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# **STATUTORY ASSESSMENT MT CASS WIND FARM**

PREPARED FOR

**MAINPOWER NEW ZEALAND LIMITED**

**NOVEMBER 2007**



**ADVANCE WITH ATTITUDE**

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# Statutory Assessment

## Regional Policy Statement Assessment

### Canterbury Regional Policy Statement.

Section 75<sup>1</sup> of the Resource Management Act 1991 states that a district plan must not be inconsistent with a regional policy statement. The Canterbury Regional Policy Statement (RPS) contains a number of resource management issues relevant to this proposal particularly with regards to the following:

- Matters of resource management significance to Tangata Whenua
- Provision for the Relationship of Tangata Whenua with Resources
- Soil and Land use
- Landscape, Ecology and Heritage
- Water
- Beds of Rivers and Lakes and their Margins
- Air
- Energy
- Transport
- Natural Hazards
- Hazardous Substances.

Given the relevant objectives and policies of the Hurunui District Plan are beyond challenge, it can be assumed that the principles of the RPS are subsumed in those objectives and policies.

## District Plan Objectives and Policies

### The use of non-renewable resources – land and soil resources

The District Plan identifies that the land and soil resource is the most important non-renewable resource in the District. The District Plan seeks to protect the land and soil resource from activities that may affect its life supporting capacity. The use of land and soil resources is considered a key element for the well-being of present and future generations.

The following objective and policy seeks to manage the adverse effects of land use activities on the land and soil resource. This is to occur in such a manner that maintains its availability and enables a wide range of opportunity for its use, while avoiding or mitigating adverse effects on its life supporting characteristics. In particular, soil degradation, erosion and contamination are to be avoided.

The relevant objectives and policies are:

#### *Objective 1*

*To maintain those physical and biological characteristics of the soil of the District which enable them to retain their life supporting capacity and to sustain plant growth.*

#### *Policy 1.1*

*To provide for land-based and related activities while avoiding or mitigating any adverse effects on the life supporting characteristics of soils.*

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<sup>1</sup> As it was prior to change in 2005, being the relevant provision in this circumstance.

#### *Anticipated environmental results*

*The implementation of these policies and methods is anticipated to have the following relevant environmental results:*

- *A diverse range of activities undertaken in a manner that is consistent with maintaining the life supporting capacity of soils.*
- *Minimal loss of the most versatile soils*
- *Efficient use of less versatile soils with minimal adverse effects*
- *Minimal adverse environmental effects from the subdivision and land use of activities on the quality and quantity of the District's land resources, particularly the high country*

The explanation to Policy 1.1 recognises that activities which are not land-based still need to be provided for. It is identified that the consent process will be used to assess the impact of activities on the District's land and soil resource.

The application site does not contain soils of high versatility and, as such, will not support a range of productive uses. The application site, and its immediate wider area, is currently used for animal grazing. The proposal will not displace or negate the ability for this land-based, rural activity to continue. The existing rural uses and the proposed Wind Farm can largely co-locate and continue to function effectively without tension or interference. Further, the proposal will not result in any adverse effects on the life supporting characteristics of soils. Erosion, soil degradation, and contamination will not occur. Effects on the soil will be managed and controlled during the construction process. Storage of hazardous substances will be properly managed and controlled. Finally, recontouring, re-application of topsoil and replanting/regrassing, will retain the life supporting capacity of the soil and sustain plant growth.

The proposal will achieve the District Plan's environmental results anticipated for its land and soil resource because it is an activity that does not result in any loss of high versatile soils, is an activity that maintains the life supporting capacity of soil, and will result in the efficient use of less versatile soils with minimal adverse effects on the environment.

### **Ecosystems - significant natural resource**

The District contains many natural resources that contribute to its natural character. They are of importance to the community for their intrinsic, natural and ecological values. Without suitable land management practices, their values may be degraded or lost.

The following objective and policies seek to recognise the importance of significant natural areas, vegetation and habitats and ensure that adverse effects on their ecological functioning, integrity and natural values are avoided, remedied or mitigated.

The relevant objectives and policies are:

#### *Objective 2*

*Protection and enhancement of the life supporting capacity and the ecological intrinsic, conservation and cultural values of the District's natural resources.*

#### *Policy 2.1*

*To identify significant natural areas within the District, including areas of indigenous vegetation, habitats of indigenous fauna, wetlands and natural features.*

#### *Policy 2.2*

*To avoid, remedy or mitigate adverse effects on the ecological integrity, functioning, habitat values, natural character or amenity of resources of significant natural and cultural value.*

### *Policy 2.3*

*To promote the rehabilitation or enhancement of significant natural resources which have been adversely modified, where that enhancement will achieve a long-term improvement to the values of the resource and improve the biodiversity and life-supporting capacity of indigenous ecosystems for areas with important ecological values.*

#### *Anticipated environmental results*

*The implementation of these policies and methods is anticipated to have the following relevant environmental results:*

- *The identification of important natural resources and their values in the District through further research and investigation*
- *The establishment of an integrated comprehensive management system for the District's important natural resources*
- *Adverse environmental effects on important natural resources and ecosystems will be avoided, remedied or mitigated*
- *The protection, enhancement or rehabilitation of important natural resources.*

The site of the proposal, including the access, is not within a significant or potentially significant natural area identified in the District Plan. The closest area is located to the south of the Wind Farm site and east of the access road (Planning Map 4a). However, the site does have areas of high quality, indigenous vegetation that are recognised as having important ecological values, particularly in terms of providing habitat for indigenous fauna.

Overall, the proposal will not have a significant adverse impact upon the intrinsic, natural or ecological values associated with existing areas of indigenous vegetation. Further, the proposal will not have an adverse effect on the values associated with the nearby significant or potentially significant natural area. Careful consideration of turbine layout and design has meant that removal of vegetation is kept to a minimum.

Further, the proposal provides for active management and re-establishment of indigenous vegetation within the application site. This will ensure the long term functioning and protection of the remnant bush, and the adjoining significant or potentially significant natural area identified in the District Plan, as important habitats as well as improving biodiversity, ecological and amenity values.

The proposal will achieve the environmental results anticipated for the District's significant natural resources. Land management practices will enhance and protect the important ecological values of both existing areas of vegetation and should enhance the adjoining significant or potentially significant natural area identified in the District Plan.

## **The water resource**

The District Plan recognises that the quality and quantity of the District's rivers, streams, lakes and wetlands are under pressure from the adverse effects of land use.

To recognise the value of the water resource to the community, the following objective and policy seek the protection and enhancement of the water resource by avoiding, remedying or mitigating adverse effects of land use activities thereon.

The relevant objectives and policies are:

*Objective 4*

*The protection and enhancement of the quality and quantity of the District's geothermal and freshwater resources, and the recognition of their value to the community.*

*Policy 4.1*

*To avoid, remedy or mitigate the adverse effects of land use activities on the quality and quantity of water resources.*

*Anticipated environmental results*

- *The implementation of these policies and methods is anticipated to have the following environmental result:*
- *Adverse effects from activities on the District's water resources (including surface activities) and riparian areas, including their natural and physical characteristics, will be avoided, remedied or mitigated.*
- *Protection of the water resource of importance to mahinga kai*

The proposal does not interfere or interface with any significant surface or sub-surface water body or riparian area. Ephemeral streams in the locality are likely to occur during periods of high or prolonged rainfall. There is the potential for sediment run-off into these which may impact upon the District's water resource. Mitigation measures to be adopted as part of the overall project design to address this short term effect and will also ensure that hazardous substances and storage of materials do not affect water quality.

The proposal will achieve the environmental results anticipated with respect to the District's water resources as potential and actual adverse effects on these resources will be avoided, remedied or mitigated.

## **Maori resource management values**

The District Plan acknowledges the need to recognise and provide for Maori perspectives of resource management is an important matter under the Act. The following objectives and policies seek to integrate the concept of kaitiakitanga (guardianship) into the management of the environment, protect places and resources of special values to Maori, and encourage active consultation with tangata whenua.

The relevant objectives and policies are:

*Objective 5*

*The integration of kaitiakitanga, as held by tangata whenua, into the sustainable management of the District's natural and physical resources.*

*Policy 5.1*

*To recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral lands, water sites, waahi tapu, and other taonga.*

*Anticipated environmental results*

*The implementation of these policies and methods is anticipated to have the following relevant environmental results:*

- *The protection and enhancement of taonga of importance to tangata whenua as appropriate to their needs and values*
- *The use of traditional tangata whenua approaches in the management of the District's natural and physical resources*

### *Objective 6*

*The recognition and implementation of the principles of the Treaty of Waitangi in the sustainable management of the District's natural and physical resources.*

### *Policy 6.2*

*To recognise the principle of partnership in decision-making on the use, development and protection of the District's natural and physical resources.*

Meaningful and mutually beneficial consultation has occurred with Tuahuriri Runanga. As an outcome of this consultation MainPower commissioned a cultural impact assessment of the proposal. The appropriate individual's to undertake this work were identified by the Runanga and commissioned by MainPower. The resulting cultural assessment is included within Appendix F. This identifies that it is unlikely that there will be significant cultural concerns, provided that:

- a) The concept and design of the proposal does not differ from the information provided without further consultation; and
- b) MainPower and the Runanga reach agreement regarding how the recommendations provided in the Cultural Impact Report are addressed.

To ensure the continued protection and enhancement of taonga of importance to Tangata Whenua, MainPower propose an Archaeological Sites Protocol and Wāhi Taonga/Wāhi Tapu and Urupā Protocol as part of the project proposal.

## **Landscape and environmental amenity**

The District contains a variety of natural features and landscapes which give it its distinctive character. The District Plan identifies that these important values are in danger of being degraded or lost as a result of inappropriate subdivision, use and development.

The objectives and policies seek to protect and enhance the character and amenity values associated with the valued natural features and landscapes of the District. The District Plan does this by identifying these valued natural features and landscapes, and managing change within them in such a way as to avoid, remedy or mitigate adverse effects of development.

The relevant objectives and policies are:

### *Objective 7*

*To protect and enhance the natural features and landscapes of the Hurunui District which are valued by the community by managing change and the landscape in a manner that has particular regard to natural processes, features, elements, and the heritage values, which contribute to this resource's overall character and amenity value.*

### *Policy 7.1*

*To identify and monitor the significance to the community of natural features and landscapes.*

### *Policy 7.2*

*To encourage subdivision, use and development activities to be undertaken in such a way that the natural features and landscapes which contribute to the amenities of the District are protected and enhanced.*

### *Policy 7.3*

*To control subdivision, use and development where there would be adverse effects on outstanding natural features or landscapes and to avoid or mitigate the effects*

*on areas which have a high degree of naturalness, visibility, aesthetic value or expressiveness.*

*Anticipated environmental results*

*The implementation of these policies and methods is anticipated to have the following relevant environmental results:*

- *Protection and enhancement of important natural features and landscapes*
- *Adverse effects on natural areas and landscapes are avoided, remedied or mitigated.*

The site of the Wind Farm is not identified within the District Plan as an outstanding, important or valued landscape or natural feature. The district plans approach to the management of other natural features and landscape is through encouragement and control of wilding trees in forestry management areas (Policy 2 and the resulting methods). The Wind Farm's visibility does not result in a significant effect on Mt Cass Ridge.

## **Access to resources of significant value**

The District Plan identifies that public access to resources is an issue in terms of managing natural features, landscapes and other natural resources, as well as sites of heritage or cultural values. However, it further recognises that the demand for public access to resources of significant value to the community can conflict with both the need to protect the environmental values of those resources and recognising landowners' rights.

The objective and policies seek, firstly, to strike a balance between facilitating, supporting and promoting public access to resources of significant value where it will not have an adverse effect on them. Secondly, it recognises the rights and interests of landowners in terms of their ability to use and occupy land without undue disruption to their own activities.

The relevant objectives and policies are:

*Objective 9*

*The maintenance and enhancement of public access to natural and physical resources of significant value to the community, where it will not have an adverse effect on, or conflict with, the value of the resource, the natural character, public safety or other legally entitled uses or users of the area.*

*Policy 9.1*

*To facilitate the systematic formation of public access to resources of significant community value.*

*Policy 9.2*

*To provide for the creation of appropriate means of access to the resources of value as determined by the specific circumstances.*

*Policy 9.3*

*To maintain and enhance public access to significant natural resources which protects natural, ecological, cultural, safety and other values relevant to the resource and limits any conflict between other legally entitled uses all users of the area.*

*Policy 9.4*

*To encourage the voluntary formation of access.*

*Policy 9.5*

*To recognise the rights and interests of private property in the process of identifying and obtaining the appropriate form of access to resources of significant community value.*

*Policy 9.6*

*To support community and private initiatives which seek to provide and improve public access to resources of significant value.*

*Anticipated environmental results*

*The implementation of these policies and methods is anticipated to have the following relevant environmental results as listed in the Plan:*

- *Maintenance and enhancement of public access to, and around areas of significant value, except in those circumstances in which access is constrained to protect ecological or cultural values, provide security or to provide for the safety of people.*

The District Plan does not identify the application site as being of significant value. However, there is currently an existing public walkway that follows a paper road up to, but stops short of, Mt Cass. The proposal seeks to enhance the existing public access opportunity by extending it into part of the application site. The extended public access route will be maintained by MainPower.

The proposal will achieve the environmental results anticipated with regards to public access to resources as it will result in the maintenance and enhancement of existing public access opportunities.

*Objective 10*

*A healthy and safe environment within the District and maintenance and/or enhancement of amenity values which the community wishes to protect.*

*Policy 10.3*

*To maintain and enhance environmental amenity by ensuring that the development and distribution of facilities and service avoids, remedies or mitigates adverse effects.*

*Policy 10.5*

*To avoid, remedy or mitigate the adverse effects of activities on amenity values.*

*Policy 10.5a*

*To avoid, remedy or mitigate the adverse visual effects of buildings and structures sited on prominent ridges or immediately adjacent to strategic arterial, district arterial and collector roads or to Lake Sumner Road.*

*Policy 10.9*

*To control noise emissions at levels acceptable to the community and, where they exceed those levels, generally maintain a separation distance between those noise-emitting activities and sensitive activities.*

*Anticipated environmental results*

*The implementation of these policies and methods is anticipated to have the following relevant environmental results:*

- *The maintenance of amenity values as appropriate to particular areas of the District.*
- *An acceptable level of noise and air quality throughout the District.*

While it is accepted that the Wind Farm is sited on a prominent ridge, it is considered the proposal will not have a significant impact on the overall visual appearance or amenity values of the District. The District Plan does not identify Mt Cass as an outstanding landscape nor a significant/potentially significant natural area. The overall project design, construction approach and mitigation measures to be adopted are such that the overall appearance is not inappropriate and any visual effect will not be significant. Cuts and batter slopes have been kept to a minimum. Mitigation measures such as re-contouring, top-soiling and re-grassing disturbed areas will reduce adverse visual effects. Overall, the intrinsic qualities and amenity values associated with the Mt Cass will be retained.

As identified in the assessment of effects, the proposal will comply at all rural residential sites with the guideline limits set out in *NZS6808:1998 Acoustics – Assessment & Measurement of Sound From Wind Turbine Generators* and the construction of the Wind Farm will comply with the noise limits set out in *NZS6804:1999 Acoustics – Construction Noise*. Therefore, any noise generated by this proposal does not create a noise nuisance or problem for the community and as such is acceptable.

The proposal achieves the environmental results anticipated for landscape values and noise emission by ensuring that any potential or actual adverse effect on the amenity values of the receiving environment are avoided, remedied or mitigated.

## **Energy production and use.**

The District Plan identifies a particular issue of the District relating to energy production and use, being the use of renewable energy resources thereby minimising the depletion of non-renewable resources.

In addition to achieving efficient production and use of energy, the relevant objective and policy identified seeks to promote the opportunities for the use of renewable energy resources.

The relevant objective and policy are:

### *Objective 11*

*Efficient production and use of energy within the District*

#### *Policy 11.1*

*To promote the responsible extraction and use of energy to reduce waste and improve efficiency.*

#### *Policy 11.3*

*To promote opportunities for the use of renewable energy resources.*

### *Anticipated environmental results*

*The implementation of these policies and methods is anticipated to have the following relevant environmental results:*

- *Increased efficiency in the extraction and use of energy*
- *Reduced consumption of non-renewable energy resources.*

The District Plan identifies that District's energy needs could be met through use of renewable energy resources. While it is accepted that this objective and policies do not promote the establishment of wind farms per se, the proposal will assist in achieving its outcomes sought. It is efficient to produce energy close to where it will be used as there are significant energy transmission efficiencies. Further, energy produced by the Wind Farm will, in part, be substituted for energy produced from non-renewable resources.

## Infrastructure and development

Infrastructure is an essential part of the District's physical resources. The District Plan identifies that the maintenance of the District's infrastructure is essential to the social, economic and cultural wellbeing of its people, as well as their health and safety. The District would not be able to function effectively or efficiently without adequate infrastructure. However, the District Plan identifies that such activity has the potential to create adverse environmental effects, particularly in sensitive areas such as the high country or on ridgelines.

The District Plan seeks to achieve the efficient and effective provision of infrastructure throughout the District while avoiding, remedying or mitigating adverse effects of constructing and maintaining the infrastructure resource. It does this by ensuring that utilities and services meet environmental standards, by promoting co-siting of facilities where technically viable, and taking into account locational and operational requirements, particularly when assessing alternative methods, sites and locations.

The relevant objectives and policies are:

### *Objective 12*

*An environmentally sustainable infrastructure and pattern of development, meeting both the needs of today's community and the reasonably foreseeable needs of future generations.*

### *Policy 12.1*

*To provide for essential utilities and services that meet environmental standards.*

### *Policy 12.4*

*To require an assessment of alternative methods and sites for proposed infrastructure developments with significant implications for resource use or adverse environmental effects.*

### *Policy 12.5*

*To promote the appropriate co-siting of compatible infrastructural facilities where technically viable.*

### *Policy 12.6*

*To take into account the locational and operational requirements of a utility, when considering possible alternative locations for the establishment and the design and appearance of the utility.*

### *Policy 12.10*

*To promote safe and efficient use and development of the transportation network.*

### *Anticipated environmental results*

*The implementation of these policies and methods is anticipated to have the following relevant environmental results:*

- *An efficient and effective infrastructure throughout the District*
- *Avoidance, remediation or mitigation of the adverse effects of constructing and maintaining the District's infrastructure*
- *Development of more sustainably based infrastructure*

The proposal will provide important service, infrastructure and associated utility to meet the energy needs of today's North Canterbury's community and the foreseeable needs of future generations. Electricity is an essential component of the wellbeing of this community. The project design, construction approach and mitigation measures to be adopted will ensure that the provision of such service will be provided in such a manner that minimises the potential for actual or adverse environmental effects on the environment.

The proposal will not result in any increased risk to road user safety. Any traffic generation associated with the proposal will be at its highest during the construction period. However, the effect will be temporary and will not be significant. Ongoing traffic generation after this period will be minimal. Overall, the proposal will not have an adverse effect on the property accesses or the safe and efficient functioning of the transportation network.

The selection of a potential site for a wind farm involves multiple considerations. Developing this proposal required a number of design iterations which involved input from engineering, environmental, resource management, electrical and other aligned specialists. After careful consideration, the Mt Cass site was selected.

This proposal achieves the environmental results anticipated with regards to infrastructure and development as it promotes the provision and functioning of safe, effective and efficient infrastructure and transportation networks while avoiding, remedying or mitigating adverse effects on the environment.

## **Hazardous substances**

The District Plan acknowledges that any activity which involves hazardous substances has the potential to cause significant adverse effects on the environment. The policies of the District Plan seek to minimise the risk of adverse effects to the environment resulting from the extraction, manufacture, storage, use, disposal and transportation of hazardous substances.

The relevant objectives and policies are:

*Objective 15*

*Minimise risk of damage to people, communities and environment from hazardous activities and the use of hazardous substances.*

*Policy 15.4*

*To control the potential adverse effects of the use of land for the storage, use, disposal or transportation of hazardous substances.*

*Anticipated environmental results*

*The implementation of these policies and methods is anticipated to have the following relevant environmental results:*

- *Avoidance of environmental damage from hazardous substances*
- *The safe storage and disposal of hazardous substances within Hurunui District*
- *Adequate responsiveness to emergencies and to the environmental restoration of contaminated sites*

The proposal will involve the use and storage of hazardous substances, particularly during the construction period. The operation of the Wind Farm will involve the use of oil in transformers and fuel for the operation of the turbines. Comprehensive mitigation measures will be undertaken during the construction period. Mitigation measures to be adopted as part of the construction process minimise the potential risk of accidental spill or discharge occurring. Hazardous substances will be stored in bunded locations and emergency spill kits will be available onsite during construction. In the long term, any hazardous substances required for ongoing operational use will be stored and appropriately contained in secure locations. Consequently, the potential for adverse effects associated with the storage and use of hazardous substances will be properly controlled and managed.

This proposal achieves the environmental results anticipated.

## **District Plan Assessment Criteria**

The relevant assessment criteria have been considered by experts in their respective reports and have been addressed further in the assessment of effects section. Further, many of the policies are further informed by these assessment matters. Therefore were considered at the time the relevant objectives and policies were analysed. As such, assessment matters relevant to this proposal have been identified and given due consideration.

The relevant assessment criteria are set out below.

### *C1.2.2 General assessment criteria for land use consents*

- (a) That the design and location of any proposed building is in sympathy with the environment and is not considered to detrimentally affect the visual amenity of the area;*
- (b) The nature of any goods or products, including hazardous substances, that are to be used or stored on the site and the degree to which they affect the quality of the locality or public safety;*
- (c) The hours of operation or frequency with which the activity is proposed to be undertaken and the extent to which it will affect the amenity of the area in terms of noise generation, effect on public safety and efficiency, privacy and community identity and character;*
- (d) The outcome of any recommendations made by a relevant expert;*
- (e) The outcome of any consultation undertaken with the Regional Council, the Department of Conservation, the iwi or any other organisation;*
- (f) The degree to which any adverse environmental effects are to be remedied to [sic] mitigated;*
- (g) The extent to which any ecological, heritage, conservation and landscape values of the area will be maintained and enhance.*

### *C1.2.4 Specific criteria for assessing land use consent applications – District-wide matters*

- (a) Environmental Amenity*
- (ii) Height:*
  - The extent to which the proposed buildings will be compatible with the scale of other buildings in the surrounding area;*
  - The effect of the increased height in terms of visual dominance by buildings of the outlook from other sites, roads and public open spaces in the surrounding area, which is out of character with the local environment;*
  - The extent to which the increased height would have an adverse effect on the sites in the surrounding area in terms of loss of privacy through being overlooked from neighbouring properties;*
  - The extent to which the proposed building will overshadow adjoining sites and result in reduced sunlight and daylight admission and;*
  - The ability to mitigate any adverse effects of increased height, such as through increased separation distances between the building and adjoining sites or the provision of screening and;*
- (iii) Artificial light:*
  - The effect of the light on the adjoining and other properties;*
  - Whether a reduction in the size of the glare source is possible; and*
  - Whether the direction in which the light is aimed and the duration and hours of operation of the activity requiring the lighting can be changed to reduce adverse effects.*

- (iv) *Noise:*
  - *That the proposed noise levels will not create a nuisance to any person;*
  - *That the frequency and duration of the proposed noise above the level in the District Plan is insufficient to cause a significant adverse effect on the amenities of the surrounding sites;*
  - *The necessity for the frequency, duration and level of noise, having regard to the best practicable options, the nature of productive rural activities in the rural areas, and other land use activities within the locality;*
  - *That the proposed noise levels will not adversely affect the health and safety of any person; and*
  - *Any recommendations from a suitably qualified person(s)*
  
- (viii) *Earthworks:*
  - *The visual impact on the immediate vicinity and on any areas of landscape value;*
  - *The effects of sediment and stormwater run-off on stream systems, habitats and adjacent properties;*
  - *The effects on groundwater quality and quantities, including from leachate;*
  - *The effects on amenity values;*
  - *The ability to mitigate any adverse environmental effects, including the site and vegetation restoration, landscape treatment and planting, and engineering measures;*
  - *The removal of material by wind, and any off-site effects and;*
  - *Any activities which will enhance the use of the site.*
  
- (b) *Landscape*
  - (i) *General:*
    - *In assessing any application for an activity in an area identified by the Plan as outstanding, reference should be made to landscape studies and reviews relevant to the Hurunui District.*
  - (ii) *Forestry, earthworks or clearance:*
    - *Visual effects;*
    - *Effects on pest and weed control, particularly wilding tree spread;*
    - *Effects of stormwater and sediment runoff off-site;*
    - *Effects on erosion control and soil and water conservation;*
    - *Effects on ecological systems;*
  
- (d) *Transportation*
  - (i) *Traffic generation:*
    - *Any adverse effects in terms of noise and vibration from vehicles entering or leaving the site or adjoining road, which is incompatible with the noise levels acceptable in the area;*
    - *Any adverse effects in terms of glare from headlights of vehicles entering or leaving the site which is an intrusion for residents or occupants of adjoining residential sites;*
    - *Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road;*
    - *Any cumulative effect of traffic generation from the activity in conjunction with the traffic generation from other activities in the area; and;*
    - *The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or the provision of screening.*

- (v) *Property accesses*
- *Whether the access point is sufficiently removed from any intersection having regard to traffic volumes on the roads, and the 85<sup>th</sup> percentile speed of vehicles using the roads, to prevent conflict and confusion between vehicles turning at the access point or at the intersections;*
  - *Whether there is a need to separate entry and exit points in order to reduce potential traffic confusion and conflict;*
  - *Whether the physical form of the road will minimise the adverse effects of access (e.g. whether the road offers good visibility, whether a solid median barrier will stop unsafe right hand turns or a flush median will assist right hand turns);*
  - *Whether particular mitigation measures, such as a deceleration lane, are required due to speed and volume of vehicles on the road;*
  - *The design of the crossing will facilitate traffic exiting the site to safely enter the traffic stream;*
  - *Whether there is adequate queuing and parking space on the site so that vehicles do not queue over vehicle crossings or on roading network;*
  - *The design of the crossing in relation to pedestrian and cycle safety;*
  - *The effects of the location of the access on the amenity and safety of the neighbouring properties;*
  - *Any cumulative effects of the introduction of extra access points in relation to access for other activities in the vicinity;*
  - *Whether the proposed activity contributes to ribbon development along the roading network;*
  - *The potential for any increased risk to road user safety.*
- (e) *Utilities*
- *In addition to offer relevant considerations, applications for utilities will be assessed against the following criteria:*
- (i) *General*
- *The reasons for the proposed location, site or route;*
  - *Whether the external appearance of the facility is compatible or acceptable in relation to the visual character of the area;*
  - *The degree to which the proposed utility and its location can meet the minimum levels for radio frequency emissions set out in NZ 6609:1990 or any subsequent standard at any point where the facility could be approached by the public;*
  - *Effects on the technical, operational or safety performance of other public utilities within close proximity of the proposed facility;*
  - *The benefits of the facility to the community;*
  - *The technical, operational or safety performance of other public utilities within close proximity of the proposed facility; and*
  - *The degree to which any adverse environmental effects are to be remedied or mitigated.*
- (f) *Natural Environment*
- (i) *Conservation areas*
- *The nature, form and extent of the proposed activity and the effect of these factors on the character and integrity of the scheduled resource;*
  - *Any measures proposed which will protect or enhance the characteristics of the conservation area;*
  - *The availability of alternative sites, not being a conservation area, which could accommodate the activity;*
  - *The relative biological, ecological, or other importance of the affected area including its rarity, population size, density and biological diversity;*

- *The effects of any vegetation removal on soil erosion, land stability, landscape features, water quality and vegetation species;*
- *Whether the proposal will affect matters of cultural or spiritual significance to tangata whenua; and*
- *The outcome of any consultation undertaken with the Department of Conservation, Regional Council or any other relevant person or body, including any recommendations made by those parties.*

#### *C1.2.6 Assessment criteria for discretionary and non-complying activities*

*The assessment of a restricted discretionary activity, discretionary activity or non-complying activity shall include an assessment of the following factors. Whether:*

- (a) The degree of non-compliance with any particular condition, standard or term is minor, having regard to the purpose of that control; or*
- (b) It is unreasonable to require compliance with the condition, standard or term; or*
- (c) Conditions can be imposed to avoid or mitigate any adverse environmental effects resulting from the non-compliance with any condition, standard or term.*
- (d) Features about the site make compliance difficult, including its size, shape, access, topography, geotechnical constraints, or the presence of a natural hazard or vegetation.*
- (e) Aspects relating to existing development makes compliance difficult, including the location or layout of existing buildings, the need for architectural coherence, the restoration or renovation of features, heritage features, the provision of special facilities for the community or groups within the community (such as the disabled).*
- (f) There are unusual amenity circumstances, including improvements to amenity on-site or in the immediate vicinity, the retention of vegetation or open space, screening, or shading, the preservation of privacy, to the improvement of public views.*
- (g) There are special environmental considerations, including noxious, dangerous, offensive or objectionable land uses in close proximity to the site, an unusually located building on an adjacent site, preservation of the natural character of the area or the enhancement of the neighbourhood environment quality.*
- (h) There are unusual traffic (vehicular or pedestrian) conditions, including the volumes of traffic, traffic safety, efficiency of traffic movement, unusual traffic patterns, pedestrian amenity, adequate alternative provision for parking, improvement to existing parking, the design of access and parking facilities, and improved on and off site access.*
- (i) Conformity with the relevant industry codes of practice.*

## **Proposed Canterbury Natural Resources Regional Plan**

### **Chapter 4: Water quality**

#### *Policy WQL1 Point source discharges to surface water*

- (1) Before allowing a point source discharge of:*
  - (a) a contaminant, excluding those contaminants specified in Policy WQL 2, into surface water or onto land where a contaminant may enter surface water, ensure that:*
    - (i) measures are or will be applied to avoid the production of the contaminant, or to reuse, recover, or recycle materials to minimise the volume and concentration of the contaminant in the discharge, and*
    - (ii) the discharge to an existing treatment and discharge system or network is not a practical alternative, and a discharge into*

or onto land cannot be undertaken in accordance with Policy WQL6.

- ...
- (2) *If the requirements of Policy WQL1(1) are satisfied and a discharge of a contaminant or water into water in a river or lake is necessary:*
- (a) *the following matters shall apply when determining the size of a Zone of Non-Compliance, where the water quality standards for the river or lake may not be achieved:*
    - (i) *the discharge of a contaminant shall be into water and the Zone shall be as small as practicable, and either alone, or in combination with other Zones of Non-Compliance shall not occupy a significant proportion of the receiving water body; and*
    - (ii) *take into account the assimilative capacity of the receiving water under low flow conditions for the river, or low levels for a lake, or the equivalent flow or level where the flow has been modified by any take, use, dam, diversion or discharge; and*
    - (iii) *the Zone shall not create a barrier to fish migration or limit contact recreation in areas which support high levels of use; and*
    - (iv) *the Zone shall not result in a significant impact on Ngāi Tahu cultural values; and*
    - (v) *the discharge shall not result in the accumulation of persistent compounds in aquatic ecosystem or in sediment within the Zone of Non-Compliance; and*
  - (b) *the water quality, outside of the Zone of Non-Compliance in a river or lake shall meet the standards specified for that river or lake either in Schedule WQL1 or in a relevant water conservation order.*
- (3) *Where the existing surface water quality does meet the water quality standard for the water body specified in Schedule WQL1, the discharge shall not be allowed unless it can be demonstrated that the adverse effects of the discharge on the receiving water quality, outside of the Zone of Non-Compliance, are not likely to result in water quality which is less than the water quality standard set for the receiving water.*

*Policy WQL2 Prevent the discharge of certain contaminants to surface water  
Avoid significant adverse effects on water quality, and associated ecological, amenity and cultural values of surface water, by:*

- ...
- (5) *minimising the risk of an accidental discharge of a hazardous substance into surface water. Measures to minimise the risk include requirements that:*
- (a) *a hazardous facility, waste storage facility, or a pipeline should not be located where there is a significant risk that the facility or pipeline could be:*
    - (i) *flooded; or*
    - (ii) *affected by subsidence or slippage of land; or*
    - (iii) *disrupted by permanent ground deformation as a result of movement on an active fault line; and  
there is a practical possibility of a discharge entering a river or lake; and*
  - (b) *best practices are used in the design, construction and use of a hazardous facility, waste storage facility, or a pipeline, to prevent a discharge entering a stormwater system or entering surface water as a result of:*
    - (i) *routine use of a hazardous substance; or*
    - (ii) *leakage from a facility or pipeline; or*

- (iii) *seismic activity that is likely to result in structural damage from ground motion or liquefaction.*

Policy WQL1 seeks to first avoid the production of contaminant and where it is necessary to discharge the contaminant, seeks water quality outcomes are met. The relevant part of Policy WQL2 relates to minimising discharges from hazardous substances and hazardous facilities by location and design.

There are no permanent surface water bodies within the Wind Farm site. The Wind Farm construction activities will occur in proximity to the heads of ephemeral surface water bodies. In addition, sections of the access road will be constructed close to an intermittent or ephemeral water body. Construction activities have the potential to result in organic matter and sediment reaching surface water bodies if not appropriately managed. Sedimentation source management, including erosion control and revegetation, is incorporated into the construction requirements of the Wind Farm. In addition, where there are potential sources of sediment and organic matter, appropriate management is to be implemented as part of the site development, including by managing stormwater. All hazardous substances will be appropriately stored to minimise the risk of surface water contamination. Where required, during construction spill kits will be available on the site.