

IN THE MATTER OF the Resource Management
Act 1991

AND

IN THE MATTER OF the Proposed One Plan
notified by the Manawatu-
Wanganui Regional Council,
hearing related to the Coastal
Sections.

STATEMENT OF EVIDENCE OF RICHARD ZANE PETERSON

INTRODUCTION

1. My name is Richard Zane Peterson and I am an Associate and the Wellington Planning Manager of Harrison Grierson Consultants Limited.
2. I have a Masters Degree in Regional and Resource Planning (with Distinction), completed in 1997. I am a Member of the New Zealand Planning Institute.
3. I have some 12 years planning and resource management experience. I have worked as a planner in both the private and public sector, including work for both territorial authorities and a regional council. During my career I have been involved in a number of resource consent, designation and plan and policy making processes and consequently have been involved in many local authority hearings.
4. In my role as Manager of Harrison Grierson's Wellington Planning team, I oversee a team of five planners (myself included) who work for a wide range of clients including the resource consent and policy arms of local authorities, telecommunication providers, central government ministries and agencies, industry bodies, land developers and other private clients.
5. Amongst other things I have recently assisted the Greater Wellington Regional Council in preparing draft Regional Policy Statement provisions in relation to energy and regional form. I have also recently worked with the New Zealand Institute of

Economic Research to complete the Section 32 evaluation for the proposed National Policy Statement on Electricity Transmission, on behalf of the Ministry for the Environment. I also recently assisted the Ministry for the Environment to review the Section 32 guidance material available on the Quality Planning Website.

6. I appear in connection with the submissions and further submissions lodged on the proposed One Plan by Mighty River Power Limited ("Mighty River Power"). I was engaged by Mighty River Power to present evidence in relation to its submissions, but was not involved in the preparation of the submissions.
7. I have read the Environment Court Consolidated Practice Note 2006 and agree to comply with it and to apply it as if it was a duty to the Hearings Panel. I understand that as an expert witness I have an overriding duty to assist the Hearings Panel impartially on relevant matters within my area of expertise. Except where I state that I am relying upon the specified evidence of another person, my evidence in this statement is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions which I express.

SCOPE & SUMMARY OF EVIDENCE

8. Mighty River Power's key interest with regard to the coastal sections of the One Plan is to seek to enhance the recognition given to the region's renewable energy resources and to the provision for electricity generation.
9. In this connection, paragraphs 23 to 52 of my evidence consider the four Mighty River Power submissions that address this interest. Having considered these submissions and the related Officer recommendations it is my view that it would be appropriate for Council to amend both Chapters 9 and 17 in order to better recognise the renewable energy resources within the coastal environment of the region and provide for electricity generation from these resources.
10. In paragraphs 51 and 52 I set out changes that I believe should be made to Chapters 9 and 17 respectively.
11. In relation to Chapter 9 I believe that changes should be made to Section 9.1.1 to, in particular, clarify that the various chapters listed at the bottom of Page 9-1 (including Chapter 3) are relevant to the sustainable management of the Coastal Marine Area (CMA) as well as the landward portion of the coastal environment. I also believe that a short description of the renewable energy resource contained

within the Region's coastal environment should be included within Section 9.1.2. Finally, in relation to Chapter 9 I believe that it would be appropriate to add a further clause to Policy 9-1 to recognise that renewable energy development may have a functional need to locate in the coastal environment.

12. In relation to Chapter 17 I recommend that the Panel accept the Officer recommendation (COA 26) relating to Policy 17-2. This recommendation proposes the inclusion of a cross-reference to Chapter 3 within the Policy and is consistent with Mighty River Power's submission.
13. The remainder of my evidence addresses the other detailed submissions and further submissions of Mighty River Power.
14. In paragraphs 53 to 58 I address a submission from the Minister of Conservation which seeks the addition of new Policy to Chapter 9. The Officer has recommended that this additional policy not be included in the Chapter as the issue the Minister seeks to have addressed is already appropriately addressed in Chapters 7 and 9. I broadly agree with the Officer in this respect. However I believe that further clarity on this point would be added to the One Plan if a minor change (outlined in paragraph 62) is made to Section 7.1.3 of the One Plan.
15. Paragraphs 59 to 72 of my evidence consider the Mighty River Power submissions on Policy 9-4. These submissions seek to:
 - have Clause (c) of this Policy amended so that it enables adverse effects to be remedied or mitigated;
 - support TrustPower's submission which seeks to gain recognition that energy development may have a functional need to be located in the coastal environment; and,
 - oppose the Minister of Conservation's submission which seeks changes to wording of Clause (c).
16. The Officer has recommended amendments to Policy 9-4, some of which I support. However, as I note in paragraphs 71 and 72, I intend to consider the appropriateness of Policy 9-4 further in light of landscape evidence that Mighty River Power has commissioned but which is not yet complete. It is important that the landscape and natural character aspects are looked at holistically in relation to amendments to Chapters 7 and 9 of the One Plan.

17. Paragraphs 73 to 76 of my evidence consider Mighty River Power's submission in support of Policy 9-5, which addresses public access in the CMA, including giving recognition to the need to restrict access for safety reasons. I support the Officer's recommendation to accept the Mighty River Power submission and retain this provision.
18. In paragraphs 77 to 86 I address two Mighty River Power further submissions on Chapter 9 Anticipated Environmental Results (AER). Both Mighty River Power submissions oppose submissions from the Wellington Conservation Board which seek to change the AERs relating to habitats and landscapes. The Conservation Board's submissions seek to replace the word 'same' in these AERs with the word 'better'.
19. The Officer has accepted the Conservation Boards submission in part and recommended the inclusion of the phrase 'or better' into the AERs. I do not see reason to not accept this recommendation given the function of AERs relates to Council's monitoring of the effectiveness of the One Plan and not to the consideration of resource consent applications.
20. In paragraphs 87 to 91 I consider the Mighty River Power's further submission on the Ngati Kahungunu submission that seeks the inclusion of a rule making electricity generation facilities a discretionary activity. The Officer has recommended that this submission be rejected as the outcome sought by Ngati Kahungunu is largely provided for by rule 17-39.
21. I generally concur with the Officer's recommendation but note that rule 17-39 appears to not fully cover occupation activities, which are not provided for elsewhere. In paragraph 91, I therefore recommend a minor change to clause (a) of rule 17-39.
22. Finally in paragraphs 92 to 96 I address the submission of Mighty River Power in relation to Schedule H. In this submission Mighty River Power seeks amendments to Section 3 of Schedule H to clarify that the values listed apply only to the specified river protection zones. The Officer agrees with the Mighty River Power submission and has recommended amendments to Section 3 accordingly. I support the amendments recommended by the Officer.

PROVIDING FOR ELECTRICITY GENERATION

Introduction

23. As with the other Chapters of the One Plan, a key interest for Mighty River Power is to ensure that the Coast Chapter (Chapter 9) gives appropriate recognition to the region's renewable energy resources and makes appropriate provision for electricity generation from these resources.
24. I have previously presented evidence to the Hearing Panel on those sections of the RMA and on national policy which lend support to this key interest. Further Rob Hunter and Trevor Nash, both of Mighty River Power, have provided evidence to the Panel on the significance of the energy resources in the region and on the importance of utilising this resource in relation to New Zealand's energy needs and renewables targets. I do not propose to repeat this material and respectfully ask that the Panel refer back to it. Those pieces of evidence were given at the initial hearing on the overall plan and have been lodged with Council for the Infrastructure, energy and waste hearing that is yet to be rescheduled.
25. In relation to its key interest in leaving open opportunities for renewable electricity generation Mighty River Power has made 4 submissions (1 original and 3 further) that address the provision for electricity generation within the Coast Chapter of the One Plan. I address each of these in the order that they appear in the One Plan. I then provide analysis and recommendations for all 4 submissions.

Scope & Background

26. Mighty River Power made a further submission in support of the submission made by Meridian Energy which requests that better recognition be provided to renewable energy within the coastal marine area. This submission proposes that Section 9.1 of the One Plan recognise the positive benefits that can be derived from renewable energy generation options including tidal, wave and ocean current sources and the associated modelling and testing that would be required to establish viability. In this submission Meridian Energy Limited propose that 3 additional paragraphs be included in Section 9.1.
27. Mighty River Power supports this submission as the inclusion of better recognition of renewable energy options within the coastal marine area would ensure that the One Plan is 'future proofed' for the known range of renewable energy technologies.

28. The Officer's recommendation (COA 3) is to accept this submission in part by including additional provisions in the Energy and Infrastructure Chapter of the Proposed One Plan. It is stated that due to the recommended changes to Chapter 3 of the One Plan the Officer does (pg 32):

"...not consider that there is a need to repeat such provisions into the Coast chapter. The Coast chapter is not intended to be a stand-alone chapter, rather it is intended to be read in conjunction with other chapters".

29. Further the recommendation is evaluated in terms of the fact that (pg 32):

"...the linkage with the Energy Chapter is highlighted in Section 9.1.1 of the Coast Chapter and energy is specifically referred to in section 9.1.3".

Therefore the reporting officer considered that no changes to the Coast Chapter are required.

Policy 9-1 – Integration

30. Mighty River Power made an original submission on Policy 9-1. Policy 9-1: 'Integration Between the Coastal Marine Area And The Wider Coastal Environment' sets out to achieve the integrated management of coastal resources across the line of mean high water spring. This is sought through:

- Provisions within the One Plan addressing water quality, natural hazards and biological diversity;
- Provisions within District Plans that define the landward boundaries of the coastal environment to ensure that land use activities avoid degradation of a number of key elements of the coastal environment; and
- Where management issues arise, that joint initiatives can address those issues where they are not provided for within existing management frameworks.

31. Mighty River Power opposes this Policy in part, seeking the addition of a new sub-clause (d) which sets out to achieve integrated management by having regard to the Objectives and Policies contained in Chapter 3, in particular the functional need for wind turbines to be placed in areas adjoining the coastal environment, where they receive unobstructed wind flow. This addition is sought as in some cases, resources within the coastal environment can be harnessed for renewable energy

developments, which may constitute appropriate development in the coastal environment.

32. Mighty River Power also notes that in terms of protection, little distinction has been made in Schedule F between locations within the coastal environment. This has led to an overly high degree of protection being afforded to the coast in its entirety without the provision for activities to be legitimately located within this environment. Mighty River Power propose to address this matter as part of its evidence to the landscape hearing.

33. The Officer's recommendation (COA 12) is to reject Mighty River Power's submission. This is because (pg 55):

"...the POP is intended to be an integrated document where all parts are considered in any resource consent situation".

34. In other words Chapter 9 will not be considered in isolation from Chapter 3. Further, the Officer states (pg 55-56):

"The issue of conflict between different land uses is better addressed in District plans. The operational need for locating structures in the cma is already covered under Policy 17-4..."

35. Consequently, the Officer does not consider it relevant to repeat this in the RPS section of the One Plan.

New Policy

36. Mighty River Power submitted in support of a submission lodged by the Energy Efficiency and Conservation Authority (EECA). In their submission EECA states that the issue of marine electricity generation should be addressed and that a new Policy 9-2.1 should be included. This additional Policy is suggested to provide that marine electricity is an appropriate use in the coastal marine area, and also to provide for associated pipelines, cables and substations on shore.

37. Mighty River Power lodged a further submission in support of the EECA as marine electricity generation is considered an emerging technology, which needs to be considered and, therefore, be provided for in the One Plan.

38. The Officer's recommendation (COA 2) is to reject the request for an additional

Policy on energy and infrastructure in the Coast Chapter. This recommendation is based on a desire to avoid the repetition of provisions within this Chapter that have been provided for elsewhere. In this case, it is stated that a range of recommended changes to Chapter 3, with regard to energy, will appropriately strengthen this chapter. The Officer report states (pg 26):

"The Coast chapter is not intended to be a stand-alone chapter, rather it is intended to be read in conjunction with other chapters of the POP".

39. Further, it is considered by the Officer that Objective 9-2 and Policies 9-2 and 9-4 cover the issue of marine electricity generation as the use of the term 'appropriate', within these provisions, provides for a wide range of activities.

Policy 17-2: Consent decision making for occupation of space by other activities

40. Chapter 17 sets out the Policies and Rules for activities in the coastal marine area. Policy 17-2 addresses the matters the Regional Council shall have regard to when making decisions on resource consent applications and the allocation of space for activities other than aquaculture.
41. Mighty River Power has made a further submission in support of the submission made by TrustPower Limited. TrustPower considers that the provisions currently contained in Chapter 17 are overly restrictive on developing renewable energy technologies in the coastal environment. On this basis, TrustPower are seeking the amendment of:
- Policy 17-2 to include references to Chapter 3 that more appropriately recognise that infrastructure development and energy generation may be appropriate within the coastal environment; and,
 - the rules within Chapter 17 to more appropriately reflect sections 7(i) and 7(j).
42. Mighty River Power supports TrustPower's submission as it is considered appropriate to recognise the policies contained in Chapter 3 in determining whether any renewable energy proposal is appropriate in terms of Part 5 of the Act.
43. The Officer's recommendation (COA 26) is to accept this submission and the inclusion of cross-references into this Policy. In this connection the Officer recommends that Policy 17.2 be amended to include a new sub paragraph which requires particular regard to be given to Objective 3-1 and Policies 3-1 to 3-5

relating to energy and infrastructure.

Considerations & Recommendations

44. There are several points that I believe are relevant for the Panel to take account of when considering these submissions and the Officer's recommendations.
45. First, the Officer's report notes that Chapter 9 does not stand alone and must be read in conjunction with Chapter 3. However, I note that Section 9.1.1 states that Chapter 3 applies to the "landward coastal environment" and thereby seems to imply that it is not relevant to the coastal marine area. I believe that is inappropriate and needs to be rectified.
46. Second, in relation to Chapter 7 Officers have recommended changes to provisions so that they specifically recognise the value of infrastructure of regional and national importance (including energy generation facilities). In other words, in the case of Chapter 7 Officers have accepted that, to achieve the sustainable management of the region's natural resources, it is not sufficient to rely on Chapter 3. I believe it is appropriate to take the same approach in relation to Chapter 9. If the same approach is not taken in Chapter 9, the inference could be drawn that Horizons intended less weight be given to the benefits of infrastructure in the coastal environment than elsewhere in the region.
47. Third, in connection with the point above, the Officer's report supports their recommendation to reject Mighty River Power's submission by arguing that repetition of provisions should be avoided in the One Plan. In principle I agree with the intent to avoid repetition of policy within the One Plan. However, I note that the Officer report is not consistent on this point, as Policy 9-1 as it was proposed already repeats direction provided in other chapters of the Plan, particularly Chapter 7, in relation to biodiversity, landscape and natural character.
48. Fourth, the coastal environment of the Manawatu-Wanganui Region contains valuable renewable energy resources. The sustainable utilisation of these resources will generate benefits regionally and nationally and I therefore consider this to be an important resource management issue for the coastal environment of the region. In addition I note that not all parts of the Region contain renewable energy resources of such value and nor do the non-coastal parts of the region offer access to the same kind or range of renewable energy sources (for example tidal or wave energy). Therefore, there may be a functional need for electricity generation

facilities to be located in the coastal environment. This need should be recognised in the One Plan.

49. Fifth, the Officer's report states that the issues of conflict between land uses is best addressed in District Plans (pg 55). I would agree that rules relating to land uses are, in the main, to be provided within District Plans. However, with respect, I believe the Officer's view fails to fully appreciate the function of Regional Policy Statements to provide an overview of the resource management issues of the region and the policies and methods to achieve integrated management of its natural and physical resource. In this connection, I believe that the integrated management of the renewable energy resources of the region's coastal environment is a significant issue and should be specifically addressed in the Coast Chapter.
50. Finally, I note that the across Plan submission of Mighty River Power (and others) seeks to ensure that appropriate recognition is given to the benefits of renewable energy sources and to the importance of security of energy supply within the entire One Plan.
51. For these reasons, in my opinion the following changes should be made to Chapter 9:

Section 9.1.1 – Scope

Replace the first sentence with the following:

"This chapter addresses both the coastal marine area (CMA) and the landward portion of the coastal environment".

Amend the introduction to bullet points at the bottom of the page so that it reads:

"Other Chapters in the Plan also contribute to the management of the coastal marine area (CMA) and the landward portion of the coastal environment..."

Section 9.1.2 – The Coastal Resources

Add a final paragraph to this section which states:

"The Manawatu-Wanganui region's coastal environment contains valuable energy resources including wind, tidal, wave and ocean currents. Development of these resources may generate regional and national benefits

and assist with the achievement of national renewable energy targets.”

Policy 9-1: Integration

Add as clause (d) to Policy 9-1:

“provisions in both this Plan and in district plans, and through resource consent decisions, which recognise the value of the renewable energy resources within the region’s coastal environment and which recognise that electricity generation facilities, including wind turbines, have a functional need to be located in the coastal environment.”

52. In relation to the Mighty River Power submissions on Chapter 17 I support the Officer’s recommendation to include explicit cross-references within Policy 17-2.

NEW POLICY ON NATURAL CHARACTER

53. The Minister of Conservation has made a submission which seeks to add new Objectives and Policies into Chapter 9 of the Plan to better provide for natural character. The reason being that although Objective 7-2 and Policy 7-8 deal with the natural character of the coastal environment, Section 7.1.3 of the One Plan appears to exclude the CMA from consideration, making reference to its inclusion as part of Chapter 9.
54. Mighty River Power made a further submission in opposition to the decision sought by the Minister. Mighty River Power’s submission gives particular attention to the Minister’s request in relation to promoting development only in those areas that are already significantly modified and requiring that activities be compatible with the existing levels of modification in the environment.
55. Mighty River Power opposes this request as it believes such a provision would fail to take into account that the Resource Management Act 1991 currently protects the coastal environment from ‘inappropriate subdivision, use and development’. In relation to the appropriateness of development, Mighty River Power also notes that some activities have a functional need to locate in the coastal environment.
56. The Officer’s recommendation (COA 2) is to accept Mighty River Power’s further submission in opposition. This is because it is considered that (pg 27):

“...the intent of the Objective as suggested by the Minister of Conservation is covered in Policy 9-4”

57. Further, it is again reiterated that the Proposed One Plan is intended to be an integrated document where the Coast Chapter is not a stand-alone Chapter. Consequently, the Officer states (pg 27)

"In this respect, Objective 7-2 and Policies 7-8 are particularly relevant and are applied to the coastal environment".

Therefore, the change as suggested by the Minister of Conservation is not required.

Recommendations

58. While I recognise that the specific wording requested by the Minister reflects the direction of New Zealand Coastal Policy Statement (in particular Policy 1.1.1), I agree with the Officer's view that this matter is already appropriately addressed in both Chapter 7 and Chapter 9. However, for clarity I suggest that the second to last paragraph of Section 7.1.3 of Chapter 7 (page 7-2) be reworded as follows:

"The natural character of the coastal marine area is covered in this Chapter and Chapter 9."

POLICY 9-4: APPROPRIATE USE AND DEVELOPMENT

59. This Policy seeks to ensure that any use or development within the CMA is appropriate in terms of its: (a) functional need; (b) ability to facilitate rehabilitation or restoration of natural features and to (c) avoid, as far as practical, the effects on values associated with features of the natural character, open space, the naturalness of land and seascapes, areas of significant vegetation and habitats, ecosystems, heritage sites and physical processes.
60. Mighty River Power submitted in opposition to this Policy and seeks the amendment of sub paragraph (c) so as to include the ability to remedy or mitigate adverse effects on the values identified within the provision. This decision is sought from Council as it is considered that adverse effects on the identified values may be able to be remedied or mitigated and that the One Plan should recognise and provide for this.
61. The Officer has made the recommendation (COA 15) to accept the submission for the reason that the New Zealand Coastal Policy Statement (NZCPS), in providing for appropriate subdivision, use and development of the coastal environment, includes as part of its Policy 3.2.2 the ability to mitigate or remedy adverse effects as far as

practicable. Therefore, the Officer recommends that Policy 9-4 sub paragraph (c) is amended to read as follows:

"Avoid as far as practicable...Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable"

62. In addition to the original submission, Mighty River Power has also made two further submissions on Policy 9-4.
63. The first is in support of the submission made by TrustPower Limited. This submission opposes Policy 9-4 as it is considered to be contrary to the purpose and principles of the RMA and does not promote sound resource management practices. In particular, opposition to Clause 9-4(c) (i) through to (vii) is stated regarding adverse effects on regionally important values. TrustPower Limited opposes this Clause as it will likely have significant implications on any future potential wind energy development. TrustPower also more specifically opposes Clause (c)(iii) referring to the naturalness of landscapes and seascapes. Therefore, TrustPower seeks to either delete Policy 9-4 (c) in its entirety or, as an alternative, amend clause (a) of the Policy to make reference to the 'coastal environment' as opposed to the 'coastal marine area'.
64. Mighty River Power supported the submission as it is deemed appropriate that the One Plan acknowledge activities that may have a functional need to locate in the wider coastal environment rather than just the CMA.
65. The recommendation made by the reporting Officer is to reject the decision sought (COA 15). The Officer's evaluation notes that the intent of Policy 9-4 is to focus only on the CMA and not to include the wider coastal environment. Further it is stated (pg 67):

"The landward areas of the coastal environment are addressed by the District Plans in terms of land use and by other sections in the POP".

66. Therefore, the Officer does not consider it appropriate to repeat this into Policy 9-4.
67. Mighty River Power's second further submission on Policy 9-4 was in opposition to that made by the Minister of Conservation, which sought changes to the wording of the Policy in sub paragraph (c). The Minister of Conservation sought greater certainty over the Policy's ability to achieve the purpose of the Act and the New

Zealand Coastal Policy Statement (NZCPS) and, therefore suggests that 'as far as practical' be replaced with 'avoid, remedy or mitigate' in sub paragraph (c) and that 'features' be replaced with 'elements and processes' in sub paragraph (c) (ii).

68. Mighty River Power opposed this submission as it is considered that the current wording in the One Plan is appropriate due to its consistency with the wording in Policy 3.2.2 of the New Zealand Coastal Policy Statement.
69. The Officer's recommendation (COA 15) is to accept the second part of the original submission and amend the wording to replace 'features' with 'elements and processes' within 9-4 (c)(ii). This is considered to be more precise wording which would therefore engender a greater level of certainty.

Recommendations

70. I support some of the Officer's recommendations in relation to these submissions on Policy 9-4. I believe the additional wording proposed for the introduction to Policy 9-4 is appropriate and reflects direction in the NZCPS, in particular Policy 3.2.2. I also agree that the inclusion of the phrase "elements and processes" is more precise than the use of the word "features". Finally I believe that if the Panel accepts my recommendations within paragraph 51 above then adequate recognition of the functional need to locate electricity generation facilities in the coastal environment will be provided and no changes will be required to Policy 9-4 to address this matter.
71. Notwithstanding this recommendation, I remain of the view that it is important to ensure that the provisions of Chapters 7 and 9 are consistent and appropriate in the way that they address natural character and landscape matters. Mighty River Power proposes to provide landscape evidence on the overall approach taken in One Plan to landscape and natural character at the hearing on Landscape, which remains to be rescheduled. Once this evidence is available I intend to reconsider the related provisions in Chapter 9, including Policy 9-4, to ensure that they are consistent and appropriate in light of any recommendations I make in response to this landscape evidence and in relation to the provisions of Chapter 7.
72. I realise this may create inconvenience for the hearing panel, however it is driven by the rescheduling of the hearing on the region-wide landscape matters until after the hearing on the more specific coastal elements.

POLICY 9-5: PUBLIC ACCESS

73. Policy 9-5 aims to ensure the provision of public access within the CMA, where subsection (a) of the Policy recognises that public access may need to be restricted where it is necessary for safety, cultural or conservation purposes. Subsection (b) of this Policy also recognises that public access provisions shall take into account the need for protection of habitats, vegetation and dune stability.
74. Mighty River Power supports this Policy and has sought that Council retain the provision (a) as proposed. The reason for this being that it is important that the Plan recognises that public access to the coastal environment or to rivers may have to be restricted at times to ensure safety during construction of development projects.
75. The Officer's recommendation (COA 16) is to accept Mighty River Power's submission. Further, it is also recommended that sub paragraph (a) is amended to provide for security consistent with the purpose of a resource consent.
76. I concur with the Officer's recommendation and reasons given in the Mighty River Power submission.

ANTICIPATED ENVIRONMENTAL RESULTS

77. Chapter 9 of the Proposed One Plan contains four Anticipated Environmental Results (AER), which outline what Council hopes to achieve in respect of the coast, in relation to the proposed Objectives and as result of the proposed Policies and Methods. The AER's relate to:
- Coastal water quality;
 - The retention of habitat types so that by 2017 those areas currently identified as rare, threatened or at risk are the same;
 - The maintenance of the values and characteristics of outstanding landscapes and natural features within the CMA so that at 2017 landscapes and natural features will be in the same state; and,

- The net reduction in the damage to property or critical infrastructure as a result of coastal erosion and other physical processes.

78. Mighty River Power has made 2 further submissions in respect of these AERs.
79. The first is in opposition to the submission made by the Wellington Conservation Board on AER 2. The Conservation Board's submission seeks to amend AER 2 so that it anticipates that the area of habitat types in the CMA will be "better than", rather than the "same as" that estimated prior to the Plan becoming operative. Mighty River Power has opposed this submission on the basis that it is unrealistic to expect that the area of rare, threatened or at-risk habitat types within the CMA will be better than that existing prior to the Plan becoming operative.
80. Mighty River Power has also submitted in opposition to the Wellington Conservation Board's submission on AER 3. In this case the Conservation Board seeks to have AER 3 worded to read that the characteristics /values of the outstanding landscapes in the CMA will be in a "better state" as opposed to its current wording of "the same state".
81. Mighty River Power's opposition is premised on the fact that given the locational constraints that are associated with renewable energy activities, and the balancing of both adverse effects and benefits which is required by the Act, it is unrealistic to expect that values and characteristics of outstanding landscapes and features within the CMA will be better than that which exists when the Plan becomes operative.
82. The Officers recommendations (COA 23) are to accept in part both the Conservation Board's submissions. In this connection it is recommended that AER 2 read:
- 'By 2017, the area.... is the same (or better) as that estimated prior to this plan...'*
83. The Officer argues that the additional wording would serve to recognise that there could be improvements over time, although the most important aspect is that the level is at least maintained.
84. In relation to AER 3 the Officer recommends that it be amended to read
- 'Except for change because of natural processes or as a result of activities authorised by this plan or a resource consent, at 2017 the characteristics/values...coastal marine areas will be in the same (or better) state*
-

as assessed...'

85. In this case the Officer's report considers that this additional wording would "recognise that there is a range of work undertaken to improve the status of the CMA over time" and that "the most important aspect is that the level is at least maintained".
86. I accept the Officer's view that the AERs are used by Horizons to monitor plan effectiveness and that they will not impact on the consideration of resource consent applications. Therefore I see no reason not to accept the Officer's recommendation on this matter.

CHAPTER 17 NEW RULES

87. Mighty River Power has submitted in support of a submission made by Ngati Kahungunu Iwi Incorporated to include electricity generation within the coastal marine area and their location, construction, operation and maintenance as a Discretionary Activity where resource consent applications under this rule shall be publicly notified. Mighty River Power supports the addition of a new rule for electricity generation as a Discretionary Activity.
88. The Officer's recommendation (COA 37) is to reject Ngati Kahungunu's submission. This is because it is considered that there is an existing rule (17-39), which acts to provide for activities, not otherwise covered, as discretionary activities. As electricity generation could take a number of forms within the CMA and due to the existing default discretionary activity status the Officer considers that (pg 134):

"there is no need to specify a discretionary activity rule for this activity".

Recommendation

89. I generally concur with the Officer's evaluation, as the rules are not based on the type of activity proposed, but rather on the nature and scale of effects on the CMA.
90. However, I note that it is not clear how occupation by new structures or activities, not covered by Rules 17-1 to 17-5, will be treated. In this regard, I understand that such occupation would not fall within the ambit of clause (a) of Rule 17-39, as occupation is not subject to S12(1) of the RMA. Equally, it does not appear to fall

within the ambit of clause (b), which covers activities otherwise permitted or controlled that do not meet the appropriate standards or terms.

91. I therefore recommend a minor change to clause (a) of Rule 17-39 as follows:

(a) Is subject to s 12(1) and 12 (2) RMA and is not addressed by any other rule in this Plan; or ...

SCHEDULE H: COASTAL MARINE AREA, ZONES AND PROTECTION AREAS

92. Schedule H of the Proposed One Plan maps the extent of the coastal marine area within the boundaries of the Regional Council, the coastal marine area where it crosses a river or stream, as well as depicting the port and protection zones. Section 3 of Schedule H provides explanatory material table outlining the specific values of significance relating to each protection zone (as referred to in Policy 9-2).

93. Mighty River Power has submitted in opposition to Schedule H on the basis that the table in section 3 infers that the values associated with rivers relate to the river mouths or sections of the river in the coastal marine area, but that this unclear from the table. In this connection Mighty River Power seeks that Council make clear in the table those sections of the rivers to which the listed values apply.

94. The Officer's recommendation (COA 61) accepts this submission, stating that (pg 192):

"...further clarification could be achieved by making further reference to the protection zones".

95. In this regard, the Officer recommends that the table in section 3 of Schedule H be amended to include the words 'protection zone' after the each river name and Cape Turnagain.

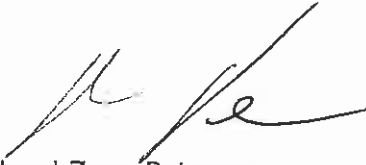
96. I concur with this recommendation and consider the amendments to be appropriate.

CONCLUSION

97. In conclusion I believe that it would be appropriate for Chapters 9 and 17 to be amended to recognise the value and provide for the use of the renewable energy resources within the Region's coastal environment. This would reflect not only the value of these resources but also national policy and the Objectives and Policies of

other Chapters of the One Plan.

98. Further I recommend that various other changes be made to the Chapters 9 and 17 according to the manner outlined above.



Richard Zane Peterson
Associate/Planning Manager
Harrison Grierson Consultants Limited

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