
BEFORE THE MANAWATU- WANGANUI REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Submissions and Further Submissions
lodged by **Meridian Energy Limited** to
the Manawatu-Wanganui Regional
Council on the Proposed Horizons One
Plan - Chapter 3, Infrastructure, Energy
and Waste.

**STATEMENT OF EVIDENCE OF CATHERINE MARY CLARKE
FOR
MERIDIAN ENERGY LIMITED**

1.0 Introduction

- 1.1** My full name is Catherine Mary Clarke. I am a planner and senior principal of Boffa Miskell Limited, a national firm of consulting planners, ecologists and landscape architects. I hold the qualification of Bachelor of Regional Planning (1st Class Honours) from Massey University. I am a full member of the New Zealand Planning Institute and a past president of the Auckland branch (1998-2000).
- 1.2** I have approximately twenty years experience in planning and resource management. My professional experience includes approximately three years in district planning, nine years with the Auckland Regional Council ('ARC') and most recently eight years in private consultancy based in Auckland.
- 1.3** I have had a range of experience in the development and implementation of regional planning documents prepared under the Resource Management Act ('RMA'). While employed by the ARC, I was responsible for project managing the development of the Auckland Regional Plan: Sediment Control and was directly involved in the development of the Auckland Regional Policy Statement and Auckland Regional Plan: Coastal. I am presently engaged by the ARC to assist in a review of the implementation of policy in the Auckland Regional Policy Statement as part of the

development of their second generation Regional Policy Statement. I have also acted for a number of infrastructure providers and resource users, wherein I have provided planning advice, lodged submissions and presented expert evidence on regional and district planning documents that affect their activities, including the ARC Proposed Air, Land and Water Regional Plan and recently variations to the Waikato Regional Plan.

- 1.4** I have also had experience in renewable energy issues and am currently project managing the acquisition of resource consents for a 42 turbine wind farm in the Waikato Region for Taharoa C Incorporation. This proposal is presently under appeal to the Environment Court.
- 1.5** I have read the Code of Conduct for expert witnesses in the Environment Court Practice Notes. I agree to comply with this Code of Conduct. I am satisfied that the evidence in this statement is within my area of expertise, except where I state that I am relying on the evidence of another person. I am also not aware of any material facts that I have omitted that might alter or detract from the opinions that I express in this evidence.

2.0 Scope of Evidence

- 2.1** I have been engaged by Meridian Energy Limited ('Meridian') to provide a planning analysis of Chapter 3 - Infrastructure, Energy and Waste of the Proposed Horizons One Plan ('the One Plan') in terms of the relevant provisions in the RMA and good planning practice. The purpose of my statement of evidence is to comment on the main findings of this analysis and the matters of concern to Meridian as raised in the submissions and further submissions lodged to Chapter 3 of the One Plan.

- 2.2** In particular my evidence will provide comment on :

- The relevant statutory considerations in the RMA and other national policies and strategies regarding renewable energy and provide opinion on why I think the level of recognition of these matters relating to renewable energy should be enhanced in Chapter 3 of the One Plan;
- The adequacy of provisions in Chapter 3, Regional Policy Statement part of the One Plan in providing regional direction to resource consent or plan development processes undertaken in the regional and district planning context;

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- The overall policy framework of Chapter 3 including the linkages between the matters raised in the introductory section and the regional issues identified, and the consistency in the outcomes arising from the resultant objectives and policies and methods;
 - My recommended amendments to Chapter 3 taking into account the matters outlined above.

2.3 In preparing this statement of evidence, I have had particular regard to:

- Chapter 3 and related chapters of the Proposed One Plan;
- Submission and further submissions on the Proposed One Plan lodged by Meridian;
- The relevant Section 42A report being the “Horizons Regional Council’s Planners Report on Submissions to the Proposed One Plan – Infrastructure, Energy and Waste (July 2008)” (‘the Section 42A report’).

I have also drawn on the information contained in the statement of evidence by Raewyn Moss for Meridian submitted in relation to Chapter 3 - Infrastructure, Energy and Waste of the Proposed One Plan.

2.4 My statement of evidence has been structured as the provisions occur in the One Plan. Where appropriate, cross references have been made to the relevant section of the Section 42A report and the submissions and further submissions lodged by Meridian.

2.5 Where no comment is made in my evidence in relation to a submission to Chapter 3, lodged by Meridian, it should be inferred that I am satisfied with the recommendation in the Section 42A report.

2.6 I have attached to this statement of evidence, a revised version of Chapter 3 of the Plan, amended in accordance with the commentary in this statement of evidence (refer Attachment 1). This revised version amends the version of Chapter 3 as recommended in the Section 42A report. Words in red text are amendments based on the relief sought in the submissions lodged by Meridian. Words to be added are shown in underline and words to be deleted are shown in ~~strike through~~.

3.0 Chapter 3 of Proposed One Plan and Renewable Energy

- 3.1 I concur with the opinion in the Section 42A report that it is appropriate for the Regional Policy Statement section of the One Plan to identify the importance of developing and using renewable energy as a significant resource management issue for the region and include corresponding objectives, policies and methods.
- 3.2 As detailed in Meridian's legal submissions, Section 5 and Part 2 of the RMA (including the matters introduced by the RMA (Energy and Climate Change) Amendment Act 2004), and a number of national policy and strategy documents lend strong weight to the argument that the use and development of renewable energy is a matter of national and regional importance. Further due to the benefits derived from the use and development of renewable energy, that energy generation from renewable resources shall be enabled to a greater extent than other resource use activities. In this regard, I consider that regional policy statements and plans are important methods by which the government's policy directions on renewable energy and energy efficiency can be implemented.
- 3.3 I also concur with the Section 42A report that *"Although the purpose of Chapter 3 is to recognise and provide for infrastructure and energy this needs to be considered within the sustainable management of natural and physical resources. It is also necessary to consider the objectives and policies outlined in Chapter 3 in the context of objectives and policies of the resource-based chapters of the Proposed One Plan."*¹
- 3.4 I note with concern however that the tenor of the Section 42A report then seems to imply that the submissions from electricity generation organisations (including Meridian), are seeking that a *"permissive regime that would limit the weighing of environmental values in environmental assessments"* made under the RMA, be provided for in Chapter 3 of the Plan.² From my reading and understanding of the submission lodged by Meridian, this is not what is being sought by the company. Further in my opinion such an approach would be inappropriate as is noted in the Section 42A report.
- 3.5 What is considered appropriate and consistent with the RMA, is that Horizon's as the regional planning agency for the Manawatu-Wanganui region provides direction to regional and district planning processes, on how to weigh up competing values and

¹ Refer Page 14, Section 42A Report, July 2008

² Refer Page 14, Section 42A Report, July 2008

uses for the natural and physical resources of the region in the regional policy statement. - not limit the weighing up of those matters as stated in the Section 42A report. In other words, provide direction on what “promotes sustainable management” in the region, in a manner consistent with Part 2 of the Act and other high level policy documents and strategies.

3.6 In term of renewable energy and Chapter 3, Regional Policy Statement of the One Plan, this means amongst other matters, that this Chapter enable energy generation from renewable resources to a greater extent than other resource use activities. However the Plan should also ensure that any proposals for energy generation from renewable resources still continue to promote the sustainable management of natural and physical resources of the region.

3.7 Chapter 3 of the Plan should also assist in ensuring integrated management and consistency among the local authorities of the region, in both resource consent and plan development processes when considering the use and development of renewable energy resources.

4.0 Title of Chapter 3 and Consequential Amendments

4.1 Meridian’s submission³ sought to amend the title of Chapter 3 to “Infrastructure, Renewable Energy and Waste” and sought further consequential amendments. The Section 42A report recommends rejecting this submission. I agree with this recommendation as Chapter 3 does address energy issues wider than just ‘renewable energy’ including the efficiency of energy use. However it is recommended that the title of Objective 3-1 is amended as follows, as this objective does only deals with issues relating to infrastructure and renewable energy.

“Objective 3-1: Infrastructure and Renewable Energy”

5.0 Section 3.1 – Scope and Background

5.1 Meridian’s submission⁴ sought that ‘renewable energy generation facilities’ be excluded from the broader definition of ‘infrastructure’ in Chapter 3. Further that a new definition of ‘renewable energy’ be included in the Glossary of the One Plan. The Section 42A report has recommended accepting in part the relief sought in this submission but has then recommended no changes to the Scope and Background.

³ Refer Meridian Submission 363/15

⁴ Refer Meridian Submission 363/17

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- 5.2 Having discussed this matter with Meridian, I can advise that Meridian no longer seeks that ‘renewable energy’ be excluded from the general definition of ‘infrastructure’. However, it still seeks that a definition of ‘renewable energy’ be included in the Plan.
- 5.3 It is noted that in earlier Section 42A reports (in particular Section 42A report relating to the Overall Plan, July 2008), the officers recommend that where terms are already defined in the RMA, they be removed from the Glossary of the Plan. Consistent with this recommendation, it is suggested that a new description of ‘renewable energy’ be instead included as an introductory paragraph to the ‘renewable energy’ section of Section 3-1, Scope and Background.
- 5.4 I consider it important that the definition of renewable energy be included in the explanatory part of the Chapter 3 to ensure readers of this Plan including the general public, have a clear understanding of the natural resources that are encompassed within the definition of renewable energy. The definition of ‘renewable energy’ proposed is consistent with the definition in the RMA. The inclusion of the definition of ‘renewable energy’ in Section 3-1 Scope and Background of the Plan is also consistent with the manner in which the description of ‘Infrastructure’ is also included in Section 3-1 Scope and Background. It is therefore recommended that the wording of Section 3.1, Scope and Background be amended as follows:

Section 3.1: Scope and Background

Renewable energy

Renewable energy means energy produced from solar, wind, hydro, geothermal, biomass, tidal, wave, and ocean current sources.

- 5.5 Meridian’s submission⁵ also sought amendments to Section 3-1 under the title ‘Renewable energy’ such that the description of barriers facing the development of renewable energy resources in the region be expanded. In particular the submission sought to amend the last sentence of Paragraph 1, Renewable Energy, Section 3-1, Scope and Background. The Section 42A report has recommended accepting the relief sought in the Meridian submission however, again, does not recommend any changes to Section 3-1. The evidence provided by Raewyn Moss explains in detail the range of “technical” and “operational” constraints facing the development of renewable energy generation facilities. Based on her evidence and my own

⁵ Refer Meridian Submission 363/18

experience, I consider the amendments are necessary to more fully and accurately describe the range of barriers facing the use and development of renewable energy generation facilities.

Section 3-1 Scope and Background

Renewable energy

The use and development of renewable energy generation facilities faces a number ~~One~~ of the barriers, facing development of renewable energy which includes the difficulty in securing access to natural resources, as well as operational and technical factors which constrain the location, layout, design and generation potential of renewable energy facilities.

- 5.6** Meridian's submission⁶ seeks amendments under the new title of "Renewable energy" to Section 3-1, Scope and Background, seeking an expansion to the description of the Government's renewable energy policies and the obligation on the Regional Council to recognise and provide for the development of renewable energy resources in the region. The Section 42A report recommends accepting in part this submission but again no changes to Section 3-1, Scope and Background are recommended.
- 5.7** It is considered that if the Plan is providing for the development and use of renewable energy resources of the Region as a regionally significant issue, then the supporting background section of the plan must contain a reasonably full explanation detailing the recognised benefits of energy generation from renewable energy resources, and the reasons why providing for renewable energy generation facilities has been identified as a significant matter in the Plan. The present description in Section 3-1 is considered to be insufficient and needs to be expanded to clearly set out the benefits of energy generation from renewable energy resources and the provisions in the RMA and relevant national policies and strategies that direct the Council to provide for the use and development of renewable energy. This explanatory section of Chapter 3 would also need to be expanded to support the additional resource management issues that are recommended to be included in Issues 3-1 of the Plan in submissions lodged by Meridian and other submitters discussed later in my evidence.
- 5.8** It is therefore suggested that the following wording be included in Section 3-1, Background and Scope of Chapter 3.

⁶ Refer Meridian Submission 363/19

Section 3-1 Scope and Background

Renewable energy

Horizons recognises it has a requirement to provide for development of renewable energy resources and using renewable energy. Government has developed energy strategies and made changes to the RMA to encourage energy efficiency and greater uptake of renewable energy over use of non-renewable resources.

The Government has confirmed its commitment to reduce New Zealand's green house gas emissions and to achieve increasingly sustainable energy use. This commitment is articulated in changes in 2004 to introduce Sections 7(i) and (j) to the RMA and in national policy and strategy documents, including:

- The New Zealand Energy Strategy to 2050 (2007)
- The New Zealand National Energy Efficiency and Conservation Strategy (2007)

Collectively these national strategies and action plans seek to achieve economy-wide improvements in the efficiency of energy use and an increase in the supply of energy from renewable sources. The Government's current target is for 90% of New Zealand's electricity generation to be from renewable resources by 2025. Given these national policy directives and the presence of renewable energy resources with the potential for development in the region, it is important for Horizons to recognise and provide for the use and development of renewable energy resources as a significant resource management issue for the region.

As recognised by the RMA and Government documents referred to above, renewable energy offers a number of benefits to New Zealand and the Horizon's Region. These include the fact that renewable energy offers a source of electricity that does not emit greenhouse gas emissions; which is directly linked to the Government's target for 90% of electricity to be generated from renewable sources by 2025. Further, renewable energy offers New Zealand an indigenous source of fuel that is not impacted upon by changes in the international market for fuels.

6.0 Issue 3-1: Infrastructure and Energy

6.1 Meridian's submission⁷ sought a range of new issues be included in Issue 3-1, to ensure the benefits of infrastructure and energy particularly renewable energy are recognised and provided for in a manner consistent with the RMA and relevant national policies and strategies. The Section 42A report recommends rejecting submissions seeking any changes to Issue 3-1 and accepting in part the submissions seeking new issues be included. However no changes to Issue 3-1 are recommended in the report. Meridian also supported the Mighty River Power ('MRP') submission⁸ seeking a new issue added to Issue 3-1 recognising the need for the region to provide for the development of resources for renewable energy production in a manner consistent with government policy. The section 42A report recommends accepting MRP's submission but again no changes to Issue 3-1 are recommended in the report.

⁷ Refer Meridian Submissions 363/21 to 363/27

⁸ Refer Mighty River Power Submission No 359/18 supported in part by Meridian X522/29

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- 6.2 I consider that the single issue identified in Issue 3-1; Infrastructure and Energy of Chapter 3 does not sufficiently address all the relevant resource management issues of the region in relation to infrastructure and renewable energy. This issue generally relates to the local adverse effects of infrastructure and renewable energy. As has been outlined in the legal submissions and the statement of evidence of Raewyn Moss for Meridian, as well as in the preceding explanation contained in Section 3-1 Background and Scope of Chapter 3 of the Plan, there are a far wider range of, and possibly more important, issues facing the region relating to the use and development of infrastructure including renewable energy.
- 6.3 Furthermore, in my opinion, it would be good planning practise if Chapter 3 of the Plan was structured so that objectives, policies and methods included in the Chapter could be linked back to addressing the preceding regionally significant issues identified. In that regard, I consider that some of the objectives and policies in Chapter 3 regarding infrastructure and energy can not be easily linked back to the matters raised in Issue 3-1. For example Policies 3-4 (Renewable Energy) and 3-5: (Energy Efficiency) seek to address issues wider than the matters raised in the single Issue 3-1.
- 6.4 For these reasons, I recommend that additional issues be added to Issue 3-1 of the Proposed One Plan so as to ensure that all relevant issues regarding renewable energy and efficiency of energy use are recognised, and that appropriate linkages can be made to the resultant objectives and policies in Chapter 3. The following amendments are therefore recommended in a manner consistent with the relief sought in the submissions lodged by Meridian and Mighty River Power.

Issues 3.1 Infrastructure and energy

- i. The use and development of infrastructure and renewable energy resources is essential to the economic, cultural, social and environmental wellbeing of people and communities and offers potentially significant national and regional benefits.
- ii. There is potential for concerns about local adverse effects to prevail over the regional and national benefits of developing infrastructure and renewable energy.
- iii. Energy conservation and efficiency measures will assist, but alone, will not be sufficient to meet future energy demands.
- iv. Additional electricity generation will be needed to meet regional and national growth in energy demand. To meet national renewable energy targets the region needs to provide for additional electricity generation through the use and

development of its renewable energy resources in a manner consistent with the RMA.

- v. The Manawatu–Wanganui region contains significant potential for the use and development of new renewable resources. However the use and development of new renewable energy generation facilities face a number of barriers including securing access to natural resources, and operational and technical factors which constrain the location, layout, design and generation capacity of renewable energy facilities.

7.0 Objective 3-1: Infrastructure and Energy

7.1 Meridian’s submission⁹ opposed in part, Objective 3.1 and sought that it be amended to include a separate objective to promote and enable the development of the region’s renewable energy resources and to encourage efficiency in energy use. The Section 42A report recommends rejecting these submissions.

7.2 I support the relief sought in the submissions by Meridian and agree that a separate objective should be included for renewable energy in Chapter 3. Furthermore that Objective 3-1 should refer to promoting and enabling energy generation from renewable energy resources. It is noted that section 5 of the RMA states the purpose of the Act is to ‘promote’ the sustainable management of natural and physical resources. Given the recognised benefits arising from the use and development of renewable energy resources, I consider that promoting and enabling energy generation from renewable energy resources is consistent with the overall purpose of the Act, being to ‘promote’ sustainable management.

7.3 I also consider having a separate objective for renewable energy that seeks to “*promote and enable*” renewable energy is consistent with Part 2 and in particular section 7(j) of the RMA. Section 7(j) requires particular regard to be given to the use and development of renewable energy, which differentiates it from the use and development of other forms of infrastructure. Further the scope and purpose of Chapter 3, as set out in Section 3-1 (Scope and Background) identifies the “*requirement to provide for development of renewable energy resources and using renewable energy*” as a separate and specific matter to be addressed in the Plan, so it makes sense to have a separate and corresponding objective. There is also a

⁹ Refer Meridian Submissions 363/28 and 363/29

separate policy for ‘renewable energy’ (refer Policy 3-4), so it would be good planning practise for there to also be a corresponding ‘parent’ objective.

7.4 Further I consider that the words “Resource use” should be deleted from Objective 3-1. It is unclear as to why Horizons would limit consideration to only “resource use” activities in considering activities associated with infrastructure and renewable energy in a Regional Policy Statement. Further the actual meaning of the term “resource use” is unclear

7.5 It is therefore recommended that Objective 3-1 be amended as follows:

Objective 3-1: Infrastructure and renewable energy

~~“Resource use activities associated with the provision, maintenance, and upgrading of infrastructure, and the development of renewable energy, will be recognised and enabled.”~~

- i. To recognise and enable activities associated with the provision, maintenance, and upgrading of infrastructure.
- ii. To promote and enable activities associated with the use, development, maintenance, and upgrading of the Region’s renewable energy resources and to encourage efficiency in energy use.

8. Policy 3-2: Adverse Effects of Other Activities on Infrastructure

8.1 Meridian’s submission¹⁰ supports in part Policy 3-2 however it seeks that clause (b) of Policy 3-2 be expanded to also ensure that the ability to exercise unimplemented resource consents and other RMA authorisations which allow for infrastructure (including renewable energy generation facilities) will not be compromised by incompatible activities being located nearby or changed to increase their incompatibility. The Section 42A report has recommended rejecting any submissions seeking references to ‘consented infrastructure’ or ‘resource consent entitlements’ in Policy 3-2.

8.2 I do not agree with the Section 42A report that it is inappropriate to refer to unimplemented resource consents in Policy 3-2. As outlined in the legal submissions on behalf of Meridian, the Court has determined that in assessing effects on the ‘environment’, a decision maker can take into account the environment as it may be modified by granted but unimplemented resource consents where there is a reasonable likelihood that those consents will be implemented. Further given the

¹⁰ Refer Meridian Submission 363/32

large scale and long time frames very often required for the development of many major infrastructure developments including renewable energy generation facilities (e.g. wind farms or hydro electricity projects) it is particularly important that infrastructure that is 'consented' but not yet developed, is specifically recognised in Policy 3-2.

- 8.3 Accordingly it is recommended that Clause (b) of Policy 3- be amended as follows:

Policy 3-2

- (b) Ensuring that any new activities that will adversely affect the efficiency or effectiveness of infrastructure are not located near existing infrastructure; infrastructure allowed by unimplemented resource consents where such consents are likely to be implemented; or infrastructure allowed by other RMA authorisations such as designations. and Ensuring that there is no change to existing activities that increases their incompatibility with existing infrastructure or unimplemented resource consents where such consents are likely to be implemented; or other RMA authorisations which allow for infrastructure.

9. Policy 3-3: Adverse Effects of Infrastructure on the Environment

- 9.1 Meridian's submission¹¹ sought that Policy 3.3 be deleted in its entirety. The Section 42A report recommends that this submission be rejected and that Policy 3.3(a) instead be amended.¹² I consider that Policy 3.3 and in particular clause (a), both as notified and as now recommended in the Section 42A report are inappropriate and that the Policy should be deleted in accordance with the relief sought in Meridian's submission.
- 9.2 Firstly Policy 3.3 is directly inconsistent with Objective 3.1 which states that activities associated with the provision of infrastructure and the development of renewable energy will be specifically recognised and enabled. Instead of recognising and enabling these activities, Policy 3.3(a) instead has imposed the restrictive 'avoid' approach in a blanket manner in order to manage adverse effects on the resources identified in the policy.
- 9.3 Further Policy 3.3(a) imposes a more restrictive management regime on how effects on the resources listed in clauses (i) to (v) are to be managed than the corresponding policies in the relevant chapters. This is a fact acknowledged in the Section 42A report whereby it is stated with respect to Policy 3.3(a) that "*I conclude that the approach to managing adverse effects in this policy is inconsistent with the approach*

¹¹ Refer Meridian Submission 363/33

¹² Refer Pages 155 & 156 of the Section 42A report

taken in other Chapters of the Proposed One Plan to manage adverse effects on the resources listed in at points (i) to (v).” For example, Policy 3.3(a) in Chapter 3 (as notified) states effects on rare and threatened habitats are “to be avoided ... unless functional constraints make this impossible”, while Policy 7-2: Activities in Rare and Threatened Habitats in Chapter 7 states such habitats “shall be protected by generally not allowing any of the following activities unless the provisions of subsection (c) or (d) apply ...” where (d) includes “the activities ... may be allowed ...where there are no more than minor adverse effects...” Further while Policy 3.3(a) states effects on “outstanding natural features and landscapes are “to be avoided” subject to “functional constraints”, Policy 7-7 :Outstanding Landscapes in Chapter 7 states “subdivision use and development affecting these areas shall be managed in a manner which (a) avoids or minimises to the extent reasonable ...” It should also be noted that Meridian (along with other submitters) has lodged submissions to these provisions in Chapter 7 (Living Heritage) of the Plan seeking amendments to the provisions in Chapter 7, and therefore these provisions may also subject to further change through the plan development process.

9.4 Further all the matters dealt with in Policy 3.3 are dealt with in other specific resource chapters of the Regional Policy Statement. Any assessment under the One Plan for an infrastructure or renewable energy development would be required to consider all “the objectives and policies outlined in Chapter 3 in the context of objectives and policies of the resource-based chapters of the Proposed One Plan¹³, as acknowledged in the Section 42A report. Accordingly Policy 3.3 unnecessarily duplicates other policy provisions in resource based chapters of the Plan creating the potential for uncertainty and confusion. Further Policy 3.3 appears to be inconsistent with the stated principles for the One Plan including that the Plan provisions “be clear and concise” and “provide clarity and certainty for resource users.”¹⁴

9.5 For these reasons I concur with the relief sought in the submission lodged by Meridian that Policy 3.3 be deleted.

10. Policy 3-4 Renewable Energy

10.1 Meridian’s submission¹⁵ supported Policy 3-4 in part, but considered it did not fully implement s7(j) of the RMA. The Section 42A report has recommended a range of

¹³ Refer Page 14, Section 42A report, July 2008

¹⁴ Refer Page 14, Section 42A report, May 2008

¹⁵ Refer Meridian Submission 363/35

amendments to Policy 3-4.¹⁶ I generally support the amendments recommended in the Section 42A report and concur with statement that it *“better reflects the wording of s7 of the RMA and gives decision makers appropriate guidance on how to weigh up the benefits of renewable energy”*¹⁷

10.2 In light of the preceding discussion in my evidence, it is suggested that Policy 3-4 be further amended, in a manner consistent with the amendments sought to Issue 3-1. These amendments would seek to ensure that decision makers implementing the plan are aware of the full range of matters that they shall have particular regard to with respect to renewable energy resource use in the region.

10.3 Accordingly I recommend that Policy 3-4 (as recommended in the Section 42A report) be amended as follows:

Policy 3-4: Renewable energy

- (a) All person exercising functions and powers under the RMA shall have particular regard to:
 - i. The social, economic, cultural and environmental benefits of renewable energy generation
 - ii. The Manawatu-Wanganui Region's potential for the development of renewable energy resources
 - iii. The locational, operational and technical factors constraining the use and development of new renewable energy generation facilities including the location layout design and generation capacity of such facilities
 - iv. The development of renewable energy generation and the use of the renewable energy resources is preferred to the development and use of non-renewable energy resources in policy development and resource consent decision-making.

11. Section 3-5 Methods

11.1 Meridian's submissions¹⁸ opposed Section 3.5 –Methods, in so far as the section fails to identify any methods either regulatory or non regulatory with regard to infrastructure and renewable energy generation facilities. The submissions sought the inclusion of a range of additional non regulatory methods be incorporated into Section 3-5, in order to implement the objectives and policies in relation to the use and development of renewable energy resources and energy efficiency.

¹⁶ Refer Page 167, Section 42A report (July 2008)

¹⁷ Refer Page 166, Section 42A report (July 2008)

¹⁸ Refer Meridian Submissions 363/37 to 363/40

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- 11.2 The Section 42A report recommends rejecting these submissions. Further the report states the methods included in Section 3.5 of the Plan as notified, are the *“methods that Horizons are committed to and where necessary funding is programmed to achieve them in the Long Term Council Community Plan. This is consistent with the overall philosophy for the plan to be focussed on what can realistically be achieved and to have strong links to the Long Term Council Community Plan. ... The lack of non-regulatory methods for infrastructure and energy is therefore intentional.”*¹⁹
- 11.3 I have concerns with these findings in the Section 42A report and consider changes should be made to Section 3-5, Methods of the Plan. Firstly the methods section of Chapter 3 of the Regional Policy Statement should clearly set out both the regulatory and non regulatory methods adopted to implement the objectives and policies in the Chapter. Accordingly I recommend that Section 3-5 be clearly separated into regulatory and non-regulatory methods to make it clear that the Council has adopted the use of both approaches in implementing the provisions in Chapter 3. Further in terms of regulatory methods, that it be made clear that the relevant provisions in Chapter 3 of the Regional Policy Statement part of the One Plan, will be implemented by both regional and district planning processes.
- 11.4 I also disagree with the comment in the Section 42A report that only non regulatory methods linked to Long Term Council Community Plan (‘LTCCP’) should be included in Section 3-5 of the Plan. While I recognise the benefits of having linkages between the One Plan and the LTCCP, I do not accept the inference in the Section 42A report that the non regulatory methods in Chapter 3 (Infrastructure, Energy and Waste) shall be restricted to methods that are directly linked to the outcomes in the LTCCP. Nor by implication do I believe that objectives and policies in Chapter 3 that can not be linked to outcomes in the LTCCP can therefore only be addressed through regulatory methods. Non regulatory methods in a Regional Policy Statement should be broader than just reporting on matters identified in the LTCCP. In my opinion Section 3-5 should clearly set out all regulatory and non-regulatory methods (including but not limited to matters listed in the LTCCP) that Council will implement to best realise the objectives and policies in the Chapter 3.

¹⁹ Refer Page 219, Section 42A Report, July 2008

- 11.5** It is recommended therefore that the additional methods set out below, be included in Section 3-5 Methods. These methods directly relate to the implementation of Objective 3-1, Policies 3.4 and 3.5, Chapter 3 of the Plan. While it is acknowledged that these policies refer to policy development and resource consent decision making, I consider it reasonable to expect the Regional Council to also be involved in a regional policy implementation role as part of its normal statutory functions.

Project Name	Work with Territorial Local Authorities – Renewable Energy and Infrastructure
Project Description	The Regional Council together with Territorial Authorities will recognise and enable the use and development of infrastructure and renewable energy generation facilities including preparing and disseminating information which assists in giving effect to the objectives and policies in Chapter 3, when considering applications for resource consents, notices of requirements, designations and changes to the this Plan, regional plans and district plans
Who	Regional Council and Territorial Authorities
Links to Policy	This project links to Objective 3-1 and Policies 3-1 and 3-2 and 3-4
Target	Information provided to Regional Council and Territorial Authorities

Project Name	Energy Efficiency
Project Description	The Regional Council together with Territorial Authorities will seek to increase energy efficiency including preparing and disseminating information on how (i) subdivision and housing including layout of the site, and layout of the lots in relation to other houses/subdivisions can encourage energy-efficient house design and access to solar energy, and (ii) subdivision and land use can ensure that sustainable transport options such as public transport, walking and cycling can be integrated into land use and development
Who	Regional Council and Territorial Authorities
Links to Policy	This project links to Policy 3-5
Target	Information provided to Regional Council, Territorial Authorities and the people of the Region.

12. Section 3.6 Anticipated Environmental Results

- 12.1** Meridian’s submissions²⁰ sought a range of amendments to the Anticipated Environmental Results which seek additional anticipated environmental results be incorporated regarding the efficient use and development of renewable energy in the Region. The submission is recommended as being rejected in the Section 42A report.
- 12.2** The Section 42A report states that *“The policies for infrastructure and energy are implemented using regulatory methods and if effective it is expected that resource users will find the provisions of the plan more certain and their activities provided for*

²⁰ Refer Meridian Submissions 363/41 to 363/454

to a greater extent than for other resource use activities, especially if they are nationally or regionally important”²¹

- 12.3 I generally concur with the comments made in the planner’s report. However these comments are in my opinion inconsistent with the Anticipated Environmental Result currently included in Chapter 3 of the Plan as notified, which refers to the Plan being “perceived as even handed by resource users...”. It is therefore recommended that the Anticipated Environmental Results be amended in a manner consistent with the comments in the Section 42A report as set out below.

Anticipated Environmental Result	Link to Policy	Indicator	Data Source
This Plan is perceived as even-handed by resource users in the way it deals with existing and development of infrastructure* and renewable energy activities. The objectives and policies regarding infrastructure and energy in this Plan are implemented using regulatory and non-regulatory methods and if efficient and effective, that infrastructure providers and renewable energy generators find the provisions of the plan more certain and their activities are enabled to a greater extent than other resource use activities.	<u>Objective 3-1 and Policies: 3-1, 3-2, 3-3, 3-4 and 3-5</u>	<ul style="list-style-type: none"> • Customer satisfaction 	<ul style="list-style-type: none"> • Horizons' customer surveys
<u>Increased efficiency of energy use and increased generation of energy from renewable energy resources in the Region.</u>	<u>Objective 3-1 and Policies: 3-1, 3-2, 3-3, 3-4 and 3-5</u>	<ul style="list-style-type: none"> • <u>More efficient use of energy use in the Region</u> • <u>Increased generation of energy from renewable energy resources in the Region</u> 	<ul style="list-style-type: none"> • <u>Monitoring of the quantity of installed generation capacity in the region;</u> • <u>EECA and Territorial Authority monitoring of building and resource consent applications to improve energy efficiency</u>

²¹ Refer Pages 228 and 236, Section 42A Report, July 2008

13. Section 3.7: Explanation and Principal Reasons

Section 3.7.1 Infrastructure and Energy

- 13.1 The submission²² lodged by Meridian requested that amendments be made to Section 3.7.1: Infrastructure and Energy, to refer to renewable energy separately from infrastructure in a manner consistent with the objectives and policies in Chapter 3 of the Plan. The Section 42A report recommends accepting the submission lodged by Meridian, however recommends no changes to the provisions in Section 3.7.1.
- 13.2 I concur with Meridian's submission and consider for reasons discussed previously in my evidence that amendments are required to Section 3.7.1 to give appropriate recognition to the outcomes sought in Objective 3-1 and the directives in Policies 3.1 to 3-5. It is also considered that the second paragraph of Section 3.7.1 should be amended to more accurately reflect the policies in Chapter 3.

3.7 Explanations and Principal Reasons

3.7.1 Infrastructure and energy

Objective 3-1 and Policies 3-1 to 3-5 have been adopted to recognise and enable the benefits of the use and development of infrastructure * and promote and enable renewable energy, the benefits of having it well integrated with other land uses, and to ~~recognise~~ promote and enable provide for renewable energy and energy efficiency measures.

The policies on infrastructure* and renewable energy aim to give guidance to decision makers on the matters to be recognised and provided for, when exercising functions under the RMA, in relation to infrastructure* and the use and development of renewable energy sources, including about how to weigh up the local adverse effects of infrastructure* against the positive regional and national benefits. They also aim to provide guidance on how to avoid adverse effects on important infrastructure* and renewable energy generation facilities through the inappropriate location of activities near or adjoining important infrastructure and renewable energy generation facilities.

Renewable Energy and Energy Efficiency

The policies regarding energy efficiency and renewable energy seek to recognise the benefits to be derived from the use and development of renewable energy, and the efficient use of energy and resources (both of which are matters to be had in particular regard in Part II of the Resource Management Act 1991). These policies will be implemented through regulatory and non regulatory methods.

Policy 3-4 on renewable energy gives guidance to decision makers when exercising functions under the RMA, on the matters that they shall have particular regard to, in seeking to enable the use and development of renewable energy resources in the Region.

²² Refer Meridian Submission 363/ 48

14.0 Conclusion

- 14.1** In conclusion, I commend the intent of Chapter 3 of the Regional Policy Statement of the Proposed One Plan, in that it seeks to recognise and enable the development of renewable energy in the Region in a manner consistent with the RMA and relevant national policies and strategies. However I consider the intent of the Chapter would be better realised if the statutory considerations in the RMA and other national policies and strategies were better provided for, and the overall policy framework of Chapter 3 including the linkages between the matters raised in the introductory section and the regional issues identified, and the consistency in the outcomes arising from the resultant objectives and policies and methods were improved..
- 14.2** Accordingly I recommend that the relief sought in the submissions and further submissions lodged by Meridian as discussed in my evidence, be accepted. Further I commend the Hearings Committee for consideration, the changes outlined in Attachment 1 of my evidence.



Catherine Clarke

Senior Principal and Planner
Boffa Miskell Limited

5 August 2008

Tracked Changes Version of Recommended Amendments to Proposed One Plan – Chapter 3, Infrastructure, Energy and Waste

Note: This revised version amends the version of Chapter 3 as recommended in the Section 42A report (July 2008). Words in red text are amendments based on the relief sought in the submissions lodged by Meridian. Words to be added are shown in underline and words to be deleted are shown in ~~strike-through~~.

3 Infrastructure, Energy, and Waste

3.1 Scope and Background

This chapter details with how activities involving infrastructure, renewable energy, waste*, hazardous substances* and contaminated land will be addressed. In general, policy relating to these activities is integrated into the resource-based chapters of this Plan. Specific policies developed by Horizons for these activities are detailed in this chapter.

Infrastructure

Horizons recognises that some infrastructure* is regionally and nationally important. Infrastructure* can have adverse effects on the environment and other activities can have adverse effects on infrastructure*. Horizons wants to ensure the benefits and effects are balanced and managed appropriately.

Infrastructure* includes road and rail networks, energy networks for electricity, oil and gas, facilities for energy generation, water supply and wastewater networks, drainage systems, telecommunications, airports, ports, and any other network utility operations. Infrastructure* has significant community benefit.

Renewable energy

Renewable energy means energy produced from solar, wind, hydro, geothermal, biomass, tidal, wave, and ocean current sources.

Horizons recognises it has a requirement to provide for development of renewable energy resources and using renewable energy. Government has developed energy strategies and made changes to the RMA to encourage energy efficiency and greater uptake of renewable energy over use of non-renewable resources.

The Government has confirmed its commitment to reduce New Zealand's green house gas emissions and to achieve increasingly sustainable energy use. This commitment is articulated in changes in 2004 to introduce Sections 7(i) and (j) to the RMA and in national policy and strategy documents including:

- The New Zealand Energy Strategy to 2050 (2007)
- The New Zealand National Energy Efficiency and Conservation Strategy (2007)

Collectively these national strategies and action plans seek to achieve economy-wide improvements in the efficiency of energy use and an increase in the supply of energy from renewable sources. The Government's current target is for 90% of New Zealand's electricity generation to be from renewable resources by 2025. Given these national policy directives and the presence of renewable energy resources with the potential for development in the region, it is important for Horizons to recognise and provide for the use and development of renewable energy resources as a significant resource management issue for the region.

As recognised by the RMA and Government documents referred to above, renewable energy offers a number of benefits to New Zealand and the Horizon's Region. These include the fact that renewable energy offers a source of electricity that does not emit greenhouse gas emissions; which is directly linked to the Government's target for 90% of electricity to be generated from renewable sources by 2025. Further, renewable energy offers New Zealand an indigenous source of fuel that is not impacted upon by changes in the international market for fuels.

The use and development of renewable energy generation facilities faces a number ~~One~~ of the barriers, facing development of renewable energy which includes the difficulty in securing access to natural resources, as well as operational and

technical factors which constrain the location, layout, design and generation potential of renewable energy facilities.

Waste, hazardous substances and contaminated land

Horizons recognises the need to focus on the full life cycle of waste* from generation to disposal, and that waste* is a wasted resource.

Horizons and the Region's Territorial Authorities have similar responsibilities for the control of adverse effects from the storage, transport, use and disposal of hazardous substances*. These responsibilities need to be clarified to prevent overlaps, gaps and inconsistencies.

Horizons also has responsibilities for identifying and monitoring contaminated land and Territorial Authorities are responsible for the "prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land" (ss 30(1)(ca) and 31(1)(b)(iia) RMA).

The New Zealand Waste Strategy (Ministry for the Environment, 2002) sets voluntary national targets for waste* minimisation, organic wastes, special wastes, construction and demolition wastes, hazardous wastes, contaminated sites, organochlorines, trade wastes and waste disposal.

3.2 Issues

Issue 3-1: Infrastructure and energy

- (i) The use and development of infrastructure and renewable energy sources are essential to the economic, cultural, social and environmental wellbeing of people and communities and offer potentially significant regional and national benefits.
- (ii) There is potential for concerns about local adverse effects to prevail over the regional and national benefits of developing infrastructure* and renewable energy.
- (iii) Energy conservation and efficiency measures will assist, but alone will not be sufficient, to meet all future energy demands at the regional and national level.
- (iv) Additional energy generation will be needed to meet to regional and national growth in energy demands. To meet national renewable energy targets, the region needs to provide for the use and development of its renewable energy resources in a manner consistent with the RMA.
- (v) The Manawatu - Wanganui region contains significant potential for the use and development of renewable energy resources. The use and development of new renewable energy generation facilities face a number of barriers including securing access to natural resources, and operational and technical factors which constrain the location, layout and design of generation facilities.

Issue 3-2: Waste, hazardous substances and contaminated sites

The increasing production of waste* and use of hazardous substances* in the Region has resulted in:

- (i) wasted resources and an increasing need for appropriate disposal
- (ii) unsafe use, storage, disposal and transportation of hazardous substances*
- (iii) land becoming contaminated to the point it poses a risk to people and the environment.

3.3 Objectives

Objective 3-1: Infrastructure and renewable energy

~~“Resource use activities associated with the provision, maintenance, and upgrading of infrastructure, and the development of renewable energy, will be recognised and enabled.”~~

- (i) To recognise and enable activities associated with the provision, maintenance, and upgrading of infrastructure.
- (ii) To promote and enable activities associated with the use, development, maintenance, and upgrading of the Region’s renewable energy resources and to encourage efficiency in energy use.

Objective 3-2: Waste, hazardous substances and contaminated sites

Horizons and Territorial Authorities will work together in a regionally consistent way to:

- (i) minimise the quantity of waste* requiring disposal in the Region and ensure it is disposed of appropriately
- (ii) manage adverse effects from the use, storage, disposal and transportation of hazardous substances*
- (iii) manage adverse effects from contaminated land.

3.4 Policies

3.4.1 Infrastructure

Policy 3-1: Benefits of infrastructure

- (a) All persons exercising functions and powers under the RMA shall recognise the following infrastructure* within the Region as being physical resources of regional and national importance:
 - (i) facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity transmission and distribution networks grid and ~~facilities and infrastructure to transmit the electricity generated into the electricity grid~~
 - (ii) the electricity grid as defined as the system of transmission lines, substations and other works including the HVDC link used to connect grid injection points and grid exit points to convey electricity throughout the North and South Island by the Electricity Governance Rules 2003

- (iii) Electricity distribution networks defined as the system of sub-transmission and distribution feeders (6.6kV and above) substations
 - (iv) Pipelines and gas facilities used for the transmission of natural and manufactured gas
 - (v) The strategic road and rail network as defined in the Regional Land Transport Strategy
 - (vi) the Palmerston North and Wanganui Airport
 - (vii) the RNZAF airport at airfield in Ohakea
 - (viii) telecommunications and radiocommunications facilities
 - (ix) Public sewage treatment plants and associated sewage system ~~community wastewater~~
 - (x) Public water supply treatment plants and distribution systems managed by Territorial Authorities.
 - (xi) Flood protection and drainage schemes managed by a local authority
 - (xii) Port of Wanganui
- (b) In making decisions about the establishment, maintenance, alteration, upgrading, and expansion of infrastructure* within the Region, including the infrastructure* of regional and national importance listed in subsection (a), the benefits derived from the infrastructure* at a local, regional and national level shall be taken into account.
- (c) Existing and future infrastructure* shall be managed in a manner which achieves as much consistency across local authority boundaries as is reasonably possible.

Policy 3-2: Adverse effects of other activities on infrastructure

Adverse effects from other activities on infrastructure* shall be avoided by using the following mechanisms:

- (a) Ensuring that current infrastructure* corridors are taken into account in all resource management decision-making, and any development that will adversely affect the efficiency or effectiveness of infrastructure* within these corridors is avoided.
- (b) Ensuring that any new activities that will adversely affect the efficiency or effectiveness of infrastructure* are not located near existing infrastructure* or infrastructure allowed by unimplemented resource consents or other RMA authorisations such as designations. and Ensuring that there is no change to existing activities that increases their incompatibility with existing infrastructure* or unimplemented resource consents or other RMA authorisations which allow for infrastructure.
- (c) Notifying the owners or managers of infrastructure of consent applications that may adversely affect the infrastructure* that they own or manage.
- (d) Giving effect to the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001), prepared under the Electricity Act 1992, when establishing rules and considering applications for buildings, structures, and other activities near overhead electric lines and conductors.
- (e) Giving effect to the operating code standard for Pipelines – Gas and Liquid Petroleum (NZ /AS2885) when establishing rules and considering applications for buildings, structures and other activities near transmission gas pipelines.

- (f) Ensuring that any planting does not interfere with existing infrastructure*, including giving effect to the Electricity (Hazards from Trees) Regulations 2003 promulgated under the Electricity Act 1992 and Section 6.4.4 External Interference Prevention of the operating code standard for Pipelines – Gas and Petroleum (NZ/AS2885).
- (f) Ensuring effective integration of transport and land-use planning in growth areas of the Region, including protecting the function of the strategic road and rail network.

~~Policy 3-3: Adverse effects of infrastructure on the environment~~

~~When making decisions on consent applications regarding infrastructure*, the adverse effects of infrastructure* on the environment shall be managed in the following manner:~~

- ~~(a) **Effects to be avoided** – The following adverse effects of infrastructure* on shall be avoided to the same extent required of other types of activities:~~

- ~~(i) effects on waahi tapu, waahi tupuna and other sites of significance to Māori~~
- ~~(ii) effects on specified waterways valued for natural state and sites of significance (aquatic)~~
- ~~(iii) effects on rare and threatened habitats as defined in Chapter 7~~
- ~~(iv) effects on the outstanding natural features and landscapes identified in Chapter 7~~
- ~~(v) effects on protection zones in the coastal marine area as identified in Chapter 9~~

~~shall be managed in the same manner as other types of activities unless functional constraints require them to locate in those areas make this impossible, in which case adverse effects should be mitigated. Mitigation may include the use of financial contributions in accordance with the policies in Chapter 18.~~

- ~~(b) **Other effects** – All other adverse effects of infrastructure* will be managed in a manner that tolerates minor adverse local effects and takes into account:~~

- ~~(i) the benefits of infrastructure*, particularly the benefits of regionally or nationally important infrastructure*~~
- ~~(ii) the integration of the infrastructure* with land use~~
- ~~(iii) the benefits to be derived from the use and development of renewable energy.~~

~~A financial contribution may be sought in order to provide the option of offsetting or compensating for adverse effects, rather than requiring adverse effects to be avoided, remedied or mitigated, in accordance with the policies for financial contributions in Chapter 18 of this Plan.~~

3.4.2 Energy

Policy 3-4: Renewable energy

- (a) All persons exercising functions and powers under the RMA shall have particular regard to :
 - (i) The social economic cultural and environmental benefits of renewable energy generation

- (ii) The Manawatu – Wanganui Region’s potential for the development of renewable energy resources
 - (iii) The locational, operational and technical factors constraining the use and development of new renewable energy generation facilities including the location layout, design and generation capacity of such facilities
 - (iv) The development of renewable energy generation and use of renewable energy resources shall be preferred to the development and use of nonrenewable energy resources in policy development and resource consent decision making.
- (b) Local authority decisions and controls on land use should generally not restrict the use of small domestic-scale renewable energy production for individual domestic use.

Policy 3-5: Energy efficiency

- (a) The efficient use of energy shall be taken into account in consent decision making processes for large users of energy.
- (b) Local authority decisions and controls on subdivision and housing, including layout of the site and layout of the lots in relation to other houses/subdivisions, should encourage energy-efficient house design and access to solar energy.
- (c) Local authority decisions and controls on subdivision and land use should ensure that sustainable transport options such as public transport, walking and cycling can be integrated into land use development.

3.4.3 Waste

Policy 3-6: Waste policy hierarchy

Wastes*, including solid, liquid, gas and sludge waste*, shall be managed in accordance with the following hierarchy:

- (a) reducing the amount of waste* produced
- (b) reusing waste*
- (c) recycling waste*
- (d) recovering resources from waste*
- (e) appropriately disposing of residual wastes*.

Policy 3-7: Consent information requirements – waste policy hierarchy and hazardous substances

An assessment shall be required, as part of the consent information requirements for all discharges to air, land, water and the coastal marine area, of:

- (a) reduction, reuse, recycle and recovery options for the discharge in accordance with Policy 3-6

- (b) any hazardous substances* that may be present in the discharge, and alternatives to those hazardous substances*.

Policy 3-8: Cleanfills, composting and other waste-reduction activities

Waste* reduction activities will be encouraged, in particular by generally allowing cleanfills* and composting operations.

Policy 3-9: Landfill management

Landfills* shall generally be designed, constructed, managed, operated, remediated and monitored in line with appropriate guidelines and national environmental standards. Taking into account the applicability of these guidelines and standards in relation to the type and scale of activity proposed, the following guidelines may be considered appropriate:

- (a) Centre for Advanced Engineering, Landfill Guidelines, April 2000.
 - (b) Ministry for the Environment, Module 1: Hazardous Waste Guidelines. Identification and Record Keeping, June 2002, ME367.
 - (c) Ministry for the Environment, Module 2: Hazardous Waste Guidelines. Landfill Waste Acceptance Criteria and Landfill Classification, May 2004, ME510.
 - (d) Ministry for the Environment, A Guide to the Management of Cleanfills, January 2002, ME418.
 - (e) Ministry for the Environment, A Guide to the Management of Closing and Closed Landfills in New Zealand, May 2001, ME390.
 - (f) Ministry for the Environment, Guide to Landfill Conditions, May 2001, ME389.
 - (g) Ministry for the Environment, Good Practice Guide for assessing and Managing the Environmental Effects of Dust Emissions, September 2001.
 - (h) Landfill gas collection and destruction or reuse as per the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins and other Toxics) Regulations 2004.
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- ~~(a) Guidelines, May 2004, Ref. ME510,~~
 - ~~(b) MfE Module 1: Hazardous Waste Guidelines — Identification and record keeping June 2002, Ref. ME637,~~
 - ~~(c) MfE Waste Acceptance Criteria for Class A Landfills — Final Report, September 2003, Ref. TR131,~~
 - ~~(d) Ministry for the Environment (June 2003) good Practice Guide for Assessing and Managing Odour in New Zealand,~~
 - ~~(e) Ministry for the Environment (Sep 2001) Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions, and~~
 - ~~(f) Landfill* gas collection and destruction or reuse as per the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Regulations 2004.~~

3.4.4 Hazardous Substances

Policy 3-10: Responsibilities for the management of hazardous

substances

In accordance with s 62(1)(i) RMA, local authority responsibilities for the management of hazardous substances* in the Manawatu-Wanganui Region are as follows:

- (a) The Regional Council shall be responsible for developing objectives, policies and methods to control the use of land for the purpose of preventing or mitigating the adverse effects of the disposal of hazardous substances*
- (b) Territorial Authorities shall be responsible for developing objectives, policies and methods to control the use of land for the purpose of preventing or mitigating the adverse effects of the storage, use or transportation of hazardous substances*.

Policy 3-11: Regulation of hazardous substances

Resource consents will not be granted for discharges that contain or result in the production of environmentally persistent hazardous chemicals or hazardous chemicals that will bioaccumulate to a level that has acute or chronic toxic effects on humans or other non-target species.

3.4.5 Contaminated Land

Policy 3-12: Identification of priority contaminated land

Priority contaminated land shall be land that:

- (a) is listed on a register of contaminated land held by the Regional Council or a Territorial Authority
- (b) would have been the site of an activity identified on the Hazardous Activities and Industries List (Ministry for the Environment, 2004a) in the past, including horticulture and sheep dips
- (c) is likely to be subject to a change of land use within the next 10 years – in particular to residential subdivision, likely to increase the risks to human health or the environment.

The Regional Council and Territorial Authorities will jointly identify priority contaminated land by 2008.

Policy 3-13: Management of priority contaminated land

Where land-use changes are likely to increase the risks to human health or the environment from priority contaminated land* (as identified under Policy 3-12) the developer shall:

- (a) fully investigate the extent and degree of contamination prior to the granting of consent allowing development (assistance with investigations may be provided by the Regional Council in some cases)
- (b) remediate the site to an appropriate level prior to any development occurring
- (c) undertake adequate ongoing monitoring of contaminant levels and associated risks.

3.5 Methods

Regulatory Implementation

Many of the policies in this chapter will be implemented by Horizon's and Territorial Authorities in regional and district plans and in decisions on resource consents and designations. The policies in this chapter will also be implemented by methods in other chapters in this Plan.

Managing the environmental impacts of waste*, hazardous substances* and contaminated sites is a mix of regulatory and non-regulatory approaches. Part II of this Plan contains regional rules relating to the waste* activities described in this chapter.

Non-regulatory Implementation

The key non-regulatory methods the Regional Council will pursue are outlined below.

Project Name	Regional Territorial Authority Waste Forum
Project Description	<p>The aim of this project is to work with the Territorial Authorities to achieve a regionally consistent approach to waste* and to progress region-wide waste* issues and implement agreed initiatives, including:</p> <ul style="list-style-type: none">• hazardous waste* disposal facilities• recycling facilities• resource recovery network/ waste* exchange• public information• waste* education in schools• consistent waste* data collection and reporting• development of region-wide waste* reduction targets in line with the• New Zealand Waste Strategy 2002• cleanfill management and monitoring• waste* minimisation and cleaner production in business/trade sectors• economic instruments including incentives for waste* reduction.
Who	Regional Council and Territorial Authorities.
Links to Policy	This project links to Policies 3-6, 3-8 and 3-10.
Targets	<ul style="list-style-type: none">• Continue Regional Territorial Authority Waste* Forum• Implement initiatives• Report to central Government on New Zealand Waste* Strategy• Targets on a two-yearly basis.

Project Name	Public Information - Waste
Project Description	<p>Easily accessible information will be developed and provided to increase public awareness on waste* issues generic to the Region, including:</p> <ul style="list-style-type: none">• cleanfill* management and guidelines• waste* minimisation• availability of waste* disposal and recovery facilities• fly tipping• hazardous substances*• burning of waste*• offal pits and farm dumps• septic tank discharges• composting.

Who	Regional Council and Territorial Authorities.
Links to Policy	This project links to Policies 3-6 and 3-10.
Target	Information provided via website and available in paper form by 2008.

Project Name	Contaminated Land – Information System
Project Description	<p>The Regional Council will seek to work with Territorial Authorities to develop and implement a regionally consistent recording and category system and a procedure for the consistent handling of information for registered contaminated land*. Appropriate information will be supplied on land information memoranda.</p> <p>A regional register of contaminated land* will be maintained and updated.</p>
Who	Regional Council, Territorial Authorities and Ministry for the Environment.
Links to Policy	This project links to Policies 3-12 and 3-13.
Targets	<ul style="list-style-type: none"> Regionally consistent recording and category system implemented by all Territorial Authorities by 2010 Regional selected land use register linking to appropriate information held by Territorial Authorities by 2010.

Project Name	Contaminated Land – Identification of Priority Sites
Project Description	The Regional Council, together with Territorial Authorities, will identify areas of land where pressure for residential development exists and those areas where there is potential for contaminated land* issues according to previous land use activities listed on the Hazardous Activities and Industries List (Ministry for the Environment, 2004a), in particular horticultural sites and sheep dip sites.
Who	Regional Council, Territorial Authorities and Ministry for the Environment.
Links to Policy	This project links to Policy 3-12.
Target	Pressure areas identified by 2008.

Project Name	Work with Territorial Local Authorities – Renewable Energy and Infrastructure
Project Description	<u>The Regional Council together with Territorial Authorities will recognise and enable the use and development of infrastructure and renewable energy generation facilities including preparing and disseminating information which assists in giving effect to the objectives and policies in Chapter 3, when considering applications for resource consents, notices of requirements, designations and changes to the this Plan, regional plans and district plans</u>
Who	<u>Regional Council and Territorial Authorities</u>
Links to Policy	<u>This project links to Objective 3-1 and Policies 3-1 and 3-2 and 3-4</u>
Target	<u>Information provided to Regional Council and Territorial Authorities</u>

Project Name	Energy Efficiency
Project Description	<p><u>The Regional Council together with Territorial Authorities will seek to increase energy efficiency including preparing and disseminating information on how</u></p> <p><u>(i) subdivision and housing including layout of the site, and layout of the lots in relation to other houses/subdivisions can encourage energy-efficient house design and access to solar energy, and</u></p> <p><u>(ii) subdivision and land use can ensure that sustainable transport options such as public transport, walking and cycling can be integrated into land use and development</u></p>
Who	<u>Regional Council and Territorial Authorities</u>
Links to Policy	<u>This project links to Policy 3-5</u>

Target	<u>Information provided to Regional Council, Territorial Authorities and the people of the Region.</u>
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3.6 Anticipated Environmental Results

Anticipated Environmental Result	Link to Policy	Indicator	Data Source
<u>This Plan is perceived as even-handed by resource users in the way it deals with existing and development of infrastructure* and renewable energy activities. The objectives and policies regarding infrastructure and energy in this Plan are implemented using regulatory and non-regulatory methods and if efficient and effective, that infrastructure providers and renewable energy generators find the provisions of the plan more certain and their activities are enabled to a greater extent than other resource use activities.</u>	<u>Objective 3-1 and Policies: 3-1 to 3-2, 3-3, 3-4 and 3-5</u>	<ul style="list-style-type: none"> • Customer satisfaction 	<ul style="list-style-type: none"> • Horizons' customer surveys
<u>Increased efficiency of energy use and increased generation of energy from renewable energy resources in the Region.</u>	<u>Objective 3-1 and Policies: 3-1 to 3-5</u>	<ul style="list-style-type: none"> • <u>More efficient use of energy use in the Region</u> • <u>Increased generation of energy from renewable energy resources in the Region</u> 	<ul style="list-style-type: none"> • <u>Monitoring of the quantity of installed generation capacity in the region;</u> • <u>EECA and Territorial Authority monitoring of building and resource consent applications to improve energy efficiency</u>
By 2017, there will be a net reduction in the damage to critical infrastructure caused by hill country and coastal wind erosion in the Region.	Policies: 3-1, 3-2 and 3-3. Land Policies: 5-1, 5-2, 5-3, 5-4 and 5-5	<ul style="list-style-type: none"> • Costs of storm damage • Costs of wind erosion in coastal environment. 	<ul style="list-style-type: none"> • Horizons' and Territorial Authority incidents databases • Horizons' and Territorial Authority storm damage reports • <u>Transit New Zealand</u>
By 2017, the amount of residual waste* generated in the Manawatu-Wanganui Region will be less than prior to this Plan becoming operative.	Policies: 3-6, 3-7, 3-8 and 3-9	<ul style="list-style-type: none"> • Volume or weight of residual waste* 	<ul style="list-style-type: none"> • Territorial Authority monitoring of solid waste strategies

No "clean" sites prior to this Plan becoming operative will become contaminated by 2017.	Policies: 3-7, 3-8, 3-9, 3-10, 3-11 and 3-12	<ul style="list-style-type: none"> • Number of clean sites becoming contaminated 	<ul style="list-style-type: none"> • Regional register of contaminated land • Horizons' incidents • Database
Priority contaminated sites are remediated appropriately prior to change in land use.	Policies: 3-12 and 3-13	<ul style="list-style-type: none"> • Number of remediated sites 	<ul style="list-style-type: none"> • Regional register of contaminated land

3.7 Explanations and Principal Reasons

3.7.1 Infrastructure and energy

Objective 3-1 and Policies 3-1 to 3-5 have been adopted to recognise and enable the benefits of the use and development of infrastructure and promote and enable the use and development of renewable energy, the benefits of having it well integrated with other land uses, and to recognise promote and enable provide renewable energy and energy efficiency measures.

The policies on infrastructure and renewable energy aim to give guidance to decision makers on the matters to be recognised and provided for, when exercising functions under the RMA, in relation to infrastructure* and the use and development of renewable energy resources, including about how to weigh up the local adverse effects of infrastructure* against the positive regional and national benefits. They also aim to provide guidance on how to avoid adverse effects on important infrastructure* and renewable energy generation facilities through the inappropriate location of activities near or adjoining important infrastructure and renewable energy generation facilities.

Renewable Energy and Energy Efficiency

The policies regarding energy efficiency and renewable energy seek to recognise the benefits to be derived from the use and development of renewable energy, and the efficient use of energy and resources (both of which are matters to be had in particular regard in Part II of the Resource Management Act 1991). These policies will be implemented through regulatory and non regulatory methods.

Policy 3-4 on renewable energy gives guidance to decision makers when exercising functions under the RMA, on the matters that they shall have particular regard to, in seeking to enable the use and development of renewable energy resources in the Region.

Parts of Policies 3-1, 3-2 and 3-5 are included to give effect to parts of the Regional Land Transport Strategy which seeks to protect the strategic transport network and create opportunity for the uptake of public transport options in the future.

3.7.2 Waste

Objective 3-2, Policies 3-6, 3-7, 3-8 and 3-9 and associated methods set up an over arching policy framework for reducing waste* generation and managing the environmental effects of waste discharges to air, land and water. The Stocktake on Waste Report (Horizons Regional Council, 2004) was a first regional attempt to assess the amount and type of waste* generated in the Region, and the current level of existing waste* reduction and reuse opportunities. The report indicated that approximately 22 years of landfill* space remains in the Region, based on current disposal rates. Looking ahead, possible scenarios include:

- (a) the establishment of more landfills for both domestic and industrial waste*,

with associated environmental effects

- (b) increased costs associated with limited disposal space or transport and disposal outside the Region
- (c) reducing the amount of waste* generated to enable remaining landfill space to last longer.

Policy 3-6 establishes a hierarchy of reducing, reusing, recycling, recovering and finally disposing of waste*. Policies 3-6, 3-7, 3-8 and 3-9 together encourage reduction, reuse and recycling activities by being less restrictive and discouraging waste* disposal as a first option. This framework is encouraged at the national level by the New Zealand Waste Strategy (Ministry for the Environment, 2002). Policy 3-9 also sets high standards for landfills, reflecting the significant adverse effects that waste* disposal can have on the environment.

Territorial Authorities are required to develop waste* management strategies under the Local Government Act 2002 and, along with private operators, to provide and manage waste* disposal services. It is appropriate that the Regional Council works with the Territorial Authorities on the Region's generic waste* issues, to provide a consistent approach to waste* management and waste* minimisation where possible.

Public information on the appropriate disposal of wastes and opportunities for reduction, reuse and recycling are key to reducing waste* to landfill into the future.

3.7.3 Hazardous Substances

Objective 3-2, Policies 3-10 and 3-11 and the associated methods set up the policy framework for managing the effects of the storage, use, transport and disposal of hazardous substances* in the Region as required under s 62(1)(i) of the Resource Management Act 1991.

The Hazardous Substances and New Organisms Act 1996 provides a definition of hazardous substances. These substances pose a significant threat to the environment if not stored, used, transported and disposed of safely and appropriately. The Regional Council considers that it is in an appropriate position to control the effects of the discharge of hazardous substances* to the environment by means of the resource consenting process. This enables an assessment of the environmental effects of hazardous substance discharges to air, land and water on a case-by-case basis. Regional rules are an effective means of controlling the effects of these substances. Territorial Authorities are considered to be in an appropriate position to manage the storage, use and transport of hazardous substances* through their district planning provisions.

The Stockholm Convention, to which New Zealand is a signatory, aims to rid the world of persistent organic pollutants*. Many of these are hazardous substances* previously used in old agrichemicals*. Despite the Regional Council providing a comprehensive old agrichemical collection in 1996, there is likely to be a risk posed by old agrichemicals still stored on farms. The Regional Council and the Ministry for the Environment are committed to providing a further collection of old agrichemicals.

3.7.4 Contaminated Land

Objective 3-2, Policies 3-12 and 3-13, and the associated methods set up the policy framework for managing contaminated land* in the Region, including an approach to determining priority sites and a process to establish a consistent information system across the Region.

The consistent management and appropriate remediation of contaminated land is of national concern because of the significant threat these sites pose to the environment.

Contaminated land is any site where past (or present) activities have left a hazardous substance* that has, or is reasonably likely to have, significant adverse effects. In order to adequately protect people and the environment, contaminated land needs to be located and remediated as necessary. A number of sites have been located in the Region already – mainly timber treatment yards, gasworks sites, and landfills* – and because of this can be managed appropriately as land use changes. However, the increase in residential subdivision in rural areas in recent years means that other contaminated land such as horticulture and sheep dip sites, yet to be identified on the ground, pose a threat to people moving into those areas. These are considered priority sites, along with sites already identified. The Regional Council will work with Territorial Authorities to determine where pressure for residential development ~~rural subdivision~~ is most likely in the next 10 years and to identify the risks associated with contaminated land.