

Crown Pastoral Land Tenure Review

Lease name: CRAIGROY

Lease number: PO 233

Public Submissions - Part 10

These submissions were received as a result of the public advertising of the Preliminary Proposal for Tenure Review.

July

10



**CROWN PASTORAL LAND ACT 1998
CRAIGROY TENURE REVIEW
NOTICE OF PRELIMINARY PROPOSAL**

NOTICE IS GIVEN under Section 43 of the Crown Pastoral Land Act 1998 by the Commissioner of Crown Lands that he has put a preliminary proposal for tenure review to Pioneer Generation Limited, as lessee of Craigroy pastoral lease.

Legal description of land concerned:

Pastoral lease land:

Run 339B being all the land contained in Instrument of title OT386/130 (Otago Land Registry) comprising 4432.4586 hectares more or less.

Reserve land:

Section 4 Block I Nevis Survey District, comprising 1.7149 hectares.

Unused Crown land:

Crown land adjacent to Run 339B and situated in Block III, Nevis Survey District comprising 10 hectares approximately.

Conservation land:

Pt section 1 Block I Nevis Survey District, comprising 1.6483 hectares.

General description of proposal:

- (1) 190 ha (approximately) to be designated as land to be restored to or retained in Crown control under section 35(2)(b)(ii) Crown Pastoral Land Act (CPLA) 1998, as scenic reserve subject to a grazing concession.

Qualified Designation:

- (a) The granting of a grazing concession to Pioneer Generation Limited under section 36(1)(a) CPLA.
- (2) 810 ha (approximately) to be designated as land to be restored to or retained in Crown control under section 35(2)(b)(i) CPLA, as conservation area subject to a recreation concession, a grazing concession, the continuation in force of an existing easement for the conveyance of water, and deemed permits for taking of water

Qualified Designations:

- (a) The granting of a recreation concession to Robert William Brown and Sandra Louise Brown under section 36(1)(a) CPLA.

- (b) The granting of a grazing concession to Pioneer Generation Limited under section 36(1)(a) CPLA.
 - (c) The continuation in force of an existing easement under section 36(3)(c) CPLA in favour of Carrick Irrigation Company embodied in Memorial 5273979.1
 - (d) The continuation in force of an existing deemed permit under section 36(3)(c) CPLA granted by The Otago Regional Council to Carrick Irrigation Company for the taking of water under consent 2202.4481
- (3) 3442 ha (approximately) to be designated as land to be disposed of by freehold disposal to the holder under section 35(3), of the CPLA, subject to Part IVA Conservation 1987 Act, Section 11 of the Crown Minerals Act 1991. This designation is subject to:

Protective Mechanism:

- (a) A landscape protection covenant over the entire proposed freehold land under Sections 40(1)(b), 40(2)(a) and 40(2)(b) of the CPLA for the purpose of landscape protection.

Qualified Designation:

- (b) An easement in gross under Section 36(3)(b) CPLA to provide public foot, or on or accompanied by horses and mountain bike and for conservation management access.
- (4) 1.72 hectares approximately to be designated as land to be disposed of by way of exchange for R1(Scenic), to Pioneer Generation Limited under section 38(1)(c) of the CPLA, subject to Part IVA Conservation 1987 Act, Section 11 of the Crown Minerals Act 1991. This designation is subject to:

Protective Mechanism:

- (a) An easement under Sections 40 (1)(b) and 40(2)(c) CPLA to provide public foot, or on or accompanied by horses and mountain bike and for conservation management access.
- (5) 1.65 hectares approximately to be designated as land to be disposed of by way of exchange for CA1, to Pioneer Generation Limited under section 37(1)(c) of the CPLA, subject to Part IVA Conservation 1987 Act, Section 11 of the Crown Minerals Act 1991.

Further information including a copy of the plan, landscape covenant and easement documents, is available on request from the Commissioner's contractor at the following address:

Darroch Valuations
P O Box 215
DUNEDIN
Ph: (03) 479-3653
Fax: (03) 474-0389
Email: david.paterson@darrochvaluations.co.nz

Inspections:

Any person wishing to inspect the property is advised to contact the Commissioner's contractor in the first instance on phone number (03) 479-3653.

Submissions:

Any person or organisation may send a written submission on the above proposal to the Commissioner of Crown Lands, C/- Darroch Valuations at the above address.

All submissions are being collected and held by LINZ either directly or through its contractor.

Submitters should note that all written submissions may be made available, in full, by LINZ to its employees and contractor, the Department of Conservation and the public generally.

Statement from Commissioner of Crown Lands:

The Commissioner will not consider any submissions which discuss the possible future use of any part of the land for the generation of electricity from the Nevis River. The bed of the Nevis River is Crown land and not part of the proposal. The purpose of submissions is to allow interested parties an opportunity to comment on whether the proposal achieves the objects of Part 2 of the Crown Pastoral Land Act 1998. Any submissions, or parts of submissions, which discuss use of the Nevis River for hydro-electric development will be treated as invalid. D J Gullen Commissioner of Crown Lands.

Closing date of submissions:

Written submissions must be received by the Commissioner's contractor no later than 5pm Monday 30 November 2009.



APPENDIX 10

29 September 2006

David Gullen
Commissioner of Crown Lands
Land Information New Zealand
Labton House
Private Bag 5501
WELLINGTON 6145

Dear David

Ben Nevis and Craigroy Preliminary Proposals

Your statements in the public notices concerning the Ben Nevis and Craigroy tenure reviews are of serious concern and I would be grateful for some clarification as they are confusing to intending submitters.

You say that..

"The Commissioner will not consider any submissions which discuss the possible future use of any part of the land for the generation of electricity from the Nevis River"..... "Any submission or parts of submissions which discuss use of the Nevis River for hydro-electricity development will be treated as invalid."

Do you mean that an individual point made by a submitter referring to hydro development will not be considered because you believe it to be beyond the scope of the process or do you really mean, as the statement suggests, that any submission mentioning of hydro development will be treated as invalid in total?

I am sure you understand that the two tenure reviews and future hydro development are clearly connected in the minds of the public and so it is highly likely that many submitters will mention the high risks to significant inherent values on the properties from hydro development post tenure review. It would be grossly unfair to penalise any member of the public who mentions the hydro generation plans of leaseholder Pioneer Generation Ltd by disqualifying their submission.

Statutory managers of freshwater sports fish, game birds and their habitats

Otago Region

Cnr Hanover & Harrow Sts, PO Box 76, Dunedin 9054, New Zealand. Telephone (03) 477 9076 Facsimile (03) 477 0146

www.fishandgame.org.nz

After all the public submission phase of tenure review in the only chance the public has for input into what is otherwise a closed process so submissions should carry considerable weight in decision-making.

The tenure review process is complex enough for a layperson and I would expect you to make every attempt to gain maximum public input and to take each individual point made by submitters at face value and in good faith.

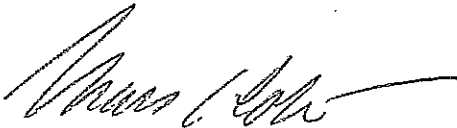
I note that Pioneer's hydro development plans have already featured in these tenure review processes through:

- Clear statements from DOC that the two are inextricably linked and that the preliminary proposal reflects a prior agreement between DOC and Pioneer.
- The specific assessment of significant inherent values within a hydro dam footprint in internal reporting by DOC.
- The inclusion of landscape protection covenants over land earmarked for freeholding on the valley floor which are designed to move aside in the event of hydro development.

Also, you note that the purpose of submissions is to allow interested parties to comment on whether the proposals achieve the objects of Part 2 of the Crown Pastoral Lands Act 1998, namely. *'To promote the management of reviewable land in a way that is ecologically sustainable'* and *'To enable the protection of the significant inherent values of reviewable land'*. How can mention of the hydro threat be incompatible with those objects?

I would be grateful if you could treat this request for further information on these points with urgency

Yours faithfully



Niall Watson
Chief Executive

Our Ref: PRY-C60-12522-SLM-Po241-Z
Your Ref:
Legal Code: 1651



2 November 2009

Mr Niall Watson
Fish & Game New Zealand
P.O. Box 76
Dunedin 9054

Dear Mr Watson,

Ben Nevis and Craigroy Preliminary Proposals

Thank you for your letter of 29 September 2009 in reference to the statement in the public notice to the effect that submissions on the use of the Nevis River for hydro-electric development will be treated as invalid.

The intention of the statement was to make it clear that it is only submissions on the preliminary proposal itself and matters contained in it that will be considered and not submissions relating to the possible broader hydro-electric development. The possible future use of the Nevis River is not a matter which arises from the preliminary proposal.

The reference to parts of submissions in the statement was intended to make it clear that those parts, or individual points as you say, that are outside the scope of my tenure review powers and functions will be disregarded, not the entire submission.

In the context of tenure reviews, my powers are limited to the matters prescribed in Part 2 of the Crown Pastoral Land Act 1998 and preliminary proposals are devised in light of the objects of that Part. The intention of mentioning those in the statement was to be clear that I am able only to consider submissions on the merits of the preliminary proposal against those objects.

You also mention the proposed covenants under the Reserves Act 1977 which are appended to the Ben Nevis preliminary proposal as appendix 11 and the Craigroy preliminary proposal as appendix 8. There is provision in the proposed covenants for the Minister of Conservation to make future decisions about the use of the subject land. The proposed covenants form part of the proposals and the public may certainly submit on the covenants, on the basis set out above.

I trust that clarifies my position for you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Craig Harris'.

Craig Harris
Acting Commissioner of Crown Lands

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APPENDIX 11

(PLAN CHANGE 5 LANDSCAPE MAPS)
ATTACHED

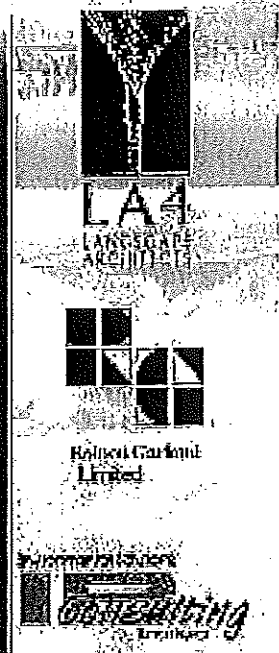
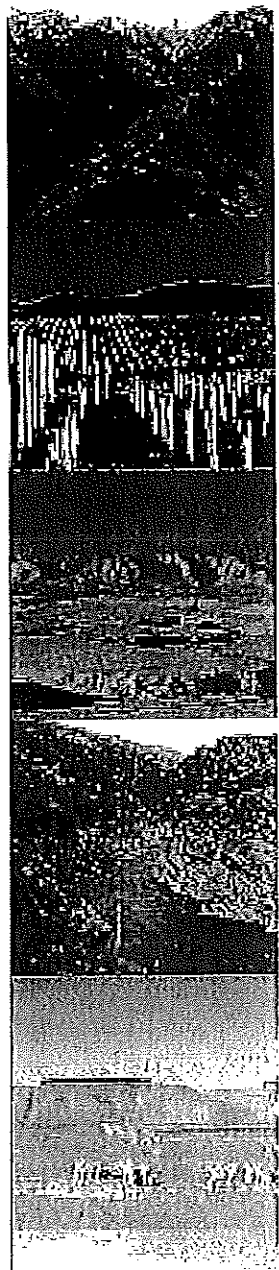


CENTRAL OTAGO DISTRICT

RURAL REVIEW

LANDSCAPE ASSESSMENT

REPORT AND RECOMMENDATIONS



CENTRAL OTAGO DISTRICT RURAL REVIEW

Preface

This report represents the culmination of two parallel processes undertaken over a period of nine months. Some 24 public meetings were held and there were numerous meetings with organizations such as DOC, Maf, the Otago Regional Council, Forest and Bird and Federated Farmers. Feedback was obtained from these meetings either directly or through questionnaires. In a parallel process, Mary Buckland of LA4 Landscape Architects has undertaken a landscape categorization exercise and an analysis of those landscapes in terms of their sensitivity to change.

We are conscious of the possibility that our views of what constitutes outstanding landscape are those of professionals working in the field. We do not necessarily know what is best. The exercise is not for professionals and the final judgment of success is and will be made by the ordinary citizen. Very often it will be people who are not even interested in the subject matter at present. This is the reason for running the two parallel processes. We are pleased to say that we have found a remarkable level of agreement between Mary Buckland's work and the responses received.

Having said that, we have not closed our minds to the possibility that in obtaining the feedback the great majority has come from individuals and groups who currently have a vital interest in the landscape and who have the time to respond. There has been an under-representation of those people who do not have the time to respond or do not have any interest, yet these people will be affected by the outcome of the exercise. Thus we acknowledge some unease that few, if any, developers have participated and there has been a relatively low turnout from larger rural landowners. Those who have participated, however, have candidly and forthrightly given their views. It was for that reason that we undertook many of our meetings in locations such as St Bathans, Omakau, Ranfurly and Tarras.

While we have found common and very strong threads of opinion about the value of landscapes, we cannot say with confidence that the views are universally held. We have received diverse and often opposing views particularly in regard to aesthetic values, expressiveness and legibility and transient values of the landscapes. Thus while we can say that there are commonly shared and recognized values, they are clearly views not universally held. This is all the more reason to be cautious in a legal setting which requires councils to justify interference by regulation rather than the converse.

However, the legal setting does authorize regulatory control among other things when it would better achieve sustainable management of natural and physical resources than other methods. The option of taking no action in the case of outstanding landscapes is not available because section 6b of the Act requires their identification and protection. Section 7c effectively enjoins Councils to be particular about other landscapes as well. Thus, to those who say that the study is not necessary we can reply that it is an exercise which must be done. This is reinforced by the recent change to section 32 of the Act which removed the need to prove necessity for intervention and replaced it with the requirement to adopt the most appropriate methodology.

Nonetheless, we are acutely aware that any regulation we recommend (in terms of land use control) takes away from the landowners' rights. In the interests of achieving the balance expected of us in terms of section 5 of the Act, the Council does need to show that less coercive methods will not be as effective if we are to adopt more direct intervention. If at all possible, the balance struck should be at a level the community can identify with. For measures to be effective "ownership" by the community is important, clarity and simplicity are essential elements. One thing is clear from our experience: over regulation will lead to adverse reaction and initiatives will be lost. This is one reason why we have not recommended any further regulation of agricultural or horticultural practices.

As the study has progressed, we have been made aware of other rural issues which will be affected by our recommendations. These include agricultural and horticultural production, reverse sensitivity issues and elements of safety arising out of conflicting activities. That is why landscape is not the only issue which we have dealt with.

Finally, questions may be asked as to how this study fits with other previous studies particularly the Blueprint Study of the Alexandra/Clyde and Cromwell Basins. Our study was foreshadowed by that work and it carries forward and develops many of the themes emerging from the Blueprint Study. The one significant exception is that our study makes no presumptions about expanding urban development. It assumes the Rural Resource Area will remain Rural. The Blueprint Study makes a number of recommendations relating to provision for urban activities, heritage, changes of zoning and the like. Our recommendations do not supersede those elements and it is entirely possible that the Council on further study may find places suitable for urban development with no direct relationship to the landscape categories.

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SECTION 1 : LANDSCAPE ASSESSMENT

1.0 INTRODUCTION

This landscape assessment examines the landscape of Central Otago, the area administered by the Central Otago District Council. The area covered by this assessment is illustrated in **Plan 1 – Location** in the A3 booklet of illustrations.

Central Otago or “Central” as it is more commonly known, is a modern name. Maori referred to the area as Araiteuru after the ancestral canoe of the same name that was wrecked off Shag Point near modern day Palmerston. The name Otago evolved from Otakau, the title given to the channel in Otago Harbour.¹

Central Otago enjoys a climate that is unique in New Zealand. The prevailing weather comes in from the Tasman Sea and Central Otago lies in the rain shadow of the mountains of Fiordland and the Southern Alps. By the time the weather fronts of warm moist air have reached Central Otago they have dropped their rain on the mountains to the west, and a warm dry wind blows over Central Otago. Much of Central has a semi arid climate – only 300mm of rain falls per annum falls in some places in the interior.

Lack of rain means fewer clouds so the skies are often clear, the summers are very hot and severe droughts are common. In winter there are savage frosts, and it snows regularly especially in the high country. The climate is often quite extreme with Alexandra often having the highest temperatures in the country, and the village of Ophir holds the record for the lowest temperature in New Zealand of minus 21.6 degrees Celsius.

The landform is underlain by peneplained schists and a range-and-basin terrain with flat topped and rolling block faulted mountain ranges separated by broad alluvial basins. The covering of the peneplains was eroded over the years resulting in the formation of the curious “tor” topography of the schist region. Since then warm climatic conditions have further weathered the surroundings to the tors leaving them standing proud.

There are several flat topped ranges in Central Otago – for example St Bathans and Hawkdun Ranges are a distinctive feature. There are also the very high country ranges including the Pisa, Dunstan, Hector and Garvie Mountains.

Central Otago is drained by four substantial rivers – the Clutha, Kawarau, Manuherikia and Taieri. Running though the centre of the district is the Clutha River. This river represents one of the great incongruities in the New Zealand landscape where the country's largest river flows deeply and powerfully through the driest landscape². This river has many different qualities. In some places it is narrow and winding and difficult to see, and in others it wide and easily seen. Its natural qualities are punctuated by hydro dams and lakes. Below the Roxbrough

¹ *Illustrated History of Central Otago and the Queenstown Lakes District*. Gerald Cunningham 2005

² *Wild Central*. Neville Peat and Brian Patrick. Chapter 3 – Clutha connections.

dam the river becomes narrow and winding, though never losing its depth and power.

Set amongst these powerful strong landscape features are large areas of rural landscape. These vary from high country tussock to lowland green pasture and includes large areas of orchards (apricots, cherries, apples), vineyards, some cattle, sheep and deer farming, pine plantations, and arable farming.

2.0 STRUCTURE OF THIS ASSESSMENT

The initial impetus for this rural review was that in recent years Central Otago District Council has become increasingly concerned about the potential adverse effects of rural subdivision and other development on the landscape of Central Otago.

LA4's methodology involves the following:

1. carrying out a ground and air based survey of the District,
2. dividing the area into landscape units with a homogenous landscape character,
3. identifying those landscapes that are:
 - outstanding;
 - of district significance;
4. Identifying significant natural or landscape features.

One of the key aims of the overall review is to help to clarify Council's planning provisions and mechanisms that relate to managing the effects of development in the rural areas of the District. Having completed the above survey, LA4, Robson Garland (Resource Management Consultants) and Ian Brown Associates (Facilitators) have undertaken wide ranging public consultation throughout the District to canvas the concerns of the local people.

The outcomes of the public consultation and the landscape survey are then considered in relation to the District Plan and the provisions to be included in it related to the findings of the public consultation and the landscape survey.

The aim of this rural review is not to prevent development occurring but to ensure that Council and landowners know which landscapes are most important in terms of overall character and that where development is proposed that it will not harm that character and gives Council the ability to decline inappropriate subdivision that will have adverse effects. The landscape study has also identified many areas where development can occur with no detriment to the landscape.

3.0 DEFINITION OF "RURAL CHARACTER"

The Ministry for the Environment published a report, in July 2000 titled '*The Impact of Development on Rural Landscape Values*'. This report defined 'Landscape Character' in the following manner:

*As per the rural
reference the
greater the
significance*

"Landscape character refers to the combination of traits that distinguish any particular area of land. It is determined by the inter-relationship of three components:

- Landform – which reflects the geology, topography and attendant natural processes such as erosion, hydrology and weathering;
- Land cover – which includes vegetation and water bodies, and reflects the biological processes such as plant succession and soil formation;
- Land use – which reflects cultural and social processes such as farming, tourism and transport needs, and can also include spiritual and historical associations that give added meaning to places".

The report goes on to define "rural character" in the following manner:

"Rural landscapes are, by their nature, strongly influenced by the type of rural activity and the intensity of associated settlement. Natural elements generally remain strongly evident but are overlaid by patterns and processes of human activity. Natural systems, such as hydrological patterns, still operate but, in places, are manipulated to enhance productivity. Human-induced patterns and processes are related predominantly to productive land uses such as agriculture, horticulture and forestry, typically including paddocks, shelter belts, wood lot and forest blocks, cropping regimes and settlement. The patterns of human activity are generally large scale (by comparison with urban areas), reflected in generally low density settlement, few structures and often a sense of spaciousness.

in reality a gradient

Rural landscapes are inhabited landscapes – not to be confused with 'wilderness' or 'natural' landscapes where human presence is minimally present or absent".

The Auckland Regional Policy Statement provides a useful and comprehensive definition. It defines 'rural character' in the following way:

"Rural character means the distinctive combination of qualities which make an area "rural" rather than "urban". These include the dominance in the landscape of natural vegetation and primary production regimes and the absence or subservience of man made structures other than those related to primary production or to other activities for which provision is made in the District Plan applying to the area".

From: The Auckland Regional Policy Statement. (Page 43 Appendix D).

In relation to the Central Otago it is considered that the definition contained within the Auckland Regional Policy Statement provides a sound basis for defining rural character. This is because the definition is succinct yet clearly states that it is the distinct combination of natural systems and human induced processes and patterns that contribute to rural character.

4.0 STRUCTURE OF THIS REPORT

This assessment is structured as follows:

Brief: The Central Otago District Councils brief to LA4 Landscape Architects, Robson Garland Ltd and Ian Brown Consulting. This is defined as a set of goals that the study sought to meet.

Resource Management Act 1991 and other statutory documents: a brief precis of the portions of the Act related to the landscape resource is presented to refresh recollections of the objectives of the Act and the obligations that it sets before administrators, plus Local Authority Plans.

Methodology: a summary of the assessment process and the criteria used to analyse the landscape.

Landscape Units and Character Categories: 29 landscape units and 8 landscape categories were identified and are described, including identification of outstanding landscapes and features within each category. The value, vulnerability and overall value ratings for the category are presented, and issues identified in relation to both the category and landscape unit.] *

Conclusions: Conclusions relevant to the particular landscape category are identified and recommendations made about how the particular character of these categories may be protected in the District Plan without preventing development.

Overview of findings: highlights the main findings of the assessment

5.0 BRIEF

LA4's brief is to carry out an assessment of the landscape value of, and to articulate potential management strategies for, the landscape of Central Otago. More specifically, in order to help Central Otago District Council to meet its obligations under the Resource Management Act 1991, the landscape assessment set out to:

- Identify landscape units on the basis of consistent character, and describe their main physical characteristics. As part of that process LA4 has included aspects of the history of the land where available, particularly in terms of its effects on landscape.
- Assess landscape values in order to identify natural character values; landscape quality including aesthetic, heritage and rarity values; and landscape features; *
- Determine the landscapes visual absorption capability, and its vulnerability to change taking into account different viewing audiences and user groups - leading to an evaluation of overall sensitivity to subdivision, use and development or change in general.
- Develop a landscape ranking:
 - outstanding natural landscapes;
 - landscapes of district significance;
 - significant landscape features. *
- Come to conclusions about the values and sensitivities of all the units;

- Work with Robson Garland Ltd and Ian Brown Consulting to co-ordinate the processes associated with establishing wider public perceptions of landscape values;
- Work with the team on the District Plan provisions considered necessary to provide an appropriate response to the professional landscape assessment and to the outcomes of the focus groups and survey of public perceptions.
- Consult with Iwi and develop a partnership, to enable understanding of cultural values and areas of importance to Maori.
- At a later stage of the process LA4 to provide input into the formation of objectives and policies for the statutory management of Central Otago's landscape.

6.0 LEGISLATION AND STATUTORY DOCUMENTS

6.1 RESOURCE MANAGEMENT ACT

The Act largely addresses the country's landscape in Part 2 - "Purposes and Principles". Under Section 5 of Part 2, the Resource Management Act states its purpose as promoting ".....the sustainable management of natural and physical resources." Landscape is an expression of some of these resources and is covered by "amenity values" under the Act's definition of "Environment". Section 5 has an overarching status in Part 2 of the Act.

Sustainable management is defined as: managing the use, development and protection of natural and physical resources in a way and at a rate which enables people and communities to provide for their social, economic and cultural well being. Of relevance is the need to "sustain the potential of natural and physical resources..." and "Avoiding, remedying and mitigating any adverse effects of activities on the environment". While the District Plan's role is not to provide for social, economic and cultural wellbeing (doubtless because these are the things which adversely affect the environment) some of these things do benefit from the maintenance of a benign environment. Section 5 requires a balance between allowing people and communities to carry on with their desired activities and protecting the elements of the environment.

Section 6, "Matters of National Importance", is specific in stipulating that all persons exercising functions and powers under the Act shall recognize and provide for:

The preservation of the natural character of the coastal environment wetlands, and lakes and rivers and their margins, and protection of them from inappropriate subdivision use and development

- a) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;
- b) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna."

A significant requirement under the Act is therefore to assess the landscape of territorial areas and their coastlines, and to identify **outstanding landscapes**. It is

an expectation, therefore, that District Plans contain appropriate provisions identifying and providing for such preservation and protection. In Terrace Tower (NZ) Pty Ltd v Queenstown Lakes District Council, C111/2000 the Court observed that the RMA is at least partly about reasonable justified regulation. The Act authorises regulatory control where there are environmental concerns in terms of sections 6 and 7 and where such methods, on balance and in terms of section 32, would better achieve sustainable management than other methods. Because of the overarching status of Section 5, the methods adopted will have to allow people and communities to continue to provide for their social, economic and cultural wellbeing. In other words, although some regulatory provisions are an expected outcome, they should not unduly limit human activity.

Section 7, "Other Matters", requires those exercising functions and powers under the Act to have particular regard to:

- a) *"Kaitiakitanga:*
- b) *The efficient use and development of natural and physical resources:*
- c) *The maintenance and enhancement of amenity values:*
- d) *Intrinsic values of ecosystems:*
- e) *Recognition and protection of heritage values of sites, buildings, places or areas:*
- f) *Maintenance and enhancement of the quality of the environment:*
- g) *Any finite characteristics of natural and physical resources:...."*
- h)

Reference to the definitions of key words in these clauses illustrates that in a general sense the landscape and its management are central components of the environment required to be considered under Section 7 of the RMA. That is why the study has embraced the whole of the landscape of the district, not just the Outstanding Landscape which term can embrace only a small portion of the district.

Again, in the case of Section 7, Section 5 has an overarching status so a balance must be struck between human/community interest and environmental interests.

Section 8 again is subservient to Section 5. It requires the principles of the Treaty of Waitangi to be taken into account.

Section 31 prescribes the functions of Territorial Local Authorities. Effectively this requires the preparation of District Plans which contain the elements necessary to achieve the purpose of the Act and the control of adverse effects on the environment.

Section 32 provides a check on the methodology included in District Plans. It is there to make sure that unnecessary regulation is not adopted and that the methods used are the most appropriate. While Section 32 generally requires an examination of methods comparing them with each other and against the risk of taking no action. The latter, however, is not an option with Section 6 matters.

6.2 LANDSCAPE VALUES IN ADJACENT DISTRICTS

Dunedin City

Central Otago District has a long south eastern boundary with Dunedin City. The boundary runs on the west side of the Rock and Pillar Range. In the Dunedin City Plan this whole boundary length and the Rock and Pillar Range are identified as an Outstanding Landscape.

Southland Regional Landscape Assessment

A small section of the south western boundary of Central Otago District Council is aligned with the Southland Regional Council boundary.

In the Southland Regional Landscape Assessment 1997 in the section Outstanding Landscapes it states on page xiii:

Other special areas with characteristics that may be considered outstanding include the Inland Mountains..... Within these broad areas many natural features and landscapes have outstanding characteristics but they do not have the same uniform quality as Fiordland and Stewart Island.

The "Inland Mountains" category includes the Garvie Mountains part of which is in Central Otago.

Waitaki District Landscape Study 2004

Waitaki District shares a long boundary with Central Otago in the north eastern part of the District along the Hawkdun and Kakanui Ranges.

In this recently prepared landscape assessment, the west side of the Hawkdun Range (in Central Otago) is identified as being Regionally Significant, with the east side (in Waitaki District) as being identified as Proposed Significant Landscape. The east side of the Kakanui Range is identified as being a Proposed Significant Landscape.

Further north, at the northern end of St Bathans Range the landscape on the Waitaki District side is identified as a Proposed Outstanding Landscape.

These findings have not yet been included in the Waitaki District Plan.

Cross Boundary Issues

- Throughout the study, the team has been conscious of the potential for cross boundary issues to arise with adjoining local authorities. The potential for this stems largely from the requirement for each district to identify its own outstanding landscapes. What is outstanding or prominent within one district will be seen within the context of other parts of the district. Something more commonplace in Central Otago District for instance may be seen as outstanding in Dunedin City. Likewise, something rather ordinary in Southland District (when seen against the qualities of Fiordland) might be outstanding in Central Otago. Although this potential exists, we are confident that the differences in terms of district boundaries will not lead to any administrative difficulties.

7.0 METHODOLOGY

7.1 THE ASSESSMENT PROCESS

There is no universally accepted definition of Outstanding Natural Features and Landscapes, but case law does give some outline criteria for assessing landscapes. These criteria include natural science factors such as geology, topographic variability, ecological and dynamic components of the landscape; aesthetic factors; legibility; transient values; whether the values are shared and recognised, value to tangata whenua and historical associations. A landscape does not have to be pristine to be considered outstanding. (Nor can it necessarily be assumed that because it is outstanding that parts of it cannot absorb some change)

We know from Wakatipu Environmental Society Inc v Queenstown Lakes District Council, C180/99, that the word outstanding in section 6(b) of the Act means "conspicuous", "eminent", especially because of excellence and "remarkable in". A landscape may be magnificent without being outstanding. When being considered by a Regional Council outstanding is taken to be in terms of the region and when considered by a district, in terms of the district. While on a national basis a whole district could be comprised of outstanding natural landscape, this is not possible on a district basis. Outstanding natural landscape within a district will have qualities which make it stand out when compared with most of the rest of the district. The Court observed that usually an outstanding natural landscape should be so obvious (in general terms) that there is no need for analysis.

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Few district plans have attempted to define the terms "outstanding natural Landscape" or "outstanding natural features" but we think it is important to do so.

LA4 Landscape Architects has carried out a number of Regional and Local landscape assessments in New Zealand and the methodology used, and the results achieved, have been accepted by the public authorities and by the Environment Court. LA4's Landscape Assessment Worksheets, which are used to rate each landscape unit in the district, contains a range of criteria. These include aesthetic value (vividness, complexity, cohesion, legibility, and other less tangible values); natural character and heritage value including natural processes, patterns and elements and cultural associations (both Maori and Pakeha); rarity; visual absorption capability including land uses, vegetation cover and type and topographic diversity and type; as well as exposure and visibility. The ratings for each criteria are totalled up to achieve an overall sensitivity rating which identifies units which are outstanding, of district significance and so on.

In order to ensure that the values identified in the landscape assessment are shared and recognised, focus groups have been formed and a public preference survey has been carried out which identified the values that the public place on their landscapes. The LA4 Assessment Worksheets cover the criteria identified in case law.

7.2 LANDSCAPE UNITS

The assessment process subdivides the landscape into units which display a reasonably consistent landscape character derived from topography, land uses, vegetation cover, presence of water bodies or relationship with nearby bodies of water.

The edges of individual units were defined with regard to changes in landscape character or distinct changes in landform. In defining the boundaries of the landscape units however, it is important to appreciate that individual units are often affected to some extent - in terms of their character and general appeal - by the visible parts of units either side of them. They are also quite often affected by the more distant backdrop of mountains or hills well beyond the unit boundaries.

7.3 LANDSCAPE ASSESSMENT

An intensive field survey was carried out and a photographic record obtained (both standard and digital). Each landscape unit was identified and assessed using a "Landscape Assessment Worksheet". There is a photographic record for each landscape unit and the individual units were assessed on a scale of 1 (low) to 7 (high) for the criteria identified above to provide composite ratings for VALUE (quality) and VULNERABILITY. These are then combined to establish an overall rating for each unit.

The next step was to identify and record on the Landscape Assessment Worksheets the specific factors which contributed to the value and vulnerability ratings, and to assess their relative importance. These factors are important at both the micro and macro level. They include:

- *Physical elements that enhance landscape character and value;*
- *Patterns and compositional factors that enhance landscape character and value;*
- *Changes in the landscape that affect landscape character and value*
- *Elements that contribute to visual absorption capability*
- *Audiences exposed to the unit and their relative scale.*

As part of this stage of the assessment certain landscape features emerged as being significant though they may not necessarily be part of an outstanding landscape or one of district wide significance. These features include geological or features, lakes, and parts of rivers. These are marked with a purple dot on the plans.

7.4 OVERALL RATINGS

For each landscape unit an overall rating is assigned on the final page of the Landscape Assessment Worksheets. The sensitivity classes range from, in this case, 2 (low sensitivity) through to 7 (extreme sensitivity). These sensitivity classes, which are derived from the value, the vulnerability and the influential factors in each unit, are then related to the requirement under the Resource Management Act 1991 to protect outstanding landscapes (Section 6 – Matters of National Importance) in the following way:

Rating	Sensitivity	Protection under RMA	Colour on map
7	Extreme sensitivity	Outstanding Natural Landscape (ONL) – High natural character values; high landscape quality.	Dark blue
6	High sensitivity	Outstanding Natural Landscape (ONL) – High natural character	Light blue

		values; high landscape quality.	
5	Significant sensitivity	Landscape of District Significance. Above average quality, some high natural character values.	Light green
4	Moderate sensitivity	Average landscape quality.	Yellow
3	Limited sensitivity	Below average landscape quality.	Light orange
2	Low sensitivity	Fairly poor landscape quality.	Pink

The landscape units have been plotted on **Map 2 – Landscape Units** in the A3 booklet of illustrations as well as more detailed maps numbered 2.1 to 2.21.

7.5 LANDSCAPE CHARACTER CATEGORIES

Once the landscape units had been identified, these were amalgamated into landscape character categories. These categories incorporate landscape units of fairly consistent landscape character or which have similar features or elements in them, thereby facilitating the definition of objectives and policies for landscape categories.

Overall the assessment establishes the relative importance that should be attached to different landscapes and their individual components, enabling analysis of the likely effects of different types of development upon the wider landscape. This is based on the implications for individual landscape features and components and identification of specific audiences that would be affected.

7.6 VULNERABLE LANDSCAPES

In carrying out the assessment some landscape units emerged as being highly vulnerable to change. Though these units did not achieve a high enough overall rating to put them into the "outstanding" or "of district wide significance" category, they emerged as being particularly vulnerable to change for a number of different reasons. These were generally because they were either very open and flat with very little screening in the way of vegetation, landform or varying land uses.

7.7 NATURAL CHARACTER

Natural character effects are considered in relation to the natural processes, natural patterns and natural elements that are apparent in the landscape.

7.8 ALTERNATIVE METHODOLOGIES

The team is aware that there are "many ways to skin a cat" and it cannot be that all persons will agree with the LA4 methodology. We have become distinctly aware that the values people ascribe to the landscape are by no means universally shared either. Even such features as the Dunstan Range or the Sugarloaf Terrace at Lowburn are not seen as outstanding by all participants in the study. That is one

reason that LA4's methodology is first of all based on classifying landscape as to category and exercising its sensitivity to change. This gives the study a more easily universally shared basis. The methodology is well tried and well tested and has been used in a range of cases which have come before the Environment Court.

7.9 FINDINGS

Landscape Units

Unit 1	Lindis Pass
Unit 2	Flat land associated with Clutha and Lindis rivers
Unit 3	Clutha River north of Lake Dunstan
Unit 4	Flat topped glacial river terraces
Unit 5	Pisa and Dunstan Ranges
Unit 6	Foothills of Pisa, Kakanui, Old Man Ranges and Mt Buster
Unit 6a	Magdalen Hills
Unit 7	Lake Dunstan
Unit 8	Fruit growing flats – Earnsclough, Ripponvale, Roxburgh, Ettrick
Unit 9	Kawarau Gorge
Unit 10	Hector Mountains, Nevis Valley, Garvie and Old Woman Ranges
Unit 11	East side of Carrick Range
Unit 12	Valley south of Bannockburn
Unit 13	Cairnmuir, Obelisk and Old Man Range
Unit 14	Clutha River south of Clyde Dam
Unit 15	Hawkdun & St Bathans Ranges and Mt Ida
Unit 16	Foothills of the Dunstan Range north west of the Manuherikia River.
Unit 17	Northern Knobby, Lammerlaw and Lammermoor Ranges
Unit 18	Conroys and Chapman Road area
Unit 19	Sloping plain east of Dunstan Range
Unit 20	Raggedy, Rough, North Rough, Rock and Pillar Ranges
Unit 21	Lower Manuherikia River
Unit 22	Lake Onslow, Greenland, Mannorburn, Poolburn.
Unit 23	Ida Valley, Maniototo, Taieri Plains
Unit 24	Kye Burn and side streams
Unit 25	Kakanui Mountains
Unit 26	Upper Taieri Scroll River
Unit 27	Upper Manuherikia River
Unit 28	Bannockburn and Clutha River towards Kawarau Gorge
Unit 29	Southern Old Man and Knobby Ranges.

Significant Landscape Features³

Sugar Loaf and Bendigo glacial river terraces
 Rocky backdrop to Alexandra
 Flat Top Hill
 Kye Burn
 Upper Taieri Scroll River
 Lake Onslow, Mannorburn and Poolburn
 St Bathans Lake

Landscape Character Categories

Refer to Map 3 – Landscape Categories in the A3 booklet of illustrations.
The landscape character categories are:

A – The Main Ranges

Landscape Units: 1, 5, 10, 11, 13, 15, 17, 20, 25 and 29⁴

B – Fruit growing areas and open plains

Landscape Units: 8, 28

C – Valleys and Open Plains

Landscape units: 2, 12, 23

D - Rivers

Landscape units: 3, 9, 14, 21, 24, 26, 27,

E - Terraces

Landscape Units: 4, 19.

F - Lakes

Landscape Units: 7, 22.

G – Foothills

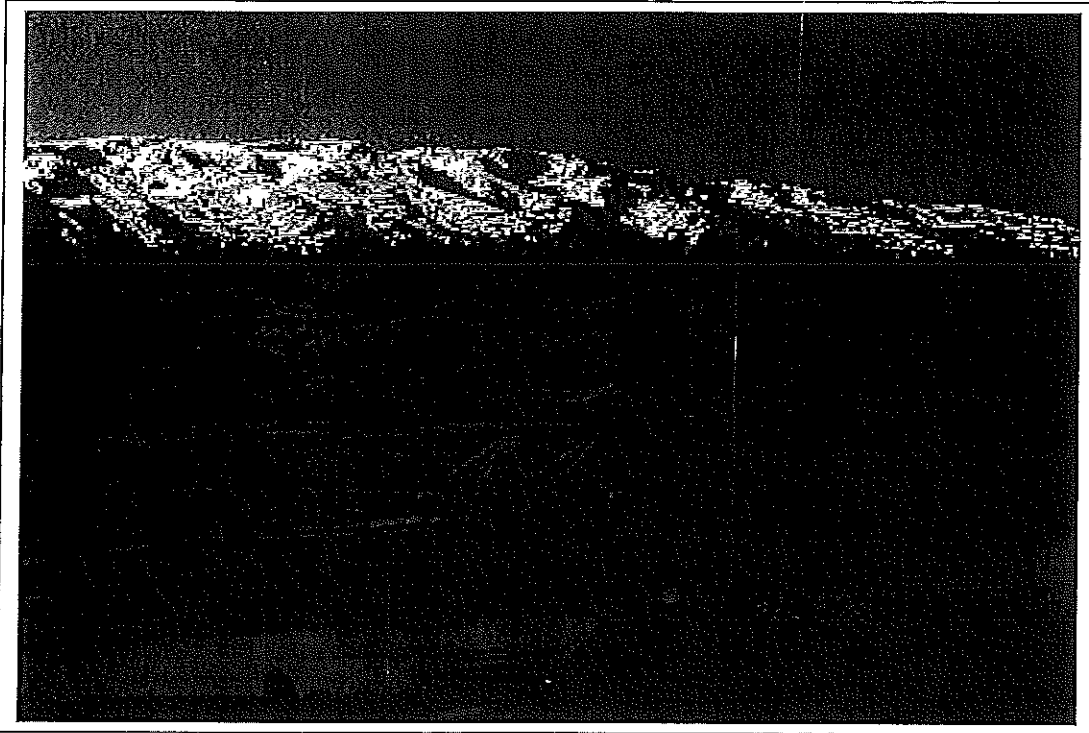
Landscape Units: 6, 6a, 16.

H- Conroys and Chapman Road area

Landscape Unit 18

8.0 LANDSCAPE CHARACTER CATEGORIES

A - The Main Ranges



Pisa Range

Description

This category includes 10 landscape units.

- Lindis Pass (Unit no. 1)
- Pisa and Dunstan Ranges (5)
- Hector Mountains, Nevis Valley , Garvie and Old Woman Ranges (10)
- East side of Carrick Range (11)
- Cairnmuir, Obelisk and Old Man Range (13)
- Hawkdun & St Bathans Ranges and Mt Ida (15)
- Northern Knobby, Lammerlaw and Lammermoor Ranges (17)
- Raggedy, Rough, North Rough, Rock and Pillar Ranges (20)
- Kakanui Mountains (25)
- Southern Old Man and Knobby Ranges (29).

This landscape category comprises the main mountain ranges of Central Otago. They form the large structural elements in the landscape, and the backdrop to most views in Central, and they vary in character and in height. Driving around Central Otago one is confronted with a new dramatic view of the ranges at every turn.

The mountains generally run in a south west to north east alignment with valleys or rivers between them. Most of the peaks are over 1600m above sea level, with high points in the Hawkdun and Hector Ranges being over 2000m.

From a landscape point of view the appearance of these ranges varies considerably. Some have the schist rock outcrops known as "tors", the best examples decorate the Dunstan, Old Man, Obelisk, and Rock and Pillar Ranges⁵. Others have the distinctive sharp edged flat crest viewed from the west and south, particularly the Hawkdun and St Bathans Ranges, which are very well known through the paintings by Grahame Sydney. The St Bathans and Hawkdun Ranges also mark the transition between schist and greywacke rocks and there are few tors on them. In parts of the ranges there are steep rocky faces, and scree slopes, while others are block ranges with lakes on the tops. Some are heavily dissected, others have quite a smooth rolling landforms with plateau tops.

In spring and early summer parts of the ranges are bright green while during winter many parts are tussock coloured with snow covered tops.

In terms of vegetation the most distinctive features of the ranges are the tussock grasslands which in places stretch as far as the eye can see. Up on the very tops of the highest ranges only herb fields and sparse cushion plants survive, and in places there are bogs, lakes, wetlands and small circular lakes at the head of catchments. Lower down there are areas of mixed tussock, snow grass and shrublands. There are small clumps of bush up in the high passes and gullies, and in others there is matagouri and Coprosma.

In the southern most unit where there is higher rainfall, the hills around Eitrick are green pasture usually on the tops of ridges with bush or shrublands in the gullies, and Douglas Fir or pine. The land appears more cultivated than in the northern units.

Except for the southern unit, which is modified, most of these landscapes appear essentially "natural" rather than "cultural" meaning that they largely retain their natural character rather than having been significantly changed by rural activities.



Some of these units have very high aesthetic values, and high natural character, and some of the key elements that are rare or unique in the District such as their landform or vegetation. This category is distinguished by the lack of man made structures in them. In some places there are roads and access tracks and very few fences, one or two farm buildings in the high country valley floors, an occasional crib by a lake, power lines, and radio masts. In places there are the remains of old gold mine tailings and low hydro installations.

Most of these units are subject to small to moderate viewing audiences from passing travelers on main or local roads. The Raggedy Range forms the backdrop to the Central Otago Rail Trail, and the Raggedy, Rough and North Rough, and Rock and Pillar Ranges form the backdrops to the large open valleys between them. The higher parts of each range are seen by larger viewing audiences from many parts of Central Otago. The Dunstan and Pisa Ranges have a large viewing audience because of the proximity of Cromwell, Alexandra and the main roads that track through them.

Outstanding natural landscapes

- Pisa and Dunstan Ranges (5)

⁵ Wild Central, by Neville Peat and Brian Patrick

- Hector, Nevis Valley, Garvie and Old Woman Ranges (10) ✓
- Hawkdun and St Bathans Ranges (15)



Landscapes of District significance

- Lindis Pass (1)
- Cairnmuir, Obelisk, and Old Man Range (13)
- Northern Knobby, Lammerlaw and Lammermoor (17)

Analysis

Noticeable in some of the units which are predominantly tussock landscapes there are different farming practices being undertaken, particularly new pasture regimes that have occurred in recent years. To prepare the ground for pasture the land is initially disked, and is then cropped with turnips or swedes to improve soil quality. Once the turnips have been harvested pasture is sown using a rye grass mix. This regime results in a bright green grass cover for at least part of the year, which is in distinct contrast to the surrounding indigenous tussock, both visually and in terms of natural character values.

In some parts of Central Otago, for example on the lower slopes where they form a continuation of the green pasture slopes below, these regimes are appropriate. Up on the tops of the ranges and in some of the high country valleys where there is unbroken tussock grasslands from one range to another, these farming regimes are less appropriate in visual and landscape terms.

Other elements that affect landscape character and value include power lines, the effects of cuttings to create roads and tracks on hillsides with some erosion as a result, the spread of wilding pines in some areas, hydro installations with pipes, channels and power stations, and the lack of native vegetation particularly in the gullies.

Visual Absorption Capability (VAC)

Visual absorption capability varies in these units. Six of the ten units have quite low tolerance of change because they have a homogenous sweep of tussock over almost their entire surface, and in one unit the tussock covers the valley and the two mountain slopes on either side. These units are open and exposed, vegetation has no height to screen new developments, and land uses and rural activities are unobtrusive. These units also have a wild and remote quality.



Other units in this category are less vulnerable to change because of their undulating landform, tors and a more obviously farmed character.

The VAC ratings vary from 6 (low tolerance to change) to 4 (moderate tolerance).

Natural Character Values

Of the ten units in this category six have high or very high natural character values. Except for the lower slopes of some ranges, the natural processes, patterns and elements in these units have been retained.

Conclusions

Although this view is not universally shared for all the features, we believe these are some of the most important and representative landscapes of Central Otago.

An expansion of the new farming regimes into tussock country will be inappropriate in a visual and landscape sense in many of the units in this category. Forestry would also have an inappropriate effect.

The effects of cutting tracks and roads in hillsides and the resulting erosion can have effects on the natural character of the landscape.

The spread of wilding pines is becoming quite an issue for Central Otago and also the lack of native planting in stream gullies.

The effect of rural residential subdivision on the ranges and hills is likely to be inappropriate.

Potential Methods for the District Plan

The usual role of a district plan would be to contain objectives and policies dedicated to providing an appropriate level of protection for the natural character of the ranges. A council objective would be for instance, to retain the quality and natural character of the ranges including their vegetation characteristics. At the same time, a parallel and complementary objective could be to accommodate a small amount of rural residential development provided that it is well screened either by existing vegetation or landforms and not on skylines, ridges or promontories. Buildings, for instance, can be appropriately sited in valleys or in pockets between rocky outcrops where they are not obvious.

The majority of these areas should remain in primary production. The ranges contain many vehicle tracks and there are signs of past and present human activity over much of the area but these features provide very little detracting from the naturalness of the landscape. It is too strong for that. There is some potential for less domesticated (more natural) areas to be protected, for instance by open space covenant. Such protection might well be taken into account in considering the merits of subdivision and development applications. In some cases landowners have agreed to open space covenants already and there could be a mechanism for taking this into account when considering a development proposal. These mechanisms could be included for applications for discretionary activity.

Individual houses and other buildings on already existing certificates of title or on farm sized allotments (as a density standard rather than one related to economic factors) should be permitted subject to minor controls such as for reflectivity colour, materials, height, bulk and specific location. This could be achieved by a low order

of resource consent application such as controlled activity or limited discretionary activity both of which would not normally be publicly notified. The Council would, however, have the power to require notification should the potential for adverse effects require it.

Proposals for subdivision and development for residential purposes would require more comprehensive planning. For instance, a development plan might be required to illustrate how the proposal responds to the landscape character of the category, defining a building platform on each lot. Such plans would provide a landscape structure plan for the entire development parcel and the Council would need to be satisfied that the proposed development with its specified building platforms would not generate significant detrimental effects on the landscape character of the area. Such developments might well be required to be processed via a full discretionary consent which, generally would be publicly notified. Should such developments be approved, conditions would be imposed to ensure that any adverse effects are avoided or appropriately mitigated. It would be less appropriate to allow this sort of development on higher slopes or in units with a wild and remote quality or vulnerable to change.

It would be usual for the district plan to contain guidelines for both the developer and consent authority. In addition, guidelines could be produced as an independent publication.

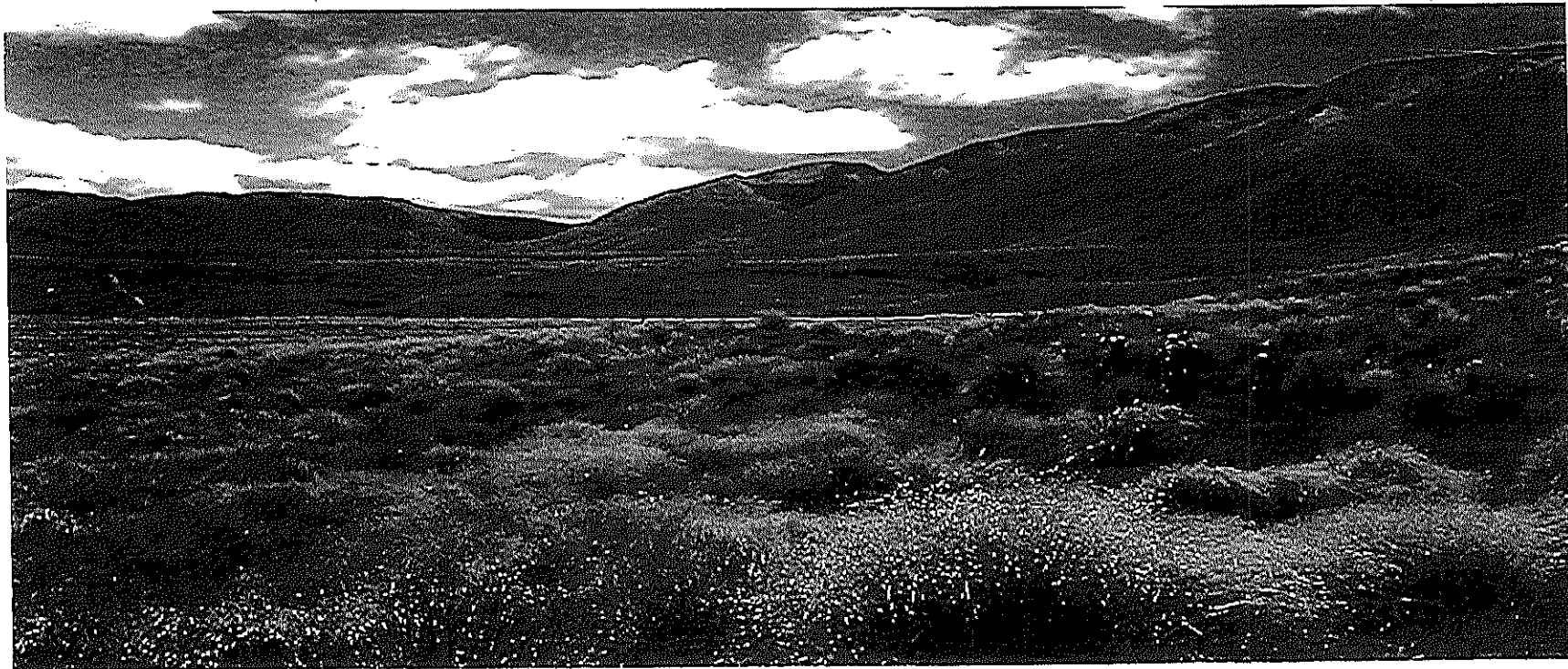
PLAN CHANGE 5 LANDSCAPE MAPS

www.coedc.govt.nz/~~planchange5~~

SCHEDULE 19:22

Landscape Assessment Maps

CENTRAL OTAGO DISTRICT RURAL REVIEW LANDSCAPE ASSESSMENT MAPS



AUGUST 2008 (ISSUE L)



LIST OF LANDSCAPE UNITS

Unit 1	Lindis Pass		
Unit 2	Flat land associated with Clutha and Lindis rivers		
Unit 3	Clutha River north of Lake Dunstan	Unit 23	Ida Valley, Maniototo, & Taieri Plains
Unit 4	Flat topped glacial river terraces	Unit 24	Kye Burn & Side Streams
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Unit 6	Foothills of Pisa, Kakanui, Old Man Ranges and Mt. Buster	Unit 26	Upper Taieri Scroll River
Unit 6a	Magdalen Hills	Unit 27	Upper Manuherikia River
Unit 7	Lake Dunstan	Unit 28	Bannockburn & Kawarau arm of Lake Dunstan
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Unit 19	Sloping plain east of Dunstan Range		
Unit 19a	Waikerikeri Valley		
Unit 20	Raggedy, Rough, North Rough, Rock & Pillar Ranges		
Unit 21	Lower Manuherikia River		
Unit 22	Lake Onslow, Greenland, Manorburn, & Poolburn		

SIGNIFICANT LANDSCAPE FEATURES

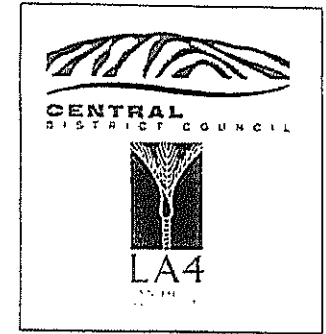
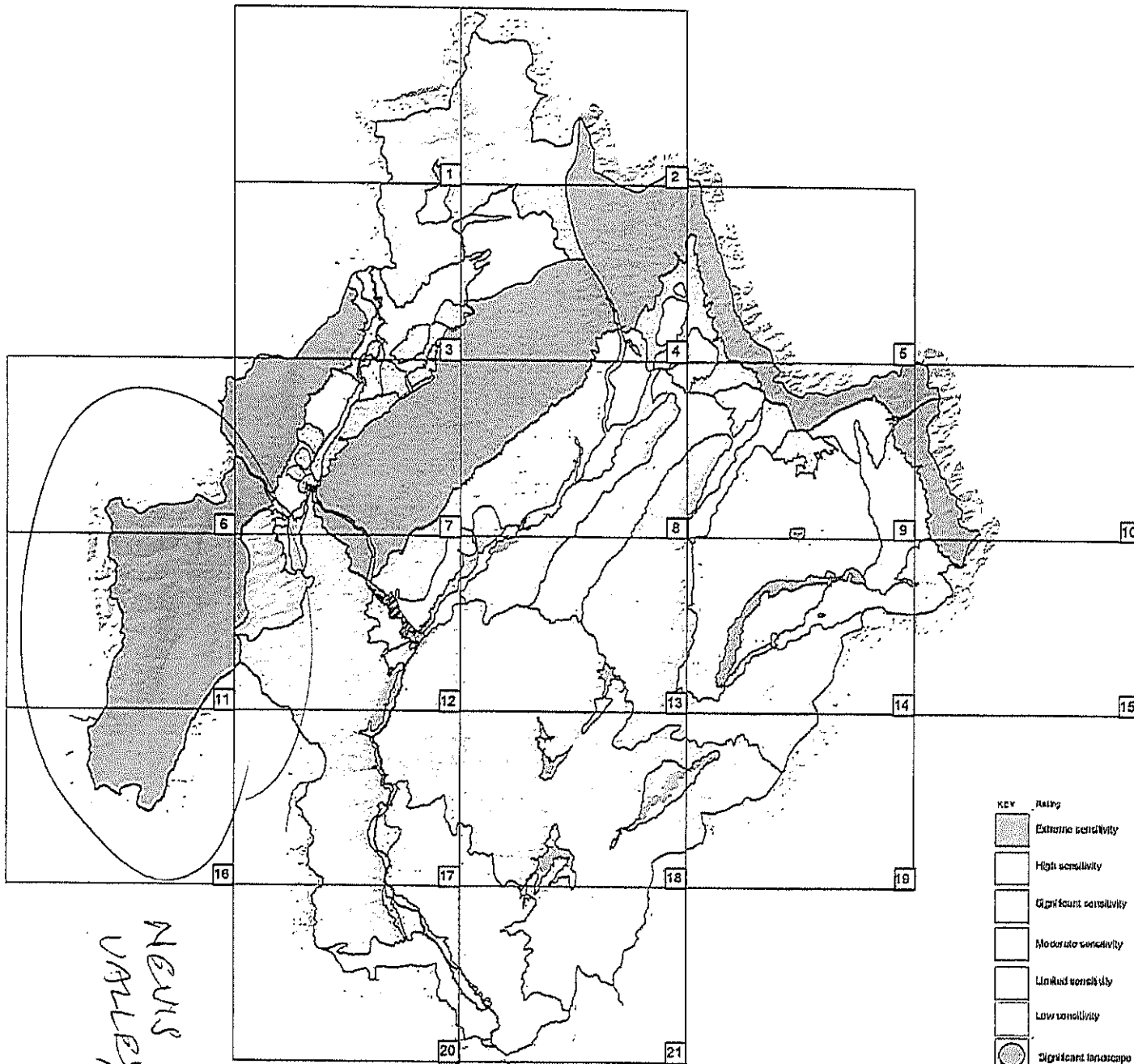
Sugar Loaf and Bendigo glacial river terraces
 Rocky backdrop to Alexandra
 Flat Top Hill
 Upper Taieri Scroll River
 Lake Onslow, Manorburn and Poolburn
 St. Bathans Lake
 Tiger Hill



Project
 Central Otago District
 Landscape Assessment

Information:
 Scale: NA
 Date: 29.08.08
 Issue: K

Landscape Unit List



Project

Central Otago District
Landscape Assessment

Information:

Scale: 1: 600,000 @A3
Date: 29.08.08
Issue: L

Location:

1	2
3	4 5
6	7 8 9 10
11	12 13 14 15
16	17 18 19
20	21

KEY	Rating	Values
	Extreme sensitivity	High natural character values high landscape quality
	High sensitivity	High natural character values high landscape quality
	Significant sensitivity	Above average quality some high natural character values
	Moderate sensitivity	Average landscape quality
	Unlikely sensitivity	Below average landscape quality
	Low sensitivity	Fairly poor landscape quality
	Significant landscape feature	

Map 2: Landscape Units
2.0