

**To Horizons Regional Council's
Proposed One Plan Hearing Panel**

On The Subject Of

Landscapes and Natural Character

In the matter of: **the Resource Management Act 1991**

And: **Horizons Regional Council's
Proposed One Plan**

And: **The Provisions Of Chapter 7 Relating To
Landscape And Natural Character And
Submissions On Those Provisions**

End Of Hearing Report

**Prepared By Christine Foster
and
Reviewed by Fiona Gordon and Clive Anstey**

INTRODUCTION

- 1 My name is Christine Anne Foster. I am a Planning Consultant employed by the firm Environmental Management Services Ltd (Wellington). I hold a Bachelor of Regional Planning and am a member of the New Zealand Planning Institute.
- 2 I have been commissioned by Fiona Gordon of Horizons Regional Council to respond to the questions raised by Commissioners during the course of the hearing to date on the subject of Chapter 7 (Landscapes and Natural Character). This statement presents my conclusions and, in some cases, recommendations in respect of those questions. I also touch on additional matters arising in the evidence and answers to questions of other witnesses to the Hearing.
- 3 In considering the issues raised and preparing this statement, I have conferred with Fiona Gordon and Helen Marr and with other Horizons staff members to understand the context of other advice and recommendations made to the Hearing Panel on related matters. I have also conferred with Clive Anstey (Council's consultant Landscape Architect who presented a section 42A report on aspects of Chapter 7). This statement also includes some answers to questions provided by Clive Anstey and Fiona Gordon (and those are clearly prefaced as their answers). Otherwise, this statement represents my own conclusions on the matters raised. Ms Gordon is unable to attend the Monday 10th August 2009 hearing but has reviewed this statement of evidence and has authorised me to say that she endorses it.
- 4 I advise that I have read and am familiar with the requirements of the Code of Conduct for Expert Witnesses (section 5 of the Environment Court Consolidated Practice Note 2006). I note that this is not a hearing before the Environment Court. However, I confirm that I am aware of the obligations imposed on witnesses by the Code and agree to comply with the Code of Conduct. This evidence is within my area of resource management expertise, except where I state I am relying on the evidence or supplementary answers of Mr Anstey or Ms Gordon.

I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

- 5 I have been in resource management practice in the Wellington Region since 1982. My planning experience has included the compilation of resource consent applications, assessment of the environmental effects of a variety of projects, community consultation and the drafting and implementation of resource management plan provisions. That experience has been gained in a number of roles including as a staff planner for local authorities, policy analyst with the Ministry for the Environment and, since 1992, as a consultant planner working on contract for a variety of clients including private developers, territorial authorities, regional councils and central government departments. My planning experience has included the preparation of district plans under the Resource Management Act 1991 (*the RMA*) and assisting district councils with plan changes and variations.
- 6 I assisted Fiona Gordon, in the capacity of peer reviewer, in preparing her original and supplementary section 42A reports to the Panel. I have attended the hearing on occasion and have heard the spoken evidence and answers to questions of some, but not all, submitters who presented evidence about landscapes and natural character. I have relied on the written statements presented by witnesses I did not hear myself and on oral reports from Fiona Gordon and Helen Marr to understand the issues raised by those witnesses.

THE PANEL'S QUESTIONS

- 7 Then Panel raised questions during the course of the presentation of Fiona Gordon's and Clive Anstey's section 42A reports. Those questions were articulated in writing and forwarded by the Panel on 23rd June 2009. I address them below in the order in which they were communicated.
- 8 I note that Fiona Gordon has presented to the Panel her written response to Question 4. I understand that there are no residual matters arising from that statement that require a response by me.

QUESTION 1 – Policy 7-8

How could Policy 7-8 be made more outcome-oriented so as to provide stronger guidance to decision makers? In particular, could it be amended to better express:

- *more specific criteria or standards to be achieved (for example in a way similar to the approach in the Biodiversity Chapter and in the Biodiversity decision making policy); and*
- *items (a) to (f) as positive statements that make it clear when an activity is considered to be appropriate.*

Also explore whether Policy 7-8 could be split to better reflect the two-part approach in section 6(a) RMA regarding preserving natural character and protecting the listed features.

Check scope on both matters and report back.

- 9 I agree that the wording of Policy 7-8 confuses the clear intention of section 6 (a) of the Act that policy statements and plans should recognise and provide for two distinct matters. Firstly, the *preservation of the natural character of* the coastal environment, wetlands, lakes and rivers and their margins. Secondly (and separately), the *protection of them* (ie the specified resources being the coastal environment, wetlands, lakes and rivers and their margins) from inappropriate subdivision, use and development. The requirement of preservation applies to natural character. The resources themselves are to be protected from inappropriate subdivision, use and development. Policy 7-8 would require only a slight adjustment to align better with the wording of section 6 (a). One approach might be as follows (where the publicly notified words are shown plain and my suggested alternative is shown in tracked change):

Policy 7-8: Natural character

- (a) The natural character of the coastal environment, wetlands, ~~rivers, lakes~~ and rivers and their margins shall be preserved; and
- (b) Restoration and rehabilitation of the natural character of the coastal environment, wetlands, lakes and rivers and their margins will be encouraged; and
- (c) The coastal environment, wetlands, lakes and rivers and their margins shall be and protected from inappropriate subdivision, use and development; and
- (d) For these purposes, subdivision, use and development will be considered to be inappropriate where: ~~by encouraging the natural character of these areas to be restored where appropriate and by making decisions on resource consent applications that take into account whether the activity:~~

 - ~~(d)~~ ~~is compatible with the existing level of modification to the environment~~
 - ~~(e)~~ ~~is necessarily located in or near the wetland, river or lake and whether any alternatives exist~~
 - ~~(f)(i)~~ its location, is of an appropriate form, scale and or design would have significant adverse effects on ~~to blend with the existing natural~~ landforms, geological features, ~~and~~ vegetation, indigenous biota, natural water bodies or the important relationship between these elements that create the natural character of the landscape of that location; or
 - ~~(e)(ii)~~ its effects would, themselves or in combination with the effects of other activities, does not significantly disrupt natural processes or existing ecosystems; and
 - ~~(e)(iii)~~ it is not a use or development that has functional or operational requirements or technical constraints that mean it requires resources or a location found exclusively or predominantly within the coastal environment, wetlands, lakes or rivers or their margins; and
 - (iv) no reasonable alternatives exist.

10 The matters of concern that were identified in Policy 7-8 as notified were:

- compatibility with the level of modification of the existing environment
- the need to locate within the coastal environment, wetlands, lakes or rivers or their margins

- form, scale and design ‘blending’ with existing landforms, geological features and vegetation
- disruption of natural processes or ecosystems.

11 For the alternative wording suggested above, I have retained the items from this menu of concerns except the first one (‘compatibility’ with the level of modification). I am not sure how one would judge ‘compatibility with the existing level of modification’. Any physical change could be argued to be incompatible. Section 6 of the RMA is not concerned with physical change itself – rather with the effects of that change on natural character. The concept is potentially covered by my suggested item (i) which addresses the effects of physical change on the natural features that make up natural character. It is, in my view, more helpful for the criteria to consider whether a proposal is inappropriate by reference to its effects on the natural elements that make up the natural character of the coastal environment, wetlands, lakes, rivers and their margins.

12 The second concern (necessity of location) is addressed in my suggested item (iii). I have expressed that as being a criterion in addition to (‘and’) the foregoing items (i) and (ii) and not as an alternative to them. That is so that, where a proposal would have significant adverse effects or significantly disrupt natural processes under (i) or (ii) but has functional constraints necessitating that location and no alternatives exist, it will not be automatically considered to be inappropriate. It may yet be judged to be inappropriate if it compromises natural character under the part (a) of Policy 7-8 if it compromises the ‘preservation’ of natural character. A proposal that is not functionally reliant on the location proposed and is able to locate elsewhere and which has significant adverse effects or significantly disrupts natural processes under (i) or (ii) would, however, be ‘inappropriate’ in terms of Policy 7-8.

13 The third concern (location, form, scale and design) is addressed in suggested clause (d) item (i) in terms of effects on natural features.

That may be easier to determine than the question of whether something 'blends' or does not 'blend' with these natural features.

- 14 The last concern (disruption of natural processes or ecosystems) is retained in suggested item (ii).
- 15 I have not framed the policy in terms that would define 'appropriate'. I have framed it in terms that could assist in distinguishing 'inappropriateness'. I have done that because there are other reasons, in addition to the matters of concern in Policy 7-8, why a proposal may be inappropriate. For example, a proposal may have adverse effects on the amenity values of a recreation reserve that make it inappropriate quite apart from any issues for natural character in, say, the coastal environment. It would be wrong, for that reason, to suggest that a proposal is appropriate only by reference to Policy 7-8. There are other considerations that would have to be brought to bear in evaluating the merits of a proposal in the coastal environment or in or near any wetland, lake or river.
- 16 On the question of scope, I note that no submitter has particularly requested the changes suggested to the wording of Policy 7-8 that I explore here. However, I note that the submission by Landlink Ltd (number 440) supported the intention of Policy 7-8 but suggested it could be better worded and suggested alternative wording to maintain balance between protection, enhancement and use.
- 17 Other submissions from energy generators (notably, TrustPower Limited number 358, Mighty River Power number 359 and Meridian Energy Limited number 363) sought the deletion of parts (d) to (g) of Policy 7-8 and amendments to consider the policies in Chapter 3 when assessing activities involving renewable energy and infrastructure of regional importance or '*any similar amendments to like effect*' and '*any consequential amendments that stem from the amendment of Policy 7-8 as proposed*'.
- 18 The wording I suggest could be seen as an alternative responding to the LandLink Ltd submission. It could also be said to go some way

towards recognising the functional necessity for some renewable energy generation activities to locate in areas described in Policy 7-8 which is one of the matters addressed in the submissions. The other wording suggestions could be said to be consequential amendments that attempt to make Policy 7-8 consistent with the purpose and principles of the RMA which was an issue raised in the Mighty River Power submission.

- 19 I have not had an opportunity to send these submitters a copy of my suggested wording so cannot confirm whether or not the suggested wording does address their concerns. I highlight these submissions here only to indicate that they raised a relatively broad scope of concerns about Policy 7-8 and did not seek to constrain the wording changes that might respond to those concerns.

Question 2 - Policy 7-7(c) :

Page 71 February 2009 Officer Report: Which submission requested the deletion of clause (c)?

- 20 As far as I can make out, no submission requested the deletion of clause (c) of Policy 7-7.
- 21 Submissions by energy generators (numbers 268/17, 363/120, 308/19) variously requested amendments to Policy 7-7 or deletion of the policy in its entirety or alternative consequential amendments to address their concerns. Those requests did not, however, specifically request the deletion of clause (c).
- 22 Several submissions (by Tararua Aokautere Guardians and people affiliated to that organisation) requested that clause (c) be amended to read:

(c) ~~takes into account the policies in Chapter 3~~ Policy 3-3 Chapter 3 will be taken into account when assessing

*activities involving renewable energy and infrastructure.
of regional importance.'*

23 This is explained further in the 'Summary of Outstanding Matters' presented by Mrs Alison Mildon to the Hearing Panel on 7th July 2009. In that, Mrs Mildon explains that *'Policy 3-3 as originally notified dealt with the adverse effects of infrastructure on the environment. Rather than a request to delete 7-7c in total we asked for it to refer to Policy 3-3 only, as it was adverse effects we believed Policy 7-7 should be most cognizant of, rather than Chapter 3 policies overall'*.

24 I adopt the evidence presented by Fiona Gordon in paragraphs 125 to 131 of her supplementary Officer's Report. It is my opinion that no reference to the policies in Chapter 3 is required in Policy 7-7 either as a note or as a matter specified within the policy to be taken into account. The provisions in Chapter 3 have been the subject of detailed evidence and I understand it is suggested that they be amended to provide a high degree of clarity as to the considerations to be applied to proposed infrastructure. The provisions of Chapter 7 address the preservation of natural character and the protection of the coastal environment, wetlands, lakes and rivers and their margins as well as outstanding natural features and landscapes from inappropriate subdivision, use and development. The Chapter 7 provisions are intended to provide guidance about managing the effects of all activities on these resources of national importance.

25 It is, in my view, not necessary or appropriate for the Chapter 7 provisions to single out any particular type of activity (such as infrastructure) for particular mention. The provisions of Chapter 3 stand alongside those of Chapter 7. I am in no doubt that they would be referred to and fully canvassed in an application and in evidence in any hearing of a proposal involving infrastructure in or near any of the features that are the focus of Chapter 7.

26 I have read the supplementary statement of evidence and end of hearing statement prepared by Barry Gilliland. I had reservations about an earlier amendment suggested by Mr Gilliland to Policy 3-1 (b)

from *taking into account* the benefits derived from infrastructure to an obligation to *recognise and provide for* the benefits derived from infrastructure in the context of the relationship between Chapters 3 and 7. That was because, as I read the suggested amendment to Policy 3-1 (b), it would oblige decision-makers considering plan changes or applications for consent involving infrastructure to *recognise and provide for the benefits derived from the infrastructure* in the same way as recognising and providing for the matters specified in section 6 of the RMA. I consider that the words of Policy 7-7 (c) as notified (*take into account the policies in Chapter 3*) as applied to that earlier proposed wording of Policy 3-1 (b) could create a suggestion that the benefits derived from infrastructure are to be given similar weight (*recognised and provided for*) as the matters of national importance which are the focus of Chapter 7. I note that the *benefits derived from infrastructure* are not identified in section 6 of the RMA as matters of national importance to be recognised and provided for.

27 It was the words *recognise and provide for* in Policy 3-1 (b) and the relationship to Policy 3-1 (b) created by the original Policy 7-7 (c) wording that combined to deliver what I consider to be an outcome that is not consistent with the intended framework of the RMA. My conclusion in that regard is very similar to the legal submissions of James Hardy on behalf of the Director-General of Conservation presented on 17th July 2009 (paragraphs 3.2 to 3.10).

28 I note that Mr Gilliland has amended his recommendation in relation to Policy 3-1 (b) from *recognise and provide for* to either *have particular regard to* or *take into account*. I consider that either of those two expressions would create a framework much more aligned with the RMA so my concern about the cross-reference in Policy 7-7 is lessened. However, my opinion remains that no cross reference is needed within the body of Policy 7-7.

29 The position, with respect to scope, is that some submitters endorsed a reference in Policy 7-7 (c) to the Chapter 3 policies and other further submitters opposed those submissions. I consider that it is open to

the Panel to consider whatever consequential amendments would address the concerns raised by submitters.

Question 3 - Policy 7-8:

- (a) Page 35 (i) February 2009 Officer Report: The Minister of Conservation's submission point 372/115 does not appear to have been addressed at all. Report back on whether the Minister's suggested wording is appropriate.
- (b) Page 213 of Attachment 1 to the February 2009 Officer Report: The Table notes that submission 372/95 has been accepted in part. In what way has this been specifically accepted in part?

30 The Minister of Conservation's submission point 372/115 requests the insertion under Objective 7-2 of a new policy that encourages future use and development to locate in areas of the coastal environment which are already significantly modified (see page 41 of the original submission).

31 Ms Gordon's report ((item (i) on page 35) took the view that no additional policy was required because the current policy framework of Objective 7-2 and Policy 7-8 discourage use and development in the parts of the coastal environment which have a high degree of natural character. I consider that is a reasonable approach given that the concern of section 6 of the RMA is with the preservation of natural character. In other words, section 6 could be said to be concerned with where use and development ought not to locate (where there is natural character) rather than with directing where in the coastal environment use and development should locate.

32 The Minister's submission point 372/95 summarises the Minister's request on page 36 of the original submission. That request is to delete the final paragraph of Scope 7.1.3 and replace it with wording that discusses change in the coastal environment. The amendment sought by the submission is not to Policy 7-7 so the submission summary is confusing in this respect. Reading from the original submission, the request is for the addition of some extra description of

coastal issues in Scope 7.1.3 including reference to taking opportunities to restore and enhance natural character.

33 The policy that addresses natural character is Policy 7-8. Ms Gordon recommends (in the 18th May 2009 green tracked changes document) an amendment to Policy 7-8 specifically to provide for the restoration and rehabilitation of natural character where appropriate. That policy applies explicitly to the coastal environment. Ms Gordon took the view, and I agree, that Policy 7-8 addresses the additional policy matter suggested by the Minister's decision.

34 My assessment is that the descriptive matters contained in this submission point are adequately discussed already in the final paragraph of 7.1.3 and under Issue 7-2.

35 That is the basis for noting that the submission is accepted in part.

36 I should note too that the amendments I suggest to Policy 7-8 earlier retain the reference to encouraging restoration and rehabilitation of natural character where appropriate.

Question 4 – Minister Of Conservation's Requested Additional Schedule F Items

37 As noted earlier, this was addressed by Fiona Gordon separately.

Question 5 - Policy 7-8 (b) :

Re-visit the wording used to express 'need' to locate in the coastal environment. Look particularly at similar examples in Chapter 17 ("has a functional necessity to be located"). Advise further on the most appropriate wording for Policy 7-8.

38 Policy 7-8, as notified, includes a consideration (e) of whether an activity *'is necessarily located in or near the wetland, river or lake and*

whether any alternatives exist'. The necessity of location is, I understand, a reference to the need to locate in a particular location because an activity has a functional need for resources or locational attributes that are only found or predominantly found in these areas. Ms Gordon attempted some alternative wording in her Supplementary Report (reflected in the suggested amendment to Policy 7-8 shown in the 18th May 2009 green track-changes document).

39 As an alternative, the 'need' could be expressed as I have suggested under Question 1 earlier. That is that an activity would be judged to be inappropriate if it creates significant adverse effects and is not a use or development that *has functional or operational requirements or technical constraints that mean it requires resources or a location found exclusively or predominantly within the coastal environment, wetlands, lakes or rivers or their margins*.

40 I note the amendments proposed by Mr Gilliland to Policy 3-3 relating to managing the effects of infrastructure. The words I suggest for Policy 7-8 are intended, in a similar way to Mr Gilliland's suggestion, as matters for consideration rather than a 'gateway'.

41 I also suggest that the assessment of 'need' for the location proposed should deliberately inquire into the question of whether reasonable alternatives exist. Hence my suggested clause (iv) in Policy 7-8 above (ie (iii) *...functional, or operational requirements or technical constraints* and (iv) *no reasonable alternatives*).

Question 6 Relationship Between Chapter 9 and Chapter 7:

Confirm whether the intended structure of the POP is that:

- *All matters related to natural character in the coastal marine area should be addressed exclusively in Chapter 9; and*
- *Matters related to natural character in the coastal environment outside the coastal marine area should be exclusively addressed in Chapter 7; or*
- *Matters related to natural character in the coastal environment (including the Coastal marine area) should be addressed in both Chapters 7 and 9,*

Clarify the intended relationship between chapters 7 and 9 in that regard.

42 The provisional determination for Chapters 9 and 17 clarifies under 9.1.1 (Scope) that Chapter 9 primarily addresses the CMA but also addresses management of the wider coastal environment.

43 The Provisional Determination moots amendments to Policy 9-1 that would clarify that Chapter 9 is concerned with integrated management of the entire coastal environment. The mooted amendments also clarify that integrated management of the coastal environment will be achieved both through provisions in Chapter 9 and 17 and provisions in other chapters including Chapter 7 dealing with landscape and natural character.

44 Policy 9-4, as presented in the Provisional Determination, would include considerations for assessing appropriate use and development that address the following matters for the CMA:

- In (ii): elements and processes that contribute to the natural character of the CMA;
- In (iii): landscape and seascape elements that contribute to the natural character of the CMA;
- In (v): intrinsic values of ecosystems; and
- In (vi): the natural integrity and functioning of physical processes.

45 The Provisional Determination also acknowledges (in 9.1.3) that *most adverse effects in the CMA result from landward uses and development*. It is reasonable therefore that the policies in Chapter 7 dealing with natural character and outstanding natural features and landscapes should address the potential for activities in the landward part of the coastal environment to have impacts on the natural character and landscape of the wider coastal environment (including the CMA). It is appropriate, in my opinion, for matters related to natural character and landscape to be addressed in both Chapters 7 and 9. The suggested wording of Policies 7-7 and 7-8 (including the amendments to Policy 7-8 discussed under Question 1 earlier in this statement) is, in my opinion, compatible with the policy approach adopted in Chapter 9. In my opinion it is compatible with, but does not unnecessarily duplicate, the proposed policy in Chapter 9.

46 I agree that some amendment should be made to the last paragraph of the Scope section of Chapter 7 (7.1.3) to better describe the relationship between the chapters. I suggest the following amendments to the publicly notified text of 7.1.3 (with the 18th May 2009 version in black and my suggestions in colour):

~~The natural character of the coastal marine area is covered in Chapter 9. Chapter 9 addresses the management of activities in the coastal marine area (CMA), including policy guidance on the management of elements of landscapes and seascapes that contribute to the character of the CMA. In particular, Chapter 9 includes policy guidance on management of the elements of landscapes and seascapes that contribute to the natural character of the CMA. Chapter 7 deals with outstanding natural features and landscapes~~ addresses the preservation of the ~~The natural character of the entire coastal environment (including the CMA and the area~~ management of the potential for effects of activities ~~landward of the CMA mean high water springs to compromise the natural character of the entire coastal environment (including the CMA). Chapter 7 also addresses the protection of the coastal environment (including the CMA), wetlands, rivers, lakes and their margins and outstanding natural features and landscapes in the coastal environment from~~

inappropriate subdivision, use and development. ~~is dealt with in this chapter.~~

Question 7 - Policy 7-8:

Page 27 February 2009 Officer Report: Clarify the difference between the expressions "Restoration" and "Rehabilitation".

47 Clive Anstey responds as follows:

The two terms tend to be used interchangeably. Having regard to the dictionary and the context within which the terms are used, it seems reasonable to assume that *rehabilitation* means to bring an existing habitat or ecosystem back to good health and functioning while *restoration* means to put back something that has been removed. An example of restoration would be the re-establishment of a habitat or ecosystem to fill a 'gap' in an ecological corridor. This would constitute the restoration of a part in order to rehabilitate the whole. I (Clive) would suggest that it is for this reason that the *restoration* and *rehabilitation* are closely related and often overlap.

48 I have suggested a slight amendment to the way restoration or rehabilitation are dealt with in proposed Policy 7-8. I have suggested that it be split out as a sub-clause expressed as:

(b) Restoration and rehabilitation of the natural character of the coastal environment, wetlands, lakes and rivers and their margins will be encouraged;

49 The substance of this policy was endorsed by the Minister of Conservation's representatives at the hearing. I would envisage that the policy would be implemented through other methods addressing biodiversity (such as Methods 7-1 and 7-2) but also through the imposition of conditions on resource consents. There is no Method

currently proposed in Chapter 7 that expressly details this intention (largely because I don't think any submitter requested this addition).

50 One of the features of the 18th May 2009 green tracked-changes version of Policy 7-8 that the Minister of Conservation's representatives favoured was the inclusion of clause (f). That stated that, in making decisions under the RMA, decision-makers should take into account whether an activity *(f) will provide for the restoration and rehabilitation of natural character where appropriate*. The amendment I suggest under Question 1 earlier omits this specific requirement in making RMA decisions. I struggle to see how to include the concept in the set of criteria of 'inappropriateness' suggested under Question 1. That is because I don't consider a proposal could reasonably be said to be 'inappropriate' on the grounds that it does not provide for restoration or rehabilitation. One remedy may be to further amend Policy 7-8 to specify the imposition of conditions in decisions made under the RMA as one means of encouraging restoration and rehabilitation – perhaps as follows:

(b) Restoration and rehabilitation of the natural character of the coastal environment, wetlands, lakes and rivers and their margins will be encouraged and shall be provided for, where appropriate, in decisions made in exercising powers and functions under the RMA; and

51 I must note that, in the time available prior to presenting this statement of evidence, I have not been able to confer with the Department of Conservation about whether or not such an amendment addresses the issue originally raised by the Minister. A copy of the above suggestion was forwarded to Julian Watts by e-mail but that was late last week and no response has yet been received.

Question 8 - Policy 7-7(a) :

There is an inherent tension between the provisions of Chapter 3 regarding the enabling of infrastructure and the provisions of Chapter 7 regarding the protection of ONFLs. Was it the intention of the POP as notified to resolve that tension or merely to provide a framework for that tension to be worked through by decision makers on a case by case basis?

If the latter was intended would it be helpful to have an explanatory statement somewhere in the POP explaining that to be the case.

52 This question is canvassed in the supplementary statement and end of hearing statement of Barry Gilliland. It is my understanding that the Council's intention is to attempt to minimise the tension by providing very detailed guidance on where infrastructure will and will not be considered to be appropriate. Mr Gilliland proposes a number of amendments to Chapter 3 to give effect to that intention. I have commented earlier on the relationship between Chapters 3 and 7 and on some issues relating to the weighting of matters that could result from use of the words *recognise and provide for* in Policy 3-1 (b) but note that these words are no longer recommended.

53 It is my view that, with respect to matters such as impacts on natural character and outstanding landscapes which require a high degree of expert analysis and careful judgment, it is not reasonable to expect the POP to provide the definitive answer to where infrastructure will and will not be appropriate. This question requires careful consideration of the facts and values presented in each particular case. In my opinion, the best the POP can do is to present a framework that is clear about the weighting to be given in that judgment. I consider that the policies in Chapter 7, amended as suggested by Ms Gordon and further by me, do provide a clear framework for understanding the circumstances in which infrastructure affecting natural character or outstanding natural features or landscapes would be considered to be 'inappropriate'.

54 I note also that Richard Turner, in his evidence on behalf of Meridian Energy Limited, gave his opinion that reconciling the tension in policies

providing for infrastructure and protecting natural values should occur at a regional plan and district plan – not RPS – level¹.

55 I imagine that some explanatory statement may assist the reader to understand that the answer for infrastructure does not lie exclusively within Chapter 3. A note may help to understand that other considerations, including those relating to preserving natural character and protecting outstanding landscapes from inappropriate development are also highly relevant. The appropriate place for such a note may well be within the opening paragraph of Section 3.1. That could be as simple as adding the following to the end of Mr Gilliland's suggested amendments to 3.1:

...Where appropriate, specific policy relating to these activities is integrated into the resource-based chapters of this Plan. Other chapters, including Chapters 7 and 9, contain objectives, policies and rules that address the management of the potential adverse effects of these activities on natural resources and values that are identified by the RMA as matters of national importance.

Question 9 - Policy 7-7(a)(ii) :

Regarding the expression 'significant adverse cumulative effects', would it be helpful to include in the body of the policy itself some wording similar to that proposed for the principal reasons and explanations section? If so the words should relate to effects on the characteristics and values of the items in Schedule F.

56 It probably would be helpful to include within Policy 7-7 (a) some explanation of what is meant by 'significant adverse cumulative effects'. My suggestion would be:

(ii) avoids any significant adverse cumulative effects on the characteristics and values of the outstanding natural features and landscapes listed in Table F1 of Schedule F; and

¹ Richard Turner Speaking Notes paragraph 34 page 5

(iii) for these purposes, significant adverse cumulative effects are those which have the potential to irreversibly alter or compromise the characteristics or values of the listed natural feature or landscape which distinguish that natural feature or landscape as outstanding.

57 I also wish to raise a point about the recommendation that Alison Mildon made in her presentation to the Panel that a 'precautionary approach' should be taken to cumulative adverse effects. In her presentation, this was depicted as only and always to 'avoid' them. The expression 'precautionary approach' has a very particular meaning usually applied to situations where irreversible long term persistent adverse health effects are anticipated. I agree that the POP should take a 'cautionary' approach. I do not agree that absolute avoidance of all cumulative adverse effects is called for on the basis of a 'precautionary approach'. I support the recommendation to set the bar at 'significant adverse cumulative effects'.

Question 10 - Policy 7-8 (e):

What are the 'components of natural character'? Is this expression compatible with the section 6(a) imperative to preserve natural character (ie not its 'components'). What value does the expression 'components of natural character' add to the policy?

What does the term "significantly compromise" mean and how would it be assessed in any individual case? Is this expression compatible with the section 6(a) imperative to preserve natural character? What value does that expression add and is it necessary?

58 The 'components of natural character' are explained in paragraph 3 of the green tracked-changes version of Chapter 7, on Mr Anstey's advice, as:

- Natural landform
- Natural water bodies (lakes, rivers and the sea)
- Vegetation cover (type and pattern)

- Natural processes associated with the weather and ecology
- Wildness, exposure and the natural sculpturing of landforms and vegetation
- The wider landscape context and the site's relationship to this.

59 It is also explained there that natural character is a sliding scale and varies from a low degree of natural character (such as in urban environments) to a high degree of natural character (for example Tongariro National Park).

60 The Panel's question makes a good point that the correct focus of section 6 of the RMA is on preserving natural character – not preserving the 'components' of natural character. Where the 'components' described above may have some value is in helping to define what is or is not inappropriate subdivision, use and development. In the amendment to Policy 7-8 I earlier suggested, I list the matters that would define a proposal as 'inappropriate'. I include there significant adverse effects on natural landforms, geological features and vegetation and disruption to natural processes or ecosystems (from the original Policy 7-8 wording). The only two 'components' missing from the original 7-8 clause (f) were natural water bodies and the relationships between the individual elements of natural character. I suggest including them as a consideration in 7-8 (d) (i) as earlier suggested:

- (d) For these purposes, subdivision, use and development will be considered to be inappropriate where:
- (f)(i) its location, is of an appropriate form, scale and or design would have significant adverse effects on to blend with the existing natural landforms, geological features, and vegetation, indigenous biota, natural water bodies or the important relationship between these elements that create the natural character of the landscape of that location; or
- (g)(ii) its effects would, themselves or in combination with the effects of other activities, ~~does not~~ significantly disrupt natural processes or existing ecosystems; and
- (e)(iii) it is not a use or development that has functional or operational requirements or technical constraints that mean it requires resources or a location found exclusively or predominantly within the coastal environment, wetlands, lakes or rivers or their margins; and
- (iv) no reasonable alternatives exist.

61 The issue raised by the Panel about the expression 'significantly compromise' does not feature in the above suggested wording. However, I have included the notion of significance in the criteria for judging inappropriateness. That is because I consider that to be 'inappropriate' a proposal would have to give rise to adverse effects or disrupt natural processes or ecosystems to a degree materially greater than minor. Significance is something of a spectrum and the assessment would need to be made in terms of the facts and values presented for any particular case.

Question 11 - Use of Notes:

Review whether the approach proposed to include notes in the Scope section of Chapter 7 is consistent with the approach adopted in Provisional Determinations for other chapters of the POP. Please provide amended wording recommendations where necessary to achieve a consistent approach.

62 Fiona Gordon's Supplementary Recommendations 18 and 23 which include reference to other chapters are framed in a way that is similar to other cross references in provisional determinations. For example

the reference to Chapter 4 on page 7-1 of Provisional Determination for Biodiversity.

Question 12 - Policy 7-7:

'Regionally significant (outstanding)': Does this expression mean an item can or cannot also be nationally significant (outstanding). Could the wording in the preamble to Table F1 (Schedule F) or elsewhere make it clear that an item could be both regionally and nationally significant (outstanding)?

63 Clive Anstey advises a natural feature or landscape that is included in Table F1 as 'regionally outstanding' could also be outstanding in a district context or in a national context. Many of the items are outstanding in multiple contexts. The wording of the preamble to Table F1 (on page F-1 of the 18th May 2009 green track-changes version of Schedule F) could be amended as follows to make that clear:

[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. Items listed in Table F1 as regionally outstanding may also be outstanding in a district or national or international context. 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 outstanding natural features and landscapes in the Region are as follows:

Table F1.....

Question 13 - Schedule F Manawatu Gorge:

Did any submission request the addition of 'recreational values' to the Manawatu Gorge item in Schedule F?

64 I have reviewed the summary of submissions contained in Attachment 1 to Fiona Gordon's original section 42A report and can find no submission that requested the addition of 'recreational values' to the Manawatu Gorge in Table F1. The summary of submissions records the Minister of Conservation (submission number 372/238 on page 290 of Attachment 1) as having requested modification of 'Other Values' to include recreation. It is clear from reading the original submission (page 75) that this request related to the Tararua Forest Park. It is not clear whether it related to the Manawatu Gorge – part of which is owned by the Crown as Department of Conservation estate.

Question 14 - Pigeon Bay Decision:

65 A copy of the decision has been supplied to the Panel.

Question 15 - Table 7-2(b) :

On the Green Track Changes Version, the first sentence in the second row (Scope) of Table 7-2 under "(b) Aesthetic". uses the term "aesthetic". However, in the Officer Reports the term "Scenic" is used. Is the correct term "scenic or aesthetic"?

66 Clive Anstey advises that the correct expression in describing the scope of '(b) Aesthetic Values' in Table 7-2 row 2 is 'aesthetic values' and not 'scenic values'.

Question 16 - Whanganui River and National Park:

Is it intended that the areas of Whanganui River that are only bounded by one side by the National Park are also included in the Schedule F outstanding landscape item?

Check the Schedule F map to confirm if areas of the Whanganui River that are bounded by one side only by the Whanganui National Park are actually included within the boundaries of the POP Map.

67 Fiona Gordon has investigated this issue and advises that:

68 In terms of the 2007 Review of the RPS list of landscapes, it was clearly intended (as noted in the Workshop Notes) that the operative RPS item (c) (Whanganui River upstream of Aramoana) was to be combined with the operative RPS item (d) (Whanganui National Park) and together included in Schedule F of the POP. The Whanganui River upstream of Aramoana includes sections of the River bounded by either one or both sides by the Whanganui National Park. Figure 3, as notified, does not include the entire River upstream of Aramoana but clearly shows the portions of river that are bounded on both sides as being within the mapped 'outstanding landscape' area.

69 Having examined Figure F:3 at closer scale, Ms Gordon advises that some sections of the Whanganui River that are bounded on only one side by National Park are included in Figure F:3 and some are not included. The reasons what that is so are not entirely clear. Ms Gordon has ascertained that the data used to create Figure F:3 was the Department of Conservation 2000 Dataset (*the DOC 2000 Dataset*). This data set is understood to be based CRS parcels administered by the Department of Conservation rather than parcels gazetted as National Park. The DOC 2000 Dataset may not therefore be a complete representation of the Whanganui National Park. Ms Gordon advises that the gazetted Whanganui National Park excludes rivers (which are vested separately in the Crown) and excludes roads and rail systems (vested in other agencies).

70 A larger scale version of Figure F:3 has been generated on which the DOC 2000 Dataset was overlain over a topographical map (which

shows rivers but pre-dates the 2000 data). It is important to note that in creating this map inaccuracies become apparent. For example, the DOC 2000 Dataset may show a surveyed river boundary that differs to the topographical map river boundary for the same location. Therefore, it is difficult (if not impossible) to determine, by looking at even the larger scale map alone, whether the inclusion or non-inclusion of certain portions of the Whanganui River within the mapped area is intentional. It could be due to mapping inaccuracy inherent in the process of overlaying the DOC 2000 Dataset on a topographical map.

71 All that can be said is that the larger-scale version of Figure F:3 shows that some parts of the River bounded *on one side* by the National Park are included within the mapped landscape of Figure F:3 but some are not.

72 One suggestion that could provide some clarity and give effect to the Council's clear intention (stated at the 2007 workshop) would be to amend item (c) in Table F1 to clarify that wherever the mapped area adjoins one side of the River, it should be considered to include that section of river. That might read as follows:

'(c) Whanganui National Park and those sections of the Whanganui River where the river adjoins the Whanganui National Park'

73 That would mean that situations where the river adjoins only one side and where the river adjoins both sides of the River are both captured by Schedule F.

74 However, as noted in A.7 below, there has been no specific consultation with the Whanganui River Trust Board. To the extent that the Board has an acknowledged relationship with the River, it would be prudent to find out from the Board its attitude to any such amendment before making it.

ADDITIONAL MATTERS RAISED IN EVIDENCE AND QUESTIONS

A.1 Question From Commissioner Van Voorthuysen 2nd July 2009 Re Anticipated Environmental Results

75 The third AER for landscapes on page 7-22 of the 18th May 2009 green track-changes version of Chapter 7 is:

- *‘Ratio of successful submissions versus total submissions made on outstanding landscapes and natural features to Territorial Authority consent planning processes.’*

76 I understand that the AER was intended to capture the degree of success achieved by Horizons Regional Council’s lodging submissions on TA planning processes. The clarity of the AER would be improved by the following minor amendment:

- *‘Ratio of successful submissions versus total submissions lodged by Horizons ~~made~~ on outstanding landscapes and natural features to Territorial Authority consent planning processes.’*

A.2 Protection Afforded By Operative RPS To Tararua & Ruahine Ranges

77 Comments made by Mrs Alison Mildon during her presentation to the Hearing Panel on 2nd July 2009 suggested that there is some misunderstanding that the operative RPS identifies the Tararua and Ruahine Ranges as regionally significant landscapes. That is not strictly correct. There are four separate entries in Policy 8.3 of the operative RPS for the Tararua and Ruahine **Forest Parks** (not the ‘Ranges’) and for the **skyline** of both the Tararua and Ruahine Ranges (items (n), (o), (p) and (q)). Accordingly, Table F1 of Schedule F

includes the Tararua and Ruahine Forest Parks and maps their extent. It is not proposed to include a map of the 'skyline of the Ruahine and Tararua Ranges' (proposed new entry (j) in Table F1). There is no basis in the operative RPS for including a mapped geographic entity describing 'the ranges'.

A.3 Schedule F Table F1 – Interaction Between Columns 2 & 3

78 It is not clear why Table F1 separates 'characteristics/values' from 'other values'. It appears that the text in columns 2 and 3 of Table F1 has been achieved by splitting the description of characteristics and values from the operative RPS and assigning that to either column 2 or 3. Mr Anstey agrees that there is no need for the distinction. I support the combining of columns 2 and 3. He agrees that would be more consistent with the assessment of values anticipated by his recommended Table 7-2 landscape assessment criteria.

79 I don't recall any submission which specifically requested combination of the two columns. However, if the content is unchanged (apart from where recommended to respond to specific requests), the combination could be seen as a consequential alteration necessary to better respond to issues raised in submissions.

A.4 Whether The Figures In Schedule F Assist

80 I have discussed this question with Mr Anstey – looking at the information and boundaries presented in each Figure. In general, Mr Anstey considers that the maps assist because they:

- Allow the feature or landscape to be identified geographically (which is vastly better for some that have remote locations not easily recognised from their names); and
- Provide some certainty (for both landowners and users of the POP) as to the geographic area within which the specified Table F1 values will be found.

81 Mr Anstey acknowledges that the boundaries have not been fixed following any on-the-ground survey and that they are a best approximation for each feature or landscape. He does not consider that erodes the value of the figures at all. He and I accept that the more detailed landscape assessment that would be required for proposals affecting the identified areas would either verify the boundaries or, more likely, identify variations in the boundary. The more detailed assessment would enhance knowledge and provide better clarification of boundaries. Mr Anstey does not accept that is, in itself, a reason to not put forward a boundary at this time.

82 The figures present a basis for proceeding and reflect current knowledge. If that knowledge is improved or clarified by later more detailed assessment, that will be all the better. Doing away with the figures altogether would not enhance understanding of where or how extensive the areas are. It is Mr Anstey's opinion that to do so would impair understanding rather than assist in most cases.

83 Whether there are figures or not, an applicant for a proposal that potentially affects the named areas would have to undertake a landscape assessment. It is not the figures that create the need for assessment – it is arguably section 6 of the RMA that triggers that. Doing away with the figures would not diminish the need for assessment. To do so could, however, result in uncertainty for both applicants and local authorities about the area requiring assessment. I support retention of the figures.

84 It may be that a future landscape assessment undertaken by a territorial authority identifies boundaries for the identified features or landscapes that is less extensive than shown in the POP figures. If the less extensive boundary were mapped in a District Plan, that would create potential inconsistency with the POP. That does not automatically follow however – where mapped areas may have different values associated with them from a district community perspective. Where inconsistency arises, it is able to be remedied by initiating a change to the RPS – however I accept that the logistics of

that are likely to make it an unattractive option. It is, however, the intended scheme of the RMA. It may be appropriate to include a method in the POP committing the territorial authorities and Horizons to confer over any outcomes of district-level landscape assessment and to ensure consistency between any mapped areas where necessary or appropriate. I do not see this as a reason to dispense with the figures in the POP.

85 Working through each figure in Schedule F, Mr Anstey comments as follows:

- (a) Tongariro National Park: the Figure F:1 boundary is the cadastral extent of the Park; the outstanding landscape may extend beyond that area but at least the Park represents the 'core' of the landscape area;
- (b) Whakapapa River and valley: Figure F:2 captures the whole catchment; there is a high degree of similarity in the character of the defined area; there are no outstanding submissions opposing this figure (there were two - 387/12 and 388/2 - but the figure has been amended to exclude those submitters property);
- (c) Whanganui National Park: as for (a) above;
- (d) Kaimanawa Ranges: as for (a) above, the Figure F:4 boundary is that of the Forest Park; there are limitations to that because private land surrounding the Park also exhibits similar landscape character; however, the mapped area covers an important 'core' of the landscape area;
- (e) Mount Aorangi: the Figure F:5 boundary is an artificial line; it doesn't capture the true complexity of Mt Aorangi (which is not strictly circular in plan view); but the mapped area provides at least some certainty about a core landscape area; although it probably excludes land at the edges that could be considered to have similar values;

- (f) Manganui O Te Ao: see A. 5 below;
- (g) Rangitikei River and valley: this is a highly confined corridor around a distinctive landscape feature; it is clearly distinguishable; there may be some debate about where the boundary should be located at the tops of the river valley cliffs but that is marginal at the scale shown;
- (h) Ruahine Forest Park: as for (a) above;
- (i) Tararua Forest Park: as for (a) above;
- (j) Skyline of Ruahine and Tararua Ranges: no figure is proposed and that is appropriate;
- (k) Manawatu Gorge: there were some disputes about the boundaries at a detailed (farm) level; these have been resolved through discussion and are reflected in the proposed revised figure; the land is largely conservation estate;
- (l) Coastline: the east coastline is a landscape for which it is easier to distinguish an inland coastal extent; he supports retention of Figure F:12; for the west coastline Mr Anstey recommends leaving Figure F:11 as proposed because it provides a signal to applicants of the need to consider coastal landscape values; but he accepts that closer assessment (such as by Horowhenua District Council) will refine that boundary;
- (m) Cape Turnagain: the characteristics and values could be exhibited anywhere within the mapped area.

86 With the exception of Figure F:6 for the Manganui O Te Ao, I support retention of the (revised) figures and endorse the evidence of Fiona Gordon in relation to the boundaries representing 'values envelopes' which signal the presence of and need to properly consider landscape values. Based on Mr Anstey's comments, I expect that they represent

the inner 'core' of the area within the stated characteristics and values will be present – and not an excessive extra expanse around that feature or landscape.

87 The only suggestion for a mapped area for the skyline was put forward in the submissions of TAG and others requesting inclusion of the area uphill of the 200-metre contour in Schedule F. Mr Anstey has commented in his evidence on why he does not support inclusion of that whole area in Schedule F. I support those reasons.

88 It would be possible to include a map identifying the ridgelines considered to comprise the 'skyline'. Mr Anstey's comment about that approach is that there would, of course, be debate about what criteria used (which ridgelines are in and which are out). He notes that these have effectively been mapped for the Turitea Wind Farm hearing and could comment further on this if required at the hearing.

A.5 The Mapped Area Of Item (f) Table F1 – Manganui O Te Ao River and River Valley

89 Mr Anstey advises that this is a highly diverse and complex landscape. The proposed revised Figure F:6 excludes areas of grazed pasture and areas of obvious development based on a desk-top analysis by Mr Anstey of aerial photography. Mr Anstey advises that the figure was further adjusted after discussion with Winston Oliver. Clearly, however, that has not addressed all issues. This figure is one that Mr Anstey considers warrants a closer look based on ground assessment before any boundary is confirmed in Schedule F. The mapped area appears to include a larger area than was described in text in the operative RPS. I support deletion of Figure F:6. If there is to be no figure, the words in item (f) Table F1 should be amended to delete the reference to 'parts of the' valleys referred to because they are not defined. It would be better if the as-notified words for item (f) were retained.

A.6 How The Existing And Authorised Wind Turbines On The Ruahine and Tararua Ranges Have Been Accounted For In The Recommendation To Include The Skyline Of Both Ranges

90 Clive Anstey responded 01.08.09:

There are provisions for the protection of the skyline of the Tararua Ranges in the current RPS. The provision did not become a significant issue before the application for a resource consent to build T3 in 2005 was lodged. This application involved 31 turbines of 110 metres (to the blade tips). The application went before a joint hearings panel including councillors from both PNCC and TDC and a commissioner.

The T3 turbines are, for the most part, integrated within the existing envelope of T1 and T2. There are however 5 turbines located on the highest section of the ridgeline between the Manawatu Gorge and the Pahiatua Track. These were the subject of considerable discussion. In the context of a 'developed pastoral landscape with substantial pine plantations' (Ernslaw One's Aokautere Forest on the western flanks of the ranges) the turbines were accepted. Their impacts were thought to be of greatest significance to TDC whose representatives considered the effects acceptable to their constituents.

The application to build the Te Rere Hau wind farm was lodged in 2005. Consent was granted (by a commissioner acting for PNCC) in the same year. The proposal involved 97 turbines of 46.5 metres (to the blade tips) and the development has been staged. The wind farm is located on the western flanks of the ranges, immediately north of the Pahiatua Track, in a developed pastoral landscape with blocks of exotic forest. The character is very similar to that associated with T3.

The southern end of the consented Motorimu wind farm is located on the foothills of the Tararua Ranges to the east of Tokomaru township. The wind farm extends northwards to the Te Mata Ridgeline which is located immediately to the east of SH 57. At the Environment Court hearing in 2008 it was agreed that the proposed wind farm was not located 'on the skyline of the Tararua Ranges'. It was however accepted that the Te Mata Ridgeline was significant as a 'high amenity' landscape and several turbines were deleted. The environment court approved 80 turbines each 81 metres tall (to the blade tips).

Currently there are no turbines on the top ridges of the Tararua Ranges within areas having 'high natural character'. There are no turbines in outstanding natural landscapes. Although there are a number of turbines that register as being intrusive on the skyline of the Tararua Ranges these are all located to the north of Pahiatua Track in a developed, cultural, landscape. As a 'feature' the ridgelines of the Tararua Ranges assume prominence to the south of Pahiatua Track. The Turitea Reserve begins to the immediate south of Pahiatua Track and forms a continuum with Hardings Park (a scenic reserve) and the Tararua Forest Park. Moving south from Pahiatua Track the elevation

of the ranges increases and the character is increasingly unspoiled and indigenous.

In summary, existing and consented turbines do not intrude on Schedule F 'Outstanding Natural Landscapes'. A number of turbines do however intrude onto the skyline of the Tararua Ranges to the north of Pahiatua Track. These are located within a very developed and 'cultural' landscape. It has been generally described as a 'wind farm landscape' and seen as a concession to the need for sustainable energy. The Tararua- Aokautere Guardians have argued for the containment of wind farms within already developed landscapes where the cultural dimension is prominent.

The presence of the turbines does not mean the whole entity of the skyline no longer qualifies for inclusion in Schedule F. Indeed, it adds to the significance of what is left undeveloped and would probably limit further development where there are turbines.

A.7 Question From Commissioner Main 20th July 2009 Re What Discussion Had Been Held With Whanganui River Trust Board In Preparing Schedule F

91 Fiona Gordon advises that she did not consult with the Trust Board in drafting Supplementary recommendation SLSNC 13. Her recommendation has two parts: (a) to reject the Minister of Conservation's request to separately list the River and (b) to acknowledge that parts of the River are included anyway (associated with the National Park) and to supplement the values recorded for that entry in Table F1. As I understand the position, Ms Gordon's recommendation SLSNC 13 is not questioning that the Whanganui River has outstanding values. Her recommendation sought to ensure those values are recognised but is tempered by her concerns that wider community consultation is required before extending the mapped area associated with the River to include vast areas of private land.

92 My understanding is that there was no direct or targeted consultation with any Iwi or the Trust Board *after* the notification of the POP, other than generic POP information they would have received as key stakeholders in the POP process. I understand, from a discussion with Damian Coutts, that the Department of Conservation had sought feedback from the Trust Board specifically about the proposal to

include the Whanganui River within the National Park as an outstanding landscape in Schedule F rather than the entire River. Ms Gordon has followed that up with the Department and been advised that Department staff have discussed the matter with Jamie Fergusson (the Trust Board's lawyer) and not with the Trust Board directly. Mr Fergusson indicated that he would need to obtain instructions from the Board. The Department advised on Wednesday 5th August 2009 that it had not yet had a response from either Mr Fergusson or the Board.

A.8 Misunderstanding Re Clive Anstey's Recommendations For Tararua Forest Park

93 I understand that the legal submissions for Mighty River Power and the legal submissions presented by Mr Cowper reiterated the company's concern about a recommendation Mr Anstey is said to have made involving an 'extension' to Figure F:9 for the Tararua Forest Park. Just so it is clear: Mr Anstey has not recommended any extension to Figure F:9. This point was clarified in written material discussed at witness caucusing and, I thought, had been clarified.

Christine Foster

10th August 2009