Coastal Marine Area**

- 4.32 Figures **F11** and **F12** in Schedule F indicate that the seaward extent of the ONFL's includes waters to the edge of the Coastal Marine Area (CMA), being 12 nautical miles from the Mean High Water Springs (MHWS). The identification of the CMA as a seaward boundary appears to be a convenient and extensive seaward boundary, which has little or no justification in landscape assessment terms. Given that technological constraints do not currently allow for the commercial development of renewable energy projects within the CMA in New Zealand the seaward boundary as indicated in Figures F11 and F12 may not constrain energy development in the immediate future. However, the selection of an appropriate seaward boundary to the coastal ONFL's should be justified in RMA landscape assessment terms to ensure that the appropriate values of the seascape are being protected, as is intended by the Amended Pigeon Bay Criteria.

#### **Skyline of the Tararua Ranges**

- 4.33 The skyline of the Tararua and Ruahine Ranges were previously assessed and mapped as ONFL's in Figures **F8** and **F9** of **Schedule F**. Both areas have been retained in the 10 March Version, however a separate line has been included in **Table F1 of Schedule F**, indicating that the Tararua and Ruahine State Forest Parks are also identified as being ONFL's. Again, reference is made to Figures **F8** and **F9**. This updated and extrapolated description suggests that Figures **F8** and **F9** indicate both the Skyline and the State Forest Parks of the Tararua and Ruahine Ranges. Descriptions of both the Forest Parks and the Skyline landscape units repeat the same or similar Characteristics/Values and appear to double count the same areas.

Mighty River Power has no concerns with the identification of the State Forest Parks as ONFL's, however the issue of identifying a Skyline as an ONFL is questioned and further discussed below.

- 4.34 The 10 March 2009 Version of **Schedule F** identifies:

*"The skyline of the Ruahine and Tararua Ranges – defined as the boundary between the land and sky as viewed at a sufficient distance from the foothills so as to see the contrast between the land at the crest of the highest points along ridges. The skyline is a feature that extends along the Ruahine and Tararua Ranges beyond the areas mapped in Figures F:8 and F:9."*

- 4.35 The definition of Skyline is discussed at page 5 of Mr Ansteys' Section 42A report. The definition in the 1998 Policy Statement was considered to be too limiting, and the definition, as outlined above was preferred. The definition includes references to the viewer being at a sufficient distance to detect the contrast between the land and the sky.
- 4.36 In general the areas that have been identified within the Tararua Ranges as an ONFL are covered in dark green indigenous vegetation. The sky backdrop to this landform is generally blue, white, or grey. Depending on the viewing conditions it is likely that there will normally (during daylight hours) be a high level of contrast between the Tararua Ranges and the backdrop sky, regardless of the viewing distance.
- 4.37 The reference to being viewed from a 'sufficient' distance does not help with the interpretation of what makes up the skyline, in my view. The word 'sufficient' provides an open ended opportunity for interpretation of what an appropriate distance for the Skyline to be viewed from might be. The land/sky interface is either on the Skyline or it is not. This point highlights an inherent difficulty with identifying a Skyline as an ONFL.
- 4.38 Schedule F defines the 'Characteristics/Values' for the Skyline of the Ruahine and Tararua ranges as '*(i) Visual and scenic characteristics including aesthetic cohesion and continuity, its prominence throughout much of the Region and its backdrop vista in contrast to the Region's plains, (ii) Importance to tangata whenua*',
- 4.39 The reference to only visual and scenic values and importance to tangata whenua limits the consideration of the broader set of criteria which should contribute to the identification of ONFL's, as discussed above. ONFLs can only be identified by consideration of the full suite of criteria, as outlined above. It is not necessary for a landscape or natural feature to be considered to be outstanding in each of the criteria, however, similarly consideration should not be limited to merely visual values.

- 4.40 The decision of the Court in *Motorimu Wind Farm Ltd v Palmerston North City Council*<sup>15</sup> provides further guidance, in particular in relation to the Tararua Ranges:
- "We agree with My Bray's view that within reasonably close proximity to the site, the ridgeline will form the skyline for many observers and residents. However we do not consider that factor of itself can make the ridgeline outstanding. We further agree with Mr Bray's observation that within the 4-5km distance he was talking about the skyline will be highly dominant and appear closer to the viewer. Again we do not consider that of itself makes the ridgeline outstanding in the sense referred to in s6(b) or identified in the Wakatipu decision."*<sup>16</sup>
- 4.41 The concept of a Skyline is dependent on the consideration of both the landscape which is under assessment and also the location of the viewer. Given the vast area covered by the Tararua Ranges, the infinite number of viewing locations throughout the region, and the comments of the Environment Court in the *Motorimu* decision it is considered to be problematical and therefore poor practice to identify a 'Skyline' as an ONFL. The Tararua Range contains a number of characteristics and values represented within the Amended Pigeon Bay Criteria, which will make parts of them outstanding. Relying on the identification of the Skyline weakens the identification and protection of the ranges as they are represented in Schedule F.
- 4.42 The areas mapped in Schedule F do not reflect a mapped Skyline. Parts of the Tararua Range are undoubtedly outstanding, however the Skyline itself is a poor way of identifying those areas.
- 4.43 Due to the difficulties in the identification of a Skyline as an ONFL, the Tararua Range ONFL is poorly identified and poorly mapped in terms of the acknowledgement and protection of the values which contribute to its role as an ONFL within the region.
- 4.44 The mapped boundary of the Tararua Range follows cadastral boundaries, and largely 'straight-lines' from point to point, much like a surveyors map. The area identified as the Skyline of the Tararua Ranges is effectively the Tararua Forest Park, with an amendment extending the area to the north, as indicated in Mr Ansteys' Section 42A Report.
- 4.45 There is limited description or justification for the extension of the Tararua Ranges ONFL to the north, as proposed in Mr Ansteys' Section 42A Report at paragraph 37. It is difficult to assess the locations of the areas of the proposed extension, due to the scale and graphic quality of the images in Mr Ansteys' Section 42A report, and the 10

<sup>15</sup> (W067/2008) (Environment Court, Environment Commissioners JR Mills & SJ Watson and Dwyer J).

<sup>16</sup> Ibid at p27.

March Version of Schedule F, however it appears that the extension follows the forested ridge of the Tararua Range, including the containment of the Turitea dams.

- 4.46 At paragraph 37 of his Section 42 Report, Mr Anstey states:

*"It is relevant to point out that most of the Tararua-Ruahine ridgeline falls within the forest parks, ie. within scheduled outstanding natural features and landscapes. The only substantial section of the ridgeline that does not is between the northern end of the Tararua Forest Park and the Manawatu Gorge. The most significant landscape along this section sits between the Tararua Forest Park boundary and the Paihiatua Track. The elevation and vegetation cover is similar to that within the forest park. It is of similar character. Not to recognise the significance of this section of the ridgeline would be inconsistent with the more general approach to delineating outstanding natural features and landscapes within the Proposed One Plan. Areas neighbouring DoC land that are of a similar character should be acknowledged as outstanding natural features and landscapes (as reflected in the area identified in Figure F:10)."*<sup>17</sup>

- 4.47 Mr Anstey bases a considerable extension to the north east of the Tararua Forest Park ONFL landscape unit on the premise that the elevation and vegetation is similar to the land within the Park itself. I can find some agreement with the suggestion that the extension to the north of the Tararua Forest Parks shares a similar land cover, however the difference in elevation between the majority of the Forest Park and the proposed extension is marked. The Tararua Forest Park generally occupies land which is between 500m above sea level (asl) and in some places over 1000m asl. The high point at the north east end of the Forest Park, closest to the proposed extension is Arawaru and is 767m asl. The land contained within the proposed extension to the Tararua Forest Park ONFL is predominantly between 300m and 550m asl. Parts of the proposed extension are below 300m asl and contain inner valleys, including the Turitea dams.
- 4.48 Based on the marked differences in elevation between the broad areas of the Tararua Forest Park and the proposed northern extension I do not agree that the extension has a similar character to the Forest Park itself.
- 4.49 Regardless of whether I agree with the suggestion that the extension did have similar vegetation cover and elevation, the identification of ONFL's should be undertaken giving full regard to the entire suite of the amended Pigeon Bay Criteria. Given that the justification for the inclusion of the extension is based on vegetation cover and

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<sup>17</sup> Section 42A Report of Clive Anstey on Behalf of Horizons Regional Council. At para [37].

elevation, the balance of the Criteria have not been applied in assessing the proposed northern extension to the Forest Park ONFL.

- 4.50 In addition the extension of the ONFL does not appear to be based on any submission to the Proposed One Plan. The extension would capture some of the land within TAG's 300m contour section of their submission.
- 4.51 Mighty River Power has renewable energy interests within the area which is contained in the proposed ONFL extension. The application is currently subject to a Board of Inquiry process, which is likely to consider the review of the Proposed One Plan.
- 4.52 The identification of the Tararua and Ruahine Forest Parks as ONFL's is an improvement on the identifications of a Skyline as an ONFL, however represents double counting. The respective Forest Parks are a better fit for the Characteristics/values identified in Table F1, and should be retained. The identification of the Skyline of the Tararua and Ruahine Ranges an ONFL's is flawed and should be removed. The proposed northern extension of the Tararua Forest Park ONFL should be rejected.

## **Chapter 7: Living Heritage**

- 4.53 Chapter 7 of the Proposed One Plan provides Policies relating to Landscapes and Natural Character. Policy 7-7(c) states:

### ***"Assessment of effects on outstanding natural features and landscapes***

*In considering the extent to which any subdivision, use or development has the potential to adversely affect the characteristics and values of any outstanding natural features or landscape listed in Schedule F Table 1 or in any District Plan, the assessment of effects shall take into account, but shall not be limited to, the factors listed in Table 7.2"<sup>18</sup>*

- 4.54 Table 7.2 then goes on to list the amended Pigeon Bay Criteria, along with an additional column titled 'Scope', which provides further explanation of what the factors include. Mighty River Power contributed to the refinement of the criteria listed in Table 7.2 at a pre-hearing meeting held on 27 November 2008 by Horizons Regional Council on the Landscape Chapter (7) and Schedule F of the Plan.
- 4.55 The amended Pigeon Bay Criteria, as listed in Table 7.2 are generally supported by Mighty River Power. However it is noted that the extrapolated explanations or 'Scope' may lead to a far more complex and sophisticated level of landscape

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<sup>18</sup> Proposed One Plan. Tracked Changes Yellow Version. 10 March 2009. Chapter 7, at p 7-12.

assessment within the region than would have otherwise occurred utilising the amended Pigeon Bay Criteria as presented in the Wakatipu Environmental Society Decision of the Court<sup>19</sup>.

- 4.56 The reference in Policy 7-7(c) to the criteria in Table 7.2 being utilised for the assessment of effects is potentially problematic. The Court in the Wakatipu Environmental Society decision stipulated that the amended Pigeon Bay Criteria should be used for the assessment of landscape. The Court in its decision did not suggest that the criteria would be appropriate to be used for the assessment of effects on a landscape. The criteria provide a (non exhaustive) ‘check list’ of criteria or factors which can be used to undertake an appraisal of an existing landscape resource. This is not the same process as assessing the landscape effects of a proposal on that landscape.
- 4.57 An assessment of effects should be tailored to both the landscape and to the proposal which is being considered. For example, the methodology for an assessment of the effects of a subdivision proposal will be different to the method used to assess a wind farm proposal. Policy 7-7(c) is potentially confusing as it is suggesting that the criteria should be used for an assessment of landscape effects. Policy 7-7(b) provides the appropriate wording for the use of the factors listed in Table 7.2:

***“Identifying other outstanding natural features and landscapes”***

*For the purposes of identifying any natural feature or landscape as outstanding and the inclusion of that natural feature or landscape in Schedule F Table F1 or in any District Plan, the Regional Council and Territorial Authorities shall take into account, but shall not be limited to, the assessment factors in Table 7.2.<sup>20</sup>*

- 4.58 This wording provides the appropriate context for the way in which the amended Pigeon Bay Criteria should be used. It is not clear why the word ‘other’ is included in the title of the policy, as the factors in Table 7.2 should be used for the assessment of all outstanding natural features and landscapes. The wording of policy 7-7(b) is appropriate and is supported by Mighty River Power.
- 4.59 Policy 7-7(c) is superfluous as Policy 7-7(b) has already captured the intended use of the factors identified in Table 7.2. Policy 7-7(c) should be deleted.

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<sup>19</sup> *Wakatipu Environmental Society Inc v Queenstown Lakes District Council (C180/99)*, 5 NZED 85 at p [80].

<sup>20</sup> Proposed One Plan. Tracked Changes Yellow Version. 10 March 2009. Chapter 7, at p 7-12.

## FURTHER SUBMISSIONS

- 4.60 Mighty River Power made further submissions on a number of submissions relating to Chapter 7: Living Heritage, and Schedule F: Regional Landscapes, of the Proposed One Plan. I will address and support Mighty River Powers' response to two particular submissions:

### Tararua Aokautere Guardians (TAG)

- 4.61 TAG's submission sought to '*protect landscape bounded by the 300m contour with the inclusion of inner valleys below 300m*'<sup>21</sup>. That part of the TAG submission refers to the Taraura Ranges ONFL (**Schedule F (i)** and **Figure F: 9**). Mighty River Power made a further submission in opposition to the TAG submission.
- 4.62 Notwithstanding my earlier comments regarding the merits of identifying a skyline as an ONFL, the Regional Council has identified '*Visual and scenic characteristics, particularly its prominence throughout much of the Region and its backdrop vista in contrast to the Region's plains*'<sup>22</sup>, as the characteristics and values which contribute to the identification of the Range as an ONFL.
- 4.63 Single contour based identification of ONFL boundaries is a clumsy approach to blanketing elevated land with landscape protection in isolation of any consideration of the underlying topography (other than mere elevation), land cover, land use, aspect, and human and historical values. The approach creates a ring of protection, which will essentially lead to a 'Friar Tuck' effect on land use patterns, with a protected top part of the elevated land becoming less developed and separated from the less protected lower land by a straight horizontal line. The horizontal line approach offers no consideration to the suite of factors outlined in the Amended Pigeon Bay Criteria, and is based purely on the protection of elevated land for visual reasons. Elevated land is not necessarily more sensitive to subdivision or development and this is evident in the broader Tararua Range landscape, where some elevated pastoral land has been subdivided and developed for a range of land uses and successfully integrated into surrounding landform and land use patterns.
- 4.64 The Environment Court, in the *Mororimu* decision, has made a determination regarding part of the land which would be captured by the TAG 300m contour approach:

*'We do not consider that the ridgeline incorporating the site meets the definition of outstanding whether on application of the modified Pigeon Bay Criteria or on any*

<sup>21</sup> Tararua Aokautere Guardians Submission, page 3 at para [10].

<sup>22</sup> Proposed Horizons One Plan. Schedule F-2. ONFL (i) The Skyline of the Tararua Ranges.

*other basis. As we have identified, the ridgeline is part of the foothills leading up to the main Tararua Ranges. The height of the ridgeline itself is generally somewhere in the order of 450-500masl (compared with 400-500masl for the site overall) with some elevated features such as Te Mata at the northern end and Kaihinu at the southern*<sup>23</sup>

- 4.65 The TAG 300m contour approach would capture the ridge line which includes the Motorimu Wind Farm site which the Court has concluded is not outstanding. The 300m contour approach would capture large areas of elevated working pastoral and exotic forest land on the west side of the Tararuas, including the Te Apiti, Tararua and Te Rerehau Wind Farms.
- 4.66 I have viewed the Tararua Range from the west and the east of the range, from the air, and from within the range itself. I have considered the land which would be captured by the TAG submission in relation to the 300m contour approach and the characteristics and values which have been identified by the region as contributing to the range having been identified as outstanding. I consider that the 300m contour approach would capture large tracts of land which are neither outstanding nor in need of additional land use restrictions. The 300m contour is well below the vegetated and prominent parts of the Tararua Ranges.
- 4.67 On both the east and the west of the Ranges working landscapes in pasture and plantation forestry above the 300m contour line would be unduly restricted by an ONFL classification.
- 4.68 The Court has already dismissed the suggestion that some of the land at this elevation within the Tararua Ranges is outstanding and the same conclusion will be reached regarding other land captured by the 300m contour limit, including large tracts of working pastoral and plantation forestry land. I have mapped the areas of the proposed Tararua Forest Park ONFL (not including the northern extension) and the areas captured by the TAG 300m contour approached, and have attached the map as **Attachment BC2** to this evidence.
- 4.69 The TAG 300m contour approach has no justification in RMA landscape assessment terms. This part of the TAG submission should be rejected as it does not address the appropriate assessment of the Regions landscapes using the Amended Pigeon Bay Criteria and would lead to large areas of working landscapes which are not outstanding being captured within an extended ONFL boundary, which the Court has already concluded would be inappropriate.

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<sup>23</sup> (W067/2008) (Environment Court, Environment Commissioners JR Mills & SJ Watson and Dwyer J) at p27.

### **The Minister of Conservation**

- 4.70 The Minister of Conservation (the Minister) has submitted that the Moawhango Ecological District should be included in Schedule F as an ONFL. Mighty River Power made a further submission opposing Ministers submission.
- 4.71 The Minister's submission lists a range of specific habitat types (in particular) which support the suggestion that the ecological district should be identified as an ONFL. Within the Moawhango Ecological District, the submission identifies smaller landscape units, such as Mount Aorangi, which should and have been identified as ONFLs. The submission also identifies locations of known high ecological value, such as the Reporoa Bog, which does not necessarily qualify to be identified as an ONFL without the consideration of other criteria which contribute to the assessment of landscape under the RMA.
- 4.72 The suggestion that an entire ecological district should be identified as an ONFL, without the application of the amended Pigeon Bay Criteria places undue weight on the habitat and ecological values which are contained within the district in the context of landscape assessment. The value of the ecological district should be assessed by the full suite of criteria, in comparison to the balance of the regions' landscapes, using the appropriate criteria and methodologies to ensure that it meets the test of being outstanding.
- 4.73 The identification and setting of boundaries for ecological districts was undertaken as part of the Protected Natural Area (PNA) program in the 1970's and 1980's. Boundaries of the districts are identified and set based on ecological values, not the broader set of landscape values which would normally contribute to the identification and setting of a boundary of an ONFL. If parts of the Moawhango Ecological District meet the test of being identified as an ONFL, then it is unlikely that the boundary of those outstanding areas will align with the boundary of an ecological district. A more refined assessment is required to identify what areas contained within the ecological district are outstanding and where the boundaries of those areas should be placed. It is not appropriate to merely ring fence an area, which may contain outstanding landscape values, and capture large tracts of working pastoral and plantation forestry land which do not.
- 4.74 In terms of the protection of the specific values of the Moawhango Ecological District, Chapter 12: Indigenous Biological Diversity<sup>24</sup> and Schedule E of the Proposed One

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<sup>24</sup> Chapter 12. Indigenous Biological Diversity. Proposed One Plan.

Plan are the appropriate locations and provide the appropriate methods for the protection of highly valued indigenous vegetation and habitat.

- 4.75 The Minister's submission also identifies a range of smaller landscape features within the region, such as the Rangataua larva flow, due to it being the longest larva flow in New Zealand. The specific volcanic and geological values which are attributed to such small landscape features have other methods of protection, such as the New Zealand Geological Preservation Inventory. Where such specific values are identified it is appropriate that the feature is protected for the right reasons and using the right methods. Using an ONFL classification as a catch all for other or more specific values is not appropriate.
- 4.76 The identification of both small landscape features and entire Ecological Districts presents a dichotomy of scales which the Minister seems to be promoting for the protection of the regions landscape resources. On one hand the ecological district is too large and encompasses a range of landscape units and types that are not worthy of classification as an ONFL merely by the simple methods of boundary identification, and on the other hand smaller landscape features, which have specific and narrow geological values which are too small to be recognised at a regional scale or having passed the test of being regionally outstanding utilising the recognised assessment criteria under the RMA.
- 4.77 The Minister's submission does not appear to be supported by an assessment of the Moawhango Ecological District utilising the Amended Pigeon Bay Criteria, or within the context of a comparison with the balance of the regions landscape resource. This part of the Ministers' submission should be rejected as it does not address the appropriate assessment of the Regions landscape using the amended Pigeon Bay Criteria and promotes the protection of the Moawhango Ecological Districts' biodiversity values using inappropriate mechanisms.

## **5.0 SUMMARY AND CONCLUSIONS**

- 5.1 Case law and recognised best practice methods in relation to the identification and assessment of outstanding natural features and landscapes, and natural character have been developed over time in line with the focus of the RMA and within a New Zealand context. As far as is possible, the One Plan should acknowledge, support and draw from the decisions of the Court and the best practice methods in order to achieve the purpose and principles of the RMA.
- 5.2 Schedule F provides a list of identified ONFLs and maps them. The Schedule and its supporting text and reports are not clear as to what process has been undertaken to

arrive at the identification or the setting of boundaries of the ONFLs. There appears to have been undue weight placed on the scenic and visual values of areas which have been identified as ONFLs, as indicated by the characteristics and values described in the Schedule F table.

- 5.3 An assessment of the regions landscapes using the Amended Pigeon Bay criteria, or a version of them, has not been undertaken to assess and identify the locations or boundaries of the regionally significant landscapes within Schedule F.
- 5.4 The West and East Coasts of the region have been broadly identified as ONFLs, including the CMA. The inland boundary of the West Coast ONFL does not relate to the characteristics and values identified in Schedule F, and captures large areas of working landscapes which are neither outstanding nor worthy of classification or protection as an ONFL. The East Coast ONFL is more appropriately identified and mapped. The proposed West Coast ONFL appended to this evidence as Attachment BC1 should be adopted as a more appropriate extent of ONFL in this area.
- 5.5 The identification of a landscape area, such as a Skyline is problematic in that it places predominant weight on the scenic and visual qualities of the feature, without acknowledging the balance of recognised landscape assessment criteria.
- 5.6 The concept of a Skyline by its' nature is inherently difficult to identify and protect due to the infinite combination of land and sky interface views which are generated by the complex topography of the landform and the locations of viewers throughout the region. The areas identified in Figures F8 and F9 of Schedule F are not Skylines. The proposed northern extension to the Tararua Forest Park ONFL should be rejected.
- 5.7 The identification and use of the Amended Pigeon Bay Criteria in Chapter 7 of the Plan is appropriate and supported, however the wording of Policy 7-7(c) which promotes the use of the criteria for the assessment of landscape effects is confusing. Policy 7-7(c) should be deleted as the appropriate use of the criteria is captured in Policy 7-7(b).
- 5.8 The TAG submission seeks the inclusion of vast areas of working pastoral and plantation forestry landscapes into the Tararua Ranges ONFL which have already been assessed and concluded by a range of practitioners and Decision makers as being somewhat less than outstanding. This section of the TAG submission should be rejected.
- 5.9 The inclusion of the entire Moawhango Ecological District in Schedule F as an ONFL has no justification in RMA landscape assessment terms and appears to be an

attempt to provide further protection to areas of high indigenous biological diversity values through inappropriate means. The indigenous biological diversity of the ecological district should be protected through Chapter 12 and Schedule E, if appropriate. This section of the Ministers' submission should be rejected.

- 5.10 ONFL's identified in Schedule F are indicative only, and have not been through an appropriate process of landscape assessment using the appropriate criteria. The Characteristics/Values, areas, and boundaries should be listed as indicative only with a process and timeframe incorporated for the appropriate region wide assessment of the regions landscapes.
- 5.11 Mighty River Power supports the appropriate identification and protection of areas which are genuinely outstanding in a regional sense, however is mindful that many renewable energy generation opportunities lie within areas of the working landscapes of the region which would be captured by the inappropriate identification of broader ONFL boundaries.

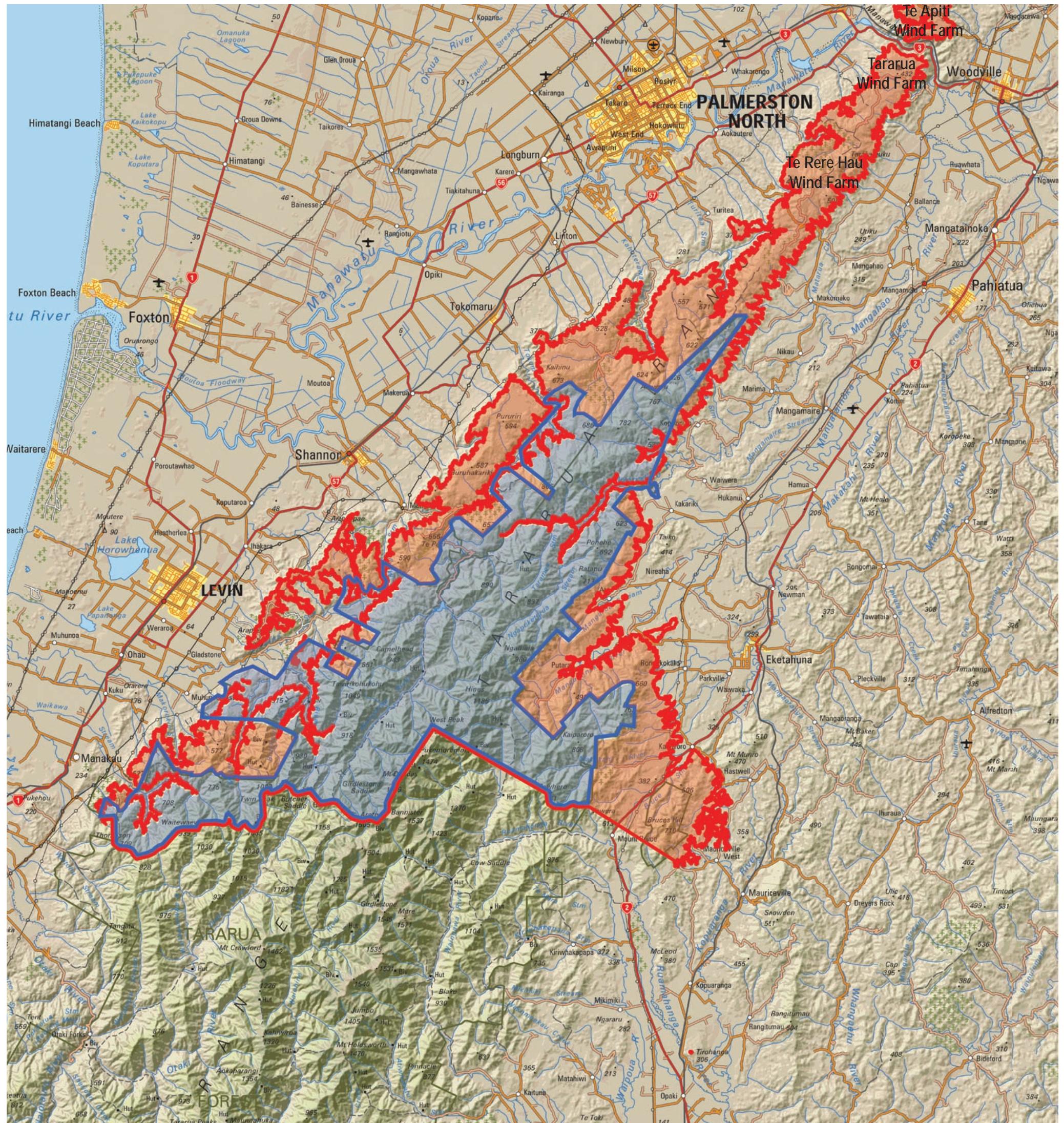
A handwritten signature in blue ink that reads "Brad Coombs". The signature is fluid and cursive, with "Brad" on top and "Coombs" below it, both starting with a capital letter.

**Brad Coombs**  
Isthmus  
17 April 2009



Horizon One - Mighty River Power Submission

Attachment BC1 to the evidence of Brad Coombs



#### Legend

— Land captured by the TAG 300m contour approach ONFL Boundary

— Identified Tararua Range ONFL Boundary

Horizon One - Mighty River Power Submission

Attachment BC2 to the evidence of Brad Coombs