

**IN THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
TE WHANGANUI-A-TARA ROHE**

ENV-2024-WLG-001

UNDER the Resource Management Act 1991

IN THE MATTER the direct referral of applications for resource consents by
under section 87G of the Act for the Mt Munro Wind Farm

BY **MERIDIAN ENERGY LIMITED**
Applicant

**STATEMENT OF EVIDENCE OF ALISHA VIVIAN ON BEHALF OF GREATER
WELLINGTON REGIONAL COUNCIL**

PLANNING

Dated: 23 August 2024



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STATEMENT OF EVIDENCE OF ALISHA VIVIAN

A. INTRODUCTION

- [1] My name is Alisha Vivian. I am a Senior Resource Advisor at Greater Wellington Regional Council. I have been in that position since 25 March 2024. Prior to my current role I was a Resource Advisor at Greater Wellington Regional Council, commencing in that role December 2021.
- [2] I have reviewed the application from Meridian Energy Limited (the **Applicant** or **Meridian**) for resource consent applications lodged with the Greater Wellington Regional Council (**GWRC**) for the Mt Munro Wind Farm (**Mt Munro Project** or **Project**).
- [3] I have reviewed the report required by s 87F of the Resource Management Act 1991 (**RMA**), co-authored by Josh Pepperell on behalf of GWRC dated 15 March 2024 (**s 87F Report**).
- [4] I have adopted the conclusions of Mr Pepperell in the s 87F Report, unless stated otherwise in expert conferencing or in this evidence.

B. QUALIFICATIONS AND EXPERIENCE

- [5] I hold a Bachelor of Science (Majoring in Physical Geography and Environmental Management).
- [6] I have been involved in the Mt Munro Project since 29 May 2024 when I took over from Mr Pepperell to consider the issues set out in ss 104 – 122 of the RMA in relation to the resource consents lodged with GWRC.
- [7] I am familiar with the site and surrounding area. I visited the Project site along with representatives of Meridian on 24 July 2024.
- [8] On 8 and 9 August 2024, I participated in expert conferencing on planning, which resulted in a joint witness statement dated 9 August 2024 (the **Planning JWS**). I confirm the contents of the Planning JWS.

- [9] I attended mediation on 18-19 June 2024 in Palmerston North. Following mediation, I participated in discussions and workshops with the expert planning witnesses, including Mr Tom Anderson (Meridian) as to matters arising from mediation, and in particular condition set.

C. CODE OF CONDUCT

- [10] I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with that Code. Statements expressed in this evidence are within my areas of expertise, except where I state I am relying on the opinion or evidence of other witnesses.

D. SCOPE OF EVIDENCE

- [11] This statement will cover the following:
- (a) The extent to which issues identified in the s 87F Report have been resolved through mediation, Meridian evidence, and expert conferencing;
 - (b) A response to section 274 party evidence; and
 - (c) Conditions.
- [12] In addition to the material that was reviewed for the s 87F Report, the following has also been reviewed:
- (a) All of the Joint Witness Statements (**JWS**) filed with the Court;
 - (b) Statements of Evidence of Mr Grant Telfar (Meridian and the Electricity Sector), Mr Nicholas Bowmar (Project Description and Consultation), Mr James Kendrick (Ngāti Kahungunu ki Tāmaki nui a rua), Mr Simon Faulkner (Wind Technical), Dr Jennifer Purdie (Climate Change Impacts and Mt Munro), Mr Maurice Mills (Civil Engineering Design), Mr Graeme Ridley (Erosion and Sediment Control), Dr Vaughan Keesing (Freshwater and Wetland Ecology), Dr Leigh Bull (Avifauna and Lizards), Mr Robert Van de Munckhof (Air

Quality), Ms Emily Howitt (Archaeology), and Mr Tom Anderson (Planning) dated 24 May 2024, on behalf of Meridian;

- (c) The proposed changes to conditions filed with Mr Anderson's evidence (the **Meridian conditions**);
- (d) Further information provided by Meridian, dated 27 June 2024, 3 July 2024, 11 July 2024 and 26 July 2024;
- (e) Evidence of Janet McIlraith (s 274 party) dated 10 July 2024;
- (f) Evidence of Robin Olliver (s 274 party) dated 10 July 2024;
- (g) Evidence of Hastwell/Mt Munro Protection Society Inc. (s 274 party) dated 10 July 2024;
- (h) Evidence (Social Impact Report) of John Maxwell (s 274 party) dated 10 July 2024; and
- (i) Draft evidence of Mr Andrew Curtis (Air Quality), Ms Deborah Ryan (GHG), Mr Andrés Roa (Operational Water Quantity), Mr Neil Thomas (Groundwater), Dr Adam Forbes (Freshwater Ecology), Mr Kerry Pearce (Erosion and Sediment Control), Ms Sue Ira (Operational Stormwater Quality), Mr Neil Crampton (Geotechnical), Mr James Lambie (Terrestrial Ecology and Wetlands) and Ms Sarah Newall (Contaminated Soils).

[13] My evidence responds to any outstanding issues raised in submissions and evidence that have not been addressed in the s 87F Report, or where, in that report, a position was reserved until all relevant evidence had been heard. I also address information provided since the s 87F Report. In order to minimise the repetition of information across the evidence for the Regional Councils, where I have considered it appropriate, I adopt the evidence of Ms Edwards, for Horizons. Further, where appropriate I have indicated where I have updated or changed the recommendations since the s 87F Report, or where I require further information in order to provide an opinion. Where I have not responded to an issue, I consider this issue to be addressed in full

in the s 87F Report or through expert conferencing and evidence and the opinion in the s 87F Report remains unchanged.

- [14] Along with Ms Edwards of Horizons and Mr McGahan on behalf of the District Councils, I attended a conditions workshop with Mr Anderson on behalf of Meridian on 11 and 12 July 2024. As planners, we all also attended a workshop on 14 August 2024 with the ecological experts, Dr Kessing (Meridian) and Dr Forbes (Councils). This meeting followed on from the Freshwater Ecology and Wetlands JWS,¹ and solely focused on conditions.
- [15] The most recent set of conditions proposed by the Regional and District Councils are set out at **Attachment B** to Mr McGahan's evidence on behalf of the Consent Authorities (the **August Proposed Conditions**).

E. OUTSTANDING ISSUES

- [16] Many of the issues identified in the s 87F Report have been addressed following mediation, expert conferencing and through evidence. In particular, a number of matters have been resolved and / or narrowed in the Planning JWS and other technical JWS and through evidence for the Consent Authorities.
- [17] The matters outstanding for the Regional Councils are set out at paragraph [14] of Ms Edwards report. I agree with all of the identified matters, and the analysis Ms Edwards provides, and adopt that for the purpose of my evidence. In addition, I make the following specific comments below:
- (a) As with Ms Edwards (and for the same reasons), on the information before me, I am unable to conclude that proposal and/or conditions have adequately addressed cultural effects. In particular, the CIA I understand is being prepared by Rangitāne o Tamaki nui-ā-Rua and/or further feedback from Rangitāne o Tamaki nui-ā-Rua and Rangitāne o Wairarapa. Should additional information be filed or provided by the relevant mana whenua partners or Meridian, I will reassess my opinion at the time. I note that the August Proposed

¹ Freshwater Ecology and Wetlands JWS, at page 8, item 25.

Conditions do not propose any iwi related conditions. My view remains that any conditions should also be formulated alongside iwi, where they wish to be involved.²

- (b) While the Freshwater Ecology and Wetlands JWS records progress towards some of the issues raised in the s 87F Report, a number of issues remain relating to the adequacy of the freshwater assessment. At this stage, I am not satisfied that the effects on freshwater ecology and wetlands associated with the Project can be adequately determined based on information provided to date. It is my understanding that, as a result of expert conferencing, and as captured in the Freshwater Ecology and Wetlands JWS, Meridian is going to undertake a number of actions to address the issues remaining. I consider that is an appropriate step in addressing these issues and Councils look forward to reviewing this information once it becomes available. Finally, I note that no new issues relating to freshwater ecology were raised in the section 274 party evidence.
- (c) Given the uncertainty remaining in relation to offsetting the effects of the proposed culverting, as discussed above in the Freshwater Ecology section, the level of effects on the natural character of the streams and their margins cannot be determined. My view on this may change in light of the additional work undertaken by Meridian.
- (d) I acknowledge the agreement between the experts as to terrestrial ecology matters and general alignment with the conditions as proposed.³ For reasons explained by Ms Edwards, I rely on the evidence of Mr Lambie in relation effects on terrestrial ecology relating to the project and support the recommendations he has made in relation to the management of potential effects on bats.⁴
- (e) I rely on the evidence of Ms Ryan in relation to the assessment of effects of greenhouse gas emissions from the Project on climate

² Section 87F Report – Planning, 15 March 2024, at [231].

³ Terrestrial Ecology JWS.

⁴ Statement of Evidence – James Lambie (Terrestrial and Wetland Ecology), 23 August 2024, from [12]

change. The provision of information through conditions would show how greenhouse gas effects are being managed on this Project, under the Act.⁵ Amended wording is proposed by Ms Ryan for CC1 in the August Proposed Conditions, which I support.

Planning Framework

[18] The planning framework in the Wellington Regional Policy Statement (**RPS**) and Natural Resources Plan (**NRP**) was addressed in the s 87F Report. I confirm that the relevant objectives and policies are as agreed in the Planning JWS.

[19] Where matters require further discussion, I address them below:

Consistency with the Regional Policy Statement Plans and Objectives

[20] I am of the view that the Project is consistent with the Objectives and Policies in the Wellington RPS, with the exception of those in relation to Tangata whenua values, water quality and freshwater ecology. I address these below.

Tangata Whenua Values

[21] As is confirmed in the Planning JWS and discussed above in relation to cultural effects, there are gaps that remain in relation to feedback from Rangitāne o Tamaki nui-ā-Rua and Rangitāne o Wairarapa.

[22] As noted above, Rangitāne o Tamaki nui-ā-Rua have advised Meridian that they are preparing CIA, however this is yet to be completed. It is unclear whether this will be on behalf of Rangitāne o Wairarapa as the CVA was.

[23] Without the CIA and/or further feedback from Rangitāne o Tamaki nui-ā-Rua and Rangitāne o Wairarapa, I am unable to determine whether the Project is consistent with Policy 49 and Objectives 25, 26, 27, and 28 of the RPS.

⁵ Planning JWS, at page 10, item 8.

Water Quality

- [24] As confirmed in the Planning JWS and discussed by Ms Edwards in her evidence in relation to freshwater ecology and wetland effects,⁶ there are gaps that remain in relation to the adequacy of the freshwater assessment undertaken by Meridian. It is my understanding that, as a result of expert conferencing, and as captured in the Freshwater Ecology and Wetlands JWS, Meridian has undertaken to complete a number of actions to address the issues remaining. Dr Forbes expects the information agreed to be provided in conferencing will reduce uncertainty over ecological values, stream classifications, and the adequacy of the positive effects package and its ability to achieve a net gain position for freshwater biodiversity.⁷ While some information has recently been provided,⁸ there was insufficient time for Dr Forbes to form an opinion, for his evidence. At this stage, therefore, I am unable to determine whether the Project is consistent with these policies and objectives, particularly Policies 40 and 43, and objective 13. I understand Dr Forbes will provide an update on review of the information provided/to be provided by Meridian. At that time, I may be able to revisit my position.

Freshwater Ecology

- [25] I note that Policies 23 and 47 are identified in the s 87F Reports as being relevant to the proposal. On my revision of the s 87F Report, I have noted that these policies have been wrongly identified as relevant to this proposal.
- [26] Policy 23 directs Regional, City and District Councils to identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values.
- [27] Policy 47 relates to managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values. The RPS states that:⁹

Policy 47 provides an interim assessment framework for councils, resource consent applicants and other interested parties, prior to

⁶ Statement of Evidence – Lauren Edwards (Planning), 23 August 2024, from [34].

⁷ Statement of Evidence – Dr Adam Forbes (Freshwater Ecology), 23 August 2024, at [15].

⁸ Received by the Consent Authorities 19 August 2024.

⁹ Wellington RPS, Explanation to Policy 47 at page 125.

the identification of ecosystems and habitats with significant indigenous biodiversity values in accordance with policy 23, and the adoption of plan provisions for protection in accordance with policy 24.

and

This policy shall cease to have effect once policies 23 and 24 are in place in an operative district or regional plan.

[28] GWRC have identified the ecosystems and habitats as required by Policy 23 and these are included as Schedule F1 of the NRP. Schedule F1 identifies the Ruamāhanga River and all tributaries, except for the Kopuaranga River as meeting the criteria for rivers and lakes with significant indigenous ecosystems.

[29] It is my opinion that Policy 23 and 47 are therefore not relevant to this proposal. I understand Dr Forbes has also addressed this in his evidence.¹⁰

Consistency with Natural Resources Plan Objectives and Policies

[30] As set out in the Planning JWS, I am of the view that the Project is consistent with the Objectives and Policies in the NRP, with the exception of those in relation to Tangata Whenua values and freshwater ecology.¹¹ I address these matters in turn below.

Tangata Whenua Values

[31] For the reasons discussed above at paragraphs [21]-[23] above, without the CIA and/or further feedback from Rangitāne o Tamaki nui-ā-Rua and Rangitāne o Wairarapa, I am unable to determine whether the Project is consistent with Policies 19, 20 & 21, and objectives 12 & 13 of the NRP.

Freshwater Ecology

[32] As is confirmed in the Planning JWS and discussed above in relation to freshwater ecology and wetland effect, there are gaps that remain in relation

¹⁰ Statement of Evidence – Dr Adam Forbes (Freshwater Ecology), 23 August 2024, [27].

¹¹ Planning JWS, at page 17, item 11.

to the adequacy of the freshwater assessment undertaken by Meridian. Until further information is received from Meridian that demonstrates the adequacy/appropriateness of the freshwater assessment, I am unable to determine whether the project is consistent with Policies 30, 31, 32, 33, 34, 35, 45, 109 or 110 and Objectives 19, 21, 22, 23 and 24 of the NRP.

Consistency with National Policy Statement for Freshwater Management 2020 (NPS-FM)

- [33] Given the gaps that remain in relation to Tangata Whenua and freshwater ecology, my view has not changed from that expressed in the 87F Report.¹² That is, I am of the view that the Project is generally consistent with some, but not all, of the relevant policies of the NPS-FM. Until the further information I refer to above is provided and able to be considered, I am unable to make a determination in relation to policies 1, 2, 3, 7 and 9.

Section 105

- [34] I confirm that s 105(1)(a) and (b) have addressed by Meridian through reference to technical experts' advice, which is set out in the Planning JWS.¹³
- [35] As agreed in the Planning JWS, Meridian has provided an assessment against s 105(1)(c), on 16 August 2024. The response is attached to Ms Edwards evidence.¹⁴ Having reviewed the material, I am satisfied that alternative options for the discharges associated with the Project have been adequately considered by Meridian, and the provisions of s 105 addressed.

Consent Lapse and Expiry Dates

Lapse Dates

- [36] The consent lapse dates applied for by Meridian have been confirmed in the Planning JWS as ten (10) years for all consents.¹⁵

¹² Section 87F Report – Planning, 15 March 2024 at [257]-[266].

¹³ Planning JWS, at page 4, item 3.

¹⁴ Statement of Evidence – Lauren Edwards (Planning), 23 August 2024 at Attachment D.

¹⁵ Planning JWS, at page 6, item 6.

- [37] As was set out in the 87F Report, I also am of the opinion that the most appropriate lapse date for all consents is five (5) years.¹⁶ Meridian have not, in my view, provided sufficient reasons to justify why a longer period is necessary. Further information has been provided as to additional matters that may influence the implementation of consents.¹⁷ This is attached to the evidence of Ms Edwards.¹⁸ For the reasons explained by Ms Edwards, further information and discussions are required to better understand Meridian's position. If this occurs, I will be able to provide an update on my position.

Expiry Dates

- [38] The consent expiry dates applied for by Meridian have been confirmed in the Planning JWS as 35 years for all regional council consents.
- [39] I agree that a 35 year term is appropriate for works within the beds of rivers to allow for the operation, ongoing use and maintenance of the culverts and diversions.
- [40] As set out in the Planning JWS, Meridian considers that the other regional council consents could have an expiry date of 'lapse date plus five years'.¹⁹ Given the construction period is expected to be within the vicinity of two to three years (weather dependent), I am of the view that an expiry date of 'lapse date plus five years' is appropriate. Noting however, that an agreement has still not been reached as to the appropriate lapse date.

Other matters

- [41] While I do not consider the following to be at issue, I also provide a summary of other important potential regional-level effects relating to air quality, greenhouse gas emissions, hydrology, groundwater, land disturbance (earthworks, stabilisation, sedimentation and land stability), and contaminated land below:

¹⁶ Section 87F Report – Planning, 15 March 2024 at [472].

¹⁷ Planning JWS, at page 6, item 6.

¹⁸ Statement of Evidence – Lauren Edwards (Planning), 23 August 2024 at Attachment A.

¹⁹ At page 6, item 6.

Air Quality

- [42] There are no outstanding issues relating to air quality arising from the s 87F Report. These have been resolved through the Air Quality JWS, Planning JWS and the August Proposed Conditions.
- [43] I note that in the Air Quality JWS, it was agreed that based on the location of the site and any potential sources, there is no need for specific control measures for 'other airborne contaminants'.²⁰ I have consequently recommended that the Air Quality Management Plan required as a condition of consent is renamed the Dust Management Plan (**DMP**).
- [44] Concerns relating to the operation of the concrete batching plant and the portable crusher have been resolved by the inclusion of Conditions CB1 to CB4 and MACF1 to MACF3 respectively.
- [45] Meridian has also proffered a condition (CTM2(ii)) in relation to sealing old Coach Road as the most effective mechanism for avoiding potential dust effects on residents during the construction process, which is consistent with the approach discussed by the experts in the Air Quality JWS and Mr Curtis's evidence.²¹
- [46] I am of the view that effective mitigation of dust effects can be achieved through the implementation of a DMP. I agree with the recommended amendments to the DMP identified in the Air Quality JWS, which are reflected in the August Proposed Conditions.²²
- [47] The section 274 party evidence of Mr Olliver raised concerns regarding dust management, particularly potential for contamination of roof collected drinking water and fruit and vegetables grown on his property.²³

²⁰ Air Quality JWS, at page 6, item 9.

²¹ Air Quality JWS, at page 4, item 3. See also Statement of Evidence – Andrew Curtis (Air Quality), 23 August 2024 at [11].

²² See Air Quality JWS, from page 5, items 9, 11, 13.

²³ Statement of Evidence – Robin Olliver, 10 July 2024 at page 1.

- [48] The section 274 party evidence of Mr Maxwell raises concern that Meridian's assessment has not specifically considered the construction occurring on the ridgeline, which is a more exposed location.²⁴

Stormwater and Hydrology

- [49] In the 87F Report it is noted that while no resource consents in relation to stormwater design are currently being sought by Meridian, there is a level of uncertainty around stormwater design (and resultant effect) and any potential effects. The s 87F Report identified the need for detailed design to be a condition of consent.²⁵
- [50] In the Planning JWS, Meridian confirms that stormwater will meet relevant permitted activity standards.²⁶ At this stage, Meridian has not shown how the permitted standards will be met as this is being left to detailed design stage. The Councils' have recommended conditions which require Meridian to demonstrate how the permitted standards will be met at the detailed design stage for both the construction and operational stormwater.²⁷ I support the need for, and intent of, these conditions.

Groundwater

- [51] The outstanding issue from the s 87F Report in regard to groundwater was in relation to the potential location of the concrete batching plant. Mr Thomas noted in his evidence that if the concrete batching plant was to be located in the Mākākahi Valley along Old Coach Road, there was a risk of groundwater contamination and potential for contaminants to enter the Mākākahi River.²⁸ The Mākākahi Valley and River are located outside of GWRC's jurisdiction and this matter is therefore addressed by Ms Edwards.²⁹

²⁴ Statement of Evidence – John Maxwell, 10 July 2024 at [33]-[35].

²⁵ Section 87F Report – Planning, 15 March 2024 at [131].

²⁶ Planning JWS, at page 9, item 7.

²⁷ Section 87F Report – Planning, 15 March 2024, at [131]. See also Planning JWS, at page 9, item 7.

²⁸ Statement of Evidence – Neil Thomas (Groundwater), 23 August 2024 at [9].

²⁹ Statement of Evidence – Lauren Edwards (Planning), 23 August 2024 at [57]-[58].

- [52] I note that no matters were raised in the section 274 party evidence relating to groundwater.

Land disturbance/Earthworks/Erosion Sediment Control (ESC)

- [53] Based on the ESC JWS, there is a high degree of alignment between the experts for Meridian and the Councils. This includes agreement that the approach taken for construction water management is reflective of best practice and reflected in the proposed consent conditions.³⁰ A number of condition recommendations were included in the ESC JWS
- [54] I rely on the evidence of Mr Pearce in relation to ESC effects of the Project, along with the recommendations of Ms Edwards in her evidence.³¹
- [55] I note that no new issues relating to ESC were raised in the section 274 party evidence.

Contaminated land

- [56] In her evidence, Ms Newall states that the matters raised in the s 87F Report in relation to contaminated land have since been resolved through additional work completed by Meridian and the provision of additional information with Meridian's experts.³² Ms Edwards addresses the conditions proposed having regard to Ms Newall's recommendations.³³ I adopt that analysis and the related recommendations
- [57] I note that no new issues relating to site contamination were raised in the section 274 party evidence.

F. RESPONSE TO SECTION 274 PARTY EVIDENCE

- [58] I have reviewed the section 274 party evidence and have responded to the matters raised relevant to my field of expertise (and as appropriate) in earlier sections of my evidence. I have also reviewed the evidence of other experts

³⁰ ESC JWS, at page 3, item 1.

³¹ Statement of Evidence – Lauren Edwards (Planning), 23 August 2024, para [59]-[65].

³² Statement of Evidence – Sarah Newall (Contaminated Soils), 23 August 2024, at [10].

³³ Statement of Evidence – Lauren Edwards (Planning), 23 August 2024, at [51]-[53].

of relevance and consider all matters raised through the section 274 party evidence have been covered.

G. CONDITIONS

[59] As a result of the conditions workshop and the Planning JWS, amendments to the Meridian conditions were drafted. I record that there is a reasonably high degree of alignment on the regional level conditions. The August Proposed Conditions include further amendments proposed by the Consent Authorities from expert evidence and/or are drafting/administrative related.

23 August 2024

Alisha Vivian