

Planning Evidence and Recommendations Report

***Horizons Regional Council's Planning Officer's
Report on Submissions to the Proposed One
Plan – Landscapes and Natural Character***



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INTRODUCTION

CHAPTER 7: LIVING HERITAGE – LANDSCAPES AND NATURAL CHARACTER

*This report contains the recommendations from Horizons Regional Council's Planning Officer's on submissions to the Proposed One Plan. These recommendations are **NOT** Council recommendations or final decisions.*

Horizon Regional Council's Proposed One Plan was notified on Thursday 31 May 2007. The closing date to lodge submissions on the document with Horizons Regional Council was Friday 31 August 2007; late submissions were accepted through to Sunday 30 September 2007. Further submissions were accepted from 17 November 2007 through to Wednesday 19 December 2007.

During the submission period 467 submissions and 62 further submissions were received from individuals (314), organisations/companies (149), iwi (18), Territorial Authorities (15), interest groups (10), Central Government organisations (19), District Health Boards (2) and Regional Councils (2). The submissions addressed a large number of matters in the Proposed One Plan and associated Section 32 Report. This document is the Planning Evidence and Recommendations Report; it contains the recommendations made by Horizons Regional Council's Planning Officer's to the Hearings Panel, having considered the submissions received to the Proposed One Plan.

The submissions and further submissions to the Proposed One Plan have been assessed by Horizons Regional Council's Planning Officer's having regard to:

- The One Plan philosophy and intent
- Section 32 Report
- Technical evidence
- Resource Management Act responsibilities
- Case law

Horizons Regional Council staff met with some submitters to clarify points raised or negotiate potential outcomes, and they sought advice from technical advisors as appropriate. As noted in the readers' guide, the recommendations on submissions do not have any statutory weight. Instead, they are intended to assist the Hearing Panel to (a) consider the merits of the Proposed One Plan in light of submissions received and (b) assist submitters by setting out responses to the points raised.

Part Four presents the evaluation of submissions along with the technical and planning evidence considered by the Horizons Regional Council Planning Officer's in making recommendations to the Hearing Panel. Tables are presented in Attachment 1 showing whether a submission point has been accepted, accepted in part or rejected as a consequence of these recommendations. Accept in part means that only part of the decision requested in that submission are recommended to be accepted. Unless detailed otherwise where the primary submission has been accepted it follows that the further submissions supporting the primary submission have been accepted, and that the further submissions opposing the primary submitter have been rejected.

PART ONE: READERS' GUIDE

1. Structure of Report

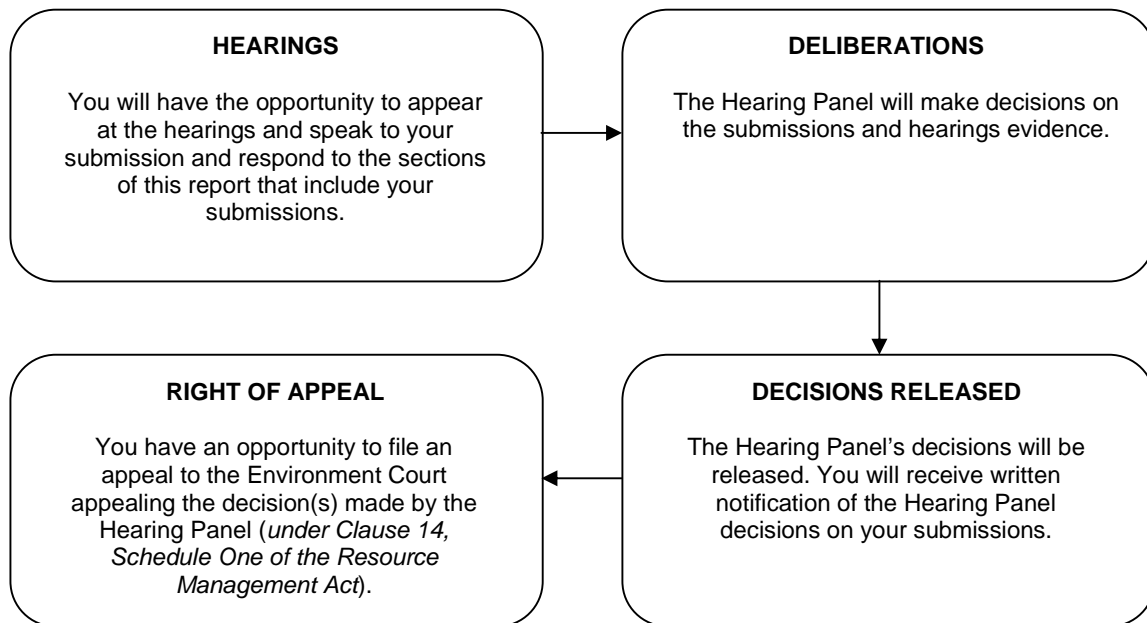
The Planning Evidence and Recommendations Report on submissions relating to Chapter 7: Living Heritage – Landscapes and Natural Character:

- Part 1 Readers' guide
- Part 2 Statement of qualifications and experience
- Part 3 Summary of key themes and recommendation
 - Provides a summary of the key submission themes and recommendations relating to Chapter 7: Landscapes and Natural Character.
 - Provides a list of all submitters.
- Part 4 Recommendations on submissions on Chapter 7: Landscapes and Natural Character of the Proposed One Plan - includes comment indicating whether a submission point has been accepted, accepted in part or rejected as a consequence of the Horizons Regional Council's Planning Officer's recommendation (also see Attachment 1 for summary of submission tables). The technical and planning assessment is presented along with the Planning Officer's evaluation, recommendation and wording changes to implement that recommendation:
 1. Overall Plan General – General
 2. Setting the Scene Paragraph 1.4 Adapting to Climate Change
 3. Living Heritage – General
 4. Living Heritage Paragraph 7.1.1 Scope
 5. Living Heritage Paragraph 7.1.2 Indigenous Biological Diversity
 6. Living Heritage Paragraph 7.1.3 Landscapes and Natural Character
 7. Living Heritage Issue 7-2 Landscapes and Natural Character
 8. Living Heritage Objective 7-2 Landscapes and Natural Character
 9. Living Heritage Policy 7-7 Outstanding Landscapes
 10. Living Heritage Policy 7-8 Natural Character
 11. Living Heritage Policy 7-9 Public Access
 12. Living Heritage Method district planning – natural features, landscapes and habitats
 13. Living Heritage Anticipated Environmental Result Table Row 3
 14. Living Heritage explanations and principal reasons
 15. Land-Use Activities and Land Based Biodiversity Policy 12-1 Consent Decision Making for Vegetation Clearance and Land Disturbance
 16. Glossary
 17. Schedule F Regional Landscapes General

18. Schedule F Landscapes Table Regionally Important Landscapes in the Manawatu-Wanganui Region
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26. Schedule F Regional Landscapes F:12 East Coastline

1.1 Process from here – notes for submitters

This Hearing Evidence Report has been written to assist the Hearing Panel in the decision-making process. The process for the decision-making is set out below for the information of submitters:



PART TWO: STATEMENT OF QUALIFICATIONS AND EXPERIENCE

2.1 Fiona Gordon

My full name is Fiona Jayne Taylor Gordon. I have a Bachelor of Arts with a major in Physical Geography and a Science Certificate in Environmental Science and Analytical Chemistry, from Massey University, Palmerston North. I have completed three papers towards a Professional Masters at Lincoln University. These papers are Resource Management Law, Assessment of Environmental Effects and Environmental Management Systems. I am employed as a Senior Policy Analyst with Horizons Regional Council and have a total of eight years experience with Horizons Regional Council, in the field of Compliance and Policy. I have worked in the Policy Department for four years and have been involved in the One Plan from its inception. I was heavily involved in the review of the current Regional Policy Statement and Plans, the development of new policy for many of the One Plan chapters, and carried out the role of One Plan Project Manager between 2005-2006. As a Senior Policy Analyst I have also been involved in the implementation of the National Environmental Standards for Air Quality at the regional level, and coordinated Horizons Regional Council's submission on the Resource Management and Electricity Amendment Bill 2004. I am an Associate Member of the New Zealand Planning Institute (since 2005).

I have read the Environment Court's practice note Expert Witnesses – Code of Conduct and agree to comply with it.

I have had technical support from landscape architect Clive Anstey, environmental lawyer John Maassen and resource management consultant Christine Foster of Environmental Services Limited.

PART THREE: SUMMARY OF KEY THEMES AND RECOMMENDATIONS

3.1 Introduction

The purpose of this summary is to provide an overview of the submissions received that relate to Chapter 7: Living Heritage – Landscapes and Natural Character of the Proposed One Plan, and my recommendations arising from those submissions. Due to the significant number of submissions received, and the complexity of the issues raised, the Planning Evidence and Recommendations Report is a large document. I anticipate that Commissioners may wish to have an overview of the issues raised and the direction Horizons Regional Council Planning Officer's have recommended in response to these issues. The following summary provides this overview.

3.2 Resource Management Act (RMA) Overview

The purpose of the RMA is 'to promote the sustainable management of natural and physical resources' (Section 5). Although the Act does not define 'landscape' there is general agreement that landscape involves natural and physical resources which include land, water, air, minerals, energy, all forms of plants and animals and structures as well as human perception of these resources.

The RMA explicitly refers to landscape in two places:

- Section 6(b): It is a matter of national importance that all persons exercising functions and powers under the RMA shall recognise and provide for 'the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development';
- Clause 2(b) of the Fourth Schedule: Landscape is listed as a matter to be considered when preparing an assessment of effects on the environment.

Special consideration for landscape management is implied in several other matters of national importance identified in Section 6 of the RMA. This is because the broader concept of landscape will incorporate the nationally-important resources and values referred to, including:

- the natural character of the coastal environment (s6(a))
- areas of significant indigenous vegetation (s6(c))
- sites of special significance to Maori (s6(e))
- areas of historic heritage significance (s6(f))

In terms of Section 7 of the RMA, other landscapes also merit management attention if they are a contributor to amenity values and the quality of the environment. Other matters in Sections 6 and 7 acknowledge the importance of public access to, and cultural relationships with, resources including, particularly, for Maori.

The natural character of the coastal environment, wetlands and lakes, and rivers and their margins is to be preserved and protected from inappropriate

subdivision, use, and development under Section 6(a) of the RMA. The term natural character is not defined in the RMA but it can be considered to comprise three main elements: natural processes, natural elements and natural patterns. The word 'preserved' in Section 6(a) suggests the need to maintain natural character in its existing state. The expression 'protected' indicates a requirement to guard against and prevent 'inappropriate' development.

The RMA management approach for 'natural character' is 'preservation' and for 'outstanding natural features and landscapes' it is 'protection from inappropriate subdivision, use and development'.

In addition to these matters of national importance, the functions of regional councils prescribed in Section 30 of the RMA include:

".....for the purpose of giving effect to this Act in its region:

- (a) the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the natural and physical resources of the region:*
- (b) the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance."*

On one view, landscape can be seen as an expression of the overall outcome of land management decisions. Integrated management of the natural and physical resources of the Region will, in this way, have expression in the resulting landscape.

The purpose of a regional policy statement (given in Section 59 of the RMA) is to achieve the purpose of the RMA by providing an overview of the resource management issues of the region and the policies and methods to achieve integrated management of the region's natural and physical resources.

Integrated management, and by inference the landscape that results from that management, are matters that fall within the scope of the Proposed One Plan. Effects on landscape (including but not only effects on outstanding landscape) are matters that also fall within the scope of the Proposed One Plan.

3.3 Proposed One Plan (POP)

One of the intentions of the Proposed One Plan is to provide an integrated planning approach with clear linkages between air, land, water and coastal management. Chapter 7 of the Proposed One Plan draws together indigenous biological diversity, landscape, natural character and historic heritage under the heading Living Heritage. These are all issue groups that have a similarly integrative purpose. Other chapters of the One Plan that address land issues, and form part of the integrated approach to land, include Chapter 3 (Infrastructure, Energy, and Waste), Chapter 4 (Te Ao Maori), Chapter 5 (Land), and Chapter 9 (Coast). Chapter 3 addresses how activities involving infrastructure, renewable energy, waste, hazardous substances and contaminated land will be addressed. Chapter 4 identifies the resource management issues of significance to hapu and iwi of the Manawatu-

Whanganui Region, and sets out how these issues are to be addressed. Chapter 4 also acts as a central point for reference to hapu and iwi resource management issues and sets the scene for examining Maori concepts and expressions in the context of modern resource management practice. Chapter 5 covers accelerated erosion including the management of vegetation clearance, land disturbance and agricultural practice on land management areas. Chapter 9 addresses the coastal marine area, which has a defined jurisdictional boundary, but also considers the need to ensure that management is integrated with activities occurring in the wider coastal environment. In addition to the relevant objectives and policies, Chapter 2 (Administration) details how the Regional Council will address administrative policies under the RMA including cross-boundary issues, plan monitoring, involvement in District Plan reviews and plan changes, and the resource consent process.

The POP identifies two key issues for landscape and natural character in Chapter 7.2:

- risk to the Region's landscapes, particularly the Tararua and Ruahine Ranges, from the effects of development; and
- risk to the natural character of the Region's coastal environment wetlands, rivers, lakes and their margins from the effects of land use activities and development.

The POP identifies (in Schedule F) 12 'regionally important landscapes' and describes in a summary table their characteristics and values. The 12 areas are mapped in Figures F:1 to F:13 of Schedule F. Objective 7-2 addresses the two key issues the following way:

- (a) seeking the protection of the characteristics and values of the outstanding landscapes identified in Schedule F; and
- (b) managing adverse effects (including cumulative adverse effects) on the natural character of the coastal environment, wetlands, rivers, lakes and their margins by:
 - i. *avoiding* adverse effects in areas with a high degree of naturalness
 - ii. *avoiding, remedying or mitigating* adverse effects in other areas

The POP uses variable language when describing the landscapes that are identified in Schedule F. They are referred to in Schedule F as 'regional landscapes' and 'regionally important landscapes' and 'outstanding natural features and landscapes' and, in the figures, as 'significant landscapes'. They are called 'outstanding landscapes' in Objective 7-2. I can identify no particular reason for this variation but would observe that it creates internal inconsistency within the POP.

There are three policies that flow from Objective 7-2 relating to landscapes and natural character:

Policy 7-7 which requires that:

- the landscapes listed in Schedule F are recognised as outstanding; and
- all subdivision, use and development that affects the listed landscapes is managed in a manner which:
 - (a) avoids or minimises to the extent reasonable adverse effects on the characteristics and values of the Schedule F listed landscapes;

- (b) takes into account and avoids cumulative adverse effects; and
- (c) takes into account the Chapter 3 policies when assessing activities involving renewable energy and infrastructure of regional importance.

Policy 7-8 which requires the preservation and protection from inappropriate subdivision, use and development of the natural character of the coastal environment, wetlands, rivers, lakes and their margins. Policy 7-8 prescribes that this is to be achieved by making decisions on resource consent applications that take into account:

- the compatibility of the activity with the existing level of modification to the environment
- the necessity to locate in or near any wetland, river or lake
- the form, scale and design of the activity compared with existing landforms, geological features and vegetation
- disruption to natural processes or existing ecosystems.

Policy 7-9 which provides for appropriate public access in association with activities near lakes and rivers.

One project is included in the methods (Section 7.5 page 7-10) in relation to all of the above policies. It describes the Regional Council's role in making submissions on applications for land use consent administered by Territorial Authorities.

The Anticipated Environmental Result (AER) for landscape and natural character in Section 7.6 is that, apart from change due to natural processes, all the natural characteristics/values of natural features and landscapes identified in Schedule F will be maintained.

3.4 Background to Schedule F

The following discussion sets out the background to the origins of the outstanding natural features and landscapes listed in Schedule F of the POP.

3.4.1 List of outstanding natural features and landscapes in Schedule F table

The landscapes listed in Schedule F of the POP were originally identified by the Regional Council in consultation with the Territorial Authorities and Department of Conservation, and included in the operative Regional Policy Statement (RPS) as "outstanding and regionally significant landscapes". The operative RPS states in Section 22.3.4 Reason (page 105) that in making the list of landscapes, "the Council has taken the word "outstanding" to mean natural features and landscapes which are of regional significance. In some cases these features and landscapes may also be of national and/or international significance. Each feature or landscape on the list has been assessed in terms of the criteria in Policy 8.1." Policy 8.1 in the operative RPS states:

Policy 8.1

To consider the following matters when identifying which natural features and landscapes are outstanding and regionally significant:

- a. *with respect to major geographical and geological features or landscapes, the degree to which it contributes to the Region's character in terms of:*
 - i. *visual prominence; and*
 - ii. *scenic characteristics, including views, vistas and backdrops; and*
- b. *the feature or landscape's ecological significance in terms of:*
 - i. *its importance as a habitat for rare or unique species; and/or*
 - ii. *its importance as an area of indigenous flora; and*
- c. *the cultural or spiritual significance of the site or area to tangata whenua; and*
- d. *special or important amenity and intrinsic values, including scientific, cultural and recreational values, of the area to the Region; and*
- e. *the degree to which the feature or landscape has recognised national or regional protection.*

The list of "outstanding and regionally significant" natural features and landscapes in the operative RPS is:

- (a) Tongariro National Park, particularly the volcanoes;
- (b) Whakapapa River and river valley, including all of the river catchment;
- (c) Whanganui River and river valley, upstream of Aramoana;
- (d) Whanganui National Park;
- (e) Kaimanawa Ranges, in particular the skyline and the south eastern side of the ranges;
- (f) Rangipo Desert;
- (g) Mount Aorangi;
- (ga) Kutaroa and Otahupitara Swamps (Irirangi Swamp) near Waiouru;
- (gb) Makirikiri Tarns, Mangaohane Plateau;
- (gc) Reporoa Bog, Mangaohane Plateau;
- (h) Hautapu River and adjacent river valley, including the area to either the level covered by an annual flood or to the top of the first river terrace;
- (i) Manganuiateao River and river valley, including the Makatote and Mangatururu Rivers and their valleys, and the Waimarino and Orautoha Streams (but not the Waimarino and Orautoha valleys, nor the Ruatiti Stream or valley);
- (j) Pureora Forest Park;
- (k) Rangitikei River and river valley, from its source to its confluence with the Makahikatoa Stream, and all rivers and streams contributing water to the Rangitikei River upstream of that confluence; and from the said confluence with the Makahikatoa Stream to the Mangarere Bridge; and the Whakaurekau River plus all of its tributaries and the Kawhatau River plus its following tributaries, namely the Pouranaki River and the Mangakokeke Stream;
- (ka) Rangitikei River and river valley from Mangarere Bridge to Putorino;
- (l) Pohangina River and river valley, including the river catchment from its headwaters in the Ruahine Ranges to its confluence with the Manawatu River, near the Manawatu Gorge, and all of its tributaries;
- (m) Oroua River and river valley, including all of the catchment from the river's source to its confluence with the Mangoira Stream and tributaries;
- (n) The skyline of the Ruahine Ranges;
- (o) The Ruahine State Forest Park;
- (p) The skyline of the Tararua Ranges;

- (q) Tararua State Forest Park;
- (r) Manawatu Gorge, from Ballance Bridge to the confluence of the Pohangina and Manawatu Rivers, including the adjacent Scenic Reserve;
- (s) Manawatu River Estuary;
- (t) Lake Papaitonga and its adjacent scenic reserve;
- (u) Pukepuke Lagoon, specifically;
- (v) Lake Horowhenua;
- (w) Coastline of the Region, specifically;
- (x) Cape Turnagain;
- (y) The skyline of the Puketoi Ranges;
- (z) Mangatainoka River;
- (aa) Makuri River and Gorge.

This list of 31 “outstanding and regionally significant” natural features and landscapes was accepted by the regional community through the Regional Policy Statement which became operative in 1998, and has been unchallenged since that time.

The review of the RPS and regional plans that took place as part of the development of the POP included a review of the natural features and landscapes provisions and of the list of “outstanding and regionally significant” landscapes. A review of the list of natural features and landscapes revealed that a number of the landscapes were valued largely for their ecological values or biodiversity value, instream values, or for their recognition under Water Conservation Orders. Through discussions as part of the development of the POP, it was determined that these particular landscapes would be more appropriately protected and managed under other POP provisions for biodiversity and water quality and quantity (including Water Management Zones Schedule D and Water Values, including aesthetic and fishery values). Some were therefore taken out of the “outstanding and regionally significant” natural features and landscapes list.

In addition, some natural features and landscapes that were listed separately but logically could be combined due to similarity in location, values and characteristics, were combined. For example, the “Tararua State Forest Park” and the “Skyline of the Tararua Ranges” were combined, and the Whanganui River and river valley and Whanganui National Park were combined, for the POP list. In addition, it was determined that the Akitio Shore Platform, which was recognised as a natural and cultural heritage site under Policy 15.1 Regional Coastal Plan (Changes 1 and 2, January 2002), and valued as a regionally important geologic feature, should be added to the “outstanding and regionally significant” natural features and landscapes list. In this manner one list pertaining to “outstanding natural features and landscapes” was developed and is presented in Schedule F of the POP, comprising:

- (a) Tongariro National Park, particularly the volcanoes and the Rangipo Desert;
- (b) Whakapapa River and river valley, including all of the river catchment;
- (c) Whanganui National Park;
- (d) Kaimanawa Ranges, in particular the skyline and the south-eastern side of the ranges;
- (e) Mount Aorangi;
- (f) Manganui o Te Ao River and valley, and associated river valleys;
- (g) Rangitikei River and river valley from Mangarere Bridge to Putrino;

- (h) The skyline of the Ruahine Ranges;
- (i) The skyline of the Tararua Ranges;
- (j) Manawatu Bridge from Ballance Bridge to the confluence of the Pohangina and Manawatu Rivers;
- (k) Coastline of the Region, particularly the Akitio Shore Platform; and
- (l) [no entry]
- (m) Cape Turnagain.

The intended purpose of the list in Schedule F is to provide a comprehensive and definitive list of the natural features and landscapes that are considered to be outstanding at a regional level (ie. 'regionally outstanding'). It is important to note that, as stated in the operative RPS Section 22.3.4 Reasons, in some cases these natural features and landscapes may also be of national and/or international significance (for example the Tongariro National Park). They are deemed to be 'outstanding natural features and landscapes' for the purposes of section 6(b) of the RMA.

3.4.2 Maps in Schedule F

The 31 listed natural features and landscapes are not mapped in the operative RPS. The maps in Figures F:1 to F:13 in the POP have been drawn by the Regional Council's Catchment Information team based on the information provided for each natural feature or landscape in the table in Schedule F (ie. the description of the outstanding natural feature or landscape, the characteristics/values and other values) and also drawing on the information provided on each natural feature or landscape in the operative RPS under Section 22.3.4 Reasons. The map boundaries are based on a variety of data including property boundaries, contours, rivers, roads, railway lines, NIWA catchment data, Department of Conservation land, and landcover information.

The maps included in Schedule F are intended to assist in the interpretation of the list of "outstanding natural features and landscapes" in Schedule F, by providing an indication of the areas where the values and characteristics of the landscapes listed in Schedule F are located. The maps are not intended to suggest that all of the listed characteristics and values will be present everywhere throughout the mapped area. The map boundaries are the outer extent of the area within which the listed characteristics and values can be expected to be present. They are intended in this way to be "value envelopes".

For these reasons, POP Policy 7-7 (Landscapes and Natural Features), is intended to relate directly to the *list* of landscapes in Schedule F. It is not intended to relate directly to the maps in Schedule F.

The purpose of the maps is to provide decision-makers with improved guidance on the areas where consent applications for land use activities should consider possible effects on regionally outstanding natural features or landscapes. It is also intended that the maps provide improved guidance to Territorial Authorities (Territorial Authorities) in determining where specific provisions for land use affecting outstanding natural features and landscapes should apply within their districts.

In terms of the use of the maps within the POP, it is important to note that there are no controls (rules) placed on activities depending on whether they

may be within or outside of the mapped areas. They are instead a policy tool. A number of decision-making policies in Part II of the POP require that the policies in Chapter 7 for indigenous biological diversity, landscapes, natural features and natural character are taken into account in considering applications for consent.

3.5 Submissions – key themes

The notable themes in the submissions on natural character and landscape provisions are requests for:

- The inclusion of the criteria used to determine the proposed listed of landscapes as outstanding, or an explanation of the reasons for their listing
- The inclusion of criteria to be used to identify outstanding landscapes in the future
- Addition to Schedule F of other areas (including numerous requests to separately list the skyline of the Tararua and Ruahine Ranges)
- Additional characteristics and values for the items already listed
- The extension or reduction of areas mapped in Figures F:1 to F:13 (including numerous requests to include areas contiguous to the Tararua State Forest Park)
- A request from the Region's to Territorial Authorities to include strong signals to Territorial Authorities as to how to deal with outstanding natural features and landscapes in their District Plans
- Amendment of the policies and Schedule F to differentiate areas that require protection under s6a (natural character of the coastal environment, wetlands, rivers, lakes) and s6b (outstanding natural features and landscapes).
- Strengthening of the policies to better protect the identified natural features and landscapes
- Less stringent policies to enable development (particularly of renewable energy infrastructure on the Tararua and Ruahine Ranges)
- Adoption of consistent language describing the outstanding natural features and landscapes.

Summarising these submissions, the overall requests are:

- Overall POP Approach -
 - clarity with regard to the process used to identify outstanding landscapes
 - provision of criteria and a process to make amendments to the Schedule F list and maps into the future
 - stronger direction to Territorial Authorities on how to give effect to the POP policy on landscapes
- Additions and deletions to listed Schedule F items
- Differentiation between s6(a) and s6(b) Landscapes
- Provisions for Renewable Energy.

3.6 Comment on submissions: Overall POP approach

I have considered all of the submissions in conjunction with Clive Anstey (a consultant landscape architect commissioned to assist with this section of the POP). Mr Anstey and I agree that the optimum way forward, in terms of refining the Schedule F list and identifying important natural features and

landscapes generally, is for the Territorial Authorities to undertake landscape assessments within their own districts on a regionally-consistent basis. This would enable the development of a Region-wide consensus on outstanding landscapes and development of appropriate District Plan controls on land use to protect landscape values.

Mr Anstey recommends in his report (paragraph 51), that:

“It is recommended that the One Plan incorporates policies and methods to:

- *Provide guidance on landscape assessment and evaluation.*
- *Provide criteria to establish and assess particularly important or defining features and landscape attributes.*
- *Make available to Territorial Authorities mapped resource information (or direct them to nationally accessible data bases) to ensure a consistency in describing resources across the region. (Without this there cannot be a consistent approach to assessment and evaluation across territorial, and ultimately regional, boundaries).”*

Mr Anstey also states in his report that (paragraph 9) that:

Broadly speaking, the energy companies’ submissions requests that the constraining provisions of skylines and outstanding natural features and landscapes be removed from the Proposed One Plan, while the submissions of many individuals and community groups want additional areas and skylines recognised as outstanding natural features and landscapes. In my opinion, apart from the alterations I discuss in paragraphs 36 to 40, any additions or removals would do little to assist the cause of either the community or the energy companies’ without proper landscape assessments and a process of informed consultation to ascribe values to the districts’, and ultimately the Region’s, landscapes. Such assessment would include the landward side of the coastal environment. Only with a comprehensive understanding of the regions landscapes and the ways in which communities relate to and value them can we begin to establish any sense of their relative importance and vulnerability. Accordingly, it is my view that all of the Schedule F areas should be retained as presented in the Proposed One Plan (with minor modifications as described below) until comprehensive landscape assessments and evaluations have been carried out by the Region’s Territorial Authorities.

Mr Anstey states in his report (paragraph 11) that:

The outline of an approach to landscape assessment is provided in paragraphs 53 to 59 of my evidence. The criteria included there are those accepted by the Environment Court. The importance of engagement with land managers, tangata whenua, communities, and interest groups is stressed. Ideally each district should undertake an assessment of their area of responsibility in accordance with a consistent methodology and criteria. The One Plan can assist by setting out the criteria to be consistently applied in such landscape assessments. The Regional Council should also provide mapped resource information covering the Region, or prescribe national resource data sets to which districts have access. The objective would be to ensure a consistent approach across the Region so that comparisons of relative landscape values can be made. The Regional Council could be involved in the process of assessment and

evaluation to the extent necessary to engage in decisions as to whether natural features and landscapes are outstanding at a district or a regional scale.

Such a process of systematic landscape assessments carried out by the Territorial Authorities within the Region would, over time, address these issues raised by submitters. Such an assessment process would provide for Territorial Authorities to determine locally outstanding landscapes and provide detail within the coastal environment with regard to the assessment of natural character values. In addition, such a process would provide information that could then be used to improve and refine the information in the POP – both the list of regionally outstanding natural features and landscapes, and associated maps in Schedule F.

Several pre-hearing meetings were held on 12, 20, and 21 May 2008 to consider the issues raised in submissions on the Landscape and Natural Character chapter of the POP. Actions agreed at those meetings included the following:

- Horizons Regional Council would develop criteria that would be used for assessment of outstanding, regionally significant and locally significant landscapes. The same criteria should be used for all levels of significance.
- Horizons Regional Council would circulate these draft criteria during the pre-hearing process (accepting that this may not be able to be completed prior to the hearing of this section of the Proposed One Plan).
- Horizons Regional Council would develop a recommended policy that directs Territorial Authorities to use landscape assessment criteria developed by Horizons Regional Council (21 May meeting only).

Following those meetings, Mr Anstey developed a set of criteria for landscape assessment, based on generally accepted criteria that have been endorsed by the Environment Court and have come to be known nationally as the 'Pigeon Bay assessment criteria'. These criteria were circulated to submitters who attended the pre-hearing meetings. Feedback received from the meeting attendees on the circulated criteria was positive, and a further pre-hearing meeting was held on 27 November 2008 to discuss how the criteria could be used in the POP.

As a result of the feedback we received it is recommended that a set of criteria for landscape assessment be included in the POP together with policies detailing how the criteria should be applied and a method setting out a process for Territorial Authorities and the Regional Council to develop a consistent methodology for landscape assessment (including the application of the criteria). A stronger alternative approach was considered which would require Territorial Authorities to undertake landscape assessment and to undertake each assessment in a specified manner. This was discussed with Territorial Authority representatives who advised that the Territorial Authority request for 'strong signals' does not extend to inviting such strong direction. The advice from the majority of the Territorial Authorities is that they have no appetite for such direction at this time. Their preferred approach is for the POP to include criteria and policy guidance on the application of the criteria. I understand that the Territorial Authorities would resist any stronger policy direction. I note that landscape is not one of the four priorities the POP seeks

to address. My recommendations to the Hearing Panel are therefore shaped around the policy approach that I understand will be accepted by Territorial Authorities. I do not recommend taking the POP in a direction that would be actively opposed by Territorial Authorities.

The approach I recommend extends the policy contained in the operative POP under Objective 7-2 in the following way:

- The natural features and landscapes identified in Schedule F are retained and are to be recognised as regionally outstanding natural features and landscapes;
- Policy 7-7 includes a set of assessment factors based on the accepted 'Pigeon Bay criteria';
- The assessment factors are to be used by the Regional Council and Territorial Authorities when they undertake (further) assessment of landscapes at regional or district level, to assist the identification of outstanding natural features and landscapes;
- The assessment factors are also to be referenced in evaluating the effect of activities on the characteristics and values of identified outstanding natural features and landscapes (whether these are identified in Schedule F or in a district plan);
- The issue statement, objective and policies all adopt the language 'outstanding natural features and landscapes' consistent with the language of the RMA.

In my view, this recommended approach addresses the issues raised in submissions discussed above by:

- Providing a clear framework for landscape assessment consistently throughout the Region (at both the Territorial Authority and Regional Council level)
- Providing a clear basis for future amendments to the regionally outstanding landscapes listed in Schedule F
- Enabling consistent identification of outstanding natural features and landscapes within the Region.

3.7 Comment on Submissions: Requests for Changes to Schedule F

I have not recommended wholesale change to the list of identified outstanding natural features and landscapes in Schedule F. All requests have been considered in detail by Mr Anstey (see paragraphs 36-40 of his report). Requested additions that are supported by existing published evidence of outstanding values are recommended for inclusion. Notably, the skyline of the Ruahine and Tararua Ranges is identified separately as an outstanding natural feature in its own right – separate from the two items describing the physical land entity of the Ruahine and Tararua Ranges.

The Department of Conservation (DoC) submission included requests for the inclusion of a substantial list of landscapes and natural features in Schedule F, and the amendment of some characteristics and values for landscapes and natural features already included in Schedule F. At the time of writing this report discussions are still in progress with the Department of Conservation (on behalf of the Minister of Conservation), to clarify the location, extent and the specific characteristics and values of the additional areas requested in their submission. Therefore, at this time, I consider that there is insufficient evidence to make the alterations to Schedule F requested in the DoC

submission. However, I acknowledge that further information from DoC is pending, therefore my recommendation with regard to the DoC submission in this report is an *interim recommendation* only.

All requests to delete areas of private land from Schedule F maps have been discussed with affected parties. As a result, some recommendations are made to delete parts of identified areas from the maps.

For all other requested additions and deletions, it is Mr Anstey's view that further detailed assessment is required (see paragraph 9 of his report). It may be that submitters have additional information in support of their specific requests to present to the hearing. It would be preferable if submitters could raise that with me prior to the hearing so that Mr Anstey might have an opportunity to further consider the merits in preference to trying to respond 'on the hoof' at the hearings.

3.8 Comment on submissions: differentiation between s6(a) and s6(b) Landscapes

Several submissions seek amendment of the policies and Schedule F to differentiate areas that require protection under s6a (natural character of the coastal environment, wetlands, rivers, lakes) and s6b (outstanding natural features and landscapes).

The Regional Council has not undertaken a detailed assessment of all of the mapped areas to determine the characteristics and values at a more refined level than indicated in Figures F:11 and F:12. The mapped areas represent a best approximation, based on historical information, of the geographic area of the 'coastal environment' within which outstanding characteristics and values will be present. In this sense the mapped area represents the outer limit of a 'values envelope' associated with potentially outstanding natural features and landscapes. I am satisfied that, where present within this area, they warrant protection under s6(a) of the RMA. In the absence of any greater degree of refinement in mapping specific characteristics and values within the coastal environment, I have not recommended any change to the proposed approach.

3.9 Comment on submissions: provision for Renewable Energy

A number of submissions seek less stringent policies to enable development, particularly of renewable energy and infrastructure, and particularly on the Tararua Ranges.

I acknowledge that the benefits to be derived from the use and development of renewable energy are recognised in Part 2 of the RMA but note that the requirement is to 'have particular regard' to that matter. By contrast, outstanding natural features and landscapes are to be 'recognised and provided for'. That is, in my view, a higher order imperative. It would be inappropriate to seek to exempt renewable energy development proposals from consideration of their effects on outstanding natural features and landscapes. That consideration is required, in my view, by the RMA and cannot be avoided. I do not support any exemption or exclusion or special treatment of renewable energy development proposals for the purposes of Policy 7-7. I note also that Chapter 3 gives particular regard to the particular

needs of and benefits to be derived from the use and development of renewable energy and the development of regionally important infrastructure. That is sufficient, in my view, to address the issue.

3.10 Conclusion

In my view, the suggested consequential alterations to Chapter 7 of the POP presented in the following sections of this report collectively provide a more appropriate set of provisions than the publicly notified POP. Having considered the matters raised in submissions and covered in Section 32 of the RMA. It is my conclusion that adopting those alterations (or some variant of them explored at the hearing) will enable the POP to more appropriately achieve the purpose of the RMA.

3.11 List of Submitters

Sub No	Submitter
27	The Trustees of Huatau Marae
28	John Francis Adams
30	Nyree Dawn Parker
36 and x485	Airways Corporation Of New Zealand
37	Susan Mary Parker Bergo
142	Ian Edward Roke
143	Philipa Ann Roke
144	Heather Oliver
145	Winston Oliver
151 and x495	Ruapehu District Council
152	Visit Ruapehu
163	Tom & Linda Shannon
165	Robyn Phipps
172 and x500	Tararua District Council
176	Sustainable Whanganui
180	Ngati Kahungunu Iwi Incorporated
182	Horizons Regional Council
196	Michael John Shepherd
198	Stuart McNie
221	The Family of Lionel West
224	G M & S M Deadman Partnership
237	Bruce & Marilyn Bulloch
239	Christopher Parker
241 and x481	Palmerston North City Council
246	Ruapehu Federated Farmers of New Zealand Inc
257	David Noel Argyle
265	Transpower New Zealand Ltd
268 and x525	Genesis Power Ltd
269 and x501	Ernslaw One Ltd
272	Powerco Limited
280 and x515	Horowhenua District Council
291 and x532	Wanganui District Council
294	William Pehi Snr
307	The Energy Efficiency & Conservation Authority
308	N Z Windfarms Ltd
310	Rayonier N Z Limited

311	Water and Environmental Care Assn Inc
312	Manawatu Estuary Trust
313	George & Christina Paton
316	John Bent
331	Hancock Forest Management (N Z) Ltd
340 and x507	Manawatu District Council
346 and x517	Rangitikei District Council
358 and 511	Trust Power Limited
359 and x519	Mighty River Power
363 and x522	Meridian Energy Limited
365	Queen Elizabeth II National Trust
369	Grant John Stephens
370	Denise Lorraine Stephens
372 and x492	Minister of Conservation
375	Wellington Conservation Board
386	Environmental Working Party
387	Alfred James Sivyer
388	Laura M Sivyer
394	Mason Stewart
395 and x527	Tararua - Aokautere Guardians Inc (T A G)
396	Sue Stewart
397	Adrian L Cookson
401	Alison Margaret Mildon
416 and x508	Richard George Mildon
417	Fish & Game New Zealand - Wellington Region
419	New Zealand Institute of Forestry
421	Andrew Edward Day
425	L M Terry
426 and x533	Federated Farmers of New Zealand Inc
427	Nga Pae O Rangitikei
433	Manawatu Branch of N Z Green Party
440	Landlink Ltd
442	Robert Leendert Schraders
444	Middle Districts Farm Forestry Association
446	Wanganui Province of Federated Farmers Inc
448	Linda Goldsmith
452	Paul & Monica Stichbury
460	Royal Forest & Bird Protection Society Of New Zealand
467	Shona Paewai
468	Tony Paewai

x474	Johannes Altenburg
x476	Palmerston North Airport Ltd
x477	Pritchard Group Limited
x490	Taranaki / Whanganui Conservation Board
x497	James Bull Holdings Limited
x502	New Zealand Defence Force
x506	Manawatu Branch of the Green Party
x509	Wanganui Branch of The National Council Of Women Of New Zealand
x513	Ngamatea Station Ltd
x514	Velma June Siemonek
x520	N Z Forest Managers Ltd
x521	Allco Wind Energy N Z Ltd
x529	Environment Network Manawatu
531	Horticulture New Zealand

PART FOUR: RECOMMENDATIONS ON SUBMISSIONS

4.1 Overall Plan General – General

4.1.1 Summary of submissions

Please refer to 4.1 Overall Plan General – General summary of submissions contained in Attachment 1.

Submission points: 369/1, 394/1, 395/1, 396/1, 401/1, 442/1, 452/1, 467/1, 468/1

Supported by: 527/122, 527/193, 490/12, 529/6, 527/252, 527/318, 527/425, 527/485, 527/548, 527/606

Opposed by: 522/2, 522/3, 481/43, 521/1, 522/4, 522/5, 522/6, 522/7, 522/8, 522/9, 522/10

Identification and protection of all land above the 300 m contour plus inner valleys below 300 m

The submissions seek to protect the landscape of areas above the 300 m contour as well as inner valleys below 300 m. This would necessitate amendment to Figure F:9 in Schedule F to include areas bounded by the 300 m contour line, including 'inner valleys'. The submissions also support the anticipated environmental results in Section 7.6 and their application to the extended area requested by the submitters.

4.1.2 Legislative assessment

Please refer to the Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations.

4.1.3 Evaluation

The landscapes listed in Schedule F were originally identified by Territorial Authorities and the Department of Conservation and included in the current Regional Policy Statement (RPS) as “natural features and landscapes that are outstanding and regionally significant”. The associated maps included in Schedule F are based on the descriptions in the current RPS. The purpose of the maps is to provide an indication of the area included within each listed landscape in order to aid in decision-making, particularly decision-making for consent applications at a local level.

Based on discussions with submitters at pre-hearing meetings, I understand that the issue raised in the submissions relates primarily to the identification and protection of the landscapes of the Tararua and Ruahine Ranges. To assist the Hearing Panel understand the scope of the request, Mr Anstey has attached to his report a plan of the Tararua and Ruahine Ranges showing the 300 m contour and the 200 m contour. Mr Anstey’s plan also shows the parts of the Ranges identified in Schedule F as being ‘significant’ (Figures F:8 and

F:9). Extension of the identified area to include all land above the 300 m contour as well as inner valleys below 300m would encompass a large area of land, some of which is held in private ownership and is farmed. Mr Anstey does not support the inclusion of all of the land requested by the submitters into Schedule F, however he acknowledges that there are some areas within the larger area the submitters refer to that can be considered to have outstanding landscape character that is consistent with the landscape character of immediately-contiguous land.

Mr Anstey states in his report (paragraph 14) that:

Outstanding natural features and landscapes are generally described as memorable, affording aesthetic pleasure and experiences that are shared and valued by the wider community. Outstanding natural features and landscapes have natural and cultural dimensions that are central to our identity and our sense of belonging; they are places that reveal our history and provide a coherence and connectedness in our lives through time and space. Most of the areas listed as Outstanding Natural Features or Landscapes in Schedule F are designated conservation land, or private land with a similar character. In my view all of the areas scheduled as Outstanding Natural Features or Landscapes would satisfy the criteria accepted by the Environment Court. It is my further view that a comprehensive landscape assessment would confirm that the scheduled features and landscapes are outstanding at a regional scale. Some boundaries are clearly cadastral rather than topographical and do not reflect natural patterns. Without the benefit of a comprehensive landscape assessment I am not able to confirm that the boundaries shown on maps are accurate. Some of the scheduled items are undoubtedly nationally outstanding.

Mr Anstey states in his report (paragraph 34) that:

A number of submissions requested a clarification in the terminology used and a consistency in its use. The most significant of these related to the definition of 'skyline'. In the operative Regional Policy Statement (RPS) this definition is precise whereas in the Proposed One Plan the 'skyline' is defined as a particular feature of visual and scenic character that is prominent. The tables in Schedule F list 'Outstanding Natural Features and Landscapes' which are shown on supporting maps as 'Significant Landscape'. The maps clearly show the areas referred to in the tables and should be titled the same. Skylines are not specifically located on the maps so that all prominent skylines in the areas shown on the maps potentially contribute to the prominence of the ranges. Importantly, the skyline is not limited to the highest ridge. The implication is that any ridgeline when seen against the sky becomes a feature to be protected from inappropriate subdivision, use, and development. I support this more inclusive and flexible approach to skylines, an approach which acknowledges that the skyline moves with the viewer and many ridgelines in an outstanding landscape can assume particular prominence when seen against the sky. For the same reason, a number of ridgelines in an outstanding landscape may be 'outstanding natural features', not only the highest ridgeline.

Mr Anstey states in his report (paragraph 37) that:

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 Pahiatua Track. The elevation and vegetation cover is similar to that within the forest park. It is of a 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). The current assessment being undertaken by the Council will provide the opportunity to explore the significance and extent of this section of the ranges, in particular whether or not it is only the ridgeline that is outstanding or whether a more extensive area of spurs and upper slopes should also be recognised as outstanding.

Mr Anstey continues in his report (paragraph 9) that:

Only with a comprehensive understanding of the regions landscapes and the ways in which communities relate to and value them can we begin to establish any sense of their relative importance and vulnerability. Accordingly, it is my view that all of the Schedule F areas should be retained as presented in the Proposed One Plan (with minor modifications as described below) until comprehensive landscape assessments and evaluations have been carried out by the Region's Territorial Authorities.

I agree with Mr Anstey and conclude that there is no basis at this time for extending the area included in Schedule F to include all land above the 300m contour or all inner valleys. I accept Mr Anstey's view that, in the absence of a comprehensive landscape assessment such as that currently being undertaken by Palmerston North City Council, there is no basis for assessing the landscape values of this larger area as outstanding such that they warrant the protection afforded by inclusion in Schedule F. I note that Mr Anstey has given considerable attention to this issue and has in fact visited the area in question personally, in coming to his conclusion. Therefore, on the information available to me, there is no basis for concluding that extension of Figure F:9 to include the entire area requested by the submissions is appropriate or the most appropriate way of achieving Objective 7-2 (in terms of Section 32 of the RMA). Submitters may have new information which provides a basis for evaluating the character of the landscape of the entire area as outstanding and, if so, it would be helpful if they could address this point in their evidence.

I would note that more detailed evaluation of specific requests regarding Figure F:9 in Schedule F is covered in section 4.23 of this report. I would also note that Mr Anstey and I have considered the question of how the POP might better guide Territorial Authorities undertaking their own district-level landscape assessments and how to better protect areas that have landscape values that are notable but not necessarily regionally outstanding. We have concluded that additional provisions in Chapter 7 of the POP could assist in

this regard. I would refer the Hearing Panel to sections 4.9 and 4.23 and recommendations LSNC 9 and LSNC 23 set out there.

4.1.4 Recommendation LSNC 1

- (a) Reject the submissions seeking protection of the area bounded by the 300 m contour line, including inner valleys, in Figure F:9 of Schedule F.
- (b) Accept the submissions opposing the requests to protect the landscape of land above the 300 m contour, and inner valleys below 300 m, in Schedule F.

4.1.4.1 Reasons for Recommendation LSNC 1

In the absence of a robust assessment of the landscape values of the land referred to in the submissions, there is no sound basis at this time for concluding that the landscape values of the entire area are outstanding and therefore no basis for including the entire area in Schedule F.

4.1.4.2 Consequential alterations arising from Recommendation LSNC1

- (a) Nil.

4.2 Setting the Scene Paragraph 1.4 Adapting to Climate Change

4.2.1 Summary of submissions

Please refer to 4.2 Setting the Scene Paragraph 1.4 Adapting to Climate Change summary of submissions contained in Attachment 1.

Submission point: 467/34
Supported by: 527/581

The submission does not request any specific change to any provisions but seeks to link Paragraph 1.4 on climate change with Paragraph 5.1.2 on accelerated erosion, and the placing of wind mills on hill country.

4.2.2 Legislative assessment

Please refer to the Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations.

4.2.3 Evaluation

Chapter 1 Paragraph 1.4 in the POP 'Adapting to Climate Change' identifies adapting to climate change as an overarching issue for the regional community, and an issue which touches on many of the keystone issues. The following actions are identified as means of addressing climate change:

- Promoting resilient land-management practices under the Sustainable Land Use Initiative which will reduce the effects of climate change and provide carbon sinks at the same time.
- Managing water quality within a values framework responsive to climate change.
- Managing water quantity according to minimum flows and core allocation framework responsiveness to climate change.
- Planning for changes to the scale and frequency of natural hazards.

Chapter 5 Paragraph 5.1.2 'Accelerated Erosion' notes that accelerated soil erosion is caused by historical and current clearance of woody vegetation and earthworks such as tracking.

The link between paragraphs 1.4, and 5.1.2 is in Chapter 1 where the concluding statement to paragraph 1.4 identifies that policies that directly or indirectly address climate change are found in Chapters 5, 6 and 10 of the Proposed One Plan.

I consider that the links between paragraphs 1.4 and 5.1.2 are appropriately stated and require no further clarification. In addition, it should be noted that regional rules controlling the effects of erosion caused by vegetation clearance or land disturbance are covered in Chapter 12. I consider that rules regarding the siting of wind farms are more appropriately considered as part of the relevant District Plans. This would be consistent with the functions of Territorial Authorities under s31 of the RMA, which includes the control of any actual or potential effects of the use, development, or protection of land.

4.2.4 Recommendation LSNC 2

- (a) Reject submissions seeking to link Paragraph 1.4 on climate change with Paragraph 5.1.2 on accelerated erosion, and the placing of wind mills on hill country.

4.2.4.1 Reasons for Recommendation LSNC 2

- (a) There is sufficient discussion of the linkage between adaptation to climate change and hill country erosion in the existing text of the POP. No specific amendments were proposed and none are considered to be necessary to present the known issues.

4.2.4.2 Consequential alterations arising from Recommendation LSNC 2

- (a) Nil.

4.3 Living Heritage – General

4.3.1 Summary of submissions

Please refer to 4.3 Living Heritage – General summary of submissions contained in Attachment 1.

This section of my report addresses a number of submissions that raised general issues to do with landscape generally, protection of the landscape of the Tararua Ranges generally or rules that should (or should not) apply to proposed wind farms and other structures.

(a) Provision for maintenance of existing utility infrastructure

Airways Corporation of NZ requests the inclusion of a rule allowing maintenance of existing utility infrastructure, including the trimming and removal of plants, on or near significant landscapes in order to allow necessary utility infrastructure.

Submission point: 36/20
Supported by: 476/13

(b) Endorsement of landscape sections

Several of the Region's Territorial Authorities noted their support for amendments made to Chapter 7 prior to public notification of the POP which resulted in the text of the POP as notified. One submission requests no specific decision but states the submitter's opposition to the POP in its current form and notes that they support the Tararua-Aokautere Guardians (TAG) submission in its entirety.

Submission point: 241/75, 448/3
Supported by: 500/130, 507/130, 515/130, 517/260, 532/130

(c) Explicit assessment criteria for wind farms

NZ Windfarms Ltd requests assessment criteria be included in the POP for consideration of wind farms located within semi-modified natural areas.

Submission point: 308/5
Opposed by: 527/31

(d) Status of wind farms

One submitter states that the POP should not suggest that wind farms are an inappropriate form of development. Other submitters request that proposals for new wind farms be restricted to areas in which they are already consented. Other submissions raise criticisms of wind farms generally.

Submission points: 308/6
Supported by: 511/310

Submission points: 416/24, 416/25, 425/11

Supported by: 527/405, 527/406
 Opposed by: 519/412, 522/173, 525/174, 519/413, 522/174,
 525/175, 525/61

(e) Justification of areas identified as ‘outstanding’

Trustpower Ltd seeks appropriate and adequate justification for the inclusion of the outstanding natural features and landscapes identified in Chapter 7.

Submission points: 358/15
 Supported by: 521/39, 522/175

(f) Extension of area of ranges identified as ‘significant’ landscape

Other submitters request that the entire area of the ranges (not limited to either Tararua or Ruahine) should be identified as ‘significant’ and protected by the POP. Others request amendment of the POP to protect unique and outstanding landscapes generally, including the foothills of the Tararua Ranges. Others seek the highest level of protection for the Tararua skyline and foothills south of the Pahiatua Track.

Submission points: 369/59, 370/1, 394/59, 396/59, 397/1, 452/59
 Supported by: 527/159, 527/251, 527/310, 527/311, 527/543
 Opposed by: 522/172, 519/394, 522/171, 522/176, 522/177

(g) Working relationships between tangata whenua, community and Horizons Regional Council

Several submissions endorse closer working relationships between Council, tangata whenua and the community as a key means of ensuring landscape and natural character issues are dealt with appropriately. Other submissions urge the Council to carefully consider the Environmental Defence Society guidelines.

Submission points: 386/75, 386/76, 427/75, 427/76
 Supported by: 527/189, 527/190, 527/420

(h) Inclusion of water bodies in Policy 7-8 (Natural Character)

One submitter requests that streams and other natural water bodies be added into Policy 7-8 (which addresses natural character) together with an associated method addressing the use of permeable surfacing rather than impermeable surfacing, which increases the rapidity of run-off and stormwater.

Submission points: 433/30, 433/37
 Supported by: 527/420

(i) Preservation of the natural character of the coastal environment

The Minister of Conservation requests that a new policy be added that promotes the preservation of the natural character of the coastal environment by encouraging future development in areas that are already highly modified.

Submission point: 372/115

Supported by: 527/173
Opposed by: 519/76

4.3.2 Legislative assessment

Please refer to the Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations.

4.3.3 Evaluation

(a) Provision for maintenance of existing utility infrastructure

There are no rules in the POP relating directly to activities that can or cannot be carried out within an outstanding landscape. The type of infrastructure assets that are likely to be of interest to Airways Corporation of NZ would typically fall within the jurisdiction of Territorial Authorities and District Plans in relation to land use activities. I do not consider it would be appropriate for the POP to seek to address those matters within the scope of the Regional Council's functions. The POP includes policies that will have to be considered in drafting district plans and in terms of section 104 of the RMA in considering applications for infrastructure proposals. These include objectives and policies in Chapter 7 (Landscapes and Natural Character), Chapter 12 (Vegetation Clearance and Land Disturbance), Chapter 13 (Discharges to Water), Chapter 16 (Structures and Activities Involving Beds of Rivers, Lakes and Artificial Watercourses and Damming). Proposed POP Rule 16-6 provides for maintenance and repair of structures and associated removal of bed material and plants in the beds of lakes and rivers, as a permitted activity, provided standard conditions are met. Chapter 17 provides for the maintenance and repair of structures as a permitted activity provided that standard conditions are met.

I consider that the POP rules generally adequately provide for maintenance and repair activities to structures to the extent that is achievable and appropriate within the terms of the Regional Council's jurisdiction. It may be that the submitter has in mind some specific wording amendment addressing a particular type of activity. If that is within the scope of matters able to be addressed by rules in a Regional Plan, the submitter is invited to provide further information on this at the hearing.

(b) Endorsement of landscape sections

Support for the landscape provisions is noted. The Palmerston North City Council (PNCC) submission notes that the changes made to the publicly notified POP are generally consistent with the approach advocated in PNCC's submissions on pre-notification drafts of the One Plan. The submission notes that the result provides better links with the relevant sections in Chapter 3 regarding infrastructure and renewable energy.

(c) (and (d)) Explicit assessment criteria for wind farms and Status of wind farms

The implication in the submissions seeking to confine the location of future wind farms is that this activity should be prohibited from other parts of the

Ranges. This could only be implemented by rules in relation to land use activities. Under the RMA it is the function of District Plans not Regional Policy Statements to define rules and standards for land use activities.

The case law arising from the RMA provides no explicit guidance on what is 'inappropriate subdivision, use, and development' in areas of natural character, and outstanding landscapes. That is because every landscape is unique, so a case-by-case assessment of individual proposals is contemplated by the RMA. The appropriateness of an activity will be determined by an assessment of the characteristics and values of the environment and the potential of a proposal to adversely affect those characteristics and values, either taken alone or cumulatively with existing effects. This assessment includes consideration of biophysical, visual, aesthetic, social and cultural values of the resources involved.

I discuss in Section 4.9 of this report some supplementary policy provisions that I consider will enable the POP to provide a better framework for the consideration by Territorial Authorities of individual use and development proposals, be they wind farms or subdivision or other land use activities. Subject to my Recommendation LSNC 9 in relation to Policy 7-7, I am satisfied that the POP provides appropriate guidance as to what should be considered when determining what activities would be considered appropriate or inappropriate. Further discussion on specific submissions with regard to Policy 7-7 is provided in Recommendation LSNC 9.

With regard to the submission that seeks an enabling policy in relation to renewable energy production, I consider that the policies in Chapter 3 of the POP Infrastructure Energy and Waste are the most appropriate place to address this issue. Policies in Chapter 3 seek to explicitly recognise the benefits of energy generation from renewable resources as well as manage potential adverse effects of these and other infrastructure activities. Specifically, Policy 3-3 addresses the adverse effects of infrastructure on the environment including on outstanding natural features and waterways. Also, and consistent with Policy 3-3, the Environment Court has commented that a fundamental point in considering the siting of utilities in outstanding natural landscapes is that it should not be as of right. (*Wakatipu v Queenstown Lakes District Council C180/99*). Changes are recommended to Policy 3-4 in The Hearing Report for Infrastructure, Energy and Waste IEW 12 relating to renewable energy. The recommended changes strengthen guidance for decision-makers in relation to recognition or provision for the use and development of renewable energy resources in the future. These recommendations are consistent with the decision sought by this submitter. In my opinion, no additional changes are warranted to Chapter 7 to give particular regard to the matters identified in s7 of the RMA relating to the benefits to be derived from renewable energy.

(e) Justification of areas identified as 'outstanding'

As discussed in Part Three of this report, the landscapes listed in Schedule F originate from the current list of "outstanding and regionally significant" natural features and landscapes in the operative RPS. The list in the RPS was originally compiled by the Regional Council in consultation with District Councils and the Department of Conservation, using a set of criteria also included in the RPS (Policy 8.1). The current RPS has been operative since

August 1998, and the list of landscapes has not been challenged during that time.

Mr Anstey states in his report (paragraph 14) that:

Most of the areas listed as Outstanding Natural Features or Landscapes in Schedule F are designated conservation land, or private land with a similar character. In my view all of the areas scheduled as Outstanding Natural Features or Landscapes would satisfy the criteria accepted by the Environment Court. It is my further view that a comprehensive landscape assessment would confirm that the scheduled features and landscapes are outstanding at a regional scale. Some boundaries are clearly cadastral rather than topographical and do not reflect natural patterns. Without the benefit of a comprehensive landscape assessment I am not able to confirm that the boundaries shown on maps are accurate. Some of the scheduled items are undoubtedly nationally outstanding.

I agree with Mr Anstey and consider that the landscapes listed in the table in Schedule F are well established as 'outstanding' in the context of this region.

The submission also notes with concern that there appear to be a 'significant number' of outstanding landscapes identified in the POP. In my opinion, the relevant issue is not so much the number of landscapes identified but whether a particular landscape is outstanding, or not. I acknowledge that there has been no detailed assessment of the characteristics and values of all of the entries in Schedule F, however I again note Mr Anstey's expectation that all of the entries would qualify as 'outstanding' in terms of some or all current relevant assessment criteria. I would be interested in hearing from the submitters regarding in what respect they consider the entries in Schedule F do not warrant the description 'outstanding'.

(f) Extension of area of ranges identified as 'significant' landscape

With respect to the extension of the area identified as "significant" for the Tararua and Ruahine Ranges, this has already been discussed in Section 4.1 of this report, and is further discussed in Section 4.21 and 4.22. With respect to the skyline of the Tararua Ranges, I note that the approach taken in the POP is to identify the skyline of the Tararua Ranges as an "outstanding natural feature or landscape" in the table in Schedule F. In relation to that identification, Policy 7-7 is to manage subdivision, use and development, and to avoid adverse cumulative effects. In my opinion, that carries a high level of protection. I consider that any higher level of protection afforded these landscapes should be with the consideration of particular land use activities and therefore should be considered at the District Plan level. I am satisfied that, subject to amendments I recommend elsewhere in this report, the POP contains objectives, policies and methods that offer as much protection as a Regional Policy Statement and Regional Plan can, in accordance with the framework of the RMA.

(g) Working relationships between tangata whenua, community and Horizons Regional Council

I agree that closer tangata whenua and community relationships can be used as a key means of ensuring landscape and natural character issues are dealt with appropriately. Issues of significance to iwi and hapu are identified and

addressed in Chapter 4 Te Ao Maori. Proposed Policy 4-1 provides for the relationship of iwi and hapu and ancestral taonga to be fostered through the involvement of iwi and hapu in resource management, Policy 4-2 provides for the protection of sites of significance to Maori, and Methods provide for the identification of sites of significance to Maori and the development of protocols for the involvement of iwi and hapu in the resource consent process. I do not identify any specific amendments that need to be made to Chapter 7 or other parts of the POP to enable these closer working relationships to be achieved.

The submissions referencing the Environmental Defence Society's (EDS) guidelines indicated that landscapes can be protected through:

- Identifying important landscapes on regional and district planning maps
- Including policies and objectives in Regional Policy Statements and Regional and District Plans which provide for their protection
- Including rules in Regional and District Plans which control activities which can threaten important landscape values
- Ensuring that the impacts of proposed activities on important landscape values are adequately managed when resource consents are granted
- Providing incentives for land management and development which preserves important landscape values
- Incorporating 'good practice' design into developments impacting on valued landscapes.

Having considered these suggestions and, in the absence of any specific requested amendments to the wording of the POP, it is my view that the proposed provisions in the POP for landscapes generally address the scope of issues addressed by the EDS guidelines.

(h) Inclusion of water bodies in Policy 7-8 (Natural Character)

The terms used in Policy 7-8 are “coastal environment, wetlands, rivers, lakes and their margins”. These are consistent with s6(a) of the RMA. The RMA definition of “river” includes a “stream”, hence I consider that there is no need to repeat this in Policy 7-8. In addition, the submission seeks encouragement of the use of permeable surfacing to reduce runoff. It is unclear what this is intended to address, however, it should be noted that Chapter 5 Land and Chapter 6 Water address issues of land prone to erosion and water quality respectively.

(i) Preservation of the natural character of the coastal environment

I consider that no addition is required as Objective 7-2 clearly states that effects on natural character shall be avoided in areas “with a high degree of naturalness” and Policy 7-8 clearly states the matters that decisions on consent applications should take into account, including whether the activity is “compatible with the existing level of modification”. I consider that Objective 7-2 and Policy 7-8 are sufficient to guide inappropriate development away from areas that are high in natural character.

4.3.4 Recommendation LSNC 3

- (a) Reject submissions seeking the inclusion of a rule allowing maintenance of infrastructure to occur near significant landscapes

- (b) Accept in part submissions supporting the landscape sections of the Proposed One Plan (except to the extent amended by other recommendations in this report).
- (c) Reject submissions seeking an enabling policy and explicit assessment criteria for renewable energy production within Chapter 7
- (d) Reject submissions seeking appropriate and adequate justification for the inclusion of outstanding natural features and landscapes in the POP.
- (e) Reject the submissions requesting that all of the Tararua Ranges be classified as 'regionally significant', including the foothills and skyline.
- (f) Accept in part the submissions seeking the highest level of protection is afforded to the Tararua Ranges.
- (g) Accept the submissions endorsing closer Council and tangata whenua relationships.
- (h) Accept in part submissions encouraging the Council to consider carefully the Environment Defence Society Guidelines.
- (i) Reject submissions seeking the overall restriction of wind farm developments to areas in which wind farms are already consented, and reject submissions seeking to have wind farms prohibited in identified locations
- (j) Reject submissions requesting that streams and other natural water bodies be added into Policy 7-8, and that encouragement via a Method be given to the use of permeable surfacing, rather than impermeable surfacing which increases the rapidity of run-off and stormwater.
- (k) Reject submissions requesting that a new policy be added that promotes the preservation of the natural character of the coastal environment by encouraging future development in areas that are already highly modified.

4.3.4.1 Reasons for Recommendation LSNC 3

- (a) The POP contains, in its existing text and in other recommended amendments arising from submissions in Chapter 3, sufficient provision addressing activities such as the maintenance of infrastructure within or near significant landscapes. Thus, no additional provisions are considered to be necessary.
- (b) Subject to other consequential amendments recommended elsewhere in this report, the provisions of the POP are considered to appropriately address the regionally significant issues relating to the management and protection of landscapes, including outstanding landscapes, of the Region.
- (c) Chapter 3 specifically addresses the benefits to be derived from the use and development of renewable energy resources. Thus, no additional policies or assessment criteria are considered to be required in Chapter 7.
- (d) The items listed in Schedule F are considered to be the publicly-endorsed outstanding landscapes at a regional scale and, without specific evidence, there seems to be no case for the deletion of any items.
- (e) There is no evidence that all parts of the foothills of the Tararua Ranges warrant protection as outstanding natural features and landscapes.
- (f) Subject to amendments suggested in Recommendation LSNC 9, the level of protection afforded to the landscape of the Tararua Ranges by the policies of the POP is considered to be appropriate.

- (g) It is agreed that closer relationships between Council, tangata whenua and the community will assist to develop an appropriate framework for the protection of landscape and natural values.
- (h) Subject to consequential amendments recommended elsewhere in this report, the policies of the POP are considered to appropriately address the relevant Environment Defence Society Guidelines relating to landscape management matters referred to by submitters.
- (i) The Council has no jurisdiction to control land use activities in relation to the provision for, or control of, wind farms as a land use activity, and am not satisfied that a prohibition on their establishment in identified areas would be consistent with the framework of the RMA in any event.
- (j) Other existing provisions of the POP appropriately address the intrinsic natural values of streams and other natural water bodies, and no additional policy is necessary in Policy 7-8 to address these matters.
- (k) Subject to consequential amendments suggested elsewhere in this report, the existing objectives and policies of the POP relating to management of the coastal environment are considered to be sufficient to preserve the natural character of the coastal environment.

4.3.4.2 Consequential amendments arising from Recommendation LSNC 3

- (a) No consequential amendments arise directly from Recommendation LSNC 3, however I recommend other consequential amendments elsewhere (for example Recommendations LSNC 9, LSNC 22 and LSNC 23) in this report that touch on the matters raised by the submissions discussed in this Section 4.3 of my report.

4.4 Living Heritage Paragraph 7.1.1 Scope

4.4.1 Summary of submissions

Please refer to 4.4 Living Heritage Paragraph 7.1.1 Scope summary of submissions contained in Attachment 1.

(a) Prohibited activity status for wind farms

One submission requests that wind farms be a prohibited activity within areas identified in Schedule F, other relevant places (but not specified) and on the Tararua and Ruahine Ranges and their proximate slopes, except for that part falling within a line drawn from the Pohangina River to the north-eastern boundary of Te Apiti wind farm and the unnamed stream to the north of Woodville, and a line drawn from the Manawatu River to the south-western boundary of Te Rere Hau wind farm to the Mangatainoka River, but not including the Manawatu Gorge (Figure F:10), where wind farms would be a permitted activity.

Submission point: 316/4
 Supported by: 527/111
 Opposed by: 519/279, 522/179, 525/57

(b) Protection of outstanding landscapes from inappropriate subdivision, use and development

Meridian Energy Ltd requests that 7.1.1 (2) specify that the protection of outstanding landscapes is from inappropriate subdivision, use and development.

Submission point: 363/102
Supported by: 519/22, 519/283
Opposed by: 485/41, 527/74

Several submissions request that the specification of scope in 7.1.1 (2) include the expression 'outstanding natural features and landscapes'. One submission (433/36) requests a slight variation in the wording of the Scope to refer to protection being to the standard required by Policy 3-3.

Submission points: 369/24, 372/90, 394/24, 395/24, 396/24, 401/24, 416/9, 442/24, 433/36, 452/24, 467/24, 468/30
Supported by: 527/145, 527/161, 527/216, 527/275, 527/341, 527/390, 527/419, 527/448, 527/508, 527/571, 527/635
Opposed by: 485/31, 485/40, 533/36, 485/32, 485/33, 485/34, 485/35, 485/30, 519/315, 519/400, 485/36, 485/37, 485/38, 525/199, 485/39, 525/224

(c) Additional item of scope (improvement of landscapes and biodiversity)

One submission requests the addition to the Scope of Chapter 7 of a fourth matter: '(4) The improvement (or amelioration) of landscapes and biodiversity in general'.

Submission point: 433/36
Supported by: 527/419
Opposed by: 519/315

4.4.2 Legislative overview

Please refer to the Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations.

4.4.3 Evaluation

Firstly, it should be noted that the Scope statement in each of the POP chapters is intended to provide the reader with a brief and succinct list of the matters or topics dealt with in the chapter, and to direct the reader to any other related chapters. It is not intended that the Scope wording necessarily reflect the exact wording in the RMA, instead it is intended to use more 'user-friendly' terms to generally convey the content of the chapter.

(a) Prohibited activity status for wind farms

As previously discussed in Recommendation LSNC 3, under the RMA it is the function of District Plans, not Regional Policy Statements, to define rules and standards for land use activities. The request could only be given effect by way of a prohibited activity rule or a permitted activity rule and this is not a method open to the Regional Council. The request is not an approach that would fit with the intent of the objectives, policies or methods within Chapter 7, therefore it would not be correct to add such wording into the Scope statement.

(b) Protection from inappropriate subdivision, use and development

The Scope statement is intended to be a brief, succinct statement of what is included in the chapter and has a consistent structure across the POP. It is not intended that the wording reflect the exact wording of the RMA. I consider that it would not be appropriate to use these terms in the Scope statement for the reasons stated above. However, I note that the background information provided in section 7.1.3 of Chapter 7 refers to “inappropriate subdivision use and development”.

(c) Specify outstanding natural features as well as landscapes

The purpose of the landscape objectives, policies, and methods in Chapter 7 is to provide guidance and protection to outstanding natural features as well as landscapes. I consider that adding the term “natural features” is appropriate as it would better reflect the intent of the provisions, would be consistent with the list of items in Schedule F, and would better align the terminology with that of the RMA. In order to ensure that this term is used consistently throughout the landscape provisions, I recommend consequential amendments to relevant wording for the Issue, Objective, Policy, Methods, Principal Reasons, Anticipated Environmental Result (AER) and Schedule F.

(d) Additional scope – improvement of landscape and biodiversity

The POP focuses on managing and protecting *outstanding* landscapes and has not pursued general improvement of broader landscapes. Accordingly, I consider that the requested additional words take the POP further than the Council is prepared to at this time. Also, biodiversity is clearly addressed in 7.1.1 (1) and 7.1.2. I see no need to refer to it again separately as proposed.

4.4.4 Recommendation LSNC 4

- (a) Reject the submission seeking prohibited activity status for wind farms.
- (b) Reject submissions seeking to add a fourth matter to the scope relating to improvement of landscapes and biodiversity in general.
- (c) Reject the submissions seeking the addition of words to the Scope to recognise protection from ‘inappropriate subdivision, use, and development’.
- (d) Accept the submissions requesting the inclusion of the expression “outstanding natural features” as well as outstanding landscapes.

4.4.4.1 Reasons for Recommendation LSNC 4

- (a) Inclusion of prohibited activity rules relating to land use activities is not a method open to the Regional Council in the POP.
- (b) The focus of the POP is on managing and protecting outstanding natural features and landscapes; not on the improvement of landscapes in general.
- (c) It is not necessary to expand the Scope to include the terms “inappropriate subdivision, use and development”.
- (d) The POP addresses the management and protection of outstanding natural features as well as outstanding landscapes, and the language used throughout should reflect that consistently.

4.4.4.2 Suggested consequential alterations arising from Recommendation LSNC 4

- (a) Add the words “natural features” to section 7.1.1(2) so that it reads:

“(2) Natural features, landscapes and natural character – The protection of outstanding natural features and landscapes and the management of the natural character of the coastal environment, wetlands, rivers, lakes and their margins.”
- (b) Make consequential changes to Section 7.7 paragraph 6 (LSNC 14) to include the term “natural features”.

4.5 Living Heritage Paragraph 7.1.2 Indigenous Biological Diversity

4.5.1 Summary of submission

Please refer to 4.5 Living Heritage Paragraph 7.1.2 Indigenous Biological Diversity summary of submissions contained in Attachment 1.

Submission 460/61 seeks that the criteria for selection of the items Schedule F be included in the POP. The submission also requests that the POP provide for enhancement of the naturalness of the Region, where appropriate, and to adjust the statement made (in Section 7.1.3 paragraph 4) to reflect this.

4.5.2 Legislative assessment

Please refer to the Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations.

4.5.3 Evaluation

(a) Criteria for identification of landscapes in Schedule F

As discussed previously in Recommendation LSNC3, the landscapes listed in Schedule F originate from the operative RPS list of landscapes compiled by the Regional Council in consultation with Territorial Authorities and the Department of Conservation. The current RPS has been operative since August 1998, and the list of landscapes has not previously been challenged. As discussed in Recommendation LSNC 1, Mr Anstey states in his report (paragraph 14) that:

Most of the areas listed as Outstanding Natural Features or Landscapes in Schedule F are designated conservation land, or private land with a similar character. In my view all of the areas scheduled as Outstanding Natural Features or Landscapes would satisfy the criteria accepted by the Environment Court. It is my further view that a comprehensive landscape assessment would confirm that the scheduled features and landscapes are outstanding at a regional scale. Some boundaries are clearly cadastral rather than topographical and do not reflect natural patterns. Without the benefit of a comprehensive landscape assessment I am not able to confirm that the boundaries shown on maps are accurate. Some of the scheduled items are undoubtedly nationally outstanding

Mr Anstey also states in his report (paragraph 42) that:

Some of the energy companies requested that the One Plan provide the basis upon which outstanding features and landscapes had been identified. The criteria used to determine the areas in Schedule F are provided in the current RPS (Policy 8.1). These have not been carried over into the Proposed One Plan. The new criteria, set out later in my evidence, are essentially similar to those in the current RPS. Both sets of criteria align with those in the Department of Conservation's General Policy...

The submission raises a question about the basis for listing of certain natural features and landscapes and I consider that it would be useful, in response to that, to include mention (in Section 7.1.3) the origins of the list of landscapes in Schedule F. I suggest in Recommendation LSNC 6 some words that may assist to improve clarity.

(b) 'Enhancement'

Section 6(a) of the RMA addresses the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development. Section 6(b) addresses the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development. The expression 'enhancement' is used in three references in Part 2 of the RMA:

- Section 6(d) – maintenance and enhancement of public access to waterways and the coast
- Section 7(c) – maintenance and enhancement of amenity values

- Section 7(f) – maintenance and enhancement of the quality of the environment

I consider that Policy 7-8 does provide for enhancement to some degree, by providing for the restoration of natural character where appropriate when making decisions on resource consent applications. However, this is not the main thrust of the policy, which is to “preserve and protect” natural character, which is consistent with the requirements of s6 of the RMA. I note that preservation and protection of landscapes and natural character rather than enhancement aligns with the Anticipated Environmental Result in Section 7.5 which seeks that: ‘Except for change caused by natural processes, at 2017 the characteristics/values of all outstanding landscapes and natural features identified in the Region (Schedule F) will be in the same state as assessed prior to this Plan becoming operative’.

The submission does not expressly request any change to the Chapter 7 policies to give effect to greater ‘enhancement’. It seeks only amendment to the explanatory text in Section 7.1.3. It should be noted that the intent of Section 7.1.3 is to provide a brief overview of the issue and intended direction in the POP to address that issue. I consider that the general intent of the natural character provisions are appropriately referred to in paragraph 7.1.3 and therefore no change is necessary. I am also satisfied that the policies, amended as I propose in response to other submissions, will appropriately respond to the RMA requirements.

4.5.4 Recommendation LSNC 5

- (a) Accept in part submissions seeking that the criteria for selection of the items in Schedule F be included in the POP.

4.5.4.1 Reasons for Recommendation LSNC 5

- (a) The POP would better clarify the basis for inclusion of listed Schedule F outstanding natural features and landscapes if brief text is included which summarises the background to development of the list.
- (b) The POP already provides satisfactorily for enhancement of natural character where appropriate and the wording of 7.1.3 accurately reflects the intended approach. No further amendment is considered necessary to discuss enhancement.

4.5.4.2 Suggested consequential alterations arising from Recommendation LSNC 5

- (a) Amend Section 7.1.3 to include mention of the origins of the list of landscapes in Schedule F, in the manner proposed in Recommendation LSNC 6.

4.6 Living Heritage Paragraph 7.1.3 Landscapes and Natural Character

4.6.1 Summary of submissions

Please refer to 4.6 Living Heritage Paragraph 7.1.3 Landscapes and Natural Character Summary of Submissions, contained in Attachment 1.

A number of submissions request a variety of changes to the wording of Section 7.1.3. Specifically:

- (a) to include reference to the Region's diverse landscapes being desirable to visitors and residents;

Submission point: 152/8
Supported by: 527/91

- (b) to reconcile perceived contradictions in Chapter 3 Infrastructure Energy and Waste with Chapter 7 Living Heritage;

Submission point: 308/1
Supported by: 511/313
Opposed by: 527/27

- (c) to clarify that protection of biodiversity, important wetlands, rivers and lakes is from inappropriate subdivision, use and development, and not protection for its own sake;

Submission point: 363/104
Opposed by: 527/76

- (d) to reword the section to present a more comprehensive description of landscapes and the values associated with landscapes;

Submission point: 369/25, 394/25, 395/25, 396/25, 401/25, 442/25, 452/25, 467/25, 468/31, 417/52
Supported by: 527/146, 527/217, 527/276, 527/342, 527/449, 527/509, 527/572, 527/636
Opposed by: 519/331, 522/180, 519/339, 522/181, 519/323, 521/19, 519/347, 522/183, 519/355, 522/184, 519/363, 522/185, 525/178, 519/371, 522/186, 519/379, 522/187, 525/200, 522/188, 519/307

- (e) Meridian Energy Limited opposes the current wording and requests its replacement with wording proposed by Meridian for Chapter 3. It requests including an amendment to remove the 'confusion' regarding the use of the terms 'outstanding' and 'unique regional' landscapes;

Submission point: 363/105, 363/106
Supported by: 511/314, 519/284
Opposed by: 527/77, 527/78

- (f) to include natural features in the discussion of landscapes and add a more comprehensive description of natural character, and include express reference to movement and extraction of river bed material;

Submission point: 372/93, 372/94, 372/96, 372/98
Supported by: 527/164, 527/165, 527/167

- (g) to provide a set of criteria or explanation for selection of the landscapes listed in Schedule F;

Submission point: 372/97
Supported by: 527/168
Opposed by: 519/298

- (h) to make a clear statement about how outstanding landscapes should be managed;

Submission point: 416/1
Supported by: 527/382

- (i) to retain the first paragraph unaltered;

Submission point: 416/10
Supported by: 527/391

- (j) to amend the text to refer to the fact that many of the identified sites occur on private land including farmland, and that a balanced approach to their management must be adopted;

Submission point 426/89

- (k) to delete the words that state that landscape is best dealt with at territorial level and recognise outstanding landscape as a regional issue, and develop relevant policies and rules including a suggested rule restricting the location of buildings in the coastal environment.

Submission point: 433/40, 433/42a
Supported by: 527/421
Opposed by: 481/64, 519/316

4.6.2 Legislative assessment

Please refer to the Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations.

4.6.3 Evaluation

It is important to note that Section 7.1.3 is part of the background section to Chapter 7 relating to outstanding landscapes and natural character. The background section in each POP chapter is intended to provide a brief and succinct overview of the issue and the approach proposed by the POP to address that issue. The background sections for the “Big Four” regional issues, as one would expect, provide more detail in comparison to the other

issues the POP deals with. The purpose of the background sections and the desirability of brevity should be kept in mind when considering the submissions received on this section of the POP.

My comments on the individual requests made in submissions are that:

- (a) Reference to the Region's diverse landscapes being desirable to visitors and residents adds no particular value in terms of understanding the issue and in my opinion is not necessary.
- (b) The submission by NZ Windfarms Ltd that seeks amendments to the POP to reconcile contradictions in Chapter 3 Infrastructure Energy and Waste with Chapter 7 Living Heritage states: *"We consider that these provisions within the Proposed One Plan could affect NZ Windfarms Ltd and there is a general need to take into account the benefits derived from the production of renewable energy at a national and regional level, in general. Whilst we are generally supportive of the Proposed One Plan, we believe the tension between the renewable energy provisions and the outstanding natural features and landscapes provisions needs to be resolved"*.

I consider that the "tension" identified by the submitter need not be "resolved" within the POP. It is a tension inherent in the RMA itself. I suggest that it is important to acknowledge this tension and that the appropriate response is to provide relevant policies to guide decision-making on a case-by-case basis. As discussed in Recommendation LSN 3, changes are recommended to Policy 3-4 in The Hearing Report for Infrastructure, Energy and Waste IEW 12. The recommended changes there strengthen guidance for decision-makers in relation to recognition or provision for the use and development of renewable energy resources in the future. These recommendations are consistent with the decision sought by this submitter. In my opinion, those amendments are sufficient to address the submitter's concerns and no further or additional amendments are required to 7.1.3.

- (c) I do not consider it necessary to amend the bullet points to clarify that the protection intended is from inappropriate subdivision, use and development. I consider that bulletpoint 2 provides a fair and brief statement of the POP's proposed provisions for biodiversity, wetlands, rivers and lakes. The bullet-point statement is not a policy. It is simply an introduction summarising the scope of matters the POP addresses. It is not just about protection but also refers to 'management'. I agree with the submitter that, where policies are framed which seek to protect the values of Section 6(a), (b) and (f) matters, the wording should reflect that of Part 2 in expressly stating that it is protection from inappropriate subdivision, use and development. The bullet-point statement is purely descriptive and captures a broader range of approaches that simplify the Section 6 matters. I should note that the express requirement to protect from inappropriate subdivision, use and development is also clarified in the opening paragraph of 7.1.3. I see no need to insert the words again in the bullet-points.
- (d) I agree that a more comprehensive description of landscapes would be beneficial and I agree with some of the specific wording amendments proposed. Mr Anstey states in his report (paragraph 14) that:

Outstanding natural features and landscapes are generally described as memorable, affording aesthetic pleasure and experiences that are shared and valued by the wider community. Outstanding natural features and landscapes have natural and cultural dimensions that are central to our identity and our sense of belonging; they are places that reveal our history and provide a coherence and connectedness in our lives through time and space.

Mr Anstey's description incorporates many of the suggestions made in submissions and I consider it appropriate to present wording consistent with that description in Recommendation LSNC 6 below.

With regard to the request to include that 'remedial works will be encouraged' I consider that while 'restoring the natural character' of an area may be appropriate (as specified in Policy 7-8) this is not the main thrust of Policy 7-8 and therefore should not be singled out in the background section 7.1.3.

- (e) I agree that the variable use of expressions such as 'unique regional landscapes' and 'regionally important landscapes' throughout the POP is confusing. Mr Anstey states in his report (paragraph 14) that:

Most of the areas listed as Outstanding Natural Features or Landscapes in Schedule F are designated conservation land, or private land with a similar character. In my view all of the areas scheduled as Outstanding Natural Features or Landscapes would satisfy the criteria accepted by the Environment Court. It is my further view that a comprehensive landscape assessment would confirm that the scheduled features and landscapes are outstanding at a regional scale.

I agree with Mr Anstey and recommend a number of consequential alterations to consistently adopt the language of the RMA such that the expressions 'regionally outstanding' and 'outstanding natural features and landscapes' are used consistently in Chapter 7.

- (f) I agree that 'natural features' should be expressly referred to and that a more comprehensive description of natural character would be beneficial. Mr Anstey states in his report (paragraph 47) that:

"Natural Character is generally accepted as being an expression of:

- Natural landform
- Natural water bodies; lakes, rivers, and the sea
- Vegetation cover; type and pattern
- Natural processes associated with the weather and the ecology
- Wildness, exposure, and the natural sculpturing of landforms and vegetation
- The wider landscape context and the sites relationship to this."

I consider that the description of natural character provided by Mr Anstey is an appropriate statement to include in Section 7.1.3.

In addition, as I discuss later in Recommendation LSNC 7, I agree that the term a "high degree of naturalness" is not consistent with the

terminology used in the RMA. Therefore I recommend that paragraph 7.1.3 is amended to include the term “high degree of natural character”.

Whether one includes specific reference to the movement and extraction of river bed material is really a question of how much detail should be included in this brief introductory overview to Chapter 7. The discussion presents in paragraph 5 examples of the kinds of activities that can adversely affect the natural character of rivers, lakes and their margins. I do not disagree with the submitter that movement and extraction of bed material can also adversely affect natural character. I consider the examples already given are sufficient and that an extended list will not necessarily assist the reader to understand the issues. Therefore I do not consider that it is necessary to add more examples such as gravel extraction.

- (g) I agree in part with the submission that requests that a list of criteria or explanation for the list of outstanding landscapes should be included in the POP. I discuss this further in Section 4.5 of this report and suggest below some alterations to explain the basis for inclusion of the items listed in Schedule F.
- (h) The submission requesting a clear statement about how outstanding landscapes should be managed is, in my opinion, better addressed in the POP policies than in discussing the issues. I discuss in Part Three and in Section 4.9 of this report several substantive changes to the proposed policies for natural features and landscapes which will, in my opinion, result in the clear statement of intention the submitter seeks.
- (i) I do not consider that the first paragraph of Section 7.1.3 can be retained without alteration because I consider it is necessary to insert reference to ‘natural features’ to be consistent with the RMA. I agree that no other amendments should be made to this opening statement.
- (j) Whilst many of the larger areas identified in Schedule F are held in public ownership, many of the identified sites comprise private land. I agree that it is reasonable to acknowledge that in the background discussion. The submission did not clarify what is meant by ‘a balanced approach’ to management of those areas. However, an approach is best addressed in policy. I recommend below some wording changes including acknowledgement of the mix of public and privately-owned land listed as outstanding natural features and landscapes.
- (k) It is my view that the most appropriate instruments for controlling the activities that have the potential to adversely affect natural features and landscapes are District Plans. In considering the relative purposes of a Regional Policy Statement and District Plans, it is the District Plan that controls land use and subdivision. It is my view that the POP should provide a guiding framework but that the decisions that will materially influence landscape will be made pursuant to District Plan rules. I agree with the submitter that the potential for adverse effects on outstanding natural features and landscapes is a regional issue. I suggest amendments to the policies in Section 4.9 of this report that I consider will strengthen the guiding framework provided by the POP to this regional issue. I agree that the wording in Section 7.1.3 could better

clarify the respective roles of the Region and Territorial Authorities and of District Plans in giving effect to the POP. Accordingly, I suggest below some amendments that might better express the point. Responding to the submission requesting specific rules for buildings in the coastal environment, I note that direct control over building using rules is a matter for District Plans and not the POP.

4.6.4 Recommendation LSNC 6

- (a) Reject the submissions seeking the following changes to Section 7.1.3:
 - Explicit reference to the Region's diverse landscapes being desirable to visitors and residents;
 - Reference to 'movement and extraction of bed material';
 - Reference to 'remedial works will be encouraged';
 - Explicit restriction on building in specified parts of the coastal environment;
 - Reference to decision-making about landscape being at regional level rather with Territorial Authorities;
 - Deletion of bullet points in paragraph 4.
- (b) Reject submissions 308/1 and 511/313 seeking amendments to the Proposed One Plan to reconcile perceived contradictions in Chapter 3 Infrastructure Energy and Waste with Chapter 7 Living Heritage.
- (c) Accept the submissions seeking specific reference to 'natural features'.
- (d) Accept in part the submissions seeking a more comprehensive description of 'natural character'.
- (e) Accept in part submissions 372/97 and 527/168 seeking the inclusion of the list of criteria or explanation for the outstanding landscapes listed in the POP.
- (f) Reject submission 363/104 seeking specific reference to the need to protect natural character from 'inappropriate subdivision, use, and development' in bulletpoint 2.
- (g) Accept in part the submissions requesting amendments to remove the confusion regarding the terms 'outstanding' and 'unique regional' landscape.
- (h) Accept in part the submissions seeking a more comprehensive description of landscapes and natural features.
- (i) Accept in part submission 426/89 requesting reference to the fact that many outstanding landscapes, and natural features, occur on private land.
- (j) Accept in part the submission seeking that the wording around 'best dealt with at the Territorial Authority level' be deleted.

4.6.4.1 Reasons for Recommendation LSNC 6

- (a) Some amendments are necessary to the wording of Section 7.1.3 to more comprehensively describe landscape, natural features and natural character.
- (b) Some amendments are necessary to Section 7.1.3 to properly reflect the scheme of the RMA by including reference to 'natural features'.
- (c) Amendments are necessary to consistently use single expressions to describe 'outstanding natural features and landscapes' and regionally outstanding' in preference to the potentially confusing descriptors currently found throughout the POP.

4.6.4.2 Suggested consequential alterations arising from Recommendation LSNC 6

(a) Amend Paragraph 7.1.3 to read as follows:

“Natural Features, Landscapes and Natural Character

The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development is a matter of national importance. Outstanding natural features and landscapes are memorable, affording aesthetic pleasure and experiences that are shared and valued by the wider community. Outstanding natural features and landscapes have natural and cultural dimensions that are central to our identity and our sense of belonging; they are places that reveal our history and provide a coherence and connectedness in our lives through time and space.

A number of outstanding ~~or unique regional~~ natural features and landscapes and their associated values are identified in Schedule F. These outstanding natural features and landscapes exist on both public and private land and were originally identified by the Regional Council, in consultation with the Territorial Authorities and the Department of Conservation, and included in the Regional Policy Statement for the Manawatu-Wanganui Region (August 1998). In determining these natural features and landscapes as “outstanding and regionally significant” specific matters were considered, including geographical and geological features and their contribution to the Region’s character; ecological significance; the cultural significance of the site or area; amenity, intrinsic scientific and recreational values; and any recognised (national or regional) level of protection.

Territorial Authorities have the responsibility of controlling land use, hence decisions on land use. Although the issue of landscape change and the management of competing pressures for the subdivision, use and development of land that may affect natural features and landscapes is best most appropriately dealt with at a territorial level,; However, to aid local decision-making, some regional policies provide guidance for managing the effects of subdivision, use and development that may affect regionally outstanding natural features and landscapes. Other regional policies giving guidance on the appropriate balance between important infrastructure, including renewable energy, and other values, such as landscape, is provided in Chapter 3.

Preservation of the natural character of the coastal environment, wetlands, rivers, lakes and their margins is also a matter of national importance. Natural character is generally accepted as being an expression of:

- natural landform
- natural water bodies (lakes, rivers, and the sea)
- vegetation cover (type and pattern)
- natural processes associated with the weather and the ecology
- wildness, exposure, and the natural sculpturing of landforms and vegetation
- the wider landscape context and the site’s relationship to this.

Natural character is a sliding scale and varies from a low degree of natural character ~~naturalness~~, such as urban environments, to a high degree of natural character naturalness (for example, Tongariro National Park).

The approach of the One Plan is to maintain the current degree of ~~naturalness~~ of the natural character of the coastal environment, wetlands, rivers, lakes and their margins by:

- continuing to provide a regional policy on natural character to guide decision-making, and
- protecting and managing biodiversity, important wetlands, rivers and lakes as described elsewhere in this Plan.

The natural character of rivers, lakes and their margins can be adversely affected by activities, in particular structures and flood mitigation measures such as stop banks. It is important that the preservation of the natural character of rivers, lakes and their margins, where this is reasonable, is considered when making decisions on relevant activities. The natural character of wetlands can best be provided for by proactively managing the top 100 wetlands in the Region (as provided for in the sections of this Chapter dealing with biodiversity).

The natural character of the coastal marine area is covered in Chapter 9. The natural character of the coastal environment landward of mean high water spring, wetlands, rivers, lakes and their margins is dealt with in this Chapter.

The coastal environment has seen some change in the last 10 years. There has been an increase in residential subdivision on both the western and eastern coastlines. Within a 1 km inland coastal strip, this development accounts for only 4% of the area. Although residential development is expected to continue, it is unlikely to affect the natural character of the coast at a regional scale for some time beyond the life of this Plan. Nevertheless, it is important and appropriate for local decision-making on land use, particularly residential subdivision, to continue to take into account the natural character of a particular area.”

4.7 Living Heritage Issue 7-2 Landscapes and Natural Character

4.7.1 Summary of submissions

Please refer to 4.7 Living Heritage Issue 7-2 Landscapes and Natural Character Summary of Submissions contained in Attachment 1.

- (a) Submission 182/20 by Horizons Regional Council seeks to amend Issue 7-2(b) by replacing the reference to ‘naturalness’ with ‘areas with a high degree of natural character’. Fish & Game NZ (Wellington Region) requests the reference to ‘areas with a high degree of naturalness’ be deleted altogether.

Submission point: 182/20, 417/53
Supported by: 492/133
Opposed by: 519/308, 522/198

- (b) Six of the Region’s Territorial Authorities and the Royal Forest & Bird Protection Society NZ request that Issue 7-2 be adopted in its present form.

Submission point: 241/76, 460/63
Supported by: 500/131, 507/131, 515/131, 517/261, 523/131
Opposed by: 527/5

- (c) Manawatu District Council and Palmerston North City Council request clarification of what the problem is that Issue 7-2 is trying to address, particularly in regard to the Tararua and Ruahine Ranges.

Submission point: 340/66
Supported by: 481/622, 527/116

- (d) Mighty River Power's submission requests the issue be amended to acknowledge the international quality of the wind resource of the Tararua and Ruahine Ranges, and the potential for use and development of renewable energy to affect landscape values of the Ranges. Meridian Energy Limited opposes Issues 7-2 (a) and (b) and requests that the wording be amended to replace the words 'the Region's landscapes are at risk from the effects of development' with the words 'can be affected by development' or similar. Federated Farmers NZ Inc. requests that Issue 7-2 (a) be amended to state that 'in some locations' landscape could be seen as at risk from effects.

Submission point: 359/75, 363/107, 363/108, 426/94
Supported by: 511/315, 521/59, 522/199 (in part), 511/316, 519/285, 511/317
Opposed by: 527/54, 527/79, 527/80

- (e) The Minister of Conservation (submission 372/99) requests that Issue 7-2 (a) be amended to reference a wider list of activities that cause risk to the natural character of the coastal environment, rivers, lakes and wetlands.

- (f) Several submissions seek amendment to Issue 7-2 (a) to include reference to natural features as well as landscapes.

Submission point: 369/26, 394/26, 395/26, 396/26, 401/26, 442/26, 452/26, 467/26, 468/32
Supported by: 527/147, 527/218, 527/277, 527/343, 527/450, 527/510, 527/573, 527/637
Opposed by: 522/189, 522/190, 522/182, 522/191, 522/192, 522/193, 522/194, 522/195, 522/196, 525/201, 522/197, 525/225

- (g) One submission requests Issue 7-2 (a) be amended to include reference to cumulative adverse effects.

Submission point: 433/44
Supported by: 527/423
Opposed by: 519/317

- (h) Submission 440/43 seeks that Issue 7-2 (b) be amended to be 'more neutrally acceptable by including the terms 'degraded', 'inappropriate' subdivision, and 'development'.

4.7.2 Legislative assessment

Please refer to the Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations.

4.7.3 Evaluation

(a) 'Natural Character' in place of 'Naturalness'

I agree that the words 'high degree of natural character' are preferable to "high degree of naturalness" in Issue 7-2 (b) because the former more closely aligns with s6(a) of the RMA.

(b) Adopt Issue 7-2 unchanged

Because there are some amendments (such as that noted above) that need to be made to Issue 7-2 to make it more consistent with the RMA, I do not agree that it should be adopted unchanged.

(c) Clarification of the problem

I consider that the brief statement under Issue 7-2 accurately and sufficiently explains the nature of the issue. The submitters' concerns about the nature of the problem were canvassed in considering the scope and detail of wording for Policy 7-7. I do not consider any further elaboration is necessary under Issue 7-2 to respond to those concerns.

(d) Wind Energy potential and characterisation of the 'Risk' to landscape from development

I do not agree that there is a need to refer in Issue 7-2 to the international quality of wind resource of the Tararua and Ruahine Ranges. Renewable energy is discussed in Chapter 3 (Infrastructure, Energy and Waste) of the POP and I consider that is the appropriate place to describe the values associated with renewable energy, including the wind energy resource. Chapter 7 is dealing with an entirely different set of (landscape) values.

With respect to the submissions that request amendment from 'at risk' to 'can' and other qualifications, I would note that the term 'at risk' is also used in other issue statements in the POP, for example: Issue 7-3 Historic Heritage, Issue 6-2 Water Quantity and Allocation. I consider that it is appropriate as it implies a level of vulnerability. The term 'can' implies a possibility, opportunity or likelihood. I consider that the natural character of the coastal environment, rivers lakes and wetlands is vulnerable to the effects of development and land use activities, and therefore the term 'at risk' more accurately reflects this. I do not consider the qualification proposed by Federated Farmers NZ Inc. (that 'in some locations' landscape could be seen as at risk from effects) is necessary. The issue describes a potential issue that could arise throughout the region. It is not suggesting that it currently occurs or will occur everywhere.

(e) Expanded list of potential risks to landscape

The activities the submitter wishes to include in Issue 7-2(b) are: coastal defence works, damming and diversion of rivers, discharges, water abstraction and intensification of primary production on dune fields. I consider that while the activities presented in this list can cause adverse effects on natural character, they are not necessarily the key activities of concern in the

Manawatu-Wanganui Region. The issue statement is intended to clearly and precisely describe the issue, and I consider that adding the requested list of activities will distract the reader from the activities that are intended to be the focus of the issue, namely new river works, drainage and subdivision.

The issue statement includes reference to 'land-use activities and development' which covers a range of activities. By defining this list in the detail proposed there is also a danger that a specific activity will be left out. It should be noted that primary production on coastal land, in particular conversion to dairy farming, has been identified as an emerging issue since the development of the POP. Hence, while the statement that this activity now poses a specific risk to natural character in dune fields is a fair statement of the current situation, the objectives and policies and methods in the POP do not specifically deal with this issue because it was not identified as an issue at the time the POP was developed. Hence, this issue is better dealt with at a later stage as more information is gathered and policy development can occur in consultation with the appropriate parties.

(f) Natural features and landscapes

I agree that the term 'natural features' should be added to Issue 7-2 (a), as discussed previously in Recommendation LSNC 4.

(h) Cumulative adverse effects

The expression cumulative effect is defined under Section 2 of the RMA, and includes two concepts – effects arising over time; and effects arising in combination with other effects. In terms of relevant case law the following can be stated regarding the current position as to the scope of cumulative effects;

- Cumulative effects can and must be considered when determining a resource consent application;
- Cumulative effects include the effects that would result if the activity for which consent is sought is approved, in combination with the effects of other existing activities which are likely to arise over time;
- Cumulative effects require consideration on a case-by-case basis; and
- Cumulative effects include effects of other possible but not yet occurring permitted activities, and granted consents which have not yet been implemented.

In my opinion, natural features and landscapes are particularly vulnerable to cumulative adverse effects and it is appropriate for the issue to acknowledge that. I recommend a wording amendment in LSNC 7, consistent with recommended wording in LSNC 9, to achieve that.

(h) More neutrally acceptable wording

I do not agree with the submission that seeks to make Issue 7-2 (b) 'more neutrally acceptable' by including the terms 'degraded', 'inappropriate' subdivision, and 'development'. I consider that, as the purpose of the issue statement is to state the issue as clearly and precisely as possible, any attempt to be 'neutrally acceptable' risks reducing the clarity of the issue statement, effectively defeating its purpose.

4.7.4 Recommendation LSNC 7

- (a) Accept submission 182/20 seeking that Issue 7-2(b) be amended to refer to areas with a high degree of natural character.
- (b) Accept in part the submissions that request that Issue 7-2 be adopted in its present form.
- (c) Reject the submissions seeking clarification of the nature of the problem addressed by Issue 7-2.
- (d) Reject the submissions seeking to amend Issue 7-2(a) to include specific reference to the international quality of the wind resource of the Tararua and Ruahine Ranges.
- (e) Reject the submissions opposing Issue 7-2 (a) and (b) and seek amendment of the words 'at risk' and/or replacement with expressions such as 'can' or 'can be seen as at risk'.
- (f) Accept the submissions that seeks inclusion in Issue 7-2 (a) of reference to natural features as well as landscapes.
- (g) Reject submission 372/99 that seeks Issue 7-2 (a) be amended to reference a wider list of activities that cause risk to the natural character of the coastal environment, rivers, lakes and wetlands.
- (h) Accept in part the submissions that seek amendment of Issue 7-2 (a) to include reference to cumulative adverse effects.
- (i) Reject submission 440/43 that seeks Issue 7-2 (b) be amended to be 'more neutrally acceptable'.

4.7.4.1 Reasons for Recommendation LSNC 7

- (a) Some amendments are necessary to Issue 7-2 to ensure the expressions used are consistent with the RMA (in particular 'natural features and landscapes' and 'natural character').
- (b) The issue needs to be expanded to describe the potential issue posed by cumulative adverse effects.
- (c) The other requested amendments do not enhance the explanation of the issue and are not considered to be more appropriate than the current wording.

4.7.4.2 Suggested consequential alterations arising from Recommendation LSNC 7

- (a) Amend Issue 7-2 to read as follows:

“Issue 7-2: Natural features, Landscapes and natural character

- (a) The Region's natural features and landscapes are at risk from the effects of development, particularly the Tararua and Ruahine Ranges. Adverse effects of development on natural features and landscapes include the potential for significant adverse cumulative effects. Developments with the potential for greatest impact include wind farms, residential subdivision and other major structures.
- (b) The natural character of the coastal environment, wetlands, rivers, lakes and their margins is at risk from the effects of land-use activities and development, particularly new river works, drainage and subdivision in areas with a high degree of natural character ~~naturalness.~~”

- (b) Amend Paragraph 7.1.3 by replacing the term “naturalness” with the term “natural character” in the manner detailed in Recommendation LSNC 6.

4.8 Living Heritage Objective 7-2 Landscapes and Natural Character

4.8.1 Summary of submissions

Please refer to 4.8 Living Heritage Objective 7-2 Landscapes and Natural Character summary of submissions contained in Attachment 1.

(a) Support for Objective 7-2 unchanged

Palmerston North City Council (supported by six Territorial Authorities and one energy generator) supports Objective 7-2 provided that only the land to which it applies (which is identified within Schedule F) is only within the Department of Conservation estate.

Submission point: 241/77
Supported by: 500/132, 507/132, 515/132, 517/262, 521/37, 527/6, 532/132

Two submissions seek the retention of Objective 7-2 unchanged. Those submissions are opposed by Tararua-Aokautere Guardians (TAG) and Meridian Energy Ltd.

Submission points: 265/20, 426/97
Opposed by: 522/110, 522/216, 527/12, 519/305

NZ Windfarms Ltd supports part (a) of Objective 7-2 but that submission is opposed by TAG and Trust Power.

Submission point: 308/7
Opposed by: 511/324, 527/32

(b) Delete ‘as far as practicable’ from Objective 7-2(a)

Several submissions request deletion of the words ‘as far as practicable’ and others oppose that deletion. Other submissions request that the reference to adverse effects specifically mention ‘cumulative effects’. One submission requests that Objective 7-2(a) be amended to require protection ‘to the standards required by Policy 3-3’. One submission requests that the wording is amended to refer to outstanding landscapes ‘such as those identified in Schedule F’ as opposed to explicitly and only those referred to in Schedule F.

Submission points: 160/47, 369/28, 375/11, 394/28, 395/28, 396/28, 401/28, 416/11, 442/28, 452/28, 467/28, 468/34, 196/2, 372/102
Supported by: 506/29, 527/98, 527/149, 527/178, 527/220, 506/27, 527/279, 527/345, 527/392, 527/452, 527/512, 527/575, 527/639, 527/103, 527/170
Opposed by: 519/319, 519/332, 522/218, 519/312, 519/340, 522/219, 519/324, 521/20, 522/220, 519/348,

522/221, 519/356, 522/222, 519/401, 519/364,
522/223, 519/372, 522/224, 519/380, 522/226,
519/395, 522/215, 519/299, 522/230

(c) Distinguish between outstanding and regional landscapes

One submission requests that Schedule F distinguish between ‘outstanding’ and ‘regional’ landscapes.

Submission point: 426/98
Supported by: 519/305

(d) Add ‘natural features’ and ‘land forms’

One submission seeks that ‘land forms’ be included in Objective 7-2(a). The Minister of Conservation requests inclusion of the term “natural features”.

Submission points: 372/101, 375/12
Supported by: 527/169, 527/179
Opposed by: 519/313

(e) Objective 7-2 (b)

Genesis Power Ltd requests deletion of part (b). Mighty River Power requests replacement of (b) with a policy that requires preservation of the natural character of the coastal environment from inappropriate subdivision, use and development. One submission requests that ‘naturalness’ be defined in the POP Glossary. One submission requests replacement of (i) and (ii) with a reference to ‘appropriately’ avoiding remedying or mitigating adverse effects. Fish & Game NZ (Wellington Region) supports Objective 7-2(b) provided the distinction between ‘naturalness’ and ‘natural character’ is corrected. The Minister of Conservation requests the retention of part (b) unchanged. Horizons Regional Council requests that Objective 7-2 (b) be amended to say ‘avoided in areas with a high degree of natural character’.

Submission point: 268/16, 359/77, 460/65, 440/46, 417/55, 372/103,
182/21
Supported by: 511/325, 527/545, 506/30
Opposed by: 527/19, 519/309

(f) Other alternative forms of the objective

One submission suggests an objective to ‘maintain and enhance the distinctive landscape and existing natural character of the skyline of the Tararua and Ruahine Ranges’. Three energy generators request that the objective include greater recognition of the possible provision of infrastructure and energy generation within landscapes identified in Schedule F. Other submissions from energy generators request that the objective seek protection ‘as far as is reasonable’ recognising that it will not be possible to protect these values where there are functional constraints associated with the location of infrastructure. Other submissions from energy generators request that the objective clarify that the characteristics and values of identified areas be protected ‘from inappropriate subdivision, use and development’.

Submission point: 308/2, 358/59, 359/76, 363/114
 Supported by: 509/5, 521/43, 522/227, 511/326, 521/60, 511/327
 Opposed by: 519/280, 527/28, 506/31, 527/41, 492/134, 506/32,
 527/55, 527/81

(g) Restoration and enhancement of outstanding landscapes

The Minister of Conservation requests the addition of a third part to the objective to address restoration and enhancement of the characteristics and values of outstanding landscapes.

Submission point: 372/104
 Supported by: 527/171
 Opposed by: 519/300, 522/231

4.8.2 Legislative assessment

Please refer to the Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations.

4.8.3 Evaluation

(a) Support for Objective 7-2 unchanged

For the reasons explained below, I consider some amendment to the objective is necessary to make it more consistent with the RMA.

In relation to Palmerston North City Council's request, I note that Mr Anstey has considered the requests from submitters to include areas adjoining the Department of Conservation estate in the Tararua Ranges. It is his view that no additional areas should be included in Schedule F at this time. Therefore, Schedule F will include for the Tararua Ranges only land within the conservation estate.

(b) Delete 'as far as practicable' from Objective 7-2(a)

In my opinion, an objective should be a statement of what will be achieved through the resolution of an issue. An objective should therefore include the aim, intention, purpose or target for the issue being addressed. It should also, in my view, be "concrete" and not qualified by wording such as "as far as practicable". I further consider that the term "as far as practicable" is more appropriately used in a policy (if to be used at all) as it helps to describe a general course or plan of action towards an issue. I recommend that the term "as far as practicable" be removed from Objective 7-2. I consider that adding the words "adverse effects" is not necessary as they would not add any particular clarity to the objective.

With regard to the submission that requests that the wording of Objective 7-2 is amended to refer to outstanding landscapes 'such as those identified in Schedule F' as opposed to explicitly and only those referred to in Schedule F. I discuss and recommend in Section 4.9 a number of amendments to Policy 7-7 that I consider will assist in the identification of regionally outstanding landscapes and natural features other than those currently listed in

Schedule F. I consider that it is appropriate to expand Objective 7-2 to also apply to landscapes that are identified as regionally outstanding in the future, as requested.

Whilst I agree that it is reasonable to delete the words 'as far as practicable', that would leave the Objective requiring 'protection' which could be read as being protection in an absolute sense. The objective does not state what the characteristics and values are to be protected *from*. In my opinion, absolute protection goes further than the obligation of s6 and the Objective needs to indicate what it is that these values are to be protected from. The best I can recommend is that the objective adopt the wording of s6. That is 'protected *from inappropriate subdivision, use and development*'. I note that a number of submissions request consequential amendments that would achieve their alternative suggestions and consider this amendment could fall within the scope of those requests.

(c) Distinguish between outstanding and regional landscapes

I agree that Schedule F needs to clarify that its focus is on regionally outstanding landscapes and recommend in Recommendation LSNC 6 a consequential alteration to achieve this.

(d) Add 'natural features' and 'land forms'

As discussed previously in Recommendations LSNC 6 and LSNC 4 respectively, the intent of the POP was to recognise the outstanding and regionally significant natural features and landscapes in Schedule F. Therefore the Objective should be amended to reflect that the listed landscapes are considered "regionally outstanding".

I agree that the objective should adopt the language 'natural features and landscapes' to be consistent with the RMA. I consider that the use of the expression 'landforms' would therefore be covered and does not need explicit mention.

(e) Objective 7-2 (b)

As discussed previously in Recommendation LSNC 7, I agree that the term 'high degree of naturalness' is not consistent with the terminology used in the RMA and therefore I recommend that Objective 7-2(b) is amended to include the term 'high degree of natural character'.

Submission 268/16 requests the deletion of Objective 7-2(b), stating in their submission (a) that the use of the wording 'high degree of naturalness' is vague and subjective and (b) that the reference to avoiding adverse effects in areas with a high degree of naturalness is not consistent with Part II of the RMA, which also provides for remedying or mitigating any adverse effects of activities on the environment. I agree that the term 'naturalness' is vague and, as stated above, recommend instead the use of the term 'natural character'.

In terms of the reference to 'avoiding adverse effects' being inconsistent with the RMA, I disagree with the submitter and consider that this is entirely consistent with the requirements of s6(a) which are to both 'preserve' the natural character of the coastal environment, rivers lakes and their margins,

and to 'protect' them from inappropriate subdivision and development. Objective 7-2(b) adds clarity to RMA s6(a) by further specifying the level of protection that is to be achieved in addressing the issue. Objective 7-2(b)(i) to 'avoid' adverse effects in areas with a high degree of natural character, and Objective 7-2(b)(ii) to 'avoid, remedy or mitigate' adverse effects in other areas reflects the intent of the RMA, which is to 'preserve' and 'protect'. Essentially, this approach endeavours to clarify that 'preservation' of the natural character should occur where there is a high degree of natural character, and that 'protection' should occur in other areas, and this is achieved by avoiding or remedying or mitigating adverse effects. This approach is consistent with the approach taken in the New Zealand Coastal Policy Statement 1994.

Submissions 363/114 and 440/46 request that Objective 7-2(b) is amended to provide for adverse effects on natural character to be 'avoided, remedied or mitigated' or 'appropriately avoided, remedied or mitigated'. I consider that the Objective as written provides clear targets to address the issues of both 'preservation' and 'protection'. As the natural character of the coastal environment, rivers, lakes and their margins is the only matter in RMA s6 that requires both 'preservation' and 'protection', I consider that the aim for both requirements is most appropriately stated in the Objective.

Submission 359/77 requests the inclusion of the term 'inappropriate subdivision and development' in Objective 7-2(b). As stated above, I consider that the addition of the term 'inappropriate subdivision and development' adds no value to the Objective statement, as it merely repeats wording from s6 RMA. I consider that it is more helpful and appropriate for a policy to provide guidance for planning and decision-making by either (a) clearly specifying what would be considered 'inappropriate' or (b) by indicating the factors to be considered in determining what would be 'inappropriate'.

(f) Other alternative forms of the Objective

Submissions 359/76, 363/114 and 358/59 seek that 7-2 (a) includes a statement that there are limitations to the protection of outstanding landscapes because of the functional constraints of infrastructure location; or includes greater provision for infrastructure, including energy developments. I do not consider that it is appropriate to limit the effect of Objective 7-2, for reasons related to the functional requirements of infrastructure or energy generation. That is because these matters can be raised, if relevant, under other policies (notably Chapter 3) of the POP. There is no need to dilute the effect of Objective 7-2's focus on protecting the values of outstanding natural features and landscapes by including the words requested. In my opinion, the result would be less appropriate than the current proposed POP wording of Objective 7-2.

With respect to the submissions requesting amendment so that Objective 7-2(a) refers to protecting outstanding landscapes from 'inappropriate subdivision, use, and development'. I agree that it is appropriate to moderate the degree of protection in the manner intended by the Act. For that reason, and in the absence of any better alternative, I support inclusion of the words 'from inappropriate subdivision, use and development' in Objective 7-2 (a).

With regard to the request to require protection to be to the standards required by Policy 3-3, I consider this to be a matter to be determined through policy rather

than a matter to be dealt with in the Objective. I include a detailed discussion of a the policy approach that I consider is appropriate in Section 4.9 of this report.

With regard to the submission that suggests maintenance and enhancement of the skyline of the Tararua and Ruahine Ranges, I discuss a means of addressing skyline in Section 4.18 and other sections 4.16, 4.17, 4.22 and 4.23 of this report, and recommend amendments to Schedule F to specifically recognise skyline. With respect to the suggested wording of 'maintain and enhance', I would note that the natural features and landscapes that are the focus of the POP are those that are outstanding. Therefore, the policy emphasis is on protection and not 'maintenance and enhancement'.

(g) Restoration and enhancement of outstanding landscapes

The requirements of the RMA are the protection of outstanding natural features and landscapes, RMA s6(b) and the preservation and protection of natural character RMA s6(a). Clearly, the requirement is not enhancement or restoration. However, Policy 7-8 recognises that in order to preserve and protect natural character, the restoration of natural character may be considered appropriate, on a case-by-case basis. This is consistent with the New Zealand Coastal Policy Statement Policy 1.1.5, which requires that the natural character of the coastal environment is restored or rehabilitated where appropriate.

The New Zealand Coastal Policy Statement Policy does not specifically require the restoration and enhancement of landscapes in order to preserve and protect the natural character of the coastal environment. I consider that the Objective as written meets the requirements of the RMA s6(a) and (b), and that the restoration or enhancement of landscapes or natural character is not the main thrust of the policies provided in the POP. It should also be noted that the vision and philosophy of the POP is to place emphasis (and therefore resources over the life of the POP) on the Big Four issues that the Region faces, ie. water quality, water quantity, biodiversity, and sustainable land use. I consider that, within the context and vision of the POP, it would be unrealistic to include an objective that aims to generally restore or enhance the landscapes and natural character.

I also recommend the addition of a note to indicate the linkage of this Objective back to the relevant Issue, to reflect the outcomes of the Section 42A Report of Andrea Bell on the reconvened Land Hearing, which identifies and recommends overall planning shifts.

4.8.4 Recommendation LSNC 8

- (a) Reject the submissions requesting retention of Objective 7-2 unchanged.
- (b) Reject the submissions requesting deletion of Objective 7-2.
- (c) Accept the submissions requesting amendment of Objective 7-2 by deleting the words 'as far as practicable'.
- (d) Accept submission 241/77 requesting that Objective 7-2(a) relate only to land within the Department of Conservation estate in relation to land identified in the Tararua Ranges.
- (e) Accept submission 426/98 requesting that the differentiation between "regional" and "outstanding" landscapes.

- (f) Reject submission 375/12 seeking that 'land forms' be included in Objective 7-2(a)
- (g) Accept in part submission 372/101 including the request for the inclusion of the term "natural features".
- (h) Reject the submissions requesting inclusion of references to the specific requirements of infrastructure and energy generation activities.
- (i) Accept the submissions requesting inclusion in Objective 7-2(a) of the words 'from inappropriate subdivision, use and development'.
- (j) Reject submission 372/104 seeking the addition of a new paragraph for the "restoration and enhancement" of outstanding landscapes and natural character.
- (k) Reject submission 440/46 requesting amendment of Objective 7-2(b) to read "appropriately" avoided, remedied or mitigated.
- (l) Reject submission 359/77 requesting the inclusion of the term "inappropriate subdivision and development" into Objective 7-2(b).

4.8.4.1 Reasons for Recommendation LSNC 8

- (a) It is necessary to amend Objective 7-2 (including the Maori translation provided for Objective 7-2) to better reflect the intention of the RMA.

4.8.4.2 Suggested consequential alterations arising from Recommendation LSNC 8

- (a) Insert the following underlined words so that Objective 7-2 reads as follows:

Objective 7-2 Natural features, Landscapes and natural character

- (a) The characteristics and values of the regionally outstanding natural features and landscapes, including those identified in Schedule F₁ are protected ~~as far as practicable~~ from inappropriate subdivision, use and development.
- (b) Adverse effects, including cumulative adverse effects, on the natural character of the coastal environment, wetlands, and rivers, lakes and their margins are:
 - (i) avoided in areas with a high degree of ~~naturalness~~ natural character
 - (ii) avoided, remedied or mitigated in other areas.

This Objective relates to Issue 7-2

4.9 Living Heritage Policy 7-7 Outstanding Landscapes

4.9.1 Summary of submissions

Please refer to 4.9 Living Heritage Policy 7-7 Outstanding Landscapes Summary of Submissions contained in Attachment 1.

(a) Guidance to territorial local authorities

Six of the Region's Territorial Authorities seek the inclusion in the Regional Policy Statement of 'strong signals' to territorial local authorities on how to

deal with outstanding natural features and landscapes (Ruapehu, Tararua, Wanganui, Manawatu and Rangitikei District Councils supported by Palmerston North City Council). Horowhenua District Council (supported by Palmerston North City Council) seeks clarification as to how Territorial Authorities are to give effect to proposed Policy 7-7 and provide for landscape protection in their District Plans.

Submission points: 151/108, 172/54, 280/58, 291/42, 340/68, 346/54,
Supported by: 481/173, 527/89, 481/325, 527/96, 481/419,
481/502, 527/109, 481/624, 527/118, 481/759,
527/120

(b) Whether Policy 7-7 applies to the effects of activities within or beyond the identified regionally outstanding natural features and landscapes

Palmerston North City Council (supported by five Territorial Authorities and two energy generators) requests that Policy 7-7 applies to activities 'within' identified regionally outstanding landscapes rather than to activities 'affecting' those landscapes. The Minister of Conservation requests that Policy 7-7 be amended to clarify that it applies to the effects arising from activities within or outside the boundaries of the identified regionally outstanding areas.

Submission points: 241/78 and 372/114
Supported by: 527/172, 500/133, 507/133, 515/133, 517/263,
519/303, 521/38, 532/133
Opposed by: 511/354, 513/1, 522/262, 527/7

(c) Defining the problem

Manawatu District Council requests clarification of the problem Policy 7-7 is trying to address, particularly in regard to the Tararua and Ruahine Ranges.

Submission point: 340/67
Supported by: 481/623, 527/117

(d) Additional values to be recognised by Policy 7-7

Submission 165/1 seeks Policy 7-7 be amended to take into account the spiritual values of skylines and to remove the term 'minimises' with regard to managing effects. The Minister of Conservation requests the addition of the term 'natural feature'.

Submission points: 165/1, 372/114
Supported by: 527/92, 527/172
Opposed by: 522/245, 511/354, 513/1, 522/262

(e) Additional policy setting out criteria for assessing regionally outstanding natural features and landscapes

Two submissions seek that Policy 7-7 also apply to other landscapes which may be identified as outstanding in the future. Ten submissions request the inclusion of a new policy which sets out the criteria to be applied in identifying

which natural features and landscapes are outstanding and regionally significant.

Submission points: 196/3, 196/4, 369/29, 394/29, 395/29, 396/29, 401/29, 442/29, 452/29, 467/29, 468/35
 Supported by: 527/104, 527/105, 527/150, 527/221, 506/35, 527/280, 527/346, 527/453, 527/513, 527/576, 527/640
 Opposed by: 519/396, 522/246, 519/397, 522/247, 519/333, 525/36, 519/341, 519/325, 521/21, 525/210, 519/349, 519/357, 519/365, 519/373, 519/381, 525/202, 525/226

(f) Tighten the effect of Policy 7-7

The same submitters also request that Policy 7-7 be amended to state that the features identified in Schedule F are outstanding and are to be protected from inappropriate subdivision, use and development. They also request that the policy should require that all effects are avoided (rather than avoided or minimised to the extent reasonable) and that any adverse cumulative effects are avoided. They request that the cross-reference to Policy 3-3 be retained. Submission 460/71 requests deletion of the words 'to the extent reasonable'. These submissions are opposed by energy generators.

Submission 416/12 suggests a slight variation, by requiring that the listed landscapes be recognised as outstanding and be 'protected from subdivision, use and infrastructure development to the standards required in Policy 3-3' and by using the expression 'avoid or minimise to the greatest extent'.

Submission points: 369/30, 394/30, 395/30, 396/30, 401/30, 416/12, 442/30, 452/30, 467/30, 468/36, 460/71
 Supported by: 527/151, 527/222, 527/281, 527/347, 527/393, 527/454, 527/514, 527/577, 527/641
 Opposed by: 522/251, 522/252, 521/22, 522/253, 522/254, 522/255, 522/256, 522/257, 519/390, 522/259, 511/351, 519/310, 519/402, 522/248

(g) Moderate the effect of Policy 7-7 or delete it entirely

Submission 180/49 seeks that Policy 7-7(a) be amended to include 'avoids, remedies or mitigates effects'. A number of energy generators request that Policy 7-7 be deleted. In the alternative, submissions 272/20 and 358/60 request amendments to provide greater recognition of infrastructure development. A number of submissions request the retention of part (c) of Policy 7-7 which requires decision-makers to 'take into account the policies in Chapter 3 when assessing activities involving renewable energy and infrastructure of regional importance'.

Submission points: 180/49, 268/17, 272/20, 308/19, 358/60, 363/119
 Supported by: 519/320, 527/100, 511/345, 511/346, 511/349, 522/249, 521/44, 522/260
 Opposed by: 511/347, 527/24, 527/35, 492/135, 506/33, 508/1, 527/20, 527/42, 508/3

(h) Retain Policy 7-7 unaltered

Submissions 265/21 and 358/62 request that Policy 7-7 be retained.

Submission points: 265/21, 358/62
Opposed by: 522/119, 522/250, 527/13, 527/44

(i) Exclude renewable energy from ambit of Policy 7-7

Mighty River Power and Meridian request that renewable energy be excluded from Policy 7-7 or the policy be restricted to 'inappropriate subdivision, use, and development', and to reference national and regional benefits of renewable energy. In addition, a submitter seeks that 'avoid, remedy or mitigate' is added to Policy 7-7.

Submission points: 359/81, 363/120
Supported by: 511/348, 521/61, 522/261, 511/350, 519/24
Opposed by: 508/2, 492/136, 508/4, 519/286

(j) Discourage inappropriate development except where there is no visible reduction in natural areas

Submission 308/3 (NZ Windfarms) seeks that Policy 7-7 be amended to be more specific and to discourage inappropriate development within areas of outstanding natural character, other than areas not viewed from significant public vantage points; discourage development that would conflict with landscape; minimise effects on skylines, ridges, and hills; and encourage structures with higher potential to locate in areas with greater potential to absorb change.

Submission points: 308/3
Opposed by: 511/344, 519/281, 527/29

(k) Cumulative effects

The Minister of Conservation seeks increased discussion of the issue and emphasis on the need to manage cumulative effects.

Submission points: 372/95
Supported by: 506/34, 527/166
Opposed by: 511/352, 525/121

(l) Differentiate between outstanding and regional landscapes

Federated Farmers of NZ Inc requests that Policy 7-7 differentiate between outstanding and regional landscapes in Schedule F.

Submission point: 426/107
Supported by: 519/306
Opposed by: 511/353

(m) Positive effects

Two submissions request the addition of a fourth point to Policy 7-7 to include consideration of positive effects. In addition, they express concern for the 'many' landscapes listed in Schedule F and express a preference for relaxed rules for private property within the identified landscapes in Schedule F. Another submission requests no specific decision but contends that landscape preservation should not be used as an argument against forestry, especially in view of the other environmental benefits of forest cover on much of the Region's hill country.

Submission points: 440/56, 440/57, 444/16

Supported by: 501/272

Opposed by: 527/83

4.9.2 Legislative assessment

Policy 7-7 responds to the duties in sections 6 (a) and (b) of the RMA, namely recognising and providing for:

6 (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.

6 (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.

The New Zealand Coastal Policy Statement identifies as a national priority in Policy 1.1.3 the protection of specified features that are essential components of the natural character of the coastal environment.

Policy 7-7 gives effect to Objective 7-2, which has two elements:

- Protecting characteristics and values of outstanding landscapes as far as practicable; and
- Avoiding adverse effects in areas that have a high degree of naturalness and avoiding, remedying or mitigating effects elsewhere.

Policy 7-7 details how the characteristics and values of the outstanding natural features and landscapes identified in Schedule F are to be protected. The Policy requires that adverse effects are 'avoided or minimised to the extent reasonable'. The current RPS requires that adverse effects are avoided, remedied or mitigated. The intention of Policy 7-7 is to afford a higher level of protection to the regionally outstanding landscapes by requiring avoidance of adverse effects in the first instance, and where this is not reasonable or practicable, requiring minimisation of effects.

The policy also requires that adverse cumulative effects be taken into account and avoided. The intention of specifying cumulative adverse effects separately in Policy 7-7 is to give them particular consideration in decision-making as a unique type of adverse effect. Where cumulative adverse effects from separate activities are considered together, they have the potential to become a significant adverse effect. I consider it is reasonable to distinguish

between individual (non-accumulating) adverse effects and those that, in combination with other existing adverse effects, are significantly adverse. I consider that a higher degree of RMA policy control is warranted (compared to non-accumulating effects) where they are, taken together, significantly adverse.

The policy also requires the consideration of the policies in Chapter 3 of the POP when assessing activities involving renewable energy and infrastructure of regional importance. The Anticipated Environmental Result for Policy 7-7 is that, except for changes because of natural processes, at 2017 the characteristics/values of all outstanding landscapes and natural features in the Region will be in the same state as assessed prior to the Plan becoming operative.

The POP's approach to managing regionally outstanding natural features and landscapes is to:

1. Identify the known regionally outstanding natural features and landscapes in Schedule F;
2. Describe in Table F-1 the specific characteristics and values to be protected;
3. Target Policy 7-7 at the effects of any subdivision, use and development on those characteristics and values regardless of whether the activity is located within or outside the mapped regionally outstanding natural features;
5. Seek to avoid or minimise any adverse effects and avoid any adverse cumulative effects;
6. Rely on the Policy as a key relevant matter when considering applications for resource consent and plan changes involving activities that have the potential to adversely affect the stated values.

4.9.3 Evaluation

I evaluate below each of the issues raised in submissions and present my conclusion as to whether the requested changes better achieve Objective 7-2 than the current proposed wording of Policy 7-7 and Schedule F.

(a) Guidance to territorial local authorities

The Regional Policy Statement must be given effect to by District Plans. I consider that Policy 7-7 provides some guidance for local decision-making on resource consent decisions. It also provides direction for District Plan development with regard to managing subdivision, use and development affecting the Schedule F landscapes and natural features. Beyond the stated guidance, 'how' to deal with landscapes and natural features is in the Territorial Authorities hands in terms of controlling land use. I do agree that it would be constructive to provide more explicit guidance to the Territorial Authorities to further assist them in their decision-making for resource consents and for planning purposes in light of the clear request from the Region's Territorial Authorities on this matter.

Mr Anstey acknowledges the request from Territorial Authorities for improved guidance from the Regional Council (paragraph 43) and discusses in his report (paragraph 50 – 53 and 59) the need for a regionally consistent

approach to the identification of landscapes and their associated values. It recommends the inclusion in the POP of a set of criteria for landscape assessment and a process within which this set of criteria should be used. The inclusion in the POP of a set of criteria to be used during a landscape assessment process was discussed at several pre-hearing meetings as a potential means to address a number of issues raised regarding the landscape provisions.

Several pre-hearing meetings were held with submitters during May 2008 to consider matters pertaining to the further submissions received on landscapes and natural character. It was agreed at those meetings that:

1. Horizons Regional Council would develop criteria that could be used for assessment of outstanding, regionally significant and locally significant landscapes. The same criteria should be used for all levels of significance (ie. regional context or district).
2. Horizons Regional Council would develop and circulate to submitters draft criteria for consideration during the pre-hearing process, accepting that this may not be able to be completed prior to the hearing of this section of the plan.
3. Horizons Regional Council would develop a draft policy that directs Territorial Authorities to use landscape assessment criteria developed by Horizons Regional Council. (Note: 21 May 2008 meeting only).

Mr Anstey developed a set of criteria based on the criteria known generally as the 'Pigeon Bay criteria' and this was circulated to submitters who attended the pre-hearing meetings. Feedback was requested. The responses received by Horizons Regional Council from submitters on the set of criteria were reviewed by Mr Anstey, who drafted a refined set of criteria. The refined criteria and a set of proposed policies were discussed with Territorial Authority representatives and submitters on 27 November 2008. Feedback received at that pre-hearing meeting and in subsequent written communications, was generally supportive of the concept of the criteria and broadly supportive of refined policies.

Mr Anstey states in his report (paragraph 25) that:

Having considered the issues raised by submitters in discussion with Fiona Gordon, the approach Ms Gordon and I recommend is to retain the outstanding natural features and landscapes currently identified in the Proposed One Plan. We also recommend the insertion of additional policies and methods to provide direction to systematic landscape assessments and evaluations in accordance with a consistent process and criteria. Over time this should mean that landscapes and features would be assessed across all districts so that a full 'inventory' would be available and relative values properly established. Opportunity would be provided for community engagement in this process with an invitation to identify and advocate for landscapes and features of importance. I discuss in paragraphs 53 to 59 of this statement a methodology for achieving consistent landscape assessment. Until such a comprehensive assessment is completed the criteria proposed will assist in identifying important landscape values and any outstanding natural features and landscapes on a case by case basis.

I consider that the inclusion of criteria, and a process within which these criteria are to be used, will add value to the landscape and natural features provisions and provide improved guidance to Territorial Authorities on 'how' to deal with landscape and natural character issues within their districts. Essentially, the criteria and process will provide Territorial Authorities with a clear method to identify landscapes and natural features within their districts in a manner that is consistent across the Region. It will also provide a process to determine potential amendments to Schedule F list and mapped areas in the POP, and will enable Territorial Authorities to develop suitable planning provisions. Furthermore, the criteria can be used by Territorial Authorities to assist in decision-making on resource consent applications in the interim period, prior to a district landscape assessment being completed.

Inclusion of the draft criteria as I propose will also improve the manner in which the POP gives effect to Policy 1.1.3 of the NZ Coastal Policy Statement.

(b) Whether Policy 7-7 applies to the effects of activities within or beyond the identified regionally outstanding natural features and landscapes

The intent of Policy 7-7 is to provide decision-making guidance for the protection of the values and characteristics of the outstanding landscapes and natural features listed in Schedule F. These values and characteristics may be affected by activities that occur either within or outside but adjacent to, or in close proximity to, the Schedule F areas.

Many of the listed areas are part of the conservation estate. In practical terms, there is a relatively limited range of activities that could occur within those areas. The challenge, in landscape terms, is to manage the potentially adverse effects of land use activities occurring outside the areas but which could affect the characteristics and values within the identified areas. I am satisfied that the current proposed wording 'all subdivision, use and development affecting these areas' is necessary and is the most appropriate way of achieving Objective 7-2 compared to the suggested alternatives.

(c) Defining the problem

Mr Anstey's report (paragraph 14) confirms that there are natural features and landscapes that are outstanding at the regional scale. Mr Anstey discusses in his report (paragraph 22-25) relevant information regarding the Tararua and Ruahine Ranges and the concerns of the Tararua-Aokautere Guardians which focus on the Tararua-Ruahine Ranges, which is the area the Manawatu District Council submission refers to.

The protection of these outstanding natural features and landscapes is a matter that the RPS is required to recognise and provide for. I am satisfied that this constitutes a potentially significant issue in the context of the Tararua and Ruahine Ranges. I would offer as an example of the issue the recent debate within the community about additional wind energy facilities on parts of those Ranges and the potential for cumulative visual and other effects associated with those facilities. I am satisfied that the statement of issue in 7.1.3 accurately describes the potential issues and risks (subject to my comments earlier in chapter 4.7 relating to the need to add 'natural features').

I do not consider that any further clarification of the issue is necessary in Policy 7-7.

(d) Additional values to be recognised by Policy 7-7

I agree that the term 'natural feature' should be added to Policy 7-7. The terminology is consistent with terminology in the RMA but is not used consistently in Chapter 7 or Schedule F.

The 'spiritual values of the skylines' are not currently identified as a value or characteristic associated with any of the landscapes in Schedule F. It is an expression that does not lend itself to precise meaning. I anticipate that it will be difficult to interpret and give effect to in a policy sense. Mr Anstey asserts in his report (paragraph 50-53), that the assessment of landscapes and the range of values and characteristics should be determined through a clear, specific and public process. Spiritual associations may be an element of some of the criteria he refers to but I do not support the specification of 'spiritual values' as a concept in the way the submitter requests. In response to other requests made in submissions (discussed in Section 4.18 and Recommendation LSNC 18 of this report), I recommend that Schedule F be amended to separately identify the skyline of the Ruahine and Tararua Ranges as an outstanding natural feature and landscape and I recommend that the description of its characteristics and values include reference to its importance to tangata whenua. This amendment may go some way towards addressing the issue raised in relation to 'spiritual associations'.

(e) Additional policy setting out criteria for assessing regionally outstanding natural features and landscapes

The central issue the submitters raise here is a request for a formal process for other landscapes to be added to Schedule F, in a transparent way. I consider that the criteria and process recommended by Mr Anstey in his report, and discussed above, would appropriately respond to the submitters' requests.

I note that no submitter expressly requested the exact wording of the assessment criteria suggested by Mr Anstey. Submissions by Tararua-Aokautere Guardians and others did include a list of suggested assessment factors. Whilst their list of suggested assessment factors is not identical to the list proposed by Mr Anstey, there is considerable overlap in the content. I have discussed with the Council's legal adviser, Cooper Rapley, whether the approach being contemplated at the pre-hearing meetings is within the scope of the submissions on this subject. Cooper Rapley's advice dated 24 November 2008 explores the relevant issues and supports the proposed approach of including comprehensive assessment factors and a process for Territorial Authorities to follow in evaluating the landscapes of their respective districts.

Cooper Rapley's conclusion is that it would be open to the Hearing Panel to adopt an approach that goes even further and directs Territorial Authorities to (compulsorily) undertake landscape assessments. It is Cooper Rapley's opinion that this would be appropriate to respond to the issue and would be within the scope of the request for 'strong signals'. I have discussed this option with Territorial Authority representatives at the pre-hearing meetings

and understand that the Territorial Authorities will not support such a direction in the POP. They do however support the inclusion of criteria that will assist them when they do choose to undertake landscape assessments and in evaluating applications for resource consents.

My recommendation is that Policy 7-7 be amended to include assessment factors for use when either the Regional Council or Territorial Authorities undertake landscape assessment. The Policy should also direct that these factors should be referenced when Horizons Regional Council or Territorial Authorities consider applications for consent that have the potential to affect any natural feature or landscape that is identified as outstanding, either in Schedule F of the POP or in a District Plan. I also recommend that the POP include an additional method to assist Territorial Authorities to undertake landscape assessment by making available relevant resources held by Horizons Regional Council and to encourage consistency of landscape assessment methodology across the Region. It is my view that this is an appropriate response in the POP to the request for 'strong signals'. Based on discussions with Territorial Authority representatives at recent pre-hearing meetings, I am confident that this approach will be supported and therefore implemented by Territorial Authorities. That is important, in my view, because decision-making about individual applications for resource consents that have the potential to adversely affect natural features and landscapes occurs most commonly at territorial authority level, rather than at regional level.

Several submissions request that Policy 7-7 apply to other landscapes which may be identified as outstanding in the future. The amended Policy 7-7 (a) and (c) that I suggest below explicitly and deliberately address the natural features and landscapes that are identified as regionally outstanding in Schedule F. Proposed new Policy 7-7 (b) presents the criteria that should be applied in considering whether to add new items to Schedule F. Looking at all Policies 7-7 (a) to (c) raises the question, for me, of whether the POP addresses adequately, or at all, those natural features and landscapes that, in the future, are found to have merit as regionally outstanding but are not yet identified in Schedule F, and may not be for some time or until an application raises them to attention. The amendment I suggest to Objective 7-2 (a), in Section 4.8, will extend its effect to all regionally outstanding landscapes, not just those listed in Schedule F. There is however no explicit policy addressing the protection of unlisted regionally outstanding natural features and landscapes. I consider that this is something of a gap in the policy framework but note that no submission has directly posed this question or suggested any policies to address it. If the Hearing Panel agrees that there is a policy gap that needs to be addressed, my recommendation would be to insert an additional policy. The policy concept is broadly as follows:

7-7 (d) Where any natural feature or landscape that is not listed in Schedule F is assessed as being regionally outstanding, by reference to the assessment factors set out in Table 7.2, its characteristics and values shall be protected from inappropriate subdivision use and development by avoiding significant adverse cumulative effects and by avoiding, remedying or mitigating other adverse effects.

Alternatively, that policy concept could be woven into the framework of Policies 7-7 (a) to (c). However, they may become unduly complicated if that approach is taken.

(f) Tighten the effect of Policy 7-7

The intent of Policy 7-7 is to provide guidance for the protection of the values and characteristics of the outstanding natural features and landscapes listed in Schedule F. To avoid adverse effects entirely would be to afford absolute protection to the natural features and landscapes listed in Schedule F. RMA s6(b) does not require absolute protection of outstanding natural features and landscapes; it requires protection from inappropriate subdivision, use and development. Most activities that have the greatest potential to affect natural features and landscapes are controlled through District Plans. I think that it would be inappropriate for the Regional Policy Statement to require absolute protection from adverse effects as it precludes a full and detailed consideration of an activity in context, in giving effect to the Regional Policy Statement at the district level.

While requiring adverse effects to be avoided, remedied or mitigated is consistent with RMA wording, it provides little guidance to decision-makers, in that it does not make clear whether adverse effects ought to be avoided, remedied or mitigated in any particular circumstance or provide any certainty. I suggest it would be more constructive for the Policy to adopt a two-tier approach: seeking avoidance in the first instance, where reasonably practicable, and, where not reasonably practicable, seek remediation or mitigation. I consider that the term 'as far as practicable', is helpful in that 'practicability' connotes a realistic assessment where preservation at all costs is unnecessary in respect of all natural features and landscapes, but only in respect of natural features and landscapes that warrant this level of protection.

To recognise as outstanding and protect from inappropriate subdivision, use and development, again provides little guidance to decision-makers as the question remains as to what constitutes inappropriate, or what level of protection is sought.

To avoid or minimise adverse effects to the greatest extent brings into question what may constitute 'to the greatest extent' and again provides little guidance or certainty. The term 'minimise', which is also used in the proposed Policy 7-7, has no particular meaning through case law, and it is unclear how minimise may be any different from remedy or mitigate.

To 'avoid any cumulative adverse effects' would effectively require the avoidance of positive cumulative effects as well as adverse cumulative effects, which I consider contrary to the purpose of the RMA. To only 'take into account cumulative adverse effects' is not particularly helpful as it simply re-states what decision-makers are required to take into account under the RMA.

I am not satisfied that the current wording of Policy 7-7 accurately reflects the intent of the Policy (as discussed in Section 4.9.2). In my view, having considered the submissions, the most appropriate wording would be as follows:

- (a) *avoids adverse effects as far as reasonably practicable, and where avoidance is not reasonably practicable adverse effects shall be remedied or mitigated.*
- (b) *avoids any significant adverse cumulative effects.*

(g) Moderate the effect of Policy 7-7 or delete it entirely

I have discussed above my reasons for considering that Policy 7-7 should be retained but with amendment to how effects are addressed. I also discuss my reasons for considering that the Policy should be strengthened to provide greater clarity and guidance for the assessment of outstanding natural features and landscapes, and for evaluating potential adverse effects on outstanding natural features and landscapes.

With regard to the request for greater recognition of provision for infrastructure, I consider that this is most appropriately dealt with in the Chapter 3 provisions. Some amendments are suggested to Policy 3-4 in The Hearing Report for Infrastructure, Energy and Waste IEW 12 relating to renewable energy. The recommended changes strengthen guidance for decision-makers in relation to recognition or provision for the use and development of renewable energy resources in the future. These recommendations are consistent with the decision sought by these submitters. The appropriate place for that policy is in Chapter 3.

I do not support retention of part (c) of Policy 7-7 because I consider that these matters will, as a matter of course, be taken into account when assessing activities involving renewable energy and infrastructure of regional importance. I consider that the inclusion of the words in (c) creates redundancy in the POP.

(h) Retention of Policy 7-7 unaltered

For the reasons I discuss above, I do not consider the current wording is the most appropriate policy approach. In order to properly address the issues raised in submissions, I consider substantive amendment to Policy 7-7 is required as detailed in Recommendation LSNC 9.

(i) Exclude renewable energy from ambit of Policy 7-7

I do not agree that there is any case for exempting renewable energy proposals from consideration in terms of the POP policies relating to outstanding natural features and landscapes. That is not, in my opinion, the intention of the RMA. It is appropriate for Policy 7-7 to identify and describe, by reference to Schedule F, the characteristics and values of outstanding natural features and landscapes that warrant special management. Policy 7-7 addresses matters that are relevant under s6 of the RMA.

I acknowledge that the benefits to be derived from the use and development of renewable energy are recognised in Part 2 of the RMA but note that the requirement is to 'have particular regard' to that matter. By contrast, outstanding natural features and landscapes are to be 'recognised and provided for'. That is, in my view, a higher order imperative. It would be inappropriate to seek to exempt renewable energy development proposals from consideration of their effects on outstanding natural features and landscapes. In my view, that consideration is required by the RMA and cannot be avoided. I do not support any exemption or exclusion or special treatment of renewable energy development proposals for the purposes of Policy 7-7.

I do however agree, for the reasons given earlier, that the expression 'avoid, remedy or mitigate' is to be preferred to 'avoid or minimise to the extent reasonable'.

I note also that Chapter 3 gives particular regard to the particular needs of and benefits to be derived from the use and development of renewable energy and the development of regionally important infrastructure. In my view, that is sufficient to address the issue.

(j) Discourage inappropriate development except where no visible reduction in natural areas

I expect that the effect of Policy 7-7 will be to 'discourage' development that would adversely affect the values and characteristics of the landscape or natural feature, unless effects can be avoided, remedied or mitigated. I consider that the list of specifics the submitter suggests are effectively ways to address effects and therefore would be adequately considered during the application of this Policy on a case-by-case basis. In addition, I consider that this level of specificity would possibly be more appropriate in a District Plan as policy to guide decision-making regarding specific land use. I do not support inclusion of the suggested text in the POP.

(k) Cumulative effects

I am not satisfied that the issue statement (7-2) adequately presents the risks to natural features and landscapes with regard to cumulative effects. As discussed above, cumulative effects have the potential to become significant cumulative adverse effects and are worthy of particular mention in the case of natural features and landscapes. A case in point is the adverse cumulative effects of wind farming on the Tararua Ranges. I also consider that it is clearly stated in Policy 7-7 clause (b), that adverse cumulative effects are to be taken into account and avoided. That is a rigorous requirement and, as it relates to cumulative adverse effects, I consider it is appropriate to include cumulative effects within the Issue Statement.

Therefore, and in keeping with the recommended wording of Policy 7-7 (a) and (b) discussed above, I consider that significant adverse cumulative effects should be stated in the Issue Statement as follows:

- (a) *The Region's natural features and landscapes are at risk from the effects of development, in particular the Tararua and Ruahine Ranges. Adverse effects of development on natural features and landscapes include the potential for significant adverse cumulative effects. Developments with the potential for greatest impact include wind farms, residential subdivision and other major structures.*

Other submissions on the issue statement are discussed and evaluated in LSNC 7.

(l) Differentiate between outstanding and regional landscapes

With regard to submissions that seek differentiation between outstanding and regional landscapes it is generally accepted that the use of the word

'outstanding' in s6(b) of the RMA depends on what authority is considering it. This means that if it is being considered by a regional council, then it is considered on a regional basis. Similarly, a district council must consider outstanding landscapes on a district basis. I also note that the Mr Anstey (paragraph 58) adopts this approach with regard to the way in which assessments should be carried out. Accordingly, I consider that the term 'regionally outstanding natural features and landscapes' is the most appropriate (as discussed in Recommendation LSNC 6) to be used consistently within the POP.

I wish to note here that, as proposed, POP Objective 7-2(a) and Policy 7-7 are narrower than the issue stated in Issue 7-2. This is not raised by submitters directly. The amendments I recommend regarding the use of the terms 'regionally outstanding natural features and landscapes' add clarity to the intent of Policy 7-7, in response to a number of submitter concerns discussed above. However, they do not entirely address the fact that the Issue Statement describes an issue wider than only 'outstanding' natural features and landscapes. However, recommended new Policies 7-7(b) and 7-7(c) do go some way to address "outstanding natural features and landscapes" other than those listed only in Schedule F of the POP.

(m) Positive effects

While the policy is written in a manner which essentially lists the effects to be avoided or minimised, I consider that specifying the consideration of positive effects is not required. Consideration of positive benefits is an integral and essential part of the assessment of effects with regard to a resource consent application and part of the development of planning provisions at the Territorial Authority level. The focus of Policy 7-7 is on protection and management of adverse effects. I am satisfied that there is ample scope in other policies of the POP for drawing out the appropriate weight to be given to positive benefits. For example, Policy 3-1 explicitly acknowledges the positive benefits to be derived from the use and development of renewable energy.

I also recommend the addition of a note to each policy to indicate the linkage back to the relevant objective and issue, to reflect the outcomes of the Section 42A Report of Andrea Bell on the reconvened Land Hearing, which identifies and recommends overall planning shifts.

4.9.4 Recommendation LSNC 9

- (a) Accept the submissions from the Region's Territorial Authorities seeking clarification of, and strong signals as to how they are to give effect to Policy 7-7 in providing for landscape protection in their District Plans.
- (b) Reject submissions seeking that Policy 7-7 applies only to activities 'within' the landscapes rather than to activities "affecting the landscapes".
- (c) Accept the submission requesting that Policy 7-7 applies to activities within or outside their boundaries.
- (d) Reject the submissions requesting deletion of Policy 7-7.
- (e) Reject the submissions requesting that Policy 7-7 be retained unaltered.
- (f) Reject the submission requesting clarification of the problem Policy 7-7 is trying to address, particularly in regard to the Tararua and Ruahine Ranges.

- (g) Reject the submissions seeking Policy 7-7 be amended to add 'takes into account the spiritual values of skylines', and to include the term 'protect to the greatest extent possible'.
- (h) Accept in part the submissions requesting that Policy 7-7(a) be amended to replace the expression 'avoids or minimises to the extent reasonable' with 'avoids, remedies or mitigates'.
- (i) Accept in part the submissions seeking the identification of landscapes in the future and a list of assessment factors to be considered when identifying those landscapes.
- (j) Accept in part the submissions requesting that Policy 7-7 be retained.
- (k) Reject the submissions requesting that Policy 7-7 require avoidance of effects, which would exclude the possibility of remediation or mitigation.
- (l) Reject submissions seeking reference to Chapter 3 in part (c) of Policy 7-7 and seeking greater recognition within Policy 7-7 of provision for renewable energy generation and infrastructure.
- (m) Reject submissions 359/81 (Mighty River Power) and 363/120 (Meridian) seeking that renewable energy be excluded from Policy 7-7 or that Policy 7-7 to be restricted to 'inappropriate subdivision, use, and development'.
- (n) Reject submission 308/3, and 308/19 seeking amendment of Policy 7-7 more specifically encourage inappropriate development within areas of outstanding natural character other than areas not viewed from significant public vantage points; discourage development that would conflict with landscapes, minimise effects on skylines, ridges, and hills,; and encourage structures with higher potential to be visually absorbed by the landscape.
- (o) Accept in part submission 372/95 seeking increased discussion of, and emphasis on, the need to manage cumulative effects.
- (p) Accept submission 426/107 seeking differentiation between outstanding and regional landscapes in Schedule F.
- (q) Accept submission 372/114 seeking the addition of the term 'natural feature'.
- (r) Accept submission 460/71 (Forest and Bird Society) seeking removal of the phrase 'to the extent reasonable' from Policy 7-7(a).
- (s) Reject submissions 440/56 and 440/57 seeking the addition of a fourth point to Policy 7-7 to include consideration of positive effects.

4.9.5 Reasons for Recommendation LSNC 9

- (a) The management and protection of the outstanding natural features and landscapes of the Region is a significant resource management issue for the Region.
- (b) Policy 7-7, amended as suggested, is necessary to guide the management and protection of the outstanding natural features and landscapes of the Region.
- (c) The amendments proposed to Policy 7-7 are considered to provide an appropriate degree of guidance in response to the request by Territorial Authorities for strong signals as to how they should manage landscapes in their districts.
- (d) The list of assessment factors to be included in Table 7.2 is comprehensive and consistent with current case law in relation to the assessment of outstanding natural features and landscapes. Inclusion of that list of factors is appropriate to provide guidance to the Regional Council and to Territorial Authorities in the assessment of landscapes

- and in evaluating the potential effects of applications for consents on outstanding natural features and landscapes.
- (e) The amendments to the wording of Policy 7-7 are considered to better accord with the scheme of the RMA and are expected to assist the Regional Council and Territorial Authorities to better discharge their functions under the RMA.
 - (f) There is sufficient regard given to the benefits and needs of infrastructure and renewable energy resources and energy generation in other chapters of the POP and no additional references are considered to be necessary in Policy 7-7, which has as its focus outstanding natural features and landscapes.

4.9.4.2 Suggested consequential alterations arising from Recommendation LSNC 9

- (a) Amend Policy 7-7 by inserting and deleting the words highlighted below so that it becomes Policy 7-7 (a) to read as follows:

“Policy 7-7(a): Regionally Outstanding natural features and landscapes

The natural features and landscapes listed in Schedule F Table F1 shall be recognised as regionally outstanding. All subdivision, use and development affecting these areas shall be managed in a manner which:

- (i) avoids adverse effects as far as reasonably practicable and, where avoidance is not reasonably practicable, remedies or mitigates adverse effects or minimises to the extent reasonable on the characteristics and values specified in Schedule F Table F1 for each natural feature or landscape ~~takes into account and a~~
- (ii) ~~takes into account and~~ avoids any significant adverse cumulative adverse effects
- (iii) ~~Takes into account the policies in Chapter 3 when assessing activities involving renewable energy and infrastructure of regional importance.~~

This Policy relates back to Issue 7-2 and Objective 7-2”

- (b) Insert new Policies 7-7(b) and 7-7(c) as follows:

“Policy 7-7(b): 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 .

This Policy relates back to Issue 7-2 and Objective 7-2

Policy 7-7(c): 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 feature or landscape listed in Schedule F Table F1 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.

This Policy relates back to Issue 7-2 and Objective 7-2”

(c) Insert the following Table 7.2 after new Policy 7-7 (c):

Table 7.2 Natural Feature and Landscape Assessment Factors

<u>Assessment factor</u>	<u>Scope</u>
<u>(a) Natural science factors:</u>	<p><u>These factors relate to the geological, ecological, topographical and natural process components of the natural feature or landscape:</u></p> <p><u>(i) Representative: the combination of natural components that form the feature or landscape strongly typifies the character of an area.</u></p> <p><u>(ii) Research and education: all or parts of the feature or landscape are important for natural science research and education.</u></p> <p><u>(iii) Rarity: the feature or landscape is unique or rare within the district or region, and few comparable examples exist.</u></p> <p><u>(iv) Ecosystem functioning: the presence of healthy ecosystems is clearly evident in the feature or landscape.</u></p>
<u>(b) Aesthetic Values:</u>	<p><u>The aesthetic values of a feature or landscape may be associated with:</u></p> <p><u>(i) Coherence: the patterns of land cover and land use are largely in harmony with the underlying natural pattern of landform and there are no, or few, discordant elements of land cover or land use.</u></p> <p><u>(ii) Vividness: the feature or landscape is visually striking, widely recognised within the local and wider community, and may be regarded as iconic.</u></p> <p><u>(iii) Naturalness: the feature or landscape appears largely unmodified by human activity and the patterns of landform and land cover are an expression of natural processes and intact healthy ecosystems.</u></p> <p><u>(iv) Memorability: the natural feature or landscape makes such an impact on the senses that it becomes unforgettable.</u></p>
<u>(c) Expressiveness (legibility):</u>	<u>The feature or landscape clearly shows the formative natural processes and/or historic influences that led to its existing character.</u>
<u>(d) Transient values:</u>	<u>The consistent and noticeable occurrence of transient natural events, such as daily or seasonal changes in weather, vegetation or in wildlife movement, contributes to the character of the feature or landscape.</u>
<u>(e) Shared and recognised values:</u>	<u>The feature or landscape is widely known and is highly</u>

	<u>valued for its contribution to local identity within its immediate and wider community.</u>
<u>(f) Cultural and spiritual values for tangata whenua:</u>	<u>Maori values inherent in the feature or landscape add to the feature or landscape being recognised as a special place.</u>
<u>(g) Historical associations:</u>	<u>Knowledge of historic events that occurred in and around the feature or landscape is widely held and substantially influences and adds to the value the community attaches to the natural feature or landscape.</u>

(d) Insert into 7.5 Methods the following additional project:

<u>Method 7-7A</u>	<u>Consistent Landscape Assessment</u>
<u>Description</u>	<p><u>The purpose of this Method is to develop a consistent and robust characterisation of the landscape within the Region and consistent identification of outstanding natural features and landscapes (particularly where those span territorial authority boundaries).</u></p> <p><u>The Regional Council and Territorial Authorities will collaboratively develop and adopt consistent methodology for undertaking any assessment of landscape including for the purposes of identifying the outstanding natural features and landscapes within the Region. The methodology will include consideration of the factors detailed in Table 7.2.</u></p> <p><u>The Regional Council will assist Territorial Authorities with their assessments of natural features and landscapes by providing to them relevant resource data including maps suitable for study area description.</u></p>
<u>Who</u>	<u>Regional Council and Territorial Authorities.</u>
<u>Links to Policy</u>	<u>This Method implements Policy 7-7 (a) and Policy 7-7(b)</u>
<u>Targets</u>	<u>Methodology for assessment of natural features and landscapes agreed between the Regional Council and Territorial Authorities within one year of this Plan becoming operative.</u>

(e) Amend issue 7-2 (a) by inserting the words highlighted below so that, consistent with Recommendation LSNC 7, it reads as follows:

“Issue 7-2: Natural features, Landscapes and natural character

(a) The Region’s natural features and landscapes are at risk from the effects of development, ~~in particular~~ particularly the Tararua and Ruahine Ranges. Adverse effects of development on natural features and landscapes include the potential for significant adverse cumulative effects. Developments with the potential for greatest impact include wind farms, residential subdivision and other major structures.”

4.10 Living Heritage Policy 7-8 Natural Character

4.10.1 Summary of submissions

Please refer to 4.10 Living Heritage Policy 7-8 Natural Character Summary of Submissions contained in Attachment 1.

(a) Strong signals to Territorial Authorities re managing outstanding natural features and landscapes

Six Territorial Authorities request the inclusion of 'strong signals' to Territorial Authorities on how to deal with outstanding landscapes and natural features. Horowhenua District Council requests clarification as to how Territorial Authorities are to give effect to Policy 7-8 and provide for landscape protection in their District Plans.

Submission points: 151/109, 172/55, 291/43, 340/69, 346/55, 280/59, 340/69

Supported by: 481/174, 481/625, 527/90, 481/326, 527/97, 481/503, 527/110, 481/625, 527/119, 481/760, 527/121, 527/119, 481/420

(b) Remove reference to resource consent applications

Palmerston North City Council (supported by six other Territorial Authorities) requests that the reference to resource consents be deleted from Policy 7-8 and notes that similar references are included throughout the POP. It considers this severely limit application of the POP.

Submission point: 241/79

Supported by: 500/134, 506/19, 507/134, 515/134, 517/264, 532/134

(c) Add streams and other natural water bodies into Policy 7-8

Submission 237/6 seeks the addition of streams and watercourses to natural character.

(d) Cross-reference Chapter 3

Several submissions request cross-reference to the policies in Chapter 3 when assessing 'activities involving renewable energy and infrastructure of regional importance'.

Submission points: 265/22, 358/63, 359/83, 363/121

Supported by: 522/263, 522/264, 511/355, 522/266, 511/357, 519/25, 519/287

Opposed by: 522/478, 527/14, 527/45, 492/139, 492/147

(e) Delete all or parts of Policy 7-8

Meridian Energy requests deletion of items (d) to (g) in Policy 7-8. Mighty River Power requests deletion of (d) and (g).

Submission points: 363/121, 359/82

Supported by: 511/357, 519/25, 519/287, 521/62, 522/265

Opposed by: 492/139, 492/147, 492/138

(f) Additional matters to be taken into account

Several submissions request the insertion of an additional matter relating to whether an activity initiates erosion by the placement of hard structures. The Minister of Conservation requests the insertion of 'in the coastal environment or' in (e). Fish & Game NZ (Wellington Region) requests the insertion of the extent to which an activity compromises natural character. Royal Forest and Bird Society of New Zealand requests amendment of (g) to refer to effects attributable only to the proposed activity or in conjunction with other activities. Landlink Ltd requests a wholly different list of matters.

Submission points: 311/51, 312/47, 313/47, 372/120, 417/62, 460/72,
440/58
Supported by: 492/137

(g) Schedule F (coastline)

Energy generators request that the areas identified in Schedule F11 and F12 be revised to show the areas of the coastline that qualify for protection under RMA s6(a).

Submission point: 359/84
Supported by: 511/356, 521/63, 522/267

4.10.2 Legislative assessment

Please refer to the Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations.

4.10.3 Evaluation

(a) Strong signals to Territorial Authorities re managing outstanding natural features and landscapes

This request is discussed in detail in Section 4.9 of this report and I make a number of recommendations for amendment to Objective 7-2 and Policy 7-7 to respond to this request.

(b) Remove reference to resource consent applications

Policy 7-8 applies to the management of the natural character of the coastal environment, wetlands, lakes and rivers and their margins. The POP contains rules for activities that may directly affect natural character in these areas, for example, vegetation clearance, land disturbance, and works in the beds of rivers and lakes. Policy 12.1 refers the Regional Council as decision maker to the policies in Chapter 7 including Policy 7-8 and requires them to be given particular regard in considering applications for consent from the Regional Council. There is therefore an explicit relationship to Policy 7-8 (amongst other policies) in making decisions on activities controlled by the POP. Policy 7-8 does not apply only to decision-making by the Regional Council. It equally applies to decision-making by Territorial Authorities. Territorial Authorities are required to give effect to the policies in the Regional Policy Statement part of the POP in setting the District Plan framework for land use activities. They are

also required to have regard to the POP policies in considering applications for consent for subdivision, use and development. That is, in my view, appropriate. It may be helpful though to amend the Policy to clarify that it applies equally to decision-making at both the Regional Council and Territorial Authority level.

(c) Add streams and other natural water bodies into Policy 7-8

The POP does not provide a definition of river and therefore the RMA definition of “river” applies. That is: “a stream and modified watercourse; but does not include any artificial watercourse”. Policy 7-8 refers to ‘rivers and lakes’. Hence, stream and watercourse are included by default in the policy provisions for natural character, through the use of the term ‘river’ as per the RMA definition. There is therefore no need to specify streams and other natural water bodies in Policy 7-8.

(d) Cross-reference Chapter 3

The policies in Chapter 3, and any other relevant policies, will be considered as a matter of course in the decision-making process for individual resource consent applications. In my opinion, there is therefore no need to single them out for mention in Policy 7-8.

(e) Delete all or parts of Policy 7-8

I consider that all of the elements of Policy 7-8 are necessary and appropriate to respond to the issues affecting natural character in the Region.

Some submissions request deletion of parts or the whole of Policy 7-8 as an alternative to cross-referencing the provisions of Chapter 3 relating to the benefits and particular requirements of infrastructure and energy generation. It is my view that the POP gives appropriate policy attention to the benefits and particular requirements of infrastructure and energy generation, including from renewable energy sources, in Chapter 3. The matters dealt with in Policy 7-8 stem from matters of national importance in s6 of the RMA. They warrant specific policy attention in the POP. I am satisfied that, subject to some amendment to capture the additional points raised by other submitters (discussed below), the wording of Policy 7-8 is necessary and appropriate to give effect to s6 of the RMA. I consider that deletion of parts or all of Policy 7-8 would fail to give effect to the s6 duties.

I am also satisfied that, in considering any individual application for infrastructure or energy generation, the policies in Chapter 3 and in Chapter 7 will form part of an appropriate framework in the POP, enabling all relevant issues to be weighed and considered as intended by the sustainable management purpose of the RMA. Deletion of parts or all of Policy 7-8 would leave the POP deficient in these terms.

(f) Additional matters to be taken into account

With respect to the request to include specific consideration of erosion initiated by hard surfaces, I consider that the matters listed in Policy 7-8 are written at an appropriate level of specificity. The more specific effects of an activity, such as erosion, could be considered within the scope of matters under (g) of

Policy 7-8. Specifying 'erosion' is not necessary in my view. I also consider that the potential erosion effects of a particular activity are most appropriately considered through other policies and rules in the POP such as the Chapter 5 – Land, Chapter 12 – Land Use and Biodiversity Rules, and Chapter 13 – Discharges to Land and Water Rules.

Submissions 372/120 seeks that Policy 7-8 includes reference to coastal environment in clause (e). Sub-clause (e) of Policy 7-8 requires consideration of the necessity of locating any proposed activity in or near any wetland, river or lake, and whether any alternatives exist. The Minister of Conservation has requested that this consideration of necessity also extend to the 'coastal environment'. My view is that it is reasonable to question the necessity of locating activities or structures within the 'wet' parts of the environment because these are generally resources that can be considered to be public resources, or that provide public benefit rather than exclusive private ownership or benefit. They are not generally available for development in the same way that private land is. In general, I consider it is appropriate to expect these to remain largely undeveloped in order to protect their natural character and intrinsic values. It is therefore appropriate to question the need for development there. The position is quite different for the terrestrial parts of the coastal environment, which includes vast areas of privately-owned land. I agree that parallel issues arise for the coastal marine area of the coastal environment. That is, the resources in the coastal marine area are generally public resources and not available for development in the same way that, for example, privately-owned land is. The submitters request could be addressed in part by including the 'coastal marine area' in sub-clause (e). However, I do not however support inclusion of the terrestrial parts of the coastal environment.

Although not specifically requested by submitters, I consider that replacing the term 'necessarily' in Policy 7-8 clause (e) with 'needs to be located' is more helpful and better reflects the intent of the proposed wording. I also consider that replacing the term 'the' with 'any' is more appropriate.

I agree that Policy 7-8 would be improved by including consideration of the components of the natural character of the feature that may be affected by the activity, and to what extent. These can be assessed in the circumstances of any individual application by reference to usual benchmarks of natural character, many of which are referred to in other policies of the POP including those for biodiversity, outstanding natural features and landscapes and in the New Zealand Coastal Policy Statement.

I agree that adding to (g) a reference to cumulative effects would be consistent with Objective 7-2. The wording proposed by the submitter should be amended so that the focus is on effects and not activities.

It is my view that each of the matters suggested by submission 440/58 are captured by the current proposed wording.

(g) Schedule F (coastline)

I touch on the practical difficulties of more precisely refining the inland boundary of the coastal environment in Section 17 of this report. The Region's western and eastern coastlines are identified in Schedule F and

mapped in Figures F:11 and F:12 as outstanding natural features and landscapes. The proposed New Zealand Coastal Policy Statement Policy 1 provides that the coastal environment includes (a) the coastal marine area; (b) land and waters where coastal qualities or influences are a significant part or element; (c) land and waters affected by active coastal processes; (d) areas at risk from coastal hazards; (e) coastal vegetation and habitat; and (f) landscapes and features that contribute to the natural character, visual qualities or amenity values of that environment.

The Regional Council has not undertaken a detailed assessment of all of the mapped area to determine the characteristics and values at a more refined level than indicated in Figures F:11 and F:12. The mapped areas represent a best approximation, based on historical information, of the part of the 'coastal environment' within which outstanding characteristics and values will be present. In this sense the mapped area represents the outer limit of a 'values envelope' associated with potentially outstanding natural features and landscapes. I am satisfied that, where present within this area, they warrant protection under s6(a) of the RMA.

It is relevant to consider what level of protection is to be afforded within these mapped coastal environment areas with regard to the preservation of natural character. POP Objective 7-2 specifies that adverse effects on natural character in the coastal environment are to be avoided in areas with a high degree of natural character. The natural character within the listed and mapped coastline areas varies considerably. The Regional Council has not prepared an inventory of the areas with a high degree of natural character. The approach is, instead, to present the policy matters that are to be considered on a case-by-case basis (Policies 7-7(c) and 7-8). Taken together with Objective 7-2(b), I consider that these will provide helpful guidance on the matters to be considered in giving effect to the duty to preserve the natural character of the coastal environment and in determining what may be appropriate subdivision, use or development within the coastal environment. In the absence of any greater degree of refinement in mapping specific characteristics and values within the coastal environment, I consider this to be the most appropriate approach.

Mr Anstey states in his report (paragraph 47) that:

The methods proposed by Fiona Gordon for landscape assessments will enable a more systematic analysis of coastal values (and constraints) as requested. The preservation of the natural character of the coastal environment has proven to be problematic and hence the proposed NZ Coastal Policy Statements attempt to provide clearer direction on both how the natural character is to be assessed and how it is to be protected from inappropriate subdivision, use, and development.

Mr Anstey states in his report (paragraph 49) that a more detailed delineation of the coastal environment and more detailed assessment of the characteristics and values of outstanding natural features within the coastal environment need to be undertaken at a district-by-district level. I consider that, until that is done, the optimum approach is case-by-case assessment of applications for consent within the coastal environment as proposed by the (amended) POP policies.

While not specifically requested in submissions, I suggest some minor wording changes that I consider will more correctly reflect the intent of Policy 7-8, which is that it is the *decision-making* that should take into account the listed factors. I also suggest that the word 'will' should replace the word 'does' in point (d) and point (e), as this is more appropriate given the context.

I also recommend the addition of a note to the Policy to indicate the linkage back to the relevant Issue and Objective, to reflect the outcomes of the Section 42A Report of Andrea Bell on the reconvened Land Hearing which identifies and recommended overall planning shifts.

4.10.4 Recommendation LSNC 10

- (a) Accept the submissions from Territorial Authorities requesting clarification and strong signals as to how to manage outstanding natural features and landscapes.
- (b) Reject submission 237/6 seeking the addition of streams, and watercourses to natural character.
- (c) Reject the submissions seeking to specifically mention or cross-reference the policies in Chapter 3 when assessing activities involving renewable energy and infrastructure of regional importance.
- (d) Reject the submissions seeking the inclusion in Policy 7-8 of reference to erosion by hard surfaces of natural features.
- (e) Reject the submissions seeking deletion of the reference in Policy 7-8 to resource consent applications.
- (f) Accept in part the submission requesting specific mention of the 'coastal environment' in Policy 7-8 clause (e).
- (g) Reject submission 440/58 seeking rewording of Policy 7-8.
- (h) Reject the submissions seeking closer delineation of the areas within Figures F:11 and F:12 that qualify for protection under s6 (a) of the RMA.
- (i) Accept in part submission 417/62 seeking inclusion in Policy 7-8 of consideration of the components of the natural character of the feature that may be affected by the activity, and to what extent.
- (j) Accept submission 460/72 seeking reference to cumulative effects in clause (g) of Policy 7-8.

4.10.4.1 Reasons for Recommendation LSNC 10

- (a) The reasons for accepting the submissions from Territorial Authorities requesting clarification and strong signals as to how to manage outstanding natural features and landscapes are detailed under Recommendation LSNC 9.
- (b) The scope of the RMA definition of 'river' captures all natural water bodies referred to submission 237/6.
- (c) The policies in Chapter 3 of the POP are sufficient to address the benefits and particular requirements of infrastructure and energy generation, and there is no need to duplicate them or cross-reference them in Policy 7-8.
- (d) The list of matters to be considered in Policy 7-8 will be improved by the additions recommended and will better enable the Council to preserve the natural character of the coastal environment, wetlands, rivers, lakes and their margins.

- (e) It is appropriate that Policy 7-8 be given regard in decision-making on applications for resource consent at both Territorial Authority and Regional Council level.
- (f) It is not possible, at this time, to define with any greater refinement the geographic extent or characteristics and values of outstanding natural features and landscapes within the mapped areas in Figures F:11 and F:12.

4.10.4.2 Suggested Consequential Alterations Arising From Recommendation LSNC 10

- (a) Amend Policy 7-8 to read as follows:

“Policy 7-8: Natural character

The natural character of the coastal environment, wetlands, rivers, lakes and their margins shall be preserved and protected from inappropriate subdivision, use and development by encouraging the natural character of these areas to be restored where appropriate and by taking into account, in making decisions on applications for resource consent applications that take into account at Regional Council and Territorial Authority level, whether the activity:

- ~~(d)~~ (a) is compatible with the existing level of modification to the environment
- ~~(e)~~ (b) is necessarily needs to be located in the coastal marine area or in or near the any wetland, river or lake and whether any alternatives exist
- ~~(f)~~ (c) is of an appropriate form, scale and design to blend with the existing landforms, geological features and vegetation
- ~~(g)~~ (d) does will not, by itself or in combination with effects of other activities, significantly disrupt natural processes or existing ecosystems
- (e) will not compromise (and, if so, to what extent) the components of natural character of the coastal environment, wetland, river or lake.

This Policy relates back to Issue 7-2 and Objective 7-2”

4.11 Living Heritage Policy 7-9 Public Access

4.11.1 Summary of submissions

Please refer to the 4.11 Living Heritage Policy 7-9 Public Access Summary of Submissions contained in Attachment 1.

- (a) Several submitters including six of the Region's Territorial Authorities seek adoption of Policy 7-9 unchanged.

Submission point: 241/80, 359/85, 417/63

Supported by: 500135, 506/20, 507/135, 515/135, 517/265, 532/125

- (b) Submission 152/10 seeks that Policy 7-9(b) be expanded to include reference to tourism purposes, as well as recreation activities.

- (c) Several submissions either oppose the policy or seek its deletion.

Submission point: 246/34, 331/13, 387/13, 426/108

Supported by: 501/153, 520/67

- (d) Submission 310/14 seeks that the policy be amended so that it is in line with the recent decision from the Parliamentary Commission on Public Access Along Private Land.

Submission point: 310/14
Supported by: 501/117, 520/48

- (e) One submission requests that activities within or near rivers and lakes should provide for public access and that public access be restricted only where necessary for safety, cultural, or conservation purposes. Another submission requests that public access be able to be restricted for security reasons.

Submission point: 460/73, 440/59

- (f) Several submissions seek policy recognition of private property rights or no public access over private property, or public access to land owned by local authorities.

Submission point: 365/1, 388/1, 421/7, 426/109
Supported by: 501/197, 520/97, 514/2

4.11.2 Legislative assessment

Section 6(d) of the RMA states that all persons exercising functions and powers under the RMA shall, as a matter of national importance, recognise and provide for the *maintenance and enhancement* of public access to and along the coastal marine area, lakes, and rivers.

Under section 31 (1)(e) of the RMA Territorial Authorities have responsibility for the control of activities on the surface of water in rivers and lakes.

Sections 229-237 of the RMA outline the requirements for esplanade reserves, and strips in relation to subdivision along the margins of rivers and lakes. These provisions are administered by Territorial Authorities. The purposes of esplanade reserves and esplanade strips includes the following *to enable public access to or along any sea, river, or lake* (section 229 (B) of the RMA.

Under sections 12, 13, 14, and 15 of the RMA, regional councils are responsible for all matters relating to the administration of resource consents for use and occupation of the coastal marine area, structures in the beds of lakes and rivers, all matters relating to water including water takes and diversions, and discharges to land, and air.

Policy 3.5.1 New Zealand Coastal Policy Statement requires that public access to and along the coast may only be restricted for specific reasons.

4.11.3 Evaluation

(a) Adoption or deletion

Policy 7-9 states that activities within or near rivers and lakes shall be established and operated in a manner which readily provides for public

access. It also anticipates that public access may need to be restricted in certain circumstances and limits those to safety, cultural or conservation reasons. Policy 7-9 (b) provides that public access for recreational purposes shall recognise the need to protect rare, threatened, and at risk habitats.

I consider that Policy 7-9 is consistent with s6(d) of the RMA and, subject to the addition I suggest below, that its wording is appropriate. I do not support its deletion.

(b) Tourism

I do not consider that it is necessary or appropriate to single out any individual user sector in addition to the 'umbrella' group of recreational users of public access. The expression 'public access' is sufficient, in my opinion, to capture a broad range of beneficiaries of public access including tourists, tourism operators, outdoor educational groups, and individual users. I would question though whether the limitation to 'recreational purposes' is really necessary. I would expect that public access for any purpose should protect rare, threatened and at-risk habitats. I note that no submission has requested this amendment but consider that Policy 7-9 would be substantially improved if the reference to 'recreational purposes' is removed. I consider that amendment can be seen as a minor amendment and recommend that appropriate words might be "*Provision of public access shall recognise the need to protect Rare and Threatened Habitats* and At Risk Habitats**".

(c) Restriction of public access for security reasons

Consistent with other policy statements addressing public access (notably the New Zealand Coastal Policy Statement), I consider that it is appropriate to allow for restriction of public access on the grounds of potential risks to security of lawfully-established activities that are vulnerable to interference. I note that this change is consistent with the recommended changes in the End of Hearing Report for Coast, Recommendation COA 40B Public Access.

(d) Private property rights

The intention of the POP provisions for public access Policy 7-9(a) are to:

- Ensure that decision-making by Territorial Authorities and the Regional Council maintains the existing levels of public access to rivers and lakes, as provided for in s6(d) of the RMA, and
- Ensure that Horizons Regional Council resource consent decision-making with regard to the operation of sections 12, 13 and 14 of the RMA allows for maintenance of existing public access where an activity takes place in the riparian margins of rivers and lakes.

To clarify, private property rights are unaffected by Policy 7-9. There are other specific RMA mechanisms that would have to be used to obtain private land for public access (eg. esplanade reserve s229 RMA). Therefore, I consider that there is no need to add wording to clarify the issue regarding private property rights.

I recommend a minor change to the term “Rare and Threatened Habitats” in policy 7-9(b) in order to make it consistent with recommendations presented through the Biodiversity Hearing process.

I also recommend the addition of a note to the policy to indicate the linkage back to the relevant Issue and Objective, to reflect the outcomes of the Section 42A Report of Andrea Bell on the reconvened Land Hearing, which identifies and recommends overall planning shifts.

4.11.4 Recommendation LSNC 11

- (a) Reject submissions seeking that Policy 7-9(b) be expanded to include reference to tourism purposes, as well as recreation activities.
- (b) Reject submissions opposing the Policy 7-9 or seek its deletion.
- (c) Reject submissions seeking clarification in Policy 7-9 of private property rights with regard to public access
- (d) Accept in part the submission seeking that public access may be restricted for security reasons
- (e) Accept in part submissions supporting Policy 7-9.

4.11.4.1 Reasons for Recommendation LSNC 11

- (a) Policy 7-9 is necessary to give effect to Part 2 of the RMA.
- (b) The wording of Policy 7-9 should be amended to provide for valid circumstances where public access needs to be restricted to protect the security of lawfully-established activities or infrastructure.

4.11.4.2 Suggested consequential alterations arising from Recommendation LSNC 11

- (a) Amend Policy 7-9 to read as follows:

“Policy 7-9: Public access

- (a) Activities within or near rivers and lakes shall be established and operated in a manner which readily provides for public access, and public access may be restricted only where necessary for safety, cultural or conservation purposes, or to ensure a level of security appropriate for activities authorised by a resource consent.
- (b) Provision of ~~Public access for recreational purposes~~ shall recognise the need to protect ~~“Rare Habitats”~~ and ~~“Threatened Habitats”~~ and ~~“At Risk Habitats”~~.

This Policy relates back to Issue 7-2 and Objective 7-2”

4.12 Living Heritage Method district planning – natural features, landscapes and habitats

4.12.1 Summary of submissions

Please refer to 4.12 Heritage Method District Planning – Natural Features, Landscapes and Habitats Summary of Submissions contained in Attachment 1.

(a) Delete Method

Submission 241/81 (Palmerston North City Council), supported by five other Territorial Authorities, seeks deletion of the project 'District Planning – Natural Features Landscapes and Habitats' as far as it applies to landscapes. Meridian Energy Limited also opposes the project, and seeks its deletion.

Submission point: 241/81, 363/123
 Supported by: 500/136, 507/136, 515/136, 517/266, 532/136
 Opposed by: 527/8

(b) Retain Method

Several submissions support retention of the proposed method. Their submissions are opposed by further submissions from Meridian Energy Limited and Trust Power.

Submission point: 369/31, 395/31, 396/31, 401/31, 417/108, 419/8, 442/31, 452/31, 460/79, 467/31, 468/37, 394/31, 308/8 (see note below re requested addition to wording)
 Supported by: 527/152, 527/282, 527/348, 501/249, 502/108, 520/121, 527/445, 527/515, 527/578, 527/642527/223
 Opposed by: 522/270, 522/272, 522/273, 522/274, 511/360, 522/279, 522/275, 522/276, 511/359, 519/391, 522/278, 527/33, 522/271

(c) Wind Energy Facilities

NZ Windfarms Ltd (308/4) supports the project but requests that the project be expanded, with provisions in relation to wind farms restricted to matters that relate to site development, structures and ecological protection. Also, provisions for all new roads and tracks to be discretionary activities within areas of landscape importance.

Trust Power Limited requests that the project be expanded to clarify that development opportunities including wind farms will not be discouraged.

Submission point: 308/4, 358/65
 Supported by: 511/358, 519/292
 Opposed by: 519/282, 527/30, 527/47

(d) Preservation of values

The Minister of Conservation requests that the project include reference to preservation of values in both paragraphs (submission point 372/117).

4.12.2 Legislative assessment

Please refer to the Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations.

Of particular relevance in considering this method is s32 (3) of the RMA which requires consideration of whether, having regard to its efficiency and effectiveness, any proposed method is the most appropriate for achieving the objectives of the POP.

4.12.3 Evaluation

The method that is the subject of these submissions in on page 7-10 of the POP and states that the Regional Council will formally submit on resource consent applications for land use activities where there is potential for effects on outstanding natural features, landscape and native habitats. It also signals that the Regional Council will formally seek changes to plans if required to ensure provisions are in place to provide appropriate protection to natural features, landscapes and native habitats.

(a) and (b) Retain or Delete

I consider that this project is appropriate in that it reflects the importance of these matters as s6 'matters of national importance' in the RMA, and an appropriate method to implement policies on landscapes, natural features and native habitats. While it is perhaps peculiar to state the Regional Council's intention to make submissions as part of a method, the fact is that the Regional Council can make a submission if it desires, regardless of whether that intention is stated in the POP or not. Regional Councils may often participate simply to ensure that the regional planning instruments are being observed. I consider that as it is the intention of the Regional Council to submit on resource consent applications where there are potential effects on landscape, natural features and native habitats, is appropriate that the Council should state this in order to be clear about this intent, to both the general public and Territorial Authorities.

There is one amendment that I consider necessary, and that is to clarify that the Regional Council's interest will be triggered only where there is potential for adverse effects. Although no submission expressly requested that amendment, I consider it is a reasonable alteration arising from and responding to the issues raised in submissions.

(c) Wind energy facilities

With regard to submissions seeking that the project includes a more enabling approach to wind farms, I consider that this is a matter for policy as opposed to a matter to address in a method. In any event, I do not support a statement which suggests preferential treatment would be afforded to wind energy facilities which have potential adverse effects on outstanding natural features and landscapes. The merits and effects of any individual proposal should appropriately be tested through the resource consent process. The POP does not intend to create the bias inferred in the request and it would not be accurate to amend the words in the manner proposed. I consider that the Infrastructure and Renewable Energy objective, policies, and methods of Chapter 3 of the POP are the most appropriate places to address this issue.

With regard to those submissions (see submission 308/4 NZ Windfarms Ltd) that seek specific rules and standards to apply to wind farms, this is a matter

that is required to be addressed by Territorial Authorities in District Plans which directly control the development of land.

I consider the project is consistent with the relative responsibilities of regional and Territorial Authorities under the RMA.

(d) The Minister of Conservation's request re preservation

The substance of any individual submission by the Regional Council will be informed by the circumstances of the proposal and the relevant objectives and policies that will be brought to bear in considering it. It is not necessary to second-guess or detail in the method the matters such a submission might cover (such as 'preservation').

Additional Matters: Natural Character and Natural Features

I note that this project links back to Policy 7-7 (Outstanding Natural Features and Landscapes) and Policy 7-8 (Natural Character). Yet the wording of the Method discusses only natural features, landscapes and native habitats but not natural character. It appears to be inconsistent with the intention of the Method which was to include natural character and biodiversity within this Method. I note that the Biodiversity Hearing Report Recommendation BIO 21 recommends that the Anticipated Environmental Result for this method be adjusted, indicating that the intention was that this method apply also to biodiversity (ie. native habitats). As the method also references Policy 7-8, I consider it would be appropriate for the method to also refer to natural character. I acknowledge that this is not a request made in any submissions but place the matter before the Hearing Panel as a matter that may appropriately be addressed as a minor consequential alteration to remedy a clear oversight.

Consistent with my recommendations elsewhere in this report, I also consider that the expression 'outstanding landscape' should be expanded to include 'natural features'.

I also recommend some minor changes (eg. the use of the term *Method* as opposed to *project*, and the systematic number of the *Method*) to reflect the outcomes of the Section 42A Report of Andrea Bell on the reconvened Land Hearing which identifies and recommended overall planning shifts.

4.12.4 Recommendation LSNC 12

- (a) Reject the submissions seeking deletion of 'District Planning – Natural Features Landscapes and Habitats' project
- (b) Reject submissions seeking that the project be expanded with provisions in relation to wind farms and new roads and tracks.
- (c) Reject submissions seeking that the project be expanded to include a reference that development opportunities, including wind farms will not be discouraged.
- (d) Accept in part submissions supporting the project, noting the consequential alteration to the wording to address natural character and natural features.

4.12.4.1 Reasons for Recommendation LSNC 12

- (a) Some minor alterations are required to the wording of the Method to adopt language consistent with that used elsewhere in the POP (also see Recommendation LSNC 8 and LSNC 9) to describe outstanding natural features and landscapes, and to properly link the method to Policies 7-7 and 7-8.
- (b) In other respects, the Method is appropriate in terms of the POP objectives.

4.12.4.2 Suggested consequential alterations arising from Recommendation LSNC 12

- (a) Amend the Project 'District Planning – Natural Features, Landscapes and Habitats' to read:

Project Name Method 7-7	District Planning – Natural Features, Landscapes, and Habitats <u>and Natural Character</u>
Project Description	The Regional Council will formally submit on resource consent applications received by Territorial Authorities for land use activities where there is potential for <u>adverse</u> effects on outstanding natural features, <u>and</u> landscapes, or <u>native habitats, or areas that have a high degree of natural character.</u> The Regional Council will formally seek changes to District Plans if required to ensure provisions are in place to provide an appropriate level of protection to <u>for outstanding</u> natural features, <u>and</u> landscapes, and <u>native habitats and areas that have a high degree of natural character.</u>
Who	Regional Council and Territorial Authorities
Links to Policy	This project links to Method implements Policies 7-1, 7-7 and 7-8
Targets	<ul style="list-style-type: none"> • Submissions completed on consent applications. • District Plan changes sought if necessary by 2008.

4.13 Living Heritage Anticipated Environmental Result Table Row 3

4.13.1 Summary of submissions

Please refer to 4.13 Heritage Anticipated Environmental Result Table Row 3 Summary of Submissions contained in Attachment 1.

- (a) Several submissions support the Anticipated Environmental Results for outstanding natural features and landscapes (Table under 7.6 page 7-11).

Submission points: 369/32, 394/32, 395/32, 396/32, 401/32, 442/32, 452/32, 467/32, 468/38

Supported by: 527/153, 527/224, 527/283, 527/349, 527/456, 526/516, 527/579, 527/643

- (b) NZ Windfarms Ltd does not support the proposed Anticipated Environmental Results Table Row 3 which refers to 'except for change because of natural processes'.

Submission point: 308/20
 Opposed by: 527/36

- (c) The Royal Forest & Bird Protection Society requests that the Anticipated Environmental Result for outstanding natural features and landscapes should seek to achieve same state or better by amending it to read: "...the characteristics/values of all outstanding landscapes and natural features identified in the Region (Schedule F) will be in the same state (or better) as assessed prior to this Plan becoming operative" in Row 3 of the Table on page 7-11.

Submission point: 460/80
 Supported by: 506/21, 537/547
 Opposed by: 511/363, 519/319

4.13.2 Legislative assessment

Please refer to the Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations.

4.13.3 Evaluation

The Anticipated Environmental Results (AER) for outstanding natural features and landscapes states that, apart from natural processes, at 2017 the characteristics/values of all outstanding landscapes and natural features identified in Schedule F will be in the same state as assessed prior to the POP becoming operative. Indicators for this environmental result are: the identification and protection of the Schedule F items, and the ratio of successful submissions versus total submissions made in relation to Territorial Authority planning processes.

I consider that the AER does not accurately reflect the intent of Policy 7-7 and the Method in Section 7.5 for outstanding natural features and landscapes. That is because the policies of the POP do allow for some change to the characteristics and values of the natural features and landscapes in Schedule F. Some activities can be expected to be determined as appropriate on a case-by-case basis through the resource consent process. Policy 7-7 provides Territorial Authorities a framework for determining which activities will be appropriate for the values and characteristics of the natural features and landscapes in Schedule F. I consider that the wording of the AER should be changed to reflect this. Therefore, consistent with recommended wording changes from Helen Marr in the Biodiversity Hearing Report, Recommendation BIO 21 (page 81), I consider that the AER for outstanding natural features and landscapes identified in Schedule F should include reference to *"change because of authorised resource consent"*.

With regard for the request that the AER for outstanding natural features and landscapes should seek to achieve same state or better, I consider that this is not the intent of Policy 7-7 and that it would therefore not be appropriate to amend the wording as requested. As discussed in LSNC 5, I consider that while Policy 7-8 provides for enhancement to some degree by providing for the restoration of natural character, where appropriate when making decisions on resource consent applications, this is not the main thrust of the policy, to

‘preserve and protect’ natural character, which is consistent with the requirements of s6 of the RMA. I note that the submission does not expressly request any change to the Chapter 7 policies to give effect to ‘enhancement’ or ‘or better’, it seeks only amendment to the introductory paragraph 7.1.3 and AER in 7.13.

Although not requested in submissions, I recommend that the term “characteristics/values” in the AER is amended to read “characteristics and values” in order to clarify that the term refers to all characteristics and values listed in Schedule F Table F1. In addition, I recommend that the term “Table F1” be inserted after the term “Schedule F”, to better clarify and improve the measurability of Anticipated Environmental Results.

I also recommend some minor changes (eg. Change the title of Column 2) to reflect the outcomes of the Section 42A Report of Andrea Bell on the reconvened Land Hearing, which identifies and recommends overall planning shifts.

4.13.4 Recommendation LSNC 13

- (a) Accept in part the submissions that support AER Results Table page 7-11 Row 3
- (b) Accept in part the submission that does not support the wording ‘except for change because of natural processes’
- (c) Reject the submission that seeks to add ‘or better’ to the AER Table Row 3

4.13.4.1 Reasons for Recommendation LSNC 13

- (a) Amendment of the AER is necessary to ensure it is framed in a manner that reflects the scheme of the POP which is that some change to Schedule F Outstanding Natural Features and Landscapes can be anticipated where that is in accordance with a resource consent.

4.13.4.2 Suggested consequential alterations arising from Recommendation LSNC 13

- (a) Amend the AER in Row 3 of the Table on page 7-11 to read as follows:

1.2 Anticipated Environmental Results

Anticipated Result	Environmental	Link to Policy Policies and Methods	Indicator	Data Source
Except for change because of natural processes, <u>or change authorised by a resource consent</u> , at 2017 the characteristics and and values of all outstanding landscapes and natural features identified in the Region (Schedule F Table F1) will be in the same state as assessed prior to this Plan becoming operative.		Living Heritage Policies: 7.7 and 7-8 Administration Policies: 2-1, 2-2, 2-3 and 2-5	<ul style="list-style-type: none"> • Number of Schedule F outstanding landscapes and natural features where identified characteristics and and values have been damaged • Level of protection 	<ul style="list-style-type: none"> • Outstanding landscapes and natural features characteristics <u>and</u> values assessment survey • Horizons' incidents database • Horizons' SED (Subdivision)

		<p>afforded to Schedule F outstanding landscapes and natural features in Territorial Authority district plans</p> <ul style="list-style-type: none"> • Ratio of successful submissions versus total submissions made on outstanding landscapes and natural features to Territorial Authority consent planning processes 	<p>Enquiry Database) database</p> <ul style="list-style-type: none"> • Territorial Authority district plans • Territorial Authority consent decisions
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4.14 Living Heritage explanations and principal reasons

4.14.1 Summary of submissions

Please refer to 4.14 Living Heritage Principal Reasons and Explanations Summary of Submissions contained in Attachment 1.

- (a) NZ Windfarms Ltd supports the explanation and principal reasons given for the landscape policy provisions (page 7-12).

Submission point: 308/9
Opposed by: 527/34

- (b) Several submissions do not seek any specific change to the text but make comments on the text, including the point that landscapes cross territorial boundaries and the effects of facilities such as wind farms and land use, and landscape protection need to be assessed at both a territorial and regional level.

Submission points: 369/33, 394/33, 395/33, 396/33, 401/33, 442/33, 452/33, 467/33, 468/39
Supported by: 527/154, 527/225, 527/284, 527/350, 527/457, 527/517, 527/580, 527/644

- (c) The Minister of Conservation seeks reference to the need for restoration and rehabilitation of natural character where appropriate.

Submission point: 372/121
Supported by: 506/22

- (d) One submission requests that the words “best dealt with by Territorial Authorities” be removed and that Horizons recognise this is a regional issue and develop relevant policies and rules. Another submission requests that the explanatory text be amended to state that the protection of outstanding natural features and landscapes from

inappropriate subdivision, use and development to a higher standard than other activities is a matter of national importance.

Submission points: 433/41, 416/13
Supported by: 527/422, 527/394
Opposed by: 481/65, 519/403

4.14.2 Legislative assessment

Please refer to the Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations.

4.14.3 Evaluation

Section 7.7 paragraph 5 (Landscapes) and paragraph 6 (Natural Character) state the principal reasons for adopting the objectives, policies and methods relating to landscapes, natural features and natural character. It is important to note that the purpose of the statement is to clearly and concisely explain the principal reasons for adopting the Objective 7-2 and Policies 7-7 and 7-8, and the Method – project ‘District Planning – Natural Features, Landscapes and Habitats’.

In relation to the submissions that make comments on the text but do not seek any change to the text, I consider that these issues have been satisfactorily canvassed and addressed by other relevant sections of this report, in particular Policy 7-7 and Recommendation LSNC 9.

With regard to the submission that seeks that the removal of the words “best dealt with by Territorial Authorities”, this matter has been addressed in Recommendation LSNC 6, which suggests amendments to clarify the respective roles of the Regional Council and Territorial Authorities in managing landscape. I consider that some amendments should be made to the explanatory text in Section 7.7 to reflect Recommendation LSNC 6.

In relation to the submission that seeks reference to restoration and rehabilitation of natural character, I would note that that Policy 7-8 includes a requirement for “restoration of natural character, where appropriate”. I consider it is therefore appropriate that reference to this also be included in the Section 7.7 text.

The level of protection to be afforded outstanding natural features and landscapes is discussed and addressed in my discussion culminating in Recommendation LSNC 9. I do not consider that there are any residual issues that require amended or further explanation in Section 7.7 to address the amendments I suggest to Policy 7-7.

I consider that Paragraph 7.7 appropriately describes the POP’s approach to managing landscapes in a manner that is consistent with S6(b) of the RMA and requires no further elaboration.

4.14.4 Recommendation LSNC 14

- (a) Accept the submission supporting Section 7.7.
- (b) Accept the submissions that do not seek any change but make comments including, that landscapes cross territorial boundaries and the effects of facilities such as wind farms and land use and landscape protection need to be assessed at both a territorial and regional level.
- (c) Accept the submission seeking reference to the need for restoration and rehabilitation of natural character.
- (d) Accept in part the submission seeking that the words “best dealt with by Territorial Authorities” be removed and Horizons Regional Council recognises this is a regional issue and develop relevant policies and rules.
- (e) Reject the submission seeking text amendments stating that the protection of outstanding landscapes and natural features is to be to a higher standard than other activities.

4.14.4.1 Reasons for Recommendation LSNC 14

- (a) The explanatory text requires some amendment to better align it with amendments to the issue, objective, policies and methods of the POP made under other recommendations (see Recommendation LSNC 4, LSNC 7, LSNC 8 and LSNC 9).

4.14.4.2 Suggested consequential alterations arising from Recommendation LSNC14

- (a) Amend Section 7.7 paragraph 6 Landscapes to read as follows:

“Natural features and Landscapes

The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development is a matter of national importance. While the management of competing pressures for the subdivision, use and development of land that may affect natural features and landscapes is most appropriately this issue is best dealt with at a territorial level, it is considered important that this document should continue to provide a list of regionally outstanding natural features and landscapes, and their associated characteristics and values. The objectives, policies and methods adopted here are to provide guidance and direction regarding how these values should be protected. “

- (b) Amend Section 7.7 paragraph 7 Natural Character to read as follows:

“Natural character

The preservation of the natural character of the coastal environment, wetland, rivers, lakes and their margins is a matter of national importance. The approach of the One Plan is to maintain the current degree of naturalness of the natural character of the coastal environment, wetlands, rivers, lakes and their margins. The objectives, policies and methods adopted in this document aim to achieve this by (a) providing policy guidance on natural character to be taken into account when making decisions on applications which may affect natural character, and by (b) encouraging the restoration of natural character where

appropriate, and (c) by actively protecting and managing biodiversity, important wetlands, rivers and lakes as described in other parts of this document.”

4.15 Land-Use Activities and Land Based Biodiversity Policy 12-1 Consent Decision Making for Vegetation Clearance and Land Disturbance

4.15.1 Summary of submissions

Please refer to Land-Use Activities and Land Based Biodiversity Policy 12-1 Consent Decision Making for Vegetation Clearance and Land Disturbance Summary of Submissions contained in Attachment 1.

One submission (416/14 supported by further submission 527/395) requests that Policy 12-1 be amended by the inclusion of the word ‘outstanding’.

4.15.2 Legislative Assessment

Please refer to the Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations.

4.15.3 Evaluation

I consider that, in order to be consistent with the recommended changes to terminology in Recommendation LSNC 6 of this report, a consequential amendment of Decision Making Policy 12-1 should be made as per the submitter’s request. I note, however, that Phillip Percy makes a number of recommendations to amend Policy 12-1 in his Supplementary Planning Statement for the POP Land Hearing, which would result in the deletion of the part of Policy 12-1 relevant to this submission. In particular, Phillip Percy states the following (point xxiii page 18)

It would be more helpful to future decision-makers to refine the extensive list of objectives and policies in recommended Policy 12-1(i) to focus on a short and discrete list of provisions that directly drive the matters of control in notified Rule 12-2 for example. New Policy 12-2(a) provides a directive to give effect to the RPS and makes specific reference to Objective 5-1 and Policies 5-2 and 5-3. Links alongside each of the rules in Chapter 12 guide decision-makers to the objectives and policies that are relevant for decision-making in relation to that particular rule. Decision-makers will then logically only refer to those objectives and policies in the RPS that are relevant to the matters of discretion/control listed in the rules.

I am in agreement with the recommendations made by Phillip Percy and therefore consider no further amendment is required to Policy 12-1.

4.15.4 Recommendation LSNC 15

- (a) Reject the submission requesting the word ‘outstanding’ be added to decision-making Policy 12-1.

4.15.4.1 Reasons for Recommendation LSNC 15

- (a) Phillip Percy recommends in his Supplementary Planning Statement for the POP Land Hearing that Policy 12-1 be substantially amended, therefore the words the submitter refers to, if amended by the Hearing Panel, will no longer exist.

4.15.4.2 Suggested consequential alterations arising from Recommendation LSNC 15

- (a) Nil.

4.16 Glossary

4.16.1 Summary of submissions

Please refer to 4.16 Glossary Summary of Submissions contained in Attachment 1.

Submissions request the following definitions be added to the POP Glossary:

(a) Natural character

Submission point: 246/33
Supported by: 492/342
Opposed by: 531/125 (in part),

(b) Amenity values

Submission point: 369/38, 394/38, 395/38, 396/38, 401/38, 442/38, 452/38, 467/38, 468/43
Supported by: 527/230, 527/289, 527/355, 527/462, 527/522, 527/585, 527/648

(c) Cumulative effect

Submission point: 369/39, 394/39, 395/39, 396/39, 401/39, 442/39, 452/39, 467/39, 468/44
Supported by: 527/231, 527/290, 527/356, 527/463, 527/523, 527/586, 527/649

(d) Effect

Submission point: 369/41, 394/41, 395/41, 396/41, 401/41, 442/41, 452/41, 467/41, 468/46
Supported by: 527/233, 527/292, 527/358, 527/465, 527/525, 527/588, 527/651
Opposed by: 522/376, 527/377, 521/25, 522/378, 522/379, 522/380, 522/381, 522/382

(e) Environment

Submission point: 369/42, 394/42, 395/42, 396/42, 401/42, 442/42, 452/42, 467/42

Supported by: 527/234, 527/293, 527/359, 527/466, 527/526, 527/589

(f) Finite characteristics

Submission point: 369/43, 394/43, 395/43, 396/43, 401/43, 442/43, 452/43, 467/43, 468/48

Supported by: 527/235, 527/294, 527/388, 527/527, 527/590

Opposed by: 522/384, 522/385, 522/386, 522/387, 522/388, 522/390

(g) Outstanding natural features and landscapes

Submission point: 369/50, 394/50, 395/50, 396/50, 401/50, 416/20, 442/50, 452/50, 467/50, 468/54

Supported by: 527/242, 527/301, 527/367, 527/401, 527/474, 527/534, 527/597, 527/653, 527/659

Opposed by: 522/411, 522/412, 521/29, 522/413, 522/414, 522/415, 519/409, 522/375, 522/416, 522/417, 522/392, 519/393, 522/419, 525/227

(h) Skyline

Submission point: 369/52, 394/52, 395/52, 396/52, 401/52, 416/18, 442/52, 452/52, 467/52, 468/56

Supported by: 527/244, 527/303, 527/369, 527/399, 527/467, 527/476, 527/536, 527/599, 527/661

Opposed by: 519/336, 522/420, 519/344, 522/421, 519/328, 521/30, 522/422, 519/352, 522/423, 519/360, 522/424, 519/407, 522/374, 522/520, 522/389, 519/368, 522/425, 519/376, 522/426, 519/384, 522/428

(i) Zone of visual influence

Submission point: 369/54, 394/54, 395/54, 396/54, 401/54, 442/54, 452/54, 467/54, 468/58

Supported by: 527/246, 527/305, 527/371, 527/478, 527/538, 527/601, 527/663

Opposed by: 519/337, 522/438, 519/345, 522/439, 519/329, 521/32, 522/440, 519/353, 522/441, 519/361, 522/442, 519/369, 522/443, 519/377, 522/444, 519/385, 522/445, 522/446

(j) Inappropriate subdivision, use and development

Submission point: 394/46, 395/46, 396/46, 401/46, 442/46, 452/46, 467/46, 468/50

Supported by: 527/238, 527/297, 527/363, 527/470, 527/530, 527/593, 527/655

Opposed by: 522/394, 521/26, 522/395, 522/396, 522/397,
522/398, 522/399, 522/401

(k) Frontal flanks and foothills

Submission point: 416/19
Supported by: 527/400
Opposed by: 519/408

4.16.2 Legislative assessment

Of the expressions submitters request be included in the Glossary, the following are defined already in the RMA: 'amenity values', 'effect', 'environment'. The following expressions are used in the RMA but not defined there: 'natural character', 'cumulative effect', 'finite characteristics', 'outstanding natural features and landscapes', 'inappropriate subdivision, use and development'. None of the other requested expressions are used in or defined in the RMA: 'skyline', 'zone of visual influence', 'frontal flanks and foothills'.

4.16.3 Evaluation

The POP Glossary clearly states that 'A term or expression that is defined in the Resource Management Act 1991 (RMA) and used in this Plan, but which is not included in this Glossary, has the same meaning as in the Act. Definitions provided in the RMA are not repeated in this Glossary'. I consider this approach to be appropriate as it ensures that the terms used in the POP that are defined in the RMA stay consistent with any amendments to the RMA. I further consider that this approach avoids unnecessary duplication and potential error.

Therefore, I consider it is unnecessary to include the definitions for these terms in the POP.

Although the expressions 'outstanding natural features and landscapes' and 'inappropriate subdivision, use and development' are used in the RMA, there is no definition for them and no explicit guidance as to their meaning. Case law on these expressions continues to evolve and will provide some assistance to their interpretation. I consider that it would be inappropriate to attempt to define a term from the RMA that has specifically not been defined in the RMA.

The expressions 'frontal flanks' and 'zone of visual influence' are not used in the POP. Therefore I consider that no definition is required.

With regard to submissions that request a definition for 'skyline', the term skyline is used in Schedule F in describing the following listed of outstanding natural features and landscapes:

- (d) *"Kaimanawa Ranges, in particular the skyline and the south-eastern side of the Ranges",*
- (h) *"The skyline of the Ruahine Ranges", and*
- (i) *"The skyline of the Tararua Ranges".*

The operative Regional Policy Statement defines the skyline of the Tararua Ranges (at page 112) as:

“the boundary between the land and sky at the crest of the highest points along the ridge. The skyline of the Tararua Ranges is the land/sky boundary as viewed at a sufficient distance from the foothills so as to see the contrast between the solid nature of the land at the crest at the highest points along the range and the sky.”

Mr Anstey states in of his report (paragraph 34) that:

A number of submissions requested a clarification in the terminology used and a consistency in its use. The most significant of these related to the definition of ‘skyline’. In the operative Regional Policy Statement (RPS) this definition is precise whereas in the Proposed One Plan the ‘skyline’ is defined as a particular feature of visual and scenic character that is prominent. The tables in Schedule F list ‘Outstanding Natural Features and Landscapes’ which are shown on supporting maps as ‘Significant Landscape’. The maps clearly show the areas referred to in the tables and should be titled the same. Skylines are not specifically located on the maps so that all prominent skylines in the areas shown on the maps potentially contribute to the prominence of the ranges. Importantly, the skyline is not limited to the highest ridge. The implication is that any ridgeline when seen against the sky becomes a feature to be protected from inappropriate subdivision, use, and development. I support this more inclusive and flexible approach to skylines, an approach which acknowledges that the skyline moves with the viewer and many ridgelines in an outstanding landscape can assume particular prominence when seen against the sky. For the same reason, a number of ridgelines in an outstanding landscape may be ‘outstanding natural features’, not only the highest ridgeline.

In addition Mr Anstey states in his report (paragraph 36) that:

It is my view that the current acknowledgement of the skyline of the Tararua-Ruahine Ranges in the operative RPS as an outstanding feature should be carried over to the One Plan as an interim measure. I understand that this provision in the operative RPS has not been contested. I therefore endorse the approach proposed in Fiona Gordon’s report which is to describe in words a specific item in Schedule F for the skyline of the Ruahine and Tararua Ranges as: “The skyline of the Ruahine and Tararua Ranges’ defined as the boundary between the land and the sky as viewed at a sufficient distance from the foothills so as to see the contrast between the sky and the solid nature of 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”.

I agree with Mr Anstey and consider that the skyline of both the Ruahine and Tararua Ranges should be explicitly recognised in the POP (this is further discussed in Recommendation LSNC 17, LSNC 18, LSNC 22 and LSNC 23). My recommendation is that this should be done by including it as an item in the list of outstanding natural features and landscapes in the Table in Schedule F (but without a map associated with that). This is an alternative to including the skyline in the Glossary. In my view, this is a better approach

because it not only identifies and defines the skyline but also recognises the landscape and other values associated with it.

4.16.4 Recommendation LSNC 16

- (a) Reject the submissions requesting that the following definitions be included in the POP Glossary – ‘amenity values’, ‘natural character’, ‘environment’, ‘effect’, ‘cumulative effect’, ‘zone of visual influence’, ‘inappropriate subdivision, and development’, ‘outstanding natural features and landscapes’, ‘finite characteristics’, and ‘frontal flanks and foothills’.
- (b) Accept in part the submissions that seek the inclusion of a definition for the term “skyline”.

4.16.4.1 Reasons for Recommendation LSNC 16

- (a) There is no need to include in the Glossary definitions for expressions that are already defined in the RMA.
- (b) It is inappropriate and unnecessary to include definitions for expressions that are used in the RMA but which are not defined there, but which are intended to be given meaning in the particular circumstances of any plan policy proposal or resource consent.
- (c) It is appropriate to identify and define the skyline of the Ruahine and Tararua Ranges, however this should be by way of an entry in Schedule F rather than in the Glossary.

4.16.4.2 Suggested consequential alterations arising from Recommendation LSNC 16

- (a) Amend Schedule F list of Outstanding Natural Features or Landscapes to include the skyline of the Ruahine and Tararua Ranges, in the manner proposed in Recommendation LSNC 18.

4.17 Schedule F Regional Landscapes General

4.17.1 Summary of submissions

Please refer to Schedule F Regional Landscapes General Summary of Submissions contained in Attachment 1.

(a) Retain Schedule F as proposed

Ngati Kahungunu Iwi Incorporated (submission 180/99) requests that Schedule F be retained as proposed.

(b) Justification for inclusion of entries in Schedule F and questions about the mapped areas

Several submissions question the rationale for inclusion of items in Schedule F, or request greater detail or clarification of the outstanding values that justify inclusion of the items as proposed. Ruapehu District Council (supported by

Palmerston North City Council) requests that the maps included in Schedule F not be used until they are accurate and reflect current use. Energy generators have requested that Schedule F be deleted or, in the alternative, that it be less inclusive and contain improved justification for the inclusion of each item. Their request is opposed by six Territorial Authorities. Federated Farmers NZ Inc. (supported by Trust Power, Tararua-Aokautere Guardians and Horticulture NZ) have requested that the POP include the criteria and methodology used to define the landscapes as 'outstanding' and 'regional landscapes' and that Schedule F should distinguish between 'outstanding' and 'regional' landscapes.

Submission points: 151/110, 246/32, 358/61, 363/211, 426/90, 426/91,
 Supported by: 481/175, 477/5, 521/45, 511/584, 519/288, 511/586,
 527/408, 531/150, 531/151,
 Opposed by: 519/290, 527/43, 495/445, 500/218, 507/218,
 511/585, 515/218, 517/125, 527/82, 532/218

(c) Exclusion of specific areas from the table and figures in Schedule F

Palmerston North City Council (supported by five other Territorial Authorities and Mighty River Power) requests that all private land is excluded from Figure F:10 (Manawatu Gorge) until such time as the land is identified as being of an outstanding nature based on a Region-wide landscape assessment. Tararua-Aokautere Guardians opposes that request.

Submission points: 241/114
 Supported by: 500/304, 507/304, 515/306, 517/292, 519/304,
 532/304
 Opposed by: 527/9

Three energy generators request the deletion of the skylines of the Kaimanawa Ranges, Ruahine Ranges, Tararua Ranges; the Manganui O Te Ao River and river valleys, the Makatote and Mangaturuturu Rivers and their valleys, the Waimarino and Orautoha Streams; the Rangitikei River and river valleys; the Manawatu Gorge and the large area of coastline.

Submission points: 358/169, 358/170
 Supported by: 519/294, 521/46; 521/47
 Opposed by: 527/50, 527/51

(d) Additions to Schedule F

A number of submissions request the inclusion of additional areas or the inclusion of a wider mapped area in relation to individual items listed in Schedule F including:

- The Wanganui coastal cliffs,
- Adjustment to the west coastline map for Santoft, Himatangi and Tangimoana Forests (requested by Ernslaw One Ltd)
- Turitea Reserve and surrounding farmland
- The skylines of the Tararua and Ruahine Ranges, all reserves, significant bush remnants and other outstanding landscapes outside the Department of Conservation estate

- Reporoa Bog, Hihitahi Forest Sanctuary, North West Ruahines (requested by Minister of Conservation)
- The entire Moawhango Ecological Region, which includes Mt Aorangi, Reporoa Bog, Hihitahi Forest, and north western Ruahines (requested by Minister of Conservation)
- The remnant dune fields associated with the Akitio Shore Platform (requested by the Minister of Conservation)
- All landforms and features listed in the New Zealand Geopreservation Inventory as being internationally, nationally or regionally important (requested by Minister of Conservation).
- Castlecliff to Nukumarū coastal cliffs and Languard Bluff (Wanganui) (requested by Minister of Conservation).
- Central Plateau natural features: Rangataua Lava Flow, the Waimarino-Eura-National Park fault scarp (requested by Minister of Conservation)
- The Whanganui River and its main tributaries that are not within the Whanganui National Park (requested by Minister of Conservation).
- Lake Horowhenua and Lake Papaitonga, Paki Paki Dune Forest (requested by Minister of Conservation)
- Particular mention of the Fox-Tangi dunelands and Hokio South dune fields within the West Coast coastal environment (requested by Minister of Conservation).

Submission points: 27/1, 28/1, 176/17, 269/13, 372/240, 372/241, 372/242, 433/46

Supported by: 527/85, 527/86, 527/177, 522/460, 527/424, 501/26

Opposed by: 519/321, 519/398, 525/133, 511/593, 497/1, 511/594, 519/301, 522/462, 533/70, 497/2, 511/595, 519/302, 522/463, 481/66, 519/318

One submission requested the inclusion of the landscape between the Manawatu Gorge and the Tararua DoC land. This submission (384/6) was withdrawn but there remains one submission supporting that request (527/182) and one opposing it (519/399).

In addition to requesting the inclusion of additional items, the Minister of Conservation requests that the description of characteristics and values of some listed landscapes or natural features currently included in Schedule F are amended as follows:

- In relation to the Region's coastline: add the natural character of the coast, coastal cliffs, remnant dune fields, the significance of other particular estuaries (in addition to those already listed) to include Akitio, Ohau and Waikawa.
- In relation to the Ruahine State Forest Park: add open tops, stony riverbeds, vegetation gradients from high to low altitude and from north to south, wilderness, recreation especially for tramping and hunting, ecological significance, threatened plant species, historic values
- In relation to the Tararua State Forest Park: add a full suite of values associated with this important recreation/ecological landscape

One submission requests a definition of skyline as the visual line where the sky meets the land as viewed from the plains and lower foothills.

Submission points: 372/237, 372/238, 372/239, 165/2
Supported by: 527/174, 474/1, 527/175, 527/176, 527/93
Opposed by: 511/590, 511/591, 522/461, 511/592, 519/414

(e) Terminology

Several submissions request amendment of the terminology in Schedule F and on the figures in Schedule F to refer to “Outstanding Natural Features and Landscapes” rather than ‘significant’ or ‘regionally important’ landscapes. Some submissions request the introduction to the table in Schedule F be amended to refer to ‘Regionally important landscape and natural features in the Manawatu-Wanganui Region’.

Submission points: 369/35, 372/234, 372/235, 372/236, 394/35, 395/35, 396/35, 397/5, 401/35, 416/15, 442/35, 452/35, 467/35, 468/40
Supported by: 527/156, 527/227, 527/286, 527/315, 527/352, 527/396, 527/459, 527/519, 527/582, 527/645
Opposed by: 511/587, 511/588, 511/589, 481/45, 519/404

Submission 440/45 has not requested a decision but expresses concerns that many of the mapped landscape boundaries are based on property boundaries rather than geographical boundaries.

4.17.2 Legislative assessment

Please refer to the Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations.

4.17.3 Evaluation

- (a) Retain Schedule F as proposed**
- (b) Justification for inclusion of entries in Schedule F**
- (c) Exclusion of specific areas from Schedule F**

With regard to the issues raised in submissions summarised as (a), (b) and (c) above, I consider it important to summarise again the origins of the Schedule F listed landscapes:

The landscapes listed in Schedule F of the POP were originally identified by the Regional Council in consultation with the Territorial Authorities and Department of Conservation, and included in the current Regional Policy Statement (RPS) as ‘outstanding and regionally significant landscapes’. The current RPS states in Section 22.3.4 Reason (page 105) that in making the list of landscapes, “the Council has taken the word ‘outstanding’ to mean natural features and landscapes which are of regional significance. In some cases these features and landscapes may also be of national and/or international significance. Each feature or landscape on the list has been assessed in terms of the criteria in Policy 8.1.” Policy 8.1 in the current RPS states:

“Policy 8.1

To consider the following matters when identifying which natural features and landscapes are outstanding and regionally significant:

- a. with respect to major geographical and geological features or landscapes, the degree to which it contributes to the Region's character in terms of:
 - i. visual prominence; and
 - ii. scenic characteristics, including views, vistas and backdrops; and
- b. the feature or landscape's ecological significance in terms of:
 - i. its importance as a habitat for rare or unique species; and/or
 - ii. its importance as an area of indigenous flora; and
- c. the cultural or spiritual significance of the site or area to tangata whenua; and
- d. special or important amenity and intrinsic values, including scientific, cultural and recreational values, of the area to the Region; and
- e. the degree to which the feature or landscape has recognised national or regional protection.”

The list of outstanding and regionally significant natural features and landscapes were accepted by the regional community through the Regional Policy Statement, which became operative in 1998, and have been unchallenged since that time. As listed in Schedule F they are:

- (a) Tongariro National Park, particularly the volcanoes and the Rangipo Desert;
- (b) Whakapapa River and river valley, including all of the river catchment;
- (c) Whanganui National Park;
- (d) Kaimanawa Ranges, in particular the skyline and the south-eastern side of the ranges;
- (e) Mount Aorangi;
- (f) Manganui o Te Ao River and valley, and associated river valleys;
- (g) Rangitikei River and river valley from Mangere Bridge to Putorino;
- (h) The skyline of the Ruahine Ranges;
- (i) The skyline of the Tararua Ranges;
- (j) Manawatu Bridge from Ballance Bridge to the confluence of the Pohangina and Manawatu Rivers;
- (k) Coastline of the Region; and
- (m) Cape Turnagain.

Mr Anstey states in his Report (paragraph 6) in this regard that:

I have, at some time, visited all of the areas shown on the maps in Schedule F of the Proposed One Plan but am unable to comment at the detailed level of boundaries. Most of the areas listed as Outstanding Natural Features or Landscapes in Schedule F are designated conservation land. Areas listed that are not conservation land are of a similar character or have high scenic value and/or special and unique landforms (for example the Rangitikei River). In my view all of the areas scheduled as Outstanding Natural Features or 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 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.

Mr Anstey further states in his report (paragraph 14) that:

Outstanding natural features and landscapes are generally described as memorable, affording aesthetic pleasure and experiences that are shared and valued by the wider community. Outstanding natural features and landscapes have natural and cultural dimensions that are central to our identity and our sense of belonging; they are places that reveal our history and provide a coherence and connectedness in our lives through time and space. Most of the areas listed as Outstanding Natural Features or Landscapes in Schedule F are designated conservation land, or private land with a similar character. In my view all of the areas scheduled as Outstanding Natural Features or Landscapes would satisfy the criteria accepted by the Environment Court. It is my further view that a comprehensive landscape assessment would confirm that the scheduled features and landscapes are outstanding at a regional scale. Some boundaries are clearly cadastral rather than topographical and do not reflect natural patterns. Without the benefit of a comprehensive landscape assessment I am not able to confirm that the boundaries shown on maps are accurate. Some of the scheduled items are undoubtedly nationally outstanding.

Mr Anstey also states in his report (paragraph 42) that:

Some of the energy companies requested that the One Plan provide the basis upon which outstanding features and landscapes had been identified. The criteria used to determine the areas in Schedule F are provided in the current RPS (Policy 8.1). These have not been carried over into the Proposed One Plan. The new criteria, set out later in my evidence, are essentially similar to those in the current RPS. Both sets of criteria align with those in the Department of Conservation's General Policy...

I consider that the process and criteria by which the landscapes and natural features were assessed prior to their inclusion in the current RPS were relatively robust. I also concur with Mr Anstey that the landscapes and natural features presented in the POP would satisfy the criteria generally accepted by the Environment Court. For the reasons discussed above, I am satisfied that the landscapes listed in the operative RPS and transferred to the list in Schedule F of the POP are well established as outstanding and regionally significant landscapes and should remain in the POP. I do not consider that further detailed assessment is necessary to justify their inclusion in Schedule F of the POP.

Importantly, I do not consider it would be appropriate to delete any of these items, given their acceptance over the past 10 years as outstanding and regionally significant natural features and landscapes. To do so would fail to recognise and provide for physical resources that have acknowledged values in the terms expected by s.6 of the RMA. For the purposes of s32 of the RMA, that would be a poor resource management outcome and far less appropriate than retaining the items in Schedule F.

With regard to the Palmerston North City Council request that all private land be excluded from Figure F:10 Manawatu Gorge, it should be noted that the area mapped in Figure F:10 includes more than 65 land parcels owned by various entities. The Palmerston North City Council is not a landowner within the mapped area of Figure F:10. The specific submissions from land owners who own land within the mapped area in Figure F:10 were discussed at a pre-hearing meeting on 20 May 2008 and some adjustments to the mapped area were agreed with those owners. This is discussed in Section 4.24 of my report and the amendments are detailed in Recommendation LSNC 24.

Mr Anstey also states in his report (paragraph 25) that:

Having considered the issues raised by submitters in discussion with Fiona Gordon, the approach Ms Gordon and I recommend is to retain the outstanding natural features and landscapes currently identified in the Proposed One Plan. We also recommend the insertion of additional policies and methods to provide direction to systematic landscape assessments and evaluations in accordance with a consistent process and criteria. Over time this should mean that landscapes and features would be assessed across all districts so that a full 'inventory' would be available and relative values properly established. Opportunity would be provided for community engagement in this process with an invitation to identify and advocate for landscapes and features of importance. I discuss in paragraphs 53 to 59 of this statement a methodology for achieving consistent landscape assessment. Until such a comprehensive assessment is completed the criteria proposed will assist in identifying important landscape values and any outstanding natural features and landscapes on a case by case basis.

I would also refer back to my Recommendation LSNC 9 for the inclusion of values-based assessment factors in Policy 7-7 to assist future landscape assessment by the Regional Council and Territorial Authorities, together with the method setting out a preferred landscape assessment methodology. In my view, these supplementary measures will contribute to a robust process for the improvement and refinement of the list of outstanding natural features and landscapes, and associated maps, in Schedule F over time and to assessing the effects of activities on their values.

I consider that, in this way, prior to district assessments being completed, the list of outstanding natural features and landscapes maintains its status as afforded it in the current RPS. I further consider that this approach maintains the intent of the associated maps in Schedule F as proposed. I also recommend, for the purpose of clarity, that a note be added to Schedule F to explain the intent of the table and maps, such that their intended use is clear, as discussed above.

In terms of the use of the maps within the POP, it is important to note that there are no controls placed on activities depending on whether they may be within or outside of the mapped areas. A number of decision-making policies require that Policies in Chapter 7 for indigenous biological diversity, landscapes, natural features and natural character are taken into account.

(d) Additions to Schedule F

As discussed above, Mr Anstey's view (paragraph 25 of his report) is that all of the Schedule F areas should be retained as presented until comprehensive landscape assessments and evaluations have been carried out by the Region's Territorial Authorities.

With respect to the request to include the skyline of the Ruahine and Tararua Ranges, I consider it appropriate to include the term 'skyline', as discussed in Recommendations LSNC 16, LSNC 18, LSNC 22 and LSNC 23. Mr Anstey agrees (paragraph 36 of his report) that the definition of the expression 'skyline' in Schedule F should include reference to views from the plains and lower foothills. Submissions specific to Map F:9 'Tararua Ranges' are discussed and evaluated further in Recommendation LSNC 23.

For the additional areas, characteristics and values suggested by the Minister of Conservation, Mr Anstey's advice is that parts of the areas probably do have merit as outstanding natural features or landscapes. They are identified in a number of background reports and surveys, some of which are referenced in the submission. However, they are not all located, described or mapped in a way that could be readily transferred into the POP. It should be noted that many of the areas will be protected and managed by other POP policies relating to biodiversity. For example Reporoa Bog and some areas of tussock in the Moawhangao Ecological Region. At the time of writing this report discussions with the Department of Conservation (on behalf of the Minister of Conservation), to clarify the location, extent and the specific characteristics and values of the additional areas requested in their submission, are still in progress. Therefore, at this time, I consider that there is insufficient evidence to make the alterations to Schedule F as requested in the DoC submission. However, I acknowledge that further information from DoC is pending, therefore my recommendation with regard to this submission in this report is an interim recommendation only.

(e) Terminology

The discussion above provides an explanation of the background to inclusion of items in the Schedule F list. I consider this information would be useful to include, for reference, in the background/scope section of Chapter 7 and have recommended some supplementary text for POP paragraph 7.1.3 in my Recommendation LSNC 6. In addition, and responding to the requests to include criteria for determining outstanding landscapes, I recommend that assessment factors based on the 'Pigeon Bay' criteria, be included in Policy 7-7 (see Recommendation LSNC 9).

The landscapes listed in Schedule F are described as "outstanding and regionally significant" in the current Regional Policy Statement. I have discussed what I consider to be the preferable terminology in Recommendation 8. To reiterate, I consider that the expression 'regionally outstanding natural features and landscapes' should be used in Schedule F.

With regard to submissions that request that Schedule F be amended to specify more clearly how s6(a) and s6(b) apply, POP Objective 7-2(b) clearly specifies that adverse effects on natural character in the coastal environment, rivers, wetlands, lakes and their margins are to be avoided in areas with a

high degree of natural character, and avoided, remedied or mitigated in other areas. The natural character within the listed and mapped regionally outstanding landscapes and natural features varies considerably. The Regional Council has not prepared an inventory of the areas with a high degree of natural character; it has instead provided matters to be considered on a case-by-case basis through Policy 7-8. Together, Objective 7-2(b) and Policy 7-8 provide guidance on the matters to be considered with regard to the preservation and protection of natural character when determining what may be appropriate subdivision, use or development within the coastal environment, near rivers, wetlands, lakes and their margins on a case-by-case basis and to guide Territorial Authorities in developing appropriate planning provisions in District Plans.

I note that the landscape assessment methodology and landscape values criteria recommended by Mr Anstey in his report (paragraphs 50-53, 59) and recommended for inclusion in Policy 7-7 (see Recommendation LSNC 9) will assist in identifying areas with a high degree of natural character in the coastal environment, to some degree. Mr Anstey states in his report (paragraph 60) that:

In the coastal environment, wetlands, lakes and rivers and their margins the preservation of the natural character and the protection of them from inappropriate subdivision use and development is a matter of national importance. A first step in providing for the preservation of natural character is to identify features and landscapes that are outstanding, and amenity landscapes. The level of protection afforded to these landscapes will depend on the degree to which their natural character predominates.

Mr Anstey also states in his report (paragraph 9) that:

In my opinion, apart from the alterations I discuss in paragraphs 36 to 40, any additions or removals would do little to assist the cause of either the community or the energy companies' without proper landscape assessments and a process of informed consultation to ascribe values to the districts', and ultimately the Region's, landscapes. Such assessment would include the landward side of the coastal environment. Only with a comprehensive understanding of the regions landscapes and the ways in which communities relate to and value them can we begin to establish any sense of their relative importance and vulnerability. Accordingly, it is my view that all of the Schedule F areas should be retained as presented in the Proposed One Plan (with minor modifications as described below) until comprehensive landscape assessments and evaluations have been carried out by the Region's Territorial Authorities.

I consider the guidance given in Objective 7-2(b) and Policy 7-8 to be appropriate and that changes recommended to Policy 7-8 (see Recommendation LSNC 10) and addition of landscape assessment criteria and development of a consistent assessment process (see Recommendation LSNC 9) will provide adequate guidance for decision-making and that no further delineation is required in the RPS.

4.17.4 Recommendation LSNC 17

- (a) Reject the submissions requesting that the maps are not used until they are accurate and reflect current landuse.
- (b) Accept in part the submission 241/114 (Palmerston North City Council) requesting that all private land is excluded from Figure F:10 Manawatu Gorge
- (c) Reject the submissions requesting the deletion of particular landscapes from Schedule F.
- (d) Reject the submissions requesting deletion of Schedule F, unless justification for the landscapes as outstanding can be provided, or requesting amendment to Schedule F to distinguish listed items in terms of s6(a) and s6(b) RMA
- (e) Reject submissions requesting the inclusion of additional/new areas to Schedule F, or the inclusion of a wider area in relation to a particular landscape in Schedule F
- (f) Accept the submissions requesting specific inclusion of the skyline of the Ruahine and Tararua Ranges and otherwise reject the submissions that request the addition of particular values or characteristics to the landscapes or natural features currently included in Schedule F.
- (g) Accept in part submissions (246/32 and 426/91) requesting inclusion of criteria that distinguish the listed landscapes as 'outstanding' or the criteria that generally determine an 'outstanding' landscape.
- (h) Accept in part submissions 372/234, 372/235, 372/236 requesting that the terminology in Schedule F be amended to refer to 'Outstanding Natural Features and Landscapes'.
- (i) Accept in part submission 440/45 expressing concern that many of the mapped landscape boundaries are based on property boundaries rather than geographical boundaries (noting that the submission does not request any explicit alteration to the POP but that consequential alterations to some boundaries are suggested arising from other submissions).
- (j) (INTERIM RECOMMENDATION) Reject the Department of Conservation submission requesting the addition of natural features and landscapes to Schedule F and the addition of characteristics and values to Schedule F.

4.17.4.1 Reasons for Recommendation LSNC 17

- (a) The natural features and landscapes listed in Schedule F are acknowledged to be outstanding within the Region by reference in historical documents.
- (b) It is not considered to be prudent to arbitrarily include additional items at this time, in the absence of a comprehensive and consistent assessment of landscape values undertaken at district level.
- (c) It is reasonable, and is expected to be helpful, to include.
- (d) Helpful assessment factors are proposed to be included in the POP to assist the assessment of landscape and identification of additional outstanding natural features and landscapes at district and regional level in the future.
- (e) The terminology used in the POP should be made consistent with the RMA in referring to 'outstanding natural features and landscapes' (also see Recommendation LSNC 8 and LSNC 9).

4.17.4.2 Suggested consequential alterations arising from Recommendation LSNC 17

- (a) Amend title of Schedule F, introductory note and Table title to read as follows:

Schedule F: Regionally Outstanding Natural Features and Landscapes

[Note: Table F1 lists the regionally outstanding natural features and landscapes in the Manawatu-Wanganui Region and their associated characteristics and values in narrative form. The Figures in Schedule F are intended to provide an indication only of the spatial extent of the landscapes and natural features described in Table F1. As such, the Figures are in the nature of “value envelopes” identifying the geographic area within which the characteristics and values described in Table F1 will likely be present. They are intended to assist Plan users in determining the general location of the characteristics and values of the regionally outstanding natural features and landscapes listed in Table F1.]

Regionally ~~important~~ outstanding natural features and landscapes in the Manawatu-Wanganui Region are as follows:

Table F1

- (b) Amend the keys in all Schedule F Maps to replace the words ‘Significant Landscape’ with the words ‘Outstanding Natural Feature or Landscape’, as detailed in the track changes document accompanying this report.
- (c) Amend Figure F:10 Manawatu Gorge to exclude private property, as detailed in Recommendation LSNC 24 (as shown in Appendix 4 Figure F:10).
- (d) Specify the skyline of the Ruahine and Tararua Ranges separately from the State Forest Parks identified in Table F1 and Figure F:8 and Figure F:9, as detailed in Recommendation LSNC 18.

4.18 Schedule F Landscapes Table Regionally Important Landscapes in the Manawatu-Wanganui Region

4.18.1 Summary of submissions

Please refer to 4.18 Schedule F Landscapes Table Regionally Important Landscapes in the Manawatu-Wanganui Region Summary of Submissions contained in Attachment 1.

(a) Consistent description of Rangitikei River

Manawatu District Council and Palmerston North City Council request that the Table in Schedule F (page F-1) or Figure F:7 (Rangitikei River) be amended to give a consistent description of the Rangitikei River.

Submission points: 340/151

Supported by: 481/37

(b) Characteristics and values associated with the Tararua and Ruahine Ranges

A large number of submissions seek that the characteristics/values and other values listed in the Table in Schedule F (page F-1) for item (i) 'the Skyline of the Tararua Ranges' be replaced with a more comprehensive list of values and characteristics that includes reference to ecological, recreational and cultural values, and specific skyline values. This request is supported by the Minister of Conservation and opposed by five energy operators and the Palmerston North City Council.

One submission requests that items (h) and (i) in Schedule F be amended to incorporate both the skyline 'and frontal flanks and ridges' of the Tararua and Ruahine Ranges.

The Wellington Conservation Board requests that the words 'the skyline of' be deleted from item (h) (Ruahine Ranges). The submission also notes that it is not just the skylines of the Tararua Ranges that should be identified as outstanding, but also the slopes leading up to the skyline.

Submission points: 369/36, 357/13, 394/36, 395/36, 396/36, 397/6, 401/36, 416/16, 416/17, 442/36, 452/36, 467/36, 468/41,

Supported by: 527/157, 527/180, 527/228, 527/287, 492/455, 527/316, 527/353, 527/397, 527/398, 527/460, 527/520, 527/583, 527/646

Opposed by: 519/334, 552/483, 519/314, 519/342, 552/484, 481/46, 519/326, 521/23, 522/485, 519/350, 522/486, 525/8, 519/417, 522/480, 519/358, 522/487, 519/405, 522/481, 519/406, 522/482, 519/366, 522/488, 519/374, 522/489, 519/382, 525/203, 522/491

(c) Manganui o Te Ao River

Federated Farmers of New Zealand Inc. requests the deletion of the item (f) (Manganui o Te Ao River) from the Table in Schedule F (page F-1). The submission also requests that resource consent fees be waived for all activities on properties affected by National Water Conservation Orders.

Submission points: 446/6

Opposed by: 492/453

4.18.2 Legislative assessment

Please refer to the Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations.

4.18.3 Evaluation

(a) Consistent Description of Rangitikei River

I agree that the entry in the Table in Schedule F (page F-1) for Figure F:7 (Rangitikei River) should be amended to give a consistent description of the Rangitikei River. The operative Regional Policy Statement (RPS) lists two

separate landscapes and natural features for the Rangitikei River, one above Mangarere Bridge, and one below. The intention of the RPS review was two-fold:

- (a) to remove from the landscape the areas protected through Water Conservation Orders and through new water quality and water quantity provisions in the POP for natural state waterways, and
- (b) to combine the remaining landscapes for inclusion in the list of outstanding natural features and landscapes for Schedule F.

Figure F:7 includes the two landscapes intended to be included in the POP, however, the description for the landscape upstream of the Mangarere Bridge has not been included, due to an error. There is no need to alter the map in Figure F:7, although the relevant description from the current RPS for the landscape upstream of the Mangarere Bridge should be included in the Table in Schedule F.

(b) Characteristics and values associated with the Tararua and Ruahine Ranges

As discussed in Recommendation LSNC 17, the list of landscapes and natural features and the associated characteristics and values that are included in the Table in Schedule F originate from the operative RPS. In my opinion, the list of landscapes and associated values and characteristics in the operative RPS are well established as being associated with acknowledged regionally outstanding landscapes. The maps in Schedule F are intended to be “value envelopes” indicating the location of the area within which values and characteristics associated with the listed landscape can be expected to be present. That is, it may be that not all characteristics and values are present throughout the entire mapped area, but some or all should be expected within that mapped area. The description of characteristics and values that appears in Schedule F for the skyline of the Ranges is limited. In my opinion, it could reasonably be expanded to better capture the characteristics and values historically acknowledged by the RPS.

I recommend here and in Recommendation LSNC 16, LSNC 17, LSNC 22 and LSNC 23 that Schedule F should be amended to list separately the physical *land* entity of the Tararua Ranges and the *skyline* of the Ranges. Mr Anstey states in his report (paragraph 9) that:

In my opinion, apart from the alterations I discuss in paragraphs 36 to 40, any additions or removals would do little to assist the cause of either the community or the energy companies’ without proper landscape assessments and a process of informed consultation to ascribe values to the districts’, and ultimately the Region’s, landscapes. Such assessment would include the landward side of the coastal environment. Only with a comprehensive understanding of the regions landscapes and the ways in which communities relate to and value them can we begin to establish any sense of their relative importance and vulnerability. Accordingly, it is my view that all of the Schedule F areas should be retained as presented in the Proposed One Plan (with minor modifications as described below) until comprehensive landscape assessments and evaluations have been carried out by the Region’s Territorial Authorities.

Mr Anstey also states in his report (paragraph 34) that:

A number of submissions requested a clarification in the terminology used and a consistency in its use. The most significant of these related to the definition of 'skyline'. In the operative Regional Policy Statement (RPS) this definition is precise whereas in the Proposed One Plan the 'skyline' is defined as a particular feature of visual and scenic character that is prominent. The tables in Schedule F list 'Outstanding Natural Features and Landscapes' which are shown on supporting maps as 'Significant Landscape'. The maps clearly show the areas referred to in the tables and should be titled the same. Skylines are not specifically located on the maps so that all prominent skylines in the areas shown on the maps potentially contribute to the prominence of the ranges. Importantly, the skyline is not limited to the highest ridge. The implication is that any ridgeline when seen against the sky becomes a feature to be protected from inappropriate subdivision, use, and development. I support this more inclusive and flexible approach to skylines, an approach which acknowledges that the skyline moves with the viewer and many ridgelines in an outstanding landscape can assume particular prominence when seen against the sky. For the same reason, a number of ridgelines in an outstanding landscape may be 'outstanding natural features', not only the highest ridgeline.

I agree with Mr Anstey. However, in my view it would be appropriate to include an expanded description of characteristics and values for the Ranges, and for the skyline of the Ranges, as requested in submissions and consistent with the historical descriptions.

One approach, and the approach I recommend here (and in LSNC 16, LSNC 17, LSNC 22 and LSNC 23), that could address the concerns relating to the definition of skyline and the description of values associated with the skyline is to include a separate item covering the skyline of both Ranges.

The operative RPS states the following with regard to the skyline of the Tararua Ranges and Ruahine Ranges:

The skyline is defined as the boundary between the land and sky at the crest of the highest points along the ridge. The skyline of the Ruahine Ranges is the land/sky boundary as viewed at a sufficient distance from the foothills so as to see the contrast between the solid nature of the land at the crest at the highest points along the range and the sky.

I suggest the following changes to the current RPS definition for the skyline of the Tararua and Ruahine Ranges, which incorporates Mr Anstey's preference for a "more inclusive and flexible approach to skylines, an approach which acknowledges that the skyline moves with the viewer and many ridgelines in an outstanding landscape can assume particular prominence when seen against the sky" (deletions shown in strike through, additions underlined):

The skyline is defined as the boundary between the land and sky ~~at the crest of the highest points along the ridge.~~ at the highest points along the range and the sky. ~~The skyline of the Ruahine Ranges is the land/sky boundary~~ as viewed at a sufficient distance from the foothills so as to see the contrast between the sky and the solid nature of the land at the crest at of the highest points along the range and the sky. ~~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

Therefore, for the purpose of clarity, I recommend a new definition for the skyline of the Tararua and Ruahine Ranges as follows:

The skyline is 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 sky and the solid nature of 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.

Mr Anstey states in his report (paragraph 36) that:

It is my view that the current acknowledgement of the skyline of the Tararua-Ruahine Ranges in the operative RPS as an outstanding feature should be carried over to the One Plan as an interim measure. I understand that this provision in the operative RPS has not been contested. I therefore endorse the approach proposed in Fiona Gordon's report which is to describe in words a specific item in Schedule F for the skyline of the Ruahine and Tararua Ranges as: "The skyline of the Ruahine and Tararua Ranges' defined as the boundary between the land and the sky as viewed at a sufficient distance from the foothills so as to see the contrast between the sky and the solid nature of 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".

I cannot agree with the submission by the Wellington Conservation Board that all reference to skyline should be deleted from item (h) (Ruahine Ranges). It appears from reading the submission that the submitter is concerned that the definition of 'skyline' should be expanded to include the lower slopes and values associated with that rather than that the concept of 'skyline' should be deleted. I consider that the changes to the definition of skyline that I recommend here will go some way to addressing the submitter's concerns.

I also consider that the descriptions included for both the Ruahine and Tararua Ranges and their skylines should be broadly consistent and should acknowledge the broader range of values suggested by submitters.

Submissions have focused on the Tararua Ranges but it would be reasonable, in my view, to address both the Ruahine and Tararua Ranges. In my view there is scope for the amendments proposed arising from the submission of the Wellington Conservation Board (submission 375). In any event, I consider that the amendments I suggest in Recommendation LSNC 18 can be considered to be consequential alterations arising from the issues raised in the submissions. In making this amendment, I consider that the titles of items (h) and (i) listed in Schedule F are most appropriately amended to read '(h) The Ruahine State Forest Park' and '(i) The Tararua State Forest Park' which more accurately matches the areas mapped in Figures F:8 and F:9 and is consistent with the titles used in the operative RPS.

(d) Manganui o Te Ao River

Item (f) of Schedule F is also discussed in Section 21 and Recommendation LSNC 21 of this report.

All of the submitters who had raised concerns about the mapping of the Manganui o Te Ao, and the Ruapehu District Council, were invited to attend a pre-hearing meeting held on 15 May 2008. Two submitters who own land within the mapped area (Sue and Gary Deadman and Winston Oliver) attended. Agreed outcomes of the meeting were that:

- The area shown as a significant landscape in Figure F:6 did not accurately match the description in the table on page F-1, and should not include the Ruatiti Stream catchment.
- The Manganui o Te Ao River area of significant landscape should be remapped to include the well-defined gorges, riparian bush margins and areas of adjoining bush of just the Manganui o Te Ao River. This is likely to result in the inclusion of all of the Manganui o Te Ao River valley, except the section from Makakahi Road to Ruatiti Domain, where areas of inclusion should be decided after consultation with affected landowners, and excluding the Waimarino and Orautoha valleys and the Ruatiti Stream and valley.
- Where a property or parts of a property are included in the area of significant landscape, it should not restrict normal farming activities on previously developed land, such as fencing, tracking, scrub maintenance, cultivation, and soil conservation plantings. An option for consideration is to include “farming activities” or similar description as a value for (f) on page F-1.
- Horizons Regional Council will consult with its landscape experts and consider the best process and timeframe for remapping, as well as what recommendation it will make on this matter to the Hearing Panel.
- It was noted, but not agreed, that Winston Oliver would like his house and curtilage excluded from the mapped area.

Mr Anstey has revisited the mapping in light of the agreed outcomes of the pre-hearing meeting and agrees (paragraph 38-39 of his report) that some areas can reasonably be excluded from Figure F:6 because they do not meet usual criteria as outstanding natural features or landscapes. It is acknowledged that the initial mapping was too coarse to differentiate these areas and a preliminary refinement of the boundaries seems justified. I note that Mr Anstey states that the revised “boundaries are still indicative, but at least there is now a recognition of the farmed areas within what is more generally a fairly stunning landscape”. Landowners were concerned about possible constraints on the management and use of their land if included in Schedule F. It should be noted that existing established activities will be able to rely on ‘existing use rights’, as Mr Anstey notes (paragraph 39). To some degree the established farming activities may even be important in sustaining the landscape values. Only with a significant change in the use of land can constraints be imposed. This is because a significant change in land use would require a resource consent and the effects would be assessed in the context of the outstanding landscape.

It should also be noted that the description provided for the Manganui o Te Ao in the Table in Schedule F was taken directly from the current RPS, and that it

was intended that the map should be indicative of the described area. Therefore, I consider that if any changes are to be made, the changes should be to the map rather than to the description (for those reasons discussed in Recommendation LSNC 17 regarding the origins and intent of the maps). However, should any changes be made to the map, I consider that consequential amendments to the description may be required to reflect these changes and that this would be appropriate.

I consider that the revised Figure F:6 proposed by Mr Anstey is an appropriate response to the submitters' concerns voiced at the pre-hearing meeting. I am satisfied that the adjustments to Figure F:6 do not detract from the intent of the map, which is to indicate the general location of the values and characteristics of the listed regionally outstanding landscape or natural features.

In relation to the request that resource consent fees be waived for all activities on properties affected by National Water Conservation Orders, I consider that this is a matter that needs to be determined as part of the Annual Plan process. The POP does not address any aspect of RMA fees and charges. These are all dealt with through the annual planning process.

4.18.4 Recommendation LSNC 18

- (a) Accept submissions seeking a consistent description of the Rangitikei River.
- (b) Accept in part submissions seeking to broaden the list of characteristics and values for item (i) the 'Skyline of the Tararua Ranges' by including a separate item encompassing the skyline of the Tararua Ranges and including an expanded list of characteristics and values for both items.
- (c) Reject the submission seeking deletion of item (f) (Manganui o Te Ao River) in Schedule F.
- (d) Accept in part the further submission opposing deletion of item (f) in Schedule F by amending Figure:F6 to exclude some areas within the mapped area of the Manganui o Te Ao River that do not have outstanding characteristics and values.
- (e) Accept in part the submission of the Wellington Conservation Board by listing in Table F1 the skyline of the Ruahine Ranges separately from the Ruahine State Forest Park, and by describing the characteristics and values of the skyline of the Ruahine Ranges to include the values of associated slopes as described in the submission.
- (f) Reject the submission seeking that resource consent fees be waived for all activities on properties affected by National Water Conservation Orders.

4.18.4.1 Reasons for Recommendation LSNC 18

- (a) The amendments proposed to figures and descriptions will improve the consistency within Schedule F.
- (b) The refinements to descriptions in Schedule F will better capture the characteristics and values that are acknowledged to be associated with the outstanding natural features and landscapes listed there.
- (c) It is appropriate to include a specific item recognising and describing the values of the skyline of the Ruahine and Tararua Ranges.
- (d) The POP is concerned with the significant resource management issues of the Region. It is not necessary or appropriate for the POP to address

matters relating to RMA fees and charges, which are best addressed by the annual planning process.

4.18.4.2 Suggested consequential alterations arising from Recommendation LSNC 18

- (a) Amend the first column in Table in Schedule F (page F-1), for item (g) Rangitikei River, to read as follows:

“(g) Rangitikei River and river valley from Mangarere Bridge (approximate map reference Infomap 260 T22 488 496) to Putorino (approximate map reference Infomap 260 T22 315 315), and from Mangarere Bridge (approximate map reference Infomap 260 T22 488 496) to the confluence of Whakaurekou River and Ohutu Stream (approximate map reference Infomap 260 U21:714-691) (Figure F:7)”

- (b) Amend the Table in Schedule F (page F-1) by deleting from items (h) and (i) the references to ‘skyline of the’ and insert additional values under ‘other values’, so that the entries read as follows:

Outstanding Natural Features or Landscapes	Characteristics/ Values	Other values
(h) The skyline of the Ruahine State Forest Park Ranges (Figure F:8)	Visual and scenic characteristics, particularly its prominence throughout much of the Region and its backdrop vista in contrast to the Region's plains	(i) <u>Ecological values including values associated with mature indigenous forest, remnant and regenerating indigenous vegetation and important habitat.</u> (ii) <u>Contribution to the national conservation estate.</u> (iii) <u>Recreational values.</u> (iv) <u>Cultural values.</u>
(i) The skyline of the Tararua State Forest Park Ranges (Figure F:9)	Visual and scenic characteristics, particularly its prominence throughout much of the Region and its backdrop vista in contrast to the Region's plains	(i) <u>Ecological values including values associated with mature indigenous forest, remnant and regenerating indigenous vegetation and important habitat.</u> (ii) <u>Contribution to the national conservation estate.</u> (iii) <u>Recreational values.</u> (iv) <u>Cultural values.</u>

- (c) Amend the Table in Schedule F (page F-1) by inserting after item (i) a new item (j) with associated characteristics and values to read as follows:

Outstanding Natural Features or Landscapes	Characteristics/ Values	Other values
(j) <u>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 sky and the solid nature of the land at</u>	(i) <u>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.</u>	

<u>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.</u>	<u>(ii) Importance to tangata whenua.</u>	
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- (d) Re-number the following items in the Table in Schedule F from (k) accordingly.

4.19 Schedule F Regional Landscapes F:2 Whakapapa River

4.19.1 Summary of submissions

Please refer to 4.19 summary of submissions contained in Attachment 1.

The submissions (387/12 and 388/2) oppose the inclusion of the Whakapapa River in Schedule F (item (b) and Figure F:2). One submission states that “most of the Whakapapa scenic area cannot be seen from the road. Why should some farms be scenic and not others?” I note that the submitter does not expressly request its deletion. Another submission states “the actual scenic reserve is along the Whakapapa River and bounds on the legal boundaries of the farmland...map F2 includes at least two thirds of our property”. The submitter requests the deletion of Map F2.”

4.19.2 Legislative overview

The Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations is relevant as background, but these submissions do not raise any specific issues in terms of the legislative framework.

4.19.3 Evaluation

As discussed previously in Recommendation LSNC 17 the list of landscapes and natural features and the associated characteristics and values that are included in the Table in Schedule F originate from the current RPS. I consider, as discussed in Recommendation LSNC 17 that this list of landscapes and associated values and characteristics are well established as regionally outstanding landscapes. Also, as discussed in Recommendation LSNC 17, the maps in Schedule F are intended to be “value envelopes” indicative of the location of the values and characteristics associated with the listed landscape.

In addition, Mr Anstey states in his report (paragraph 9) that:

In my opinion, apart from the alterations I discuss in paragraphs 36 to 40, any additions or removals would do little to assist the cause of either the community or the energy companies’ without proper landscape assessments and a process of informed consultation to ascribe values to the districts’, and ultimately the Region’s, landscapes. Such assessment would include the landward side of the coastal environment. Only with a

comprehensive understanding of the regions landscapes and the ways in which communities relate to and value them can we begin to establish any sense of their relative importance and vulnerability. Accordingly, it is my view that all of the Schedule F areas should be retained as presented in the Proposed One Plan (with minor modifications as described below) until comprehensive landscape assessments and evaluations have been carried out by the Region's Territorial Authorities.

Taking into account the origins of the list of landscapes in Schedule F and the intent of the maps provided in Schedule F, as discussed above, I concur with Mr Anstey and consider that no significant adjustment be made to the listed landscapes until such time as a more detailed landscape assessment is undertaken.

Mr Anstey states in his report (paragraph 40) that:

A number of submissions oppose the inclusion of the Whakapapa River (Figure F:2). I have reviewed the map and the description of characteristics and values, although I have not been commissioned to undertake a detailed landscape assessment of the entire river corridor. I am however familiar with sections of the Whakapapa River and it is my opinion that it would qualify as outstanding in terms of a number of the accepted criteria. I therefore do not support its deletion from Schedule F. I do however support the removal from the mapped overlay of a specific area owned by the Sivyers, who submitted that their land sat outside the boundary of the outstanding landscape. A map showing the recommended amendments to the Whakapapa River Figure F:2 is attached to this report.

I concur with Mr Anstey and consider that the minor amendment to the Whakapapa River Figure F:2 undertaken by Mr Anstey, in response to submitters' concerns, is an appropriate response. I consider that the adjustments to Map F:2 do not detract from the intent of the map which is to indicate the general location of the values and characteristics of the listed regionally outstanding landscape or natural features.

4.19.4 Recommendation LSNC 19

- (a) Accept submissions that seek amendment to F:2 so that the submitters' private property is excluded from the area identified on Figure F:2 as part of the Whakapapa River outstanding landscape area.

4.19.4.1 Reasons for Recommendation LSNC 19

- (a) Exclusion of this land from the identified area is a logical and reasonable response to submitters' concerns and can be supported on landscape grounds.

4.19.4.2 Suggested consequential alterations arising from Recommendation LSNC 19

- (a) Amend the mapped area of "Whakapapa River" Figure F:2 of Schedule F to exclude the property of submitter 387 and 388 (amendments as

detailed in Attachment 4 of Clive Anstey's Report) and in the manner shown in Appendix 1 to this report.

- (b) Consistent with Recommendation LSNC 17, amend the keys in Figure F:2 to replace the words 'Significant Landscape' with the words 'Outstanding Natural Feature or Landscape' as detailed in the track changes document accompanying this report.

4.20 Schedule F Regional Landscapes F:5 Mount Aorangi

4.20.1 Summary of submissions

Please refer to 4.20 Schedule F Regional Landscapes F:5 Mount Aorangi Summary of Submissions contained in Attachment 1.

All submissions agree with the inclusion of Mount Aorangi in Schedule F (item (e) shown on Figure F5). They are, however, concerned that a spatial boundary has been used to demarcate its extent of significance and note that taonga such as Mt Aorangi should be seen as parts of an interconnected whole. They do not suggest an alternative mapped area.

Submission points: 386/77, 427/77
Supported by: 527/191, 527/411

4.20.2 Legislative assessment

The Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations is relevant as background, but these submissions do not raise any specific issues in terms of the legislative framework.

4.20.3 Evaluation

I agree with the submitter that the boundary drawn for the landscapes of Mount Aorangi does not reflect landform. As discussed previously in Recommendation LSNC 17, the list of landscapes and natural features and the associated characteristics and values that are included in the Table in Schedule F originate from the current RPS. I consider, as discussed in Recommendation LSNC 17 that the listed landscapes and associated values and characteristics (including Mt Aorangi) are well established as regionally outstanding landscapes. Also, as discussed in Recommendation LSNC 17, the maps in Schedule F are intended to be "value envelopes" indicative of the location of the values and characteristics associated with the listed landscape.

In addition, Mr Anstey states in his report (paragraph 9) that the inclusion of new additional landscapes or the extension of areas mapped, or amendment to the list of characteristics and values, would be best undertaken through an assessment process that includes robust public input. Mr Anstey recommends a process for this be included in the POP (see recommendation LSNC 9).

Taking into account the origins of the list of landscapes in Schedule F and the intent of the maps provided in Schedule F, as discussed above, I concur with Mr Anstey and consider that no significant adjustment be made to the items in

Schedule F, until such time as landscape assessments are carried out by the Territorial Authorities as recommended in Recommendation LSNC 9. I consider this to be an appropriate approach based on the information currently available with regard to the regionally outstanding landscapes in the Manawatu-Wanganui Region. Accordingly, and until that work is done, and subject to any evidence presented to the Hearing that would justify an amended boundary, I support the mapped area delineated on Figure F:5 of Schedule F.

4.20.4 Recommendation LSNC 20

- (a) Accept the submissions supporting existing provisions noting that they request no specific changes, therefore no changes to existing provisions require to be considered.

4.20.4.1 Suggested consequential alterations arising from Recommendation LSNC 20

- (a) Consistent with Recommendation LSNC 17, amend the keys in Figure F:5 to replace the words “Significant Landscape” with the words “Outstanding Natural Feature or Landscape” as detailed in the track changes document accompanying this report.

4.21 Schedule F Regional Landscapes F:6 Manganui o Te Ao River

4.21.1 Summary of submissions

Please refer to 4.21 Schedule F Regional Landscapes Figure F:6 Manganui o Te Ao Summary of Submissions contained in Attachment 1.

All submissions request that the landscape mapped in Figure F:6 for the Manganui O Te Ao River be reduced to the riparian margin, or that the map excludes the Hoihenga and Pukekaha Road area.

Submission points: 142/5,143/5, 144/10, 145/2, 198/11, 221/5, 224/7,
294/5

Opposed by: 492/454

4.21.2 Legislative assessment

The Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations is relevant as background, but these submissions do not raise any specific issues in terms of the legislative framework.

4.21.3 Evaluation

As discussed previously in Recommendation LSNC 17 the list of landscapes and natural features and the associated characteristics and values that are included in the Table in Schedule F originate from the operative RPS. I consider, as discussed in Recommendation LSNC 17, that the listed

landscapes and associated values and characteristics are well established as regionally outstanding landscapes. Also, as discussed in Recommendation LSNC 17, the maps in Schedule F are intended to be 'value envelopes' indicative of the location of the values and characteristics associated with the listed landscape. In addition, Mr Anstey states in his report (paragraph 9) that the addition or removal of items regarding Schedule F would be best undertaken through an assessment process that includes robust public input. Mr Anstey recommends a process for this be included in the POP (see recommendation LSNC 9). Taking into account the origins of the list of landscapes in Schedule F and the intent of the maps provided in Schedule F, as discussed above, I concur with Mr Anstey and consider that no significant adjustment should be made to items in Schedule F, until such time as landscape assessments are carried out by the Territorial Authorities as recommended in Recommendation LSNC 9. I consider this to be an appropriate approach based on the information currently available with regard to the regionally outstanding landscapes in the Manawatu-Wanganui Region.

All of the submitters, and the Ruapehu District Council, were invited to attend a pre-hearing meeting which was held on 15 May 2008. The meeting was attended by two submitters, namely Sue and Gary Deadman (Submitter 224) and Winston Oliver (Submitter 145). The agreed outcomes at the meeting were:

- It was agreed that the area shown as a significant landscape in Figure F:6 did not accurately match the description in the Table on page F-1, and should not include the Ruatiti Stream catchment.
- It was agreed that the Manganui o Te Ao River area of significant landscape should be remapped to include the well-defined gorges, riparian bush margins and areas of adjoining bush of just the Manganui o Te Ao River. This is likely to result in the inclusion of all of the Manganui o Te Ao River valley, except the section from Makakahi Road to Ruatiti Domain, where areas of inclusion should be decided after consultation with affected landowners, and excluding the Waimarino and Orautoha valleys and the Ruatiti Stream and valley.
- It was agreed that where a property or parts of a property are included in the area of significant landscape it should not restrict normal farming activities on previously developed land, such as fencing, tracking, scrub maintenance, cultivation, and soil conservation plantings. An option for consideration is to include "farming activities" or similar description as a value for (f) on page F-1.
- Horizons Regional Council will consult with its landscape experts and consider the best process and timeframe for remapping, as well as what recommendation it will make on this matter to the Hearing Panel.
- It was noted, but not agreed, that Winston Oliver would like his house and curtilage excluded from the mapped area.

Mr Anstey states in his report (in paragraph 38 and 39) that:

There were several submissions from landowners requesting boundary adjustments to exclude productive areas of their farms from areas mapped as outstanding natural features and landscapes. Pre-hearing meetings were held with these landowners. Tom and Linda Shannon own a property in the Manawatu Gorge and requested that a pastured area be excluded from Figure F:10. A group of submitters with properties on the Manganui o Te Ao River made similar requests for their land. Sue and Gary Deadman

and Winston Oliver attended a pre-hearing meeting requesting the removal of the Ruatiti Stream Catchment from Figure F:6 but accepted that along the Manganui o Te Ao River riparian areas, gorges and native remnants could be included.

The Regional Council staff at the meetings accepted that boundary adjustments needed to be made along the lines suggested and agreed to make these adjustments on any maps included in the final One Plan. These adjustments have been made and are shown in the maps attached to my evidence. Although it would have been preferable to treat these boundary changes as part of a wider assessment (the approach advocated in my evidence) it was clear that this particular group of landowners occupy a complex landscape within which natural and developed areas are intimately interwoven. Although much of the landscape retains an original and very natural character, and has outstanding natural features such as ridges, steeper areas and deeply incised water courses, there are considerable areas of pasture on the warmer slopes and flatter areas. The initial mapping was too coarse to differentiate these areas and a preliminary refinement of the boundaries seemed justified, as requested. I would have to concede that the new boundaries are still indicative but at least there is now a recognition of the farmed areas within what is more generally a fairly stunning landscape. Maps showing the recommended amendments to the Manganui o Te Ao Figure F:6 and to Manawatu Gorge Figure F:10 are attached to this report. Landowners were concerned about possible constraints on the management and use of their land within an outstanding natural landscape. It can be noted however that existing uses are accepted in outstanding natural landscapes and may even be important in sustaining their values. Only with a significant change in the use of land can constraints be imposed. This is because a significant change in land use would require a resource consent and the effects would be assessed in the context of the outstanding landscape.

It should also be noted that the description provided for the Manganui o Te Ao in the Table in Schedule F was taken directly from the current RPS, and that it was intended that the map should be indicative of the described area, therefore, I consider that if any changes are to be made, the changes should be to the map in the first instance, rather than to the description (for those reasons discussed in Recommendation LSNC 17 regarding the origins and intent of the maps).

While I concur with Mr Anstey and consider that no significant adjustment should be made to items in Schedule F, until such time as landscape assessments are carried out by the Territorial Authorities (as recommended in Recommendation LSNC 9). I consider that the remapping of the Manganui o Te Ao Map F:6 undertaken by Mr Anstey in response to submitters' concerns, and agreed outcomes at the pre-hearing meeting, is an appropriate response. I consider that the recommended adjustments to Map F:6 do not detract from the intent of the map, which is to indicate the general location of the values and characteristics of the listed regionally outstanding landscape or natural features.

4.21.4 Recommendation LSNC 21

- (a) Accept in part submissions seeking that Figure F:6 of the Manganui o Te Ao River be reduced to the riparian margin only, or that the map excludes the Hoihenga and Pukekaha Road area.

4.21.5 Reasons for Recommendation LSNC 21

- (a) The amendments proposed are logical and reasonable to respond to submitters' requests, and can be supported on landscape grounds.

4.21.6 Suggested consequential alterations arising from Recommendation LSNC 21

- (a) Amend the mapped area of Manganui o Te Ao Figure F:6 of Schedule F (amendments as detailed in Attachment 4 of Clive Anstey's Report) and in the manner shown in Appendix 2 to this report.
- (b) Amend the Table in Schedule F item (f), Column 1, so that it reads as follows:

(f) Manganui o Te Ao River and river valley, including the Makatote and Mangaturuturu Rivers and their valleys, and parts of the Orautoha, Waimarino and Ruatiti Streams and valleys, the Waimarino and Orautoha Streams, (but not the Waimarino and Orautoha valleys or the Ruatiti Stream or valley) (Figure F:6)	(i) Visual and scenic characteristics, particularly its river gorges and riparian margins and outstanding wild and scenic characteristics	(i) Ecological significance, providing a habitat for the Blue Duck, and wildlife and fisheries, (ii) Recognised protection – national water conservation order
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- (c) Consistent with Recommendation LSNC 17, amend the key in Figure F:6 to replace the words 'Significant Landscape' with the words 'Outstanding Natural Feature or Landscape' as detailed in the track changes document accompanying this report.

4.22 Schedule F Regional Landscapes F:8 Ruahine Ranges

4.22.1 Summary of submissions

Please refer to 4.22 Schedule F Regional Landscapes F:8 Ruahine Ranges Summary of Submissions contained in Attachment 1.

One submission requests that the area shown on the maps in Schedule F be amended to include an extended area encompassing the skyline from Apiti to Tokomaru and include all public and private land in that area.

Submission point: 165/3
Supported by: 527/94
Opposed by: 519/415, 522/465

One submission requests the reinstatement of protection for the entire Ruahine Range, as was the intention of the current RPS. Another requests the inclusion in Schedule F of a new map to show all land associated with the Ruahine and Tararua Ranges down to the 200 m contour line.

Submission point: 257/1, 416/21
Supported by: 527/107, 527/402
Opposed by: 519/420, 522/464, 519/410, 522/466

4.22.2 Legislative assessment

The Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations is relevant as background, but these submissions do not raise any specific issues in terms of the legislative framework.

4.22.3 Evaluation

It may be helpful to reiterate here the background earlier explained about the origins of the listing for the Ruahine Ranges in Schedule F. The operative RPS included two separate “outstanding and regionally significant” landscapes for the Ruahine Ranges, as follows:

- The skyline of the Ruahine Ranges, specifically: (i) its scenic qualities provided by its prominence throughout much of the Region and its backdrop to vista in contrast to the Region’s Plains.
- Ruahine State Forest Park, specifically: (i) its recreationally and ecological values, contributing to the national conservation estate, and (ii) its ecological value provided by its rare tussock lands.

As discussed in Recommendation LSNC 17, the review of the current list of landscapes in the RPS included the combining of landscapes into one where this was considered appropriate. The Ruahine State Forest Park and skyline of the Ruahine Ranges landscapes were combined into one landscape for inclusion in the POP, and presented as “The Skyline of the Ruahine Ranges”. The map in Figure F:8 is titled “Ruahine Ranges” and is drawn on the State Forest Park boundary. For this reason, although not explicitly requested in submissions, I recommend in Recommendation LSNC 18, for the purpose of clarity, that the “The Skyline of the Ruahine Ranges” listed in Schedule F item (h) and the title of Figure F:8 be amended to “The Ruahine State Forest Park”. This more accurately describes the area mapped in Figure F:9 and is consistent with the language adopted in the operative RPS.

As stated previously, Mr Anstey states in his report (paragraph 9) that the inclusion of new additional landscapes or the extension of areas mapped, or amendment to the list of characteristics and values, would be best undertaken through an assessment process that includes robust public input. Mr Anstey recommends a process for this be included in the POP (see recommendation LSNC 9).

However, Mr Anstey also states in his report (paragraph 35) that:

A number of submissions requested that areas defined as outstanding natural features and landscapes be extended to include prominent landforms and skylines further north along the Tararua Ranges, as well as

prominent landforms and skylines to the west of the currently defined area. Their objective in requesting this was to afford greater protection to landscapes closer to settled areas and to areas of importance to outdoor recreation activities. While having some sympathy with the intent it is my view that adding additional areas would be unhelpful without the benefit of a more comprehensive landscape assessment. Without first identifying landscapes and natural features (and 'Amenity Landscapes') that are important across the districts within the Region it is impossible to establish relative significance and decide which landscapes should be added to those that are outstanding at a regional scale.

Mr Anstey also states (paragraph 36) that:

It is my view that the current acknowledgement of the skyline of the Tararua-Ruahine Ranges in the operative RPS as an outstanding feature should be carried over to the One Plan as an interim measure. I understand that this provision in the operative RPS has not been contested. I therefore endorse the approach proposed in Fiona Gordon's report which is to describe in words a specific item in Schedule F for the skyline of the Ruahine and Tararua Ranges as: "The skyline of the Ruahine and Tararua Ranges' defined as the boundary between the land and the sky as viewed at a sufficient distance from the foothills so as to see the contrast between the sky and the solid nature of 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".

Mr Anstey continues (paragraph 37):

The assessment currently being undertaken by Palmerston North City Council is the first step in a process of refining the mapping of outstanding natural features and landscapes. 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 Pahiatua Track. The elevation and vegetation cover is similar to that within the forest park. It is of a 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). The current assessment being undertaken by the Council will provide the opportunity to explore the significance and extent of this section of the ranges, in particular whether or not it is only the ridgeline that is outstanding or whether a more extensive area of spurs and upper slopes should also be recognised as outstanding.

It should also be noted that there is a discrepancy between the title given to the landscape in Table F and the title of the map in Figure F:8. The intention in combining the two landscapes listed in the current RPS was to include the skyline within the Ruahine State Forest Park and that the values/characteristics of both be carried over into the POP.

I agree with Mr Anstey and recommend in LSNC 18 that there be separate entries for the Ruahine Ranges and Tararua Ranges, and for the skyline of both Ranges. For the reasons given earlier in relation to the entry for the Ruahine Ranges, I recommend that the title of item (i) in Table F1 and the title of Figure F:9 be amended to read “The Tararua State Forest Park”.

4.22.4 Recommendation LSNC 22

- (a) Reject the submissions seeking that the extent of the Ruahine Ranges as shown on Figure F:8 be extended.
- (b) Reject the submissions seeking that the extent of the Tararua Ranges as shown on Figure F:9 be extended.
- (c) Accept in part submissions seeking to extend the identification of the Ranges in Schedule F to specifically identify the skyline.

4.22.5 Reasons for Recommendation LSNC 22

- (a) It is reasonable to explicitly identify the values and characteristics of the skyline of the Ruahine and Tararua Ranges.
- (b) It would be inappropriate to seek to alter the boundaries of the areas identified in Schedule F without more detailed analysis of the values and characteristics of the areas referred to in the submissions.

4.22.6 Suggested consequential alterations arising from Recommendation LSNC 22

- (a) Amend the Table in Schedule F, Column 1 for the Skyline of the Ruahine Ranges to include a definition of skyline in the manner proposed in Recommendation LSNC 18.
- (b) Amend item (h) in the Table in Schedule F to read ‘The Ruahine State Forest Park’ as proposed in Recommendation LSNC 18.
- (c) Amend item (i) in the Table in Schedule F to read “The Tararua State Forest Park” as proposed in Recommendation LSNC 18.
- (d) Insert a new item (j) into the Table in Schedule F describing the skyline of the Ruahine and Tararua Ranges in the manner proposed in Recommendation LSNC 18.
- (e) Consistent with Recommendation LSNC 17, amend the key in Figure F:8 to replace the words ‘Significant Landscape’ with the words ‘Outstanding Natural Feature or Landscape’, as detailed in the track changes document accompanying this report.

4.23 Schedule F Regional Landscapes F:9 Tararua Ranges

4.23.1 Summary of submissions

Please refer to 4.23 Schedule F Regional Landscapes F:9 Tararua Ranges Summary of Submissions contained in Attachment 1.

(a) Extension of mapped area of Tararua Ranges

Most of the submissions request that the area mapped in Figure F:9 for the Tararua Ranges be extended to include the entire area of the Ranges rather than just that part owned in the public (DoC) estate. The submissions request inclusion of the ridgeline south of the Pahiatua Track, the Turitea Reserve, Kaihinu and Te Mata ridgeline, and all land above the 300 m contour line including inner valleys. Several submissions specify their request in a plan attached to their submission (attached to my report as Appendix 3). Several submissions also request that the identified area also include all peaks and associated ridge topography that creates the skyline. The submissions request amendment of both the mapped area in Figure F:9 and the entries in the Table in Schedule F. Submission 257/2 requests the reinstatement of protection for the whole of the Tararua Ranges as in the operative RPS. These submissions are opposed by Mighty River Power, Meridian Energy, Genesis Power Ltd, Allco Wind Energy NZ Ltd.

Submission points: 30/1, 37/1, 165/4, 239/1, 369/22, 369/37, 394/22, 394/37, 395/22, 395/37, 396/22, 396/37, 397/7, 401/22, 401/37, 416/23, 442/22, 442/37, 448/2, 452/22, 452/37, 467/22, 467/37, 468/29, 468/42

Supported by: 527/87, 527/88, 527/95, 527/106, 527/108, 527/143, 527/158, 527/214, 527/229, 527/273, 527/288, 527/317, 527/339, 527/354, 527/404, 527/446, 527/461, 527/484, 527/506, 527/521, 527/569, 527/584, 527/634, 527/647

Opposed by: 519/438, 522/467, 481/6, 519/422, 522/468, 519/416, 519/419, 519/421, 522/469, 519/330, 522/471, 519/335, 519/338, 522/472, 519/343, 481/44, 519/322, 521/18, 522/473, 481/47, 519/327, 521/24, 519/346, 522/474, 519/351, 519/418, 519/354, 522/475, 519/359, 519/411, 519/362, 522/476, 519/367, 519/423, 522/470, 519/370, 522/477, 519/375, 519/378, 525/198, 519/383, 519/389, 522/479

The Energy Efficiency and Conservation Authority requests that the landscape defined in Figure F:9 be amended to delineate specific, more limited rather than broad expanses of land. That submission is supported by Mighty River Power and Allco Wind Energy NZ Ltd and opposed by Palmerston North City Council and Tararua-Aokautere Guardians.

Submission points: 307/12
Supported by: 519/295, 521/74
Opposed by: 481/28, 527/26

4.23.2 Legislative assessment

The Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations is relevant as background, but these submissions do not raise any specific issues in terms of the legislative framework.

4.23.3 Evaluation

The area currently identified in Schedule F is expressed as 'The Skyline of the Tararua Ranges'. The associated map in Figure F:9 shows the land that is held in public ownership as State Forest Park. To that extent it does not physically represent the complete 'skyline' so there is a mismatch, in effect, between the Schedule F written description and Figure 9.

The operative RPS identifies two separate 'outstanding and regionally significant' landscapes for the Tararua Ranges, being:

- The skyline of the Tararua Ranges (specifically: (i) its scenic qualities provided by its prominence throughout much of the Region and its backdrop vista in contrast to the Region's Plains); and
- The Tararua State Forest Park (specifically: (i) its recreational and ecological values, contributing to the national conservation estate).

The review of the current list of landscapes in the RPS included the combining of landscapes into one where this was considered appropriate. The Tararua State Forest Park and skyline of the Tararua Ranges landscapes were combined into one landscape for inclusion in the POP, and presented as 'The Skyline of the Tararua Ranges'. The map in Figure F:9 is titled 'Tararua Ranges' but shows only land within the State Forest Park .

The 'mismatch' I refer to has resulted from this combining exercise. The intention in combining the two landscapes listed in the current RPS was to include the skyline within the Tararua State Forest Park and to also include the values and characteristics of both, carried over from the operative RPS. I recommend that item (i) in Table F1 should more accurately read: 'The Tararua State Forest Park'. This more accurately describes the area mapped in Figure F:9 and is consistent with the language adopted in the operative RPS. The title of Figure F:9 should be similarly amended. I make a similar recommendation about the title for the Ruahine Ranges (Recommendation LSNC 18).

It is my view, supported by Mr Anstey (paragraphs 34-36 in his report), that the physical entity of the *land* that comprises the Ranges and the *skyline* should be listed and described separately in Schedule F.

Drawing on the definition used in the operative RPS and the suggestions made in submissions, I suggest in Recommendation LSNC 18 that the 'skyline' could be described in column 1 of Schedule F as:

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 sky and the solid nature of 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.

The description of characteristics and values of the item (i) in Schedule F carries over from the operative RPS only the values associated with the 'skyline' but not those associated with the physical land entity of the State

Forest Park. In my opinion, it would be reasonable to include a separate item capturing the land within the State Forest Park and expanding the description of characteristics and values associated with that to acknowledge the range of scenic, ecological, recreational and skyline values, as follows:

Outstanding Natural Features or Landscapes	Characteristics/ Values	Other values
"(i) The Tararua State Forest Park (Figure F:9)	<i>Visual and scenic characteristics, particularly its prominence throughout much of the Region and its backdrop vista in contrast to the Region's plains</i>	<i>(i) Ecological values including values associated with mature indigenous forest, remnant and regenerating indigenous vegetation and important habitat. (ii) Contribution to the national conservation estate. (iii) Recreational values. (iv) Cultural values</i>

A pre-hearing meeting was held with Tararua-Aokautere Guardians (TAG) (395) submitters on 12 May 2008 to specifically discuss the landscape provisions of the POP and their concerns with regard to Schedule F and Figure F:9 for the Tararua Ranges. The agreed outcomes of the meeting included:

- A 'second layer' of significant landscapes could be identified perhaps as 'locally significant'. The identification of these landscapes would require a consultative process.
- A set of criteria for the assessment of landscapes could be developed and included in the POP.
- Maps should preferably be drawn using visual and natural boundaries rather than property boundaries.
- Horizons Regional Council will clarify the use of the terms 'regionally significant' and 'outstanding' so that one expression use is used consistently in the POP.
- Horizons Regional Council will consider re-drawing the map (of the Tararua Ranges in Schedule F) using information from submitters and Regional Policy Statement criteria.

TAG members took the opportunity to mark the general boundaries of the area they believed should be considered for inclusion in Figure F:9. Members also referenced their proposals back to TAG's submission. The submitters' suggestions have been considered in detail by Mr Anstey since that meeting and I am aware that Mr Anstey has visited the areas referred to, to consider their merit as outstanding landscapes.

Having undertaken that review, Mr Anstey concludes in his report (paragraph 9) that the inclusion of new additional landscapes or the extension of areas mapped or amendment to the list of characteristics and values would be best undertaken through an assessment process that includes robust public input.

4.23.4 Recommendation LSNC 23

- (a) Reject the submissions requesting that the area mapped in Figure F:9 for the Tararua Ranges be extended.

- (b) Accept in part submission 257/2 requesting the reinstatement of protection for the whole of the Tararua Ranges, as was the intent of the current RPS.
- (c) Accept in part the submissions requesting the inclusion in Schedule F of the skyline of the Tararua Ranges.
- (d) Reject the submissions requesting that the landscape defined in Figure F:9 be amended to delineate specific, more limited rather than broad expanses of land.

4.23.4.1 Reasons for Recommendation LSNC 23

- (a) Extension to the mapped area defining the Tararua Ranges cannot be supported at present because there is no clear evidence of sufficient similarity in landscape character and values with that within the Tararua State Forest Park, where landscape values are considered to be outstanding overall.
- (b) It is appropriate for the description of characteristics and values in Schedule F to recognise the full range of visual, scenic, skyline, ecological and recreational values associated with the Tararua Ranges.

4.23.4.2 Suggested consequential alterations arising from Recommendation LSNC 23

- (a) Amend the Table in Schedule F (Column 1) to include an item describing the skyline of the Tararua Ranges consistent with Recommendation LSNC 18.
- (b) Amend the description for item (i) to depict the characteristics and values of the Tararua State Forest Park, consistent with Recommendation LSNC 18 and in the following way:

Outstanding Natural Features or Landscapes	Characteristics/ Values	Other values
(i) The skyline of the Tararua State Forest Park Ranges (Figure F:9)	<i>Visual and scenic characteristics, particularly its prominence throughout much of the Region and its backdrop vista in contrast to the Region's plains</i>	(v) <u>Ecological values including values associated with mature indigenous forest, remnant and regenerating indigenous vegetation and important habitat.</u> (vi) <u>Contribution to the national conservation estate.</u> (vii) <u>Recreational values.</u> (viii) <u>Cultural values.</u>

- (c) Consistent with Recommendation LSNC 17 amend the key in Figure F:9 to replace the words 'Significant Landscape' with the words 'Outstanding Natural Feature or Landscape' as detailed in the track changes document accompanying this report.

4.24 Schedule F Regional Landscapes F:10 Manawatu Gorge

4.24.1 Summary of submissions

Please refer to the 4.24 Schedule F Regional Landscapes F:10 Manawatu Gorge Summary of Submissions contained in Attachment 1.

The submission of Tom and Linda Shannon (opposed by Tararua-Aokautere Guardians (TAG)) requests the amendment of Map F10 Manawatu Gorge to exclude their private property from the area identified as part of the Manawatu Gorge outstanding landscape area (item (j) and Figure F:10 in Schedule F).

Submission points: 163/2

Supported by: 527/4

4.24.2 Legislative assessment

The Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations is relevant as background, but these submissions do not raise any specific issues in terms of the legislative framework.

4.24.3 Evaluation

As discussed previously in Recommendation LSNC 17, the list of landscapes and natural features, and the associated characteristics and values that are included in the Table in Schedule F originate from the operative RPS. I consider, as discussed in Recommendation LSNC 17, that the listed landscapes and associated values and characteristics are well established as regionally outstanding landscapes.

However, as Mr Anstey also states in his report, there are some justifiable exceptions. He discusses the Shannon's property in his report (paragraph 38 and 39):

There were several submissions from landowners requesting boundary adjustments to exclude productive areas of their farms from areas mapped as outstanding natural features and landscapes. Pre-hearing meetings were held with these landowners. Tom and Linda Shannon own a property in the Manawatu Gorge and requested that a pastured area be excluded from Figure F:10. A group of submitters with properties on the Manganui o Te Ao River made similar requests for their land. Sue and Gary Deadman and Winston Oliver attended a pre-hearing meeting requesting the removal of the Ruatiti Stream Catchment from Figure F:6 but accepted that along the Manganui o Te Ao River riparian areas, gorges and native remnants could be included.

Mr Anstey continues in his report (paragraph 39):

The Regional Council staff at the meetings accepted that boundary adjustments needed to be made along the lines suggested and agreed to make these adjustments on any maps included in the final One Plan.

These adjustments have been made and are shown in the maps attached to my evidence. Although it would have been preferable to treat these boundary changes as part of a wider assessment (the approach advocated in my evidence) it was clear that this particular group of landowners occupy a complex landscape within which natural and developed areas are intimately interwoven. Although much of the landscape retains an original and very natural character, and has outstanding natural features such as ridges, steeper areas and deeply incised water courses, there are considerable areas of pasture on the warmer slopes and flatter areas. The initial mapping was too coarse to differentiate these areas and a preliminary refinement of the boundaries seemed justified, as requested. I would have to concede that the new boundaries are still indicative but at least there is now a recognition of the farmed areas within what is more generally a fairly stunning landscape. Maps showing the recommended amendments to the Manganui o Te Ao Figure F:6 and to Manawatu Gorge Figure F:10 are attached to this report. Landowners were concerned about possible constraints on the management and use of their land within an outstanding natural landscape. It can be noted however that existing uses are accepted in outstanding natural landscapes and may even be important in sustaining their values. Only with a significant change in the use of land can constraints be imposed. This is because a significant change in land use would require a resource consent and the effects would be assessed in the context of the outstanding landscape.

A pre-hearing meeting was held with Tom Shannon (Submission 163) on 20 May 2008 to discuss the adjustment of boundary requested by the submitter with regard to Map F:10 Manawatu Gorge. The following agreed outcomes resulted from the meeting:

- Remapping the area to exclude the submitters' property would more accurately reflect the words in the description of this landscape in (j) in the Table on page F-2.
- Horizons Regional Council will consult with its landscape experts and consider appropriate wording for a recommended amendment.
- The proposed amendment will be included in the Horizons Regional Council officer's report that will be circulated five weeks before the hearing on that part of the Plan. If the Shannon's have any concerns about the proposed wording at that stage they will make contact with Horizons Regional Council.

I concur with Mr Anstey and consider that the remapping of the Manawatu Gorge Map F:10 undertaken by Mr Anstey, in response to submitters' concerns and agreed outcomes at the pre-hearing meeting, is an appropriate response. I consider that the adjustments to Map F:10 do not detract from the intent of the map, which is to indicate the general location of the values and characteristics of the listed regionally outstanding landscape or natural features.

4.24.4 Recommendation LSNC 24

- (a) Accept submissions that seek amendment to Figure F:10 so that the submitters' private property is excluded from the area identified on Figure F:10 as part of the Manawatu Gorge outstanding landscape area.

4.24.4.1 Reasons for Recommendation LSNC 24

- (a) Exclusion of this land from the identified area is a logical and reasonable response to the submitters' concerns and can be supported on landscape grounds.

4.24.4.2 Suggested consequential alterations arising from Recommendation LSNC 24

- (a) Amend the mapped area of 'Manawatu Gorge' Figure F:10 of Schedule F (amendments as detailed in Attachment 4 of Clive Anstey's Report) in the manner shown in Appendix 4 to this report.
- (b) Consistent with Recommendation LSNC 17, amend the keys in Figure F:10 to replace the words 'Significant Landscape' with the words 'Outstanding Natural Feature or Landscape' as detailed in the track changes document accompanying this report.

4.25 Schedule F Regional Landscapes F:11 West Coastline

4.25.1 Summary of submissions

Please refer to 4.25 Schedule F Regional Landscapes F:11 West Coastline Summary of Submissions contained in Attachment 1.

- (a) The Energy Efficiency and Conservation Authority requests that the outstanding landscapes defined in Figure F:11 (West Coastline) be amended to delineate specific and more limited areas rather than broad expanses of land. Rayonier NZ Limited and the NZ Institute of Forestry request that the map exclude all areas of coastal production forest.

Submission point: 307/13, 310/22, 419/28

Supported by: 519/296, 501/126, 520/53, 501/243, 520/134

- (b) Mighty River Power requests that Schedule F Map F:11 differentiate between areas of the coastline that qualify for protection under s6(a) (natural character) and s6(b) (landscapes and natural features) of the RMA. That submission is opposed by six of the Region's Territorial Authorities.

Submission point: 359/142

Opposed by: 495/446, 500/219, 507/219, 515/219, 517/126, 523/219

4.25.2 Legislative assessment

The Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations is relevant as background, but these submissions do not raise any additional issues in terms of the legislative framework.

4.25.3 Evaluation

(a) Delineating more specific areas and excluding production forest

It is important to note that the maps in Schedule F are intended to be “value envelopes” indicative of the location of the values and characteristics associated with the listed landscape. Mr Anstey discusses the mapped coastal areas in paragraph 49 of his 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. Ideally Territorial Authorities should undertake assessments of their coastal environments as part of a district-wide process. One of the objectives would be to verify the boundary of the coastal environment. It is recommended that the criteria to be used in establishing the values of coastal landscapes be those proposed for establishing outstanding natural features and landscapes. The process of assessment within the coastal environment will establish areas where a natural character predominates. This is essentially what the Proposed NZ Coastal Policy intends. The approach makes sense regardless of whether the proposed policy statement is adopted.

Mr Anstey also states in his report (paragraph 9) that:

Broadly speaking, the energy companies’ submissions requests that the constraining provisions of skylines and outstanding natural features and landscapes be removed from the Proposed One Plan, while the submissions of many individuals and community groups want additional areas and skylines recognised as outstanding natural features and landscapes. In my opinion, apart from the alterations I discuss in paragraphs 36 to 40, any additions or removals would do little to assist the cause of either the community or the energy companies’ without proper landscape assessments and a process of informed consultation to ascribe values to the districts’, and ultimately the Region’s, landscapes. Such assessment would include the landward side of the coastal environment. Only with a comprehensive understanding of the regions landscapes and the ways in which communities relate to and value them can we begin to establish any sense of their relative importance and vulnerability. Accordingly, it is my view that all of the Schedule F areas should be retained as presented in the Proposed One Plan (with minor modifications as described below) until comprehensive landscape assessments and evaluations have been carried out by the Region’s Territorial Authorities.

It should be noted that existing use rights under District Plan provisions would apply to land use within a listed regionally outstanding landscapes in the POP, and therefore all typical production forestry activities may continue. I

acknowledge that harvesting activities may require resource consent in some situations.

Taking into account the origins of the list of landscapes in Schedule F and the intent of the maps provided in Schedule F, and existing use rights that apply to production forestry, as discussed above, I concur with Mr Anstey and consider that no significant adjustment should be made to Schedule F, until such time as landscape assessments are undertaken which would substantiate those amendments. I consider this to be an appropriate approach, based on the information currently available with regard to the regionally outstanding Landscapes in the Manawatu-Wanganui Region.

(b) Differentiating section 6(a) and 6(b) landscapes

I understand that the areas listed and mapped in Schedule F for the West and East Coastlines (Figures F11 and F12) were included on the basis that they have characteristics that distinguish them as distinctly part of the 'coastal environment' including strong elements of natural character. I also understand that, within the wider area identified, there are natural features and landscapes that can be considered to be outstanding at a regional scale. Mr Anstey notes in discussing the inclusion of coastal areas in Schedule F (paragraph 49 of his report) that:

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. Ideally Territorial Authorities should undertake assessments of their coastal environments as part of a district-wide process. One of the objectives would be to verify the boundary of the coastal environment. It is recommended that the criteria to be used in establishing the values of coastal landscapes be those proposed for establishing outstanding natural features and landscapes. The process of assessment within the coastal environment will establish areas where a natural character predominates. This is essentially what the Proposed NZ Coastal Policy intends. The approach makes sense regardless of whether the proposed policy statement is adopted.

However, no specific assessment has been undertaken of the landscape and natural character values of the entire mapped area. The delineated area should be considered as a 'values envelope' within which coastal natural character and outstanding natural features and coastal landscapes will be found. Table F1 in Schedule F describes the characteristics and values of the area in quite general terms:

- *Visual and scenic characteristics, particularly its special coastal landscape features*
- *Coastal geological processes*
- *Ecological value*

- *Recreational value*
- *Significance to tangata whenua*
- *Scientific value*

I agree that the statement of characteristics and values is very broad and could be more helpful if it were more individualised. However, no specific landscape analysis work has been done to assist in refining the descriptions. I note that the mapped area is extensive and the analysis work required to assess the entire area would likely be costly. As an alternative, the amendments I propose to POP Policy 7-7 are intended to provide more focused guidance for both assessing landscape values and assessing the landscape effects of development proposals within the mapped area, when those occur. The list of assessment factors referred to in Policy 7-7 is expected to enable a systematic analysis of the characteristics of landscape and of effects on natural features and landscape. This is expected to assist in identifying and describing the attributes and natural character components of coastal landscapes (for example) at a more refined detail.

Mr Anstey notes in his report (paragraph 48) that:

The extent to which a 'natural character' predominates in a landscape can be established in a reasonably objective way. How strongly the natural character is expressed can also be generally agreed. Our indigenous nature tends to be expressed most forcefully in remote and inhospitable places where access is limited and cultural impacts are constrained. In ascribing value, the more subjective aspect of assessment, a higher value tends to be placed on a character dominated by indigenous nature and a lower value where exotic species occur. The Act clearly recognises that coastal environments with a predominantly natural character are a valued resource. Development must therefore recognise and protect the critical attributes that compose this natural character.

Where identifiable natural character is present and where there are other outstanding visual, scenic, aesthetic, cultural, spiritual, or other expressions of landscape value, these will be able to be understood. Effects on those values will be able to be assessed. Policy 7-7 (a) directs that, where such values exist, adverse effects of development are to be avoided where practicable and remedied or mitigated where avoidance is not practicable. Where such values are not present, Policy 7-7 will have neutral effect. In addition, Objective 7-2(b) requires that adverse effects are to be avoided in areas of a high degree with natural character.

In addition, where such values are present, s6 (a) and s(b) of the RMA require a similar management approach to the extent that they both require the protection of the coastal environment and of outstanding natural features and landscapes, from inappropriate subdivision, use and development. Section 6(a) also requires the preservation of the natural character of the coastal environment, wetlands, lakes, rivers and their margins. The presence or absence of natural character will be determined by application of the consistent assessment approach set out in Policy 7-7. The question of how to preserve that natural character can be addressed at that time.

In my opinion, it is not necessary for Table F1 to try and distinguish between which parts of the mapped area are included on the basis of either s6(a) or

s6(b). The implementation of Policy 7-7, amended as I propose, will ensure that the relevant values and natural character are identified in the parts of the mapped area affected by any proposed development, and that effects on those are assessed and addressed. In my view, that is preferable to undertaking a wholesale analysis of the mapped areas at this stage.

4.25.4 Recommendation LSNC 25

- (a) Reject submission seeking that the outstanding landscape defined in Figure F:11 West Coastline be amended to apply to more limited rather than broad expanses of land.
- (b) Reject submissions seeking that Figure F:11 West Coastline Map be amended to exclude all areas of coastal forestry.
- (c.) Reject the submission seeking that Figure F:11 West Coastline Map be amended to differentiate between areas of the coastline that qualify for protection under s6(a), and s6(b) of the RMA.

4.25.5 Reasons for Recommendation LSNC 25

- (a) The mapped coastal areas represent ‘values envelopes’ within which distinct coastal natural character and outstanding natural features and landscapes are expected to be found. The amended policy framework proposed seeks to identify these landscapes and features where relevant to applications for resource consent. The proposed policy framework presents a set of assessment factors that will assist with systematic and consistent assessment of the values present. The proposed policy framework will only apply where there are outstanding natural features and landscapes, or important coastal natural character.

4.25.6 Suggested consequential alterations arising from Recommendation LSNC 25

- (a) Consistent with Recommendation LSNC 17 amend the key in Figure F:11 to replace the words “Significant Landscape” with the words “Outstanding Natural Feature or Landscape” as detailed in the track changes document accompanying this report.

4.26 Schedule F Regional Landscapes F:12 East Coastline

4.26.1 Summary of submissions

Please refer to 4.26 Schedule F Regional Landscapes F:12 East Coastline Summary of Submissions contained in Attachment 1.

- (a) The Energy Efficiency and Conservation Authority requests that the outstanding landscape mapped in F:12 for the East Coastline be amended to delineate specific and more limited areas rather than broad expanses of land.

Submission point: 307/14
Supported by: 519/297

- (b) Mighty River Power requests that Schedule Map F:12 East Coastline differentiate between areas of the coastline that qualify for protection under RMA s6(a) (natural character of the coastal environment etc), and s6(b) (outstanding natural features and landscapes).

Submission point: 359/143

Opposed by: 495/447, 500/220, 507/220, 515/220, 517/127, 532/220

4.26.2 Legislative Assessment

The Legislative Assessment – Resource Management Act (RMA) Overview provided in Part Three Summary of Key Themes and Recommendations is relevant as background, but these submissions do not raise any additional issues in terms of the legislative framework.

4.26.3 Evaluation

(a) Delineating more specific areas

I understand that the landward boundary of the mapped eastern coastal area was defined by following distinguishable ridgelines, Code Record System (CRS) parcels, and roads. As discussed earlier in my report, the mapped area should be seen as a 'values envelope'. I have no landscape assessment basis on which to more closely define individual natural features or the physical extent and detailed characteristics of landscapes within the mapped area. However, I do not think this should be seen as a failing or a shortcoming of the inclusion of this coastline in Schedule F. The amendments I propose to Policy 7-7 (including the reference to systematic landscape assessment factors) will assist to ensure that, where regionally outstanding natural features and landscapes are present within the mapped area, they will be identified so that effects of development on them can be understood and avoided, or otherwise managed.

I fully expect that there will be large parts within the mapped area that will be found to be unremarkable. However, I anticipate that the whole area can be considered to be part of the 'coastal environment'. I also consider it is reasonable that a systematic assessment should be made of natural and landscape character within that area, particularly when considering applications for land use consent. Policy 7-7 will be a consideration in the evaluation of applications for land use consent required by both the POP and by District Plans. If there are no outstanding natural features or landscapes identified within the mapped area that will be affected by an application for resource consent, then Policy 7-7 will not be relevant. Policy 7-7 is the only POP provision that is relevant for areas included in Schedule F.

(b) Differentiating section 6(a) and 6(b) landscapes

I understand that the areas listed and mapped in Schedule F for the West and East Coastlines (Figures F11 and F12) were included on the basis that they have characteristics that distinguish them as distinctly 'coastal environment', including strong elements of natural character. I also understand that, within the wider area identified, there are natural features and landscapes that can be considered to be outstanding at a regional scale. Mr Anstey notes in

discussing the inclusion of coastal areas in Schedule F (paragraph 49) of his report that:

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. Ideally Territorial Authorities should undertake assessments of their coastal environments as part of a district-wide process. One of the objectives would be to verify the boundary of the coastal environment. It is recommended that the criteria to be used in establishing the values of coastal landscapes be those proposed for establishing outstanding natural features and landscapes. The process of assessment within the coastal environment will establish areas where a natural character predominates. This is essentially what the Proposed NZ Coastal Policy intends. The approach makes sense regardless of whether the proposed policy statement is adopted.

However, no specific assessment has been undertaken of the landscape and natural character values of the entire mapped area. The delineated area should be considered as a 'values envelope' within which coastal natural character and outstanding natural features and coastal landscapes will be found. Table F1 in Schedule F describes the characteristics and values of the area in quite general terms:

- *Visual and scenic characteristics, particularly its special coastal landscape features*
- *Coastal geological processes*
- *Ecological value*
- *Recreational value*
- *Significance to tangata whenua*
- *Scientific value*

I agree that the statement of characteristics and values is very broad and could be more helpful if it were more individualised. However, no specific landscape analysis work has been done to assist in refining the descriptions. I note that the mapped area is extensive and the analysis work required to assess the entire area would likely be costly. As an alternative, the amendments I propose to POP Policy 7-7 are intended to provide more focused guidance for both assessing landscape values and assessing the landscape effects of development proposals within the mapped area, when those occur. The list of assessment factors referred to in Policy 7-7 is expected to enable a systematic analysis of the characteristics of landscape and of effects on natural features and landscape. This is expected to assist in identifying and describing the attributes and natural character components of coastal landscapes, for example, at a more refined detail.

Mr Anstey also notes in his report (paragraph 48) that:

The extent to which a 'natural character' predominates in a landscape can be established in a reasonably objective way. How strongly the natural character is expressed can also be generally agreed. Our indigenous nature tends to be expressed most forcefully in remote and inhospitable places where access is limited and cultural impacts are constrained. In ascribing value, the more subjective aspect of assessment, a higher value tends to be placed on a character dominated by indigenous nature and a lower value where exotic species occur. The Act clearly recognises that coastal environments with a predominantly natural character are a valued resource. Development must therefore recognise and protect the critical attributes that compose this natural character.

Where identifiable natural character is present, and where there are other outstanding visual, scenic, aesthetic, cultural or spiritual or other expressions of landscape value, these will be able to be understood. Effects on those values will be able to be assessed. Policy 7-7 (a) directs that, where such values exist, adverse effects of development are to be avoided, where practicable, and remedied or mitigated (where avoidance is not practicable). Where such values are not present, Policy 7-7 will have neutral effect. In addition, Objective 7-2(b) requires that adverse effects are to be avoided in areas with a high degree of natural character.

In addition, where such values are present, s6 (a) and s(b) of the RMA require a similar management approach to the extent that they both require the protection of the coastal environment, and of outstanding natural features and landscapes, from inappropriate subdivision, use and development. Section 6(a) also requires the preservation of the natural character of the coastal environment, wetlands, lakes, rivers and their margins. The presence or absence of natural character will be determined by application of the consistent assessment approach set out in Policy 7-7. The question of how to preserve that natural character can be addressed at that time.

In my opinion, it is not necessary for Table F1 to try and distinguish between which parts of the mapped area are included on the basis of either s6 (a) or s6(b). The implementation of Policy 7-7, amended as I propose, will ensure that the relevant values and natural character are identified in the parts of the mapped area affected by any proposed development and that effects on those are assessed and addressed. In my view, that is preferable to undertaking a wholesale analysis of the mapped areas at this stage.

At more refined detail, Policy 7-7 (a) seeks avoidance as far as practicable of adverse effects when natural features or landscapes within the areas identified in Schedule F manifest characteristics that make them outstanding natural features or landscapes. They are in my opinion clearly part of the 'coastal environment'. Therefore, protection intended by s6(a) of the RMA therefore applies to these areas.

I note that the boundaries for the East Coastline (Figure F:12) and Cape Turnagain (Figure F:13) are not consistent. This was discussed with Mr Anstey and, although not requested in any submission, I suggest here that both maps are amended such that their boundaries are consistent. The

amendments I suggest are shown in Appendix 5 and the amended maps presented in the track changes document accompanying this report.

4.26.4 Recommendation LSNC 26

- (a) Reject the submissions seeking that outstanding landscape as applied to the East Coastline be delineated to be more specific.
- (b) Reject Submission 359/143 seeking refinement of the mapped coastline as shown on F12, so as to be able to differentiate between the natural character of the coastal environment and outstanding natural features, and landscapes with reference to s6(a) and s6(b) of the RMA.

4.26.5 Reasons for Recommendation LSNC 26

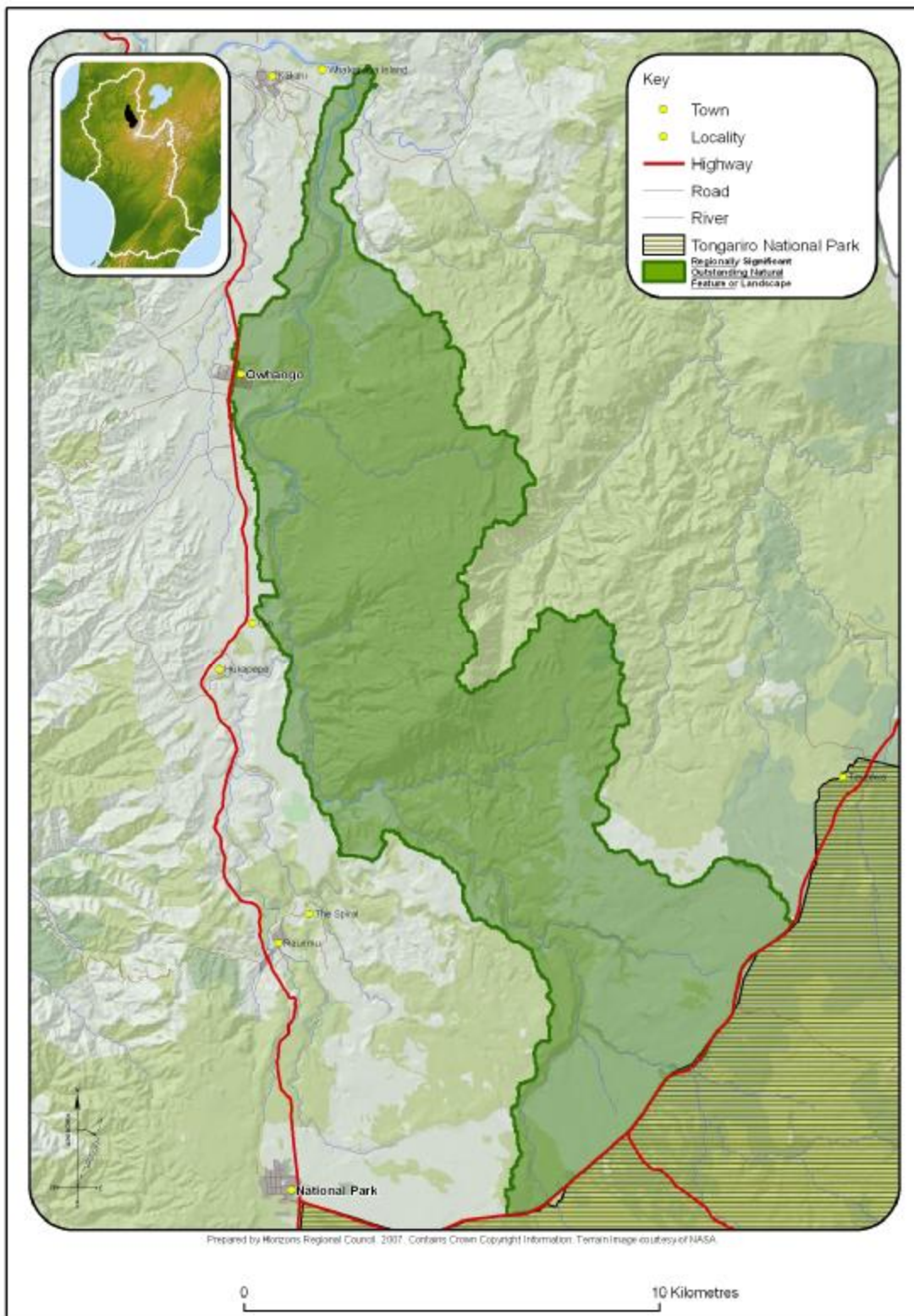
- (a) The mapped coastal areas represent 'values envelopes', within which distinct coastal natural character and outstanding natural features and landscapes are expected to be found. The amended policy framework proposed seeks to identify these landscapes and features where relevant to applications for resource consent. The proposed policy framework presents a set of assessment factors that will assist with systematic and consistent assessment of the values present. The proposed policy framework will only apply where there are outstanding natural features and landscapes or important coastal natural character.

4.26.6 Suggested consequential alterations arising from Recommendation LSNC 26

- (a) Consistent with Recommendation LSNC 17, amend the key in Figure F:12 to replace the words 'Significant Landscape' with the words 'Outstanding Natural Feature or Landscape', as detailed in the track changes document accompanying this report.

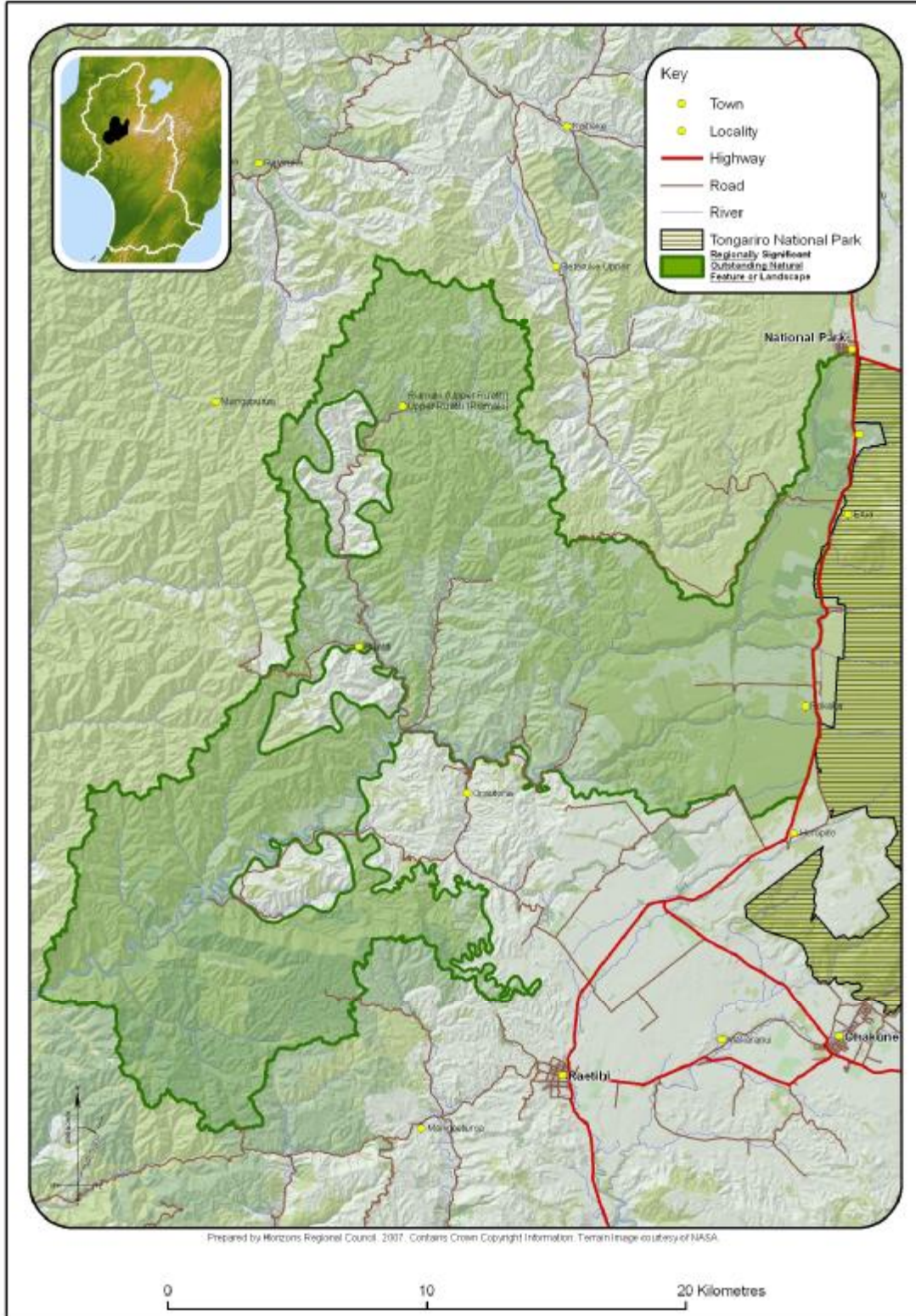
APPENDIX 1

Amended Map for Whakapapa River Figure F:2 as per Recommendation LSNC 19.



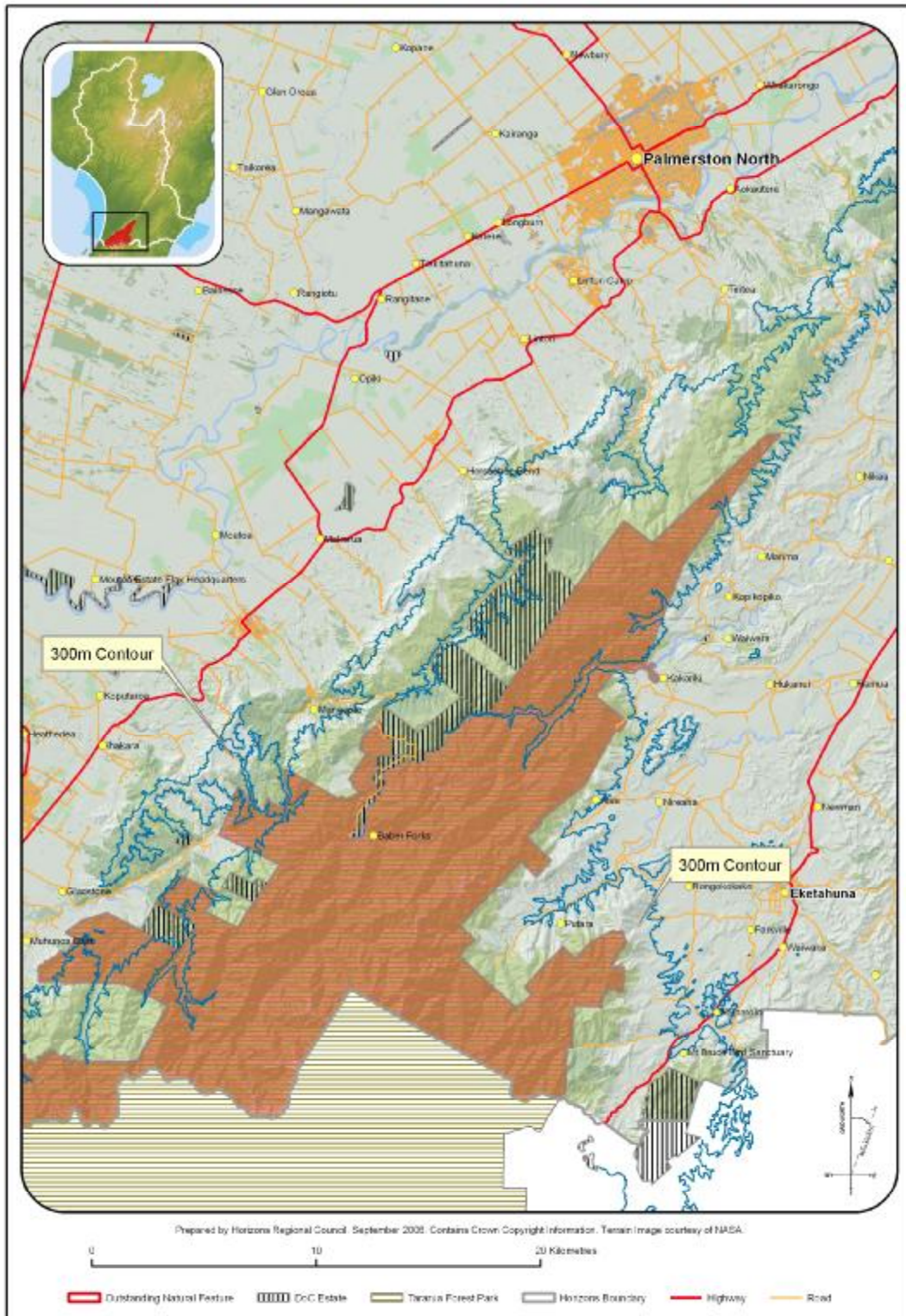
APPENDIX 2

Amended Map for Manganui o Te Ao Figure F:6 as per Recommendation LSNC 21.



APPENDIX 3

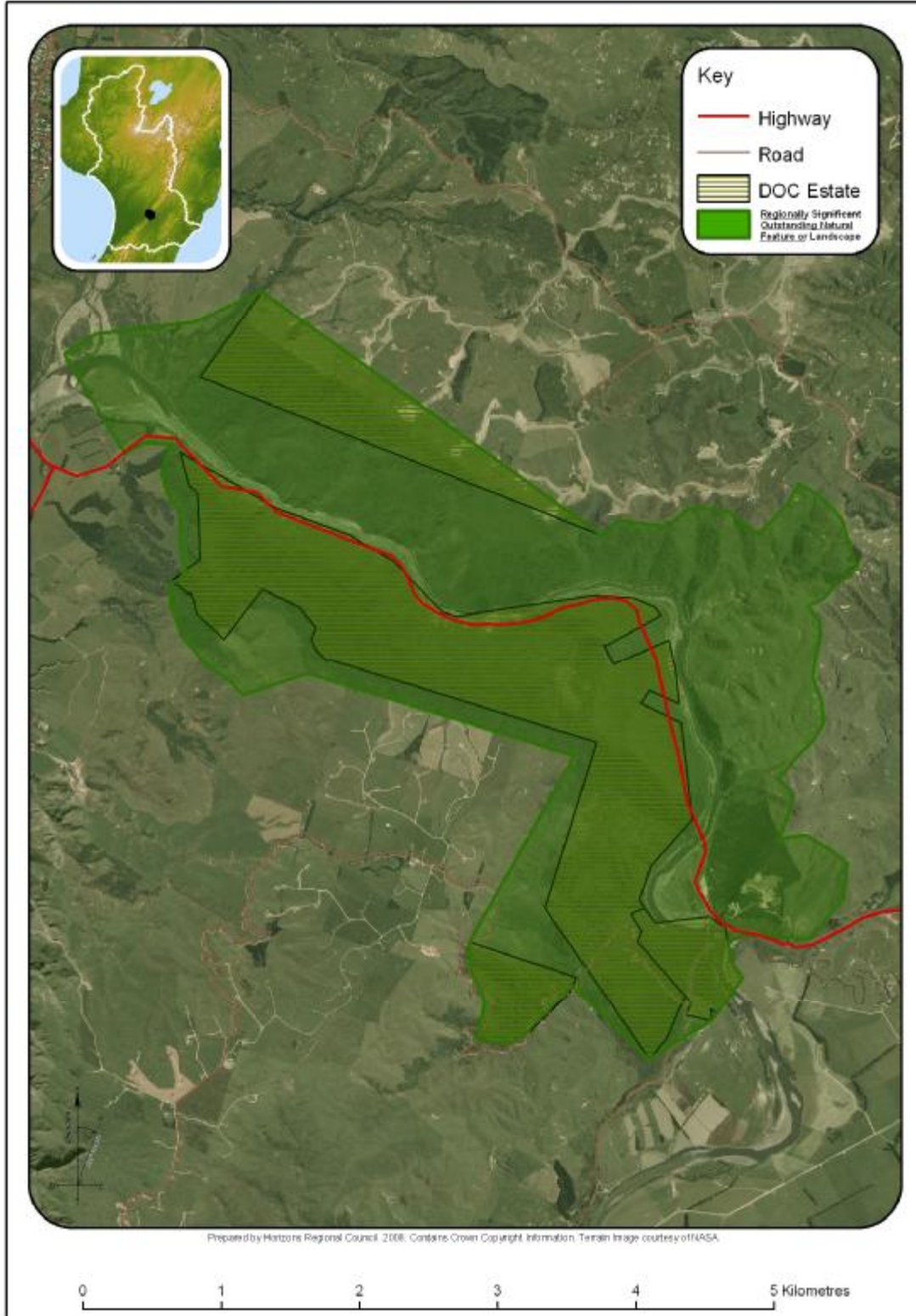
Map referred to as map F(u) and attached to Submissions 369/37, 394/37, 395/37, 396/37, 397/37, 401/37, 442/37, 452/37, 467/37, 468/42F(u) (Submissions evaluated in Section 4.23 of this report).



Map F (u) Tararua Ranges Skyline and Forest Park

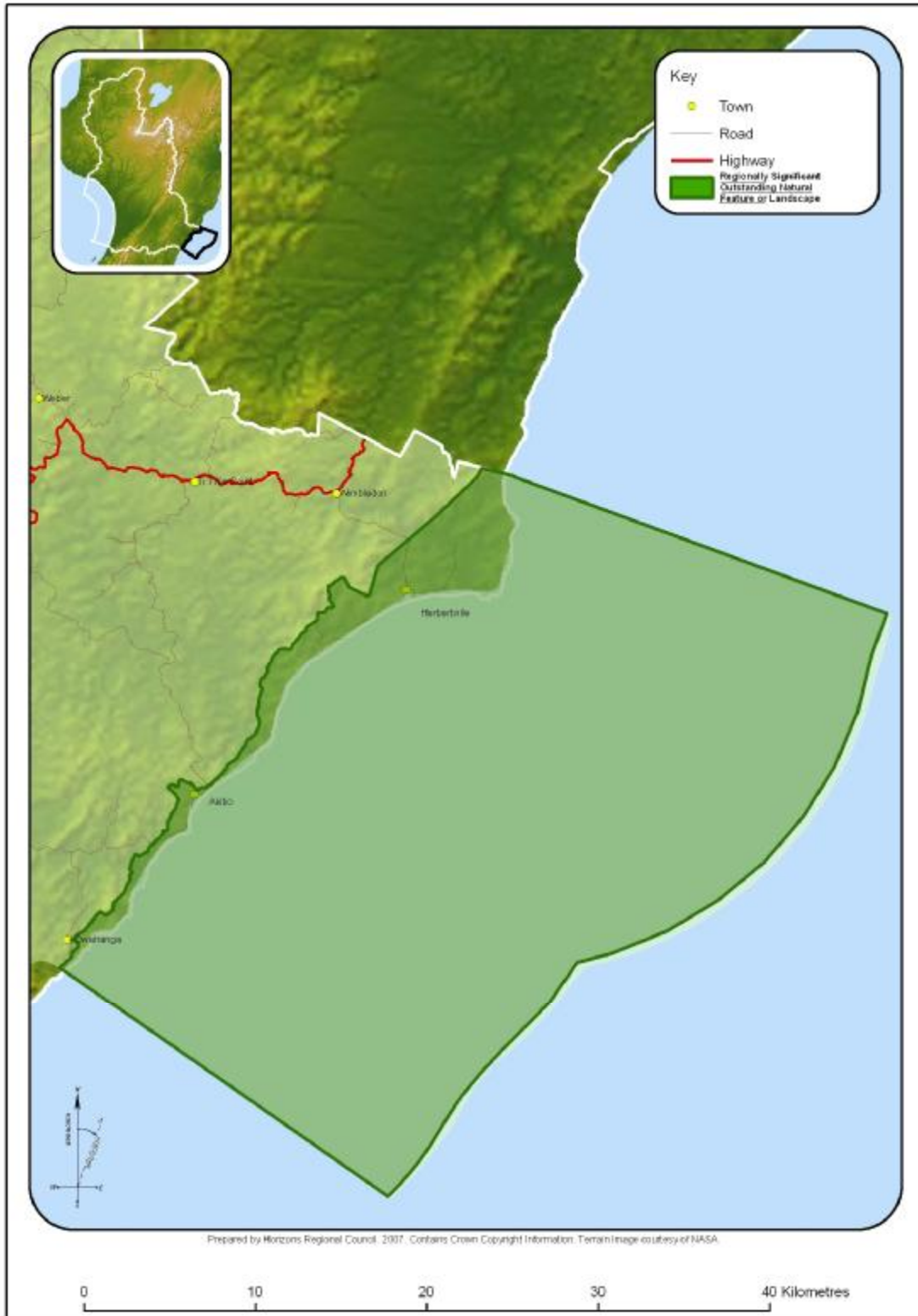
APPENDIX 4

Amended Map for Manawatu Gorge Figure F:10 as per Recommendation LSNC 24.



APPENDIX 5

Amended Map for East Coastline Figure F:12 as per Recommendation LSNC 26.



Amended Map for Cape Turnagain Figure F:13 as per Recommendation LSNC 26.

