

**BEFORE THE ENVIRONMENT COURT**

**IN THE MATTER OF** appeals under clause 14 of the first schedule to  
the Resource Management Act 1991

**AND**

**IN THE MATTER OF** One Plan for Horizons Manawatu-Wanganui  
region.

**BETWEEN** Meridian Energy Limited  
ENV 2010 WLG 000149

AND Mighty River Power Ltd  
ENV-2010-WLG-000147

AND TrustPower Ltd  
ENV-2010-WLG-000145

AND Genesis Power Ltd  
Env-2010-WLG-000159

APPELLANTS

AND Manawatu-Wanganui Regional Council  
RESPONDENT

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**STATEMENT OF PLANNING EVIDENCE ON OUTSTANDING NATURAL FEATURES AND  
LANDSCAPES**

**STATEMENT OF  
Irene Elizabeth Clarke**

**FOR  
Meridian Energy Limited**

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**Dated 17 February 2012**

## **INTRODUCTION**

1. My name is Irene Elizabeth Clarke. I hold a Bachelor of Regional Planning degree from Massey University and a Post Graduate Law Diploma from Victoria University. I am a full member of the New Zealand Planning Institute. I am a Principal Planner employed by GHD Limited, based in Christchurch.
2. I have over 21 years experience in New Zealand planning and resource management. This includes extensive experience in development control and policy development for rural and urban local authorities where I have worked on plan reviews, plan changes and assessing applications for resource consent. I worked as the Environment Manager for Local Government New Zealand from 2005 to 2010 and this included working with all local authorities on Resource Management Act (RMA) implementation, and working on behalf of local authorities with the Ministry for the Environment on National Policy Statements, National Environmental Standards, RMA amendments and guidance. I have also worked for the Ministry for the Environment. I have completed the RMA Making Good Decisions Certification (with excellence) and have acted as a resource consent hearing commissioner. I have been a Principal Planner at GHD Limited since 2010.
3. GHD has been one planning adviser to Meridian Energy Ltd (Meridian) in relation to the Horizons Proposed One Plan (POP) since the Proposed Plan was notified. GHD also provides planning advice to Meridian for other plan reviews, plan changes and applications for resource consent. I have recently provided a number of statements of evidence to the Ruapehu District Hearing Panel on Meridian submissions to the Ruapehu District Plan review including on matters of consistency and/or giving effect to the POP and the National Policy Statement for Renewable Electricity Generation (the NPS).
4. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Notes. I agree to comply with that Code of Conduct. My evidence has been prepared in compliance with that Code. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

## **SCOPE OF EVIDENCE**

5. This planning evidence is in respect of:
  - Policy 7.7 of Chapter 7, with a focus on clause (aa) of Policy 7.7;
  - Schedule F of Chapter 7 as it relates to Policy 7.7; and
  - Appropriate definition of item (ia) in Schedule F.

6. In preparing this evidence I have reviewed and referred to:
- Relevant provisions of the POP decisions version;
  - Relevant parts of Meridian's submission and further submissions on the POP;
  - The statements of evidence for the Manawatu-Wanganui Regional Council;
  - Records of Environment Court planner and technical witness conferencing on Chapter 7;
  - National Policy Statement for Renewable Electricity Generation 2011 (the NPS);
  - The Ministry for the Environment NPS Implementation Guide; and
  - The Resource Management Act.
7. I advise that I have not yet been part of any caucusing sessions convened in relation to Chapter 7.

#### **SUMMARY OF KEY POINTS**

8. This evidence focuses on the following key matters:
- a. The appropriateness of Policy 7-7 in reference to Part 2 of the RMA:  
My finding is that the Policy is not consistent with Part 2 of the Act as a whole.
  - b. The role of the regional council and the Regional Policy Statement (RPS) compared to the role of the district councils and district plans:  
My finding is that Policy 7.7 provides inappropriate direction and potentially pre-determines certain outcomes based on one matter alone.
  - c. Potential implications in implementing Policy 7.7, including for non-complying activities:  
My finding is that Policy 7.7 is particularly problematic given current (and future) non-complying activity status within the POP and district plans.
  - d. The implications of the NPS:  
My finding is that the NPS needs to be specifically considered in relation to Chapter 7 not just Chapter 3, and Policy 7.7 is not consistent with the objective and policies of the NPS.
  - e. The relationship between Policy 7.7 and Schedule F, and implications of this:  
My finding is that Schedule F should include only areas that meet the criteria for outstanding natural features and landscapes (ONFL) for Policy 7.7 to be

appropriate. The opportunity should be taken now to make Schedule F as accurate as possible.

9. I have attached a marked up version of Policy 7.7 with revised wording I recommend to address the key matters addressed in this evidence. Refer attachment 1.

## **RMA PART 2 AND AVOIDING ADVERSE EFFECTS**

10. Section 6(b) of the RMA provides for protection of ONFL from inappropriate subdivision use and development. This matter of national importance is to be provided for in the context of achieving sustainable management (section 5). A sustainable management approach does not suggest protection of ONFL full stop, rather there are a range of matters to consider under Part 2. Appropriate and sustainable outcomes can involve avoiding, remedying or mitigating adverse effects of activities on the environment. In some circumstances even significant effects that cannot be mitigated, let alone avoided, may be appropriate and may achieve the purpose of the RMA.
11. I agree in part with Clare Barton's comment at para 14. The limitation on resource capacity of ONFL is an appropriate consideration in determining a sustainable management outcome. However the purpose of the Act does not require ONFL be protected nor does it deem an activity that exceeds the ONFL capacity is "inappropriate". I consider that the assessment of an activity in relation to the purpose of the Act needs to be a more encompassing assessment.
12. Policy 7-7 is one of the means to achieve Objective 7.2(a) but goes a considerable way further than the objective that the characteristics and values of the Region's ONFL are "*protected from inappropriate subdivision, use and development*". I note that the Objective is not under challenge. It is my view that the objective is an appropriate way of achieving the purpose of the Act in relation to ONFL in the region.
13. Having determined that an objective is the most appropriate way to achieve the purpose of the Act, section 32(3)(b) then requires an evaluation of whether, having regard to their efficiency and effectiveness, the policies or methods are the most appropriate for achieving the objective. It is my evaluation that Policy 7.7 is neither effective, efficient nor appropriate with reference to Objective 7.2(a). The reasons for my opinion are outlined in the remainder of this statement but in summary relate to:
  - The policy introduces an approach to cumulative effects, which the objective does not seek as an outcome;
  - The policy potentially pre-determines what is "inappropriate" subdivision, use or development; and

- The policy does not efficiently achieve the objective as the schedule defining ONFL and their boundaries is not accurate.
14. Cumulative effects are an important and appropriate consideration in assessing if an ONFL will be affected by inappropriate subdivision, use, or development. The definition of “effect” in section 3 of the RMA includes cumulative effects so any reference to “effects” in a policy includes cumulative effects unless otherwise excluded. Nonetheless, elevating the relevance of cumulative effects in the case of this particular policy will highlight the matter to those implementing it and provide more specific guidance on the approach to ONFL.
  15. Conversely, a policy which directs that all subdivision, use, and development *must avoid* significant adverse cumulative effects, goes further than directing the appropriate consideration or assessment of cumulative effects in an RMA context. It provides a directive and restrictive approach in how to protect the ONFL which is inconsistent with Part 2.
  16. Clive Anstey’s evidence states that: “significant adverse cumulative effects on outstanding natural features and landscapes are inappropriate” (para 15). In my experience, it is not possible to avoid all significant adverse effects with some activities. But this does not mean the activity is inappropriate. A renewable energy development may be appropriate in an ONFL area even if significant cumulative effects cannot be avoided, given the benefits, alternatives, and overall context for a specific project. For example, it may be more appropriate to expand an existing wind farm (creating a significant adverse cumulative effect) rather than develop a wind farm in a new area of an ONFL (creating a significant adverse effect but not a cumulative effect). This is addressed in Stephen Brown’s evidence where he states that the co-location and subsequent consolidation of developments (and their effects) can be more desirable within landscapes that are already modified instead of ‘breaking new ground’ by developing a wind farm in another ONFL (para 42-43).
  17. Wind farms in close proximity would be a more obvious expression of “cumulative effects”. A potential counter-approach to co-location is to develop wind farms in separate areas throughout the region. Clive Anstey’s evidence states at para 34 that: “Recurring effects spreading across the landscape are cumulative and with time can become excessive and unacceptable”. Clive’s reference to “recurring effects” as being cumulative effects suggests that Policy 7-7 not only covers wind farms in close proximity to each other, but also the development of wind farms spreading across the region. A possible consequence of this could be that the establishment of new renewable energy facilities will not be enabled anywhere in the Horizons Region. This would of course not be an

appropriate consequence under the RMA or the NPS and is not what Objective 7.2(a) seeks to achieve.

18. I note that Policy C2 of the NPS relates to circumstances where residual environmental effects cannot be avoided, remedied or mitigated, thus acknowledging that practical constraints can limit the ability to avoid, remedy or mitigate adverse effects.
19. Significant adverse cumulative effects should be considered and assessed on a case-by-case basis. This is acknowledged by Clare Barton at paragraph 15 of her evidence. As stated in the Council evidence “*avoidance is desirable*” (Anstey para 15). Where complete avoidance is not possible or practicable, mitigation or remediation may be appropriate to achieve the sustainable management of natural and physical resources. The current wording of Policy 7.7(aa) provides no opportunity for mitigation measures to even be explored.
20. I appreciate that the overall assessment of a project or a decision on a district plan policy approach will depend on many factors. I concur with Stephen Brown that there are a number of factors informing an effects assessment (para 45). These factors include cumulative effects, but also direct effects, landscape context, and strategic modification of certain areas. In addition, the NPS and Chapter 3 will also be relevant. However, with such a restrictive and directive Policy 7.7, if a proposal directly calls this policy into question it may form a substantial barrier despite those other relevant considerations.
21. The statements of evidence of both Clare Barton and Clive Anstey for the Council confirm that the intent of Policy 7-7(aa) is for the significance of adverse effects to be *considered* or *assessed* (Barton para 65 and 82) and that the cumulative effects of a particular proposal need to be assessed in relation to the particular landscape (Anstey para 17 and 31). This is consistent with Stephen Brown’s evidence that both cumulative and direct effects are factors that inform the assessment of wind farms’ effects (para 42-45). It is my opinion that this outcome to specifically assess significant adverse cumulative effects can be achieved through an amended Policy 7.7 so the Policy is more consistent with the provisions of the Act and intent of the policy.
22. In my opinion it is appropriate for the Policy to highlight the relevance of significant adverse cumulative effects in relation to ONFL and explicitly direct consideration of cumulative effects in implementing the Policy.
23. I note that some appellants have sought for Policy 7.7 to specifically exclude renewable electricity generation activities. In my opinion it is not necessary or appropriate for Policy 7.7 to specifically exclude renewable electricity generation activities (or any other

activities). As stated, consideration of significant adverse cumulative effects is relevant, and this applies to all activities.

24. I note specific comments in the evidence about upgrades and cumulative effects. I consider there is a real potential for tension between providing for an “upgrade” and requiring significant adverse cumulative effects to be avoided. In implementing the POP, there is a risk that the decisions version of Policy 7.7(aa) will not provide clear guidance but instead add complexity and inconsistency, especially as an upgrade by its nature may include a cumulative effect arising “in combination with other effects” (refer definition section 3 RMA).
25. Incorporating an amended reference to considering significant adverse cumulative effects would address the risks the Council seeks to address through Policy 7.7 (Barton evidence para 60), while also being consistent with the broader set of principles to consider under Part 2 of the Act, the purpose of the Act (Section 5), the NPS, and being appropriate to achieve Objective 7.2. This amended reference would also provide the appropriate opportunity for all effects and all policies and principles to be fully considered in relation to a specific project or site.
26. It is my view that Policy 7.7(aa) can be deleted and a reference to cumulative effects in 7.7(a) can be incorporated as follows:

***Policy 7.7: Regionally Outstanding Natural Features and Landscapes***

*The natural features and landscapes listed in Schedule F Table F1 must be recognised as regionally outstanding and must be spatially defined in the review and development of district plans. All subdivision, use and development directly affecting these areas must be managed in a manner which:*

~~*(aa) avoids significant adverse cumulative effects on the characteristics and values of those outstanding natural features and landscapes, and*~~

*(a) Except as required under (aa), avoids adverse effects, including significant adverse cumulative effects, as far as reasonably practicable and where avoidance is not reasonably practicable, remedies or mitigates adverse effects on the characteristics and values of those outstanding natural features and landscapes.*

**REGIONAL POLICY STATEMENT VS DISTRICT PLAN**

27. The purpose of a Regional Policy Statement (RPS) is to *achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region* (RMA section 59).

28. Regional and district plans must give effect to an RPS (sections 67(3) 75(3)). Plans must also give effect to an NPS.
29. The POP (regional plan) does not contain rules to implement Policy 7.7 as this is to be achieved through district plans. I consider this appropriate. At a district level, ONFL can be identified by reference to Schedule F and by applying the confirmed regional assessment methodology and ground-truthing. The land use consent process will then fully consider the effects of individual subdivision, use and development projects in the context of those district level ONFL and district plan objectives, policies and rules.
30. I support the RPS providing direction to the territorial authorities to encourage a consistent approach to the identification and consideration of effects on ONFL. An endorsed approach to landscape assessment methodology will provide particular benefit and necessary assistance for territorial authorities in undertaking their RMA functions (refer Policy 7.7A).
31. However, in my opinion, Policy 7.7 provides inappropriate direction to territorial authorities for the following three reasons which are discussed in further detail below:
  - a. First, it pre-determines a restrictive type of management approach to managing ONFL listed in Schedule F before those ONFL have actually been assessed and accurately defined;
  - b. Secondly, it potentially pre-determines activity status based on one consideration and in the absence of other relevant local context; and
  - c. Thirdly, it potentially pre-determines the outcome of a resource consent process based on one consideration and in the absence of other matters that should also be relevant in determining a resource consent.
32. I note the first point because the POP provides direction in how to identify ONFL in district plans, but this exercise is not yet complete. As ONFL have not yet been spatially confirmed, the geographical impact of Policy 7.7 is not yet known.
33. I conclude this second point because if I were a territorial authority planner drafting district plan provisions to give effect to Policy 7.7, I would see no real alternative option than to make all activities with the potential for significant adverse cumulative effects on an ONFL a non-complying activity. Taking guidance from Issue 7.2 (on which Policy 7.7 is derived), these non-complying activities would be wind farms, residential subdivision and other major structures.
34. I conclude the third point because if I were a territorial authority decision-maker on a resource consent application with significant adverse cumulative effects on an ONFL, I



would see little option but to conclude the proposal was contrary to Policy 7.7, even if effects could be mitigated or if the project had significant renewable electricity generation benefit.

35. Clare Barton's evidence comments on the importance of *considering or giving attention to* cumulative effects (Barton para 65 and 60(d)). I concur with this. The evidence also notes that "*the context of each application is intensely individual and each application is assessed as such with the relevant weighting of policies reflecting those individual circumstances*" and "*In some cases the nature and scale of development on an ONFL is acceptable and appropriate depending on the impact on the characteristics and values of that landscape*" (Barton para 37).
36. In my opinion the Policy as drafted gives insufficient ability for consideration of each case on its merits as the policy goes some way to predetermining the outcome. Further, it is not possible to say now that *enough is enough* (refer Anstey evidence para 24) as information to support Policy 7.7, being the assessment to confirm ONFL and assessment of all relevant factors for a proposed subdivision, use or development, has not yet occurred.
37. Should a district plan deem a wind farm within an ONFL to be a non-complying activity to give effect to Policy 7.7, this would not give effect to the NPS. A non-complying activity sets a high bar whereas the NPS seeks provision for renewable electricity generation activities in plans.
38. In my opinion, Policy 7.7 therefore does the opposite of providing useful direction for the territorial authorities. Rather, it potentially adds ambiguity in suggesting a course of action for plan provisions and land use consent decisions that is not consistent with the Objective 7.2, nor the NPS and is in the absence of the full landscape assessment process to feed into the district plan provisions.

#### **POLICY RELEVANCE FOR NON-COMPLYING ACTIVITIES**

39. Policy 7.7 sets out the policy approach but "*the regional council has no rules within Part II DV POP relating to ONFLs. The function for developing rules on land use addressing landscape and visual matters rests with the territorial authorities.*" (Barton para 52). This does not mean that the policy will not be relevant in assessing proposals for resource consent required under other rules in the POP or in district plans. As noted above, non-complying activity status is likely to be the outcome under district plans. Further, there are already non-complying activities or proposed non-complying activities under the POP where Policy 7-7 would also be relevant for determining an application for resource

consent, for example the Minister of Conservation and Wellington Fish and Game seek that the clearance of rare and threatened habitat is a non-complying activity.

40. For the purpose of this evidence, I wish to highlight that should certain activities be deemed non-complying in either the regional or district plan, then the policies become even more critical and it is even more important they provide appropriate direction. I am not satisfied that the Council has given sufficient consideration to the importance this Policy will have for activities that will require consent under POP or district plan rules.

### **THE NATIONAL POLICY STATEMENT FOR RENEWABLE ELECTRICITY GENERATION**

41. Chapter 3 of the POP is the Council's means of giving effect to the NPS. Meridian supports Chapter 3. The Council's statement of evidence notes that "*the policies in Chapter 3 DV POP seek to recognise the national significance of renewable electricity generation*" (Barton para 57(b)). I acknowledge Chapter 3 is an appropriate and clear response to the NPS.
42. Section 62 and 67 of the RMA require that the POP as a whole gives effect to the NPS. In my opinion, this means all potentially relevant provisions in all chapters of the POP need to be checked against the NPS rather than relying on one stand-alone chapter. The implementation guide to the NPS endorses this approach by saying that "*REG activities should also be addressed in other relevant sections of the policy statements and plans (eg coastal environment, landscape, biodiversity and fresh water) and local authorities should ensure provisions within other sections do not inadvertently impede the intent of the NPS REG*" (page 8).
43. I have noted above that cumulative effects are a relevant consideration in assessing a project or a plan involving ONFL. The proposed Policy 7.7 to avoid significant cumulative adverse effects on ONFL appears to be based on the Council witnesses' experience to date with wind farms on the Tararua Ranges (refer Barton 61-62). I note that Issue 7.2 also refers to residential subdivision and other major structures but understand that the key issue is wind farms.
44. If Policy 7.7(aa) is primarily in response to wind farm effects, then the NPS needs to be specifically considered to ensure the Policy is not impeding the intent and implementation of the NPS.
45. NPS Policy C1 requires decision-makers to have particular regard to a number of matters including "*the need to locate the renewable electricity generation activity where the renewable energy resource is available*". The guidance to Policy C1 notes that "*...decision-makers will need to recognise the following when considering the*

development of RPS and plan provisions, and applications for resource consent, NoRs and heritage orders:

- *That REG activities are resource dependent and restricted to a finite number of locations – this, in turn, means that they need to be sited where the resources exist (eg, rivers and lakes with suitable available flow; geothermal systems; areas of high average wind speed, such as elevated ridgelines and hilltops; coastal marine areas with good tidal or wave energy resource).*
- *That logistical or technical practicalities may exist that constrain the type, location, layout and design of REG activities and the ability to fully manage, and in particular avoid, all the adverse effects associated with their development and/or operation (eg, wind turbines require locations with limited turbulence which are often highly visible; hydroelectric generation may have residual effects on the natural character of the associated water body; pipe networks are required to access geothermal hotspots).”*

...

(emphasis added)

46. Policy E of the NPS requires local authorities to incorporate provisions for renewable electricity generation activities into RPS, regional plans and district plans with specific reference to renewable electricity generation sources in the region or district. The guidance notes that this may involve identifying sensitive receiving environments where REG may be subject to a higher threshold, with more positive provisions for balance areas.
47. I endorse the approach in the guidance of specifically recognising key renewable sources, recognising there may be logistical constraints in providing for that renewable generation activity, and recognising there may be an inability to fully avoid all adverse effects. I do not expect it was anticipated that providing for wind energy generation activities in the Manawatu under the NPS would involve attempts to exclude large areas of a prime wind source for renewable generation activity New Zealand. I say excluding because a policy to avoid significant adverse cumulative effects could potentially do this. Identifying the ONFL areas and fully considering significant adverse cumulative effects in those areas will present a higher assessment threshold while still enabling the overall objective of the NPS to be achieved. My recommended wording of Policy 7.7 (attached) would achieve this.
48. To date, there are few gazetted National Policy Statements under the RMA. In my view, a benefit of a National Policy Statement for decision-makers under the RMA, is that it provides direction to matters included in section 6 and 7 of the Act. While section 6

matters have elevated status (recognise and provide for) compared to section 7 matters (have regard to), it is my view that giving effect to a gazetted National Policy Statement requires a pro-active response to the matters of national significance to which the NPS applies. In this case, the Objective of the NPS for Renewable Electricity Generation is to “*recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities...*”. (emphasis added)

49. I am not satisfied that Policy 7.7 gives effect to the NPS.

#### **SCHEDULE F AND RELATIONSHIP TO POLICY 7-7**

50. The outstanding appeal points on Schedule F have been a matter of technical conferencing for landscape architects and planners.
51. I note that the Council evidence on item (da) and item (ia) of Schedule F (Barton paras 13 and 108) states that these issues are to all intents and purposes resolved and there was consensus amongst the parties. However, there is no reference to the comments of Stephen Brown appended to the technical caucusing record of 18 January /19 January 2012.
52. I concur with the Council evidence that for the reasons outlined in para 109, the changes agreed at conferencing improve item (ia) of Schedule F relating to the Ruahine and Tararua ranges.
53. I note however the evidence of Stephen Brown that reference to “full extent” of the Ruahine and Tararua Ranges incorporates a part of the Ranges more modified and not consistent with the criteria for ONFL. Specifically, the junction of the two Ranges (generally between Wharite Rd and Pahiatua Aokautere Road) displays a lower physical profile and this area is much more affected by both farming activity and existing wind farm developments.
54. Policy 7.7 applies only to ONFL listed in Schedule F. The Policy potentially has significant consequences for renewable electricity generation and for the reasons outlined throughout this evidence, it is critical that the descriptions in Schedule F are accurate. Applying Policy 7.7 to any areas not clearly described or not consistent with the criteria for ONFL will cause debate and uncertainty in implementing the POP as a whole. Inaccurate descriptions in Schedule F also amplify both the potential for unintended consequences of the Policy and the inappropriateness of the Policy under the RMA.

55. I rely on the evidence of Stephen Brown confirming a more accurate description that reflects the ONFL (para 35). In my opinion, every attempt should be made at this stage for accurate descriptions where known. Based on the approach to the definitions throughout Schedule F, I recommend that the detail of the defined area (ia) remain but any areas that are not ONFL be specifically excluded from the listing.

#### **AN APPROPRIATE POLICY 7.7**

56. The Council evidence sets out the consequences that Policy 7.7 seeks to achieve (Barton para 65). I concur with the stated intentions (in italics) and provide my comment as follows:

- a. *Significant adverse cumulative effects of subdivision, use and development, on the characteristics and values of the ONFL's included in Schedule F, is avoided where this achieves the purpose of the RMA having considered other relevant s104 matters, including other relevant policies in the RPS and any relevant NPS"*

The purpose of the Act, section 104 matters, other relevant RPS policies, the NPS and other relevant matters are valid considerations in assessing significant adverse cumulative effects on ONFL in determining a resource consent application. These broader considerations are not reflected in Policy 7.7 as currently drafted.

- b. *"Second generation District Plans are developed giving effect to Policy 7.7 such that significant adverse cumulative effects of inappropriate subdivision, use and development, on the characteristics and values of the ONFL's included in Schedule F, is avoided, where this achieves the purpose of the RMA having considered other relevant matters, including other relevant policies in the RPS and any relevant NPS"*

Policy 7.7(aa) is not focused on "inappropriate subdivision, use and development" but is to avoid all significant adverse cumulative effects regardless of the nature of the subdivision, use and development. The purpose of the Act, other relevant RPS policies, the NPS and other relevant matters are valid considerations in developing district plans to give effect to Policy 7.7. These broader considerations are not provided for in Policy 7.7 as currently drafted.

- c. *"Consent applications for subdivision, use and development received by Territorial Authorities fully consider and address the issue of significant adverse cumulative effects on the ONFL's included in Schedule F"*

The matter of significant adverse cumulative effects on ONFL should be considered in resource consent applications prepared and lodged with territorial

authorities where applicable. Neither Policy 7.7 nor the methods for implementation specifically address the matter of information required for resource consent applications.

- d. *“Territorial Authorities give consideration to the potential for significant adverse cumulative effects when giving effect to the NPS on renewable energy where the resource is a s6(b) RMA ONFL resource”*

Territorial authorities should give consideration to the potential for significant adverse cumulative effects on ONFL when giving effect to the NPS. Yet the fundamental Objective of providing for renewable electricity generation of the NPS is not reflected in Policy 7.7.

- e. *“Design of wind farms recognise and are sensitive to the characteristics and values of those ONFL’s in Schedule F”*

The design of wind farms should recognise and be sensitive to the characteristics and values of ONFL as far as practicable. The NPS provides guidance on practicability matters.

57. I note the range of options outlined in the Council’s evidence (Barton, para 76-77). In my opinion there are also other valid options to achieve the matters set out in para 77(b)(i) – (iv) for the Council’s preferred option. An amended Policy 7.7 is also an option and one which could achieve a better response to the issue and objective.
58. In my opinion, Policy 7.7 as drafted does not achieve the stated intentions. Further it fails to give effect to the NPS in the round, and is inconsistent with Part 2 of the Act. I consider that my recommended wording in attachment 1 is an appropriate response to achieve the stated intentions of Policy 7.7.



Irene Clarke  
Principal Planner, GHD Limited  
17 February 2012

## **ATTACHMENT 1: Recommended Policy 7.7**

### **Policy 7.7: Regionally Outstanding Natural Features and Landscapes**

The natural features and landscapes listed in Schedule F Table F1 must be recognised as regionally outstanding and must be spatially defined in the review and development of district plans. All subdivision, use and development directly affecting these areas must be managed in a manner which:

- ~~(aa) avoids significant adverse cumulative effects on the characteristics and values of those outstanding natural features and landscapes, and~~
- (a) ~~Except as required under (aa),~~ avoids adverse effects, including significant adverse cumulative effects, as far as reasonably practicable and where avoidance is not reasonably practicable, remedies or mitigates adverse effects on the characteristics and values of those outstanding natural features and landscapes.