

BEFORE THE HEARINGS COMMITTEE

**IN THE MATTER of hearings on submissions
concerning the proposed One Plan
notified by the Manawatu-
Wanganui Regional Council**

**Supplementary Recommendations of Fiona Gordon in
collaboration with Christine Foster
Regarding Submissions On
Chapter 7 and Schedule F
Outstanding Natural Features and Landscapes Provisions**

May 2009

INTRODUCTION

1. This report supplements my February 2009 report on submissions relating to Chapter 7 and Schedule F of the Proposed One Plan (POP). It addresses three sets of issues:
 - a. issues outstanding in the submission of the Minister of Conservation
 - b. issues raised in expert evidence from submitters which have caused me to review and amend some recommendations made in my February report
 - c. submission points omitted from my original report in February 2009.

ISSUES OUTSTANDING IN MINISTER OF CONSERVATION'S SUBMISSION

2. At the time of preparing my February report, discussions were in progress with Department of Conservation (DOC) staff over some requests in the Minister of Conservation's submission (submission points numbered 372/237, 238, 239, 240, 241 and 242). The requests are discussed in paragraph 3 on page 110 of my February 2009 report and are referenced on pages 289 to 291 of the submissions summary (Attachment 1) to that report.
3. Since then, Clive Anstey and I have met with DOC staff on two occasions. We have revisited the Minister's submission in detail and have considered the additional supporting material and evidence supplied by DOC in support of the decisions requested in the Minister's submission. In summary, the requests are to include several additional natural features and landscapes in Schedule F and to include additional text describing items already listed in Schedule F.
4. This report discusses the additional information received from DOC and presents my recommendations having considered that information. In brief, I am unable to support the inclusion of some of the natural features and landscapes requested by the Minister because I do not consider that sufficient consultation has been undertaken with potentially affected landowners. I do support and recommend the specific listing in Table F1 of Schedule F of natural features that have merit and are located within areas already mapped in Figures F:1 to F:13 of Schedule F. That is because those maps clearly show to potentially affected landowners that specific areas of land are the subject of POP policies. That contrasts with the indirect form of consultation and absence of specific mapped detail inherent in any summary of submissions and further submissions process.

ISSUES RAISED IN EVIDENCE

5. Some of the evidence submitted helped to better clarify some of the points raised in submissions. Having had the opportunity to discuss those issues in more detail with the expert witnesses, in a caucusing setting, I have come to the view that some of my earlier recommendations should be amended. This report sets out those matters and my amended recommendations.
6. In brief, there is broad agreement with planning expert witnesses for submitters on the following matters (with supplementary recommendation and original recommendation numbers referenced):
 - a. Inserting explanatory text in Chapter 7 Sections 7.1.1 (Scope) and Section 7.1.3 (Landscapes and Natural Character) to better clarify the relationship between

Chapter 7 and Chapter 9 (Coast) (Supplementary Recommendation SLSNC 15 and SLSNC 23, original Recommendation LSNC 6).

- b. Inserting a note in Chapter 7 Section 7.1.1 (Scope) to clarify that the policies in Chapter 3 apply in addition to those in Chapter 7 (Supplementary Recommendation SLSNC 18 and SLSNC 21, original Recommendation LSNC 9 and LSNC 10).
 - c. Amending Policy 7-8 and its explanatory text to better address rehabilitation and restoration of natural character, to clarify that the policy applies to all RMA decisions (not just decisions on resource consents) and to include a consideration of whether an activity relies on resources that are only available within the coastal environment. This last suggestion addresses the concerns of energy generators by acknowledging that some resources on which energy generation and related infrastructure rely exist only in areas of natural character such as the coastal environment or in rivers. The suggestion provides for consideration of the need to locate such activities where resources occur but does so in a general sense (acknowledging that this is potentially relevant for other resource users) and without singling out energy generation or infrastructure within the Policy 7-8 (Supplementary Recommendations SLSNC 22 and SLSNC 25, original Recommendation LSNC 10 and LSNC 14).
 - d. Amending Method 7-7 to make it clear the Regional Council may (rather than 'will') lodge submissions on applications for resource consent to territorial authorities and seek to initiate district plan changes to address effects on outstanding natural features and landscapes (Supplementary Recommendation SLSNC 24, original Recommendation LSNC12).
 - e. Amending the mapped area of item (k) Table F1 in Schedule F (Manawatu Gorge) by excluding land in response to issues raised by submitters (Supplementary Recommendation SLSNC 26, original Recommendation LSNC 24).
7. There remains debate or disagreement on the following matters:
- a. Policy 7-7(a) which addresses cumulative effects of development on outstanding natural features and landscapes: Some submitters want the publicly notified avoidance of any cumulative adverse effects retained; others want cumulative effects to be subsumed as a subset of adverse effects generally in Policy 7-7(a); and I recommend amendments to Policy 7-7(a) to focus on 'significant adverse cumulative effects' on the 'characteristics and values of the outstanding natural features and landscapes listed in Schedule F' (ie., not all adverse cumulative effects within the context of Chapter 7). I also recommend the insertion of explanatory text describing what is meant by the expression 'significant adverse cumulative effects' (Supplementary Recommendation SLSNC 19, original Recommendation LSNC 9).
 - b. Amended Policies 7-7(b) and (c) recommended in my February 2009 report (LSNC 9): While there is broad agreement between submitters about the merit of including a list of 'Pigeon Bay' based assessment criteria, there is disagreement about how those criteria should be used and also disagreement about whether the policies should apply to natural features and landscapes that are outstanding but are not (yet) included in Schedule F. My recommendation is that they should apply and I recommend combining Policies 7-7(b) and (c) into one clause that would apply to Schedule F items as well as non-listed but outstanding natural

features and landscapes (Supplementary Recommendation SLSNC 20, original Recommendation LSNC 9).

- c. Whether the statement of Issue 7-2 and Objective 7-2 should focus on all of the Region's outstanding natural features and landscapes or just those listed in Schedule F. My recommendation is that the objectives and policies should (and do, if amended as I suggest) embrace all genuinely outstanding natural features and landscapes (Supplementary Recommendation SLSNC 16 and 17, original Recommendation LSNC 7 and LSNC 8).
- d. The merit of the natural features and landscapes listed in Schedule F: The energy generators question the robustness of the assessment that resulted in the listing of these natural features and landscapes. My view, supported by Mr Anstey, is that they have merit and that it is a more appropriate policy response to include them in Schedule F than not (original Recommendation LSNC 17).
- e. Whether there is a need for specific policy provision within Chapter 7 to acknowledge the locational and operational constraints affecting infrastructure and energy generation. It is my view that the policy acknowledgement of this in the revised provisions in Chapter 3 (infrastructure, energy and waste) provisions is sufficient. That view is shared by one but not all witnesses for the energy generators. I have recommended some cross-referencing to Chapter 3 in the form of a note in Section 7.1 (Scope) rather than policy (SLNSC 18, original Recommendation (supplementary recommendations SLNC 9 and LSNC 10).
- f. My original Recommendation (LSNC 18) to include the skyline of the Ruahine and Tararua Ranges as an outstanding natural feature or landscape in Table F1 of Schedule F and the definition given there for 'skyline'. Some submitters support the amendment and some (notably energy generators) oppose it and disagree with the definition (original Recommendation LSNC 18).
- g. The mapped area of the western coastline (Figure F:11) and the Cape Turnagain part of the eastern coastline (Figure F:12) in schedule F, and the adoption of the 12 nautical mile limit as the seaward boundary of the coastline in both figures: Mighty River Power has proposed an amended (slimmer) mapped area for the western coastline. Mr Anstey's view is that the publicly notified mapped areas are as good as any but that view is not shared by the energy generators (original Recommendations LSNC 25 and LSNC 26).

SUBMISSION POINTS OMITTED

8. Four submission points and one further submission point were omitted from my original report and therefore were not discussed in my February 2009 report. This report discusses these submission points and notes my conclusions about them, which mirrors my conclusions and recommendations made about other similar submissions. I make no supplementary recommendations in respect of those.

THE MINISTER OF CONSERVATION'S REQUESTS

9. The following itemises the Minister's submission points, including detail provided in the text of the Minister's submission, and notes the further submissions that either supported or opposed those requests:

372/237: *Values associated with Ruahine Forest Park are not adequately identified. Modify the [Schedule F] characteristics/values to include: Visual and scenic characteristics, particularly the open tops, stony riverbeds and vegetation gradients from high-low altitude and from north-south, wilderness.*

Supported by: 527/174 Opposed by: 511/590

372/238: *In relation to Ruahine Ranges: Modify other values to include: recreation especially tramping and hunting, ecological significance with provision of habitat for rare snail species, historic values in association with early recreation, hunting and botanical exploration.*

Supported by: 474/1, 527/175 Opposed by: 511/591, 522/461

372/239: *DOC has clarified that this was intended to relate to the Tararua Forest Park: Values associated with Tararua Forest Park are not adequately identified. Modify the [Schedule F] characteristics/values to include words as for 372/237 above.*

Supported by: 527/176 Opposed by: 511/592

372/240 *The characteristics and values of the coastline of the region should be expanded to reflect the NZCPS and the importance of the remnant dune fields, particularly the Manawatu dune field. Add 'and remnant dune fields' after the reference to Akitio Shore Platform in the first column; add '(iii) natural character of the coast, particularly the coastal cliffs and remnant dune fields'.*

Opposed by: 511/593

372/241 *The Moawhango Ecological Region is an outstanding landscape which has been omitted but should be included. It is a highly distinctive montane-subalpine region characterised by undulating and plateau topography and extensive red tussock grasslands and mixed shrublands. In landscape and geomorphological terms the NW Ruahine (Mangaohane Plateau etc) would be described as karst; sinkholes, collapsed caverns, cliffs, subterranean streams etc. These sites support unusual habitats for a biogeographically special flora. It is the only sub alpine karst topography in the region and one of only a few such landscapes on the North Island. It is a landscape of plateaux and rolling hill country separated by wide, deeply incised valleys with striking rock formations. It appears largely unmodified and creates a sense of isolation. Include the Moawhango Ecological Region as an outstanding landscape in Schedule F (boundary as identified in Rogers, G.M. 1993.*

Within the Moawhango Ecological Region there are a number of landscape units which qualify as 'outstanding' in terms of the Act in their own right. These include Mt Aorangi, Reparoa bog, the Hihitahi Forest Sanctuary and the North Western Ruahines. These all have distinctive and significant landscape ecological, cultural and recreational values in their own right. Include these outstanding natural features within Schedule F of the plan with a description of their values.

Opposed by: 497/1, 511/594, 519/301, 522/462, 533/70

372/242 *Include the following outstanding natural features within Schedule F and on attached maps along with a description of their values:*

- a. *Lake Horowhenua and Lake Papaitonga – two examples of dammed dune lakes which have historic, cultural, geologic, ecological and scenic values;*
- b. *Paki Paki Dune forest, associated land form and surrounding vegetation – a very rare broadleaf forest on parabolic dune;*
- c. *The Fox-Tangi dunelands and Hokio Beach South dune fields should also be specifically noted within the west coast coastal environment.*
- d. *Within the coastal environment the significance of other particular estuaries should also be noted in the table, in addition to those already listed (including Akitio, Ohau and Waikawa).*
- e. *On the central plateau the following natural features should be included: Rangataua Lava Flow (the longest lava flow in NZ and arising from Tongariro National Park World Heritage Area);*
- f. *The Waimarino-Erua National Park fault scarp (a very significant feature when viewed from the air or Mt Hauhangatahi being a long and highly distinctive straight fault scarp physically dissecting the natural landscape);*
- g. *Okotinga (south of Tangiwai) which is an uplifted sedimentary outcrop predominantly covered with indigenous vegetation;*
- h. *The western edge of the volcanic plateau where it abuts the highly dissected western hill country (a very distinct boundary between two different landforms often marked by high escarpments eg around Lake Hawke);*
- i. *Central North Island Plateau tussocklands including those managed for defence training purposes (other than those included [elsewhere above] in the Moawhango Ecological Region);*
- j. *Include coastal Geopreservation Inventory sites: Castlecliff to Nukumarua coastal cliffs and Landguard Bluff (Wanganui).*
- k. *A check should also be made to ensure that the Schedule [F] includes all landforms and features listed in the NZ Geopreservation Inventory as being internationally, nationally or regionally important.*
- l. *The Whanganui River and its main tributaries which are not within the Whanganui National Park should also be identified as an outstanding natural feature.*

Supported by: 527/177

Opposed by: 497/2, 511/595, 519/302, 522/463

EVALUATION AND RECOMMENDATIONS – MINISTER OF CONSERVATION'S OUTSTANDING SUBMISSION POINTS

GENERAL ISSUE – ADEQUACY OF CONSULTATION WITH POTENTIALLY AFFECTED LANDOWNERS

10. The request to introduce items into Schedule F that are additional to those that are identified in Schedule F of the POP as notified raises important issues of public participation and fairness.
11. It is my view that any publicly notified summary of submissions could not be considered to fairly and reasonably put people on notice that their land or nearby land was being nominated for inclusion in Schedule F. There is a real possibility that potentially affected landowners and interested parties may have missed the opportunity to make a further submission. Some of the Minister's requests involve large tracts of land including privately owned land. Inclusion in Schedule F invokes certain policies relating to the protection of outstanding natural features and landscapes. These policies could have a material influence on the nature and form of development of that land. It could also materially influence decisions about the development of other land (for example, where development of that other land might cause adverse effects on landscapes listed in Schedule F). I note that there are further submissions both supporting and opposing the requests made by the Minister but very few are from landowners within the areas identified.
12. I consider that the only way to fairly engage with potentially affected landowners and the general public in a debate about the addition of any items not already included within Schedule F of the POP as notified is through a more thorough consultative process. One such process could be during a landscape assessment of the kind described by Mr Anstey. Another could be the process required during the notification of a proposed plan change under Schedule 1 clause (3) subclause (2) and clause (5) subclause (1c) of the RMA (that is, including direct consultation).
13. I do not consider that it would be appropriate for the Hearing Panel to grant the relief sought by the Minister in the absence of more direct consultation with potentially affected landowners focused on detailed identification of the land concerned.
14. It should be noted that, prior to considering any adequacy of consultation issues, Mr Clive Anstey and I had reached broad agreement with DOC staff through two pre-hearing meetings and the receipt of further information about the merit of some of the features listed in the Minister's submission as 'outstanding'. I acknowledge that the DOC staff (particularly Katy Newton) have devoted considerable resources to investigating and describing the characteristics and values of the landscapes and features listed in the Minister's submission, through the provision of further information and evidence. I am grateful to them for their assistance and cooperation.
15. Notwithstanding the merit of these features, in light of the concerns I raise above I am not able to recommend to the Hearing Panel that they be included in Schedule F at this time.
16. It is my view that even a highly detailed submission summary is not a sufficient process to engage with potentially affected parties and landowners. In my opinion, a reasonable public authority should consult directly with landowners affected by potentially restrictive plan provisions prior to public notification of those proposed provisions.

17. My conclusion affects only some of the landscapes and features listed in the Minister's submission. It is, in my opinion, open to the Hearing Panel to grant the relief requested in relation to other listed features. In particular, wherever the landscape or feature is within an area already mapped in Schedule F, I recommend that the landscape or feature should be explicitly identified in the description in Table F1. For some items that are already listed in Schedule F, I recommend additional text describing their characteristics and values.
18. In addition, the other recommendations made in my February 2009 report would, if accepted by the Hearing Panel, address some of the Minister's concerns relating to the protection of landscape values. For example, the addition of criteria for landscapes assessment (the addition of Policy 7-7(b)), discussed in section 4.8 below (and initially recommended in Recommendation LSNC 9) will assist to protect the values of natural features and landscapes that are genuinely outstanding.

I now turn to consider each of the Minister's requests in detail:

SUBMISSION POINTS 372/237 & 238: MODIFY STATEMENT OF VALUES ASSOCIATED WITH RUAHINE FOREST PARK

19. Recommendation LSNC 18 (page 119) of my February 2009 report accepts in part submissions requesting inclusion in Schedule F of a separate entry for the Ruahine Forest Park. I recommend on page 120 of that report the wording of the values that could be included for that entry. The wording I recommend there does not detail the recreational tramping values as explicitly as requested in the Minister's submission and evidence. I have reconsidered the wording in light of further information supplied by, and discussion with, DOC staff. As a result, Clive Anstey and I agree (as noted in pre-hearing agreed outcomes) that it would be more accurate to add words referring to tramping recreational values and to historical values.

SUPPLEMENTARY RECOMMENDATION SLSNC 1:

20. I recommend that the Hearing Panel accept in part Submissions 372/237 and 372/238 and make the consequential alterations detailed below. DOC (Wanganui Conservancy) has confirmed that the following wording would fulfil the relief requested. I note also that my earlier recommendation incorrectly refers to the Ruahine State Forest Park. The current correct expression is Ruahine Forest Park.

Suggested Consequential Alterations Arising from Supplementary Recommendation SLSNC 1:

21. a. amend original recommendations LSNC 17 and LSNC 18 on page 112 and 119 of my February 2009 report, and
- b. amend Table F1 item (h) columns 1 and 3 of Schedule F in the following manner (amendments shown in bold underline):

(h) The skyline of the Ruahine State Forest Park Ranges (Figure F:8)	(i) Visual and scenic characteristics, particularly its prominence throughout much of the Region and its	(i) <u>Ecological values including values associated with mature indigenous* forest*, remnant and regenerating</u>
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	backdrop vista in contrast to the Region's plains	<u>indigenous* vegetation and important habitat.</u> (ii) <u>Contribution to the national conservation estate.</u> (iii) <u>Recreational values, especially tramping and hunting.</u> (iv) <u>Historical values associated with early recreation, hunting and botanical exploration.</u> (v) <u>(iv) Cultural values.</u>
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- c. Amend the title of Figure F:8 in Schedule F in the following manner (amendments shown in bold underline):

Ruahine State Forest Park Ranges

Reason For Supplementary Recommendation SLSNC 1:

22. The additional words, referring to tramping recreational values and historical values of the Ruahine Forest Park, more accurately describe the Park's regionally outstanding values.

SUBMISSION POINT 372/239: MODIFY STATEMENT OF VALUES ASSOCIATED WITH TARARUA FOREST PARK

23. Recommendation LSNC 18 (page 119) of my February 2009 report accepts in part submissions requesting inclusion in Schedule F of a separate entry for the Tararua Forest Park. I recommend on page 120 of that report the wording of the values that could be included for that entry. The wording I recommend there does not detail the recreational tramping values as explicitly as requested in the Minister's submission. I have reconsidered the wording in light of further information supplied by, and discussion with, DOC staff. As a result, Mr Anstey and I agree (as noted in the pre-hearing meeting agreed outcomes) that it would be more accurate to add words referring to tramping recreational values and to historical values.

SUPPLEMENTARY RECOMMENDATION SLSNC 2:

24. I recommend the Hearing Panel accept in part Submission 372/239 and make the consequential alterations detailed below. The DOC (Wanganui Conservancy) has confirmed that the following wording would fulfil the relief requested. I note also that my earlier recommendation incorrectly refers to the Tararua State Forest Park. The current correct expression is 'Tararua Forest Park'.

Suggested consequential alterations arising from Supplementary Recommendation SLSNC 2:

25. a. Amend original recommendation LSNC 17 and LSNC 18 on page 112 and 119 of my February 2009 report, and

- b. Amend Table F1 item (i) columns 1 and 3 of Schedule F in the following manner (amendments shown in bold):

(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) <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, especially tramping</u> (iv) <u>Historical values associated with early recreation</u> (v) (iv) <u>Cultural values</u>
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- c. Amend the title of Figure F:9 in Schedule F in the following manner (amendments shown in bold):

Tararua **State Forest Park Ranges**

Reason for Supplementary Recommendation 2:

26. The additional words, referring to tramping recreational values and historical values of the Tararua Forest Park, more accurately describe the Park's regionally outstanding values.
27. DOC has clarified that the remnant dune fields, and particularly the Manawatu dune fields, referred to in the submission cover a very large area of land extending from the coastline inland almost to SH1 between approximately the Manawatu River and Whanganui River. Within that area, much of the land is farmed or in production forestry. There are pockets of particularly notable remnant dunes (such as Hokio Beach South and Fox-Tangi) which are identified in the Geopreservation Inventory as having either national or regional importance.
28. DOC has clarified that it does not seek the inclusion of the entire area as a regionally outstanding landscape as a separate entry in Table F1. DOC does, however, seek reference to the values of the subset dune remnants (Hokio Beach South Dune Fields and Fox-Tangi dunes) as examples of the natural features of the coastline of the Region in item (k) of Table F1. Clive Anstey and I agree, as noted in the pre-hearing meetings, that those subsets of the wider area warrant mention in Table F1 in this way. DOC has also clarified that, if reference is included in column 1 of Table F1 to the Foxtangi and Hokio Beach South remnant dune fields, there is no need to duplicate that reference in the second column which describes characteristics and values. I agree that duplication would be unnecessary.

Supplementary Recommendation SLSNC 3:

29. I recommend that the Hearing Panel accept in part Submission 372/240 and amend the description of the Region’s coastline in Table F1 in the manner detailed below. I note that DOC has confirmed that the wording change proposed would fulfil the relief requested in the submission:

Suggested consequential alterations arising from Supplementary Recommendation SLSNC 3:

30. a. Amend original recommendation LSNC 17 on page 112 of my February 2009 report, and
- b. Amend Table F1 re-numbered item (l) column 1 of Schedule F in the following manner (amendments shown in bold):

(l) Coastline of the Region, particularly the Akitio Shore Platform, Fox-Tangi Dunes and Hokio Beach South Dune Fields (Figures F:11 and F:12)	(i) Visual and scenic characteristics, particularly its special coastal landscape features (ii) Coastal geological processes	(i) Ecological value, particularly the Whanganui, Whangaehu, Turakina and Rangitikei river estuaries as habitats for indigenous fauna (ii) Recreational value (iii) Significance to <i>tangata whenua</i> [^] (iv) Scientific value
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Reason for Supplementary Recommendation SLSNC 3:

31. The addition of reference to the Fox-Tangi and Hokio Beach South remnant dune fields is reasonable because it highlights two acknowledged examples of the natural features and character of the Region’s coastline.

SUBMISSION POINT 372/241: INCLUDE THE ENTIRE MOAWHANGO ECOLOGICAL REGION IN SCHEDULE F

32. I note, as per the pre-hearing meeting agreed outcomes that, it was agreed in principle that parts of the Moawhango Ecological District are likely to hold outstanding landscape values. However, I cannot support the inclusion of the entire Moawhango Ecological Region for the reasons discussed in section 3.1 of this supplementary report. Clive Anstey’s evidence states similar concerns and I note that Katy Newton acknowledges the difficulties of including such a large area without consulting with potentially affected landowners (her para. 33 on page 9). Ms Newton suggests, as an alternative, that a note should be included in the POP that *‘the Moawhango Ecological Region is to be considered further for inclusion in the Schedule during any landscape assessment that is made in the future’*. I am not sure what status such a note would have. Natural features and landscapes are either listed or not listed in Schedule F. The POP cannot include ‘draft’ or ‘possible future’ entries in the list. I consider that such a note will create confusion and do not support it.

33. I note that Ms Newton has, in her evidence, refined the focus of DOC’s current attention to three specific areas within the Moawhango Ecological Region. Those are:

- Kutaroa and Otahupitara Swamps (also known as Irirangi Swamp)
 - Mt Aorangi (amending the area mapped in Figure F:5 to include the Makirikiri Tarns and Reparoa Bog)
 - Eastern Desert Road Landscape.
34. Ms Newton notes that the Irirangi Swamp, Makirikiri Tarns and Reparoa Bog are all currently identified in the Regional Policy Statement (RPS) list of significant natural features and landscapes (the relevant extracts from the RPS describing these features are included in Appendix 3 to Ms Newton's evidence).
35. For the reasons discussed in section 3.1 of this supplementary report, I am unable to support the inclusion of either the entire Moawhango Ecological Region or these three individual subsets at this time.

Supplementary Recommendation SLSNC 4:

36. a. I recommend that the Hearing Panel:
- a. amend original Recommendation LSNC 17 on page 112 of my February 2009 report, and
 - b. reject Submission 372/241.

Reason for Supplementary Recommendation SLSNC 4:

37. There has been no consultation with potentially affected landowners and there is no evidence that landowners support (or do not oppose) the requested inclusion in Schedule F.

SUBMISSION POINT 372/242 (A): LAKE HOROWHENUA AND LAKE PAPAITONGA

38. Clive Anstey agrees, as stated in the pre-hearing agreed outcomes, that both lakes are outstanding natural features. I note that both lakes are identified in the operative Horowhenua District Plan as outstanding landscapes and that Lake Horowhenua is also there identified as an outstanding natural feature (refer Appendix 4 to Ms Newton's evidence). Mr Anstey advises that the district-wide landscape assessment currently being undertaken by Horowhenua District Council is likely to confirm both lakes as outstanding natural features and/or landscapes. I also note that both lakes are included in the operative RPS list of significant natural features and landscapes.
39. Notwithstanding that agreement as to merit, for the reasons discussed in section 3.1 of this supplementary report, I am unable to recommend their inclusion in Schedule F at this time. In discussion with DOC staff, it became clear that the area of land encompassed by the Minister's request extends beyond the beds and immediate surrounds of both lakes and would involve numerous landowners and occupiers. The items currently listed in the Horowhenua District Plan are not mapped, according to Ms Newton's evidence. It is my view that, for the areas to be included in the POP as the Minister intends and mapped in Schedule F, direct consultation with potentially affected landowners and iwi is required.
40. For the reasons discussed in section 3.1 of this supplementary report, I am unable to support the inclusion of either Lake Papaitonga or Lake Horowhenua at this time. Mr Anstey advises that the district-wide landscape assessment currently being undertaken

by Horowhenua District Council is likely to confirm both lakes as outstanding natural features or landscapes. I note that the lakes' identification in the District Plan will continue to offer policy protection, even if they are not included in Schedule F.

Supplementary Recommendation SLSNC 5:

41. a. I recommend that the Hearing Panel:
- a. amend original Recommendation LSNC 17 on page 112 of February 2009 report, and
 - b. reject Submission 372/242 insofar as it relates to the request to include Lake Papaitonga and Lake Horowhenua in Schedule F of the POP.

Reason for Supplementary Recommendation SLSNC 5:

42. Notwithstanding the evident merit of Lake Horowhenua and Lake Papaitonga as outstanding natural features and landscapes, there has been no consultation with potentially affected landowners and there is no evidence that landowners support (or do not oppose) the requested inclusion in Schedule F of the full extent of the area intended by the Minister's request.

SUBMISSION POINT 372/242 (B): PAKI PAKI DUNE FOREST

43. DOC has confirmed this item of its submission request is withdrawn.

SUBMISSION POINT 372/242 (C): INCLUDE INDIVIDUAL ITEMS IN TABLE F1 FOR FOXTANGI AND HOKIO BEACH SOUTH REMNANT DUNE FIELDS

44. Mr Anstey agrees that these can be considered to be outstanding natural features and notes that they are listed in the NZ Geopreservation Inventory as regionally significant features. These features are located within the area shown on Figure F:11 in Schedule F. I agree with Ms Newton that they are examples of the important features found within the 'coastline' landscape described by item (I) of Table F1 in Schedule F. I am satisfied that they could be identified explicitly in the Table F1 description in the manner I recommend in Supplementary Recommendation SLSNC 3 above. Ms Newton has confirmed that this wording would address the Minister's concern.

SUBMISSION POINT 372/242 (D): INCLUDE REFERENCE TO AKITIO, OHAU AND WAIKAWA RIVER ESTUARIES

45. I agree that Schedule F should identify the estuaries of all substantial rivers equally. I note that all estuaries are located anyway within the area of the coastline mapped in Figures F:1 and F:12 of Schedule F. I agree that Table F1 should name all substantial estuaries. On that basis, in addition to the Akitio, Ohau and Waikawa Estuaries, I consider Table F1 should also identify the Manawatu River Estuary (currently an obvious omission). I am satisfied that these amendments are open to the Hearing Panel because these estuaries are already within the mapped area in Figures F:1 and F:2. Ms Newton's evidence confirms that the amendment suggested in Supplementary Recommendation SLSNC 6 below fully addresses the Minister's submission on this point.

Supplementary Recommendation SLSNC 6:

46. I recommend that the Hearing Panel accept in part Submission 372/242 by amending column 3 of Table F1 to insert reference to the river estuaries.

Suggested consequential alterations arising from Supplementary Recommendation SLNC 6:

47. a. Amend original Recommendation LSNC 17 on page 112 of my February 2009 report, and
- b. Amend re-numbered item (l) column 3 Table F1 of Schedule F in the following manner (extending upon the amendments suggested in Supplementary Recommendation SLSNC 3) (amendments shown in bold):

(l) Coastline of the Region, particularly the Akitio Shore Platform, <u>Fox-Tangi Dunes and Hokio Beach South Dune Fields</u> (Figures F:11 and F:12)	(i) Visual and scenic characteristics, particularly its special coastal landscape features (ii) Coastal geological processes	(i) Ecological value, particularly the Whanganui, Whangaehu, Turakina, Rangitikei, Akitio, Ohau, Waikawa and Manawatu River estuaries as habitats for indigenous fauna (ii) Recreational value (iii) Significance to tangata whenua (iv) Scientific value
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Reason for Supplementary Recommendation SLSNC 6:

48. The river estuaries identified in column 3 of Table F1 are notable features of the outstanding landscape of the coastline shown in Figures F11 and F:12 of Schedule F.

Submission Point 372/242 (e): Rangataua Lava Flow

49. The Rangataua Lava Flow is within the mapped Tongariro National Park (item (a) in Table F1). It is also included in the NZ Geopreservation Inventory as having national significance (see Appendix 7 of Katy Newton’s evidence). I agree with Mr Anstey’s advice that it could be identified explicitly as an example of the important natural features within that outstanding landscape.

Supplementary Recommendation SLSNC 7:

50. I recommend that the Hearing Panel accept in part Submission 372/242 by amending column 2 of Table F1 to insert reference the Rangataua Lava Flow as an example of the characteristics and values of the Tongariro National Park.

Suggested consequential alterations arising from Supplementary Recommendation SLNC 7:

51. a. Amend original Recommendation LSNC 17 on page 112 of February 2009 report, and

- b. Amend item (l) column 3 Table F1 of Schedule F in the following manner (amendments shown in bold):

(a) Tongariro National Park, particularly the volcanoes and the Rangipo Desert (Figure F:1)	(i) Visual and scenic characteristics, particularly the park's visual prominence in the region and the contrast of the desert with adjacent landscapes <u>(ii) Geological features including the Rangataua Lava Flow</u>	(i) Recreational values, particularly tramping and snow sports (ii) Scientific value, particularly the volcanic landscape (iii) Ecological value, particularly the mountains ecology and the extensive tussock grasslands and wetlands supporting rare indigenous flora (iv) Importance to tangata whenua
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Reason For Supplementary Recommendation SLSNC 7:

52. The location of the Rangataua Lava Flow is shown on the map in Appendix 7 of Ms Newton's evidence. It lies within the mapped area of Figure F:1 of the Schedule F. The lava flow is an example of the notable geology of the Tongariro National Park and is acknowledged in the NZ Geopreservation Inventory as having national significance. It contributes to the outstanding character of the National Park.

Submission Point 372/242 (f): Waimarino-Erua National Park fault scarp

53. DOC staff indicated at pre-hearing meetings that they would supply additional information to describe the geological extent and values of the area referred to under this heading. A map is supplied in Ms Newton's evidence (Appendix 7) showing the location of the Waimarino-Erua Fault Scarp. I note that a large part of the area shown as the Waimarino-Erua Fault Scarp on the map in Appendix 7 of Ms Newton's evidence is included within the area of item (f) Manganui o Te Ao shown on Figure F:6 in Schedule F. No other specific information on this natural feature has been supplied to date. Her evidence acknowledges that the area envisaged by DOC is a large area and includes areas of private land. Her suggestion, as an alternative to including the entire area within Schedule F, is to add a note to the POP that the area is 'to be considered further for inclusion in the Schedule during any landscape assessment that is made in future'. Such a note would, in my opinion, have no status and would serve no purpose. I do not support it.
54. I note that Mr Anstey does not recommend the inclusion of the Waimarino-Erua National Park Fault Scarp in Schedule F, based on lack of specific information to support its inclusion. I therefore conclude that there is insufficient evidence to support its inclusion in Schedule F at this time.

Supplementary Recommendation SLSNC 8:

55. I recommend the Hearing Panel:

- a. amend original Recommendation LSNC 17 on page 112 of my February 2009 report, and
- b. reject submission 372/242 insofar as it applies to the request to include the Waimarino-Erua National Park Fault Scarp in Schedule F.

Reason for Supplementary Recommendation SLSNC 8:

56. There is insufficient evidence to support the inclusion of the Waimarino-Erua National Park Fault Scarp within Schedule F as an outstanding natural feature or landscape at this time.

SUBMISSION POINT 372/242 (G): OKOTINGA

57. DOC has confirmed that this item of its Submission is withdrawn.

SUBMISSION POINT 372/242 (H): WESTERN EDGE OF VOLCANIC PLATEAU

58. DOC staff indicated in pre-hearing meetings that they would supply additional details to clarify the geographic extent and values of the area described by this submission point. A map is supplied in Ms Newton's evidence (Appendix 7) showing the location of the Western Edge of the Volcanic Plateau. I note that the area shown as the Western Edge of the Volcanic Plateau on the map in Appendix 7 is extensive, with part of it located within the area of item (f) Manganui o Te Ao shown in Figure F:6 in Schedule F, and a large part extending north beyond the Regional Council's boundary. No other specific information on this natural feature has been supplied to date. Ms Newton's evidence acknowledges that the area envisaged by DOC is a large area and includes areas of private land. Her suggestion, as an alternative to including the entire area within Schedule F, is to add a note to the POP that the area is 'to be considered further for inclusion in the Schedule during any landscape assessment that is made in future.' Such a note would, in my opinion, have no status and would serve no purpose. I do not support it.
59. I note that Mr Anstey does not recommend the inclusion of the Western Edge of the Volcanic Plateau in Schedule F, based on lack of specific information to support its inclusion. I therefore conclude that there is insufficient evidence to recommend its inclusion in Schedule F at this time.

Supplementary Recommendation SLSNC 9:

60. I recommend that the Hearing Panel:
 - a. amend original Recommendation LSNC 17 on page 112 of my February 2009 report, and
 - b. reject Submission 372/242 insofar as it relates to the request to include the Western Edge of the Volcanic Plateau in Schedule F.

Reason for Supplementary Recommendation SLSNC 9:

61. There is insufficient information to support the inclusion of the Western Edge of the Volcanic Plateau within Schedule F as an outstanding natural feature or landscape.

SUBMISSION POINT 372/242 (I): CENTRAL NORTH ISLAND PLATEAU TUSSOCKLANDS (OTHER THAN THOSE WITHIN THE MOAWHANGO ECOLOGICAL REGION)

62. DOC staff indicated in pre-hearing meetings that they would supply additional details to clarify the geographic extent and values of the area described by this submission point. A map is supplied in Ms Newton's evidence (Appendix 7) showing the location of the Central North Island tussocklands. I note that the area shown as the Central North Island tussocklands on the map in Appendix 7 includes a relatively large area, and it appears that the tussocklands exist within the Tongariro National Park (Schedule F Figure F:1), within the Rangipo Dessert (Schedule F Figure F:1), to the east of SH1 (Desert Road), within the Moawhango Ecological Region, and to the north and east of the Moawhango Ecological Region. The particular area of tussock that DOC specifically requested to be included in Schedule F (specifically not including those within the Moawhango Ecological Region) is still not clear in the map. No other specific information on this natural feature has been supplied to date.
63. Ms Newton states in her evidence that 'whilst we continue to believe that the tussocklands are likely to meet the criteria to be an 'outstanding landscape' there is little we can provide in the way of documented evidence to support this at present'. That provides little basis for recommending to the Hearing Panel that this large area be included in Schedule F.
64. Ms Newton's evidence also acknowledges that the area envisaged by DOC is a large area and includes areas of private land. Her suggestion, as an alternative to including the entire area within Schedule F, is to add a note to the POP that the area is 'to be considered further for inclusion in the Schedule during any landscape assessment that is made in future.' Such a note would, in my opinion, have no status and would serve no purpose. I do not support it.
65. I consider that there is insufficient evidence to recommend its inclusion in Schedule F at this time. This is in agreement with Mr Anstey's advice. I note, as per the pre-hearing meeting agreed outcomes, that some parts of the Central North Island tussocklands are managed through the biodiversity provisions via inclusion in Schedule E, and others are within the already mapped landscapes of Tongariro National Park and Rangipo Desert in Schedule F.

Supplementary Recommendation 10:

66. I recommend the Hearing Panel:
 - a. Amend original Recommendation LSNC 17 on page 112 of my February 2009 report, and
 - b. rejects submission 372/242 insofar as it relates to the Central North Island Tussock Lands.

Reason For Supplementary Recommendation 10:

67. There is insufficient evidence to support the inclusion of the CNI Tussock Lands within Schedule F as an outstanding natural feature or landscape at this time.

SUBMISSION POINT 372/242 (K): CASTELCLIFF TO NUKUMARU COASTAL CLIFFS AND LANDGUARD BLUFF

68. The Castlecliff-to-Nukumarua coastal cliffs are within the mapped area for the west coastline (item (l) and Figure F:11 of Schedule F). I note that these coastal cliffs are included in the NZ Geopreservation Inventory as being of international significance. I note that Clive Anstey recommends the inclusion of the Castlecliff to Nukumarua Coastal Cliffs within Schedule F. I therefore agree, as per the pre-hearing meeting agreed outcomes, that it is appropriate to include explicit mention of them in describing the west coastline in the manner suggested by Ms Newton in her evidence (para. 64 page 17).
69. Landguard Bluff is located inland of the area mapped in Figure F:11 as the west coastline in Schedule F. The feature is included in the NZ Geopreservation Inventory as being of national significance for its *'important Pleistocene fossiliferous sedimentary sequence'*. I note that the feature is also listed as 'vegetation/natural features' in the schedule of heritage inventory (Appendix A) of the Wanganui District Plan. The land is owned by the Wanganui Harbour Board, however, there has been no direct consultation with that landowner or other potentially affected parties. While I acknowledge the associated values presented in Katy Newton's evidence for this feature, for the reasons discussed in section 3.1 of this supplementary report, I do not support its separate inclusion in Schedule F or the expansion of the coastline feature (item (l)) to include it at this time in the absence of that consultation. I note that listing of the feature in the Wanganui District Plan affords a measure of protection separate from Schedule F.

Supplementary Recommendation SLSNC 11:

70. I recommend the Hearing Panel:
- a. reject submission 372/242 insofar as it relates to the request to separately list the Landguard Bluff in Schedule F; and
 - b. accept in part submission 372/242 by amending re-numbered item (l) column 1 of Table F1 to insert reference to the Castlecliff to Nukumarua Coastal Cliffs.

SUGGESTED CONSEQUENTIAL ALTERATIONS ARISING FROM SUPPLEMENTARY RECOMMENDATION SLSNC 11:

71. a. Amend original Recommendation LSNC 17 on page 112 of my February 2009 report, and
- b. Amend re-numbered item (l) column 1 of Table F1 to insert reference to the Castlecliff to Nukumarua Coastal Cliffs in the following manner (extending upon the amendments suggested in Supplementary Recommendation SLSNC 3 and SLSNC 6) (amendments shown in bold and underline):

<p>(l) Coastline of the Region, particularly the Akitio Shore Platform, <u>Castlecliff to Nukumarū Coastal Cliffs</u>, <u>Fox-Tangi Dunes and Hokio Beach South Dune Fields</u> (Figures F:11 and F:12)</p>	<p>(i) Visual and scenic characteristics, particularly its special coastal landscape features</p> <p>(ii) Coastal geological processes</p>	<p>(i) Ecological value, particularly the Whanganui, Whangaehu, Turakina, Rangitikei, <u>Akitio, Ohau, Waikawa and Manawatu River</u> estuaries as habitats for indigenous fauna.</p> <p>(ii) Recreational value</p> <p>(iii) Significance to tangata whenua</p> <p>(iv) Scientific value</p>
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Reasons for Supplementary Recommendation SLSNC 11:

72. a. The coastal cliffs are an important example of the geological features that contribute to the outstanding characteristics and values of the western coastline.
- b. Notwithstanding the geological and scientific importance of the Landguard Bluff feature, there has been no direct consultation with potentially affected landowners and no evidence that potentially affected landowners support (or do not oppose) inclusion of the feature in Schedule F.

SUBMISSION POINT 372/242 (J):NZ GEOPRESERVATION INVENTORY

73. Mr Anstey advises that the following entries from the NZ Geopreservation Inventory are not explicitly identified in Schedule F but are located within the areas already mapped in Schedule F. Some of the following features are already the subject of Supplementary Recommendations SLSNC 3, SLSNC 6 and SLSNC 11 to explicitly mention them in describing the characteristics and values of the coastline in item (l) in Table F1, or are the subject of separate recommendations in this supplementary report (and I note that where applicable below):

- Nukumarū Beach to Castlecliff Beach coastal Plio-Pleistocene section (Figure F:11 – also see Supplementary Recommendation SLSNC 11)
- Waitotara Ventifacts at Waitotara River Mouth (Figure F:11)
- Santoft parabolic dunes (Figure F:11)
- Foxton Beach parabolic dunes (Figure F:11 – also see Supplementary Recommendation SLSNC 3 which deals with these as part of the Fox-Tangi Dune Fields
- Manawatu River estuary (Figure F:11 – also see Supplementary Recommendation SLSNC 6)
- Waitotara Estuary fossil forest (Figure F:11)
- Rangitikei alluvial terraces (Figure F:7)
- Rangitikei Gorge (Figure F:7)
- Rangitikei River Plio-Pleistocene fossiliferous sediments (Figure F:7)

74. A number of other items on the NZ Geopreservation Inventory are identified by Clive Anstey as being located within the Region and as having potential merit for inclusion in Schedule F. However, these features lie outside the currently mapped areas in the POP. These features are:

- Landguard Bluff Pleistocene sequence
- Oroua Valley Triassic fossils
- Moawhango Gorge
- Waihi Falls
- Mt Azim Gorge, Moawhango River
- Raukawa Falls
- Owhaoko Plateau
- Karere Lagoon
- Coonoor Karst, Makuri
- Makirikiri Plateau tarns, Ruahine Ranges.

75. For the reasons discussed in section 3.1 of this supplementary report, I do not support their inclusion in Schedule F at this time.

Supplementary Recommendation SLSNC 12:

76. I recommend that the Hearing Panel accept in part Submission 372/242 by acknowledging the features from the NZ Geopreservation Inventory that are within the currently mapped areas of Figures F:7 and F:11 as examples of the characteristics and values found within the coastline (in item (l) of Table F1 Schedule F) and within the Rangitikei River and river valley (in item (g) of Table F 1 Schedule F).

Suggested consequential alterations arising from Supplementary Recommendation SLSNC 12:

77. a. Amend original Recommendation LSNC 17 on page 112 of my February 2009 report; and
- b. Amend re-numbered item (l) column 2 of Table F1 to insert reference to Waitotara ventifacts at Waitotara River Mouth, Waitotara Estuary fossil forest and Santoft parabolic dunes, and associated values, in the following manner (extending upon the amendments suggested in Supplementary Recommendation SLSNC 3, SLSNC 6 and SLSNC 11 earlier) (amendments shown in bold and underline):

Outstanding Natural Features or Landscapes	Characteristics/Values	Other Values
(l) Coastline of the Region, particularly the Akitio Shore Platform, <u>Castlecliff to Nukumarū coastal cliffs</u> ; <u>Foxtangi Dunes</u> and <u>Hokio Beach South Dune Fields</u> (Figures F:11 and F:12)	(i) Visual and scenic characteristics, particularly its special coastal landscape features <u>including the Waitotara ventifacts at Waitotara River Mouth, Waitotara Estuary fossil forest and Santoft parabolic dunes</u> (ii) Coastal geological processes	(i) Ecological value, particularly the Whanganui, Whangaehu, Turakina, Rangitikei, <u>Akitio, Ohau, Waikawa and Manawatu River</u> estuaries as habitats for indigenous fauna. (ii) Recreational value (iii) Significance to tangata whenua (iv) Scientific <u>and educational</u> values

- c. Amend item (g) column 2 of Table F1 to insert reference to the Rangitikei alluvial terraces and Rangitikei River Plio-Pleistocene fossiliferous sediments, and associated values, in the following manner (amendments shown in bold):

Outstanding Natural Features or Landscapes	Characteristics/Values	Other Values
(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 260 U21:714-691) (Figure F:7)	(i) Visual and scenic characteristics – particularly its gorges, <u>the Rangitikei alluvial terraces</u> formations and high bluffs, <u>and the Rangitikei River Plio-Pleistocene fossiliferous sediments (map reference S23: 214 224)</u>	(i) <u>Scientific and educational values</u>

Reason For Supplementary Recommendation 12:

78. The features included in the NZ Geopreservation Inventory are important examples of the characteristics and values that contribute to the outstanding landscapes within the western coastline landscape (Figure F:11) and the Rangitikei River and river valley landscape (Figure F:6).

Submission Point 372/242 (I): Whanganui River

79. The DOC's evidence (Ms Newton) argues for the inclusion in Schedule F of the entire Whanganui River and river valley (but excluding tributaries) down to the estuary. Ms Newton's evidence makes the point that the National Park, as gazetted, excludes the river. This is not clearly reflected in the mapped area in Figure F:3 which incorporates both land and river.
80. The operative RPS lists in Policy 8.3 the '*Whanganui River and river valley upstream of Aramoana, specifically:*
- i. *Its scenic qualities provided by the gorge landscapes and papa rock formations;*
 - ii. *Its ecological value provided by the presence of original forest remnants;*
 - iii. *Its importance to tangata whenua; and*
 - iv. *its recreational value provided by the water and the riparian margins.'*

The operative RPS lists in Policy 8.3 the 'Whanganui National Park, specifically:

- i. *Its importance in providing a habitat for rare bird species;*
- ii. *Its intrinsic value provided by its wilderness qualities;*
- iii. *Recreational qualities, particularly for tramping and hunting;*
- iv. *Its ecological value provided by the presence of mature indigenous forest; and*
- v. *Its contribution to the national conservation estate.'*

[The values in bold above are included in Schedule F for item (c) Whanganui National Park.]

81. The operative RPS also separately lists the Whanganui National Park. The Whanganui River and river valley upstream of Aramoana are also listed in the Ruapehu District Plan as an outstanding natural feature or landscape and in the Wanganui District Plan as an area of significance to be protected (the relevant extracts are contained in Appendix 1 of Ms Newton's evidence).
82. It is my understanding that, in compiling the list of features to be included in Schedule F, a decision was made to include the Whanganui River item and the Whanganui National Park item from the operative RPS into Schedule F as one item (item (c)) and that the map (Figure F:3) was the result of that. It therefore appears that it was intended to include the river, or at least those parts of the river that are bounded by the National Park boundaries, in Schedule F as is evident with the inclusion of parts of the river within the mapped area of Figure F: 3. The description does not mention the Whanganui River; however, some of the associated values listed in the POP include the majority of those listed in the operative RPS for the Whanganui River. The description and map in Schedule F are not consistent in this regard. I am not aware of any particular reason for the explicit exclusion of the Whanganui River from Aramoana upstream and certainly parts of the river lie within the mapped area of Figure F:3. Ms Newton's evidence provides relatively extensive and well documented detail regarding the various values of the Whanganui River as a landscape. Mr Anstey agrees that the Whanganui River is an outstanding landscape.
83. I am unable to support the inclusion of the portion of the Whanganui River between the Coastal Marine Area (CMA) and National Park boundary or upstream of Aramoana as requested in Ms Newton's evidence, for the reasons discussed in this supplementary report, at this time.
84. Taking into account that the Schedule F map includes portions of the Whanganui River and that the intent, as I understand it, was to include both the Whanganui River and Whanganui National Park as one item, and the evidence presented by Ms Newton, and Mr Anstey's opinion that the Whanganui River is an outstanding landscape, I consider that there is sufficient evidence to support the explicit inclusion of those parts of the Whanganui River that lie within the already mapped area of Figure F:3 of Schedule F. In addition, I agree with Ms Newton's evidence with regard to the inclusion of associated values, namely, historical importance and recreational value provided by the water and riparian margins.

Supplementary Recommendation SLSNC 13:

85. I recommend that the Hearing Panel:
 - a. Reject submission 372/242 insofar as it relates to the request to separately list the Whanganui River and river valley in Schedule F
 - b. Accept in part Submission 372/242 by specifying in item (c) Table F1 of Schedule F the inclusion of those portions of the Whanganui River that are bounded by the Whanganui National Park and within the mapped area shown in Figure F:3, and amend the values to include those associated with the Whanganui River, and amend the title on Map Figure F:3 to indicate clearly that parts of the Whanganui River are within the mapped area.

Suggested consequential alterations arising from Supplementary Recommendation SLSNC 13:

86. a. Amend original Recommendation LSNC 17 on page 112 of my February 2009 report
- b. Amend item (c) columns 1 and 3 of Table F1 in Schedule F to insert reference to the Whanganui River and its associated values in the following manner (amendments shown in bold):

Outstanding Natural Features or Landscapes	Characteristics/Values	Other Values
(c) Whanganui National Park and those sections of the Whanganui River bounded by the National Park (Figure F:3)	(i) Visual and scenic characteristics particularly the Whanganui River, gorge landscapes and papa rock formations	(i) Ecological significance, particularly for providing habitat for rare bird species; the presence of mature indigenous forest; contribution to the national conservation estate; wilderness (ii) Intrinsic value (iii) Importance to tangata whenua (iv) Recreational values, particularly for tramping and hunting, and those provided by the water^ and riparian margins (v) Recognised protection – national park (vi) Historical importance

- c. Amend the title of Figure F:3 in Schedule F to read as follows (amendments shown in bold):

“Whanganui National Park and those sections of the Whanganui River bounded by the Whanganui National Park”

Reason For Supplementary Recommendation SLSNC 13:

87. a. Notwithstanding the evident merit of the Whanganui River as an outstanding landscape, there has been no consultation with potentially affected landowners and there is no evidence that landowners support (or do not oppose) the requested inclusion in Schedule F of the full extent of the area intended by the Minister’s request.
- b. The Whanganui River is identified as a notable feature contributing to the outstanding landscape of the Whanganui National Park and sections of the Whanganui River are included within in the mapped area of Figure F:3 of Schedule F.

EVALUATION AND RECOMMENDATIONS – OTHER MATTERS RAISED IN EXPERT EVIDENCE

POP Chapter 7 (Living Heritage) 7.1.1 – Scope (Natural Features, Landscapes and Natural Character)

88. **For Mighty River Power (359): Richard Peterson** (his paragraph 65) suggests clarification is required in the introduction to Chapter 7 that the Chapter's policies apply to both the landward and coastal marine (wet) areas of the coastal environment.
89. **For Meridian Energy Limited (363): Catherine Clarke** recommends that Section 7.1.1. (2) be amended to reflect the wording of S6(b) RMA (ie., 'protection *from inappropriate subdivision, use and development*' rather than protection for its own sake) (her paragraph 4.1).

Evaluation and Reasons

90. I have sought clarification of the way in which Chapters 7 and 9 are intended to work together. I understand from Robin Britton, the reporting officer for the Coast chapter, that the intention is that Chapter 9 addresses only the management of activities in the coastal marine area (CMA). Chapter 7 addresses outstanding natural features and landscapes and natural character within the whole coastal environment (both the CMA and landward parts). The objectives and policies of Chapter 7 are intended to apply to all parts of, and all activities within, the coastal environment (including the coastal marine area). Policy 9-4 includes reference to the naturalness of landscapes and seascapes. That is a slightly different landscape emphasis to the focus of Chapter 7, which addresses outstanding natural features and landscapes.
91. I agree that some amendments and additional explanation in Chapter 7 would help to better clarify the relationship between the two chapters but I consider that might best be inserted into 7.1.3 (which I discuss below) than into 7.1.1.
92. My reasons for not supporting the inclusion of the words 'from inappropriate subdivision, use and development' were discussed in my February 2009 report ((item (b) page 39). Primarily, they were based on my understanding that the Council wishes to keep the POP as concise as possible and not include more words than necessary, particularly in descriptive sections such as this. On reflection, having considered the points raised in the evidence, I agree that adding those words would make the Scope section consistent with the rest of Chapter 7 (where I have separately recommended inclusion of those words in Objective 7-2 and related policies).

Supplementary Recommendation SLSNC 14 and consequential alterations:

93. a. Amend original Recommendation LSNC 4 on page 39 of my February 2009 report
- b. Accept in part Submission 363/102 and supporting further submissions by inserting into 7.1.1(2) the words '*from inappropriate subdivision, use and development*' in the following manner (amendments shown in bold):

SCOPE

94. **'(2) Natural features, landscapes and natural character – The management and protection of outstanding natural features and landscapes and the management of the natural character of the coastal environment[^], wetlands[^], rivers[^], lakes[^] and their margins from inappropriate subdivision, use and development.**'

DISCUSSION OF NATURAL FEATURES, LANDSCAPES AND NATURAL CHARACTER

95. **For Mighty River Power: Richard Peterson** (his paragraph 65) suggests clarification is required in the introduction to Chapter 7 that the chapter's policies apply to both the landward and coastal marine (wet) areas of the coastal environment.

Evaluation and Reasons

96. Further to the discussion above, I note that the second-to-last paragraph in POP chapter 7.1.3 discusses the relationship between Chapters 7 and 9. As I understand it, the explanation that appears there is not strictly correct. I consider that should be amended to properly clarify the position. Mighty River Power was a further submitter in relation to Chapters 7.1.1 and 7.1.3 and I have not been able to isolate a specific submission point that raises the issues Mr Peterson discusses. However, I consider that the amendments I suggest below could be made by the Hearing Panel on the basis that they are necessary consequential alterations arising out of submissions on both Chapters 7 and 9 and are required to improve the clarity of the POP. The suggestion would reflect, rather than change, the policy framework of the POP.

Supplementary Recommendation SLSNC 15 and consequential alterations

97. a. Amend original Recommendation LSNC 6 on page 48 of my February 2009 report
- b. Amend Section 7.1.3 paragraph 8 to clarify the intended application of Chapter 9 and Chapter 7 as they relate to the CMA and Coastal Environment, in the following manner (amendments shown in bold):

~~'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 the elements of landscapes and seascapes that contribute to the natural character of the CMA.~~
Chapter 7 deals with outstanding natural features and landscapes and The natural character of the entire coastal environment (including the CMA and the area landward of mean high water springs) and any wetlands, rivers, lakes and their margins is dealt with in this Chapter.'

ISSUE 7-2: REQUEST TO DELETE REFERENCE TO TARARUA & RUAHINE RANGES

98. **For TrustPower Limited (X511/317): Robert Schofield** considers the wording of the issue should be adjusted by deleting the reference to landscapes being '*at risk from*' the effects of land use and by deleting the example of the Tararua and Ruahine Ranges (his paragraphs 4.12 and 4.13) and replaced by 'can be affected by'.

99. **For Meridian Energy Limited (363/108): Catherine Clarke** recommends similar amendments to the wording of the issue to delete the notion of 'risk' and to delete reference to the Tararua and Ruahine Ranges (her paragraph 4.5). Ms Clarke also notes that the reference to natural features and landscapes in that discussion should be to 'regionally outstanding natural features and landscapes' (her paragraph 4.5).

EVALUATION AND REASONS

100. My February 2009 report did not recommend toning the reference to 'risk' down. My reasons are discussed in item (d) on page 52 of that report. On reflection, and having considered the points raised in the evidence and discussed the issue with my team, I can see that the expression 'risk' suggests a real and imminent threat. I am satisfied that the expression 'can be affected by' adequately expresses the issue.
101. I also accept that the reference to the Tararua and Ruahine Ranges narrows the nature of the issue, which should be expressed in a way that relates to the entire region and not just to the Ranges.
102. I agree that the issue statement should focus on the **outstanding** natural features and landscapes (as opposed to all natural features and landscapes). The suggestion settled on at planning witness caucusing is that the issue statement should refer to 'outstanding natural features and landscapes'. That is because Chapter 7's policies are intended to assist the identification of outstanding natural features and landscapes at district as well as regional level. Therefore, the reference in the issue statement should not be restricted to 'regionally' outstanding.

Supplementary Recommendation SLSNC 16

103. a. Amend original Recommendation LSNC 7 on page 54 of my February 2009 report
- b. Amend issue 7-2(a) by deleting the reference to the 'Tararua and Ruahine Ranges' in Issue 7-2 (a)
- c. Accept submissions 363/107 and 363/108 by deleting the words 'at risk from' and replacing them with the words 'can be adversely affected by' in Issue 7-2 (b)
- d. In addition to the amendments set out at section 4.7.4.2 (page 54 of my February 2009 report), further amend Issue 7-2 to read as follows (amendments shown in bold):

'Issue 7-2: Natural features, landscapes and natural character

- a. The Region's outstanding natural features and landscapes **can be adversely affected by** ~~are at risk from the effects of land[^] use activities and~~ development, particularly the Tararua and Ruahine Ranges. Adverse effects of development on outstanding 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 **can be adversely affected by** ~~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

OBJECTIVE 7-2: SUGGESTED AMENDMENTS

104. **For Mighty River Power (359/77): Richard Peterson** suggests that Objective 7-2 should be reworded so that it applies a similar approach both to outstanding natural features and landscapes and to natural character derived from the s6 (a) RMA imperative to protect these from inappropriate subdivision, use and development. He also suggests that Policy 7-8 be split into two: one policy encouraging restoration and a second policy providing guidance on what constitutes 'inappropriate' development (his paragraphs 86 to 89).
105. **For Genesis Energy (268/16): Richard Matthews** recommends the deletion of clause (b) of Objective 7-2 addressing adverse effects in relation to natural character (his paragraphs 6.4 to 6.10). His reasons are that clause (b) gives limited guidance as to what an appropriate development could be and is inconsistent with section 6 of the RMA.
106. **For TrustPower Limited (358/59): Robert Schofield** opposes the application of Objective 7-2 to all regionally outstanding natural features and landscapes, and recommends it apply only to the natural features and landscapes identified in Schedule F.
107. **For Meridian Energy Limited (X522/315): Catherine Clarke** also opposes the application of Objective 7-2 to all rather than just those regionally outstanding natural features and landscapes listed in Schedule F (her paragraph 4.7).
108. **For The Minister of Conservation (372/104): Julian Watts** requests stronger provision for restoration, rehabilitation or enhancement of natural character (his paragraphs 17 to 29).

EVALUATION AND REASONS

109. I discuss Objective 7-2 in section 4.8.1 of my February 2009 report (starting at page 55). The evidence raised different issues for clauses (a) and (b) of Objective 7-2:
110. In 7-2 (a), the primary concern seems to be that the wording I suggested in my February 2009 report means that Objective 7-2 is applicable to all outstanding natural features and landscapes whether they are included in Schedule F or not. The energy generators seek to have this narrowed so that it is applicable only to the outstanding natural features and landscapes listed in Schedule F. The policies that flow from Objective 7-2 do include some that are intended to guide district plan policy on outstanding natural features and landscapes and to provide a framework for assessing whether other (future) natural features and landscapes should (or should not) be added to Schedule F. In this respect, Objective 7-2 has a wider embrace than just those items that are already on the Schedule F list. It is appropriate, in my opinion, that the reference in Objective 7-2 should be to the Region's outstanding natural features and landscapes in a broad sense and not in a restrictive sense as proposed by witnesses for the energy generators. The expression 'Region's outstanding natural features and landscapes' was settled on at planning witness caucusing as capturing this concept more accurately than the expression 'regionally outstanding' that I had earlier recommended.

111. The energy generators' witnesses have suggested a number of alternative ways of expressing Objective 7-2 (b). A common theme of their suggestions is to delete or fundamentally alter the approach the POP takes to natural character which requires:
- Avoidance of adverse effects in areas with a high degree of natural character; and
 - Avoidance, remediation or mitigation in other natural character areas.
112. This was discussed in some detail at the recent planning witness caucusing and no particular agreement was achieved. I suggest that clause (b) reads more as a policy than an objective and I have explored ways that clause (b) could be made into a policy under Objective 7-2. However, the bottom line is that the opposition is to the approach in principle (avoidance in areas of high natural character) regardless of whether it is expressed in an objective or in a policy.
113. I understand the generators' concerns that, for many of their development proposals, the location of the resources they rely on will commonly be in areas of natural character (such as the coastal environment or in rivers). The avoidance approach of clause (b) (i) could be moderated by adding something like 'where practicable'. However, it is my view that the clear statement given in clause (b) is central to the approach of the POP to preserving natural character. I note that there is support in the submissions, from people and organisations within the Region, for the wording proposed in the POP. I support it and do not support the suggested alternatives that seek to weaken it.
114. I do not agree that this approach represents an exclusively protectionist approach that is at odds with the RMA. In my view, the approach (focusing avoidance on areas of high natural character) is appropriate because it contemplates adverse effects in other areas.
115. Related to this, I understand from Barry Gilliland that amendments proposed to Chapter 3 (Infrastructure, Energy and Waste) will address the generators' concerns about functional and locational constraints affecting energy generation and infrastructure. The Chapter 3 provisions will be a consideration alongside Objective 7-2 when evaluating an energy generation proposal. The question of whether an individual development proposal promotes the sustainable management purpose of the RMA will be made having regard to all relevant matters, including both the Chapter 3 considerations and Objective 7-2 (among other matters). That overall judgment will not be determined solely by a proposal's alignment with Objective 7-2. I agree it will have a material influence, but it will not be the sole consideration.
116. Preservation of natural character is a matter to be 'recognised and provided for' under the RMA. I do not see how preservation of natural character can be provided for if the framework of objectives and policies (such as Objective 7-2) are weakened to the extent proposed in the evidence of Richard Peterson and Richard Matthews. For these reasons, I support retention of the wording of Objective 7-2 (b) set out in Recommendation LSNC 8 (section 4.8.4.2 on page 61 of my February 2009 report). I note that wording is supported in the evidence of Catherine Clarke and Robert Schofield.
117. With respect to Julian Watts' suggested additional clause relating to restoration, it is my understanding that the POP does not seek restoration or rehabilitation as its primary objective. I acknowledge, however, that restoration and rehabilitation are important in terms of overall preservation of natural character. I could support his suggested amendment provided it is adjusted to relate to natural character and to clearly state that restoration and/or rehabilitation is to be achieved 'where practicable'.

Supplementary Recommendation SLSNC 17 and consequential alterations

118. a. Amend my Recommendation LSNC 8 on page 60 of my February 2009 report
- b. Accept in part submission 358/59 that seeks to delete from Objective 7-2 (a) by deleting the reference to 'outstanding natural features identified in Schedule F' and replacing it with the expression 'the region's outstanding natural features and landscapes'
- c. Amend part (j) of LSNC 8 and Accept in part submission 372/104 by adding a new clause (c) to Objective 7-2 to address restoration of natural character where practicable
- d. In addition to the alterations set out in section 4.8.4.2 on page 61 of my February 2009 report, further amend Objective 7-2 so that it reads as follows (amendments shown in bold):

'Objective 7-2: Natural Features, Landscapes and natural character

- (a) The characteristics and values of the **Region's** ~~regionally~~ outstanding natural features and landscapes ~~including those identified in Schedule F~~ are protected from inappropriate subdivision, use and development, as far as practicable.
- (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.
- (c) **The natural character of the coastal environment[^], wetlands[^], rivers[^], lakes[^] and their margins are rehabilitated or restored where practicable.**

This objective relates to Issue 7-2.'

RELATIONSHIP BETWEEN POLICY 7-7 AND CHAPTER 3

119. My February 2009 report recommended (LSNC 9 page 76) deletion of the following words from Policy 7-7 (c): '*takes into account the policies in Chapter 3 when assessing activities involving renewable energy and infrastructure of regional importance*'. My reasons are discussed under (g) on page 72 of that report. The statements of evidence of the following witnesses seek to retain and/or reinforce the reference in Policy 7-7 to the policies of Chapter 3 which provide for infrastructure and energy generation:
120. **For Transpower (265/21): David le Marquand** (his paragraphs 5.2 to 5.4) opposes deletion of the text in clause (c) of Policy 7-7. His statement of evidence clarifies that Transpower's request, in its submission, was for a cross-reference to Chapter 3 (see his paragraph 5.1) and not for substantive new provisions discussing infrastructure within Policy 7-7. Mr le Marquand suggests that to omit the cross-referencing text is at odds with the officer recommended tracked changes to Policy 7-1A, which include

explicit reference to provision for the establishment of infrastructure of regional or national importance.

121. **For Mighty River Power (359/81, X519/24): Richard Peterson** notes that:
- MRP sought the exclusion of infrastructure and energy from purview of Chapter 7. Mr Peterson states that he agrees it would be inappropriate to exempt renewable energy development proposals from consideration of their effects on outstanding natural features and landscapes and from their natural character effects (see his paragraph 51)
 - Section 6 of the RMA does not confer absolute protection. Rather, he considers the POP should follow the scheme of the RMA and consistently refer to ‘protection from inappropriate subdivision, use and development’ (his para. 53).
 - That the policies in Chapter 3 will be relevant when determining the appropriateness of any proposed activity which may impact on the values addressed by s6 (a) and (b) RMA (his paragraph 49).
 - Reference to Chapter 3 should be integral within Chapter 7 policies to assist determination of what is inappropriate or ‘appropriate’ for the purposes of s. 6 of the RMA and that this would not be ‘double counting’.
 - Policy 7-7 suggests that the determination of appropriateness should be made under the framework of Policy 7-7 – whereas, this should be done under the s. 5 umbrella of sustainability, with Policy 7-7 as only one of the considerations.
122. **For TrustPower Limited (358/60, 358/62): Robert Schofield** considers that Chapter 7 should contain some reference to, or recognition of renewable generation given the particular locational constraints and requirements of such facilities within prominent landscapes (his paragraphs 4.5, 4.25 and 4.28).
123. **For Powerco Limited (272/20):** The legal submissions of Catherine Ross (Minter Ellison Rudd Watts) also opposes the deletion of Policy 7-7(c) and contends that to delete the clause would be at odds with the current recommended officer version of Policy 7-1A for biological diversity (her paragraphs 3.2 to 3.4). The submissions also suggest that an inconsistent approach to cross-referencing has the potential to result in different weightings being given to the matters in Chapter 3 depending on whether a decision relates to biological diversity (Policy 7-1A) or natural features and landscapes (Policy 7-7) (her paragraph 3.4).
124. **For Meridian Energy Limited (363/120, X522/260, X522/261): Catherine Clarke** does not oppose the deletion of clause (c) provided appropriate amendments are made to the provisions in Chapter 3 to make it clear that they recognise the particular requirements and constraints of energy generation and infrastructure (her paragraph 4.13).

EVALUATION AND REASONS

125. I agree that the RMA does not direct that Plan policies should strive for absolute protection and that the concern of s6(a) and (b) is with protection ‘from inappropriate subdivision, use and development’. I have recommended other amendments to the Chapter 7 provisions to reflect that approach.
126. I also agree that the Chapter 3 policies will be relevant when considering energy generation and infrastructure policies that have the potential to affect s6(a) and (b) values. The scheme of the POP is such that they will inevitably be taken into account. My reason for recommending the deletion of clause (c) is that it is not necessary to

include these words as policy, in the way expressed, to ensure that the Chapter 3 policies are taken into account.

127. I do not agree with the proposition that energy generation and infrastructure activities should be given special attention in the Chapter 7 policies, in addition to the attention already given to those matters in Chapter 3. Having reviewed the amendments proposed to Chapter 3 by officers following pre-hearing meetings, I consider that the particular locational constraints and potential benefits of energy generation and infrastructure activities are comprehensively addressed and provided for in the Chapter 3 policies. It is my view that the framework proposed, taking Chapters 3 and 7 together with all other provisions of the POP, provides comprehensively and appropriately for all relevant matters to be considered in determining whether or not an individual energy generation or infrastructure proposal is an appropriate form of development consistent with the sustainable management purpose of the RMA.
128. I infer from the witness statements that the energy generators' concern is that, if clause (c) is deleted, Policy 7-7 (and 7-8) could be read as being the only policies that apply to areas identified as regionally outstanding natural features and landscapes. That is not the case. There is nothing in the scheme of Chapter 7 that 'ring-fences' these policies to the exclusion of other policies, such as those in Chapter 3 or Chapter 12 for that matter. Similarly, it is not the case, for example, that just because energy generation is addressed in Chapter 3 the only policies applicable in considering energy generation proposals are those in Chapter 3. All relevant policies of the POP will apply. The same is true for outstanding natural features and landscapes. I note that none of the witnesses is recommending that Chapter 3 be amended to include an equivalent, converse, approach of including a similar reference in Chapter 3 to other relevant policies such as Policies 7-7 and 7-8. I agree that none is required. Neither is a duplicated statement required to be expressed as a policy in clause 7-7 (c).
129. Ultimately the point of the exercise, in evaluating any proposal, is to come to a view on whether it represents sustainable management in terms of section 5 RMA. The point of the exercise is not explicitly to determine appropriateness or inappropriateness of a proposal solely in terms of s6 RMA or Policy 7-7 in isolation of the other relevant Part II matters. Section 6 and Policy 7-7 are just some of the considerations in the overall evaluation under Part 2. I am satisfied that Chapters 3 and 7 provide helpful guidance on their respective subjects which will assist in canvassing all relevant issues. They will be given the weight that is appropriate to them in any particular context – recognising the particular value of and constraints affecting renewable energy generation as well as the values associated with outstanding natural features and landscapes. It is not for the POP to try to resolve the tension inherent in those different sets of values. In my view they must be evaluated according to the circumstances of individual proposals.
130. I am confident that the Chapter 3 policies will not be overlooked in that evaluation. I do not consider a cross-reference is strictly necessary in Chapter 7 to Chapter 3 however I would support a cross-reference as a note. I suggest that a cross reference is made within the text of the Scope statement 7.1.1.
131. As to whether the reference to Chapter 3 policies in Policy 7-7 is 'double counting', that depends on how it is worded. My reason for recommending deletion of clause (c) is not that it creates an additional (double) set of policy. It is simply that it creates redundancy in the Plan and unnecessarily singles out two types of activity when Chapter 7 is intended to apply equally to all activities.

132. I do not consider that deletion of clause (c) creates inconsistency with (revised) Policy 7-1A. That is because Policy 7-1A makes explicit policy provision for infrastructure of regional importance in addition to and different from the Chapter 3 provisions. Notably, it does not refer to energy generation. Clause (c) does not make additional policy provision in this sense. It is therefore sufficient, in my view, to make reference to Chapter 3 in a note.

Supplementary Recommendation SLSNC 18 and consequential alterations

133. a. Amend original Recommendation LSNC 9 page 74 and 75 of my February 2009 report
- b. Accept in part the submissions that seek to retain Policy 7-7 unaltered by replacing clause (c) with a note making reference to the policies in Chapter 3 in 7.1.1 Scope after point (3), that reads as follows (amendments shown in bold):

'Chapter 3 – Infrastructure, Energy and Waste^ – includes provisions regarding the consideration and management of effects^ of particular activities, including renewable energy^ and infrastructure^ of regional and national importance, that are potentially relevant in addition to Chapter 7 provisions for landscape and natural character.'

POLICY 7-7: CUMULATIVE EFFECTS — RECOMMENDATION TO 'AVOID SIGNIFICANT ADVERSE CUMULATIVE EFFECTS'

134. Policy 7-7 as proposed in the POP required all subdivision, use and development affecting regionally outstanding natural features and landscapes to be managed in a manner which *'takes into account and avoids any cumulative adverse effects'*. My Recommendation LSNC 9 (page 76 of my February 2009 report) is to alter that to read *'avoids any **significant adverse** cumulative effects'*.
135. **For Mighty River Power (359/81): Richard Peterson** states that the requirement to 'avoid' (as opposed to 'avoid, remedy or mitigate') is not consistent with Objective 7-2 and not consistent with s6 RMA. He considers my recommended approach to be too absolute and that the RMA does not afford absolute protection to outstanding natural features and landscapes. It is his view that the approach for cumulative effects should be the same as for other (non-cumulative) effects – ie. 'avoid, remedy or mitigate' (see his paragraphs 78 and 79).
136. **For Genesis Energy (268/17): Richard Matthews** considers that cumulative effects are a subset of all effects and can be addressed within the first clause Policy 7-7 (a).
137. **For TrustPower Limited (358/60, X511/345, X511/346, 511/348, and 511/350 : Robert Schofield** also opposes the avoidance approach of Policy 7-7 (a) relating to cumulative effects (his paragraph 4.20).
138. **For Meridian Energy Limited (363/119, 363/120, X522/260, and 522/261): Catherine Clarke** also opposes the avoidance approach of Policy 7-7 (a) relating to cumulative effects and gives some specific examples of the need to provide applicants with the opportunity to explore mitigation measures (her paragraph 4.12).

EVALUATION AND REASONS

139. I acknowledge that the approach to management of effects prescribed in section 5 of the RMA is to avoid, remedy or mitigate. The RMA does not direct which of these is to be adopted and leaves the matter open. In my view it is open to a council to determine which mix of 'avoidance', 'remediation' or 'mitigation' it wants to adopt in exercising its functions under Part 5 of the RMA through developing RMA policy statements and plans to achieve integrated management of the natural and physical resources of the region.
140. I agree that the RMA does not afford absolute protection to outstanding natural features and landscapes and is not concerned solely with their protection to the exclusion of other values. The amended wording I have recommended does not, however, require absolute protection. It does not require avoidance of any and all effects or the avoidance of all cumulative effects. Its concern is only with *significant adverse cumulative effects*.
141. In my opinion, cumulative effects that are significantly adverse can be distinguished from other effects that are non-cumulative and not significant. They can be expected to be enduring, incapable of remediation or mitigation and (probably) irreversible. Policy 7-7 does propose a more careful and stringent approach to cumulative effects that are significantly adverse compared with other effects that are capable of mitigation or remediation. I understand that the POP deliberately sought to avoid adverse cumulative effects of this type. In my opinion, that is an approach that is open to the Regional Council (and to the Hearing Panel) and is an appropriate response to the type of effect embraced by the words '*significant adverse cumulative effect*'. One would expect that there would be very few situations where significant adverse cumulative effects would arise. I consider that a policy that seeks to avoid them adversely affecting regionally outstanding natural features and landscapes (s.6(a) matter) is an appropriate approach.
142. I do not share Mr Peterson's concern about the limitation to 'avoid' being inconsistent with Objective 7-2. I note that Mr Peterson endorses Objective 7-2, which is to protect regionally outstanding natural features and landscapes from inappropriate subdivision, use and development. In my opinion, a development proposal that gave rise to adverse effects that create significantly adverse cumulative effects could be seen as an inappropriate form of development. Again, the limitation to 'avoid' those effects in Policy 7-7 is not intended to capture any and all adverse effects, or even any and all significant adverse effects. The concern is specifically with *significant adverse cumulative effects*. They are, in my opinion, of a different and troubling order and it is appropriate to respond to those with a stringent (avoidance) policy approach.
143. For these reasons, I do not support the alternative amendment suggested in evidence of including significant adverse cumulative effects along with other adverse effects in Policy 7-7 (a). In particular, I do not support the wording suggested by Mr Peterson: '*avoids adverse effects including cumulative adverse effects, as far as reasonably practicable*'. Mr Peterson's wording fails to address 'significant adverse cumulative effects'. In my opinion, avoidance as far as reasonably practicable is a weak policy response to effects of that nature and would poorly serve future generations. To that extent, I consider my recommended wording is to be preferred as being more appropriate and consistent with the sustainable management purpose of the RMA.
144. I note again that the amendment I propose softens the more extreme position proposed in the POP (which was avoidance of 'any' cumulative adverse effects). I also

note that there was support from numerous submissions to the more extreme (avoid any) approach.

145. I suggest it would be helpful if clause (a) is amended to clarify that it is concerned only with significant adverse cumulative effects on the characteristics and values of outstanding natural features and landscapes listed in Schedule F. It is not concerned with all adverse cumulative effects. It was suggested at planning witness caucusing that it may be helpful to add a note explaining that Policy 7-7 (a) is focused only on this extreme 'point of no return' for adverse cumulative effects. I have attempted such a note below.
146. Ms Clarke gives some examples (her paragraph 4.12, page 9) of how she considers it is possible to avoid, remedy or mitigate cumulative effects. My point is that, in each of her examples, Ms Clarke demonstrates that the cumulative effects can be made to be not significantly adverse. Those examples would not, therefore, be the focus of Policy 7-7 (a) (ii). It is only those adverse effects that are completely irredeemable and significantly adverse in combination with others that are of concern. In my view that it is appropriate to have a stringent policy approach to those.

Supplementary Recommendation SLSNC 19 and consequential alterations

147. a. Amend Recommendation LSNC9 on pages 75 and 76 of my February 2009 report
- b. Accept in part the submissions that seek deletion of Policy 7-7 by clarifying that policy relates only to 'significant adverse cumulative effects and that it relates only to the characteristics and values of the outstanding natural features and landscapes listed in Table F1 of Schedule F
- c. In addition to the alterations recommended in section 4.9.4.2 on page 76 of my February 2009 report, amend Policy 7-7 (a) to read as follows (amendments shown in bold):

'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
- (ii) ~~takes into account and avoids any significant adverse cumulative adverse effects^~~ **on the characteristics and values of the outstanding natural features and landscapes listed in Table F1 of Schedule F**
- (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

- (c) Landscapes paragraph in the Explanation and Principal reasons for 'natural features and landscapes' in Section 7.6 of the POP (amendments shown in bold):

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 ~~in the protection of~~ these values should be protected. **For example, the policies require avoidance of significant adverse cumulative effects^ (ie., cumulative effects^ that are so significantly adverse that they have the potential to irreversibly alter and damage the essential characteristics and values of the natural feature or landscape).**'

POLICY 7-7: TABLE 7.2 ASSESSMENT FACTORS

148. **For Mighty River Power (359/81): Brad Coombs** endorses the use of the 'Pigeon Bay Criteria' but questions the appropriateness of extrapolating the explanations given in those criteria in the way Mr Anstey has recommended (his paragraph 4.55).
149. I understand that his concerns are addressed by amendments proposed (in 4.8 below) about how those criteria are used.

POLICY 7-7 (C): OPPOSITION TO USE OF ASSESSMENT FACTORS FOR EVALUATION OF PROPOSALS

150. In LSNC 9 (section 4.9.4.2, page 76 of my February 2009 report) I recommended a new Policy 7-7 (c) which requires assessment of proposals for subdivision, use and development to take into account (amongst other matters) the factors listed in Table 7.2.
151. **For Mighty River Power (359/81): Mr Coombs** opposes the use of the assessment factors for this purpose (his paragraphs 4.58 and 4.59).

EVALUATION AND REASONS

152. There was general agreement, at the planning witness caucusing, that the assessment factors could provide a menu of considerations that would assist the evaluation of applications for consent. The disagreement lay in the emphasis given to the factors and a concern that applicants would be required to unnecessarily evaluate topic areas just because they are on the list, rather than because they are relevant in individual circumstances.

153. Discussion at the caucusing settled upon a variation to the wording of suggested Policies 7-7 (b) and (c) that would accommodate those concerns. The varied wording would also go some way towards addressing the policy gap I identified in paragraph 3 (on page 70 of my February 2009 report (relating to policy protection for natural features and landscapes that are acknowledged to be outstanding but which have not yet been included in the Schedule F list).

Supplementary Recommendation SLSNC 20 and consequential alterations

154. a. Amend original Recommendation LSNC9 on pages 75 and 76 of my February 2009 report; and
- b. Delete Policies 7-7 (b) and (c) recommended in LSNC 9 (page 76 of my February 2009 report) and replace those with the following (amendments shown in bold):

~~Policy 7-7(b): Identifying Other Outstanding Natural Features and Landscapes~~

~~For the purposes of identifying any natural feature or landscape as outstanding in Schedule F Table F1 or in any District Plan, Horizons Regional Council and Territorial Authorities shall take into account, but shall not be limited to, the assessment factors in Table 7.2.~~

Policy 7-7(b): Other outstanding natural features and landscapes

All persons exercising powers and functions under the RMA shall take into account the criteria in Table 7.2 when:

- (a) identifying outstanding natural features and landscapes; and
- (b) considering additions of, or alterations to, any outstanding natural feature or landscape listed in Table F1 of Schedule F or in any *district plan*; and
- (c) establishing the relevant values to be considered when assessing effects of the activity on:
 - outstanding natural features and landscapes listed in Table F1 of Schedule F; or
 - (i) any other outstanding natural feature or landscape.

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~~

POLICY 7-7(A) REMEDIATION OR MITIGATION ‘TO THE EXTENT NECESSARY’

155. **For Meridian Energy Limited (363/120): Catherine Clarke** recommends that, where avoidance of adverse effects is not practicable, mitigation or remediation should be required *‘to the extent necessary to achieve the sustainable management of natural and physical resources’* (her paragraph 4.11).

EVALUATION AND REASONS

156. I consider that it is implicit in all decisions under the RMA, including interpreting this policy, that actions must be necessary and appropriate for the purpose of achieving sustainable management. I do not consider the additional words are necessary and recommend no further amendment to Policy 7-7 (a) to address this.

RELATIONSHIP BETWEEN POLICY 7-8 AND CHAPTER 3

157. I discuss this in section 4.10 (item (d) page 81) of my February 2008 report.
158. **For Transpower (265/22): David le Marquand** (his paragraph 5.2 to 5.4) requests insertion into Policy 7-8 of text taking into account the policies in Chapter 3 similar to clause (c) of Policy 7-7. Mr le Marquand’s statement of evidence clarifies that Transpower’s request in its submission was for cross-referencing (paragraph 5.1) and not for substantive new provisions as such.

EVALUATION AND REASONS

159. For the reasons explained in this Supplementary Report, I do not support the inclusion of additional policies within Policy 7-8 that would make special provision for infrastructure or energy generation. I do, however, support the inclusion of a note that cross-references the relevant policies of Chapter 3 which have to be considered alongside Policy 7-8 in evaluating any infrastructure or energy generation proposals.

Supplementary Recommendation 21 and consequential alterations

160. a. Amend my Recommendation LSNC 10 (on page 84 of my February 2009 report); and
- b. Accept in part submission 265/22 that seek to take into account the policies in Chapter 3 by including a note making reference to the policies in Chapter 3, in the manner described in Supplementary Recommendation SLSNC 18.

REQUESTED AMENDMENTS TO OR DELETION OF POLICY 7-8

161. I discuss these in section 4.10 (pages 78 to 85) of my February 2009 Report.
162. **For Mighty River Power (359/82, X519/25 and X519/287): Richard Peterson** recommends that Policy 7-8 be split into two: one encouraging restoration and a second policy providing guidance on what constitutes ‘inappropriate’ development (his paragraphs 86 to 89). He also recommends retention of a list of considerations for evaluating applications for consent in Policy 7-8 with some modifications (his paragraphs 90 to 101). Mr Peterson recommends that list of matters should include

consideration of the specific requirements of energy generation facilities to locate in less modified environments or areas with a high degree of natural character. His reason is that this is often where the resource they rely on is located or to avoid reverse sensitivity from surrounding land uses (his paragraphs 98 and 99). Mr Peterson also suggests that clause 7-8 (b) should be amended to refer to the 'coastal environment' rather than just the 'coastal marine area'. His reason is that the natural resources to which activities may be tied are equally likely to be located in the landward part of the coastal environment as they in the coastal marine area (his paragraph 99).

163. **For TrustPower Limited (358/63 and X511/355): Robert Schofield** notes TrustPower's request that Policy 7-8 be deleted in its entirety (his paragraph 4.31) and notes that he considers the list of criteria would cumulatively make it difficult to obtain consent for a renewable energy proposal within the coastal environment (his paragraph 4.30).
164. **For Meridian Energy Limited (363/121, X522/265): Catherine Clarke** recommends that consideration of natural character effects be extended to include plan preparation as well as applications for consent (her paragraph 4.16).
165. **For the Minister of Conservation Julian Watts (372)** recommends that specific reference to restoration and rehabilitation be added to Policy 7-8 and to the explanation of the policy (his paragraph 29).

EVALUATION AND REASONS

166. I agree that the words of the preamble to Policy 7-8 may be seen as superfluous because they simply reiterate s6(a) RMA. However, I note that there is support for those words in other submissions. In my view they set the context for what the policy is about and are appropriate.
167. For the reasons discussed in this Supplementary Report, I do not support the suggested amendments that would single out the particular functional or locational requirements of energy generation or infrastructure development. However, I accept that some developments (of this type) are reliant on natural and physical resources that only occur in areas of natural character. For example, where the wind or tide are the resources relied upon for energy generation in the coastal environment or the water in rivers is the resource relied on for hydro generation). I agree that the policy should be moderated to contemplate the needs of activities that rely on resources that are only available in these areas but I consider this can be done in a way that is generic rather than specific to energy generation and infrastructure.
168. The issue is subtly different for Policy 7-8 (compared with Policy 7-7 for outstanding natural features and landscapes) because Policy 7-8 is, in part, directed at determining the appropriateness of development proposals within the policy itself. In clause (c), Policy 7-8 requires a determination of appropriateness to be made within the policy itself without reference or 'balancing' by the policies in Chapter 3. The other aspects of Policy 7-8 need to be considered alongside other policy provisions (including Chapter 3) but clause (c) is highly specific.
169. Clause (b) focuses on the need for an activity to be located in an area of natural character. It was agreed at planning witness caucusing that the issue is not so much about necessity but is about reliance on natural and physical resources that occur only in those areas. It was also clarified that the issue relates not only to the coastal marine area but to all parts of the coastal environment where particular natural and physical

resources or conditions exist that are not found elsewhere. I agree that the wording should be adjusted to better reflect that.

170. I agree that the policy would be improved by slightly expanding the references to restoration and rehabilitation to better reflect the initial wording of Policy 7-8. Similar amendments should also be made to the Explanation and Principal Reasons (see Supplementary Recommendation SLSNC 25). I note however, that I am unable to locate a specific reference to this particular request in the Minister's original submission and suggest that it would be helpful if Julian Watts, on behalf of the Minister could confirm where this request was originally made prior to or at the hearing.
171. I agree with Ms Clarke's point that the policy should be directed not only at consideration of applications for resource consent but at all RMA decisions. I have suggested wording below that would address that point.
172. I agree that the wording of the last clause (e) is somewhat clumsy and could be improved. I suggest below an amendment that introduces a threshold of 'significant compromise' which is consistent with the use of that expression in clause (d).
173. I also suggest clauses (d) and (e) would be better if changed from the negative ('will not') to consideration of whether they 'will' give rise to those outcomes.

Supplementary Recommendation SLSNC 22 and consequential alterations

174. a. Amend original Recommendation LSNC 10 on page 84 of my February 2009 report
- b. Accept in part the submissions seeking acknowledgement of the need for certain activities to locate in areas of natural character
- c. Further to the alterations set out in section 4.10.4.2 of the February 2009 report, amend Policy 7-8 in the following manner (amendments shown in bold):

'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 **or rehabilitated** where appropriate and by **all persons exercising powers and functions under the RMA taking into account in their decisions** ~~taking into account, in making decisions on applications for resource consent applications that take into account at Regional Council and Territorial Authority level, that take into account whether the activity:~~

- a. is compatible with the existing level of modification to the *environment*[^]
- b. ~~is necessarily needs to be located~~ **is reliant upon or necessarily associated with natural and physical resources[^] that exist only in the coastal *environment*[^] marine area** or in or near the any *wetland*[^], *river*[^] or *lake*[^] and whether any alternatives exist
- c. is of an appropriate form, scale and design to blend with the existing landforms, geological features and vegetation
- d. ~~does will not, by itself or in combination with effects[^] of other activities, significantly disrupt natural processes or existing ecosystems.~~

- e. does will **not significantly** compromise ~~(and if so, to what extent)~~ the components of natural character of the coastal *environment*[^], *wetland*[^], *river*[^] or *lake*[^]
- f. **will provide for the restoration and rehabilitation of natural character where appropriate.**

REQUEST FOR CROSS-REFERENCE IN POLICY 7-8 TO POLICY 9-4 (RE COASTAL MARINE AREA)

175. **For Mighty River Power: Richard Peterson** suggests (paragraph 95) that there should be a cross reference in Policy 7-8 to Policy 9-4.

EVALUATION AND REASONS

176. As I note in section 4.2 of this Supplementary Report, I agree that it would be helpful if there is some better clarification of the relationship between Chapters 7 and 9. I suggest wording that could achieve that in Supplementary Recommendation 15 earlier. I also recommend a note be added in the section 7.1.1 scope (similar to that recommended in Supplementary Recommendation SLSNC 18 to complete this cross reference.

Supplementary Recommendation SLSNC 23 and consequential alterations

177. Accept in part the submissions that seek a cross reference between Chapters 7 and 9 by adding a note making reference to the policies in Chapter 9 in section 7.1.1 Scope after point (3), that reads as follows:

'Chapter 9 – Activities in the Coastal Marine Area (CMA) – includes provisions regarding the management of activities in the CMA, including policy guidance on the elements of landscapes and seascapes that contribute to the natural character within of the CMA, that are potentially relevant in addition to Chapter 7 provisions for landscape and natural character.'

METHOD 7-7: 'WILL' MAKE SUBMISSIONS OR 'MAY' MAKE SUBMISSIONS

178. **For Palmerston North City Council (241/81): David Murphy** questions the usefulness of Method 7-7 (his paragraph 49).
179. **For TrustPower Limited (358/65, X511/359, X511/360): Robert Schofield** recommends that the method make it optional for the Regional Council to make submissions on applications for resource consent and plan changes – changing 'will' to 'may' (his paragraph 4.34).
180. **For Meridian Energy Limited (363/123, X522/270, X522/271, 272, 273, 274, 276, 276, 278 & 279): Catherine Clarke** also recommends the 'will' be changed to 'may' (her paragraph 4.17). Ms Clarke also suggests that the focus of the Regional Council's interest in making submissions should be on their potential effects on 'regionally outstanding' natural features and landscapes and not all outstanding landscapes (her paragraph 4.17 page 12).

EVALUATION AND REASONS

181. I agree with Ms Clarke’s suggestions which better reflect the approach the Regional Council is likely to take in practice to making submissions on applications for consent and in relation to plan changes.

Supplementary Recommendation SLSNC 24 and consequential alterations

- 182. a. (Amending my Recommendation LSNC 12 on page 92 of the February 2009 report): Accept in part the submissions that oppose Method 7-7; and
- b. Replace the first two rows of version of Method 7-7 set out in section 4.12.4.2 on page 92 of my February 2009 report with the following (amendments shown in bold):

Methods

Project Name Method 7-7	District Planning – Natural Features, Landscapes and Habitats and Natural Character
Project Description	<p>The Regional Council will may formally submit on resource consent applications received by Territorial Authorities for land use activities where there is potential for adverse effects on regionally outstanding natural features, and landscapes or native habitats or areas that have a high degree of natural character.</p> <p>The Regional Council will may formally seek changes to District Plans if required to ensure provisions are in place to provide an appropriate level of protection for regionally outstanding natural features and landscapes and native habitats areas that have a high degree of natural character.-</p> <p>The Regional Council will formally seek changes to <i>district plans</i> if required to ensure <i>district plan</i> rules requiring protection of indigenous vegetation and the habitats of indigenous fauna do not duplicate rules on biodiversity in this Plan.</p>

ANTICIPATED ENVIRONMENTAL RESULTS: FOR LANDSCAPE & NATURAL CHARACTER CHAPTER 7.5)

183. **For Meridian Energy Limited: Catherine Clarke** considers the anticipated environmental result, which seeks ‘same state’ as prior to the POP becoming operative to be too absolute and inconsistent with Objective 7-2 (her paragraph 4.18).

EVALUATION AND REASONS

184. I note that I have recommended amendments to the statement of anticipated environmental results for landscape (LSNC13 on page 94 of my February 2009 report) which acknowledge that change to the environment will occur resulting from authorised activities. I do not agree that the statement of anticipated environment results absolutely resists change to the environment. Accordingly, I do not recommend any further amendment to the anticipated environmental result.

EXPLANATIONS AND PRINCIPAL REASONS (CHAPTER 7.6)

185. **For the Minister of Conservation (372/121): Julian Watts** recommends the text should be amended to refer to restoration and rehabilitation (his paragraph 29).

EVALUATION AND REASONS

186. I have discussed in section 4.11 of this Supplementary Report my agreement that additional reference to rehabilitation and restoration is appropriate. Supplementary Recommendation SLSNC 22 above addresses that point. Supplementary Recommendation SLSNC 22 also includes an amendment to Policy 7-8 that the policy should be directed not only at consideration of applications for resource consent but at all RMA decisions. I agree that the Explanation and Principal Reasons should be adjusted slightly to reflect those amendments.

Supplementary Recommendation SLSNC 25

187. a. Amending my Recommendation LSNC 14 (c) on page 97 of the February 2009 report): Accept the submissions that seek reference to restoration and rehabilitation in the Explanation and Principal Reasons for Chapter 7; and
- b. Further to the alterations set out in section 4.14.4.2 on page 97 of my February 2009 report, amend the Explanation and Principal Reasons, paragraph 4, for Chapter 7 in the following manner (amendments shown in bold):

‘Natural character

The preservation of the natural character of the coastal environment, wetlands, 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 **and to restore and rehabilitate natural character where appropriate**. 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 **exercising functions and powers under the RMA and when making decisions on applications which may affect natural character, and**
- (b) **encouraging the restoration and rehabilitation 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.**’

SCHEDULE F: QUESTIONS ABOUT THE MERIT OF SCHEDULE F LISTED ITEMS IN PRINCIPLE

188. **For TrustPower Limited (358/61, 358/169, 358/170, X511/584): Robert Schofield** questions the inclusion of the whole of Schedule F and considers that, notwithstanding the historical inclusion of most of the areas in the RPS, they are untested by any rigorous and robust landscape assessment and consultation process. He criticises:

- the limitations of mapping what was previously just a text list of landscapes;
- the limitations of generally confining the mapped areas to DOC estate;
- the limited explanation of the differential values associated with each landscape;

- the differential between nationally and regionally outstanding landscapes; and
 - the inclusion of the entire coastline.
189. He contends there is a need to commit to a Region-wide assessment and to either withdraw Schedule F until that is completed or make Schedule F ‘transitional’ pending that assessment (his paragraphs 4.8 to 4.10 and 4.43, 4.50).
190. **For Mighty River Power (X519/288, X519/290, X519/294): Brad Coombs** contends that a full detailed landscape assessment is required to be undertaken before any of the items in Schedule F can be accurately identified and their boundaries set (his paragraph 4.13). Until that occurs, he recommends Schedule F should be made interim and that a time frame be set for the process of regional landscape assessment.
191. **For Meridian Energy Limited (363/211): Catherine Clarke** confirms that Meridian accepts that Schedule F should be retained in some form in the POP (her para. 62) but recommends that it should be made clearer that Schedule F is a policy tool only (her para. 3.6).

EVALUATION AND REASONS

192. There was agreement at the planning witness caucusing that Schedule F should be retained provided other amendments are made to the policy regime associated with Schedule F, I have discussed those other amendments in the above sections of this Supplementary Report. I suggest additional alterations to the provisions of the POP (Supplementary Recommendations 17, 18, 19, 20, 22, 23 and 24) which I anticipate will address most, if not all, of the opposition of the energy generators to the use of Schedule F.
193. Schedule F does not seek to assert that all parts of the areas identified will display regionally outstanding characteristic. The mapped areas indicate the areas within which those characteristics are expected to be exhibited. Where they are exhibited (ie. not everywhere, but only where they are exhibited), the Chapter 7 policies become relevant. The policies will necessitate assessment of landscape character and effects on landscape. I expect that, for the energy generation activities of interest to these submitters, such assessments will anyway be an integral component of any environmental impact assessment undertaken for individual development proposals. Schedule F signals that, in the areas identified, regionally outstanding characteristics and values can be expected. That provides policy assistance. It does not mean that development within those areas is prohibited. There are no rules in the POP that stem from Chapter 7 landscapes and natural features provisions. Policy 7-7 does not, either, require protection of all parts of the identified areas in absolute terms. It requires that subdivision, use and development affecting those areas:
- Avoids adverse effects on the characteristics and values of the area as far as practicable
 - Where avoidance is not reasonably practicable, on the characteristics and values, remedies or mitigates adverse effects
 - Avoids significant adverse cumulative effects on the characteristics and values of listed features and landscapes.
194. Chapter 7 does not itself create the need for development proposals to undertake robust landscape assessment. That requirement is created by the RMA (in its requirements for effects assessments). What Schedule F does is helpfully identify the

regionally outstanding natural features and landscapes that need to be given particular consideration in that assessment.

195. Regardless of Schedule F and the impact of Policy 7-7, section 6 (b) of the RMA requires consideration of and protection of outstanding natural features and landscapes from inappropriate subdivision, use and development. Notwithstanding Mr Coombs' and Mr Schofield's reservations about the scheduled items, Schedule F is a statement (supported by other submitters) that the scheduled items have outstanding characteristics and values. Mr Anstey has stated in his section 42A report that he expects all of the items listed would be found to be outstanding even if assessed in more detail. He agrees that there is scope for adjustment of boundaries if examined at a detailed level (particularly, for example, the coastline). However, that examination of detailed boundaries and whether the outstanding characteristics and values are exhibited or not in specific locations within the mapped areas is the exercise that has to be undertaken anyway in the detailed assessment of effects for any development proposal.
196. That does not mean that the scheduled items are 'interim' or 'transitional'. They are the natural features and landscapes known to the Manawatu Wanganui regional community to be regionally outstanding and this is confirmed by the support for them in submissions.
197. It remains my opinion that it is a more appropriate resource management approach to include the Schedule than to delete it. Deletion of it would, in my opinion, create the risk of long term adverse landscape effects from the risk that the potential importance of these areas could be disregarded in assessments of individual developments.
198. It was also agreed at the planning witness caucusing that the explanation of the areas mapped in Schedule F as 'values envelopes' is helpful. I note that this explanation is included already in the amendments I suggest in LSNC 17 to include a note at the outset of Table F1 (page 113 of my February 2009 report).

SCHEDULE F: MAPPED AREA OF WEST COASTLINE (FIGURE F:11)

199. **For Mighty River Power (359/142, X519/288, X519/290): Brad Coombs** questions the mapped extent of the west coastline in Figure F:11 (his paragraphs 4.14 to 4.27).

EVALUATION AND REASONS

200. Mr Anstey addresses this in his supplementary report and notes that Mr Coombs' map includes a much more limited area (narrowing it closer to the coast). Mr Anstey prefers the Figure F:11 map. He acknowledges that the boundaries are approximate but notes that the district-wide assessment currently being undertaken by Horowhenua District Council (based on more detailed assessment than has been possible by Mr Coombs) suggests an even wider expanse of 'outstanding landscape' than shown in Figure F:11. I adopt Mr Anstey's conclusion at this point and recommend no change to Figure F:11.

SCHEDULE F: EAST COASTLINE BOUNDARY (FIGURE F:12)

201. **For Mighty River Power (359/143, X519/288, X519/290): Brad Coombs** questions the inland boundary to the Cape Turnagain section of the east coastline in Figure F:12

(his para. 4.31). He considers that detailed landscape assessment should be undertaken before the boundary is confirmed on Figure F:12.

EVALUATION AND REASONS

202. Mr Anstey addresses this in his supplementary report and notes that, after discussion at caucusing, he and Mr Coombs were more closely aligned than suggested in Mr Coombs' evidence. I adopt Mr Anstey's conclusion on this point and recommend no change to Figure F:12.

SCHEDULE F: QUERIES ABOUT 12 NAUTICAL MILE LIMIT FOR MAPPED COASTLINE

203. **For Mighty River Power (X519/288, X519/290): Brad Coombs** questions the adoption of the 12 nautical mile limit as the seaward boundary of the coastline of the region in Figures F:11 and F:12 (his paragraph 4.32).

EVALUATION AND REASONS

204. The landscape architects did not have, at their caucusing, a strong view on where the seaward boundary should be, provided the visual elements are maintained. On the basis that the mapped area is a 'values envelope', as discussed earlier, and that the 12 nautical mile limit is as good as any (noting that Mr Coombs has not suggested an alternative), I recommend no change to the 12 nautical mile limit seaward boundary shown in Figures F:11 and F:12.

SCHEDULE F: SKYLINE OF THE TARARUA RANGES

205. **For Mighty River Power (X519/318, 326, 334, 342, 350, 358, 366, 374, 382, 405, 406, 414, 415, 416, 417, 422, 438, 288, 290, 294): Brad Coombs** questions the inclusion of a separate item in Schedule F capturing the skyline of the Tararua Ranges (his paragraphs 4.33 to 4.43).

206. **For Meridian Energy Limited (363/211, X522/460, 465, 476, 480, to 489, 491): Catherine Clarke** has concerns about the recommendation to include an item describing the 'skyline of the Ruahine and Tararua Ranges' (her para 4.20).

EVALUATION AND REASONS

207. Mr Anstey and Mr Coombs did not find complete agreement as to a definition of 'skyline'. As Mr Anstey notes, there can be a series of ranges and high spurs of varying elevations but each with very similar 'highest points'. He notes that a viewer moving away from the Ranges will see an increasing number of high ridges and spurs one behind the other. The distance over which a 'highest ridge' can be seen is therefore considerable. Mr Anstey favours the definition given in my recommended amendments to item (j) of Table F1 (LSNC 18). I adopt his conclusion and recommend no change to my Recommendation LSNC 18.

MANAWATU GORGE MAP FIGURE F:10 SCHEDULE F

208. Recommendation LSNC 24 in my Officer Report February 2009 recommended the exclusion of private property owned by Tom and Linda Shannon from the Manawatu Gorge Map Figure: F:10, as requested in their submission.

EVALUATION AND REASONS

209. Tom Shannon has brought to my attention that a portion of his privately owned land is still included within the amended Map Figure F:10 presented in my Officer Report Track Changes February 2009. Clive Anstey supports the exclusion of this particular property from the Manawatu Gorge map Figure F:10 as noted in his supplementary evidence. I recommend that the Manawatu Gorge map Figure F:10 in Schedule F is amended to exclude that portion of private land owned by Tom Shannon, as requested.

Supplementary Recommendation SLSNC 26

210. I recommend to the Hearing Panel that:
- a. Further to the alterations set out in section 4.24.4.2 on page 137 of my February 2009 report, amend the mapped area of 'Manawatu Gorge' Figure F:10 of Schedule F, to exclude the portion of private property, as shown in Appendix 2 of this report.

SUBMISSION POINTS OMITTED

211. Four submission points and one further submission point were omitted from my original report and therefore were not discussed in my February 2009 report. This section of this report discusses these submission points and makes recommendations. The Summary of Submissions Table, for these points, is shown in Appendix 3.
- a. Submitters 313/44, 311/49 and 312/49 request that Issue 7-2 is amended to include reference to 'subdivision and illegal off-road vehicles' after drainage and subdivision. The submission point is similar to those reported on at page 51 of my Officer Report February 2009. I do not support the inclusion of these activities for those reasons discussed in section 4.7.3 (e) of my Officer Report February 2009, and my recommendation remains unchanged. See Recommendation LSNC 7.
 - b. Submitter 369/46 also requested the insertion of a definition for 'inappropriate subdivision, use and development'. The submission point is identical to those reported on at page 100 of my Officer Report February 2009. I do not support the inclusion of a definition for that expression for those reasons discussed in section 4.16.3 of my Officer Report February 2009, and my recommendation remains unchanged. See Recommendation LSNC 16.
 - c. Submitter 384/7 requests that Policy 7-7 clause (c) be amended to add 'local concerns' after Chapter 3. This submission was withdrawn, however it was supported by one further submission 327/183, which is discussed here. The submission point refers to clause (c) of Policy 7-7 which is discussed in Section 4.9.3 (i) my Officer Report February 2009 and the clause is recommended to be deleted from Policy 7-7 in Recommendation LSNC 9. This clause is also addressed in, and superseded by, Supplementary Recommendation SLSNC 18.

I do not support the inclusion of the clause in question as proposed and my recommendation remains unchanged. See Recommendation LSNC 9.

APPENDIX 1

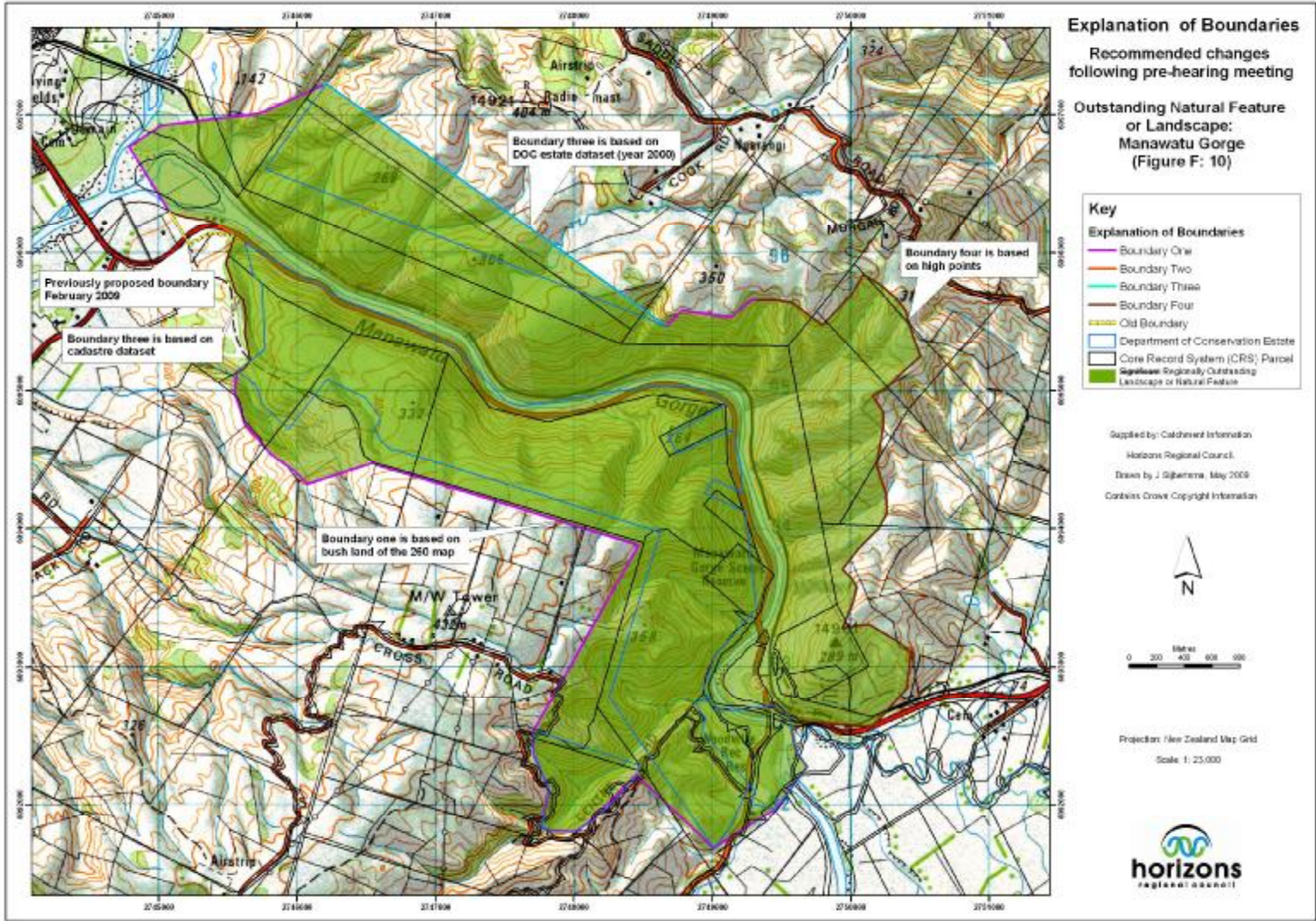
Submission Summary Table showing Supplementary Recommendations on the Minister of Conservation Submission Points (previously noted as "INTERIM REJECT" in the Initial Officer Report February 2009)

Submitter	Number	Point	Decision Sought	Recommendation
MINISTER OF CONSERVATION	372	237	Modify characteristics/values to include: Visual and scenic characteristics, particularly the open tops, stony riverbeds and vegetation gradients from high-low altitude and from north-south, wilderness.	Accept in Part
	X 511	590	TRUST POWER LIMITED - Oppose	Reject
	X 527	174	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Accept in Part
MINISTER OF CONSERVATION	372	238	Modify Other values to include: recreation especially tramping and hunting; ecological significance with provision of habitat for rare bird species, provision of habitat for rare snail species, occurrence of threatened plant species, historic values in association with early recreation, hunting and botanical exploration.	Accept in Part
	X 474	1	JOHANNES ALTENBURG - Support	Accept in Part
	X 511	591	TRUST POWER LIMITED - Oppose	Reject
	X 522	461	MERIDIAN ENERGY LIMITED - Oppose	Reject
	X 527	175	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Accept in Part
MINISTER OF CONSERVATION	372	239	Modify to include full suite of values associated with this important recreation/ecological landscape.	Accept in Part
	X 511	592	TRUST POWER LIMITED - Oppose	Reject
	X 527	176	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Accept in Part
MINISTER OF CONSERVATION	372	240	Add 'and remnant dune fields' after the reference to Akitio Shore Platform in the first column; add '(iii) natural character of the coast, particularly the coastal cliffs and remnant dune fields'.	Accept in Part
	X 511	593	TRUST POWER LIMITED - Oppose	Reject

Submitter	Number	Point	Decision Sought	Recommendation
MINISTER OF CONSERVATION	372	241	Include the Moawhango Ecological Region as an outstanding landscape in Schedule F (boundary as identified in Rogers, G.M. (1993) 'Moawhango Ecological Region Survey Report for the Protected Natural Areas Programme', DOC, Wanganui Conservancy.	Reject
	X 497	1	JAMES BULL HOLDINGS LIMITED - Oppose	Accept
	X 511	594	TRUST POWER LIMITED - Oppose	Accept
	X 519	301	MIGHTY RIVER POWER - Oppose	Accept
	X 522	462	MERIDIAN ENERGY LIMITED - Oppose	Accept
	X 533	70	FEDERATED FARMERS OF NEW ZEALAND INC - Oppose	Accept
MINISTER OF CONSERVATION	372	242	Include these outstanding natural features within Schedule F of the plan and the attached maps, along with a description of their values	Accept in Part
	X 497	2	JAMES BULL HOLDINGS LIMITED - Oppose	Reject
	X 511	595	TRUST POWER LIMITED - Oppose	Reject
	X 519	302	MIGHTY RIVER POWER - Oppose	Reject
	X 522	463	MERIDIAN ENERGY LIMITED - Oppose	Reject
	X 527	177	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Accept in Part

APPENDIX 2

Manawatu Gorge Map showing amendment, as detailed in Supplementary Recommendation SL SNC 26



APPENDIX 3

Omitted Submission Points - Submissions Summary Table showing Recommendations as discussed above.

7 Living Heritage

Issue 7.2 Landscapes and natural character

Submitter	Number	Point	Decision Sought	Recommendation
GEORGE & CHRISTINA PATON	313	44	7-2 AMEND/ADD after drainage and subdivision and illegal off-road vehicle activities.	Reject
WATER AND ENVIRONMENTAL CARE ASSN INC	311	49	7-2 AMEND/ADD after drainage and subdivision and illegal off-road vehicle activities.	Reject
MANAWATU ESTUARY TRUST	312	44	7-2 AMEND/ADD after drainage and subdivision and illegal off-road vehicle activities.	Reject

General

Submitter	Number	Point	Decision Sought	Recommendation
GRANT STEPHENS	JOHN 369	46	<p>Add the following RMA definition to the glossary:</p> <p>Inappropriate subdivision, use and development</p> <p>The degree to which activities would:</p> <p>(a) adversely affect the values specified in Schedule F so far as those values provide a significant contribution to outstanding features and landscapes</p> <p>(b) provide for the social or economic well-being of people and communities</p> <p>While ensuring that in all cases, adverse effects of any activity on significant features and landscapes which are outstanding are avoided, remedied or mitigated</p>	Reject

Policy 7-7 Outstanding landscapes

Submitter	Number	Point	Decision Sought	Recommendation
BRUCE RALPH WILSON - WITHDRAWN10 APRIL 2008	384	7	I request council to (b) modify Policy 7-7(c) by adding "and local concerns" after "Chapter 3" WITHDRAWN 10 APRIL 2008	Withdrawn
	X 527	183	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	Reject