

BEFORE THE HEARINGS COMMITTEE

**IN THE MATTER of hearings on submissions
concerning the proposed One Plan
notified by the Manawatu-Wanganui
Regional Council**

**Witness Statement (non expert) prepared by Alison Mildon on behalf of Tararua
Aokautere Guardians Inc, and individual submitters listed In Paragraph 2 of
this Statement for the General Hearing**

1. From the outset we wish to acknowledge the efforts, willingness to listen and professionalism of **all** Horizons staff – planners, administrators and expert advisers - in bringing One Plan as notified [POP] to One Plan as recommended. We acknowledge in particular those who have contributed to developing Chapter 7 ‘Living Heritage’ beyond the proposal that prompted our original submissions. The considerable background work now undertaken is commendable, and resulting reports will undoubtedly go on record as resources to inform current and future regional and territorial planning processes as well as relevant consent application and consents processes.

2. This witness statement, which supports many of the recommendations and also asks if some go far enough, is put forward on behalf of the incorporated society Tararua Aokautere Guardians [TAG] Submitter No 395, and on behalf of those members of TAG who were individual submitters to the Proposed One Plan [POP], namely:

John Adams	No 28
Dr Robyn Phipps	No 165
David Argyle	No 257
Grant Stephens	No 369
Lorraine Stephens	No 370
Mason Stewart	No 394
Dr Sue Stewart	No 396
Dr Adrian Cookson	No 397
Alison Mildon	No 401
Richard Mildon	No 416
Robert Schraders	No 442
Paul & Monica Stichbury	No 452
Shona Paewai	No 467
Tony Paewai	No 468
Linda Goldsmith	No 448

3. It is also all or part of the joint submission being made by submitters 28, 257, 397, 401, and 416/508, each of whom might choose to present a brief personal statement at the hearing.

4. In reference to the submitters listed in Paragraph 2, the collective terms ‘we’ and ‘our’ will be used throughout this statement.

5. The objectives of Tararua Aokautere Guardians Inc read as follows: *The Guardians aim to protect the unique environment and natural resource of the Tararua Ranges and maintain existing benefits and characteristics for future generations.*
6. This community group initially formed in 2004 in response to applications that sought to increase wind farm developments on the ranges north of the Pahiatua Track.
7. As further wind farm developments south of Pahiatua Track were signalled, TAG's area of interest expanded to include the area bounded by the Manawatu River, Manawatu Gorge Road, Balance Valley Road along Makomako Road to Marima, across the Tararua Range to Albert Road, through to Opiki and back to the Manawatu River.
8. Membership of TAG however is not limited to these boundaries.
9. The Tararua Range is physically cross boundary. Its elevation and skyline feature and the scenic qualities it affords, whether bounded as above or including the more southern extension of the range has extensive cross boundary visibility - with greater detail more obvious from the territorial areas of Palmerston North, Tararua, Manawatu and Horowhenua.
10. These named territories collectively are home to 65 per cent of the Region's population. Palmerston North alone is home to 32 per cent of the Region's population¹.
11. For most if not all the above population, the Tararua Range is likely to be the single most obvious elevated landform as visual relief from flat plain.
12. We note the point made Mr Maassen that this Hearing Panel is undertaking an inquiry, *not determining a resource consent dispute.*²
13. Nonetheless, our participation in the *One Plan* process was determined by a single issue – the continuing pressure to develop multiple ad hoc wind farms on the Tararua Ranges, and the implications of this in relation to the physical and visual environment in which we live.³

¹ Manawatu Wanganui Regional Council Draft Community Plan 2009-19 pg 19

² Maassen J, *Supplementary Section 42A Report*, 18 May 2009

³ See Attached Background Document

14. Wind farming on the Tararua Range is but an example however, albeit a very good one, which illustrates how quickly and so thoroughly the natural character of a landscape can be altered and existing visual and amenity values, lost.
15. We understood that lack of leadership combined with newly reviewed policies and plans that were weak at either regional or district level did not bode well for the region's landscape(s) overall.
16. We were also aware that the lack of an 'outstanding' designation doesn't mean consents are assured on those grounds, but the existence of such a designation within the relevant planning framework flags that the values of a landscape or natural feature have been recognised, and this affords at least a measure of objective support to the submissions of potentially affected parties, and a measure of protection for that landscape.
17. Something that existed for the Tararua Range 'skyline' feature through the operative RPS, albeit that there has been uncertainty in the minds of planners (and some landscape architects) as to what land actually comprises the 'skyline'. An uncertainty, it must be said, that doesn't exist for those who know this visual landscape in practical rather than theoretical terms. Nonetheless, it is just such lack of clarity and accuracy in planning instruments that can not only lead to long-winded legal arguments in a consents process, but to poor decisions because a hearings authority is seemingly unable to prefer an obviously correct empirical view, if a planning provision appears to state otherwise.
18. We hoped that given situations that were already arising, through *POP*, regional and territorial authorities would make efforts to address community concerns and reflect aspirations that sought to protect landscape values in the long term, particularly when in relative terms conflicting aspirations are only of the moment. But we were to be disappointed.
19. Therefore, our objectives were:
 - **Objective 1:** To gain reinstatement of at least the same level of recognition for the values of the Tararua (and Ruahine) Range landscape and skyline feature as afforded by the operative Regional Policy Statement [RPS].

In this instance operative RPS provisions were not transposed in their entirety to *One Plan* as notified - *POP*⁴ - this was the matter which alerted us to the possibility, that what we would see as shortcomings were likely to be evident through the whole plan.

- **Objective 2:** To raise the profile of landscape as of importance to both the Region and its Territories.

We regard landscape as a key matter to be addressed in regional policies and plans, but as far as can be ascertained through written explanations 'landscape' was only ever considered by Horizons as of potential importance to Palmerston North District, and even in this case the topic dropped off the radar as an issue after Horizon's Regional Council's 2005 LTCP 'Environmental Road Show'⁵.

Nonetheless *One Plan* was not notified until mid 2007, and if landscape wasn't an obvious public issue in 2005, throughout 2006 there were very clear indicators coming out of the Palmerston North community that it had become just such an issue⁶. Also, by then the report of the Parliamentary Commissioner for the Environment had specifically identified continuing wind farm development on the Tararua Ranges as a matter of concern, and Horizons were well aware of this.

It is to our deep regret that in its last minute drafting decisions, and in the time leading up to these, that Horizons made no effort to respond in a positive or meaningful way to the concerns of either of these parties - whether through relevant submissions processes, or through the drafting of *POP* provisions.

- **Objective 3:** To gain *One Plan* provisions that would/could afford protection for landscapes and natural features, whether outstanding at a regional or district level, and that would engender confidence in relation to *One Plan's* ability to be effective.

The 2005/2006 Ministry for the Environment RMA Survey of Local authorities found that in practice, over 99 per cent of consent

⁴ *Operative Regional Policy Statement 1998* list of outstanding and regionally significant natural features and landscapes Schedule F(n)(o)(p)(q) vs notified POP Schedule F Table (h) and (i)

⁵ *Horizons Regional Council Draft Community Plan 2009-2019* and submission of Alison Mildon

⁶ Motorimu Wind Farm Application for Consent; Mighty River Power Wind Farm proposal and related Palmerston North City Council proposed amendment to the purpose of and the content of the Turitea Reserve Management Plan

applications were being granted ⁷. Such a figure must surely question if the goal of sustainability is being achieved, and if stronger planning instruments and greater adherence is needed now, in order to protect our environment (not just landscapes) into the future.

In the position of Parliamentary Commissioner for the Environment Dr Morgan Williams is on record as saying: *“one if not the most important, ‘sea change’ we must make is to shift our thinking from the ‘mitigation of effects’ model ... Instead, we must approach most of what we do from a sustainability perspective. Put simply, we need to move from a model where we simply clean up the messes we make in meeting society’s needs and wants, and design systems in ways that don’t make a mess in the first place.”*⁸

Put even more simply we think this means the priority is avoidance, and putting aside arguments around the end use of its electricity, Lake Manapouri is an example that demonstrates that all development doesn’t necessarily cease if one, maybe many adverse effects of the original proposal are avoided altogether.

For these reasons we believe that final *One Plan* provisions had to:

- a) Be capable of giving effect to any relevant higher order RMA provisions even if this created hurdles for competing interests;
- b) Require the highest level of consideration of adverse effect, not because benefits of development shouldn’t be acknowledged, but because risk is implicit in adverse effect, and remedy can be difficult if not impossible to achieve, and mitigation – theoretical promises, promises - can be the soft compromise that turns out to have little value in terms of ameliorating adverse effect;
- c) Acknowledge that developers, particularly developers of large-scale infrastructure or subdivisions should not be given special consideration via more lenient policies or plans. If anything, it seems logical that activities with a potential for adverse effect that is greater than many other types of development be required to meet the very highest evidential standards in efforts to avoid,

⁷ RMA Survey of Local Authorities 2005/2006

⁸ Dr Morgan Williams. *Sustaining Icon Landscapes in NZ: A Labyrinth of Desires*, High Country Landscape Management Forum September 2005

remedy or mitigate those effects. We simply do not understand Horizons seeming objective to have policy provisions that 'enable', or show leniency, or require lesser standards for the energy sector. This industry might have more visible power - an ability to access large resources to argue its case, but responding to pleas for more accommodating provisions, and a reliance on the consents process to ultimately sort things out in the best interests of everyone is to us a foolish compromise.

We also caution against using the draft National Policy Statement on Renewable Energy to establish regional policy. In his evidence to the Mighty River Power application to construct and operate a wind farm at Turitea, Jeff Baker, senior planner, Palmerston North City Council states:

*"In relation to the draft National Policy Statement on renewable energy, I note Mr Pollock's [expert witness for Mighty River Power] reference to it and I agree with his assessment that it can be given little weight. The draft National Policy Statement makes the claim in the Introduction 'that the purpose of the National Policy Statement was to adopt a nationally consistent approach to balancing the competing values associated with the development of New Zealand's renewable energy resources to provide greater certainty to decision makers'. The content of the draft National Policy Statement falls substantially below that objective and provides virtually no guidance or tools to assist decision makers in assessing the weight of competing values. This has been picked up in the wider community including Councils. I am aware that at a political level Councils are critical of central government's failure to produce more helpful guidance."*⁹

d) Be clear and unambiguous. As far as possible provisions should not be wide open to interpretation – sadly the consents process is adversarial and litigious.

e) Be directive where appropriate. For example, we believe that actions in relation to efforts to uphold provisions should not be open to choice. The electoral cycle is short. Who will decide

⁹ Baker, Jeffrey Alan. *Statement of Evidence to Board of Inquiry considering the application of Mighty River Power for resource consents to construct and operate a Windfarm at Turitea, May 2009*, Paragraph 38, page 15

whether or not to submit on consent applications, and on what grounds? Reliance on relevant district councils acting as the consents authority for land use applications is misplaced when the call-in process reduces their status to no more than a voluntary submitter, equal to that of the regional council.

e) Give strong leadership, and where there is risk this means direction over guidance;

We are of the firm belief that landscape and thus land use is both a regional and territorial matter, and we hope that regional councils are not prevented from identifying specific risks (cumulative adverse effects being an obvious example), nor from identifying specific examples (e.g. wind farm development on the Tararua Range), or from putting mechanisms in place in order to avoid or avert the consequences of such risks, and where there is uncertainty to use a precautionary approach.

20. **Objective 4:** Gain a result that would engender confidence in the regional council itself.

Horizon's September 2006 submission to Palmerston North city Council's Proposed Amendment to the Purpose of and the Content of the Turitea Reserve Management Plan¹⁰ and subsequent actions encapsulated all our worst fears. Whether through intent, omission or lack of care *POP* cast out of the protective provisions of the operative RPS the remaining Tararua Range landscape as backdrop to Palmerston North (and a large part of Tararua), without reference to a proper landscape assessment including the affected community.

On a wider scale this also meant other Tararua Range (and Ruahine Range) land falling outside the forest parks.

It is noted that subsequent recommendations, if accepted, will reverse that original decision, but the cost to community groups and individuals to be heard regarding the importance, the meaning and amenity of their landscape, and to effectively argue their case, is enormous. There are: energy (including electricity), financial, relationship and emotional costs to the process. There is a form of double, even triple payment in the form of rates and any

¹⁰ Copy attached

payments to consent applicants that must be added to the direct costs of presenting our own cases, and there is an ultimate cost to landscape values, and therefore a sense of deep loss, if the adverse effects of developments prevail.

Using the example of wind farms, applications for new consents and extensions to existing consents are multiple, and upgrades will follow. So far it has been three years for many, and more for some, and probably ongoing. An application has just been received by Tararua District and Horizons for a 56-turbine extension to the already 97 consented turbines of Te Rere Hau. We are tired, very tired, and contend that all Councils have a role to play – not just in the rear guard consents action but out in front, leading the way, championing the natural environment in which we, and future generations will live.

21. Throughout this witness statement we will refer to the latest version of tracked changes i.e. **May 2009 green documents** unless otherwise stated.

Scope of Submissions

22. Of relevance to this hearing one or more of us made submissions in respect of: Chapter 1: Setting the Scene; Chapter 2 (now 10a): Administration; Chapter 3: Infrastructure Energy & Waste; Chapter 4: Te Ao Maori; Chapter 5: Land; Chapter 7: Living Heritage; Chapter 18: Financial Contributions

Chapter 1 – Setting the Scene

23. Only general comments were made regarding this Chapter. Nonetheless:

Re: 1.3 Our Region's Challenges – the 'Big Four' we reiterate our disappointment that *POP* did not take a more holistic view. As well as waterways, rivers lakes and streams, and natural habitats, our natural landscape comprises land – both its constituent parts and its shapes, textures and contours, and our physical and visual landscape provides more than a place to live: it can provide meaning to our lives.

Grahame Sydney – Artist, puts into words what many feel in their hearts, that: *"landscapes have a power and a meaning far beyond any temporary economics. Landscapes, the natural theatres of our personal experiences and dramas, perform*

a symbolic and emotional function miles beyond their economic or geographical rationale ... we sometimes only recognise its anchoring in our private depths when it is changed, spoiled or ruined, and then the sense of affront and anger we feel gnaws away at us incessantly.”

From his point of view, too often his paintings have become the only permanent documents of a particular place and the feelings that place had generated, because: *“...in the name of modernity or economic viability the visuals of that landscape have been radically altered, bulldozed into oblivion by the unquestioned engines of progress ...Destruction is fast, the process of building is slow, and Nature is our witness to the truth of that... If we are to preserve the unique landscapes we love, and which make us feel and understand the specialness of where we belong, we must begin to put a value on qualities and outcomes which are not necessarily proven in monetary gain. There has to be acceptance of a concept of worth in terms which are not just monetary, and somewhere along the line someone has to accept that change personally, and concede to it with pride, and long view into the future.”*

Mr Sydney goes on to say that he appreciates that land owners are seeking to make a living, but he also suggests that the word ‘ownership’ brings with it very dangerous implications: *“...we are not owners ...we are no more than caretakers, brief renters, and I believe we have no right to impose those rapid and too often destructive artificially-sustained changes on landscapes which Nature has sculpted and coloured so slowly, and so appropriately ...*

... The characteristics which render each of us unique are seldom the product of rational choice. But the decisions which render landscapes unique, which preserve the natural look and balance, or which allow it to be restored and to reclaim its uniqueness on the surface of the earth, these are always the products of rational decision. And these rational decisions always require courage, sometimes sacrifice and, above all, a belief in the final objective.”

Mr Sydney concluded his address with a caution not to: *“...focus on the naturally spectacular, the most visited or most celebrated, for much of the meaning we wring from our environment is often from far less majestic places. Landscapes, like ideas, do not have to be celebrated or famous to be meaningful.”¹¹*

Although Mr Sydney’s reference point is the landscape of central Otago we believe his words have relevance when considering *One Plan* provisions. Furthermore, the

¹¹ *Landscape and Meaning*, Grahame Sydney. Proceedings of High Country Landscape Management Forum September 2005, Otago Regional Council

cover photo used for the Proceedings Document was a central Otago landscape scene of the type celebrated at regional, national, even international level - see over:



Central Otago Scene – Otago Regional Council promotion

Palmerston North's draft LTCCP laments the fact that despite *a wide range of social, health and education services ... and ...lots of hard-working community groups...and ...that many of us volunteer for things ... for some reason our feelings of community spirit are lower than other places and we don't seem very proud of where we live.*"¹²

Perhaps we've been chasing the wrong things. Perhaps Horizons with its head office in Palmerston North, and Palmerston North with its strenuous but apparently failed efforts over many years to instil pride in 'growth' could have instead turned eyes to the natural contours, shapes and textures of the hills, and celebrated views such as these – see over:

¹² Palmerston North City Council Draft 10 Year Plan 2009/19



Tararua Range – Linton - Wanganui-Tararua Region

24. Re 1.3 Issue 3: Unsustainable Hill Country Land Use:

We support the change of terminology here and consequently – *hill country land that is vulnerable to erosion* instead of *highly erodible land*

25. Re 1.4: Planning for Climate Change: The Problem:

If there is conclusive evidence that climate is changing there is nonetheless a risk in identifying exactly what the Region can expect as a result. The predictions of 2005 might not stand in 2009, let alone 2013 or 2018.

For example: On-going weather records at a local level to which we first referred when compiling evidence in relation to the Motorimu wind farm application, indicate an increase in easterly, not westerly winds in this hill country area.

26. Nonetheless TAG supports that Horizons intend to focus on assisting the Region to **adapt** to the effects of climate change through policies and methods that promote resilient land management, responsiveness to water quality and quantity changes, and planning for changes in the scale and frequency of natural hazards.
27. However, predictions have been based on an assumption of global warming. As we live on a dynamic planet this will not necessarily be the way the pendulum swings, and thus there must be a preparedness to adapt to effects of climate change per se.
28. A duty of care will mean remaining up to date with sound empirical science, sensible precaution, prudent risk assessment, and efficient and effective disaster relief.
29. **Re 1.5: Working Towards a Better Future:**
We are pleased to see that Horizons will act faster than *the next Plan review* if promoting and encouraging change to deal with issues is not effective, but we are concerned as to how slow that might turn out to be in practice.

Chapter 10A – Administration

30. **Re 10A.1: Cross Boundary Issues:**
We accept that the bullet points are simply examples. However, they are all to do with waste and water. In our opinion landscape-related matters have gained a higher profile within the *One Plan* as recommended, and in written answers to questions from the Hearing panel Ms Gordon states: *“The Management of the Region’s natural features and landscapes has been identified as a regionally significant issue and the POP provisions and recommended amendments provide a level of leadership by setting a policy framework that includes strong signals to address what has been identified as regionally significant issue.”*¹³
31. As a result of the above, and the fact that landscapes and natural features are not physically confined by cadastral boundaries and can be highly visible across

¹³ Gordon F, Chapter 7 Landscapes and Natural Character, Response to Preliminary Questions from Hearing Panel to be addressed during the Officer Report Presentations 4 June 2009, iii pg 4

boundaries, and wind farming on the Tararua Range is a graphic example of this, we believe that wind farming would be an excellent example to illustrate cross boundary effects, and that this could very usefully be included here as per our original submission.

32. Furthermore, the ability to cross reference a common issue between **10A Cross Boundary Issues** and **Chapter 7 landscape issues**, would assist in resolving the matter of whether or not the Tararua/Ruahine Range landscape can be identified in Chapter 7 as 'at risk'.

Chapter 3 – Infrastructure Energy, Waste, Hazardous Substances and Contaminated Land

33. The provisions in this chapter are important to us insofar as they relate to all other chapters, 'Living Heritage' in particular.
34. Fiona Gordon states in her Planning Officer's Report "*...the benefits to be derived from the use and development of renewable energy are recognised in Part 2 of the RMA but ... the requirement is to 'have particular regard' to that matter. By contrast outstanding natural features and landscapes are to be 'recognised and provided for'. That is, in my view, a higher order imperative. It would be inappropriate to seek to exempt renewable energy development proposals from consideration of their effects on outstanding natural features and landscapes. In my view that consideration is required by the RMA and cannot be avoided.*" [our emphasis]¹⁴
35. We also refer the Panel back to **Paragraph 19 bullet point Objective 3** above for comment in relation to the draft National Policy Statement on Renewable Energy.
36. We do not have access to the legal or planning expertise required to adequately review Chapter 3 provisions in light of our Chapter 7 interests. However, TAG's representation at the 16 February 2009 Infrastructure Pre-Hearing meeting was an opportunity to highlight concerns, and our fears were, and still are, that energy companies en masse and with seemingly limitless resources seek provisions that appear to afford higher status to their activities, perhaps greater than current national planning provisions require, and speculatively on the grounds of the **draft** National Policy Statement on Renewable Energy, and by consequence diminish

¹⁴ Gordon F. Report on Submissions to the Proposed One Plan – Landscapes and Natural Character, February 2009 pg 72

protection for natural character, and the outstanding natural features and landscapes, coastal areas, wetlands, rivers, lakes (and their margins) of the Region.

37. The objective of energy generation submitters is to gain freer access in order to utilise a land, wind or water resource whilst our objective is to protect the existing and recognised values of 'living heritage' from one-off adverse effects and cumulative adverse effects that are more than minor.
38. The wording of Chapter 4 *Infrastructure, Energy, Waste, Hazardous Substances and Contaminated Land*, infrastructure and energy specifically, as now proposed continues to concern us. Particularly as Paragraph 14 of the *Introductory Statement and Supplementary Recommendations of Barry Gilliland for the General Hearing on Chapter 3: Infrastructure, Energy and Waste* indicates that the effect of the policy approach taken will show how the establishment, maintenance and upgrading of infrastructure will be given "a little more" favourable consideration than other activities by decision makers.
39. We are uncertain if this is a general observation about the likely direction of actual 'decision-makers', or a statement to the effect that Horizons intend to have policies and plans at a regional and district level that facilitate greater permissiveness.
40. If the latter, whether it is a little or a lot more favourable, given that among other things natural landscapes and amenity provide for the social, economic and cultural wellbeing of people and communities, and land uses other than for electricity generation, transmission and distribution also provide for the social, economic and cultural wellbeing of people and communities, and given the higher than usual potential for adverse effects and adverse cumulative effects to arise from activities relating to infrastructure, we would expect the most rigorous planning environment for these activities, equal at least to any other activity requiring consent.
41. It might be that ultimately, decision makers rule in favour of developments despite the acknowledgement of very considerable adverse effects (as instanced in the recent interim decision regarding Transpower's North Island power grid upgrade), but to us it is a retrograde step if regional, and thus territorial policies and plans in some way predetermine or guide a decision in that direction when the Region's living heritage is at stake.
42. Furthermore, we acknowledge that there can be benefits arising from the use and development of renewable energy resources; that the Region contains untapped

renewable energy resources, and that these options will undoubtedly be assessed for their potential to make a contribution to the nation's future needs.

43. The EECA commissioned regional renewable energy report (2006) prepared by Sinclair Knight Merz¹⁵ identifies that there is wind, hydro, wave, ethanol from grain crops and woody biomass, solar photovoltaic and 'significant' solar thermal potential in this region.
44. However, in our opinion this report focused very much on benefits, with potential adverse effects seen as obstacles to be circumvented rather than avoided, and the following suggestions did alarm us.
45. In relation to Regional Policy Statements the report reads (among other bullet points):
 - *Ensuring that the Regional Policy Statement includes a series of objectives and policies outlining how "trade offs" between localised effects and the benefits of renewable energy should be made.*
46. In relation to Regional Plans the report suggested (among other bullet points):
 - *Amending Regional Plan rules to:*
 - *reduce consent thresholds for energy generation based on renewable resources*
 - *provide longer consent periods for renewable energy projects*
47. In relation to District Plans the report suggested (among other bullet points):
 - *Amending District Plans to:*
 - *ensure that rules do not preclude renewable energy development in areas identified in the Regional Policy Statement (e.g. landscape protection areas should not include areas deemed suitable for wind power generation in the Regional Policy Statement.)*
48. TAG's verbal submission to the POP Land Hearing¹⁶, expressed concern that in the absence of in-depth transparent regional planning and development around energy *One Plan* could become the region's de facto energy plan/strategy, and given all

¹⁵ *EECA Renewable Energy Assessment Manawatu-Wanganui Region*, Sinclair Knight Merz July 2006

¹⁶ Taranaki Guardians Inc, submission to the Proposed One Plan Land Hearing, 2008

the changes that have been made to the provisions of Chapter 3 we are still not sure where matters stand. We still fail to see how high quality provisions for *One Plan* can be developed in the absence of the above regional discussion, and given the constraints of process, wonder how the *One Plan* process can address what are very important issues for the region.

49. In the meantime however, **Re Issue 3-1**: The plain fact of the matter seems to be that It is not just 'concerns' about 'local' adverse effects that are the issue for this sector, but that adverse effects are real and can occur at a local or wider level, and these might be individual adverse effects or adverse cumulative effects that are unacceptable.
50. Despite recent consent setbacks for the wind energy industry, in the case-by-case process that prevails, until such time as there are national, regional or district guidelines or standards in place there remains a potential for (highly resourced) applicants to over-estimate benefits and under-estimate adverse effects, or to produce less than best-practice assessments of effects as was instanced at the recent Contact Energy Hauauru ma Raki project hearing¹⁷. In circumstances where such applications could still prevail we do not consider that providing a more lenient planning (and therefore consent) environment is appropriate.
51. We are also somewhat alarmed by the introduction of **Policy 3-2(ba)** in relation to unimplemented resource consents. Consents can place significant land-use constraints not only on a development site but also on neighbouring properties, and it is our understanding that it is the conditions of consent that set the time in which they can remain unimplemented, with consequent restrictions on, and uncertainty for, potentially affected parties.
52. Furthermore, during that time the decision to proceed, if at all, is made by the consent holder, and decisions regarding implementation can be based purely on commercial grounds – the reason applicants seek leeway.
53. If this provision is accepted we submit that protections for potentially affected parties must also be included. For example, a single set limit that is to be applied to all consents regarding the length of time within which consent must be implemented.

¹⁷ The Dominion Post, 'Verbal mauling for Contact expert witness' Thursday 7 May 2009

54. **Reference Policy 3-2(a).** If implemented we ask that all landowners of properties within identified current infrastructure corridors be advised of this situation and its effects, and that relevant information be recorded on LIM reports.
55. We also seek some reassurance regarding what is to happen in the event of decommissioning – is concrete left underground forever a hazardous waste? What would occur in the event of the business failure of a development or generating company bringing construction or generating operations to a halt? Are the issues of abandoned infrastructure and who will pay for its removal something that *One Plan* should address? These questions are not fanciful, but arose after *POP* was notified – fortunately in the case of Motorimu there are only wind monitors, but if no buyer is found for the existing consent and construction is not commenced before its expiry date, what will happen, or what happens if a buyer is found who then applies for an extension in terms of time, or the number of turbines, or seeks modifications to the type of turbine or their placement. To us these are real issues – the results of which are onerous to the directly affected community, and to all the community if rates must be used to fund the solution.
56. Given all the above outstanding questions and shortcomings, as a non-expert witness we can only ask that the panel look very carefully at the proposed provisions for infrastructure and energy to ensure that they do not advantage the energy sector more than is required by current national provisions, and in doing so undermine what can currently be achieved through the purpose and intent of national provisions relating to ‘living heritage’ matters.

Chapter 4 – Te Ao Maori

57. It is our understanding that although the Chapter 4 hearing has already been completed the door was not closed to the possibility of retrospective amendments to that chapter arising from the Chapter 7 hearing.
58. TAG made a submission in regard to this chapter in which recognition of landscapes as of importance to Maori (mountains and ridgelines particularly and which TAG asked be identified) and the potential adverse effects of wind farm development on mountains, ridgelines and water, was sought. We refer the panel to this submission.¹⁸

¹⁸ Taranua Aokautere Guardians, Submission to the Proposed One Plan Chapter 4 Te Ao Maori, 27 September 2007

59. Although unforeseen circumstances prevent Submitter No 27 - The Trustees of Huatau Marae from making a verbal submission, a pre-hearing meeting was held 5 June 2008 at which key matters of concern in relation to living heritage, including landscape were raised. Submitter No 27 represented by Mrs Rosemary Adams, and Submitter No 395 Dr Ian Christensen were in attendance at that meeting, as were Messrs Charles Matenga and Peter Te Rangi (Rangitaane) and Milton Rauhihi (Poutu Marae and Moutiti Marae). We refer the panel to the minutes of that meeting¹⁹
60. Dr Christensen also made a verbal submission to the Chapter 4 hearing in support of TAG's original submission to the Proposed One Plan.²⁰
61. We are informed that the reasons to support the inclusion of a description of the value of mountain landscapes in Chapter 4 of One Plan were clearly articulated to Horizons by all parties at the pre-hearing meeting, and these were reiterated in Dr Christensen's verbal submission in support of TAG's submission.
62. In response to Horizons agreement at the meeting to: "*look at adding a description of the value of mountain landscapes in Chapter 4*" Submitter No 27 has requested that the following wording be presented on their behalf:
- 63. To be supplied**
64. Further to this, we believe it is appropriate for us to submit on matters concerning the clarity and logic of *One Plan*. For the overall plan to have meaning and to achieve purpose, provisions of relevance need to link together as if threads are running through the plan.
65. The recommended version of Chapter 7 makes clear reference to the 'cultural dimensions', 'cultural values' and 'cultural significance' of natural features and landscapes, and that these words are at least inclusive of Maori is inescapable.
66. Furthermore, whilst Table 7-2 *Natural Feature and Landscape Assessment Factors* also includes a number of factors that are inclusive of all people it also specifies the following, and what is its meaning and intent if Chapter 4 does not at least acknowledge natural features and landscapes as of potential importance to Maori:

¹⁹ Proposed One Plan, Minutes of Pre-hearing Meeting 20, 5 June 2008

²⁰ He Kupenga Hao i te Reo: Taranua Aokautere Guardians: Oral Submission to One Plan Chapter 4 Hearing, 11 August 2008

Assessment Factor	Scope
(f) Cultural and spiritual values for tangata whenua	Maori values inherent in the feature or landscape add to the feature being recognised as a special place

67. We submit that to achieve purpose, at the very least an appropriate reference acknowledging the importance of natural features and landscape to Maori and how this 'resource' will be managed needs to be included in Chapter 4, and to this end refer the panel back to TAG's original submission to Chapter 4, and to Dr Christensen's verbal submission in support of this.

Chapter 5 – Land

68. This hearing has been completed.

Chapter 18 – Financial Contributions

69. The concept of using financial contributions/offset seems to be gaining currency and we remain concerned that it is an option that is open to abuse i.e. if used as an alternative to the primary duty to avoid, remedy or mitigate adverse effects that are more than minor in order to facilitate the gaining (or granting) of consent.
70. We support therefore the decision to reject submissions proposing wording to the effect that *"... in some instances financial contributions may be a more appropriate or cost-effective measure in lieu of avoiding, remedying of mitigating adverse effects while achieving a similar environmental outcome."*²¹
71. However, we question whether that decision is compatible with **Policy 18-3(a)** which states that the Regional Council **shall** place primary emphasis on requiring the adverse effects of an activity to be adequately avoided remedied or mitigated, for **most** consent applications.
72. *Shall* is an absolute imperative and we agree that its use is entirely appropriate in this instance, but it is incompatible/conflicts with *most*, which is not an imperative.

²¹ Mighty River Power, Submitter 359, Paragraph 132.

73. Furthermore, we see no circumstances in which at the **application** stage the primary emphasis should not be to avoid, remedy or mitigate. This understanding is supported by **Policy 18-1**, which explains that financial contributions will only be imposed as a condition of **consent** if significant adverse effects cannot be adequately avoided, remedied or mitigated.
74. For the above reasons we question as to whether **18-3(a)** is completely in line with the primary duty to avoid, remedy or mitigate, and ask for the removal of the words *“For most consent applications”* and *“for most applications”*.

Chapter 7 – Landscapes, Natural Features & Natural Character

75. Human existence in ever-increasing numbers means all landscape cannot be pristine.

To accommodate and support human life we modify the landscape: clear vegetation, move earth, displace water, build structures, and utilise land to produce commodities.

Our activities include the subdivision and utilisation of land for urban, industrial, rural, rural residential and recreational purposes.

However, as individuals our tenure on earth is short. Outside catastrophe, generations will continue to follow, and whether what we do now is essential for survival or an add-on, unless in immediate crisis, we can, and must look long term.

We can identify existing values and threats, look to the lessons of the past, learn from others and think ahead.

We can examine our motivations – is this really a “must have”, must it be here, must it be now, must it be this much, what, if any, are the alternatives - and we can work out ways to avoid loss of environmental values.

We can recognise that our activities can produce one-off adverse effects that are more than minor, perhaps unacceptable, and similarly, that an ongoing accumulation of effects of any size can lead to cumulative effects that are adverse and potentially unacceptable.

Where loss is unavoidable we can seek to remedy and mitigate adverse effects, and where those results are unsatisfactory or loss has occurred to take some form of remedial or compensatory action.

Where there is doubt we can use the precautionary principle.

Our attitudes, awareness of existing values, our motivations and the care we take will lead to the results that not only have a direct bearing on our present, but on others into the future.

76. Experience shows that lay opinion is deemed by some “experts” (who can be very influential) to be “subjective”, and thus less worthy of consideration: If newspaper items can be believed, at the recent Waitahora wind farm hearing legal counsel for the applicant went so far as to say that as many submitters were “*not properly qualified experts*” in any field their opinion should be discounted, and respectfully submitted that “*the commissioners should not give any weight to [this] opinion evidence.*”²²
77. Thankfully, experience has also shown that many “experts” don’t share that approach or interpretation. When it comes to any discussion or decisions regarding landscape they consider everyday human opinion as vital.
78. We are very grateful that in this *One Plan* process we as community submitters have been listened to and our original submission points have all been carefully considered. Ms Gordon’s planning officer’s report is impressive in terms of content and detail. We are very pleased that Horizons have utilised the extensive professional and local knowledge and expertise of landscape architect Clive Anstey, and that of Ms Christine Foster. We are now very largely supportive of the direction being taken for landscape [landscape in this instance to mean natural features, landscapes, and the natural character of the coastal environment, wetlands, rivers, lakes and their margins].
79. We will now make comment on selected specific provisions using the green version of tracked changes dated 18 May 2009: **7 Living Heritage** and **Schedule F** as being the most useful reference point.
80. No comment regarding any provision infers acceptance as written.

²² Manawatu Standard,

Comment on tracked changes – Chapter 7

Scope:

81. **Re: 7.1.1 Scope (2) Natural Features & Recommendations SLSNC 14: LSNC 4**
we support the improved clarity and consistency provided.

82. **Re: 7.1.1 Scope (3) Historic Heritage;
Scope 7.1.4;
Issue 7-3 Historic Heritage;
Objective 7-3 Historic Heritage, and;
associated policies:**

See Points 57-67 above which ask that reference to natural features and landscape as of importance to Maori – mountains and ridgelines and water particularly - be included in Chapter 4.

83. **Re: Scope: 7.1.3: Natural Features, Landscapes and Natural Character & recommendations SLSNC 15 & LSNC 6:**

We are very supportive of the explanatory information that has been recommended apart from the second paragraph on page 7-3 which appears to make an assumption that Territorial Authorities do, and will always have, responsibility for controlling land use, hence decisions on land use, and thus the management of competing pressures.

This is not the case when a land use application is **called-in**, and we believe that clarification is urgently required:

- a) As to the effects of a call-in, and
- b) How it is intended that a call-in will be managed

As an example the Panel is referred to the section entitled ***Wind Farms: territorial or regional matter, or both*** – Paragraphs 143 - 154²³

²³ Attached

Objectives:**84. Re Objective 7-2: Natural features, landscapes and natural character & recommendations SLSNC 17 & LSNC 8.**

We support the improved clarity and consistency provided

Issues:**85. Re Issue 7-2: Natural features, landscapes and natural character:**

See Paragraphs 155-174 Cumulative Effects²⁴. In summary we remain of the opinion that:

- a) adverse effects do fall into two categories: adverse effects that are 'one-off' or overall but specific to a particular development, and adverse cumulative effects that result from an accrual of site specific effects, or site specific effects in conjunction with similar effects in the existing (or potential) wider context. Whilst not necessarily adverse in themselves these effects can gradually compound to an increasingly unacceptable level – spoiled by a thousand turbine blades; or quickly tip the balance – the straw that broke the camel's back; or alter an existing landscape (or other resource) to a degree that would enable subsequent applicants to argue that their effects should be measured against the altered landscape (or other resource) and not what has been lost – the horse has already bolted; or planning creep through top-ups and extensions to existing consents – the thin edge of the wedge. For these reasons we believe there is a case for making a clear distinction between adverse effects that might be avoided, remedied or mitigated, and adverse cumulative effects which we contend are not only significant in themselves (what is an insignificant adverse cumulative effect?), and therefore to be avoided, therefore;
- b) if a cumulative effect is adverse and therefore already significant by virtue of its existence, then the inclusion of the word 'significant' could be seen as unhelpful, and;
- c) wind farm development on the Tararua Range is a significant regional example of adverse cumulative effect: one that has yet to constrain applicants and applications, and that this is a clear signal that other natural features and landscapes in the region are not

²⁴ Attached

somehow exempt from a similar experience. Whilst we agree that this is a region-wide policy – practical examples to illustrate risk could assist decision-makers.

Even as written with the word ‘significant’ remaining as a generally descriptive word rather than as a level of effect, perhaps the Issue could be read to mean the above, but only if the word ‘significant’ is removed from Policy 7-7(a) (b) where it is used to denote a level or magnitude of adversity.

Policy:

86. Re Policy 7-7(a): Regionally outstanding natural features and landscapes & Recommendations SLSNC 19 & LSNC 8:

- a) The words *as far as practicable* have been deleted from Objective 7-2.
- b) The RMA identifies in Section 6 that the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development is a matter of national importance, and asks that this be recognised and provided for.
- c) The RMA defines the term effect as:
 - Any positive or adverse effect*
 - Any temporary or permanent effect*
 - Any past, present or future effect*
 - Any cumulative effect which arises over time or in combination with other effects regardless of the scale, intensity, duration or frequency of the effect, and also includes:*
 - Any potential effect of high probability; and*
 - Any potential effect of low probability, which has a high potential impact*
- d) We argue that an adverse cumulative effect is already significant
- e) We argue that a distinction can be made for cumulative effect

Issue 7-2 (a) as written identifies the factors with which we concur, and **Objective 7-2** with which we concur seeks **protection** (as used in the RMA, and which explanations provided by the Officer’s Report clarify does not mean absolute protection). We argue that an adverse cumulative effect is already significant and thus to be avoided, and that cumulative effect – effects that can arise in more than one way are worthy of special mention.

Is it then that the words '*as far as practicable*' in Policy 7-7(a) are redundant, and the word '*significant*' in Policy 7-7(b) is unhelpful because it is both open-ended and unnecessary?

We agree with the deletion of Policy 7-7(c)

In light of the above we ask the Panel to consider the rewording of this Policy

87. Re Table 7.2. Natural Feature and Landscape Assessment Factors & Recommendation SLSNC 20:

We support the inclusion of this table but ask that as a consequence of (f) there be a reference to landscapes and natural features in Chapter 4, and that the table be related to Method 7-7

Methods:

88. Re Method 7-7: District Planning – Natural Features, Landscapes and Habitats and Natural Character & Recommendations SLSNC 24 and LSNC 11:

We are very supportive of the intent behind this method but submit that it has insufficient certainty. We continue to argue for the use of the higher order imperative *shall* and are most concerned that the lower order imperative *will*, as originally proposed, has now been deferred to the even lower order of *may*.

89. We submit Horizons has a duty of care obligation, and that Region-wide consistency will not necessarily be achieved, community trust will not be restored, and protection of the region's outstanding natural features, landscapes, and natural character will be weakened if:

- a) Natural features, landscapes, and natural character are not accorded the same level of recognition and certainty as indigenous vegetation and habitats, or
- b) There is no certainty that the Regional Council will submit to land use resource consent processes in defence of its own policies and plans, or
- c) There is no defined time by which districts are to have District Plan changes in place.

90. Re Method 7-7(a) Recommendations LSNC 9

We are supportive of this method but uncertain as to why there is reluctance on the part of territorial authorities to accept the higher order imperative of “shall”, and reluctance on the part of Horizons to give direction.

Are we able to assume that this method as written also implies acknowledgement that landscapes can be deemed ‘outstanding’ at a territorial level if not found to be so at a regional level.

The target period *within one year of this Plan becoming operative* seems unnecessarily long. If the Regional council and its territorial authorities are truly starting an era of collaboration, are committed to the objectives behind this Plan and concerned about land-use developments and practices which threaten finite landscape values, then this methodology should be under discussion now and potentially implemented before *One Plan* is operative.

Anticipated Environmental Results:

91. **7.5 Anticipated Environmental Results Recommendation LSNC13:** We accept the wording of the anticipated environmental result but absolutely do not concur with the indicator which refers to *ratio of successful submissions versus total submissions made on outstanding landscapes and natural features to Territorial Authority consent planning processes* with the data source being the consent decision itself. In fact we do not even understand its logic. Ratio of successful submissions versus total submissions appears to us as mathematics gone mad.
92. Secondly what is meant by *successful submissions ... made on outstanding landscapes*: applications for consent are not based on landscape values alone. Submissions opposing (or supporting) a consent application for development that has the potential for adverse effects on the values of an outstanding landscape can be based on grounds that are not necessarily even related to that issue. Decisions relating to consent are not based on landscape values alone. For example, that a wind farm consent is granted on the grounds that the nation needs the electricity is no reflection on the values of the outstanding landscape, on the contrary, a decision can acknowledge both the quality of the landscape and more than minor effects, yet still grant consent.
93. Furthermore, the decision is not necessarily made by the Territorial Authority to which the landscape relates i.e. call-in, and finally;

94. If there is no certainty that Territorial Authorities will undertake landscape assessments using the Table 2 factors of assessment, and quickly, we are uncertain as to how the Level of protection afforded to Schedule F outstanding landscapes and natural features is to be used as an indicator.

95. In the light of the above we submit that this provision must be reworded

Explanations and Principal Reasons:

96. **Re. 7.6 Explanations and Principal Reasons Natural features and landscapes** and consequent provisions (see relevant provisions for specific comments) we agree:

- That the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development is a matter of national importance
[This to us implies that it is a matter of importance at both regional and territorial level]
- That it is important that this document (*One Plan*) should continue to provide a list of regionally outstanding natural features and landscapes and their associated characteristics and values
[We are pleased that it is intended to retain this list and to treat it as a living document; that there will be cooperation between Horizons and its territorial authorities, and that in the territorial process of assessment, local outstanding natural features and landscapes will be identified, and that this could lead to landscapes being added to Schedule F1]
- With the intention to adopt policies and methods to provide guidance and direction regarding how values should be protected
[for the sake of consistency should this read ...characteristics and values], and
- That cumulative effect is a good example of an adverse effect to be avoided

Schedule F:

97. **Schedule F:**

We fully support the rewording as this produces consistency and the inclusion of the descriptive note as this provides clarity

98. **Schedule F Table 1:**

We fully support the inclusion of a table to list outstanding natural features and landscapes.

We fully support the transfer of listed natural features and landscapes from the current operative RPS – their inclusion has not been challenged, and there has not been an assessment process to substantiate doing otherwise.

We therefore fully support the recommendations that *POP* be amended to reword (h) and (i) with maps, and the introduction of (j) as an outstanding Natural Feature or Landscape. This achieves the transfer and also provides clarity.

99. **Schedule F Table 1 (j):**

We fully support the recommended definition for 'skyline' as a recognised outstanding feature. This description reflects visual reality and provides a level of clarity that is missing in the operative RPS.

Reference Footnote 3

Background to TAG's submission relating to landscape provisions

100. Pt 73 above refers to "trust" and the need for this to be built or restored.
101. Unfortunately it was not just the then Energreen proposal (Motorimu wind farm) that motivated the original submissions of TAG (and others) to *One Plan* as proposed and notified. It was also the actions of the then Palmerston North City Council and its relationship with Mighty River Power (Turitea wind farm proposal), and Horizons consistent lack of action in relation to the landscape provisions of its operative RPS.
102. Sadly, it was wind that propelled us into this process.
103. By the time of our submission, Te Apiti, Tararua I, II and III, and Te Rere Hau were consented if not all fully constructed, and turbines already clearly visible in every day lives allowed us to visualise what an increase in consents could/would create.
104. Also by this time decisions relating to the key topics/issues that were to be the focus of POP had been taken, and landscape was not one that had been selected.
105. We include the following explanation because it differs slightly from the explanation given in the Planning Officer's Report pg 14 last paragraph.
106. Although we acknowledge that Horizons may not have intended the result arising as a consequence of the action described and at this point the officer's recommendations might seem to have made raising the matter somewhat redundant, we believe that this experience illustrates how trust and confidence in public bodies can be lost and perhaps this is worth mentioning.
107. Although there is apparently no paper audit to track and explain the decisions relating to POP Schedule F (h) and (i) (notified) as different from the operative RPS, it appears that in relation to the Tararua (and Ruahine) Range the last draft was finalised in early 2007
108. This was **after** the Motorimu Wind Farm proposal had become a very public issue. Submissions and evidence to the joint Palmerston North City/Horowhenua District hearing before commissioners had been available for some time and the hearing took place in March 2007. Horizons were not unaware of the important issues

being raised: they simply said (publicly) they had more important things to think about than make submissions in support of the landscape provisions of their operative RPS.

109. This illustrates that every effort needs to be made to respond quickly and effectively to changes and issues as they occur and to utilise latest information. Had Horizons been prepared to listen to the community then, the 'living heritage' provisions in the notified plan might have been of today's quality two years ago.
110. The above changes to the operative RPS were also made **after** Palmerston North City Council [PNCC] had achieved one of the progress payment "milestones" it had agreed with Mighty River Power [MRP] i.e. despite very considerable public opposition PNCC voted to change the purpose of Turitea Reserve, and to amend the Reserve's management plan.
111. These were actions that were seen by PNCC and MRP as necessary if a proposal for a wind farm to be developed in the Reserve was to be progressed, and almost certainly by MRP as helpful if not necessary if the location of the wind farm was to be extended beyond the Reserve's boundaries.
112. The Horizons submission to the above 2006 Change of Purpose and Management Plan Amendments processes, reads (in part) as follows:
113. *"Policy 8.3 of the Regional Policy Statement identifies the scenic qualities, provided by the prominence throughout the Region and the backdrop vistas provided by the Skyline of the Tararua Ranges, as a feature that should be protected from inappropriate subdivision, use and development.*
114. *The development of a wind farm with wind turbines on the skyline of the Tararua Ranges will clearly be inconsistent with this policy. Horizons is well aware that the skyline of the Tararua Ranges has been significantly altered with wind farm development, to the extent that the turbines have become an icon for the Manawatu and Tararua districts. This, combined with a somewhat conflicting RPS policy framework, and the fact that Palmerston North City Council and Tararua District Council are apparently not concerned with a loss of landscape values as a consequence of wind turbine development, means that **Horizons may need to review the significance of the landscape at a regional level.** [our emphasis]²⁵*

²⁵ Submission 289 to The Proposed Amendment [sic] to the Purpose of and the Content of the Turitea Reserve Management Plan Pursuant to the Reserves Act 1977, Horizons Regional Council. Received by PNCC 4 September 2009

115. Perhaps the above gave rise to the fact that although Schedule F had never been challenged²⁶, and no professional landscape assessment, let alone an assessment involving public consultation had taken place to justify the deletion of any part of the operative RPS, the skyline and associated values of the Tararua (and Ruahine) Ranges beyond the boundaries of their Forest Parks were not transferred to the notified version of POP as a regionally recognised outstanding feature.
116. The Tararua and Ruahine Forest Parks were mapped and included as POP Schedule F Table 1 (h) and (i) even though the cadastral boundaries of these parks did not define the limits of the outstanding landscape recognised in the operative RPS, and even though the recognised skyline feature cannot be defined or divided on the basis of land ownership.
117. Furthermore, after the Te Rere Hau wind farm received consent the then Parliamentary Commissioner for the Environment, Dr Morgan Williams referenced the Tararua Range when he raised concerns regarding the potential for adverse cumulative effects to arise from multiple wind farms. He asked that regional councils begin to take a leadership role in respect of landscape matters which Horizons assured the community it would do, it seems however that in this instance the territorial tail might have wagged the regional dog.
118. If so, we would contend that a commercial motivation is not a sound basis upon which to develop public policies and plans, particularly as councillors come and go, and what might appear to some as a grand idea today could be seen as anathema by others tomorrow.
119. Also, planning provisions that contribute to bringing about long term consequences respond slowly to change, thus great care is needed in their formulation.
120. An alternative for Horizons would have been to heed the well articulated submissions that could and should have alerted both regional and territorial authorities to the fact that many citizens already held grave concerns regarding a loss too far. That many believed another wind farm would bring adverse, including adverse cumulative effects that would unacceptably compromise existing landscape-related values.
121. Furthermore, submitters were concerned about the potential for the notified MRP wind farm to be very much bigger than 65 turbines in the reserve, and many were

²⁶ Gordon F, Planning Officer's Report February 2009 Paragraph 4.3.3(e) pgs 33/34

very concerned about the way in which a wind farm was being disguised as an 'eco park'.

122. With a very significant total of 530 submissions to that process, 63% said No (most with well articulated, comprehensive reasons), and 32% Yes (many of which simply ticked the yes box, or gave reasons based on the promise of an 'eco park', or which qualified their support in some other way). The balance of 5% were not recorded as either for or against although reading the submissions themselves showed a clear opinion. Of the 56 oral submissions 86% came from the No group, and 14% from the Yes.
123. What clearer indication could have been given? Public opinion – those who cared enough to express one (and surely that's the cohort of most interest because they are thinking about the issues) questioned direction, voiced strong and not frivolous concerns - largely relating to landscape character, ecology, water quality (risks to Palmerston North's water supply) and visual amenity, and raised the issue of cumulative effect – aren't there enough wind farms/turbines already...
124. These are the very circumstances in which rightly or wrongly communities come to believe that they will not be listened to, and to mistrust the motivations and actions of their elected representatives and council officers.
125. We are asking for a high degree of certainty to ensure such a situation is unlikely to occur again.

Wind Farms as a Regional Issue

126. We note that in his report Mr Maassen states *“The approach recommended by Ms Gordon does not consider any special policy response to submissions concerned with effects of wind farming on the Palmerston North Tararua Backdrop. I consider that effects of wind farming on landscape close to urban centres within the region could qualify as a regional issue. The opportunity should be taken to consider this issue in the context of the hearing. Those submitters concerned with ongoing wind farm development on the Palmerston North Tararua Backdrop will carry an evidential burden not picked up by the Horizons Regional Council to justify a more robust regional planning framework.”*²⁷
127. We (and others) contend that wind farming close to urban centres (and rural communities) within the region does qualify as a **regional issue**. We go so far as to say it is a national issue, and that given the unique position of this region in terms of its wind farm experience, current regional and district plan reviews could have taken the leadership role which central government has as yet failed to do.
128. We believe there is a clear need to develop wind-farm specific planning provisions and best practice standards that provide guidance for prospective developers, councils and communities.
129. A member of TAG, Jan Dixon, recently presented a petition to Parliament calling for minimum standards for the siting of wind farms.
130. It has been reported as recently as 3 June 2009 that nine territorial councils will join Palmerston North and Waikato in lobbying for national guidelines on the siting of wind farms: will Horizons be a participant in this exercise and will *One Plan* reflect PNCC’s aspirations in this matter, for now is surely the time.
131. TAG and/or individual members listed in pt3 above (among others) have taken a consistent stance on wind farm related matters as evidenced by ongoing active involvement as follows, but we are very tired:

2004/5

- Consents processes for Tararua III and Te Rere Hau

²⁷ Maassen J, Section 42A Report, 27 February 2009, pt9

2006

- Palmerston North City Council [PNCC] Turitea Reserve Change of Purpose – submission to and hearing before Council Committee
- PNCC Amendments to the Turitea Reserve Management Plan – as above

2006/7

- Motorimu Wind Farm - evidence to and hearing before commissioners

2007/8/9

- Manawatu Wanganui Regional Council [Horizons] *Proposed One Plan* - submission to notified version and further submission, input to four pre-hearing meetings, appearance to hearings relating to Chapters 4, 5 and 7

2008

- Motorimu Wind Farm applicant's appeal - evidence to and hearing before the Environment Court
- PNCC Landscape Study submission – ongoing
- PNCC Kahuterawa Outdoor Recreation Plan - submission to and hearing before Council committee
- Draft National Policy Statement on Renewable Energy – submission

2009

- Ministry for the Environment Resource Management (Simplifying and Streamlining) Amendment Bill - submission to and appearance before the hearings committee
- Turitea Wind Farm – appearance before Horizons Special Meeting
- Turitea Wind Farm – appearance before PNCC Special Meeting
- Standards New Zealand Standard DZ 6808:2009 Acoustics – Wind farm noise – submission to draft standards
- PNCC District Plan Review *What are the Significant Resource Management Issues in Palmerston North City* - submission - ongoing
- PNCC 10 Year Plan 2009/19 - submission to draft and hearing before panel of councillors
- Horizons Community Plan 2009-2019 - submission to draft and hearing before Council
- Turitea Wind Farm evidence to and hearing before the Board of Inquiry commencing 6 July

132. If Mighty River Power is granted consent for the Turitea Wind Farm as applied for there will be a total of seven ad hoc wind farm developments located between the

Ruahine Range side of the Manawatu Gorge above Ashhurst, and Kaihinu above Tokomaru. This area includes an approximate 35km extent of Tararua Range skyline.

133. Each development follows its own design configuration and consists of a differing style of turbine – many physically mixed together or otherwise visually mixed together.
134. If Te Rere Hau is granted consent for an extension of 56 turbines this will mean 544 turbines in total across these individual wind farms.
135. The western side of the divide would be most affected in terms of numbers of turbines. Thirty two per cent of the Region's population live in the Palmerston North district, and 12 per cent live in the Manawatu District. The latter district and large parts of the former have extensive views to the total area and thus all the above developments. Any view of the Tararua Range skyline between The Manawatu Gorge and Kaihinu from within urban Palmerston North or nearer the range itself will be a view that contains turbines (full size or parts thereof).
136. Even though energy companies use confidentially agreements, ostensibly for commercial reasons, it is widely known, anecdotally or through means such as land sale notices and the presence of wind testing masts etc. that locations outside publicly notified developments on the Tararua Range are already signed up as potential sites.
137. Furthermore, a consent declined today is only that: non-consent does not preclude reapplications, and existing consents can also draw applications for extensions or variations, or seeking relief from imposed conditions.
138. From our point of view this **is** a landscape, not just at risk, but under threat, whether from site specific adverse effects or adverse cumulative effects in relation to landscape character, and amenity, cultural, and recreational values. The existing recognised values are finite, the skyline feature of this landform is finite, and from a regional perspective what is allowed here is potentially possible anywhere.
139. Whilst the purpose of *One Plan* is to deal with the management of regional landscapes across the board we see very sound reasons to refer to *risk* and to give concrete examples where they exist to illustrate adverse effects and adverse cumulative effects that this Region should find unacceptable.

140. If regional policies and plans do not support the aspirations of Sections 5, 6 and 7 of the RMA, in the adversarial, and David and Goliath processes that surround consent, inadequately resourced but potentially adversely affected individuals and communities are disadvantaged from the outset, and the landscapes in which they live and to which they attach are at risk.

141. Furthermore, it's not just in the interests of landscape values and potentially affected parties that regional policies and plans need to be robust. Costs to the ratepayer arise from the moment a developer makes a first approach to any council regarding a potential wind farm project.

142. It is our opinion that there is now such a huge volume of material in the form of public and expert opinion, submissions and decisions - too sizeable to reference or reproduce here - to substantiate our belief that this is a regional issue, and that an enhanced regional focus on these matters is necessary.

Reference Footnote 23

Wind farms: territorial or regional matter: or both

143. That it is a Board of Inquiry making the decision regarding the Turitea application and therefore the 'skyline' beyond the Tararua Forest Park moving towards Pahiatua Track, and cumulative effects of turbines on that skyline as far as the Manawatu Gorge, raises an issue that *POP* and *One Plan* as recommended has failed to address.
144. To date, throughout the *One Plan* process and even into the 18 May 2009 version of tracked changes Horizons has deferred primary responsibility for landscape matters to territorial authorities.
145. When we took issue with this approach *POP* was quite a different document from that now recommended, and **7.6 Explanations and Principal Reasons Natural features and landscapes page 7-23** and consequent provisions indicate that Horizons are prepared to take a much more appropriate level of responsibility for 'living heritage' than originally indicated.
146. However, we are concerned regarding the meaning in practice of the statement *"While the management of competing pressure for the subdivision, use and development of land that may affect natural features and landscapes is most appropriately dealt with at a territorial level."*
147. To us this statement infers a presumption of territorial authorities acting as the consent authority when land use applications are made for developments within their boundaries. In which circumstances costs of this onerous responsibility are recoverable from the applicant.
148. Recent events demonstrate however that the above presumption cannot be relied upon. The Minister for the Environment called in the Turitea Wind Farm application despite Ministry for the Environment advice that such a move was unwarranted. Indications are therefore that in relation to future large-scale energy projects this is likely to happen more often (if not always).
149. A call-in reduces relevant territorial authorities to a position no greater than that of submitter.

150. It is also our understanding that in the position of submitter, costs incurred in the preparation of a submission including any associated expert evidence are not recoverable from the applicant.
151. Given this situation, in order to make appropriate efforts to protect natural features and landscapes (and biodiversity, natural character, historic heritage, cultural values etc) we believe it is beholden upon both regional **and** relevant territorial authorities to not only make a submission in defence of their planning provisions, but for one other or both together to find the resources that will ensure the same professional level and quality of response assessments that would have occurred had the project not been called in.
152. PNCC has most commendably carried out that responsibility in the case of the current Turitea application, but this comes at a huge cost in terms of staff resources, expertise and financial outlay, and is thus a cost to the ratepayer.
153. In relation to *One Plan* we either seeks clarification as to the consequences of a call-in before responding to relevant proposed provisions, or ask that the Panel reassures itself that the provisions as written do cover the issues raised above in a clear and certain manner.
154. Furthermore, would a regional approach enable these matters to be dealt with in a more cost efficient way - Whilst PNCC has enormously valuable expertise does it have sufficient resources to retain the same quality standard of response to future applications. As future applications are now more likely to occur in other districts such as Horowhenua or Tararua, how can PNCC's expertise be shared with other territories without cost to Palmerston North City? Is this Panel in a position to suggest that territories and the region work together to develop a strategy that will rationalise how future consents are to be dealt with?

Reference Footnote 24

Cumulative Effect

155. In October 2006 Horizons signalled in its submission to the PNCC proposal regarding Turitea Reserve that in relation to wind farm development along the Tararua Range a policy development process would take place to ascertain whether or not an unacceptable point of cumulative effects had been reached: Is this that process, and if so why has this process not commenced until 2009.
156. The July 2009 Turitea Wind Farm Board of Inquiry is not a policy development process yet it is this inquiry that will now rule on matters relating to the cumulative effect of wind farms on the “Palmerston North Backdrop”. (Manawatu Gorge to Kaihinu)
157. We made great efforts to regain regional recognition for the Tararua Range skyline feature extending beyond the boundaries of the Tararua Forest Park [now Schedule F Table F1(j)], but it is the one-stop-shop Board of Inquiry, and not this Panel, or PNCC that will now determine on behalf of us all what the backyard, or front lawn view of the Tararua Range will look like.
158. Regardless of the above, the inclusion and retention of Table F1 (h) (i) and (j) as recommended remains very important in order to ensure a certain level of protection for the identified skyline feature in that area should a wind farm in Turitea not be consented this time around, as well as for this range further southwards, and for the Ruahine Range to the north.
159. That the Figures relating to Schedule F Table 1 are intended to provide an indication only of spatial extent, we interpret to mean that the characteristics and values that have been identified as located within the ‘value envelope’ (if not in every place) might also be found in adjacent areas beyond the defined ‘envelope’. If so, this also assists any evaluation of potential cumulative effect in relation to Table 1 landscapes.
160. However, in his Section 42A 27 February 2009 Report Regarding Chapter 7 John Maassen stated in 17(b) pg 5 that *“it is appropriate that cumulative effects are addressed explicitly as it is often the cumulative effects that undermine the values of landscapes and natural features”*, and we do query as to whether this matter has yet been dealt with explicitly enough in the proposed provisions.

161. In its 2006 submission to PNCC's consultation process regarding the Turitea Reserve, Horizons Regional Council stated that:

"Despite these considerations Horizons is mindful that there may well be a saturation point, at which wind turbine development on the skyline of the Tararua and Ruahine Ranges is considered to have reduced the landscape values of those features to a level that is no longer acceptable to the regional community. Horizons intends to consider this through it's [sic] own policy development, but also believes it a matter relevant to consider through the Reserve Act Reserves Management Plan process."[our emphasis]

162. It seems quite pointless, as this statement appears to do, to contemplate considering whether or not cumulative effects are too great **after** turbine development on the skyline of the Tararua and Ruahine Ranges has already reduced the landscape values of those features to a level that was no longer acceptable to the regional community, and we are grateful that the proposed provisions improve hugely on that approach.
163. We want to be quite clear however as to exactly what is meant now. We are uncertain as to why in relation to cumulative effect the words '*significant*' and '*significantly*' have been used: 7.6 Explanations and Principal Reasons Natural features and landscapes page 7-23 and consequent provisions.
164. We have submitted that given the nature of cumulative effect, if it is *adverse* it is already significant, and the adverse effect has already reached a point where a step further creates not only the potential but the strong likelihood that essential characteristics and values of a natural feature or landscape will be irreversibly altered and damaged.
165. The problem is that each new applicant contends that a little (or large) bit more is acceptable, but in this instance if the balance is tipped it is not only too late for existing landscape values, but the argument can then become one of consent creep whereby an existing consent is used to give leverage for the effects of a subsequent application - more is acceptable because the remaining values, if any, are less, and no longer worth protecting.
166. We submit that the words such as '*significant*' and '*significantly*' add no useful meaning or clarity and in effect provide an unnecessary and undesirable layer of uncertainty over which legal representatives can argue.

167. We also asked that *One Plan* include a more robust acknowledgement of cumulative effect as a potential adverse effect than has been given in Issue 7-2 (a), and that this be done through the insertion of a clause (c) that deals with adverse cumulative effect as separate from adverse effect. The reasons for this are:

- Cumulative effects can create adverse affects anywhere. On the natural character and other values of recognised natural features and landscapes, and on the values of the coastal environment, wetlands, rivers and lakes.
- Effects that might initially be at a territorial level can accumulate to a point of regional significance
- Single effects don't have to directly or indirectly impact on an outstanding natural feature, landscape or coastal environment, or in themselves be highly significant, for a consequent cumulative effect to be unacceptably adverse.

168. To assist in any deliberations regarding cumulative effects on the Backdrop of Palmerston North specifically we refer the panel to the evidence of landscape architect Di Lucas to the Turitea Wind Farm Board of Inquiry. This was not publicly available until 22 May.

169. In summary, regarding cumulative effects of the proposed additional development Paragraph 74 of the evidence of Ms Lucas states:

170. *"The city and plains associated with the Turitea length of the range would be very significantly adversely affected by the proposal. Regardless of whether an ONL or not, the landscape and visual effects of the proposed windfarm, individually and cumulatively, would be very significant at the broad city and region scale as well as at the very local scale."*

171. Mr Anstey is an expert witness to this same inquiry (on behalf of PNCC). As the Horizons expert witness in relation to One Plan he is no doubt in a position to draw on his own knowledge and professional assessment in relation to cumulative effects of wind farms on the Palmerston North Backdrop [Paragraphs 103-115 pgs 50-56 of his evidence]. However, in his conclusions Mr Anstey states that in his opinion *"the cumulative effects would be adverse, more than minor, and for the most part unacceptable."*

172. It is not surprising that the dissenting voice comes from Mr Wyatt, expert landscape witness for Mighty River Power: He concludes that *the cumulative impacts of the*

Turitea project on the relevant landscape will be acceptably low. His reasons, summarised, are: public viewpoints are limited; panoramic views are few, wind turbines are already a common sight so more turbines will fit in with this type of landscape; there will be few places from where Turitea can be seen that other already built or consented turbines won't also be visible; where there are cumulative views the turbines won't dominate, and; community perception studies show a high level of support for the presence of turbines in all but the most sensitive locations.

173. To assist in its deliberations regarding cumulative effects in general the panel is referred to the attached Ministry for the Environment commissioned report: *Dealing with Cumulative Effects Under the Resource Management Act: When is enough enough?* Philip Milne, Simpson Grierson, February 2008

Reference Footnote 10

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ORIGINAL TO FOR ACTION AND REPLY	
REC'D	4 SEP 2006
SUBMISSION TO THE PROPOSED AMENDMENT TO THE PURPOSE OF AND THE CONTENT OF THE TURITEA RESERVE MANAGEMENT PLAN PURSUANT TO THE RESERVES ACT 1977	

To: Governance and Civil Team Leader
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Private Bag 11031
PALMERSTON NORTH

From: Horizons Regional Council
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PALMERSTON NORTH
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Horizons Regional Council makes the following submission to the change to the purpose of the Turitea Reserve and to the changes to the Turitea Reserve Management Plan.

Horizons fully supports in principle the development of Turitea Reserve as an Eco-Park, the inclusion of renewable energy generation within the reserve, and the use of the income from the renewable energy development to develop the Turitea Reserve. Horizons, however, makes the following specific comments.

The policy issues for Horizons Regional Council relevant to the Turitea Reserve are:

Renewable Energy

Objective 26 of the Regional Policy Statement is to promote the sustainable management of energy resources. With Policy 26.2 being to promote the increased use and development of renewable energy sources where practicable.

The proposed amendments to the Turitea Reserve Management Plan, to provide for the development of a Wind Farm for the production of electricity, is entirely consistent with Objective 26 of the Regional Policy Statement. Horizons Regional Council fully supports the development of a renewable energy resource.

Ecological Biodiversity

The retention of the objective of Conserving and Restoring Flora and Fauna, Ecosystems and Natural Landscapes in the Turitea Reserve Management Plan is in line with Horizons Regional Council view, that Turitea Reserve has significant ecological value. The addition of policies aimed at developing concepts of ecological corridors as part of the city, and region-wide ecological diversity, is supported by Horizons Regional Council.

There is, however, some concern that the amendments to the purpose of the Turitea Reserve, and to the Turitea Reserve Management Plan, creates a document with potentially conflicting objectives. The documents presented for consultation do not include sufficient information to allow Horizons to conclude that the development of a wind farm within the

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Turitea Reserve will conserve the most significant reservoir of biological diversity in Palmerston North. There is concern that there may be a perception that biodiversity is limited to the areas of the reserve covered by forest, and that this will result in development of the wind farm in open scrub areas, without consideration of the adverse effects that this could have on the biological diversity of the reserve as a whole.

Horizons understands that considerable work has been completed on this matter and welcomes an opportunity to work with PNCC to comprehensively assess the effect on biodiversity. Horizons is aware that the changes proposed under the Reserves Act, is only the first step, that resource consent is required under the Resource Management Act, and that the consideration of effects is required under the RMA. However it is the view of Horizons that rather than wait until the RMA process to raise our concerns, it is appropriate to have them considered at this point.

Landscape

Policy 5.3 of the Regional Policy Statement identifies the scenic qualities, provided by the Prominences throughout the Region and the backdrop vistas provided by the Skyline of the Taranaki Ranges, as a feature that should be protected from inappropriate subdivision, use and development.

The development of a wind farm with wind turbines on the skyline of the Taranaki Ranges will clearly be inconsistent with this policy. Horizons is well aware that the skyline of the Taranaki Ranges has been significantly altered with wind farm development, to the extent that the turbines have become an icon for the Manawatu and Taranaki districts. This, combined with a somewhat conflicting RPS policy framework, and the fact that Palmerston North City Council and Taranaki District Council are apparently not concerned with a loss of landscape values as a consequence of wind turbine development, means that Horizons may need to review the significance of the landscape at a regional level.

Despite these considerations Horizons is mindful that there may well be a saturation point, at which wind turbine development on the skyline of the Taranaki and Ruahine Ranges is considered to have reduced the landscape values of those features to a level that is no longer acceptable to the regional community. Horizons intends to consider this through its own policy development, but also believes it a matter relevant to consider through the Reserve Act Reserves Management Plan process.

Conclusion

Horizons fully supports in principle the development of Turitea Reserve as an Eco-Park, the inclusion of renewable energy generation within the reserve, and the use of the income from the renewable energy development to develop the Turitea Reserve. Horizons, however, has a number of concerns relating to ecological biodiversity and landscape values that require further consideration. Horizons welcomes the opportunity to work in collaboration with PNCC to consider the matters raised and to achieve an outcome acceptable to the city and regional communities.

Horizons would like to present our submission at a hearing.


 [Signature]
 [Name]