

BEFORE THE HURUNUI DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an application by MainPower New
Zealand Limited for Resource Consent to establish the Mt
Cass Windfarm

STATEMENT OF EVIDENCE OF JANE WHYTE

Qualifications and Experience

- 1 My name is Jane Whyte. I hold the degrees of Bachelor of Arts and Master of Regional and Resource Planning from Otago University. I am a full member of the New Zealand Planning Institute. I am a Director of RESPONSEPLANNING Consultants Limited. I have over sixteen years planning and resource management experience.
- 2 I am familiar with the application site and the surrounding area. I have also visited windfarms and individual turbines in New Zealand.
- 3 I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this statement of evidence are within my area of expertise.
- 4 I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed. Further, within my evidence I record those witnesses that I rely upon in order to make my assessment.

Introduction

- 5 My evidence addresses:
 - a) The form of the application
 - b) The statutory and other documents relevant to the consideration of the application
 - c) Part II of the Resource Management Act 1991 ("the Act")
 - d) Proposed Conditions.
- 6 My evidence focuses on what I consider the key matters are. I have a number of appendices (Appendices 1-5) containing the detailed evaluation I have undertaken with respect to the relevant statutory and other documents. These detailed evaluations inform the overall assessment undertaken in my evidence.
- 7 Having considered the above matters in my evidence my key conclusions are:

- a) The resource consent to enable the establishment, operation and maintenance of the Mt Cass windfarm is to be assessed as a discretionary activity.
- b) A proposal of this type and scale necessarily results in changes to the environment and some actual and potential adverse effects. The key effects relating to this proposal are:
 - (i) The visual change to the rural environment due to establishment of the wind turbine structures.
 - (ii) The physical loss of vegetation from the construction of the roading and turbine platform areas.
- c) The visibility of the wind turbines cannot be avoided. The operational requirements are such that they must be located where the wind resource is available, in this case on the ridge. Within New Zealand windfarms have all been located in rural environments. While a change in the visual character will result through the visibility of wind turbines, the overall environment still retains rural characteristics.
- d) As expanded by the evidence of Mr Hurley, the site contains significant vegetation. The evaluation of its significance has been undertaken with respect to relevant criteria. Once the windfarm is established the site will continue to meet the criteria for significance. Overall the project's incorporation of planting, pest and weed control and permanent protection of part of the site by a covenant will result in an overall gain to the ecological values, should this project proceed.
- e) There are a number of actual and potential effects that will result. The proposal incorporates a comprehensive package of mitigation measures which are reinforced through proposed conditions. These proposed conditions will appropriately manage the effects of the proposal.
- f) There are a number of positive effects associated with this project. In particular it will provide an electricity generation facility in North Canterbury, promotes a distributed electricity supply and is a renewable energy project with national and local benefits.
- g) An overall evaluation of the proposal in light of the statutory and other relevant documents shows the proposal is consistent with their general direction and principles.

- h) The appropriateness or otherwise of the Mt Cass windfarm proposal must be considered as part of an overall balance of all relevant matters in accordance with Part II of the Act. In my assessment, this overall balance is favourable to the proposal.
- 8 I have read all of the submissions received to the application. In addition, I have read the section 42A report prepared by Ms Rigg. I understand that she will be providing proposed conditions as an addendum which I will comment on once they are received. I have also read the reports by Mr Camp, Mr Rough and Mr Lloyd.

Form of the resource consent application

- 9 I was primarily responsible for compiling the resource consent application supporting MainPower's proposal. When preparing the application I was mindful that section 88 of the Act prescribes the form the application must take (i.e. Form 9), and that it must include assessment of effects on the environment prepared in accordance with Schedule 4. Submitters have expressed concern that the application does not meet the requirements of the Act.
- 10 For any resource consent application the overarching consideration is the application is of sufficient detail and particularity that the consent authority and any potential submitter can understand the nature and scope of the application; and are able to assess its effects on the environment without needing to engage in their own detailed investigations – though they obviously may choose to do so. To achieve this good resource management practice requires a resource consent application to, amongst other things, include:
 - a) A clear description of the proposal, including what the proposal is for, where it will occur and what are the works that may result in adverse effects on the environment that require consideration; and
 - b) Assess the effects on the environment in such detail which corresponds to their significance and scale.
- 11 MainPower's application is presented using a consenting 'envelope' approach which defines the outer edges of the application and the effects on the environment. To achieve the envelope approach in the application, three different turbine envelopes were created grouping the potential different sized turbines into the R90, R60 and R33 categories described by Mr Hurley.

- 12 Within the envelope approach, the proposal is defined by the outer extent of the land area affected and the likely greatest or largest combination of construction and operational activities. The effects on the environment are generally assessed based on the potential combinations of the effects of the three turbine categories which result in the greatest level of effect. The exception to this is visual effects where separate photo-simulations are provided for each turbine envelope.
- 13 I note that unlike some other windfarm applications, MainPower's application is not made on the basis of a maximum turbine number and height approach. Because of the inclusion of the R33 turbine category, such an approach is unrealistic in this situation as the combination of the number of the R33 turbines together with the scale of the R90 turbines can never arise on this site.
- 14 MainPower's application is for all three turbine categories, not one of the three categories. This is because of the reasons explained by Mr Hurley. Therefore, the application is not inviting a choice be made between the turbine categories. The application is made on the basis that the windfarm is appropriate if constructed using any of the three turbine envelopes.
- 15 This envelope approach provides for the siting of turbines, access roads and facilitates within the indicative construction corridor. Some flexibility is sought in the locations of the turbines to enable optimum siting of all the turbines. Once the turbine is selected and initial siting completed further micro-siting of the above facilities will occur as part of the detailed design and construction of the windfarm. Micro-siting allows optimisation of the construction and operational aspects of the windfarm and refinement of the mitigation of adverse effects on the environment. The micro-siting will not increase adverse effects on the environment beyond those identified in the resource consent application.
- 16 In my experience, the consent envelope, turbine flexibility, and micro-siting approaches are commonly used in large infrastructure projects. Many of the successfully consented windfarms in New Zealand have been on this basis. Where MainPower's approach differs from similar consented proposals is that it is more specific as to layout, particularly the road alignment and the indicative construction corridor.
- 17 In my view, the form of the application meets the requirements of the Act. Any reasonable person can understand the proposal for which MainPower seeks consent. Further, the assessment of effects on the environment is of sufficient detail to allow parties to assess how the proposal effects the environment, albeit that the assessment provided is conservative. The consent authority considered this to be the situation at the time of the public notification of the application. The envelope approach achieves this while recognising the commercial realities MainPower is working within.

Statutory context

- 18 Resource consent is sought for the whole project, including the construction, operation and maintenance of a windfarm, including ancillary activities on the site.
- 19 The proposed site is zoned Rural in the Hurunui District Plan ("the District Plan").
- 20 The District Plan shows a small part of a Significant Natural Area being located on the site. Significant Natural Area 9 is located outside of the Indicative Construction Corridor and is not directly affected by any of the proposed construction works. The District Plan does not identify any other features on the relevant Planning Maps on the application site.
- 21 I have completed an evaluation of the rules in the District Plan and this is contained in Appendix 1. My assessment is that overall the application is to be considered as a discretionary activity. This accords with the view of Ms Rigg expressed in the section 42A report.
- 22 As a discretionary activity any decision is to be made in accordance with section 104 and 104B of the Act. Subject to Part 2 of the Act, this includes having regard to any actual and potential effects on the environment, any relevant provisions of relevant policy statements and statutory plans, along with any other matters relevant and reasonably necessary to determine the application.
- 23 In accordance with section 104B, there is discretion to either grant or refuse the application and, if granted, conditions can be imposed under section 108 of the Act.
- 24 In this situation the statutory plans considered are the District Plan, the Canterbury Regional Policy Statement ("RPS"). There are also a number of other documents relevant for consideration as other matters under section 104(c) of the Act. These include: the Proposed National Policy Statement for Renewable Electricity Generation; the New Zealand Energy Strategy; Biodiversity Strategies (New Zealand, Canterbury and Hurunui); and the Canterbury Conservation Management Strategy. These are fully evaluated in Appendices 2-6 to my evidence. The key matters of relevance are specifically addressed in the evaluative sections of my evidence.
- 25 I have not attached an evaluation of the Natural Resources Regional Plan or the Transitional Regional Plan as any consents under these Plans (if required) will follow at the detailed engineering design stage of this project. I am confident that neither of these Plans raises matters for consideration that are not found within the RPS or the District Plan.

Evaluation

- 26 Drawing on my evaluation in these Appendices, I will focus my evidence on those key resource management matters fundamental to the outcome of my section 104 evaluation.
- 27 Within each topic I identify the following matters:
- a) Background matters including:
 - (i) Links with other parts of my evidence
 - (ii) A summary of the key matters of relevance
 - (iii) Other evidence I rely upon
 - b) Evaluation including:
 - (i) The relevant statutory documents (the District Plan and RPS)
 - (ii) Other relevant matters including non-statutory documents.
 - (iii) Consideration of the overall matters of relevance.

Benefits and Positive Matters

Background

- 28 In this section I consider the benefits and positive aspects of the proposal.
- 29 There are strong links between this section of the evidence and the evaluation I have completed under Part II of the Act, particularly as it relates to social and economic wellbeing.
- 30 A summary of the key matters of relevance are:
- a) the proposal will result in benefits at a:
 - (i) national level – through implementing the specific direction of government energy policy and through the provision of a renewable energy generation facility. The windfarm should lower wholesale electricity prices and save annual national generation costs over the life of the windfarm, reduce national transmission losses and reduce overall CO² emissions.
 - (ii) regional level – through improving regional output, added value and jobs.

- (iii) local level – through increase in employment opportunity, increased recreational opportunity and through the provision of a community fund to the local Waipara and Omihi Community.
- b) while there are impacts and changes to other natural resource values the benefits of electricity generation must be considered in undertaking any overall evaluation of the effects or appropriateness of the Mt Cass proposal.
- 31 In this evaluation I rely on the evidence of Mr Alan Berge, Mr Todd Mead, Mr Andrew Hurley, Mr Philip Wong Too, Mr Phil Donnelley and Mr Rob Greenaway. In particular I recognise that:
- a) The key focus is that utilizing wind as a renewable resource will have a number of positive environmental effects at a national level, regional and local level
 - (i) Regional output could increase by \$118M Net Present Value ("NPV") to \$209M NPV added value by \$69M NPV to \$126M NPV and job years by 433 to 723, over the life of the windfarm.
 - (ii) The windfarm should lower wholesale electricity prices and save annual national generation costs by between \$20M and \$46M or by \$150M to \$340M NPV over the life of the windfarm.
 - (iii) The windfarm should reduce national transmission losses and reduce overall CO2 emissions by between 35,000 and 79,000 tonnes
 - (iv) Wholesale electricity prices in MainPower's distribution area are expected to reduce by \$400,000 to \$900,000 per annum.
 - b) There are benefits to having a distributed electricity system. Currently North Canterbury does not have any significant generation capacity. Mt Cass represents the first.
 - c) There are specific natural resource requirements necessary to establish a windfarm – primarily the existence of a wind resource with the right physical characteristics. Mt Cass has these characteristics.
 - d) In order to harness the wind resource there are logistical and technical constraints which mean that the wind turbines must be located on the ridge as proposed in the application.
 - e) MainPower is a locally owned company with a strong association and commitment to the local area. In addition to any dividends being returned to the owners of

MainPower, a separate fund will be set up to provide local funding for projects in Waipara and Omihi

- f) The proposal will enhance the recreational experience in the local area. The windfarm itself is likely to become a destination in its own right, and the provision of enhanced public access to part of the proposal site is a benefit of the project.

32 I note that some key benefits to sustaining the overall ecology of the site are identified by Drs Norton and Bishop. I have specifically considered these matters in the ecology section of my evaluation.

Evaluation

33 The statutory planning documents of relevance are the RPS and the District Plan. Within the District Plan the provisions of most relevance are those addressing:

- a) access to resources of significant value (Objective 9 and Policies 9.1-9.6) which seeks to promote public access to both natural and physical resources of significant value - other than esplanade reserves there are no rules that implement these policies;
- b) energy production and use (Objective 11 and Policy 11.1) which promotes opportunities for the use of renewable energy resources. There are no rules which implement these policies; and
- c) Infrastructure and development (Objective 12 and Policies 12.1, 12.4, 12.5 and 12.6) which address the provision of infrastructure services and utilities.

34 Within the RPS, Chapter 14 - Energy is relevant. In particular Objective 1 seeks to reduce Canterbury's dependence on non-sustainable energy sources; and Policy 1 promotes the use of energy from renewable sources consistent with sustainable management of natural and physical resources, including the promotion of the substitution of fossil fuels with renewable sources. I note that the reference point for promoting energy from renewable sources within the RPS is to the sustainable management of natural and physical resources. This requires an overall evaluation and consideration of all of the relevant matters of Part II of the Act.

35 There are also a number of other energy policies and strategies relevant to this proposal. These can be considered as other matters under section 104(c). The most relevant are the New Zealand Energy Strategy (NZES) and the Proposed National Policy Statement for

Renewable Electricity Generation (NPSREG). The National Policy Statement, once operative will influence the development of regional policy statements, and regional and district plans under the Act. A copy of the Proposed National Policy Statement is included in Appendix 6. In addition to these two there are also other documents and strategies that are relevant. Mr Mead has addressed these others in his evidence. In my assessment the intent and direction of the other strategies addressed by Mr Mead are generally consistent with the two I have focused on. I have not therefore specifically referenced these other documents.

- 36 The NZES is a 'whole of system' strategy covering electricity, transport, technologies, energy efficiency and energy affordability. It sets out the government's vision for a reliable and resilient system delivering New Zealand sustainable, low emissions energy services. In particular, it specifically addresses the challenges of climate change and improving the security of energy supply.
- 37 A key implementation tool in the NZES is the development of the NPSREG. A Proposed National Policy Statement has been prepared. Submissions closed on 31 October 2008. It states that the need to develop, upgrade, maintain and operate renewable energy generation activities throughout New Zealand is a matter of national significance. The specific objective of the NPSREG is to recognise the national significance of renewable electricity generation and it identifies that by 2025 90% of New Zealand's electricity will be generated from renewable sources.
- 38 The overall policy direction is to recognise the benefits of renewable electricity generation activities, at any scale, as being of national significance (Policy 1); to acknowledge the practical constraints associated with the development of new renewable electricity generation activities when considering measures to avoid, remedy or mitigate the adverse environmental effects (Policy 2); and to have regard to relative degree of reversibility of adverse effects associated with particular proposed generation technologies (Policy 3).
- 39 The overall direction within all of the above documents is generally consistent as they all:
 - a) Recognise that electricity is a key resource and that security of supply is important
 - b) Recognise the benefits of renewable electricity in providing for electricity needs
 - c) Promote the development and use of renewable electricity.
- 40 The RPS and NPSREG recognise that there can be tensions between different values in the provision of renewable electricity generation activities. The RPS seeks consideration of the electricity generation in the context of sustainable management, which includes consideration and balancing of all matters in Part II, both positive and negative. The NPSREG recognises

that the nature, location logistical or technical practicality, amongst other things, can impose constraints on the ability to avoid, remedy or mitigate the adverse environmental effects of renewable energy sources.

- 41 It is obvious that the Mt Cass windfarm is a renewable electricity proposal. In itself this means that there are a number of benefits of the project relating to climate change and potential for reduced carbon emissions. These benefits result primarily at the national level and are significant benefits. This is consistent with the direction of the relevant documents identified above.
- 42 In addition to the national benefits, significant benefits will occur at the regional and local level because of the applicant's status as a community owned company. There is no major electricity generation activity within North Canterbury. This project will promote a distributed and resilient electricity system. The specific location is in close proximity to existing transmission infrastructure and will contribute to a reduction of Canterbury's dependence on non-sustainable energy sources.
- 43 Mr Berge identified the community fund to be established by MainPower will specifically provide for and benefit the two local communities of Waipara and Omihi. This is in addition to the benefits to community wellbeing derived from any dividends provided to the whole MainPower coverage area. These matters are of direct relevance to Policy 1 in the RPS and are consistent with the overall direction of the other matters identified above.
- 44 The proposal includes the provision of public access to the site, which is not currently available. This was explained by Mr Greenaway. The provision of the public access will mean that people are able to access the windfarm (which is likely to be considered a significant community recreational attraction and physical resource), as well as access the natural resources of the site. This is consistent with the District Plan and regional policy statement provisions, including the objectives and policies relating to promoting access.
- 45 In my evaluation tensions do not exist between this proposal and the overall direction and specific provisions of the NZES, the NPSREG and the identified objectives and policies of the District Plan. With respect to the RPS, it is necessary that a proposal be considered within the overall context of sustainable management. Having considered all of the relevant matters within my evaluation on Part II, I conclude that overall this proposal is consistent with sustainable management and therefore meets the direction in the RPS relating to energy.

Landscape, Natural Feature, Visual effects and Amenity Values

Background

46 In this section I consider those parts of the proposal relevant to landscape and visual matters, natural features, and amenity. I also address the matter of the Coastal Environment.

47 There are strong links between this section of the evidence and Part II of the Act, particularly section 7 amenity values.

48 A summary of the key matters of relevance are:

- a) The proposed site does not constitute an outstanding natural feature or landscape.
- b) The proposal will result in a visual change to the current environment in that wind turbines and associated infrastructure will be developed.
- c) Whether that change is perceived as being positive or negative depends on individual's perception of wind turbines.
- d) The proposal does not result in inappropriate activity within with rural environment of Hurunui District.
- e) The key consideration for this proposal is amenity values, including visual amenity.

49 In this evaluation I rely on the evidence of Mr Chris Glasson, Mr Bruce Riddolls and the report by Mr Rough. In particular I recognise that it was identified that:

- a) The environment of the Mt Cass windfarm is an important feature in the local landscape but it does not constitute an outstanding natural feature or landscape.
- b) The key consideration in relation to visual effects is on rural amenity. These effects change depending on proximity and particular viewpoints. These effects occur in a rural area with a moderate naturalness.
- c) The site is a sensitive one due to its prominence, lack of topographical convolutions, a consistently horizontal ridgeline, openness of the hillside and ridgeline, and the lack of tall vegetation.

- d) The specific site works and overall design of the windfarm has been undertaken to reduce the visual effects where possible given technical and logistical practicalities associated with the development of a windfarm.
- e) None of the main Karst landform types are particularly uncommon or unique to the site.
- f) Excavations to establish roads are required through several pavement areas but these areas are sufficiently extensive across the site that only a relatively small percentage of this particular landform will be affected.
- g) While various works will affect the naturalness of the Karst basin areas, these features will nevertheless still be legible as minimal earthworks will be required within them.
- h) The windfarm will bring a dynamic element to the locality and their overall appearance and effect on the landscape of the district will not diminish the character and quality of the Waipara Valley landscape.

Coastal Environment

- 50 Before I turn to my evaluation I will address the matter of the Coastal Environment.
- 51 Whether the windfarm is within the coastal environment is a matter recently raised in the section 42A report of Mr Rough, with Mr Rough expressing the view that it is. On the other hand, Mr Glasson and I approached the application as though the windfarm was not within the coastal environment.
- 52 Mt Cass Ridge defines the western limits of the coast from the Waipara Valley. It is located approximately is approximately 4 to 5 kilometres from the coastline. Between the coast and Mt Cass Ridge lies the immediate coastal cliff system, a set of lower coastal foot hills and the river valley system associated with the main river flowing through Glenafric. The upper portion of the south side of Mt Cass Ridge provides a visually distant back drop to the coastline when viewed from isolated coastal vantage points or from within the wider coastal marine area itself.
- 53 Coastal environment is not defined within the Act or the New Zealand Coastal Policy Statement. However, I understand that it is generally accepted that the coastal environment is that environment where the coast is a significant part or element, and generally extends up to dominant ridge behind the coast. The definition of coastal environment in the RPS,

Canterbury Regional Coastal Environment Plan and more latterly the Proposed New Zealand Coastal Policy Statement is more specific but generally reflect this.

- 54 The District Plan defines a coastal management area. Within the District Plan this defines the coastal environment. As shown on Map 4b, apart from an inconsequential small piece of road upgrading potentially required under one or two turbine envelopes, the windfarm lies outside of the defined coastal management area. Therefore, irrespective of whether the coastal management area should be defined on Map 4b as it currently is, the specific rules found within section B2 Coastal environment do not apply to the windfarm. Roads are a permitted activity within the coastal management area. The rules specify that roads and earthworks ancillary to roads do not have to comply with any of the permitted activity conditions for the coastal management area. Therefore there are no implications for this project arising from any possible delineation of the coastal management area.
- 55 The Mt Cass Ridge environment is not recently significantly coastally dominated. The landscape values identified by Mr Glasson do not have strong coastal elements.
- 56 If the windfarm falls within the coastal environment, it does so because it lies at the dividing point between the coastal environment and the Waipara plains. If it is within the coastal environment, the Act and all the statutory documents are reasonably consistent. What is at issue is the impact of the windfarm on the natural character of the coastal environment. The primary contribution to natural character of the coastal environment of Mr Cass Ridge is its value is as a 'long view' backdrop to the wider coastal marine area, and only in isolated locations the coastline itself. The windfarm will result in more manmade structures being present. However, due to it forming only the backdrop, the existing human influences in this environment and the separation between the windfarm and the coast, the impact of these structures on natural character of the coastal environment will not be significant.
- 57 For these reasons, in my view whether the windfarm falls within the coastal environment or not is largely immaterial to my evaluation of the windfarm. If it does fall within the coastal environment, in my view based on the evidence of Mr Glasson the impact of the windfarm on the natural character of the coastal environment is not a determinant of the outcome of this proposal.

Evaluation

- 58 The statutory planning documents of relevance are the RPS and the District Plan. Within the District Plan the provisions of most relevance are Landscape and environmental amenity (Objective 7 and Policies 7.1 and 7.4) which states that outstanding, important and valued

landscapes and features are identified within the District, and provides policy guidance as to how effects are to be managed; and Protection and enhancement of environmental quality (Objective 10 and Policies 10.3, 10.5 and 10.5a)

- 59 The District Plan through its planning maps and rules clearly define those natural features and landscapes considered most important. The District Plan manages these through specific rules which apply to identified natural and landscape features. The proposed site of the windfarm is not identified as an outstanding natural feature or landscape within the District Plan.
- 60 With respect to landscape and visual amenity, Policies 10.5 and 10.5a are most relevant. Policy 10.5 is more general relating to avoiding, remedying or mitigating adverse effects of activities on amenity values. Policy 10.5a seeks to avoid, remedy or mitigate the adverse visual effects of buildings and structures sited on prominent ridges, or immediately adjacent to certain road locations. The methods relating to this policy reference landscape studies of Hurunui District as being relevant when assessing resource consents. Mt Cass is not specifically identified in the existing landscape studies of Hurunui District. The specific rule implementing the policy identifies that it is sites within 1 kilometre of any strategic arterial, district arterial or collector road, or Lake Sumner Road where buildings and structures on ridgelines are specifically controlled. None of these situations applies to Mt Cass.
- 61 Of the RPS, Chapter 8, Policy 3 is of relevance. This identifies that the focus of the RPS is on those natural features and landscapes that meet the relevant criteria of sub-chapter 20.4(1).
- 62 Mr Glasson and Mr Riddolls are of the opinion that the site should not be considered to be an outstanding natural feature or landscape. As a consequence there is no tension with those objectives and policies which relate specifically to outstanding natural features and landscapes in either the District Plan or the RPS.
- 63 This leaves the key relevant consideration being effects on general amenity values. In my view the key amenity considerations are twofold. Firstly to determine what the amenity values to be maintained are and secondly the extent that any adverse effects on those amenity values are avoided, remedied or mitigated.
- 64 There is nothing in the statutory documents to indicate that the amenity values associated with Mt Cass are other than general amenity values associated with the rural environment of the site. Mr Glasson has addressed this rural character in detail in his evidence.
- 65 Dealing firstly with the amenity values and rural character. The proposal will result in structures along the ridge which will be visible from the surrounding area. The windfarm has been designed to the extent possible to address this visual change. The measures used are described further in the next paragraph. This visual change does not in itself result in the loss

of the ruralness of the area. Consequently the proposal does not result in the loss of rural character.

- 66 To manage effects on the amenity values considerable care was taken in the overall site design to avoid, remedy or mitigate adverse effects as far as practicable. Where there were choices in the siting of facilities adverse effects were avoided. An example of this is through the roading to the site not being located on the front face of Mt Cass. During the design process Mr Glasson considered that the potential landscape and amenity effects of this should be avoided by having the road on the back face of Mt Cass. The ridge road alignment to the extent possible for operational reasons has avoided many areas of limestone and indigenous vegetation. Where facilities must occur in particular locations specific mitigation of adverse effects has been incorporated where possible. Examples of mitigation include the treatment of cut and fill areas. Remedying adverse effects is incorporated into the proposal through site rehabilitation following construction.
- 67 In considering the visual amenity the design approach is that apart from the turbines themselves and the access road the effects of all other parts of the proposal are internalised within the site as far as possible. Examples of this are the proposed location of the substation, the architectural design of the buildings, and the location of the roads to service the site.
- 68 Policies are not to be considered in isolation and an overall consideration is required. When this is done in relation to landscape and visual amenity the key consideration relates to whether the overall environment with the additional structures proposed maintain rural amenity. The evidence of Mr Glasson is that once the windfarm is developed, the overall environment will still be read as a rural environment. While there will be a change in the environment through the development of the windfarm the overall quality of the rural amenity will not be lost.
- 69 Overall, Mr Glasson has concluded that, the greatest effect of the windfarm from Mt Cass walkway and Tiromoana Reserve Carpark would be substantial for all turbine envelopes. From this analysis and in considering the policy framework I consider that the proposal is generally consistent with the objectives and policies relating to landscape. With respect to amenity and environmental quality the proposal is not in conflict. This conclusion is due to the design considerations of the windfarm through avoiding, remedying to mitigating effects to the extent possible on a modified rural landscape.

Ecology

Background

70 I now consider the proposal in relation to the indigenous ecology of the site.

71 Given the evidence of Dr Norton and Dr Bishop, Part II of the Act is of considerable importance. It contains a specific focus on the importance and management of indigenous vegetation and habitats of indigenous fauna, including through the identified matters of national importance. More importantly, it also provides the overall context within which the ecological values of the site are to be considered. I do not consider these matters in the context of the wider provisions of the Act until the section titled "Part II of the Act" of my evidence.

72 In summary the key matters of relevance are:

- a. The key resource management issue is whether establishing the windfarm is consistent with the protection of the ecologically significant indigenous vegetation and the habitat it provides.
- b. The most important is the ecologically significant indigenous vegetation and the habitat this provides. The populations of, and habitats for, the threatened Canterbury gecko and threatened Spotted Skink are also important.
- c. A reasonable base-line for assessment purposes is the *status quo*, with the potential that the *status quo* is optimistic.
- d. In return for a short-term loss in area of indigenous vegetation through the windfarm development, long-term protection of the significant indigenous vegetation and habitat of indigenous fauna is achieved.
- e. The level of protection and enhancement proposed is in excess of that required to meet the objectives and policies of the the District Plan and accords with the outcomes anticipated in the New Zealand Biodiversity Strategy.

- 73 In my evaluation I consider and rely upon, the evidence of Dr Bishop and Dr Norton.
- 74 Dr Bishop describes the ecology of the site in detail. Dr Norton addresses threatened and at risk plants. In summary, the following important ecological values are found within the site:
- a. Ecologically significant indigenous forest remnants and regenerating shrublands:
 - i. that comprise distinct assemblages of plants associated with limestone landforms;
 - ii. which include threatened and uncommon plant species;
 - iii. are found in the Motunau Ecological District within which little indigenous vegetation remains;
 - iv. are found in acutely threatened LENZ environments; and
 - v. vegetation associations within the proposed Mt Cass Windfarm project area comprise a mosaic of exotic pasture dominated grassland, indigenous shrubland, remnant mixed broadleaf podocarp forest and forest scrub. These plant communities provide habitat for a number of threatened plant, lizard and bird species. While the site is modified, a number of factors mean that it still has very high ecological significance.
 - vi. The ten different vegetation communities identified are primarily a result of changes in the physical environment associated with altitude, aspect, slope and substrate, and the impact of human activities resulting in vegetation disturbance, primarily through direct clearing and grazing.
 - b. Populations of gecko and skink species, including the threatened Canterbury gecko, and the common skink, with a possibility that the Spotted and McCaan's skink are also present.
 - c. The presence of two threatened bird species, being the New Zealand Falcon and Keruru.

- d. Terrestrial invertebrate assemblages that are distinctive of indigenous forests and grey shrubland of North Canterbury.

75 Dr Bishop and Dr Norton between them identify vegetation loss, habitat fragmentation, weed invasion, and direct loss of individual threatened or uncommon plants as the key effects of the proposal that may adversely affect the ecologically significant vegetation. The key changes are:

- a. The loss of 5.1ha of indigenous vegetation, which includes 2.2ha of indigenous forest. This loss is not consistent across all the indigenous vegetation communities in the study area as described by Dr Bishop. Between 40-50% of the vegetation to be affected is significantly modified by farming.
- b. An increased indigenous species habitat fragmentation including along the new vegetation edges, associated with the vegetation loss. Dr Bishop describes that in the short term this can lead to changes in micro-climates causing species stress and mortality, and exotic species invasion.
- c. Although a majority of the known sites of the nationally vulnerable limestone wheatgrass are outside the windfarm construction envelope, it is present within locations affected by the access road and turbine platforms.
- d. There is the potential to import new exotic weed species onto the site during construction, which will compete with, and in the worst case, over run some of the existing indigenous plant species, and in turn affect fauna habitat.
- e. It is likely that the population of the Canterbury Gecko will be affected through direct individual mortality, loss of habitat and habitat fragmentation. The effects on common skinks are considered less severe. Dr Bishop identifies habitat disturbance and loss, and mortality are the dominate effects of concern.

76 Dr Norton also describes the further mitigation and offset proposed by MainPower. Approximately 25ha of existing exotic pasture is to be re-established as indigenous vegetation using local seed sources. This will increase the viability of the existing indigenous vegetation communities through, in part, reducing habitat fragmentation. The areas of indigenous vegetation outside of the functioning windfarm will be managed to ensure that it is maintained

and enhanced in the long-term. This includes fencing the indigenous vegetation to exclude cattle and undertaking ongoing predator control for a period. In recognition of the freehold tenure of the site, MainPower will enter into a QEII covenant, or similar, ensuring that once the windfarm is established, irrespective of its future, 120ha will be protected from future changes in land management practices.

Evaluation

- 77 The District Plan seeks to protect and enhance the life supporting capacity and the ecological intrinsic, conservation and cultural values of the District's natural resources (Objective 2). To achieve this significant natural areas are identified (Policy 2.1). Within the District Plan these significant areas are identified using two different techniques. The first is through Schedule A7.1, and the second by characterising indigenous vegetation using a 'significantly modified by farming practice' threshold (Rule 7.2.1(e)(i)). Adverse effects on the ecological integrity, functioning, habitat values, natural character or amenity of resources of significant natural and cultural value are to be avoided, remedied or mitigated (Policy 2.2). The relevant methods implementing this policy focus on those significant natural areas identified under Policy 2.1, although resource consent processes are also identified. Rehabilitation or enhancement of significant natural resources which are adversely modified is to be promoted where this will achieve a long-term improvement to the values of the resource and improve the biodiversity and life-supporting capacity of indigenous ecosystems (Policy 2.3). Again resource consent processes are identified as one method to implement this policy (Methods to implement Policy 2.3).
- 78 The District Plan contains four rules of potential relevance to the protection of the indigenous vegetation on this site. These apply to small parts of the site, generally being on the south side of the ridge associated with the gullies, included within Schedule A7.1 Schedule of significant natural areas (SNAs). This is listed as 'Site 9 Mt Cass bush remnants'¹, and is also shown on Map 4A. Resource consent is required to damage, remove or destroy that vegetation². In addition, within Site 9, any work undertaken in accordance with a covenant or

¹ Steep lowland gullies with patches of old-growth and second-growth lowland totora/mixed hardwood forest

² Rule A7.3, Discretionary Activities (unrestricted), (a)

other method of protection is permitted³ and habitat restoration or enhancement work must use locally occurring indigenous plant species, soil and rock to be permitted⁴.

- 79 Also relevant is the general indigenous vegetation clearance rule⁵. This controls the clearance of more than 1ha of indigenous vegetation per separate certificate of title in a 5-year period if that indigenous vegetation is not already significantly modified by farming practice. Clearance of vegetation (not contained within an identified SNA) which is significantly modified by farming practice is not subject to further control in the District Plan.
- 80 Overall the District Plan contains a protection and enhancement approach. It primarily focuses on known and significant indigenous vegetation listed in Schedule A7.1, together with more general protection of indigenous vegetation that is not significantly modified by farming practice. The degree of modification is used as an indicator of the likelihood of the existence of significant ecological values. The identification Policy 2.1 generally drives the application of the avoid, remedy and mitigate in Policy 2.2. Policy 2.3 has wider application, focussing on significant natural resources that are modified (degraded). If significant modification has occurred, the policy approach is to use promotion rather than controlling approaches to achieve enhancement.
- 81 The Canterbury Conservation Management Strategy 2000 is also relevant (see Appendix 5). It sets out three ecosystem and species objectives⁶ for the Lowry unit, within which the Mt Cass site falls. These are: identifying significant indigenous vegetation and threatened species; protecting indigenous biodiversity; and protecting and enhancing viability of priority threatened populations and their habitats. For the Lowry unit, the Motunau and Cheviot ecological surveys are shown as being complete⁷. The survey report⁸ only identifies Recommended Protected Area 8 'Dovedale and Mt Cass ridge' (RAP8), which is in part located on the mid-portion of the proposal site overlapping with the mid portion of the indicative

³ Rule 7.2.2.(b)

⁴ Rule 7.2.2(c)

⁵ Rule A7.2.1(e)(i)

⁶ Section 4.3.2

⁷ Section 5.5.4, Map 21, pg. 268

⁸ Department of Conservation (July 2000) *Motunau and Cheviot Ecological Districts Survey Report for the Protected Natural Areas Programme*

construction corridor. Of the priority threatened populations identified in Appendix 2 Indigenous Species Priorities⁹ the limestone wheat grass is listed. This was addressed by Dr Norton.

- 82 In addition, there are three biodiversity strategies of relevance, being: the New Zealand Biodiversity Strategy 2000; A Biodiversity Strategy for the Canterbury Region 2008; and Biodiversity Strategy a new vision for the District 2008 (see Appendix 4).
- 83 The New Zealand Biodiversity Strategy 2000 establishes objectives for key biodiversity outcomes. The key objective relates to protect, maintain and restore habitats (Objective 1.1(b)). A number of other objectives provide guidance on how this is to be achieved. On private land, the overall approach within the New Zealand Biodiversity Strategy is, in the first instance, one of encouraging, cooperating with and promoting sympathetic management of biodiversity values. Only when a private landowner is uncooperative does the Strategy provide that stronger intervention is required.
- 84 The New Zealand Biodiversity Strategy 2000 is informed by the more recent Government statement of national priorities for protecting rare and threatened biodiversity on private land¹⁰. A number of biodiversity values present on and around the site of the windfarm are identified as priorities for protection in the Statement of National Priorities. The overall indigenous vegetation falls within National Priority 1, with those ecosystems existing within the Limestone erosion pavements fall within National Priority 3, and a number of specific species present fall within National Priority 4.
- 85 A Biodiversity Strategy for the Canterbury Region 2008 follows a very similar approach to the New Zealand Biodiversity Strategy as informed by the Statement of National Priorities. If there is a difference, the Biodiversity Strategy for Canterbury seeks stronger protection for significant habitats and ecosystems after 2010, as a result of it containing less differentiation between the biodiversity management approaches on public and private land.

⁹ Pgs. 287 to 297

¹⁰ see *Protecting our Places Information about the Statement of the National Priorities for Protecting Rare and Threatened Biodiversity on Private Land* (April 2007) Ministry for the Environment

- 86 In contrast, the Hurunui Biodiversity Strategy is more general than both the New Zealand Biodiversity Strategy and A Biodiversity Strategy for the Canterbury Region 2008. The Hurunui Biodiversity Strategy contains an explicit bias against use of regulation through district plans.
- 87 There are a number of aspects of the windfarm proposal that create the potential to change the significant indigenous ecological values on the site. Primarily these are a consequence of the construction activities associated with establishing access to and along the windfarm site. These construction activities result in vegetation clearance, the removal of limestone and other earthworks-related effects, the creation of disposal areas and the potential for pest invasion. In addition, the wind turbines create a potential collision hazard for avifauna (birds) of the area.
- 88 It is clear that the most important indigenous ecological values are associated with the ecologically significant indigenous vegetation, including the threatened plant species, and the habitat this provides. The populations of, and habitats for, the threatened Canterbury gecko and threatened Spotted Skink, if it is present, are also important. In contrast, while the presence of the threatened New Zealand Falcon and threatened Kereru is important, and the effects of the windfarm on Falcon are assessed by Dr Bishop as not being significant, the effects on Kereru are less certain and should be subject to monitoring.
- 89 While Dr Bishop considered and applied the criteria for identifying ecologically significant natural values found in Appendix E2 of the District Plan, finding that the site is significant, I am cautious in how this finding is to be treated. In my view it reinforces the significance of the indigenous vegetation on the site. However, it cannot be taken to result in the informal inclusion of areas in Appendix A7.1 of the District Plan or broaden the application of Rule 7.2.1(e) beyond Site 9. The process for changing Schedule A7.1 is through a plan change, which must have regard to the other criteria, such as those found in the explanation to Policy 2.1. Examples of the other matters to be considered by in Policy 2.1 include the degree of modification associated with the site, the views of landowners including the cost of lost development potential.
- 90 It is important when considering the ecologically significant indigenous vegetation, including regenerating shrublands values of the site, to recognise that the values themselves are dynamic. This is a reflection of natural changes in the ecological system and the potential impact of land management activities. Human activities resulted in significant change to the vegetation of the site. Compared to the 1950s there has been a regeneration phase. This is likely a result of reduced grazing pressure.

- 91 As things stand, there is no certainty that a more intensive grazing regime will not return, as there is no direct control of grazing in this location. Through grazing pressure both the current values, and the trend in improvement of those values, could decline. Consequently while a reasonable base-line of ecological values is the *status quo*, the permitted activities in the Rural Zone mean that the *status quo* may be optimistic.
- 92 The District Plan, the non-statutory biodiversity strategies, and the Canterbury Conservation Management Strategy all approach significant ecological values from a protection and enhancement view point. Protection is not as strict a management approach as, say, preservation. Protection requires consideration of whether the overall significant ecological values of the site will remain. It does not require that there will be no change to individual areas of significant indigenous vegetation, habitats of indigenous fauna, or in the populations of threatened indigenous species.
- 93 The key resource management considerations are; whether establishing the windfarm is consistent with the protection of the ecological significant indigenous vegetation and the habitat it provides, and whether it results in any enhancement of those values.
- 94 Careful siting of the indicative construction corridor minimises the loss of indigenous vegetation, habitat of indigenous fauna and the effect on threatened indigenous species populations. In places where indigenous vegetation must be affected, such as the access road, the windfarm design is heavily influenced by avoiding the higher value indigenous vegetation identified in the eco-significance matrix. SNA Site 9 shown in the District Plan is avoided, but part of Recommended Protected Area 8 'Dovedale and Mt Cass ridge' (RAP8) in proximity to the ridge is affected. This loss will be further reduced by on-site micro-siting at the time of development. Further, in relation to the limestone wheatgrass and lizard species, identification and relocation programmes are proposed to be reinforced by conditions of consent to mitigate the effect on the viability of these species. As a result Dr Bishop and Dr Norton both conclude there will be no overall loss of indigenous species resulting from the proposal.
- 95 I previously identified the relevant District Plan rules relating to the clearance of indigenous vegetation. As such, at best, the proposed clearance is only partially controlled by the District Plan. Dr Bishop estimates that approximately between 2-2.5 hectares of the vegetation to be cleared is already significantly modified by farming practices. This means that of the 5.1ha of indigenous vegetation identified by Dr Bishop as being lost, the District Plan clearance rules only apply to between 50-60% of the vegetation, of which 1ha per separate certificate of title

can be cleared as a permitted activity every 5 years. This shows that the District Plan anticipates changes to vegetation even if it is not significantly modified, and has a more permissive regime if vegetation is significantly modified by farming.

- 96 The proposal is to covenant 120 hectares of land MainPower owns to promote the protection of the values. Further, the proposal results in the removal of cattle from grazing within the covenanted areas of significant indigenous vegetation and the implementation of long-term plant and animal pest control. These activities will result in more effective protection of the ecological values of the site than currently exists.
- 97 Overall, in return for a short-term loss in area of indigenous vegetation, long-term protection of the significant indigenous vegetation and habitats of indigenous fauna is achieved. Even considering this loss on its own, the overall biodiversity values of the site are not compromised. The long-term protection mitigates and offsets the effects of the proposal and provides a measure of enhancement, thereby removing the risk that the current ecological values will degrade over time under permitted land management practices. In my view the windfarm better protects and enhances the life-supporting capacity of the indigenous ecological resources of the site, in a way that protects the ecological intrinsic values. The level of protection and enhancement proposed is in excess of that required to meet the objectives and policies of the District Plan and accords well with the outcomes anticipated in the New Zealand Biodiversity Strategy.

Heritage and Cultural Matters

Background

- 98 In this section I consider those parts of the proposal relevant to heritage and cultural matters.
- 99 There are links between this section of the evidence and Part II of the Act, particularly sections 6(e) and 8 tangata whenua values. In addition, there are also links with the section of my evaluation addressing ecological matters, such as vegetation and habitat clearance and potential effects on birds.
- 100 A summary of the key matters of relevance are:
- a. There are no known or identified specific sites of cultural or heritage value on the site.
 - b. While no specific sites are known the proposal includes scope for ongoing participation and input into the project by Ngai Tuahuriri and Ngai Tahu if they wish.
 - c. The applicant will enable plant materials of cultural importance to be harvested on the land it owns.
 - d. In addition to those matters above the proposal also incorporates accidental discovery protocols to ensure that any potential effects not evident until construction are appropriately addressed.
- 101 In this evaluation I rely on the evidence of Mr Michael Trotter, Mr Andrew Hurley and the cultural impact assessment (Appendix E of the application). In particular I recognise that:
- a. There are no recorded New Zealand Archaeological sites within the Proposed Mt Cass windfarm site.
 - b. There are no previously recorded Wahi tapu or Urupa within the proposed Mt Cass windfarm site, nor are any sites covered by Ngai Tahu Silent Files.
 - c. Appropriate input and involvement in the project should be offered to Ngai Tahu and Ngai Tuahuriri, including the potential for harvesting culturally important plant species.
 - d. Specific management of sediment and stormwater needs to be managed at time of construction.
 - e. Potential effects on native bird species and loss of native plant species and habitats for birds and lizards are important cultural considerations.

Evaluation

- 102 The statutory planning documents of relevance are the RPS and the District Plan.
- 103 Within the District Plan the provisions of most relevance are Objective 5 and Policy 5.1. These seek to recognise and provide for the relationship of Maori culture and traditions into the sustainable management of the district's natural and physical resources. There are no specific rules to implement this objective and policy.
- 104 The RPS, through Chapter 6 recognizes the relationship between tangata whenua and their ability to exercise cultural and traditional relationships with ancestral lands, water, sites, wahi tapu choose and other toanga. In addition, Policy 4 promotes the protection of any site or activity that yields evidence of koiwi toanga or Taonga from violation or desecration.
- 105 In addition to the above, a number of other matters are also relevant including the Historic Places Act 1993, Ngai Tahu Claims Settlement Act 1998 and others as referenced in the Cultural Impact assessment. These matters were all considered in the preparation of the Cultural Impact Assessment Report and I do not specifically address them further.
- 106 The consultation undertaken by MainPower with Ngai Tahu and Ngai Tuahuriri as described by Mr Hurley led to the cultural impact assessment being prepared. Following the preparation of assessment and its inclusion in the application, dialogue has continued between the applicant and Ngai Tuahuriri.
- 107 Following the completion of the cultural impact assessment MainPower included an accidental discovery protocol into the proposal. The cultural matters relevant to ecology have also addressed in the ecological assessments undertaken, and in particular it has ensured that the proposed covenant includes the ability to allow Ngai Tuahuriri to access the site to gather culturally important plants. These matters demonstrate that this proposal provides for the relationship of Maori with the site, consistent with the direction of the objectives and policies.

Noise Matters

Background

108 In this section I consider those parts of the proposal relevant to noise.

109 A summary of the key matters of relevance are:

- a. Any construction noise is temporary.
- b. The key potential area for noise is from the operation of the turbines, particularly the rotor blades.
- c. The noise associated with the Mt Cass windfarm audible in certain conditions can be appropriately mitigated through conditions.

110 In this evaluation I rely on the evidence of Mr Malcolm Hunt. In particular I recognise that Mr Hunt identifies that:

- a. Noise emanating from windfarms is different from other noise and therefore requirements of NZS 6801 and 6802 are not appropriate and cannot be directly applied to a windfarm.
- b. The appropriate assessment for noise from windfarms is NZS6808:1998 Acoustics – The Assessment and Measurement of Sound from Wind turbine Generators.
- c. The proposed windfarm will meet the noise standards in NZS6808.
- d. Construction activities will be able to comply with relevant noise standards

Evaluation

111 The statutory planning document of relevance is the District Plan. There is nothing of specific relevance in the RPS.

112 Within the District Plan the provisions of most relevance are Objective 10 and Policy 10.9. These seek to maintain and enhance amenity values. With respect to noise, the policy seeks to control noise emissions levels acceptable to the community and where they are exceeded, maintain a separation distance between noise emitting activities and sensitive activities.

- 113 The District Plan rules reflect NZS6801 and 6802. Both Mr Hunt and Mr Camp identify NZS6808 NZS6808:1998 Acoustics "*The Assessment and Measurement of Sound from Wind turbine Generators*" is the most relevant to assessing noise in relation to this windfarm. Mr Hunt has described the different characteristics of noise associated with windfarms and has identified why the standards the District Plan rules are based on cannot be directly applied to a windfarm.
- 114 I note that the Environment Court in *Genesis Power Ltd v Franklin District Council* [2005] NZRMA 541 accepted NZS6808 as being the most appropriate for assessing the noise effects of windfarms.
- 115 The evidence of Mr Hunt is that the Mt Cass windfarm will comply with the relevant New Zealand standard for windfarms once operational. Conditions confirming that this is the case are sought by the applicant.
- 116 The District Plan identifies New Zealand Standard NZS6803P:1984 "*The measurement and assessment of noise from construction, maintenance, and demolition work*" as the relevant standard for the assessment of construction noise. Mr Hunt notes that the 1999 standard (NZS6803:1999) states in the Foreword that it should replace NZS6803P for the assessment of construction noise. The 1999 version is also preferred from a technical perspective for construction noise assessment. He considers that the construction will meet this standard.
- 117 The proposal therefore will ensure that noise emission levels are consistent with the objective and policies of the District Plan.

Construction and Transport Matters

Background

- 118 In this section I consider those parts of the proposal relevant to the construction of the project, and also consider transportation matters post-construction.
- 119 A summary of the key matters of relevance are:
- a. The construction of the windfarm has the potential to impact upon the natural and physical values of the site.
 - b. Construction activities are temporary and the effects are able to be managed through appropriate design.

- c. The effects of the construction project, other than the traffic associated with the transportation of project components are largely confined to the site.
- d. Post-construction the level of traffic associated with the windfarm operation is low and will not affect the use of the roading network.

120 In this evaluation I rely on the evidence of Mr Tim Morrison and Ms Melanie Muirson. In particular that:

- a. The key elements associated with construction include earthworks (cutting and filling), soil disturbance and vegetation clearance, associated with the provision of road and turbine platform construction.
- b. In the overall project design considerable care has been taken to ensure that the design minimises disturbance while still providing for key operational requirements for the windfarm.
- c. Ancillary activities to construction including concrete batching plant, storage and stockpile areas and disposal areas are located in areas of open pasture.
- d. Temporary activities will be removed once construction is complete and areas disturbed will be rehabilitated.
- e. Traffic related effects are generally confined to the construction period.

Evaluation

121 The statutory planning document of relevance is the District Plan. There is nothing of specific relevance in the RPS.

122 Within the District Plan the provisions of most relevance are:

- a) Objective 10 and Policy 10.3. These seek to maintain and enhance amenity values.
- b) Objective 1 and Policies 1.1, 1.2 and 1.6 address sustaining the life supporting capacity of the land and soil resource and advocates responsible land management.
- c) Objective 5 and Policy 4.1 seeks to protect and enhance the quality and quantity of the water resource.

- d) Objective 12 and Policy 12.10 which promotes the safe and efficient use and development of the transport network.
- e) Objective 15 and Policy 15.4 seek to minimise the risk of hazardous substances to people communities and the environment. The hazardous substance objectives and policies are implemented through rules.

123 The overall direction of the District Plan is to ensure that appropriate management practices are adopted which promote the long term management of the districts soil and water resources. This project through its design and construction practices will promote this.

124 There will be actual and potential effects associated with the construction. Mt Cass windfarm is a substantial project which will involve construction extending over an 18 month period. However, construction effects are temporary. The management approach to the site including the management of hazardous substances, and the remediation proposed will ensure that the effects of construction are appropriately managed. The proposal will not result in inappropriate effects on the land or water resources.

125 Construction effects are to be primarily managed through the implementation of a site management plan (site rehabilitation plan). The purpose of management plans is to identify the potential for adverse construction effects and detail the means by which those effects are to be avoided, remedied or mitigated. This will be done in accordance with best practice.

126 The adoption and incorporation of management plans reinforced through conditions of consent provides certainty that where the potential for adverse construction effects arise, an action will take place to ensure that adverse effect is suitably and properly avoided, remedied or mitigated. The use of management plans is a proven and effective method of addressing effects particularly for a proposal where the final design is yet to be completed.

127 The approach to construction will manage the potential effects on soil degradation, erosion or contamination. Amenity values and the quality of the environment will be managed so that any construction effects are temporary and that the direction of the objectives and policies will be met.

128 The key transport implications relate to the movement of goods associated with the construction and establishment of the site. Once construction is complete the level of traffic movements reduces significantly. The adoption of a traffic management plan, and the provision of road upgrading, if necessary depending on the final turbine selected, means that the transport network will remain safe and efficient consistent with the policy.

Part II OF THE ACT

- 129 The matters listed in section 104(1)(a) to (c) of the Act are “subject to Part II” of the Act. This accords priority to Part II of the Act. Sections 6, 7 and 8 inform section 5, so I will consider these three sections first. Aspects of all three of these sections are relevant. Finally I will turn to the overall broad evaluation required in terms of section 5.
- 130 The overriding purpose of the Act is largely presumed to be met by the objectives and policies of the Plan. I proceed on this basis by drawing from my earlier analysis in terms of the Hurunui District Plan (“the District Plan”).

Section 8

- 131 Section 8 of the Act states that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are taken into account. I understand that this obligation requires the consideration of this matter, and the weighing of it with the other relevant factors found in section 5, and the other parts of Part II, giving it weight which is appropriate in the circumstance.
- 132 Section 8 of the Act can be summarised as recognising the relationship of tangata whenua with natural and physical resources and seeking active participation of, and consultation with, tangata whenua.
- 133 The duty of consultation does not fall upon MainPower (see section 36A of the Act). However, MainPower, acting in good faith, has consulted with Te Runanga O Ngai Tahu and Te Ngai Tuahuriri Runanga. As a result of early consultation, MainPower commissioned a cultural impact assessment from Joseph Hullen, who was identified by representatives of Te Ngai Tuahuriri Runanga as being an appropriate assessor. This cultural impact assessment is included within the application. Since lodging the application, and in response to the cultural impact assessment, MainPower has continued its engagement with representatives of Te Ngai Tuahuriri Runanga.
- 134 The cultural impact assessment and subsequent consultation reinforces MainPower’s active approach to the long term protection of the ecological values of the site through: covenants, stock exclusion, fencing, restoration, and the monitoring of bird strike. In addition, MainPower proposes accidental discovery protocols as sought by Te Ngai Tuahuriri Runanga and in addition proposes “advice of work” notices together with the right for Te Ngai Tuahuriri Runanga representatives to be present to observe work. This allows Te Ngai Tuahuriri Runanga to exercise a level of Kaitiakitanga.

- 135 There is one matter of note within the cultural impact assessment that MainPower is not able to address. This is the preference that the ridge remains undeveloped and the Department of Conservation purchase the area in order to provide opportunities to harvest rongoa (medicinal) species. The land tenure is not a matter of direct relevance under the Act. In my view the active management proposed by MainPower may be better for the overall long-term ecological values present. In addition, MainPower offers access rights to Te Ngai Tuahuriri Runanga to harvest rongoa species, and undertakes to include such rights in any protection covenant relating to the indigenous vegetation.
- 136 Overall, MainPower recognises that within its site there are resources of importance to Te Ngai Tuahuriri Runanga. It is proposing robust mechanisms to ensure that these resources are not tangibly harmed, and wishes to ensure Te Ngai Tuahuriri Runanga will have access to these resources. In doing so, in my view, the relationship of Te Ngai Tuahuriri Runanga with this site is better recognised and provided for than it currently is.

Section 7

- 137 Section 7 identifies other matters that particular regard is to be had to. I understand this means that particular weight is to be given to the matters of this section. Many of the matters listed in section 7 are relevant to this proposal.
- 138 A number of the matters in section 7 go directly to the management of natural resources present on the site:
- a) The site forms part of the wider rural environment and therefore has rural amenity values. These rural amenity values will be changed by the proposal, but not lost. The most obvious and widely seen change will be the introduction of the wind turbines themselves. In addition, the access roading to the site will be visible, albeit in a more limited way. These changes do not reduce the overall rural nature of the environment. People will continue to understand the rural nature of the environment. However, within this site it is accepted that the naturalness of the rural environment will be diminished.
 - b) There are important indigenous ecosystems present on the site, particularly in association with the limestone. For reasons I will elaborate on in the next section of my evidence, this finite natural resource, and important intrinsic value of these ecosystems, are recognised in, and directly influenced, the design of the proposal and the ongoing active management of the indigenous ecological values. This is achieved by MainPower exercising a strong ethic of stewardship. Further, as I have

explained, MainPower's proposal provides for Te Ngai Tuahuriri Runanga to exercise a level of Kaitiakitanga.

- c) The quality of the environment is most directly a consideration in relation to the significant construction activities of the windfarm. The construction activities are one off and temporary. Many of these engineering works will be subject to a number of technical resource consent requirements from Environment Canterbury. During construction MainPower is proposing best practice engineering controls to minimise effects resulting from these construction activities.
- d) Wind is a natural resource. Not all wind can be efficiently used for renewable energy generation. The wind resource must have particular strength, frequency and reliability characteristics. Of the wind resources in North Canterbury monitored by MainPower, under current economic conditions, the resource at this site is the only resource suitable for the development of a windfarm.
- e) In addition, nationally there is considerable focus on the benefits of the development of renewable energy. At a national level the target is to have 90% of New Zealand's energy generated from the year 2025, resulting in decreased reliance on non-renewable generation sources. To achieve this, a significant amount of New Zealand's future electricity generation capacity will need to come from renewable sources. There are no major electricity generation schemes in North Canterbury. This proposal will assist in creating a more distributed electricity generation system and in a small way will increase the security of supply of electricity for the nation.

139 Overall, in my view the proposal does have particular regard to the matters in section 7.

Section 6

140 Section 6 identifies matters of national importance that are to be recognised and provided for. I understand that this means that the matters in section 6 are to be given significant priority. However, as with section 7 and 8 matters, these matters are subordinate to, and must serve the purpose of, promoting section 5 of the Act.

141 Of the seven matters found in section 6, in my view those relating to significant indigenous vegetation and habitats of indigenous fauna (section 6(c)) and Maori and their culture and tradition (section 6(e)) are directly relevant.

142 In addition, historic heritage (section 6(f)) may be relevant, but there is no direct evidence of historic heritage resources being present. Notwithstanding this, MainPower proposes an

archaeological discovery protocol to cover the eventuality that such matters are discovered in the construction of the windfarm.

- 143 I have considered whether the windfarm proposal sits within the coastal environment (section 6(a)). While the proposal will be able to be seen from the coastal marine area, this is a “long” view. The site does not form a back drop to the coastal marine area, and is not influenced by coastal processes. In this context section 6(a) is not relevant.
- 144 In addition, I considered the relevance of outstanding landscapes and formed the view that this part of section 6(b) does not apply. The District Plan does not identify this landscape as outstanding. The landscape was previously identified as “significant” because it was part of the coastal hills. Within the District Plan, these landscapes were accorded lesser importance than outstanding landscapes, but greater value than more general rural landscapes. This approach in the District Plan was deleted by variation. In addition, the further landscape assessment undertaken by Mr Glasson confirms that the landscape is not outstanding. Given my understanding of the Hurunui District and Canterbury Region I consider this conclusion to be realistic.
- 145 Section 6(c) deals with recognition and provision of the protection of significant indigenous vegetation and significant habitat of indigenous fauna. The evidence of Dr Bishop and Dr Norton establishes that there is indigenous vegetation, habitats and indigenous fauna of significance on the site. In my view it is important to recognise that for the threatened indigenous fauna present it is the habitat that is the focus on section 6(c), and not the fauna itself. The proposal results in some loss in existing indigenous vegetation and associated habitat. In recognition of the significance of the indigenous vegetation, this loss is minimised through design, and where the indigenous vegetation is to be lost, where possible, that loss is focussed on areas of indigenous vegetation of lesser significance. In addition, the proposal will establish the long term management of this vegetation, and the habitat it provides. This will result in improvement of the values of the indigenous vegetation, including the habitat it provides. When the current level of protection of the existing indigenous vegetation in the District Plan is considered, in my view it is clear that the proposal results in more effective long-term protection.
- 146 Section 6(e) recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. I have addressed this matter earlier in relation to section 8. Given the existing situation, in my view the proposal provides the potential to enhance the ‘relationship’ of Te Ngai Tuahuriri Runanga with the taonga indigenous vegetation species on this site.

Section 5

- 147 The purpose of the Act is set out in section 5. My understanding of section 5 is that it establishes a positive duty akin to affirmative action. Applying section 5 involves an overall broad judgement of whether or not a proposal promotes the sustainable management of natural and physical resources. Such a judgement allows for a comparison or weighing of conflicting considerations and the scale or degree of them, and their relative significance.
- 148 In my evaluation below, I draw from my analysis of sections 6, 7 and 8, and my earlier evaluation under section 104(1).
- 149 In terms of section 5(2)(c), the actual physical 'footprint' associated with the windfarm and associated utility structures are small. The effects of the proposal within the site are largely internalised into the design, engineering standards and operation of the proposal. The potential exception to this is noise. However, when the receiving environment is acknowledged, I do not consider this effect is of significance. There will be a visual change associated with the windfarm when viewed from off the site. The effect of this change needs to be considered in the context of the value of the landscape. The rural character of the landscape will remain, albeit more heavily influenced by man-made structures. One advantage of windfarms is that the visual effect of these man-made structures is generally reversible.
- 150 The primary issue in terms of section 5(2)(b) is safeguarding indigenous ecosystems. These ecosystems are not lost. While they will be affected in the short term, they will remain. As a result of cattle exclusion, pest control, restoration, and permanent protection, in the medium to long term the indigenous ecosystems will be enhanced. This also gives effect to the importance of indigenous ecosystems to the reasonably foreseeable needs of future generations (section 5(2)(a)).
- 151 The wind and the windfarm are considered natural and physical resources respectively, working cooperatively to generate electricity to meet continuing and growing foreseeable electricity needs. As a renewable resource, wind is sustainable. Taking advantage of this renewable resource and increasing the ability to generate additional electricity to meet the increasing demand will meet the foreseeable needs of future generations. In turn, this enables communities to provide for their health and safety, social, economic and cultural wellbeing. In addition, as with any large infrastructure project, during the construction phase the proposal results in positive construction benefits both locally and nationally.
- 152 The proposal actively achieves the purpose of the Act. The proposal relates to the generation of electricity, which is important to society. It will use natural and physical resources in such a

manner that allows people and communities to provide for their well-being by providing for efficient, renewable and sustainable energy production. Recognising the existing environment and how it can be changed, in my view the proposal largely results in the natural resources of the site being left in the same or better condition than they currently are at present. To achieve this, as with any large project, there is a significant ongoing management commitment by MainPower. This is made possible because of the proposal. MainPower is prepared to be committed to this mitigation and enhancement through conditions of consent.

Appendix 1

Relevant Hurunui District Plan Rules

Rule	Requirement	Activity Status
Section A – District Wide Rules		
Section A1 – Environmental amenity		
A1.2.7 Height (a) Unless otherwise specified in this Plan, the maximum height of any building or structure shall be 10 metres.	The wind turbines, being structures are in excess of 10m in height.	Discretionary
A1.2.9 Noise Unless otherwise specified, the following noise limits shall apply to all activities in the District: (a) Measurement and assessment of environmental noise: except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of NZS 6801:1991 “Measurement of Sound”, and assessed in accordance with the provisions of NZS 6802:1991 “Assessment of Environmental Sound”. (b) Noise limits: (i) All activities except those in an industrial zone All activities shall be designed and conducted so as to ensure that the following noise limits are not exceeded, at or outside the boundary of the site: 55 dBA L10 7am – 7pm daily 45 dBA L10 7pm – 7am daily 75 dBA Lmax All days between 10pm and 7am	Proposal will comply with the relevant standards for construction and for windfarms NZS6801:1991 cannot be effectively applied to a windfarm	Discretionary
A1.2.10 Screening of non-residential activities (a) In non-urban areas – when viewed from: – a strategic or district arterial road, or a collector road – an adjoining residential site or – an open space zone the following activities shall be screened in accordance with Rule A1.2.10(c): (i) Parking, disposal, use or repair of vehicles which is not accessory to a permitted residential activity. (ii) Non-residential buildings. (c) If no screening exists, the screening shall be in the form of either: (i) Trees and/or shrubs planted a maximum of 2 metres apart that, on maturity, provide a solid screen up to a height of at least 1.8 metres; or (ii) A solid wall or fence to a height of at least 1.8 metres.	The proposed turbines fall within the definition of a building. Screening is not practical.	Discretionary

<p>(d) Any screening shall be undertaken within 2 months of any activity commencing on the industrial or business site.</p>		
<p>A1.2.14 Temporary activities (a) Temporary activities ancillary or incidental to building and construction work are limited either to the duration of the project or for a period not exceeding 12 months, whichever is the lesser, except that the maximum duration of any temporary storage of building materials shall be 6months.</p>	<p>Temporary construction activities will occur on the site in excess of 12 months.</p>	<p>Discretionary</p>
<p>A1.2.15 Earthworks All activities involving earthworks, shall comply with the following conditions: (a) Bulk earthworks: (i) Not relevant (ii) No bulk earthworks below 900 metres in altitude shall be undertaken in circumstances where this will lead to: Unacceptable scarring of the landscape in any visually prominent location or cause destruction of significant natural values with reference to the criteria in Appendix E2 or heritage values or cause adverse impacts on water bodies through siltation from runoff. (iii) For the purpose of sub-clause (ii) above “unacceptable scarring” means an impact arising from the physical alteration to the natural character of the land from the earthworks activity after taking into account the effect of any mitigation measures where such are proposed. (b) Not relevant (c) No earthworks shall require the clearing of more than 5000m² of vegetation.</p>	<p>The proposal will require the clearance of more than 5000m² of vegetation.</p>	<p>Discretionary</p>
<p>A1.2.19 Vehicle movements Except within industrial and business zones, the maximum number of vehicle movements shall be as follows: (i) Heavy vehicles – 4 movements per day (ii) Other vehicles – 20 movements per day These limits shall not apply to the movement of vehicles associated with primary production activities, the construction of structures or with business or household relocations.</p>	<p>The primary traffic generation is during construction which is exempt from this rule.</p>	<p>Permitted</p>

Section A5 - Transportation		
<p>A5.2.1 Activities within roads The activity within the road shall be associated with the use, maintenance or development of the roading network, or shall meet the district-wide rules in Section A and the relevant rules for Environments of Special Concern in Section B, or, in the case of vehicle access, shall meet the conditions under Rule A5.2.3 or A5.2.4</p>	<p>There are a number of paper roads within the application site. Activities other than the use, maintenance or development of the roading network will be occurring on at least one of these paper roads.</p>	<p>Discretionary</p>
<p>A5.3 Discretionary activities (restricted) (a) The following activities are discretionary activities (restricted): (i) The creation of any new property accessway, or the use of existing accessways for a new activity (including the relocation of such accessways), for activities in which an excess of 100 equivalent vehicle movements per day are generated. (ii) The creation of any accessway that does not meet the conditions for permitted activities. (b) The Council shall restrict its discretion to the following matters: (i) Number of activities served by accessway; (ii) Number of existing accessways along a road; (iii) Design of accessway, including width and formation; (iv) Design of road intersection, including width and formation; (v) Location of existing and proposed access points; (vi) Manoeuvring, queuing and parking areas; (vii) Pedestrian and traffic safety. (c) An application for resource consent may be considered without notification or the need to obtain the written approval of affected persons in accordance with section 94(1A) of the Act.</p>	<p>The proposal will generate an excess of 100 equivalent vehicle movements per day during the construction period.</p>	<p>Discretionary (restricted)</p>
Section A6 - Utilities		
<p>A6.2 Conditions for permitted activities All proposed utilities shall comply with the following: (e) The volume limit of any water tank or reservoir shall be 30,000 litres.</p>	<p>Any single water tank or reservoir will not exceed 30,000 litres.</p>	<p>Permitted</p>
Section A7 – Natural Environment		
<p>A7.2 Conditions for permitted activities A7.2.1 General (e) Clearance of indigenous vegetation (i) No clearance of indigenous vegetation not already significantly modified by any farming practice, other</p>	<p>The proposal will result in 5.1 hectares of indigenous forest and shrubland</p>	<p>Discretionary</p>

<p>than as provided for in:</p> <ul style="list-style-type: none"> – Section A2 – Landscape – Section A7 – Natural Environment – Section B2 – Coastal Environment – Section B3 – Hurunui Lakes Area <p>shall be permitted of greater than 1 hectare over a 5-year period on any separate certificate of title.</p>	<p>vegetation being cleared.</p> <p>Approximately 50% hectares is significantly modified by farming</p> <p>There are two certificates of title</p>	
<p>A7.2.2 Significant natural areas In respect of an area listed in the Schedule of Significant Natural Areas (Appendix A7.1 and 7.1(A)):</p> <p>(a) No feature, tree, or vegetation in an area listed in the Schedule of Significant Natural Areas shall be damaged, removed or destroyed, except for exotic vegetation.</p> <p>(c) Habitat restoration or enhancement work within an area listed in the Schedule of Significant Natural Sites (Appendix A7.1) shall use locally occurring indigenous plant species, soil and rocks. Where such a vegetation source is not available the closest gene stock in terms of locality and species type shall be used.</p>	<p>The proposal does not affect the scheduled Significant Natural Area, other than in a restoration and enhancement way.</p>	<p>Permitted</p>
<p>A10.2 Conditions for permitted activities A10.2.1 Threshold limits The maximum amount of any hazardous substance listed in the Schedule under Appendix A10.1 on a site shall meet the following threshold limits:</p> <p>(b) On any other site, the maximum amount shall be as listed under the level II threshold.</p> <p>A10.2.2 Design standards All sites, or parts of sites, where any hazardous substances below the level I and level II threshold quantities in Appendix A10.1 are used, stored (excluding landfills), manufactured, produced, mixed or repackaged must comply with the following standards (these standards do not apply to hazardous substances where they are being mixed or applied for the control of plant and animal pests):</p> <p>(a) All areas in which hazardous substance/s are used, stored or handled must be roofed and sealed with impervious materials.</p> <p>(b) Protection measures shall be provided in case of substance spills, such as bunding with impervious materials which have sufficient capture area to hold a spill or release.</p> <p>(c) There must be washing facilities for vehicles, equipment, surfaces and containers which have contact with hazardous substance/s. These washing facilities must be sealed, bunded, and roofed, with a drainage system installed to ensure that no hazardous materials enter the stormwater system or the environment.</p>	<p>The quantity in level II may be exceeded, depending on the specific turbine selected.</p>	<p>Discretionary</p>

Appendix 2

Evaluation of Hurunui District Plan Objectives and Policies

- 1 This section contains the full evaluation of the proposal with the relevant objectives and policies, anticipated environmental results and other provisions associated with the significant resource management issues identified for the Hurunui District. The assessment adopts the order of identified significant resource management issues for the District as set out in Part I of the District Plan.

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

- 2 The District Plan identifies that the land and soil resource is an 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. Within the District Plan the use of land and soil resources is considered a key element for the well-being of present and future generations.
- 3 Policies 1.3, 1.4, 1.5, 1.7, 1.8, 1.9, 1.10 and 1.11 are not relevant to this proposal.
- 4 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.

Policy 1.2

To manage the adverse effects of subdivision and land use activities in order to maintain and enhance the life supporting capacity of the District's soils and to avoid or mitigate soil degradation, erosion or contamination.

Policy 1.6

Avoid or mitigate, through advocating responsible land use practises, the contamination, degradation and erosion of soil from land disturbance or vegetation removal.

- 5 Policy 1.1 recognises that activities which are not land-based, but are related, still need to be provided for. Policy 1.2 in its explanation recognises that while all soils are important, areas of highly versatile soils are of particular importance because of their ability to sustain a wide range of productive uses. For soils of lesser quality, care is also required to ensure land use

activities do not reduce their life supporting capacity and ability to be productive. Policy 1.6 seeks responsible land management practices to manage effects of land disturbance and vegetation clearance.

- 6 For these policies it is identified that the consent process will be used to assess the impact of activities on the District's land and soil resource.
- 7 The application site does not contain soils of high versatility and, as such, will not support the range of productive uses that more versatile soil will. The application site, and its immediate wider area, has historically, and is currently, used for pastoral farming.
- 8 This proposal involves earthworks and vegetation clearance. The construction of new roads, turbine platforms and other infrastructure for the windfarm will involve some loss of soils. However, overall the amount of change and loss is small. The nature of windfarms is that while not being an activity in itself reliant on the soil resource, it can co-locate with other uses that do rely on the soil resource. While farming will continue on the site the Mt Cass windfarm proposal will see approximately 120 hectares of land owned by MainPower removed from traditional farming activities. This land will be protected by way of covenant to enable indigenous vegetation to re-establish thereby promoting improved conservation, biodiversity and ecological values on this part of the site.
- 9 Consistent with policies 1.2 and 1.6 the proposal will adopt responsible land use practices as demonstrated by the development and use of carefully considered Site Management Plan during the construction phase and a Site Rehabilitation and Remediation Plan post construction. The development and use of such plans will ensure that relevant codes of practices and acknowledged industry best practice are adopted. The use of a Site Management Plan in this manner will ensure that the potential for soil contamination, degradation and erosion is appropriately and responsibly avoided or mitigated, through the implementation of stormwater management systems. Finally, recontouring, re-application of topsoil and replanting/regrassing, will retain life supporting capacity of the soil and sustain plant growth.

Policy 1.12

To encourage land use practices which avoid or reduce animal and plant pests throughout the District.

- 10 This policy seeks to encourage good land use practice which avoids or reduces animal and plant pests. Vegetation clearance and earthworks associated with the proposal have the potential to introduce weed species onto the site and increase the possible spread of existing weed species. However, the adoption of best practice guidelines such as vehicle washing included in the Mt Cass Conservation Plan will be effective in mitigating the introduction of weed species. The issue weed control has also been addressed in the Mt Cass Conservation Plan attached to the evidence of Dr Norton. This details the weed control and pest management programme to be established as part of the proposal.
- 11 The District Plan identifies the implementation of these policies 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*

- 12 The District Plan's environmental results anticipated for its land and soil resource will be achieved because the proposal will maintain the life supporting capacity of soil, and will result in the efficient use of less versatile soils while minimising effects on the environment.
- 13 In light of the above assessment of the relevant land and soil resource policies, the proposal is consistent with the objectives and policies relating to the physical and biological characteristics of the District's soil resource.

Ecosystems - significant natural resource

- 14 The District contains a variety of ecosystems and habitats that contributes to the District's natural character. In terms of safeguarding ecosystems, the District Plan recognises that such characteristics within the District are of importance to the community for their intrinsic, natural and ecological values. The District Plan aims to:
 - a) Protect areas of significant indigenous vegetation, significant habitats of indigenous fauna, the habitat of trout and salmon, and preserve wetlands, lakes and rivers and their margins.
 - b) Protect ecosystems from irreparable damage or degradation.
- 15 To achieve this, the District Plan identifies that important natural resources within the District will be protected by way of special management areas and scheduled significant natural resources. Specific District Plan rules are used to manage and protect these natural resources. Other district wide rules and methods apply to indigenous vegetation in areas not specifically identified.
- 16 Policies 2.4 and 2.5 are not relevant.
- 17 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.

- 18 Policy 2.1 seeks to identify areas of natural significance in the District. It does this through the inclusion of Appendix A7.1 – Schedule of significant natural areas, Appendix A7.1(A) – Schedule of potentially significant natural areas. A small part of Significant Natural Area 9 – Mt Cass bush remnants (SNA9) is included in the site, however it is not within the indicative construction corridor.
- 19 Policy 2.2 seeks to protect the values associated with the scheduled natural resources by avoiding, remedying or mitigating any actual and potential effect of activities on those values.

In addition it also manages the values associated with resources of significant natural and cultural value not scheduled.

- 20 Primarily, activities within a scheduled Significant Natural Areas (Appendix A7.1) are controlled by Rule A7.2.2(a)–(e). Rule A7.2.1(e)–Clearance of indigenous vegetation also applies to clearance of indigenous vegetation that has not been significantly modified.
- 21 The ecological evidence identifies that vegetation within the site has significant values that contribute to the ecological and biodiversity values of the area. The proposal will involve the removal of up to 5.1 hectares of indigenous vegetation. This will result in an immediate and short term loss and will affect the ecological and biodiversity values associated with the area. The plan does not control the clearance of vegetation outside any SNA which has been significantly modified by farming. Dr Bishop has identified that approximately 40-50% of the vegetation to be cleared is significantly modified by farming. Further 1 hectare per 5 years per separate certificate of title can be cleared as a permitted activity. This shows that the Hurunui District Plan does anticipate that there will be changes to the vegetation.
- 22 No construction works associated with this proposal will occur within SNA9. No vegetation is to be removed from SNA9 therefore important ecological, habitat, natural and cultural values associated with SNA9 are not affected by this proposal.
- 23 Finally, considering the clearance of indigenous vegetation on areas not significantly modified, the proposal involves a comprehensive replanting package, a weed pest control program and, in conjunction with amended protective grazing practices and land covenanting. In particular cattle grazing will be removed from the covenanted area and up to 25 hectares of new revegetation will be facilitated. The mitigation measures proposed will in the medium and long term result in the protection and overall enhancement of natural and ecological values associated with indigenous vegetation on the application site.

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.

- 24 For areas of the site with indigenous vegetation that has been significantly modified, Policy 2.3 is relevant. The proposal provides for active land management, a weed control program initiated as soon as construction is completed and protection from cattle grazing, and re-establishment of 25 hectares of indigenous vegetation within the application site. Proposed replanting with locally appropriate species and the management of 120 hectares of land by covenant within the site will rehabilitate and to biodiversity and the life-supporting capacity of the area having important ecological values.
- 25 The District Plan identifies the implementation of these policies is anticipated to have the following relevant environmental results:
 - a) *The identification of important natural resources and their values in the District through further research and investigation*
 - b) *The establishment of an integrated comprehensive management system for the District's important natural resources*
 - c) *Adverse environmental effects on important natural resources and ecosystems will be avoided, remedied or mitigated*
 - d) *The protection, enhancement or rehabilitation of important natural resources.*
- 26 The proposal will achieve the environmental results anticipated for the District's significant natural resources. Land management practices, in particular site rehabilitation and remediation in conjunction with significant off-set and additional replanting, are to be adopted

as part of the proposal. These will rehabilitate, enhance and protect the important ecological values of existing areas of indigenous vegetation and support the enhancement of the adjoining significant natural area identified in the District Plan.

- 27 In light of the above assessment of the relevant significant natural resources policies, the proposed windfarm will result in the overall protection and enhancement of the life supporting capacity, ecological intrinsic and conservation values associated with the site and its immediate surrounds. As such, the proposed windfarm is consistent with the relevant natural resources objective and policies.

Environmental pollution

- 28 The District Plan identifies that presently environmental pollution is not a major issue in the District. However, it states that there is the potential for pollution to occur from the introduction of new activities. While most sources of pollution such as discharges of contaminants to land, air and water are within the jurisdiction of the Regional Council, the District Plan seeks to consider the effects of proposals with associated discharges of contaminants to land, air and water. A co-ordinated approach between District Council and Regional Council is therefore anticipated.

- 29 The relevant objectives and policies are:

Objective 3

To avoid, remedy or mitigate the adverse effects from environmental pollution in the District and to maintain and enhance the quality of the Hurunui environment.

Policy 3.1

To coordinate decision-making and management controls relating to environmental pollution in the District.

Policy 3.2

To ensure that activities producing discharges to water and air are managed to avoid or reduce their adverse effects on the District's residents and residents of other Districts.

- 30 The explanation to Policy 3.1 identifies that the integrated control of the causes of pollution is dependent upon coordination between the Regional Council and the District Council. Both Policy 3.1 and 3.2 promotes the use of joint hearings, where appropriate, on resource consent applications when an activity requires consent for land use and discharge consent. This is not relevant to this proposal as a joint hearing is not necessary or required. Hurunui District Council specifically considered the use of section 91 at the time the application was lodged and determined not to exercise its discretion.
- 31 Any consent required from the Canterbury Regional Council relate to the technical aspects associated with the construction of the project. The technical engineering design detail will influence what consents are required from the Regional Council.
- 32 Engineering design matters are addressed in this proposal to ensure that adverse effects on the environment are managed. The preparation and implementation of a site management plan, including stormwater and sediment control measures associated with the construction phase of the windfarm will go directly to managing and avoiding the effects of any discharge to air and water.

- 33 The District Plan identifies the implementation of these policies is anticipated to have the following relevant environmental results:
- a) *Significant environmental pollution from point sources is avoided, and non-point pollution is avoided, remedied or mitigated*
 - b) *Protection of sensitive environmental systems including water bodies, areas of high ecological value, and valued resources*
 - c) *Minimal adverse effects on resources and communities downstream.*
- 34 The proposal will achieve the environmental results anticipated and the relevant objective and policies with regards to environmental pollution. Discharge consents, if required, will be required to be applied for to the Regional Council prior to construction occurring. Potential adverse environmental effects from construction can be mitigated by the adoption of a number of measures detailed by Mr Morrison.
- 35 In considering the objectives and policies relating to environmental pollution the proposal ensures that the quality of the Hurunui environment will be sufficiently safeguarded and is consistent with the relevant objectives and policies.

The water resource

- 36 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.
- 37 Policies 4.3, 4.4 and 4.5 are not relevant to this proposal. Policy 4.2 is addressed in the next section of is appendix.
- 38 The relevant objective and policy is:
- 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.*
- 39 The proposal does not affect any significant surface or sub-surface water body or riparian area. The only waterways in the area are ephemeral. These are only likely to flow during periods of high or prolonged rainfall.
- 40 The management of sediment and stormwater will occur as part of the construction and operation of the windfarm. A management plan and industry best practices adopted will ensure that the proposal, including storage of hazardous substances and materials do not adversely affect water quality.
- 41 The District Plan identifies the implementation of this policy is anticipated to have the following relevant environmental results:
- a) *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.*
 - b) *Protection of the water resource of importance to mahinga kai*

- 42 The proposal will achieve the environmental results anticipated. The proposed windfarm will not have any adverse effects on the District's water resources or riparian areas or impact upon mahinga kai. The proposal is consistent with the relevant water resource objective and policy.

Maori resource management values

- 43 The District Plan acknowledges the need to recognise and provide for Maori perspectives of resource management as 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.

- 44 Policies 5.2, 5.3, 5.6, and 6.1 are not directly relevant to this proposal.

- 45 The relevant objectives and policies are:

Policy 4.2

To recognise and provide for the cultural relationship of tangata whenua with the District's water resources in the management of those resources.

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.

Policy 5.4

To recognise management plans prepared by iwi authorities.

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.

- 46 Meaningful consultation 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 of the application. This assessment considered the relevant resource management documents for the iwi. This assessment identified 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.
- 47 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. In addition the proposal includes the opportunity for Ngai Tuahuriri to access culturally important plant species and have ongoing involvement in the project.
- 48 The District Plan identifies the implementation of these policies is anticipated to have the following relevant environmental results:
- a) *The protection and enhancement of taonga of importance to tangata whenua as appropriate to their needs and values*
 - b) *The use of traditional tangata whenua approaches in the management of the District's natural and physical resources*
- 49 The protection and enhancement of vegetation and management of any archaeological sites, if found, will promote the protection and enhancement of taonga of importance to tangata whenua. The proposed windfarm will achieve the environmental results anticipated with regards to Maori resource management values and is consistent with the above objectives and policies.

Landscape and environmental amenity

- 50 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.
- 51 Policy 7.5 is not relevant to this proposal.
- 52 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.

- 53 Policy 7.1 is to identify and monitor outstanding natural features and landscapes. These areas are subject to greater control through rules in the District Plan. The site of the windfarm is not identified within the District Plan as an outstanding, important or valued landscape or natural feature. Methods that implement Policy 7.1 make reference to landscape studies relevant to Hurunui District including "Landscapes of the Hurunui District" (Lucas Associates, 1995) as resources to identify those natural features and landscapes which are of significance to the community. As identified by Mr Glasson none of these studies identify Mt Cass as being an outstanding landscape. Mr Riddolls has also identified that the site is not an outstanding natural feature. In my view Policy 7.1 is of limited relevance to this proposal.

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.

- 54 The District Plan approach to the management of other natural features and landscapes is partly directed through Policy 7.2 and its resulting methods. In addition the objectives and policies relating to environmental quality (which I address in a later section) also contribute to the overall management approach.
- 55 The methods implementing Policy 7.2 emphasise non-regulatory approaches with the exception of wilding trees within Forestry Management Areas. Methods include the promotion of QEII covenants, encouraging sustainable land management practices, encouraging weed control and liaison with utility providers relating to the location and maintenance of structures.
- 56 This proposal incorporates all of the relevant methods to achieve the policy. In particular the proposal:
- a) Includes a 125 hectare area of land to be covenanted, likely through QEII;
 - b) the proposal design, subject to necessary operational requirements, retains the vegetation and limestone where possible,
 - c) the Conservation Plan details extensive weed control methods.
 - d) the proposed permanent structures, including the location of the buildings have been designed to fit into the landscape and where possible are in less obtrusive locations.

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.

- 57 The first part of this policy applies to areas which have been identified in the District Plan as being outstanding. The evidence of Mr Glasson and Mr Riddolls is that the site is not outstanding. In addition, I note that the proposed site is not within an outstanding landscape or natural feature area identified in the Hurunui District Plan. I am also aware that many of the core landscape studies at the Regional and District level also do not identify this as an outstanding landscape. Accordingly in my view the first part of the policy is not relevant.
- 58 The second part of the policy relates to avoiding or mitigating the effects on areas which have a high degree of naturalness, visibility, aesthetic value or expressiveness. I note that these concepts are typically used when determining whether a landscape is outstanding. As I have outlined above in combination these matters do not lead to this site being considered as an outstanding landscape. These factors are inherent in the evidence of Mr Glasson. Mr Glasson has identified that the general landscape is a rural landscape and the site is of moderate natural character.

Policy 7.4

To promote the restoration and enhancement of important natural features and landscapes.

- 59 This policy and its explanation is to encourage the restoration and enhancement of natural features and landscapes where they have been adversely modified. The primary achievement of this policy is through promoting private or community efforts and negotiating with landowners. The explanation to the policy recognised that conditions may also be imposed on

resource consents for remediation of damaged areas. This proposal incorporates a comprehensive rehabilitation and restoration approach. These approaches include, site rehabilitation, recontouring, and replanting and enhancement as detailed by Mr Morrison and Dr Norton. This restoration and enhancement approach is to be reinforced through conditions of consent.

- 60 The District Plan identifies the implementation of these policies is anticipated to have the following relevant environmental results:
- a) *Protection and enhancement of important natural features and landscapes*
 - b) *Adverse effects on natural areas and landscapes are avoided, remedied or mitigated.*
- 61 The proposal will achieve the environmental results anticipated. This has occurred through the overall design of the proposal, the proposed construction methods and the rehabilitation and restoration proposed.
- 62 In light of the above assessment of the relevant landscape and environmental amenity policies, it is my view that proposed windfarm is not inconsistent with the relevant landscape and environmental amenity objective and policies.

Heritage resources

- 63 The District Plan in Issue 8 and the following provisions addresses heritage resources. I have evaluated all of the relevant provisions. There are no identified heritage resources on the site, and therefore the objectives and policies are not directly relevant to this proposal.
- 64 While there are no identified resources of heritage value on the site, the proposal does incorporate protection should any currently unknown resources be discovered. It does this through the acknowledgement of the requirements in the Historic Places Act, and by the use of an accidental discovery protocol proposed as part of the application and reinforced in conditions of consent.
- 65 This approach will ensure that the proposal is generally consistent with the intent of the District Plan with respect to heritage resources.

Access to resources of significant value

- 66 The District Plan identifies that public access to resources is an issue in managing natural features, landscapes and other natural resources, as well as sites of heritage or cultural values. 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.
- 67 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.

- 68 The District Plan does not specifically identify the application site as being one of significant value, therefore these objectives and policies are not of direct relevant. However, the proposal will result in the provision of public access to both the proposed windfarm and to the proposed covenanted area. There is currently no public access to this private land. The proposal will enhance the current situation.
- 69 The District Plan identifies the implementation of these policies is anticipated to have the following relevant environmental results:
- a) *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.*
- 70 The proposal while not needing to will achieve the environmental results anticipated with regards to public access to resources and is consistent with the relevant objectives and policies. The windfarm proposal will result in new public access opportunities.

Protection & enhancement of environmental quality

- 71 The District Plan identifies that there are many factors that contribute to environmental health or the level of amenity within the District. Activities which can adversely affect the quality of the environment or the health and safety of people are to be controlled without unduly constraining the rights of individuals to use their own properties. Other factors which have a significant impact on environmental health and amenity values include ambient noise levels and air quality namely dust and odour nuisance. Therefore, the District Plan seeks to minimise these factors and promote a high level of the environmental amenity by way of managing the use development and protection of natural and physical resources.

72 Policies 10.2, 10.4, 10.6, 10.6a, 10.7, 10.8 and 10.10 are not relevant to this proposal.

73 The relevant objectives and policies are:

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 10.1

To foster environmental health for the wellbeing of the District's residents.

Policy 10.3

To maintain and enhance environmental amenity by ensuring that the development and distribution of facilities and services 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.

74 The objective is focussed on amenity values that the community wishes to protect. There is nothing in the District Plan to identify that Mt Cass has particular amenity values distinct from any other rural area within the District that the community wishes to protect. That is the site is not located within an identified landscape or natural features area, and there is no specific regulatory control on structures occurring on this ridge.

75 Policy 10.1 is a general policy focussing environmental health contributing to the wellbeing of the District's residents. The matters in the subsequent policies contribute to this.

76 What is relevant to policy 10.3 is the generation of electricity as a public service and the provision of utilities associated with the distribution of that electricity. In particular the lines and substation. The location of the distribution facilities has been carefully designed so that impacts on environmental amenity are avoided, remedied or mitigated to the extent operationally feasible. In this regard the selected location for the substation is in a location where it is not visible from the northern side of the ridge. In addition the buildings on the site have been architecturally designed to ensure that they fit into the landscape in an appropriate manner. The lines to distribute the electricity generated run down the southern side of the ridge again to reduce their visibility.

77 Policies 10.5 and 10.5a are key policies. Both focus on avoiding, remedying and mitigating effects of activities. The administration of Policy 10.5a is focussed on a single rule (Rule A1.2.10) which applies to sites within 1 kilometre from the highway. This does not apply to Mt Cass.

78 The proposal cannot avoid structures on the skyline of Mt Cass ridge. The operational requirements are that the turbines need to be located on the skyline. Where the proposal has avoided visual effects on the ridge is through the selected location of the roading, the permanent buildings and facilities including the substation and reticulation lines, and the other temporary facilities required during construction. These were described previously.

- 79 Remedying of adverse effects will occur through the site rehabilitation measures within the application. These include re-contouring, top-soiling and re-grassing disturbed areas which following construction will return the rural character to these parts of the site.
- 80 Measures to mitigate the effects of the proposal were incorporated into the initial design. In addition the architectural design of the permanent buildings, through the treatment of cut and fill areas on the roads as described by Mr Glasson and additional measures are included in the Mt Cass Conservation Plan.

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.

- 81 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 windfarm will comply with the noise limits set out in *NZS6804:1999 Acoustics – Construction Noise*. Any noise emission from this proposal is sufficiently separated from existing sensitive activities such as residential dwellings. Therefore, any noise generated by this proposal does not create a noise nuisance or problem for the community and as such is acceptable.
- 82 The District Plan identifies the implementation of these policies is anticipated to have the following relevant environmental results:
- a) *The maintenance of amenity values as appropriate to particular areas of the District.*
 - b) *An acceptable level of noise and air quality throughout the District.*
- 83 When I look at objectives and policies as a whole the fundamental matter they are concerned with in this location is the amenity values associated with this rural environment. These amenity values include audible, visual and perceptual matters. In this circumstance it is the visual and perceptual matters which are the most relevant. In this regard the relevant policies seek that adverse effects are avoided, remedied or mitigated. The policies do not indicate a preference to which of these should occur in any given situation. Notwithstanding this in my view the approach used within the proposal is to imply a hierarchy by avoiding effects where there are choices in the siting of facilities, providing specific mitigation of adverse effects where the facilities must occur in particular locations, and remedying adverse effects through site rehabilitation following construction.
- 84 While the proposal will result in structures along the Mt Cass ridge which will be visible from the surrounding area the extent of this visual change is reduced as far as practicable. The visual change does not result in the loss of the ruralness of this rural area. Rural amenity values will remain albeit changed. In my view the proposal does not result in inconsistencies with these objectives and policies.

Energy production and use

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

Policy 11.2 is not relevant and policy 11.3 which is to *“to promote opportunities for the use of renewable energy resources”* is not relevant other than to say that this project will provide more renewable energy which can be used.

86 The relevant objective and policy is:

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.

87 I have taken the term extraction to mean the same as production in the objective in my evaluation. The District Plan identifies that many of the District's energy needs could be met through use of renewable energy resources. While it is accepted that this objective and the supporting policies do not specifically promote the establishment of windfarms *per se*, the proposal will assist in achieving the outcomes sought.

88 The District Plan identifies the implementation of these policies is anticipated to have the following relevant environmental results:

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

89 The proposal will promote greater ability to utilise energy from a renewable energy source. The proposed Windfarm is generally consistent with the relevant energy objective and policy.

Infrastructure and development

90 Infrastructure is an essential part of the District's physical resources. The District Plan identifies 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.

91 The District Plan uses the terms infrastructure, services and utilities, only specifically defining utilities. The District Plan defines a utility as meaning *"any facility relating to the distribution or transmission of gas or electricity (including those services that may be subject to any conditions imposed under sections 25 and 26 of the Gas Act 1992, and sections 24 and 25 of the Electricity Act 1992), telecommunication and radio communication facilities, the distribution of water (including reservoir structures and water tanks), drainage or sewerage reticulation, irrigation systems, lighthouses, navigational aids, beacons and meteorological activities. (including any telecommunication, radio and satellite links).*

92 In my view the term infrastructure is wider and includes electricity generation and the roading network accessing the windfarm. Therefore I consider Objective 12 and the associated policies to be of relevance to the entire windfarm and the connection of the windfarm to the Waipara substation. Buildings and structures associated with the distribution or transmission of electricity such as the substation, switch yard and transmission lines as well as being infrastructure also falls within the definition of utilities.

93 Policies 12.2, 12.3, 12.7, 12.8 and 12.9 are not relevant.

94 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.

- 95 The proposal provides an important service, infrastructure and utility that will meet both today's community and the reasonably foreseeable needs of future generations. In particular the proposal utilising renewable energy is consistent with the government focus on how future energy needs should be provided for. The government focus on renewable energy is directly related towards meeting the reasonable foreseeable needs of future generations. The proposal utilises an efficient and renewable wind resource which is recognised as an environmental sustainable resource. This project can be considered as working positively towards the achievement of objective 12.
- 96 To meet the energy needs of today's North Canterbury's community and the foreseeable needs of future generations. The generation and transmission of 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 development of the windfarm occurs while managing the actual or adverse environmental effects to the extent operationally possible.
- 97 The wind resource required to establish a windfarm is only available in certain locations. The evidence of Mr Wong Too and Mr Mead have established that Mt Cass is the only feasible location where the benefits of renewable electricity generation can be obtained.
- 98 The location of Mt Cass is efficient with the co-siting of existing utility facilities particularly the substation at Waipara. This location provides for the efficient transmission of energy generated from Mt Cass.
- 99 The utility components of this proposal must be located so as to service the windfarm. Therefore, there are no alternative locations off the site for the establishment of the utility components of this project. Particularly consideration was given to the specific location of these facilities on the site. In particular the substation is located in an area where visibility of the facility is reduced. In addition the buildings have been architecturally designed so that

they fit into the environment. The transmission lines have are located on the back site of the Mt Cass ridge, reducing their visibility. Once at Mt Cass Road the alignment of the transmission lines follows the existing line alignment. This shows that the locational and operational requirements have been considered.

Policy 12.9

To ensure the costs of the cumulative effects of new subdivision and development on the District's infrastructure are fully addressed and fairly apportioned.

Policy 12.10

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

- 100 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 can be accommodated safety on the road network. There is some potential that depending on the final turbine selected small areas of Mt Cass Road will need to be upgraded. If any upgrading is required the cost of this will be borne by the application. The potential upgrading is included in conditions of consent, internalising the cost within the proposal.
- 101 Ongoing traffic generation after the construction 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.
- 102 The District Plan identifies the implementation of these policies is anticipated to have the following relevant environmental results:
- a) *An efficient and effective infrastructure throughout the District*
 - b) *Avoidance, remediation or mitigation of the adverse effects of constructing and maintaining the District's infrastructure*
 - c) *Development of more sustainably based infrastructure*
- 103 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 and is consistent with the infrastructure and development objective and policies.

Waste management

- 104 The District Plan provisions relating to waste management addressed under Issue 13 are not relevant to this proposal.

Hazards mitigation

- 105 The District Plan identifies that the District is vulnerable to a variety of natural hazards but the principal hazards the Plan addresses are; flooding, geological hazards, coastal hazards and seismic events.
- 106 Policies 14.1, 14.2, 14.4, 14.5 and 14.6 are not relevant to this proposal.
- 107 The relevant objective and policy is:

Objective 14

The avoidance or mitigation of the adverse effects of natural hazards on the environment, with priority on community protection.

Policy 14.3

To ensure that new subdivision and development takes into account any risks from natural hazards.

- 108 The District Plan identifies a number of specific natural hazards. The proposed site does not have or is not near any identified hazard in the District Plan.
- 109 A Preliminary Geotechnical Appraisal Report is included in the assessment of effects.
- 110 The site has some sink holes and landslide features. The project design avoids these features where possible. Good construction practice and engineering design will ensure that these matters are addressed.
- 111 The District Plan identifies the implementation of this policy is anticipated to have the following relevant environmental result:
- a) *The mitigation of adverse environmental effects of natural hazards on communities, including mitigation measures in place in areas identified as being of high risk.*
- 112 This proposal achieves the environmental results anticipated with hazard mitigation primarily by not being located in an area of high risk. Further site investigation and geological mapping will ensure that any areas of risk are avoided or design measures put in place to mitigate or remedy any potential for adverse effect. This approach is consistent with the relevant hazard objective and policy.

Hazardous substances

- 113 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.
- 114 Policies 15.1, 15.2 and 15.3 are not relevant.
- 115 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.

Policy 15.5

To minimise the effects of radiation by requiring sources of radiation to comply with appropriate standards of environmental protection.

- 116 The proposal will involve the use and storage of hazardous substances, particularly during the construction period. The operation of the windfarm 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. Hazardous substances will be stored appropriately 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. These measures will minimise the potential risk of accidental spill or discharge occurring. Consequently, the potential for adverse effects associated with the storage and use of hazardous substances will be properly controlled and managed.
- 117 Policy 15.5 addresses electromagnetic radiation from communication transmitters. The policy explanation is to allow these activities provided they demonstrate compliance with the appropriate legislation or standards. Potential effects of radiofrequency were addressed in the assessment of effects and are appropriate.
- 118 The District Plan identifies the implementation of these policies is anticipated to have the following relevant environmental results:
- a) *Avoidance of environmental damage from hazardous substances*
 - b) *The safe storage and disposal of hazardous substances within Hurunui District*
 - c) *Adequate responsiveness to emergencies and to the environmental restoration of contaminated sites*
- 119 This proposal achieves the environmental results anticipated by adopting the necessary mitigation measures such as appropriate storage and having emergency spill kits on site. In addition conditions addressing radio interference matters are included. Such measures control the potential for adverse effect of hazardous substances and minimise the risk of damage to people, communities and environment. They are consistent with the relevant hazardous substances objective and policy.

Environments of Special Concern

- 120 The Coastal Environment is identified as an environment of special concern and has objectives and policies in Section 17 of the District Plan and rules in Section B2 of the District Plan.
- 121 As identified previously the site generally does not fall within the Coastal Environment. A small area where work is proposed (road widening on Mt Cass Road) may be considered as coastal environment as delineated by the District Plan. This area is generally in a valley and has no association with the coast. Therefore there are no implications for the coastal environment due to works proposed. In addition, roads and earthworks on roads are provided as a permitted activity in the Coastal Management Area with no permitted activities specified in the coastal area of special concern needing to be met. Therefore as a permitted activity there can be no issues with the objectives and policies.
- 122 Further evaluation is not necessary.

District Plan Assessment Criteria

- 123 The matters in the assessment criteria inform the evaluations by other witnesses in their evidence and are addressed in the assessment of effects section of the AEE. Further, many of the policies are implemented by these assessment matters. These matters were considered in

the previous section of my evaluation. The evaluation undertaken in this section is done on the basis of the evaluations already undertaken.

124 The relevant assessment criteria are set out and addressed below.

C1.2.1 Criteria for assessing resource consent applications

The matters contained in sections 104 to 104D, and in Part II of the Act apply to the consideration of all resource consents for land use activities. In addition to these above matters, the Council shall apply the assessment matters, where relevant, as set out below:

- (a) The relevant matters stated for the consideration of any controlled or discretionary activity;*
- (b) Whether the proposed activity would compromise the objectives and policies pertaining to the Environment of Special Concern or the district-wide rules contained in the Management Code*
- (c) Whether conditions can be devised to avoid or mitigate any adverse environmental effects of the proposal resulting from the non-compliance with any condition, standard or term;*
- (d) The anticipated environmental results intended to be achieved for the Environment of Special Concern or District-wide matter;*
- (e) 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;*
- (f) 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;*
- (g) 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;*
- (h) The outcome of any recommendations made by a relevant expert;*
- (i) The outcome of any consultation undertaken with the Regional Council, the Department of Conservation, iwi or any other organisation;*
- (j) The degree to which any adverse environmental effects are to be remedied or mitigated;*
- (k) The extent to which any ecological, heritage, conservation and landscape values of the area will be maintained and enhanced*
- (l) Whether the degree of non-compliance with any particular condition, standard or term is minor, having regard to the purpose of that control; or*
- (m) Whether it is unreasonable to require compliance with the condition, standard or term; or*

- (n) *Whether conditions can be imposed to avoid or mitigate any adverse environmental effects resulting from the non-compliance with any condition, standard or term.*
- (o) *Whether features about the site make compliance difficult, including its size, shape, access, topography, geotechnical constraints, or the presence of a natural hazard or vegetation.*
- (p) *Whether 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).*
- (q) *Whether 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.*
- (r) *Whether 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*
- (s) *Whether 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, better design of access and parking facilities, and improved on and off-site access*
- (t) *Conformity with relevant industry codes of practice.*

- 125 The matters relevant to the consideration of a discretionary activity had been taken into account along with the objectives and policies and other provisions. While some rules are not complied with overall the proposal does not compromise the objectives and policies. The anticipated environment results also formed part of the evaluation. This is included in the evaluation in Appendix 2.
- 126 It is anticipated that there is to be a comprehensive set of consent conditions to reinforce address the adverse effects associated with the proposal.
- 127 The design and location of any proposed buildings and the visual amenity have been assessed by Mr Glasson. While there are effects, these effects are not considered to result in inappropriate development.
- 128 The goods to be used and stored on the site will not affect public safety. Goods including hazardous substances will be stored accordingly to sound industry practice and will meet the relevant health and safety requirements. During construction there will be temporary effects which may impact on the quality of the locality. However, these construction effects are temporary and will be subject to remediation works.
- 129 The effects associated with the operation and frequency of activities on the site have been considered and addressed in the evidence of amongst others Tim Morrison, Melanie Muirson and Malcolm Hunt. Amenity matters have been considered by Mr Glasson and myself. Overall the proposal appropriately addresses this assessment matter. Ms Muirson has

addressed traffic matters include the necessary requirements to move the large structures to the site.

- 130 The outcome of any recommendations made by a relevant expert have formed an integral part of the project feasibility, design, and consenting process. In addition there has been extensive consultation with a number of people and organisations, the outcomes of which were reported in the application and are addressed by Mr Hurley.
- 131 Remedying adverse environmental effects, maintaining and enhancing values of the area, compliance with the rules and site features, and consideration of special environments have all formed a key part of the project design, and consenting. These matters have been addressed. For this site the existence of the wind resource and the demands of designing a windfarm mean that there are practical and technical limitations to where some of the components of the facility can be located, particularly the turbines. These, along with the environmental issues have informed the proposal. A comprehensive approach to site management during and post construction has been included. This includes ecological restoration and during construction meeting relevant industry codes of practice.
- 132 In addition to the above general matters there are also more specific criteria in the District Plan. Those relevant are addressed below.

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;*

- 133 The most relevant assessment matter to this proposal is bullet point two. The others are more relevant to buildings in environments where other buildings are the prominent land use and to habitable buildings. The matters addressed by the relevant assessment matter forms part of the evaluation of Mr Glasson and also informed the evaluation of the District Plan - Landscape and Environmental Amenity and Environmental Quality. The degree of visual effects differs depending on the proximity and topography at each vantage point.

(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.*

134 Night working is not generally expected to occur. However, it may be necessary if construction takes place in winter months to carry out construction activities in dark conditions where portable lighting rigs will be utilised. As such, only a small portion of construction-based activities will be conducted at night. Given the anticipated limitation in application and duration, the remoteness of the location and the physical separation from neighbouring properties, the occasional use of portable lighting will not result in inappropriate effects. Relevant matters were also addressed in the assessment of effects submitted with the application.

(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)*

135 This has been considered by Mr Hunt and in my evaluation for Protection and Enhancement of Environmental Quality above. The evidence identifies that the noise will meet the appropriate standards and that conditions of consent will reinforce this.

136 Assessment matter (v) relates to screening of non-residential buildings. The turbines can be considered to fall within the definition of a building. Given the nature of the turbines it is impractical to require screening. While screening in compliance with the district plan could be achieved, through planting or a fence, this would be ineffectual and result in unnecessary elements.

(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.*

137 The matters addressed above have been considered in the evidence of Mr Glasson, Mr Morrison, Mr Greenaway, Dr Bishop and Dr Norton. These matters have also been addressed where appropriate in the evaluation of the District Plan objectives and policies.

138 The visual effects of earthworks on the landscape and amenity values were a consideration by Mr Glasson. Mr Morrison considered the construction effects including the engineering measures that will be implemented to ensure that the effects of construction are appropriately managed. The proposal includes a comprehensive package of mitigation and offsets which will provide for the long term protection of the vegetation and habitat on 120 hectares of land MainPower owns.

139 Relevant matters were also addressed in the assessment of effects submitted with the application.

(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;*

140 The matters relevant to the assessment matters were addressed by Mr Glasson, Mr Morrison, Dr Bishop and Dr Norton and in my evaluation of objectives and policies where relevant. The matters identified in paragraph 138 are relevant. Relevant matters were also addressed in the assessment of effects submitted with the application.

(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.*

(ii) *Activities in road reserve:*

§ *Current and likely future traffic volumes and patterns on the road and connecting roads;*

§ *Current and likely future traffic problems;*

§ *The ability of the road to accommodate effectively any changes in traffic volumes and patterns;*

§ *The potential for pedestrian, vehicle conflict;*

§ *Vehicular access to and from adjoining sites, with particular regard to traffic sight distances, the ability to turn off and into sites, and the safety of pedestrians; and*

§ *The ability of roads to accommodate parking safely, without adverse impacts on the road's ability to accommodate through-traffic and adjoining sites' vehicular access.*

(v) *Property accesses*

§ *Whether the access point is sufficiently removed from any intersection having regard to traffic volumes on the roads, and the 85th 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.*

141 Matters relevant to the assessment matters were addressed in evidence of Ms Muirson, in my evaluation for infrastructure and development and in the assessment of effects submitted with the application. Overall it is seen that any effects of traffic and transportation can be adequately addressed. Where necessary conditions of consent will reinforce this.

(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.*

142 Matters relevant to the specific assessment matters identified have been considered by Mr Glasson, Mr Mead, Mr Donnelley, Mr Hurley, Mr Morrison, Dr Bishop and Dr Norton and in my evaluation of the objectives and policies. Radio Services were specifically addressed in the application. It is identified that there are considerable benefits with the locational considerations for utilities, particularly the transmission network.

(f) *Natural Environment*

(i) *Significant natural 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.*

143 Matters relevant to the assessment matters have been considered by all relevant witnesses. In particular, Mr Glasson, Mr Riddolls, Dr Bishop, Dr Norton, Mr Hurley and Mr Morrison and in my evaluation of the objectives and policies. Relevant matters were also addressed in the assessment of effects submitted with the application. The proposal does not result in the removal of vegetation within the scheduled resource being the SNA.

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.*

- 144 As the application is for a discretionary activity, the above general assessment criteria apply. The following addresses the matters relevant to this application.
- 145 The application is for a Windfarm proposal. Windfarm sites require particular wind characteristics along with other factors, such as access to transmission networks before they can be considered as potentially viable site. As such, there is a limitation on the number of suitable sites in the region.
- 146 The construction phase is a busy phase with periods of intense activity as represented by the volume of traffic generated. However, such phrases are temporary and of short duration. The nature of the wind turbines, mean that it is not possible to develop a windfarm that would meet all of the conditions in the District Plan for a permitted activity. It is unreasonable to require compliance with conditions, standards and rules in the District Plan.
- 147 For this proposal, conditions can be imposed to avoid, remedy or mitigate adverse environmental effects. A set of conditions are attached to my evidence.
- 148 The operational requirements for the windfarm mean that turbines need to be erected where the wind resource is location (on the ridge). The turbines need to be transported to the site and therefore the necessary infrastructure, including roading and transmission networks is required. Given the type of development proposed it is implausible that it could be developed while meeting all of the District Plan standards. It is unreasonable to comply with conditions, standards and rules in the District Plan.
- 149 This proposal includes the covenanting of 120 hectares of land which will result in the retention and enhancement of vegetation in the vicinity.
- 150 Attention has been paid to the environmental considerations of developing a windfarm on this site. The site is separated by over 1km from the nearest property and therefore the construction effects will largely occur on the site.
- 151 The construction phase of the windfarm proposal will be an intensive period of activity. However, this is similar to any other large scale construction process. While traffic volumes generated are higher during construction, such effects will be temporary and short term and can be accommodated on the roading infrastructure.
- 152 As a mitigation measure during the construction phase of the Windfarm proposal, a site management plan will be prepared and adopted. This will include identification of and adherence to relevant industrial codes of practice. Codes of practice will ensure that 'best practice' principles are utilised of during the construction phase.

Appendix 3

Evaluation of Canterbury Regional Policy Statement

- 1 The Canterbury Regional Policy Statement (RPS) contains a number of resource management issues relevant to this proposal. This section assesses in detail the proposal against to the relevant objectives and policies in the RPS. The assessment adopts the order of the RPS. As expected there is a high degree of compatibility between the Regional Policy Statement and the Hurunui District Plan. In my evaluation there are no locations where there are inconsistencies between the documents. Therefore there is a high degree of repetition between the evaluation undertaken here and the evaluation I have undertaken on the District Plan.

Chapter 6. Provision for the Relationship of Tangata Whenua with Resources

- 2 Policies 1, 2 and 6 are not relevant to this application.
- 3 The following objectives and policies are considered relevant.

Objective 1

To enable Tangata Whenua to exercise their relationship, their culture and their traditions with their ancestral lands, water, sites, wahi tapu, and other taonga and to take into account the Treaty principles of partnership and active protection of Tangata Whenua in the use of their lands and waters to the fullest extent practicable.

Policy 3

Specific aspects of the relationship of Tangata Whenua, their culture and their traditions with their ancestral lands, water, sites, wahi tapu and other taonga should be recognised and provided for through resource management and planning including provisions in plans, decisions on resource consents and monitoring the state of the environment.

Policy 4

To promote the protection of any site or activity that yields evidence of koiwi tangata (human bones) or artefacts (taonga) from violation or desecration.

Policy 5

- (a) *Promote the provision of access for Tangata Whenua to their ancestral lands, water, sites, wahi tapu, and other taonga where appropriate.*
- (b) *Promote where appropriate the protection of wahi tapu, wahi taonga and mahinga kai sites of Tangata Whenua from general access where this is required by Tikanga Maori.*

- 153 Meaningful consultation 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 of the application. This assessment considered the relevant resource management documents for the iwi. This assessment identified 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.
- 4 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. In addition the proposal includes the opportunity for Ngai Tuahuriri to access culturally important plant species and have ongoing involvement in the project.

6.4 Environmental Results Anticipated

- (1) *The exercise by Tangata Whenua of their relationship with resources and taonga in the management of natural and physical resources.*
 - (2) *Protection of koiwi tangata, artefacts, sites, wahi tapu and other taonga of significance to Tangata Whenua.*
 - (3) *Improved access to and use by Tangata Whenua of their mahinga kai, wahi tapu and wahi taonga.*
- 5 The protection and enhancement of vegetation and management of any archaeological sites, if found, will promote the protection and enhancement of taonga of importance to tangata whenua. The proposed windfarm will achieve the environmental results anticipated with regards to Maori resource management values and is consistent with the above objectives and policies.

7. Soil and Land Use

- 6 Objective 2 and policies 5, 6 and 8 are not relevant to this application.
- 7 The following objectives and policies are considered relevant.

Objective 1

- (a) *Safeguard the life-supporting capacity of soil by maintaining or restoring where appropriate, soil quality factors including: soil depth, soil structure, water holding capacity, organic matter, soil fertility and soil fauna.*
- (b) *Prevent, as far as practicable, induced soil erosion in Canterbury.*

Policy 1

Land use activities that actually or potentially have significant adverse effects on the following soil quality factors: soil structure, organic content, soil fauna, water holding capacity, and soil fertility, should be avoided, or those effects remedied or mitigated. Significant adverse effects on any of these factors include:

- (a) *any deleterious change in a soil quality factor which would persist for 25 years or more, or would be impracticable to remedy;*

- (b) *a change in a soil quality factor that increases the rate of runoff and/or nutrient contribution to waterbodies.*

Policy 2

- (a) *Wherever any action or activity is carried out that increases the likelihood of soil depth being lost, the best practicable method for reducing the amount of erosion likely to occur as a result of that action or activity should be adopted.*
- (b) *Activities that have the potential, regardless of the method adopted, to result in significant soil erosion, or to lead to significant off-site effects, including sedimentation of water bodies or the coastal environment, should be avoided unless these adverse effects can be offset by mitigation measures undertaken elsewhere.*

Policy 3

- (a) *Maintain or restore vegetative cover on non-arable land so that it is sufficient to prevent land degradation as indicated by:*
 - (i) *a combination of all the following: a long-term reduction in plant stature, vigour and biomass; increased bare ground; and the presence of early successional plant communities; or*
 - (ii) *a long-term decline in soil quality factors as set out in Policy 1; or*
 - (iii) *induced soil erosion.*
- (b) *Vegetation clearance on non-arable land, whether by burning, or other means, should as soon as practicable be followed by post-clearance treatment to restore or establish a vegetative cover or other surface that is sufficient to prevent induced soil erosion.*

Policy 4

- (a) *Where past or present land use is resulting in induced erosion, or has increased vulnerability to induced erosion, the landowner or occupier should implement remedial measures to return the rate of erosion, or erosion vulnerability to its natural level.*
- (b) *Priority for treatment should be where there is a significant actual or potential adverse effect on significant habitats of indigenous flora and fauna, waterbodies or their beds (including wetlands), or the coastal environment.*

8 This proposal involves earthworks and vegetation clearance. The construction of new roads, turbine platforms and other infrastructure for the windfarm will involve some loss of soils. However, overall the amount of change and loss is small. The nature of windfarms is that while not being an activity in itself reliant on the soil resource, it can co-locate with other uses that do rely on the soil resource. While farming will continue on the site the Mt Cass windfarm proposal will see approximately 120 hectares of land owned by MainPower removed from traditional farming activities. This land will be protected by way of covenant to enable indigenous vegetation to re-establish thereby promoting improved conservation, biodiversity and ecological values on this part of the site.

9 The proposal will adopt responsible land use practices as demonstrated by the development and use of carefully considered Site Management Plan during the construction phase and a Site Rehabilitation and Remediation Plan post construction. The development and use of such plans will ensure that relevant codes of practices and acknowledged industry best practice are adopted. The use of a Site Management Plan in this manner will ensure that the potential for soil contamination, degradation and erosion is appropriately and responsibly avoided or

mitigated, through the implementation of stormwater management systems. Finally, recontouring, re-application of topsoil and replanting/regrassing, will retain life supporting capacity of the soil and sustain plant growth.

Objective 3

Protection of the environment from on-site and off-site adverse effects:

- (a) resulting from land that has become contaminated;*
- (b) by prevention of land contamination.*

Policy 7

Any use or activity that has the potential to result in contamination of land should not be established or continued unless effective precautions have been taken to avoid significant adverse effects on the environment.

- 10 The proposed windfarm will not result in the contamination of the land. The operation of the Windfarm does involve the storage and use of hazardous substances. Storage and use of hazardous substances involved as part of the construction process will be properly managed and controlled. The proposal will adopt responsible land use practices through the development and use of a Site Management Plan during the construction period. This will also include a site rehabilitation and remediation plan.

7.4 Environmental Results Anticipated

Implementation of the above policies and methods is expected to have the following environmental results:

- (1) Maintenance and improvement of soil quality.*
 - (2) A reduction in the vulnerability of soils to induced erosion.*
 - (3) Reduced adverse effects from land contamination.*
 - (4) Reduction in adverse effects from land management burning.*
 - (5) More sustainable land uses and practices.*
 - (6) Control of plant and animal pests.*
 - (7) Protection of significant wahi tapu and wahi taonga, landscapes and indigenous flora and fauna.*
- 11 The proposed windfarm will achieve the environmental results anticipated with regards to soil and land use as the proposal will not result in the degradation of soil, soil instability, erosion or on-site contamination. Proposed on-site land management practices will control pests. Proposed additional planting of the site will result in an overall enhancement of ecological and biodiversity values for the site.

8. Landscape, Ecology and Heritage

154 Objective 1 and Policy 1 is not relevant to this proposal.

155 Objective 4 and Policy 5 address heritage resources. I have evaluated all of the relevant provisions. There are no identified heritage resources on the site, and therefore the objectives

and policies are not directly relevant to this proposal. While there are no identified resources of heritage value on the site, the proposal does incorporate protection should any currently unknown resources be discovered. It does this through the acknowledgement of the requirements in the Historic Places Act, and by the use of an accidental discovery protocol proposed as part of the application and reinforced in conditions of consent. This approach will ensure that the proposal is generally consistent with the intent of the Regional Policy Statement with respect to heritage resources.

156 The relevant objectives and policies are:

Objective 2

Protection or enhancement of the natural features and landscapes that contribute to Canterbury's distinctive character and sense of identity, including their associated ecological, cultural, recreational and amenity values.

Policy 3

Natural features and landscapes that meet the relevant criteria of sub-chapter 20.4(1) should be protected from adverse effects of the use, development, or protection of natural and physical resources, and their enhancement should be promoted. Activities that may have adverse effects include those involving the clearance or modification of areas of indigenous vegetation (particularly tall tussock), earthworks, alteration to landforms, tree planting, or the erection of structures. The particular sensitivity of these natural features and landscapes to regionally significant adverse effects in terms of sub-chapter 20.4(2) should be reflected in the provisions of district plans in the region. Assessments of effects should be made by considering:

(i) aesthetic values;

(ii) expressiveness;

(iii) transitory value;

(iv) natural science factors.

- 12 The objective and policy seeks to protect and enhance a number of values associated with natural features and landscapes of regional significance from adverse effects of the use, development or protection of natural and physical resources. Activities such as the clearing of vegetation, earthworks, tree planting and buildings may have an adverse effect on natural features and landscapes. The purpose for this is to ensure the protection of a range of values associated with landform and land cover to enable their continuing benefit of present and future generations.
- 13 When assessing the actual and potential for adverse effects of use and development, consideration is required to be had to four assessment criteria namely: aesthetic values; expressiveness; transitory values; and natural science factors and the matters listed in Chapter 20.4(1)(e). These matters are have been all considered in the assessments undertaken by Mr Glasson. These factors are inherent in the evidence of Mr Glasson. Mr Glasson has identified that the general landscape is a rural landscape and the site is of moderate natural character and does not constitute an outstanding natural feature or landscape.
- 14 The Canterbury Regional Landscape Study (Boffa and Lucas Associates 1993) did not identify Mt Cass as being a regionally outstanding landscape, nor was the study specific in classifying the area as a "regionally significant landscape".

- 15 The "Landscapes of the Hurunui District " (Lucas Associates, 1995) prepared for the Hurunui District Plan review has not identified Mt Cass as being regionally outstanding or significant. The site is not identified in the Hurunui District Plan as being an Outstanding landscape area (Appendix A2 – Outstanding landscape areas). Overall Objective 2 and Policy 3 do not apply to the Mt Cass and the windfarm.

Objective 3

Protection or enhancement of:

- (i) *Indigenous biodiversity, (including the survival of threatened species, communities and habitats, and species, biological communities and habitats unusual in, or characteristic of Canterbury);*
- (ii) *Indigenous ecosystem functioning; and*
- (iii) *Indigenous vegetation and habitats which contribute to the region's natural character.*

Policy 4

Areas of indigenous vegetation and habitats of indigenous fauna that meet the relevant criteria of sub-chapter 20.4(1) should be protected from adverse effects of the use, development, or protection of natural and physical resources, and their enhancement should be promoted. In particular, indigenous species, communities and habitats that are threatened, unusual in, or characteristic of Canterbury should be identified, and their survival, and the survival of ecosystems on which they depend, safeguarded as far as practicable. The particular sensitivity of these areas of vegetation or habitats to regionally significant adverse effects in terms of sub-chapter 20.4(2) should be reflected in the provisions of district plans in the region.

- 16 This objective and policy seeks the protection and enhancement of areas of indigenous vegetation and habitats of indigenous fauna. The purpose of this is to provide protection of Canterbury's distinctive vegetation and wildlife character as well as maintaining indigenous biological diversity.
- 17 It has been identified that the site does include vegetation that is considered significant in terms of Policy 4. Up to 5.1 hectares in total in vegetation will be removed as part of the construction works. This will result in an immediate and short term impact on the ecological and biodiversity values associated with the area. This loss is not consistent across all the indigenous vegetation communities in the study area, with 2.9ha of Minimangi–pasture grass, and 1.1ha of broadleaf – five finger-forest, and 0.5ha or less of the other communities, being cleared. Associated with this loss is increased indigenous species habitat fragmentation, including along the new vegetation edges. Dr Bishop describes that in the short term this can lead to changes in micro-climates causing species stress and mortality, and exotic species invasion.
- 18 Dr Norton describes the further mitigation proposed by MainPower. Approximately 25 ha of existing exotic pasture is to be re-established as indigenous vegetation using local seed sources. This will increase the viability of the existing indigenous vegetation communities through, in part, reducing habitat fragmentation. The areas of indigenous vegetation outside of the functioning windfarm will be managed to ensure that it is maintained and enhanced in the long-term. This includes fencing the indigenous vegetation to exclude cattle stock and undertaking ongoing predator control for a period. In recognition of the freehold tenure of the site, MainPower will enter into a QEII covenant, or similar, ensuring that once the windfarm is established, irrespective of its future, the indigenous vegetation will be protected from future changes in land management practices.

- 19 The mitigation measures proposed will in the medium and long term result in the protection and overall enhancement of natural and ecological values associated with indigenous vegetation on the application site.
- 20 The objective and policy seeks to protect and enhance indigenous ecological and biodiversity values. This proposal due to the long term approach being undertaken to managing 120 hectares of the site, including a comprehensive replanting package, a weed and animal pest control program, protection through amended farm grazing practices and land covenanting, will result in an outcome consistent with the objective and policies.
- 21 After the windfarm is developed the vegetation on the site will still meet the criteria as being significant. The development of the windfarm will not result in the loss of the important values.
- 22 While identified in the application as being an area of indigenous vegetation with important ecological and biodiversity values, the site has not been identified in the Hurunui District Plan (Appendix A7.1 – Schedule of significant natural areas or Appendix A7.1(A) – schedule of potentially significant natural areas) as being an area of particular ‘sensitivity’ in terms of its vegetation and habitat values.

8.4 Environmental Results Anticipated

- (1) *Protection or enhancement of distinctive characteristics of the Canterbury region, including:*
 - (a) *natural values within wetland areas identified in Policy 1(a);*
 - (b) *landscape values within areas identified in Objective 2;*
 - (c) *biological values within areas identified in Objective 3;*
 - (d) *heritage values within historic places or areas identified in Objective 4;*
 - (e) *wahi tapu and other taonga of value to Tangata Whenua within any of the above areas.*
- (2) *Protection of the quantity and quality of water within existing wetlands.*
- (3) *Greater use of artificial wetlands as means of water treatment or as natural habitats.*
- 23 The proposal involves the removal of an area of vegetation which is assessed as being significant. In response to this, the proposal includes a comprehensive replanting package, a weed and animal pest control program, protection through amended farm grazing practices and land covenanting. This will result in the overall protection and enhancement of natural and ecological values for the Mt Cass ridgeline.
- 24 Continued dialogue with Tuahuriri Runanga and the development of Archaeological Sites Protocol and Wāhi Taonga/Wāhi Tapu and Urupā Protocol will ensure the protection and enhancement of taonga of importance to Tangata Whenua. In light of the above, the proposed windfarm will achieve the environmental results anticipated for landscape, ecology and heritage.

9. Water

- 25 Objectives 1 and 2 and Policies 1, 2, 3, 4, 5, 6, 7, 8, 10, 13 and 14 are not relevant to this application.

26 The following objectives and policies are considered relevant.

Objective 3

Enable present and future generations to gain cultural, social, recreational, economic, health and other benefits from the water quality in Canterbury's water bodies and coastal waters, while:

- (a) safeguarding the existing value of water bodies for efficiently providing sources of drinking water for people;*
- (b) safeguarding the life-supporting capacity of the water, including its associated: aquatic ecosystems, significant habitats of indigenous fauna and areas of significant indigenous vegetation;*
- (c) safeguarding their existing value for providing mahinga kai for Tangata Whenua;*
- (d) protecting wahi tapu and other wahi taonga of value to Tangata Whenua;*
- (e) preserving the natural character of lakes and rivers and protecting them from inappropriate use and development;*
- (f) protecting outstanding natural features and landscapes from inappropriate use and development;*
- (g) protecting significant habitat of trout and salmon; and*
- (h) maintaining, and where appropriate, enhancing amenity values.*

Policy 9

To manage point and non-point source discharge and set water quality conditions and standards and terms in plans, and conditions on resource consents, that achieve (a) to (h) of Objective 3. Adverse effects of discharges on existing water quality should be avoided, remedied or mitigated and, where appropriate, degraded water quality should be enhanced.

Policy 11

Promote land use practices which maintain and where appropriate enhance water quality.

Policy 12

Activities which could result in a release of hazardous substances should not be located in areas where water resources are vulnerable to contamination unless adequate precautionary measures are implemented to avoid that contamination.

- 27 The proposal does not interfere with any significant surface or sub-surface water body or riparian area. The only waterways in the area are ephemeral. These are only likely to flow during periods of high or prolonged rainfall.
- 28 There is the potential for sediment run-off from the proposal which involves earthworks. Mitigation measures are to be adopted as part of the overall project design and construction phase will address this short term effect. The management of sediment and stormwater will occur as part of the construction and operation of the windfarm. A management plan and

industry best practices adopted will ensure that the proposal, including storage of hazardous substances and materials do not adversely affect water quality.

9.6 Environmental Results Anticipated

Implementation of the above policies and methods is expected to have the following environmental results:

- (1) Adequate and safe sources of drinking water supplies for Canterbury people.*
- (2) Protection of the life-supporting capacity of water resources, including the health and diversity of their ecosystems.*
- (3) Protection of areas of mahinga kai and water values of cultural significance to Tangata Whenua.*
- (4) Efficient use, and better availability, of abstracted water.*
- (5) Greater benefits from the use, development and protection of Canterbury's water bodies.*
- (6) Maintenance of water quality and quantity to the standards and flow and level regimes set for water bodies and coastal water.*
- (7) Maintenance of the health, integrity and value of groundwater aquifers, including water quality, spring flows and associated wetlands and ecosystems.*
- (8) A progressive improvement in the quality of degraded water bodies.*

- 29 The proposal will achieve the environmental results anticipated with respect water. The proposed windfarm will not have any impact on the community or individual drinking water supplies and will not result in degrading of water quality or quantity. Flow and level regimes are not affected by this proposal. The proposed windfarm will not impact on mahinga kai or any water values of cultural significance to Tangata Whenua.

10. Beds of Rivers and Lakes and their Margins

- 30 This chapter and its provisions are not relevant to the proposal

11. The Coastal Environment

- 31 I have considered the provisions within this Chapter. However because the site is not considered part of the Coastal Environment a full evaluation has not been done.

12. Settlement and the Built Environment

- 32 This chapter and its provisions are partly relevant to the proposal. They are relevant in so far as network utilities are considered to be part of the built environment and are addressed under this chapter.

- 33 Objectives 2, 3, 4, 5, 6 and Policies 1, 3, 4, 5, 6, 7 and 8 are not relevant to this application.
- 34 The following objectives and policies are considered relevant.

Objective 1

Enable urban development and the physical expansion of settlements and the use and provision of network utilities to occur while avoiding, remedying or mitigating adverse effects on the environment, including in particular effects on:

- (a) uses and values associated with water quality of water bodies.*
- (b) flow and level regimes of water bodies, including the flow regimes of spring-fed streams.*
- (c) air quality.*
- (d) natural character of coastal environments, wetlands, lake and river margins that meet the criteria of sub-chapter 20.4.*
- (e) natural features and landscapes that meet the criteria of sub-chapter 20.4.*
- (f) areas of significant indigenous and native vegetation and significant habitats of indigenous or native fauna including native fish, for example, inanga (whitebait), tuna (eel), including those that meet the criteria of subchapter 20.4.*
- (g) ancestral land, water, sites, wahi tapu, and wahi Taonga of value to Tangata Whenua.*
- (h) amenity values that meet the criteria of sub-chapter 20.4.*
- (i) heritage values of sites, buildings, places and areas that meet the criteria of sub-chapter 20.4.*
- (j) recreational resources that meet the criteria of subchapter 20.4.*
- (k) energy use.*

Policy 2

The use of land for urban development and the physical expansion of settlements should be discouraged and the adverse effects of network utility use and provision minimised where such use would:

- (a) result in the contamination of sources of drinking water.*
- (b) have an adverse effect on flows and level regimes of water bodies, including the flow regimes of spring-fed streams.*
- (c) adversely affect the natural character of coastal environments, wetlands, lake and river margins, natural features and landscapes, and recreational, amenity and heritage values that meet the criteria of sub-chapter 20.4, and significant indigenous vegetation and habitats of indigenous fauna including those that meet the criteria of sub-chapter 20.4.*
- (d) adversely affect ancestral land, water and sites, including prevention of the maintenance and, as may be appropriate, the enhancement of mahinga kai, and the protection of wahi tapu and wahi taonga.*

- 35 This objective and policy recognises that network utility infrastructure is an essential physical resource within the Canterbury environment. In the context of this proposal network infrastructure relates to those built structures necessary for supplying services to the community such power supply. The social, economic and cultural wellbeing of the community and its health and safety is highly dependent on such infrastructure. The policy recognises that effects are to be minimised. This proposal provides for an important community resource being electricity. The approach has been to as far as possible avoid, remedy or mitigate adverse effects. This proposal, through its mitigation, and offset package accords with the objective and policy direction.

12.4 Environmental Results Anticipated

Implementation of the above policies and methods is expected to have the following environmental results:

- (1) Sustainable management of urban and rural communities*
 - (2) Adverse effects of urban development and the physical expansion of settlements on natural and physical resources and the environment minimised.*
 - (3) Reduction in the use of non-renewable energy sources.*
 - (4) Improvements in the efficiency in the use of all resources (particularly energy) including infrastructure and network utilities.*
 - (5) Protection of mahinga kai, wahi tapu and wahi taonga adjacent to urban areas.*
 - (6) Ability for Tangata Whenua to develop and maintain papakainga settlements and marae.*
- 36 The proposed Windfarm will achieve the environmental results anticipated with regards to settlement and the built environment where relevant to network utilities by ensuring that the physical resources are developed in such a way to ensure efficiency.

13. Air

- 37 Objectives 2 and 3 and Policies 2, 3, 4, 5, 6, 7, 8, and 9 are not relevant to this application.

- 38 The following objective and policies are considered relevant.

Objective 2

Avoid, remedy or mitigate the adverse effects on people, flora and fauna, and other natural and physical resources resulting from discharges of contaminants into the air.

Policy 3

Set standards, conditions and terms for discharges of contaminants into the air to avoid, remedy or mitigate adverse effects.

Policy 5

(a) Activities which require resource consents to discharge contaminants into air should be encouraged to locate away from residential dwellings, educational facilities, hospitals, shops and other similar public buildings unless adverse effects can be avoided or mitigated.

- 39 Construction activity will be located some distance away from the nearest residential dwelling. There are no educational facilities, hospitals, shops or other public buildings in close proximity to the application site. Mitigation measures are also to be incorporated into the site

management once construction begins. In particular a dust management plan will be prepared as part of the site management. This will be reinforced by conditions of consent.

13.4 Environmental Results Anticipated

Implementation of the above policies and methods is expected to have the following environmental results:

- (1) *Reduced effects of emissions on human health and the environment.*
 - (2) *Discharges into air which meet conditions and standards and terms for consents and permitted activities, and enable ambient air quality standards to be met.*
 - (3) *Ambient air quality that meets air quality standards set by the Regional Council.*
 - (4) *Reduced emissions of greenhouse gases and ozone depleting substances.*
- 40 The proposed Windfarm will achieve the environmental results anticipated with regards to air by ensuring that any discharges to air are properly controlled and managed on site thereby ensuring a standard of air quality that does not detrimentally impact upon human health or the environment.

14. Energy

- 41 Policies 2 and 3 are not relevant to this application.
- 42 The following objective and policy is considered relevant.

Objective 1

Reduce Canterbury's dependence on non sustainable energy sources.

Policy 1

Promote the use of energy from renewable sources consistent with sustainable management of natural and physical resources, including the promotion of the substitution of fossil fuels with renewable sources.

- 43 The proposal provides the ability to include the energy available from renewable energy sources. The proposed windfarm is a renewable and sustainable energy source, able to meet the present and future energy needs of Canterbury.

14.4 Environmental Results Anticipated

Implementation of the above policies and methods is expected to have the following environmental results:

- (1) *More efficient use of energy.*
- (2) *Provision of energy for the region's and nation's current and future needs from the most efficient and sustainable sources.*
- (3) *Reduction in the adverse effects of energy production and use, (including the effects on water resources, reduced carbon dioxide emissions and reduced air pollution).*

(4) *Substitution of fossil fuels with more sustainable energy sources.*

- 44 The proposed windfarm will work to achieve the environmental results anticipated for energy. The proposal provides a renewable and more sustainable substitute or alternative to the use of fossil fuels. Wind is a sustainable energy source, this wind resource is not available everywhere, but is available on Mt Cass.

Chapter 15. Transport

- 45 Policy 3 is not relevant to this application.
- 46 The following objective and policies are considered relevant.

Objective 1

Enable a safe, efficient and cost-effective transport system to meet present and future regional, inter-regional and national needs for transport.

Policy 1

Protect Canterbury's existing transport infrastructure and land transport corridors necessary for future strategic transport requirements by avoiding, remedying, or mitigating the adverse effects of the use, development or protection of land and associated natural and physical resources on the transport infrastructure.

Objective 2

Avoid, remedy, or mitigate the adverse effects on the environment of transport use and provision.

Policy 4

Ensure that in the provision, realignment or maintenance of transport infrastructure, adverse effects on natural resources that meet the criteria of sub-chapter 20.4 are avoided, remedied, or mitigated.

- 47 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. Any realignment or maintenance work on the existing transport infrastructure does not impact on any identified significant natural resources.
- 48 I have approached this as through the internal access roads is considered transport infrastructure addressed in the Regional Policy Statement. Provision of transport infrastructure internal to the site will involve the removal of indigenous vegetation. The relationship of the site with the criteria in sub-chapter 20.4 has been addressed earlier. Overall due to the approach taken to avoid where possible, to mitigate and to remedy the proposal is not considered to be in conflict with this policy.

15.4 Environmental Results Anticipated

Implementation of the above policies and methods is expected to have the following environmental results.

- (1) *A reduction in the adverse effects from the use and provision of transport services and infrastructure including:*
 - (a) *Reduced use of non-renewable energy sources.*
 - (b) *Improvements in the efficiency of all energy usage.*
 - (c) *Reduced air pollution.*
 - (d) *Increased road safety.*
 - (e) *Reduced carbon dioxide emissions.*
 - (2) *A transport system which is able to efficiently and effectively meet community needs.*
- 49 The proposal will work to achieve the environmental results anticipated for transport by ensuring the functioning of the existing transport infrastructure remains efficient and effective at meeting community transport needs.

Chapter 16. Natural Hazards

50 Objective 2 and Policies 1, 2, 4, 6, and 7 are not relevant to this application.

51 The following objective and policies are considered relevant.

Objective 1

Avoid or mitigate the actual or potential costs of loss or damage to life, property, or other parts of the environment from natural hazards.

Policy 3

Where there is no provision for natural hazard in a plan relevant to an area in which an application for a resource consent has been received, the consent authority should, when having regard to this Regional Policy Statement, take a precautionary approach to the potential for a natural hazard to be created or increased as it relates to the applicant or any other person or property. This may be achieved by giving priority to the principle of avoidance.

Policy 5

Responsibility for costs associated with management of natural hazards, as well as these can be determined, should fall on those who benefit in proportion to that benefit.

52 A Preliminary Geotechnical Appraisal Report is included in the assessment of effects.

53 Matter relevant to natural hazards, including seismic activity and land stability was a key consideration into the design of the project, including the location of the access road. . The site has some sink holes and landslide features. The project design avoids these features where possible. Good construction practice and engineering design will ensure that these matters are adequately addressed.

16.4 Environmental Results Anticipated

Implementation of the above policies and methods is expected to have the following environmental results:

- (1) Potential costs (including loss of life) due to natural hazards reduced to the point where any further reduction would have no net benefit.*
- (2) Damage to the environment, or to important habitats or amenity values, heritage places, mahinga kai areas, and other taonga, is limited to the minimum practical level.*
- (3) Improved relationship between Tangata Whenua and natural hazard management.*

54 This proposal achieves the environmental results anticipated with hazard mitigation primarily by not being located in an area of high risk. The design phase of the project has sought to locate roading and other structures and facilities appropriately to minimise any risk. Further site investigation and geological mapping undertaken by the applicant will ensure that any areas of risk are avoided or design measures put in place to mitigate or remedy any potential for adverse effect.

17. Hazardous Substances

55 Policy 1 is not relevant to this application.

56 The following objective and policies are considered relevant.

Objective 1

Prevent or mitigate the adverse effects on the environment from the storage, use, disposal and transportation of hazardous substances.

Policy 2

Promote hazardous substances management practices that prevent or mitigate adverse effects on the environment, including practices that reduce the use of hazardous substances.

Policy 3

Ensure that the adverse effects on the environment of unintended releases of hazardous substances from the storage, use, disposal or transportation of such substances are prevented or mitigated as far as practicable.

Policy 4

Discharges of hazardous substances should only be authorised when adverse environmental effects are prevented or mitigated.

57 The proposal will involve the use and storage of hazardous substances, particularly during the construction period. The operation of the Windfarmwindfarm 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 appropriate locations and spill kits will be present on site onsite during construction.

58 These mitigation measures are recognised as standard industry practice. This will ensure that the effects from unintended releases of hazardous substances are prevented or mitigated as

quickly as is practicable. 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.

17.4 Environmental Results Anticipated

The implementation of the above policies and methods is expected to have the following environmental results:

- (1) Reduced actual and potential adverse effects on the environment from the storage, use, disposal and transportation of hazardous substances.*
 - (2) Better management practices adopted when hazardous substances are used.*
- 59 This proposal achieves the environmental results anticipated by adopting all necessary mitigation measures such appropriate storage and emergency spill kits on site. Such measures go to controlling the potential for adverse effect of hazardous substances and minimizing the risk of damage to people, communities and environment. The adoption of such measures are recognised and accepted as being responsible industry practice.

Appendix 4

Biodiversity Strategies

1. In this appendix I examine the three biodiversity strategies of relevance to the windfarm site, being:
 - a. The New Zealand Biodiversity Strategy 2000
 - b. A Biodiversity Strategy for the Canterbury Region 2008
 - c. Biodiversity Strategy a new vision for the Hurunui District 2008.
2. The primary focus on this analysis is on the New Zealand Biodiversity Strategy 2000 as both the regional and local biodiversity strategies were prepared within the context of this national approach. When considering the biodiversity strategy for the Canterbury Region and for the Hurunui District, I provide some focus on the differences of between these strategies when compared to the New Zealand Biodiversity Strategy 2000.

New Zealand Biodiversity Strategy

Introduction

3. The New Zealand Biodiversity Strategy (2000) is published by the New Zealand Government.
4. The purpose of the New Zealand Biodiversity Strategy is recorded in the executive summary, which is; *to establish a strategic framework for action, to conserve and sustainably use and manage New Zealand's biodiversity. The primary focus is on New Zealand's indigenous biodiversity.* The New Zealand Biodiversity Strategy was prepared partly in response to international conventions. New Zealand has committed itself to through ratification of the International Convention on Biological Diversity and the state of decline of New Zealand is indigenous biodiversity (see Executive Summary). In addition, the New Zealand Biodiversity Strategy implements the commitment made by the Government in the Environment 2010 Strategy to set clear goals for New Zealand's indigenous biodiversity (pg. 10).
5. The New Zealand Biodiversity Strategy is not required by statute. Annex Two (pg 135 & 136) records in the process by which the strategy was prepared. This included public consultation and submissions, but overall reinforces that the Strategy's preparation is not based upon a prescribed statutory process.
6. A number of programs are established to implement the Strategy. These include *Protecting our Places: Information about the Statement of National Priorities for Protecting Rare and Threatened*

Biodiversity on Private Land. In addition, the first five yearly review of the New Zealand Biodiversity Strategy is complete¹¹.

Overview of the New Zealand Biodiversity Strategy

7. The New Zealand Biodiversity Strategy is divided into four parts. Part One sets the context for the Strategy. Part Two establishes a vision, goals and principles. Part Three sets out action plans. Finally, Part Four establishes strategic priorities and implementation.

8. The overriding vision of the Strategy is:

New Zealanders value and better understand biodiversity;

We all work together to protect, sustain and restore our biodiversity, and enjoy and share in its benefits, as the foundation of a sustainable economy and society;

Iwi and hapu as kaitiaki are active partners in managing biodiversity;

The full range of New Zealand's indigenous ecosystems and species thrive from the mountains to the ocean depths; and

The genetic resources of our important introduced species are secure, and in turn support our indigenous biodiversity.

9. Within the New Zealand Biodiversity Strategy there are four goals (pg 5 & 6) of which Goals one and three are particularly relevant. The four goals are:

a. Goal One: Community and individual action, responsibility and benefits

Enhance community and individual understanding about biodiversity, and inform, motivate and support widespread and coordinated community action to conserve and sustainably use biodiversity; and

Enable communities and individuals to equitably share responsibility for, and benefits from, conserving and sustainably using New Zealand's biodiversity, including the benefits from the use of indigenous genetic resources.

b. Goal Two: Treaty of Waitangi

c. Goal Three: Halt the decline in New Zealand's indigenous biodiversity

Maintain and restore a full range of remaining natural habitats and ecosystems to a healthy functioning state, enhance critically scarce habitats, and sustain the more modified ecosystems in production and urban environments; and do what else is necessary to

Maintain and restore viable populations of all indigenous species and subspecies across their natural range and maintain their genetic diversity.

¹¹ see Green W and Clarkson B (2005) *Turning the tide? A Review of the First Five Years of the New Zealand Biodiversity Strategy. The Synthesis Report*
<http://www.doc.govt.nz/upload/documents/conservation/nzbs-report.pdf>

d. Goal Four: Genetic resources of introduced species

10. Thirteen principles are established which, within the context of the Strategy, are considered fundamental to the conservation and sustainable use of New Zealand's biodiversity (pg . 12 and 13). Included within these principles are: Collected and Ethical Responsibilities (Principle Three), Working Together (Principle Four), Respect for Property Rights (Principle Five), Internalising Environmental Costs (Principle Seven), In situ Conservation (Principle Eight), Indigenous Biodiversity Priorities (Principle Nine), Sustainable Use (Principle Ten), Management Actions (Principle Eleven), Precautionary Decision-Making (Principle Twelve), Focus on the Future (Principle Thirteen).
11. Twelve themes are set out within the New Zealand Biodiversity Strategy. Of these, Themes 1, 7, 8 and 9 are directly relevant. Issues, objectives and key actions are found under each theme.
12. Theme 1 relates to biodiversity on the land (pg. 33 to 44). Part of the desired outcome for 2020 is *a net gain has been made in the extent and condition of natural habitats and ecosystems important for indigenous biodiversity*. In relation to scarce and fragmented habitats the desired outcome is that these habitats *have increased in area and are in better ecological health due to improved connections and the sustainable management of surrounding areas*. Further, *some modified habitats are restored and no further human induced extinctions have occurred*. Finally, *threats to indigenous biodiversity from the activities of people are avoided or mitigated through sustainable use regimes and the sustainable management of production landscapes and urban areas* (pg. 33).
13. Under Theme 1, five issues are summarised, being: protecting ecosystems and habitats; habitat fragmentation; plant and animal pests; threatened species; and information, awareness and priority setting (pg. 38 & 39).
14. Resulting from these issues are five objectives and resulting actions. These objectives relate to:
 - a. Objective 1.1 Protecting indigenous habitats and ecosystems
 - a) *Enhance the existing network of protected areas to secure a full range of remaining indigenous habitats and ecosystems.*
 - b) *Promote and encourage initiatives to protect, maintain and restore habitats and ecosystems that are important for indigenous biodiversity on land outside of protected areas.*
 - b. Objective 1.2 Sympathetic management

Integrate and use measures in the sustainable management of production lands and urban environments that are sympathetic to indigenous biodiversity.
 - c. Objective 1.3 Pest management and habitats and ecosystems

Prevent, control and manage plant and animal pests, to maintain or improve the condition and health of habitats and ecosystems important for indigenous biodiversity.
 - d. Objective 1.4 Terrestrial habitat restoration

Restore areas of degraded or scarce habitats and ecological processes that are priorities for indigenous biodiversity.
 - e. Objective 1.5 Threatened terrestrial species management.

Enhance populations and distributional ranges of indigenous species and subspecies threatened with extinction and prevent additional indigenous species and ecological communities from becoming threatened.

15. Recognising that the windfarm site is private land, the key actions include:

Objective 1.1

- b) *Add to public conservation lands those habitats and ecosystems important for indigenous biodiversity that are not represented within the existing protected area network or that are at significant risk of irreversible loss or decline, or in situations where public ownership is needed for effective management.*

Key players: DoC, LAs, iwi/hapu*

- c) *Encourage and support initiatives to protect and maintain habitats and ecosystems important for indigenous biodiversity on private land using a mixture of mechanisms, recognising the rights, responsibilities and interests of landowners and society, including information, education, voluntary mechanisms, economic incentives, property rights and regulation.*

Key players: MfE, DoC, LGNZ, LAs, landowners, iwi/hapu*

- d) *Prepare a national policy statement and related material to provide guidance to local authorities on implementing provisions of the Resource Management Act relevant to conserving and sustainably managing indigenous biodiversity.*

Key players: MfE, DoC*, MAF, LGNZ, LAs, iwi/hapu, primary production sector, landowners, NGOs, community groups*

- h) *Promote landowner and community awareness of opportunities to conserve and sustainably use indigenous biodiversity, and to protect and maintain habitats and ecosystems of importance to indigenous biodiversity on private land.*

Key players: LAs, MfE*, DoC*, MAF, TPK, QEII, landowners, iwi/hapu*

Objective 1.3

- a) *Develop and implement strategies and plans, including national and regional pest management strategies, to manage those plant and animal pests posing significant threats to indigenous biodiversity.*

Key players: DoC, MAF*, RCs*, Biosecurity Council, TLAs, landowners, iwi/hapu, community groups*

Objective 1.4

- a) *Expand habitat and ecosystem restoration programmes and initiatives (including those on offshore islands, "mainland islands", kiwi sanctuary zones, and other sites within production lands and urban areas) to restore scarce or under-represented indigenous habitats and ecosystems to a healthy functioning state.*

Key players: DoC, LAs*, iwi/hapu, research providers, landowners, NGOs, community groups*

- b) *Develop and implement regionally based restoration strategies identifying priority areas for restoring biodiversity and develop opportunities for collaboration both within and between regions.*

Key players: DoC, RCs*, TLAs, MfE, research providers, landowners, NGOs, community groups, iwi/hapu*

- c) *Encourage community understanding of, and involvement in, programmes and activities to protect, maintain and restore indigenous biodiversity through showcase projects and volunteer programmes, and improve access to information, technology, expertise and resources.*

Key players: DoC, MfE*, LAs*, iwi/hapu, NGOs, community groups, landowners*

- d) *Promote the use of local indigenous species for restoration projects and programmes.*

Key players: DoC, LAs, iwi/hapu, NGOs, community groups, landowners*

Objective 1.5

- a) *Increase planned recovery actions to cover priority threatened indigenous species and subspecies (including kiwi sanctuary zones) so that viable representative populations are maintained in habitats and ecosystems important for indigenous biodiversity.*

Key players: DoC, research providers, iwi/hapu, industry, NGOs, community groups*

16. Theme 4 relates to the conservation and use of genetic resources. The primary focus of this theme is on introduced species, with the valued indigenous species being addressed under Themes 1, 2 and 3.

17. Theme 7 relates to Maori and biodiversity. The desired outcome for 2020 includes: *the relationship that Maori have with New Zealand's indigenous biodiversity, as tangata whenua, is recognised and valued in the process of conserving and sustainably using biodiversity and Maori are managing their interests in biodiversity reflecting different iwi and hapu priorities, and sharing in the benefits of its use, to support their economic and social aspirations and fulfil their responsibilities as kaitiaki.*(pg. 93).

18. Within the actions that follow there is no action for landowners. However, of relevance is the cultural harvesting of indigenous plants for medicinal purposes, included within the summarised issues is the customary use of biodiversity resources by Maori (pg. 95). Resulting from this issue, Objective 7.5 and the relevant actions are:

Objective 7.5 Customary use of biodiversity

Recognise and provide for the customary use of indigenous species by Maori, consistent with the conservation and sustainable management of biodiversity.

Actions:

- a) *Develop and implement policy to address outstanding issues relating to the sustainable Maori customary use of native species based on the New Zealand Conservation Authority's work in this area, including policy that encourages iwi to provide sufficient habitat for native species to establish conditions that allow customary use of those species.*

Key players: DoC, NZCA, conservation boards, TPK, iwi/hapu*

- b) *Work with Maori to facilitate access to traditional materials, developing sources and harvesting techniques which minimise the potential adverse effects on indigenous biodiversity, and, where necessary, developing alternative materials.*

Key players: DoC, iwi/hapu*

(pg. 98)

19. Theme 8 relates to community participation and awareness. The desired outcome for 2020 includes; *Individuals within management agencies, researchers and professionals, private resource managers (and users), iwi and hapu and the wider community know and respect each other's roles in biodiversity management and are sharing their knowledge. Each group has sufficient information and capability and is actively incorporating biodiversity priorities in its management programmes, businesses and day-to-day activities. All are involved in, and contributing in some way, towards the achievement of New Zealand's biodiversity goals* (pg. 99).

20. Objective 8.2 and a number of the resulting actions are relevant:

Objective 8.2 Role of resource managers

Encourage natural resource managers and users and landowners to adopt realistic and pragmatic steps to conserve and sustainably use biodiversity.

Actions:

a) *Support, and where necessary develop, joint national and regional/local incentive mechanisms to encourage land, freshwater and marine management practices that lead to the conservation and sustainable management of biodiversity (see also Actions 1.1f and 2.1e).*

Key players: MfE, DoC, MfE, Mfish, LGNZ, Las*

c) *Support activities through the Sustainable Management Fund that enhance landowner and community understanding of ways to avoid or minimise the effects of human activities on biodiversity, and encourage community involvement in practical initiatives that help achieve the sustainable management of biodiversity.*

Key players: MfE, LGNZ, LAs*

d) *Encourage and support sector-led initiatives to effectively incorporate biodiversity considerations in their strategic planning and operational practices, with a focus on the agriculture, forestry, horticulture, fisheries, aquaculture and tourism sectors.*

Key players: MfE, DoC, MAF, Mfish, MoC, LGNZ*

21. Theme 9 addresses information, knowledge and capacity. The desired outcomes for 2020 includes: *when information is inadequate, a precautionary approach to decision-making is taken; and information about biodiversity at all levels is widely accessible, and resource managers are able to select the best mix of management tools from a range of mechanisms to suit local conditions; and those responsible for managing activities that affect biodiversity has sufficient capacity, and share their skills and experience with others* (pg. 105).

22. Six issues are summarised under Theme 9. One of these issues is *valuing biodiversity and good management practice* (pg. 109 & 110). Objective 9.7 and its resulting actions addressed this issue.

Objective 9.7 Valuing biodiversity

Improve the knowledge of market and non-market values of indigenous biodiversity and develop methodologies to evaluate the full cost of activities in terms of their impacts on these biodiversity values.

Actions:

- a) *Review mechanisms that have been used in other countries to value biodiversity, and where practicable, develop ways to apply these techniques in New Zealand.*

Key players: DoC, MfE*, LAs, industry and sector groups*

- b) *Investigate and raise awareness of the range of incentives (including financial, information and property-based mechanisms) which resource managers can use to encourage and reward sympathetic management of indigenous biodiversity (see also Actions 1.1e, 1.1f and 2.1e).*

Key players: MfE, DoC*, LAs, community groups, iwi/hapu*

23. Part four sets out the strategic priorities and implementation in relation to each of the four goal areas. The actions identified within this part of the Strategy are in addition to the actions under each objective (pg. 123). The most directly relevant actions falls under Goal Three, under the headings 5. *Sustain indigenous biodiversity on privately managed areas and in freshwater environments* and 6. *Enhance protected areas and prospects for threatened species*. A number of key statements are made under these headings which reinforce the earlier objectives and actions. There is a clear acknowledgement that indigenous biodiversity values on private land will be important to achieve the outcome sought by the New Zealand Biodiversity Strategy. The overall tenor of the statements relating to private land is that there is a preference for the land to remain in private ownership and be actively managed in a manner which is sympathetic to indigenous biodiversity. This is summarised by the following paragraph:

This Strategy proposes that agencies work together with land managers to ensure that the critical elements of our indigenous biodiversity are sustained. As a preference, land should remain in private ownership but be subject to changed management approaches that are sympathetic to indigenous biodiversity. To be effective, the Strategy requires the assistance of willing and active landowners. While many landowners are receptive to contributing to New Zealand's biodiversity goals, they need assurance that their efforts will contribute to a coherent larger programme. They are looking for partnerships based on mutual respect of their rights and responsibilities along with those of management agencies and other interest groups.

(pg. 127)

Statement of national priorities

24. As part of the implementation of the New Zealand Biodiversity Strategy 2000, and in response to the outcomes of the first five yearly review, Government has made a statement of national priorities for protecting rare and threatened biodiversity on private land¹². In short, the statement provides a national perspective on indigenous biodiversity values found on private land.

25. The Statement identifies four national priorities, being:

- a. *National Priority 1: To protect indigenous vegetation satiated with land environments (defined by Land Environments of New Zealand at Level IV) that have 20% or less remaining in indigenous cover.*

¹² see *Protecting our Places Information about the Statement of the National Priorities for Protecting Rare and Threatened Biodiversity on Private Land* (April 2007) Ministry for the Environment

- b. National Priority 2: *To protect indigenous vegetation associated with sand dunes and wetlands; ecosystem types that have become a common due to human activity.*
- c. National Priority 3: *To protect indigenous vegetation and associated with 'originally rare' terrestrial ecosystem types not already covered by priorities 1 and 2.*
- d. National Priority 4: *To protect habitats of acutely and chronically threatened indigenous species.*

(pg. 2)

26. Figure 2 provides Land Environments of New Zealand maps. The site of the windfarm falls within the ambit of National Priority 1¹³. National Priority 2 does not apply. Limestone erosion pavements and sinkholes are amongst the rare ecosystems identified as falling under National Priority 3 (pg 18, Table 4). In terms of National Priority 4, three species are listed as acutely threatened species, two chronically threatened and three as at risk. Further, the New Zealand Falcon (Eastern), Keruru and Canterbury Gecko are listed within the chronically threatened species 2005 list, both with threat categories of Gradual Decline (pg. 39, Table 7).

Evaluation in relation to the New Zealand Biodiversity Strategy

27. The New Zealand Biodiversity Statement identifies as one of the key action areas the preparation of a national policy statement under the Resource Management Act 1991 (Objective 1.1, Key Action d). This has not occurred. Instead, a statement of national priorities has been published. In my opinion, caution must be exercised in accordance the New Zealand Biodiversity Strategy and the accompanying statement of priorities the same status and weight as a national policy statement. The statutory context is very different. However, it is clear that both the New Zealand Biodiversity Strategy and the accompanying statement of priorities should be had regard to under other relevant matters in accordance with section 104(1)(c).
28. A number of biodiversity values present on and around the side of the windfarm are identified as priorities for protection in the Statement of National Priorities. The overall indigenous vegetation falls within National Priority 1, with those ecosystems existing within the Limestone erosion pavements fall within National Priority 3, and a number of specific species present fall within National Priority 4.
29. The Statement of National Priorities is designed to fit within and implement the New Zealand Biodiversity Strategy. The Statement of National Priorities prescribes value, whereas the New Zealand Biodiversity Strategy sets out the appropriate response to those values.
30. Within the New Zealand Biodiversity Strategy there is a discernible change in management approach when dealing with public and private land. This change in approach is most clearly seen in Objective 1.1 by contrasting Objective 1.1(a) and (b), and the range of actions which implement this, and other objectives. In providing these different management approaches, clear choices have been made about the strength of actions required to implement the objectives in different situations.
31. On private land, the overall approach within the New Zealand Biodiversity Strategy is, in the first instance, one of encouraging, cooperating with and promoting sympathetic management of biodiversity values. Only when a private landowner is uncooperative does the Strategy provide a sense that stronger intervention is required.

¹³ See <http://www.mfe.govt.nz/issues/biodiversity/rare/south-island/hurunui-district-large.html>

32. MainPower's proposed management of the biodiversity values within site moves a long way towards achieving the key biodiversity outcome objectives of the Strategy. Initiatives are proposed to protect, maintain and restore habitats (Objective 1.1(b)) which are degraded and scarce (Objective 1.4), integrate this management with the productive use of the site (Objective 1.2), including by providing beneficial ongoing stock and pest control (Objective 1.3). The management regime proposed is based on specialist ecological advice, and result in realistic and pragmatic steps to conserve and sustain indigenous biodiversity (Objective 8.2). As part of the management of the site MainPower has offered, and continues to offer, access to tangata whenua to the purposes of collecting medicinal plants (Objective 7.5). MainPower is proposing this management regime in recognition of the biodiversity values on land, and to internalise the potential impacts of the windfarm on those values (Objective 9.7).
33. In my view, the proposal is consistent with the New Zealand Biodiversity Strategy, and in many respects goes beyond what the New Zealand Biodiversity Strategy seeks from individual landowners.

A Biodiversity Strategy for the Canterbury Region

34. In February 2008 "A Biodiversity Strategy for the Canterbury Region" (Biodiversity Strategy for Canterbury) was adopted by Environment Canterbury, the Department of Conservation, a number of territorial authorities within the Canterbury Region, and a number of other institutions and organisations. Hurunui District Council is not one of the organisations which is listed as adopting the strategy, but is listed as being included within the Advisory Group identified within the Strategy.
35. The Biodiversity Strategy for Canterbury is a non-statutory document (see Charter for Adoption).
36. Within the Introduction to the strategy it is stated that: *The purpose of the Strategy is to provide guidance and a common focus for policy and decision making, resource allocation, voluntary effort, and on-the-ground projects and initiatives relating to biodiversity management in the region.*
37. The Biodiversity Strategy for Canterbury includes: a Vision, six Goals, Guiding Priority Principle, Priority Areas for Action, five Opportunities for Better Biodiversity Management, and eight Targets with associated Actions.
38. The Guiding Priority Principle is to: *Focus first on protecting and maintaining what remains, and then on restoring what has been lost* (pg. 26). 'Protect' is stated to mean protection from further loss or degradation extending beyond physical or legal protection to include active management (pg. 26).
39. Environments where less than 20% of indigenous cover remains are identified as threatened environments. These environments, together with habitats and ecosystems that are naturally rare or distinctive, or that support rare or threatened species, are identified as priority areas for action (pg. 27). The North Canterbury coastal hill country is identified as an example of a priority action areas for Canterbury because only between 10 and 20% of indigenous cover remains (Table 2 Priority Areas for Canterbury, pg. 33). Limestone rock outcrops are listed as an example of naturally rare or distinctive ecosystems (pg. 34). The 2005 threatened species classification list is cited with respect to habitats and ecosystems supporting rare and threatened species (pg. 35).
40. Target 1 is that *there is no further loss of the significant habitats and ecosystems from 2010* (pg. 55). Four actions are listed. The second action is most relevant in the circumstances. It relates to the development and implementation plans for securing protection of identify priority sites. Priority sites are yet to be identified in accordance with the first action, which is to be complete by December 2008 (pg. 56).

41. Target 2 is: *There is an on-going increase in the number, quality and effectiveness of ecosystem-based restoration projects and initiatives, particularly in areas where less than 30% indigenous cover remains* (pg. 57). There are no landowner actions (pg. 58). However, the change in area of land under formal protection and the changing number of restoration initiatives occurring within threatened environments are included within the five listed performance indicators (pg. 57).
42. Target 3 is: *Awareness of the multiple benefits of incorporating indigenous biodiversity into working in urban landscape is increased by 2012* (pg. 59). Again there are no landowner actions (pg. 60). However within the performance indicators is included *on-the-ground projects putting a biodiversity back into working and urban landscapes* (pg. 59).
43. Target 8 is: *There is an on-going increase in the number of inter-agency and agency/community partnerships that result in biodiversity improvements* (pg. 67). The first action focuses on partnerships, under which landowners are listed within the parties involved (pg.68).

Evaluation in relation to the Biodiversity Strategy for Canterbury

44. In my view caution must be exercised in according the Biodiversity Strategy for Canterbury the same status or weight as a document supported by statute, including the Resource Management Act 1991.
45. Within Appendix B of the Biodiversity Strategy for Canterbury, the 'Policy Context' for the Strategy is set out. Insofar as Figure A: Legislative and Policy Context of the Regional Biodiversity Strategy implies hierarchy and therefore obligation, in my view it is not correct.
46. Overall, the Biodiversity Strategy for Canterbury follows a very similar approach to the New Zealand Biodiversity Strategy as informed by the Statement of National Priorities. With respect to the windfarm proposal it results in the identification of the same biodiversity values of being of significance and seeks similar outcomes. If there is a difference, the Biodiversity Strategy for Canterbury seeks stronger protection for significant habitats and ecosystems after 2010, as a result of it containing less differentiation between the biodiversity management approaches on public and private land.
47. The outcome of MainPower's proposed management of biodiversity values within a site is also largely, but not totally, consistent with the key biodiversity outcomes sought in this Strategy. As 'protect' is defined within the Strategy, the proposal results in legal protection and ongoing active management of a large majority of the areas of indigenous vegetation and habitats of indigenous fauna for those Priority Areas for Action (Target 1). The proposal recognises that not all loss can be avoided, and therefore includes a significant ecosystem-based restoration project (Target 2) which is integrated into the working landscape (Target 3).
48. In my view, the proposal is largely consistent with the Biodiversity Strategy for Canterbury.

Biodiversity Strategy a new vision for the Hurunui District

49. Biodiversity Strategy: a new vision for the Hurunui District" (Hurunui Biodiversity Strategy) was adopted by Hurunui District Council in 2008. It is a non-statutory document.
50. Within the Strategy two major areas of emphasis are identified, being: *to encourage the voluntary, participatory involvement of landowners; and to develop and implement a range of new non-regulatory practices and programmes* (pg. 1).

51. The Hurunui Biodiversity Strategy contains a Vision, a section discussing the Importance of Biodiversity, a section discussing the Statutory Context, methods, monitoring, review, and action points.
52. The vision is: *The unique natural values of the Hurunui District are maintained and enhanced by Council, landowners and other parties working together in partnership, voluntarily and cooperatively, and a non-regulatory framework* (pg. 1). Under this vision it is stated that Hurunui District Council is seeking to move away from the existing method of regulating identified Significant Natural Areas through the District Plan, towards a non-regulatory, collaborative approach (pg. 1).
53. Eleven methods are identified (pg. 7 to 10), with action points set out in relation to each of these methods (pg. 12 and 13). All these methods are generally non-regulatory in nature and cover the full range of non-regulatory methods. One method (Development rights) involves the potential management of the development of land through the district plan.
54. The Hurunui Biodiversity Strategy is more general than the New Zealand Biodiversity Strategy. The only material that relates to the identification of biodiversity values of the District is found on the map under the Heading 'Snapshot Hurunui'. It identifies many of the non-regulatory methods that can be found in the New Zealand Biodiversity Strategy, but these are focused on actions the Hurunui District Council will undertake. The Hurunui Biodiversity Strategy contains an explicit bias against use of regulation through district plans.
55. In my view caution must be exercised in according the Hurunui Biodiversity Strategy the same status or weight as a document supported by statute, including the Resource Management Act 1991. It remains a matter that can be had regard to under other relevant matters in accordance with section 104(1)(c). However, until such time as the non-regulatory thrust of Hurunui Biodiversity Strategy is tested by changing the current approach within the Hurunui District Plan, in my view little weight should be placed on it.

Appendix 5

Canterbury Conservation Management Strategy 2000

Introduction

1. The Canterbury Conservation Management Strategy (CCMS) was approved by the New Zealand Conservation Authority on 14 June 2000. The CCMS is a statutory requirement of the Conservation Act 1987. Under this Act, section 17D provides that the purpose of conservation management strategies is to implement the policies and establish objectives for the integrated management of natural and historic resources, including any species, managed by the Department under various Acts of Parliament. Conservation strategies must be prepared in accordance with the procedure set out and Section 17F of that Act. This procedure includes consultation with conservation authorities and other persons or organisations affected, and the general public.
2. A review of a conservation management strategy may be initiated at any time by the Director-General of Conservation, but a conservation management strategy must be reviewed as a whole no later than 10 years after the date of its approval. The Department of Conservation's website indicated that the required to review of the CCMS has begun.

Canterbury Conservation Management Strategy

3. Within the Introduction to the CCMS it is recorded that:

The CMS provides an integrated picture of the Department's conservation management and advocacy, and a clear sense of strategic direction to develop over the ten-year span of the CMS. The Canterbury CMS answers the following basic questions:

- *What are the conservation issues in Canterbury?*
- *What realistic objectives will be set for the next ten years?*
- *How will the Department liaise with individuals and groups to maximise conservation?*
- *What are the Department's statutory obligations?*
- *What are the Department's priority tasks in Canterbury?*

And

The CMS covers the management of protected species, the protection of freshwater fish and marine mammals, and wild animal control across all land, freshwater and ocean areas in the Conservancy. This is because the Department has the statutory responsibility for protecting the species across all ecosystems, even when the Department may not be responsible for managing that area.

(pg. 1)

4. Part 2 of the CCMS sets out its context, including the international, national, general policy and Canterbury considerations. It then states a 'Philosophy for Canterbury', within which is included; 'A Canterbury Vision' and 'Canterbury Goals', the desired Canterbury in the year 2005, and how this can be achieved by 2005, which includes use of the Resource Management Act. Under the heading 'In the Year 2005 ...' It is stated that:

People Partnership

- *There is wide public and community support in Canterbury for conserving the region's natural, cultural and historic heritage: for its indigenous natural values, to provide recreation opportunities, and as a character backdrop for the region's economic activities*
- *Landholders have a good understanding of the heritage values under their management control, and have ready and continuing access to information about those features and their management needs.*
- *Individuals and organisations are actively engaged in advocating for the protection of Canterbury's natural and historic heritage, and regulatory agencies are responsive to those views.*

Heritage Conservation

- *No further species of indigenous plants or animals have become extinct.*
- *Threatened plant, bird, fish and marine mammal populations are well on the way to recovery to self-sustaining levels, and comprehensive action is underway to protect threatened invertebrate and reptile populations.*
- *The prime examples of the full range of representative ecosystems in Canterbury have been accorded some form of formal protection and active management; with special emphasis on the protection of:*
 - *podocarp forest*
 - *coastal, hardwood and seral bush*
 - *savannah, mānuka and kānuka woodland*
 - *snow, red, silver and fescue tussock, and blue wheat grass*
 - *grassland*
 - *dunelands*
 - *freshwater and saline wetlands, including lakes*
 - *mudflats*
 - *estuaries*
 - *marine fish nursery areas*
 - *freshwater fish spawning area*
 - *natural riparian margins for all water bodies*

so that a comprehensive regional system of protected natural areas is in place

- *Other areas of Canterbury's natural heritage, while not necessarily subject to a formal protection mechanism, are sufficiently valued by their owners that they are receiving some form of conservation management.*

(pg. 17)

5. In order to achieve the version of the CCMS, support is sought from land management and land use organisations (Table 2 pg. 20).
6. Part 3 sets out of the CCMS goals and priorities. Of the heritage goals, the following are directly relevant:

- *To manage areas, natural resources and protected species under the Conservancy's guardianship for their contribution to indigenous biodiversity conservation.*
- *To identify and work towards adequate representation of the indigenous biodiversity of Canterbury in the protected natural area system.*
- *To target threat control to sustain indigenous biodiversity in Canterbury into areas where significant natural resources are at risk and achievable management objectives can be met, using the most effective and efficient methods.*
- *To identify, prioritise and contribute to the protection of a representative range of Canterbury's geological features and landforms.*
- *To identify, prioritise and contribute to the protection of Canterbury's distinctive landscapes and heritage landscape values.*
- *To identify, prioritise and contribute to the protection of Canterbury's distinctive landscapes and heritage landscape values.*

(pg. 21 & 22)

7. Under the heading 'Working With Others', the following relevant goals are set out:

- *To develop and facilitate a shared conservation commitment between the Conservancy and the wider community through consultation and education*
- *To encourage the community to share in the active guardianship of areas and resources entrusted to the care of the Conservancy and others.*

(pg. 22 & 23)

8. Within Part 4 of the CCMS defines the 'place objectives and implementation'. The relevant place unit is the 'Lowry Unit' (see Map 2 CMS Place Units, pg. 38 and Map 4 Lowry, pg. 46).
9. Under the heading 'Features and Issues', the following is relevant to Heritage Conservation of the windfarm site:

The geology of the area is dominated by greywacke and argillite rock. Significant limestone outcrops also occur, notably in the Weka Pass area. The topography varies from the flat Culverden basin to rolling hill country, and a rugged and dramatic coastal environment. Two major rivers, the Hurunui and the Waiau, flow through this area.

A variety of indigenous plant communities characterise the area, particularly remnant coastal hardwood forest, mixed shrubland, savannah woodlands, and tussock grasslands. The largest k nuka woodland in Canterbury is found near Medbury. Areas of remnant podocarp forest such as Wandle Bush, Terako Downs and Lottery Bush are significant. Prostrate k whai and cabbage

trees/ti rākau are indigenous features of particular interest. This unit is notable for containing some biotic elements from Marlborough, and for communities associated with limestone.

There is no comprehensive ecological survey for the area. There are important remnants of indigenous communities associated with wetlands, limestone outcrops and tussock grasslands in the area. Two keys to conservation in the Lowry unit are the identification and protection of remnant communities and habitat types, and the maintenance of linkages between remnant indigenous communities. The Hurunui and Waiau rivers provide important fish and wildlife habitats.

...

(pg. 47)

10. Within section 4.3.1 Landscape and Heritage Resource Management, the following objectives and implementation are relevant:

Objectives

- *To promote the enhancement of the landscape integrity of the coastal environment, river gorges and limestone areas in the Lowry area.*

Implementation

The Conservancy will:

- *Advocate that the Hurunui District Plan contain objectives, policies and methods requiring that activities avoid adverse effects on the natural character of:*
 - *the coastline and coastal hills*
 - *the river gorges*
 - *the limestone areas*
 - *geopreservation sites*
- 2. *Co-operate with Re Rūnanga o Ngāi Tahu, Papatipu Rūnanga, the New Zealand Historic Places Trust and the Hurunui District Council in the development and maintenance of an accurate database, such as a photo library.*

(pg. 48)

11. Within section 4.3.2 Ecosystems and Species, the following objectives and implementation are relevant:

Objectives

- *To identify the significant indigenous vegetation and threatened species of the Lowry unit.*
- *To use a range of effective methods to protect the indigenous biodiversity of the Lowry unit.*
- *To protect and enhance the viability of priority threatened species. populations and their habitat(s) in the Lowry unit.*

Implementation

The Conservancy will:

- 1 *Survey the ecological values of the Waikari and Waiau ecological district (see 5.5.4 Survey and Monitoring).*
- 2 *Negotiate with landholders to protect significant areas of indigenous vegetation and wildlife habitats (see 5.2.3 Land Ecosystems).*
3. *Undertake research or surveys to clarify the distribution, status, habitat preferences and threats of the following species in the unit:*
 - *Plants*
 - *Coprosma violacea*
 - *Tupeia antarctica*
 - *Birds*
 - *white-flipped penguin/kororā*
4. *Advocate for the protection of indigenous biodiversity, including the habitat of threatened species and the healthy functioning of ecosystems.*

(pg.49 & 50)

12. In relation to this section, reference is required to Section 5.5.4 Survey and Monitoring. Within Section 5.5.4, Map 21 Ecological Survey (pg. 268) shows the Motunau and Cheviot ecological survey as complete.

13. Under the heading of 'Less Achievable Tasks' is listed:

Tasks the Conservancy may not be able to undertake or complete include:

- *implementation of protection for all significant areas identified in Cheviot/Motunau PNA Survey*

(pg. 50)

14. Key priorities for the Lowry Unit are set out and Table 5 (pg. 51). This is reproduced below:

Table 5: Key Priorities for Lowry Unit

Name	Issue	Method	Result Sought	CMS Activity
4.3.1 Landscape and Historic Resource Management	Developments which detract from landscape character in the coastal environment, river gorges, limestone areas and historic places	1. RMA advocacy 2. Recording 3. Fencing 4. Stabilisation 5. Research	1. Hurunui District Council developed a protected landscape philosophy in the district plan 2. Weka Pass Historic Reserve fence maintained and drawings conserved	5.1.2 Treaty Partnership 5.2.2 Landscape 5.2.3 Land Ecosystems 5.2.7 Historic Resources
4.3.2 Ecosystem and Species	Inadequate knowledge and protection of the Lowry unit's ecological values.	1. Ecological survey 2. Reservation or covenant 3. RMA advocacy 4. Landholder liaison 5. Survey 6. Predator control	1. Full ecological survey coverage completed of significant sites and species 2. Significant sites and species protected and promoted	5.1.4 Communication and Liaison 5.2.3 Land Ecosystems 5.2.4 Freshwater Ecosystems 5.2.6 Indigenous Species
4.3.3 Motunau Island	This nature reserve is an important seabird habitat that is infested with boxthorn.	Physical, biological, and chemical control	Seabird populations enhanced by controlling boxthorn to levels that reduce the threat to seabirds	5.2.5 Marine Ecosystems 5.2.6 Indigenous Species 5.2.9 Plant Pests and Exotic Plants
4.3.4 Marine Reserves	Area contains a diverse range of marine ecosystems that could be considered for formal protection	1. Marine survey 2. Community liaison 3. Advice to groups undertaking marine reserve investigations	1. A sound knowledge of marine ecosystems is obtained 2. Marine ecosystems protected	5.1.2 Treaty Partnership 5.1.4 Communication and Liaison 5.2.5 Marine Ecosystems

15. Part 5 of the CCMS sets out the activity objectives and implementation. These, in the main, relate to the activities of the Department of Conservation which are to be used to achieve the CCMS, goals priorities and objectives. Throughout this part is reference to the Department of Conservation's advocacy under the Resource Management Act 1991. I do consider this part of the CCMS in further detail.

16. Appendix 2 sets out the indigenous species priorities. Within this Appendix are priorities for invertebrates, reptiles, bats, birds, plants, freshwater fish and marine mammals (pg. 287 to 297). The Kereru and New Zealand Falcon appear on the bird list. Further, the limestone wheatgrass and limestone broom appear on the plants list.

Motunau and Cheviot Ecological Districts

17. The *Motunau and Cheviot Ecological Districts: Survey Report for the Protected Natural Areas Programme* (Department of Conservation, July 2000) records that a survey work was undertaken in the 1994/1995 period (pg. 11). The survey coverage was restricted, particularly in the Motunau Ecological District (pg. 12). This report identifies a Recommended Area for Protection on the Dovedale and Mt Cass Ridge (RAP8, pg 70 – 74). The identified ecological units are: Podocarp-broadleaved forest on gully slopes, shrublands on limestone pavement, broadleaved forest on limestone scarp slope, which are accorded an overall significance of 5 (pg. 70).

Evaluation

18. There are a number of core themes running through the CCMS. Emphasis is placed on identification of values, prioritising those values, and then securing the protection of the priority values through a wide range of means. For private land this includes developing and fostering co-operation of land owners and the Department of Conservation seeking regulatory intervention under the Hurunui District Plan.

19. The Department of Conservation has completed the survey work identified in the CCMS, which identifies one recommended area for protection (RAP8) occurring on the site of the windfarm. This is recognised in the evaluation and design of the windfarm.
20. Three threatened species identified in the CCMS as indigenous species priorities are present on and in the vicinity of the windfarm. Of these, the windfarm does not pose a significant threat to Kereru and the New Zealand Falcon. With respect to the limestone wheatgrass specific management measures are included within the proposal to ensure that the windfarm was not further threaten the survival of the species. Of note, is that the Canterbury gecko is not accorded priority within Appendix 2.
21. The Hurunui District Plan became operative after the CCMS was approved. It includes an approach identify significant landscape and ecological values, and controls land uses which may impact on those values. These approaches were developed with the close involvement from the Department of Conservation. Significant areas of indigenous vegetation are identified close to, but not within, the construction envelope of the windfarm. The limestone features of the site are not recognised as an outstanding natural feature or landscape within the Hurunui District Plan.
22. Overall, proposal is consistent with the CCMS. In recognition of the conservation values of that site, MainPower committed considerable resource to; better understand those values, design the windfarm to generally avoid affecting those values, and where this is not possible to minimise the impact on those values. As a result, the windfarm will not result in further species extinction. Specific management approaches are incorporated into the windfarm activities to manage any impact on threatened species. Further, the windfarm will result in the natural heritage on the site, which include of representative ecosystems of Canterbury, been valued, protected and actively managed. This protection and active management will approve habitat for threatened species.

Appendix 6

Proposed National Policy Statement for Renewable Electricity Generation

Preamble

This national policy statement sets out an objective and policies to enable the sustainable management of renewable electricity generation under the Resource Management Act 1991 ('the Act').

New Zealand's energy demand has been growing steadily and is forecast to continue to grow. In October 2007 the government adopted the New Zealand Energy Strategy, which states that New Zealand must confront two major energy challenges as it meets growing energy demand. The first is to respond to the risks of climate change by reducing greenhouse gas emissions caused by the production and use of energy. The second is to deliver clean, secure, affordable energy while treating the environment responsibly.

The contribution of renewable electricity generation, regardless of scale, towards addressing the effects of climate change plays a vital role in the wellbeing of New Zealand, its people and the environment. In considering the risks and opportunities associated with various electricity futures, the government has determined that 90 per cent of electricity generated in New Zealand should be derived from renewable energy sources by 2025 (based on delivered electricity in an average hydrological year).

Development that increases renewable electricity generation capacity can, however, have environmental effects that span local, regional and national scales, often with adverse effects manifesting locally and positive effects manifesting nationally. In some instances the benefits of renewable electricity generation can compete with matters of national importance as set out in section 6 of the Act, and with matters to which decision-makers are required to have particular regard under section 7 of the Act. In particular, the natural resources from which electricity is generated can coincide with areas of significant natural character, significant amenity values, historic heritage, outstanding natural features and landscapes, significant indigenous vegetation and significant habitats of indigenous fauna. Adopting a nationally consistent approach to balancing the competing values associated with the development of New Zealand's renewable energy resources will provide greater certainty to decision-makers, applicants, and the wider community.

Title

This national policy statement may be cited as the National Policy Statement for Renewable Electricity Generation.

Commencement

This national policy statement comes into force on the day after which it is notified in the Gazette.

Matter of national significance

The matter of national significance to which this national policy statement applies is the need to develop, upgrade, maintain and operate renewable electricity generation activities throughout New Zealand.

Objective

To recognise the national significance of renewable electricity generation by promoting the development, upgrading, maintenance and operation of new and existing renewable electricity generation activities, such that 90 per cent of New Zealand's electricity will be generated from renewable sources by 2025 (based on delivered electricity in an average hydrological year).

Recognising the national significance of the benefits of renewable electricity generation activities

Policy 1

The benefits of renewable electricity generation activities, at any scale, are of national significance. Decision-makers must have particular regard to the national, regional and local benefits relevant to renewable electricity generation activities. These benefits may include, but are not limited to:

- i. maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions
- ii. maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation.

Acknowledging the practical constraints associated with the development, upgrading, maintenance and operation of new and existing renewable electricity generation activities

Policy 2

When considering measures to avoid, remedy or mitigate the adverse environmental effects of renewable electricity generation activities, consent authorities must have particular regard to the constraints imposed on achieving those measures by:

- i. the nature and location of the renewable energy source
- ii. logistical or technical practicalities associated with developing, operating or maintaining the proposed renewable electricity generation activity
- iii. the nature and location of existing renewable electricity generation activities
- iv. the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the local electricity distribution network, and the national grid.

Having regard to the relative reversibility of adverse effects associated with particular generation types

Policy 3

When considering proposals to develop new renewable electricity generation activities, decision-makers must have particular regard to the relative degree of reversibility of the adverse environmental effects associated with proposed generation technologies.

Enabling identification of renewable electricity generation possibilities

Policy 4

By 13 March 2012, local authorities are to notify, in accordance with Schedule 1 of the Act, a plan change, proposed plan or variation to introduce objectives, policies and, where appropriate, methods, into policy statements and plans to enable activities associated with:

- i. the identification and assessment by generators of potential sites and energy sources for renewable electricity generation
- ii. research-scale investigation into emerging renewable electricity generation technologies and methods.

Supporting small and community-scale renewable electricity generation

Policy 5

By 13 March 2012, local authorities are to notify, in accordance with Schedule 1 of the Act, a plan change, proposed plan or variation to introduce objectives, policies and, where appropriate, methods, into policy statements and plans to enable activities associated with the development and operation of small and community-scale distributed renewable electricity generation.

Interpretation

In this national policy statement, unless the context otherwise requires:

“Act” means the Resource Management Act 1991.

“Application” means any application for resource consent or consents or application under section 127 of the Act. Applicant has the corresponding meaning.

“Decision-makers” means all persons exercising functions and powers under the Act.

“Local electricity distribution network” means the system of electricity conveyance that connects individual electricity users with the national grid and electricity generation facilities.

“National grid” means the assets used or owned by Transpower NZ Limited.

“Renewable electricity generation” means generation of electricity from solar, wind, hydro, geothermal, biomass, tidal, wave, or ocean currents resources.

“Renewable electricity generation activities” means the construction, operation and maintenance of structures associated with the generation of renewable electricity. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the local electricity distribution network and/or the national grid.

“Small and community-scale distributed renewable electricity generation” means renewable electricity generation projects with an installed electricity generation capacity of less than four megawatts and excludes offshore wind, tidal and wave generation.

Explanatory note

This note is not part of the national policy statement but is intended to indicate its general effect.

This national policy statement comes into force on the day after which it is notified in the Gazette. It provides that renewable electricity generation is a matter of national significance under the Resource Management Act 1991.

This national policy statement is to be applied by all persons exercising powers and functions under the Act. The objective and policies are intended to guide applicants and decision-makers when making applications for resource consent, in making decisions on the notification and determination of resource consent applications, in drafting policy statements and plans that relate to renewable electricity generation activities, and when exercising other powers under the Act.

The national policy statement requires local authorities to give effect to its provisions in plans made under the Resource Management Act 1991 by initiating a plan change, proposed plan or variation by 13 March 2012.

