

Submission on proposed boundary of ONFL1 (Ruahine Ranges)
from
Nga Tamariki a Tane Society Inc.

Nga Tamariki a Tane is an incorporated society that almost 50 years ago bought a 75 ha block of native forest at the end of Limestone Road, Apiti, for the purpose of conserving, and enhancing, its native forest cover and the native fauna in it.

The members of the Society live all around New Zealand – the nearest to the block live in Palmerston North. I am the Secretary/Treasurer of the Society.

COMBES

The block was subdivided off by us from what is now Sky Farm and adjoins the Ruahine Forest Park along its eastern boundary. We still own the block and intend to do so in perpetuity. The Rules of the Society require that the land is held and managed for conservation purposes.

At our block, the proposed boundary of the ONFL1 overlay follows the bush/pasture boundary which coincides exactly with the boundary fence between our land (the bush) and Sky Farm (the pasture) – this means that it is proposed that all of the bush on our block would be inside the proposed overlay.

We are totally supportive of the objective of the proposed ONFL1 overlay to protect the landscape of the Ruahine Ranges. Some of the elevated parts of our block possibly contribute in a significant way to the landscape of the Ruahine Ranges as seen from some public roads in the area. The way that Nga Tamariki a Tane has managed the block over the past 50 years has made a significant contribution to achieving the objectives of proposed Plan Change 65. And we believe that, with one small exception, it is appropriate that our land is included within the overlay.

That exception, a flat area of about 0.3 ha on the edge of Coal Creek, is the subject of our submission: we have requested that that small area be excluded from the overlay. [Distribute, and refer to, the map.] On the lower left hand side of the map the 0.3 ha is the piece of our land that is below and to the left of the Sky Farm shelter belt that runs NW to SE.

Why do we want this small area excluded?

We don't have any buildings on our block – to date we have been very fortunate that whenever we have visited our block to do maintenance work or just to enjoy being there, we have been able to stay at Sixtus Lodge. However there is no guarantee that we will be able to do so in perpetuity and so we want to keep open the option of putting a small hut on our block at some point in the future. The small area on the edge of Coal Creek is the only flat land on the block so is the obvious site for any such hut.

During the past year we have been working with the QEII National Trust to place an Open Space Covenant over our block. As part of this we have agreed with the Trust that the covenant will exclude the approx. 0.3 ha flat area on the edge of

Coal Creek so that the option of putting a small hut there at some time in the future is kept open: it is extremely difficult to put a new building anywhere on land that is under a QEII Open Space covenant. It has been agreed that at this point the boundary of the covenant will be a line that is a continuation of the Sky Farm shelter belt.

One of the policies that would apply under the ONFL1 overlay is to discourage new buildings on land covered by the overlay – we think that this is entirely appropriate provided the boundary of the overlay is in an appropriate position.

If the 0.3 ha of our land is not excluded from the overlay, it appears that putting a hut on it would be a non-complying activity (proposed NFL-R18). In that case we would face a very high hurdle, and absolutely no certainty, about getting the required resource consent for even a small, discreet hut.

Officer's recommendation

The Officer's recommendation is to not support the request made in our submission.

Before I argue why we believe that this recommendation should not be accepted, I want to bring to your attention two very disquieting aspects of the Officer's recommendation: one that misrepresents our request, and one that we can't make head nor tail of.

Our original submission (made without us visiting the site) asked for the boundary to be moved so that it was a continuation of the fence line that runs roughly N-S [refer to map]. This exclusion would have included some of the hillside. However, after we visited the site in March of this year we realized that the only exclusion that we needed was the small flat piece – on the map, below and to the left of the NW-SE running shelter belt.

Later in the year I accepted the Council's offer of a pre-hearing site visit, and on 2 July I drove up from Wellington specially to visit the site with Council officers and Mr Hudson. Unfortunately snow on Table Flat Road and a tree down across Limestone Road prevented us from reaching the site.

However, after turning back from the snow and fallen tree, I sat down with the Council officers at the café in Kimbolton and again at the Council offices in Feilding, explained our changed request re the boundary and gave them maps clearly showing the line of the new request. I drove back to Wellington that day with the clear understanding that the Council officers understood our changed request.

Despite this, the Officer's recommendation in the S42A Report repeats our original request. **This is a misrepresentation of what we are actually asking for.**

I note that the line of our actual request is the line that will be followed by the survey for the QEII covenant.

The second matter of concern is that the Officer's recommendation says:
"As outlined by Mr Hudson in his evidence at paras 58-60 the area of the Ruahine Range has been defined on the basis of the valley floor to the terrace edge. On that basis I do not support a change in the location of the line for the ONFL in relation to the submitter's property."

First, we can make no sense of the statement *"the area of the Ruahine Range has been defined on the basis of the valley floor to the terrace edge"*; secondly, Mr Hudson in his evidence at paras 58-60 regarding the landscape of the Ranges does not define the area of the Ruahine Range *"on the basis of the valley floor to the terrace edge"*; and thirdly, even if *"valley floor to terrace edge"* was a relevant consideration, the land that we request be excluded from the overlay is not between the valley floor and the terrace edge. **Given these confused/irrelevant/incorrect statements, we consider that the Officer's recommendation has no valid basis.**

(For the Hearing Panel's convenience I have included the Officer's recommendation on our submission and paras 58-60 of Mr Hudson's report at the end of this document.)

What effect would excluding the 0.3 ha, in its current state, from the overlay have on achieving the objectives of the overlay?

The objective of the overlay is to protect the background landscape that the Ruahine Ranges provides for the Manawatū. The 0.3 ha of our block that our submission deals with can of course be seen from the neighbouring farms but it cannot be seen from anywhere accessible by the public until you are within about 100m of the carpark at the very end of Limestone Road.

This means that unless you are viewing the landscape from the very end of Limestone Road, the 0.3 ha we are concerned with is not part of the landscape of the Ruahine Ranges. And even from the carpark, and as you walk along the paper road towards Coal Creek, the land in question, which is on the same level as the Sky Farm pasture on the river terrace, is a tiny footnote to the landscape of the Ranges.

For this reason we submit that excluding the 0.3 ha in its current state from the overlay will not have a material adverse effect on protecting the landscape of the Ruahine Ranges. [Distribute, and refer to, photograph.]

If the 0.5 ha was excluded from the overlay, what is the risk of activities on it in the future (buildings, vegetation clearance) adversely affecting the landscape of the Ranges?

Given that conservation is the whole reason for us owing our block, we would not be doing significant clearing of vegetation and any hut that we contemplated

putting on that piece of land would be very modest and tucked away out of sight – indeed, for security reasons we would want to make sure that any hut was not visible to the public. Again, given our motivation for owning the land and what is in the Rules of the Society, any hut construction activity by us would involve minimal disturbance to the bush – there is adequate space for a modest hut without felling any large trees.

The Society's Rules state that if the Society is wound up its assets must be passed to an organization with similar objectives, so even if that happened, the new land owners would have similar conservation objectives and would be very unlikely to undertake vegetation clearance or building anything that would have material adverse effects on the landscape of the Ranges.

It is possible, but extremely unlikely, that the Society might sell the block at some time in the future and that the purchaser may wish to clear vegetation, or put a building, on the small flat area that would have significant adverse effects on the landscape of the Ranges.

If these are risks that the Council considers significant and wishes to cover off, we would be happy to negotiate conditions with the Council for the 0.3 ha that ensured that any activities on it (such as introducing a small hut) would avoid material adverse effects on the landscape of the Ranges. Perhaps such conditions could be in the form of a Council covenant, or perhaps putting a hut on the 0.3 ha could be made a restricted discretionary activity with conditions on things such as height and size.

Mr Hudson's decision

Mr Hudson's report and his decision regarding our submission does not address the landscape argument put forward in our submission, namely whether excluding the 0.3 ha from the overlay would, or would not, have a material adverse effect on protecting the landscape of the Ruahine Ranges.

Instead, his decision that he would not support our request, is based on an appeal to a principle that, as a general rule, is appropriate for setting boundaries: specifically that boundaries should align with "*areas where both the landform and land cover is contiguous in terms of landscape character*".

We accept that as a general rule, the principle appealed to by Mr Hudson is a sensible one on which to base boundaries for landscape overlays. However, principles that are sensible in general are not inviolable rules and should not be adhered to where a finer-grained assessment indicates that departing from them would not have a material adverse effect on the objectives of the proposed overlay.

Mr Hudson's appeal to a general principle, rather than undertaking a fine-grained assessment that addressed the issues raised in our submissions and making a judgement about whether excluding our 0.3 ha from the overlay is likely to have a material adverse effect on the protection of the landscape of the

Ranges or not, has resulted in a decision that adversely affects the interests of Nga Tamariki a Tane Inc.

(Again, for the Panel's convenience I have included Mr Hudson's decision regarding our submission at the end of this document.)

Conclusion

The focus of the RMA is on managing the effects of activities.

We submit that excluding the specified 0.3 ha of our land, in its current ownership and state, from the ONFL1 overlay will not have any material adverse effects on achieving the objective of the overlay.

We further submit that if the 0.3 ha is excluded from the overlay, any risk that activities in the future on that 0.3 ha might have a material adverse effect on the protection of the landscape of the Ruahine Ranges can be covered off by the Society and the Council agreeing to specific conditions to be applied by the Council to that piece of land.

Accordingly, we submit that:

- Nga Tamariki a Tane Inc.'s management of its 75 ha block over almost 50 years has made, and continues to make, a significant contribution to achieving the objectives of proposed Plan Change 65;
- under the terms of our QEII covenant, the 0.3 ha of our block that we request be excluded from the ONFL1 overlay is the only part of the block that we would be able to put a small hut on at some time in the future;
- the 0.3 ha of our block that we request be excluded from the ONFL1 overlay does not contribute in a significant way to the landscape of the Ruahine Ranges as seen from public spaces;
- including this 0.3 ha in the ONFL1 overlay has a material adverse effect on the interests of Nga Tamariki a Tane Inc.;
- excluding the 0.3 ha in its current state and ownership from the ONFL1 overlay does not conflict with any of the proposed Objectives (NFL-01 – NFL-07) or Policies (NFL-P1 – NFL-P28) relating to proposed Plan Change 65;
- there are more equitable ways of covering off any risks of adverse effects on the landscape of the Ruahine Ranges from future activities on that 0.3 ha than including it in the ONFL1 overlay; and
- on Nga Tamariki a Tane's land, the boundary of ONFL1 (Ruahine Ranges) should follow the boundary of the QEII National Trust Open Space covenant that will cover all of the bush on our block except the 0.3 ha of flat land on the edge of Coal Creek.

Chris Livesey
23 November 2020

Submission 217: Officer's recommendation (S42A Report – App 1)

“As outlined by Mr Hudson in his evidence at paras 58-60 the area of the Ruahine Range has been defined on the basis of the valley floor to the terrace edge. On that basis I do not support a change in the location of the line for the ONFL in relation to the submitter's property.”

Mr Hudson's evidence (S42A Report – App 6)

“Mountain range

58. The Ruahine Range (Including forest park and ridges) is the largest ONL in the district. It generally coincides with the Ruahine Forest Park, but as my assessment maps areas according to attributes and characteristics rather than ownership, the boundaries do not always follow the DOC boundary. The landscape is notable for all of the attributes normally considered in a landscape assessment including natural science, sensory qualities and associative characteristics. It is a dominant reference point for all of Manawatū due to its extensive covering of indigenous vegetation, dominance of large scale landforms, feeling of isolation, wilderness, and lack of human modification.

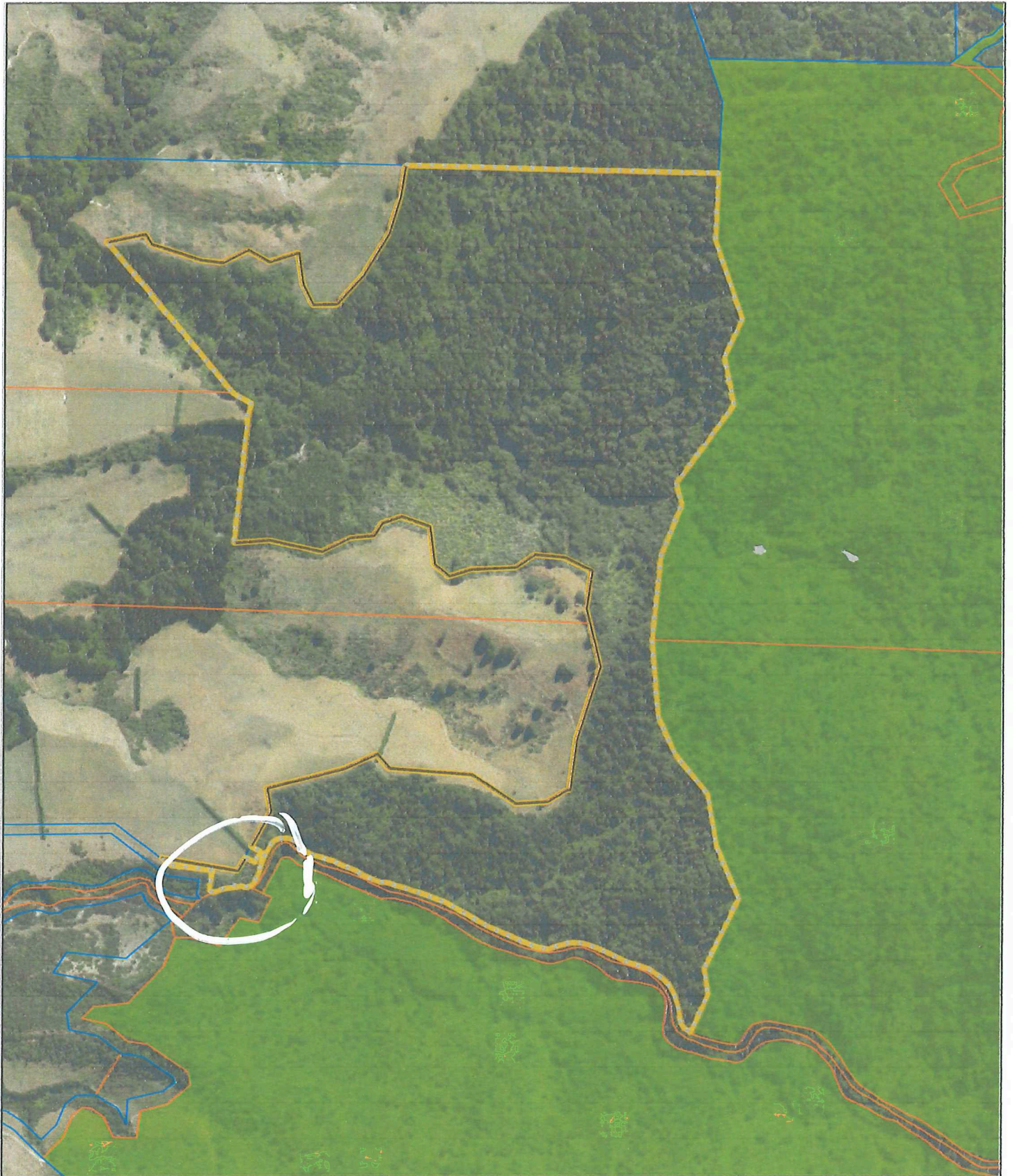
59. A number of submitters have properties that are adjacent to the mapped area, or within the mapped area. The principle that has been applied is to map areas where both the landform and land cover is contiguous in terms of landscape character (refer Figure 5). Land ownership or public access will not change in any way and future land use within the areas of private land that are assessed as ONL will be able to continue as present. This assumes significance to those submissions where concerns are raised around public access. Access remains a landowner decision at all times. The only area where changes are recommended to the proposed mapping after submissions relates to ONF 13, as discussed in the following paragraph. Figure 5 – Maps showing area of Braemoor Farm included in ONL mapping. Illustrating application of the principle of contiguous topography and vegetation with adjacent Ruahine Forest Park

60. A small area of MDC land at the southern end of the Ruahine Ranges abuts the Manawatū Gorge Scenic Reserve and was proposed for inclusion as an ONF that was contiguous with the Reserve. However, the Railway designation and new highway designation for Te Ahu a Turanga breaks up this ONF and eliminates its connectedness with the Reserve, rendering it disjointed and lacking the continuity necessary to extend the Reserve's ONFL rating. For these Hudson PC 65 4 November 2020 24 reasons, it is recommended that this small southern portion (ONF 13) of the Ruahine Range ONL is removed from the ONF areas proposed under PC65.”

Re our submission

“65. Nga Tamariki a Tane Society Inc also requested that their land be excluded from the extent of the Ruahine Ranges ONF. While their land is not fully vegetated (as noted on my site visit), I have used the overall landcover as the demarcation for the ONF. As discussed above, I do not consider it appropriate to draw lines around individual trees or areas. Therefore, I do not support the change requested by the submitter.”

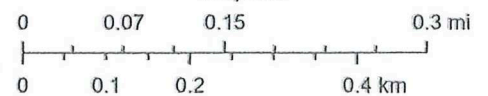
5-07-843 Nga Tamariki a Tane - aerial map



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- DOC Public Conservation Land
- Pre-Registration Covenants
- Fencing
- Existing fence
- Unfenced
- LINZ Property Titles
- LINZ Primary Parcels



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