

**IN THE ENVIRONMENT COURT
WELLINGTON**

ENV-2010-WLG-000159

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an appeal under clause 14 of
Schedule 1 of the Act

BETWEEN

**GENESIS POWER LIMITED
ENV-2010-WLG-000159**

AND

**MERIDIAN ENERGY LTD
ENV-2010-WLG-000149**

AND

**MIGHTY RIVER POWER LTD
ENV-2010-WLG-000147**

AND

**TRUSTPOWER LTD
ENV 2010-WLG-000145
Appellants**

AND

**MANAWATU-WANGANUI REGIONAL
COUNCIL
Respondent**

STATEMENT OF EVIDENCE OF RICHARD JOHN MATTHEWS

(17 February 2012)

Contents

| | | |
|-----------|---------------------------------|-----------|
| 1. | INTRODUCTION | 1 |
| 2. | BACKGROUND TO THE APPEAL | 3 |
| 3. | RMA PART II FRAMEWORK | 5 |
| 4. | GENESIS ENERGY APPEAL | 7 |
| 5. | CONCLUSION | 16 |

1. INTRODUCTION

Qualifications and Experience

- 1.1 I hold a Master of Science (Hons) degree, and have been working as a resource management adviser for more than thirty-one years, initially in the local government sector and since 1999 in private practice with the environmental consulting practice, Mitchell Partnerships Ltd. I am a partner in this practice.
- 1.2 My specialist area of expertise is in the application of the Resource Management Act 1991 (“**RMA**”), and other relevant environmental management legislation, the development of Regional and District Plans and the acquisition and assessment of resource consent applications.
- 1.3 I have been involved in the preparation and audit of plans and policy statements since the passing of the RMA and have provided advice on District and Regional Plan provisions in several areas of New Zealand, including Northland, Auckland, Waikato, Bay of Plenty, Hawkes Bay and Canterbury. This has involved detailed analyses of plan provisions, assisting Councils to prepare planning documentation, preparation of submissions, presentation of evidence at hearings, and provision of advice regarding the lodging and resolution of Environment Court appeals.
- 1.4 I have provided advice on the approach required for resource consent processes in general, and specifically on several hundred resource consent application projects within New Zealand since the commencement of the RMA. Some of the more significant projects include:
- Castle Hill Wind Farm resource consents.
 - Ngatamariki Geothermal Power Station resource consents.
 - Rodney Power Station resource consents and Plan Change.
 - Awhitu Wind Farm resource consents.
 - Hau Nui Wind Farm extension resource consent.

- Huntly Power Station, air and water resource consents, including new gas turbine units (the Huntly e3p and Project 40) at the Huntly Power Station site.
- Tongariro Power Scheme (hydro generation) resource consents.
- McLachlan Power Station (Wairakei geothermal) resource consents.
- Kinleith Complex air and water related resource consents.
- Watercare Waikato River water supply resource consents.
- Te Rapa, Te Awamutu, Lichfield and Waitoa dairy factory resource consents.
- Hamilton City and Taupo sewage discharge resource consents.
- Timber industry air and wastewater discharge consents.
- Geothermal power station, drilling and exploration resource consents.

1.5 I have been asked to present evidence for this hearing in relation to the Genesis Power Limited (trading as “**Genesis Energy**”) appeal in respect to Chapter Seven (with respect to Landscape and Natural Character) of the Horizons Regional Plan One Plan (“**One Plan**”). I presented evidence on behalf of Genesis Energy at the Council-level One Plan hearing in July 2009 and have been involved in mediation meetings over the last two years in respect to Genesis Energy’s appeal on decisions on One Plan.

1.6 In preparing my evidence, I have read the following material:

- Decisions on Submissions to the Proposed One Plan Volume 1 – Reasons for the Decisions.
- Decisions on Submissions to the Proposed One Plan Volume 2 – Decisions on Individual Submissions and Further Submissions.
- Proposed One Plan as Amended by Decisions – Marked-up Version.
- The statements of evidence presented in respect of these proceedings.

1.7 I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note¹ and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions I express. 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

1.8 In my evidence I will:

- Discuss the background to Genesis Energy's appeal.
- Outline the RMA framework within which Genesis Energy's appeal should be considered;
- Discuss the matters Genesis Energy is appealing in respect to the landscape and natural character provisions of Chapter Seven of the One Plan; and
- Conclude my evidence.

2. BACKGROUND TO THE APPEAL

2.1 As discussed by Mr Stevenson-Wright, Genesis Energy depends on the utilisation of natural and physical resources (water, land, air and structures) for the generation of hydro, thermal, and wind powered electricity, and for the transmission of that electricity to end users. Genesis Energy's interests in the Manawatu-Wanganui Region is in respect to existing operations such as the Tongariro Power Scheme, as well as in relation to future renewable energy proposals.

¹ Environment Court of New Zealand Practice Note 2011.

- 2.2 Genesis Energy made a number of submissions and further submissions on the landscapes and natural character provisions of the One Plan. Genesis Energy sought the deletion of Policy 7-7 relating to outstanding natural features and landscapes (“**ONFLs**”) as the wording made it unclear in what form the Policy sought to protect the characteristics and values specified in Schedule F (Regionally Outstanding Natural Features and Landscapes) of the One Plan, and whether certain types of development and uses of outstanding landscapes are precluded by the Policy.
- 2.3 Genesis Energy also submitted that the reference to “avoiding” effects in 7-7 (b) does not accord with the provisions of the RMA in terms of the requirements to avoid, remedy or mitigate adverse effects. Further submissions were also made opposing submissions that sought the addition of a new policy listing matters to consider when identifying the region’s ONFLs.
- 2.4 The Council decision rejected Genesis Energy’s submission, and the subsequent further submissions were also rejected. The Council decision retained Policy 7-7 but with some amendments.
- (a) Policy 7-7(a) was amended to better reflect the provisions of the RMA, with reference to avoiding, remedying or mitigating adverse effects.
 - (b) Policy 7-7(b), relating to cumulative effects, was replaced with a new Policy 7-7(aa).
 - (c) Policy 7-7(aa) seeks to avoid any significant adverse cumulative effects.
- 2.5 Through mediation, a further change to the wording of Policy 7-7 has been agreed by the parties to the mediation on 21 June 2011², requiring the natural features and landscapes listed in Schedule F (Table F1) to be spatially defined in the review and development of district plans, noting that Schedule F itself was still subject to appeals. With this change, Policy 7-7 now reads (the “mediation changes” are underlined):

² The parties signing the memorandum were Horizons Regional Council, Horowhenua District Council, Federated Farmers, Meridian Energy, Trustpower, Genesis Energy, the Minister of Conservation, Mighty River Power, NZ Historic Places Trust, A Mildon, Tararua Aokautere Guardians Inc, J Bent and Wellington Fish and Game.

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 any 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 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.

2.6 I refer to this wording of Policy 7-7 throughout my evidence on the Genesis Energy appeal.

2.7 Overall, I support the inclusion of objectives and policies in Chapter Seven relating to landscape and natural character. However, I consider several amendments are required to the proposed provisions so they provide a more appropriate framework for managing the regions ONFLs in a manner intended by the RMA. I return to this later in my evidence.

3. RMA PART II FRAMEWORK

3.1 The purpose of the RMA is set out in section 5. Section 5 requires an overall broad judgment on whether or not a proposal promotes the sustainable management of natural and physical resources. That approach allows for a comparison of conflicting considerations, their scale or degree, and their relative significance. This approach should therefore not place a specific focus on the protection of the environment, landscapes, water quality etc. alone, but as part of the overall consideration that includes the use of resources, the provision for social and economic wellbeing and the health and safety of people, and how any adverse effects can be avoided, remedied, or mitigated. The purpose of the RMA needs to be given practical expression through all decision making under the Act, including policies, plans and resource consents.

3.2 In addition to the overall consideration in terms of Section 5 of the RMA, renewable energy resources are given specific recognition as a matter to which particular regard must be had. In my opinion, consideration of renewable energy (section 7), and the benefits of its use and development must therefore be “had particular regard” to in Regional Policy Statements, Regional Plans and District Plans.

3.3 The national significance of electricity generation and in particular, the commitment to renewable energy is also emphasised in the National Policy Statement (“**NPS**”) on Renewable Electricity Generation (“**REG**”) which took effect in May 2011. As outlined by Mrs Barton³, the overarching objective of the NPS REG 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, such that the proportion of New Zealand’s electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government’s national target for renewable electricity generation.

3.4 The NPS REG sets out the Government’s objectives for future energy development in New Zealand, providing guidance on often competing values surrounding the benefits of renewable energy in light of local environmental impacts. Local authorities are required to give effect to provisions of the NPS REG in Regional Policy Statements, Regional Plans and District Plans. I note, in particular, that Policy A⁴ and Policy E⁵ contain mandatory requirements of decision-makers, including decisions on policies and plans.

3.5 While specific provisions in One Plan are important in their own right, the points I have made above must also form part of the decision-making in order to

³ Paragraph 57(b), primary statement of evidence.

⁴ Policy A requires that “*Decision-makers shall recognise and provide for the national significance of renewable electricity generation activities...*”

⁵ Policy E requires that regional policy statements and regional and district plans “*include objectives, policies and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing...*” renewable electricity generation.

achieve the overall purpose of the RMA. In that regard, individual sections of the One Plan must take into account the overall effect and direction afforded by the One Plan, and must ensure that a balanced policy framework is established that provides appropriate weight to the relevant considerations under Part II of the RMA. It is not sufficient for each section to simply provide a framework for the use of a particular resource, the One Plan as a whole must promote the purpose of the RMA.

- 3.6 While the overall policies, objectives, methods and rules contained in the One Plan generally provide a framework that promotes the sustainable management of natural and physical resources in my opinion, the framework skews the consideration required in respect of activities in Outstanding Natural Landscapes and Features away from the sustainable management purpose of the Act, as discussed below.

4. GENESIS ENERGY APPEAL

- 4.1 At the general level, Genesis Energy's appeal is seeking the recognition of the role of natural and physical resources and their contribution to enabling people and communities to provide for their social, economic, and cultural well-being in Chapter Seven of the One Plan. The overall framework of the One Plan must not just address the "natural environment". It must also address the socio-economic wellbeing that is derived from the use and development of resources, recognising the role of resource use in the Horizons Region, and in particular the benefits derived from the use and development of renewable energy.
- 4.2 Against that background, the specific provision of the One Plan that Genesis Energy is appealing is Policy 7-7(aa) (Regionally outstanding natural features and landscapes). In my opinion, the revised wording of Policy 7-7(aa) in the decisions version of One Plan (and as further amended through mediation) goes some way to addressing the concerns of Genesis Energy by only referring to "significant adverse cumulative effects". However, Policy 7-7(aa) seeks only to "avoid" the significant adverse cumulative effects of any activity directly affecting regional ONFLs. Policy 7-7(aa) is therefore inconsistent with section 5(2)(c) of the RMA, which provides clear direction that adverse effects can be

avoided, remedied or mitigated. I observe that “significant adverse cumulative effects” are ill-defined and can be interpreted to mean cumulative effects between unrelated activities (e.g. the combined effects of water takes and discharges), combined effects of similar, but adjacent, activities (such as two adjoining wind farms) or the combined effects of the components of an activity (such as multiple wind turbines in a wind farm, the combination of pylons and lines associated with a transmission line).

4.3 While I accept that the policy framework can provide a clear preference for (for example) avoidance of specific adverse effects, this should not be done in a way that precludes other methods or ways in which the purpose of the Act can be achieved. Objective 7-2, for example, provides a clear preference for adverse effects on natural character to be avoided but also recognises that there are situations where such effects cannot be avoided so remediation or mitigation measures can be appropriately considered.

4.4 Policy 7-7 is intended to implement Objective 7-2 (Outstanding natural features and landscapes, and natural character). Objective 7-2 states:

- (a) The characteristics and values of:
 - (i) the Region’s outstanding natural features and landscapes, including those identified in Schedule F, and
 - (ii) the natural character of the coastal environment, wetlands, rivers and lakes and their marginsAre protected from inappropriate subdivision, use and development.

- (b) Adverse effects, including cumulative adverse effects, on the natural character of the coastal environment, wetlands, rivers and lakes and their margins, are:
 - (i) avoided, as far as reasonably practicable, in areas with a high degree of natural character. When avoidance is not reasonably practicable, the adverse effects must be remedied or mitigated, or
 - (ii) avoided, remedied or mitigated in other areas.

- (c) The natural character of the coastal environment, wetlands, rivers and lakes and their margins, is rehabilitated or restored where that is appropriate and reasonably practicable.

- 4.5 With respect to ONFLs, Table F1 (Regionally outstanding natural features and landscapes) of Schedule F identifies particular ONFLs in the Manawatu-Wanganui Region and their associated characteristics and values. I attach Table F1 as Appendix 1 to my evidence. I accept that the natural features and landscapes identified in Table F1 are significant in the Manawatu-Wanganui Region, and the specific characteristics and values that determined each feature and landscape to be an ONFL appropriate, although I note that these features and characteristics are subject to further refinement through other appeals. In my opinion Objective 7-2 is appropriate.
- 4.6 In addition to those ONFLs identified in Schedule F of One Plan, Chapter Seven identifies the “assessment factors”⁶ to be used to identify the extent of ONFLs. These include a number of factors such as natural science, aesthetic values, cultural and spiritual values for tangata whenua etc.
- 4.7 While Policy 7-7 is intended to support Objective 7.2(a), it provides no direct link that makes it clear that the characteristics and values of the regions ONFLs are to be protected from *inappropriate subdivision, use and development*. There is no corresponding policy in Chapter Seven that provides for an assessment of, or gives an indication of, “appropriate” development on ONFLs. As drafted, the only guide Policy 7-7 provides to as what is “appropriate” use or development is that which avoids “significant cumulative effects”, despite the objective being to protect these areas from “*inappropriate subdivision, use and development*” (Objective 7-2(a)).
- 4.8 I also note that Objective 7-2(b) gives some guidance as how adverse effects on natural character should be managed, by requiring that adverse effects in areas with high natural character be avoided where practicable or otherwise remedied or mitigated, whereas Objective 7-2(a) gives no such guidance in relation to managing adverse effects in ONFL’s. It simply seeks to protect such areas from “inappropriate subdivision, use and development”.
- 4.9 Furthermore, there is no link between the provisions in Chapter Seven with provisions in Chapter Three (Infrastructure, Energy, Waste, Hazardous

⁶ Table 7-2 Natural Features and Landscapes Assessment Factors.

Substances and Contaminated Land), such as Policy 3-4 that specifically recognises the benefits of, and provides for renewable energy generation. Renewable energy generation activities often have a fundamental requirement to be located on ONFLs. While the overall provisions of Part I (Regional Policy Statement) recognise and provide for consideration of renewable generation activities in a general way throughout the Region, Policy 7-7 does not.

- 4.10 As Policy 7-7 provides specific guidance and direction on ONFLs, then that policy will have precedence over the more generic policies in One Plan, such as Policy 3-4 which applies generally across the Region as a whole, in decision making processes. In practice, where decisions are made on resource consent applications or on District Plan provisions giving effect to the RPS, Policy 7-7 will be the policy that guides and directs what activities can occur in ONFLs, particularly where there is disagreement over the level of adverse effects associated with a particular activity or project. In this regard, Policy 7-7 requires that any significant adverse cumulative effects be avoided.
- 4.11 Policy 7-7 does not provide a mechanism for cumulative effects to be remedied or mitigated where it is practicable or reasonable to avoid such effects. I consider that it is particularly important for situations where there is a specific need for an activity to occur in, or where it may have a direct effect on, an ONFL but cumulative effects cannot be readily avoided. This situation can occur for a variety of activities, including for example situations where man-made infrastructure such as transport links, transmission lines, communication facilities or renewable generation activities occur within or near ONFL's.
- 4.12 As a minimum, I consider that Policy 7-7 needs to be amended to provide clear guidance that significant adverse cumulative effects should preferably be avoided, but that where this is not practicable for consideration of measures to remedy or mitigate those adverse effects be provided for.
- 4.13 In this regard, I consider that Policy 7-7 should be amended, as shown in redline underline/strikethrough, 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 outstanding and must be spatially defined in the review and development of district plans. All subdivision, use and development:

- i) ~~directly affecting~~ within 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 as far as reasonably practicable and, where avoidance is not reasonably practicable, remedies or mitigates those effects, and
 - (a) except as required under (aa), avoids ~~adverse 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.
- ii) ~~directly affecting these areas must be managed in a manner which avoids, remedies or mitigates adverse effects on the characteristics and values of those outstanding natural features and landscapes.~~

4.14 In my opinion, the above amendments are consistent with the intent of the RMA that sustainable management of natural and physical resources can be achieved in a variety of ways and that adverse effects can be avoided, remedied or mitigated in a range of situations. Policy 7-7(aa) as amended above provides a clear preference for avoiding significant adverse cumulative effects, but does not preclude consideration of options to mitigate those effects. Without reference to remedying or mitigating effects, Policy 7-7(aa) establishes an inappropriate and unreasonably high threshold for assessing significant adverse cumulative effects on outstanding natural features and landscapes, by only stating that they must be avoided. In some instances, avoidance may not be practicable, therefore the option to remedy or mitigate any potential adverse cumulative effects should be provided.

4.15 As noted earlier, in my opinion Policy 7-7(aa) gives limited guidance as to what an appropriate development could be, particularly given the extensive case law addressing what constitutes “inappropriate development” in the context of section 6 of the RMA. Section 5(2)(c) of the RMA provides the appropriate legislative guidance for the adverse effects of activities on the environment to be avoided, remedied or mitigated. What constitutes “inappropriate” development in the context of ONFLs should then be determined on a case-by-case basis. The One Plan should provide an appropriate framework within

which to manage effects on ONFLs within the Horizons Region, and for assessing applications against all relevant objectives and policies to inform what may be inappropriate subdivision, use or development.

- 4.16 The implementation of Policy 7-7 in respect to the ONFLs identified in Schedule F (Table F1) is important, and I will now provide some examples of how I consider that this policy would work in practice.
- 4.17 The Whanganui River and river valley upstream of Aramoana, is identified as an ONFL in Table F-2 of the One Plan due to, amongst other characteristics and values, the “ecological value provided by the presence of original forest remnants”, “recreational values, particularly tramping and hunting, and those provided by the water and riparian margins” and its “importance to tangata whenua”. In respect to the “directly affecting” ONFLs provisions of Policy 7-7, any changes in flow in that part of the Whanganui River, for example from a water take application in any part of the upstream catchment, could potentially result in a ‘direct effect’ on those identified characteristics and values of the Whanganui River, particularly where it occurs in combination with all other water takes and uses of the river. Policy 7-7 requires that any use directly affecting an ONFL must be avoided, which in this case would imply that such a water take would not be appropriate, with no opportunity to consider whether the effects of the activity could be remedied or mitigated.
- 4.18 Similarly, I understand that Whanganui Iwi concerns regarding uses of the Whanganui River and their effect on the river have been detailed very clearly in the Whanganui River Report on Treaty of Waitangi Claim WAI 167. Activities involving the use of the Whanganui River, and the taking of water in particular, would therefore have a direct effect on tangata whenua that could not be avoided, and Policy 7-7 would imply that such an activity should occur. Again, the opportunities for remediating or mitigating the effects of the activity are an important consideration for the activities involving the use and development of the Whanganui River.
- 4.19 Table F-1 of the One Plan identifies the “skyline of the Tararua Ranges” as an ONFL because of its “visual and scenic characteristics”. While the specific wording of the identified ONFL is being refined via other appeals, it is accepted

that in some form the skyline is an ONFL and that regard, Policy 7-7(aa) is applicable. A transmission line (including poles and wires) is likely to be required to cross the Tararua Ranges to connect renewable electricity generating facilities in the Wairarapa to the national grid transmission network in the Manawatu. There are at present at least four such facilities in various consent stages in the Tararua and Masterton Districts. The transmission line would have an unavoidable direct effect on the skyline of the Tararua Ranges, and would have cumulative effects in combination with the consented wind farms on the Tararua Ranges, existing transmission lines, communication infrastructure and transport links crossing the ranges. While such a transmission line is likely to be a key component of the ongoing development of the transmission network in New Zealand, Policy 7-7 would not provide an opportunity for consideration of measures to remediate or mitigate the cumulative effects; it simply requires such effects to be avoided.

- 4.20 Whanganui National Park is identified as an ONFL in Table F-1 of the One Plan due to, amongst others, its “ecological significance” and “recreational values”. This ONFL is a discrete area located a distance down the Whanganui catchment, where the recreational values associated with water could be adversely affected by changes in the flow regime at the upper end of the catchment. Although this activity may occur some distance from the ONFL itself, it would directly affect the defined “characteristics and values” of the ONFL, which Policy 7-7 requires avoidance of.
- 4.21 Several of the ONFLs identified in Schedule F of the One Plan comprise hill or range features or the skyline along ridges, and for these features, the key characteristic or value is typically the “visual and scenic characteristics, particularly the visual prominence...” of the feature. Similarly, the coastline of the region and its “visual and scenic characteristics” are identified as an ONFL. These particular locations are where wind farm projects are either located, or are likely to be located, since they also have the characteristics suited to wind generation facilities (for example, coastal and ridgelines typically have higher and more consistent wind speeds than flat pasture, and are therefore candidates for wind generation assessments). For example, several consented

projects⁷ are located within or near the identified ONFL areas, other projects⁸ are in advanced stages of consideration. While the extent to which a wind farm development may “directly” affect the visual and scenic characteristics of an area will vary on a case by case basis, clearly the presence of a wind farm development will have an influence on those characteristics identifying the feature as an ONFL.

- 4.22 Where there are several turbines affecting the scenic characteristics of an ONFL (which can only be described in terms of what people can see from the surrounding countryside), a cumulative effect can arise and Policy 7-7(aa) would apply. Where those effects are significant (which in the context of an ONFL could be considered to be any cumulative effect), Policy 7-7(aa) requires that those effects be avoided. As currently worded, there is no provision for consideration in Policy 7-7(aa) as to whether the activity is an appropriate use or development of that area (given its particular wind energy values for example) or whether those effects could, for example, be mitigated by design approaches (i.e. such as turbine height limits, wider turbine spacing, strategic turbine location etc.).
- 4.23 For many people, the visual and scenic characteristics of a ridgeline or feature will be affected by what they view the feature through, for example transmission lines located adjacent to SH1 along the Desert Road affect the visual and scenic characteristics associated with Mt Ruapehu from that location, and could equally affect the visual and scenic characteristics of the Kaimanawas (also listed in Schedule F) if located on the other side of the road. Assuming there is a functional requirement to get electricity through this area (a reasonable assumption, given the present north-south transmission link, the demand for electricity in the north, generation capacity to the south and the present transmission lines through the area), and that the effect of that activity is almost impossible to avoid, opportunities to mitigate those effects would be appropriate to consider. The same approach applies to a wind farm – the turbines may not be located within the ONFL, but they can affect the visual and scenic characteristics of the ONFL by affecting the view of that particular feature.

⁷ For example, the Turitea, Waitahora and Tararua Wind Farms.
⁸ For example, the Puketoi and Waverly Wind Farm projects.

- 4.24 What these examples illustrate is that Policy 7-7 must give some form of recognition to what activities would be appropriate in an ONFL as envisaged by Objective 7-2.
- 4.25 In her evidence⁹, Ms Barton provides an outline of constructed and consented wind farms in the Horizons Region, highlighting that most constructed wind farm generation capacity in New Zealand is within the Manawatu-Wanganui Region, and much of that is concentrated on the northern end of the Tararua Ranges on the outskirts of Palmerston North City. At paragraph 37, Mrs Barton summarises the experience of wind farm development in the Manawatu-Wanganui Region stating that *“in some cases the nature and scale of development on an outstanding natural feature and landscape is acceptable and appropriate depending on the impact on the characteristics and values of that landscape”*, and that *“within each successive wind farm there is an appropriate and detailed consideration of cumulative effects of development”*.
- 4.26 While I agree with Mrs Barton’s statement that much of the present wind farm development in the Manawatu-Wanganui Region is concentrated on the northern end of the Tararua Ranges, the provisions in the One Plan in respect to cumulative effects on natural features and landscapes (i.e. Policy 7-7 in particular) do not relate only to wind farm developments. Equally, future wind farm development is likely to occur in other areas as noted above. The provisions on ONFLs are relevant to any activity affecting any ONFL, whether it is a water take application, transmission lines, a subdivision or a wind farm development. It is inappropriate in my opinion to develop a policy solution in relation to a specific identified issue (being wind farm development on the Tararua Ranges, where several consents have already been granted and the “significant adverse cumulative effect” issue has already arisen) and apply that solution across the region as a whole in a way that has unintended effects for future development opportunities.

⁹ Paragraphs 26 – 37.

5. CONCLUSION

- 5.1 Genesis Energy's appeal is seeking the recognition of the role of natural and physical resources and their contribution to enabling people and communities to provide for their social, economic, and cultural well-being in Chapter Seven of One Plan. In my opinion, Policy 7-7(aa) of Chapter Seven of One Plan, as proposed is inconsistent with the intent of the RMA that adverse effects are avoided, remedied or mitigated, and provides no linkage to other provisions in the One Plan.
- 5.2 The One Plan should provide an overall balance between the benefits of resource use (and the benefits to be derived from the use of renewable energy in particular) and the other matters that are identified in Sections 6, 7 and 8 of the RMA. At present, there is a focus in the One Plan on protecting outstanding natural features and landscapes from significant adverse cumulative effects, while there are no corresponding provisions recognising the benefits of appropriate resource use, or providing for those effects to be remedied or avoided where appropriate.
- 5.3 I have identified proposed changes in my evidence to Policy 7-7(aa) which addresses outstanding natural features and landscapes. In my opinion, my proposed amendments provide a fair and balanced framework to facilitate the protection of the high landscape values of the region, while still enabling the community to provide for their social and economic well-being.
- 5.4 Policy 7-7 must give recognition to what would be an appropriate activity in an ONFL as envisaged by Objective 7-2. Where it is recognised that significant adverse effects cannot be avoided, such as can occur with renewable energy generation facilities and other activities such as transmission lines, there needs to be provision in Policy 7-7 to enable such activities to be considered, and if it is not practicable for cumulative effects to be avoided, for the effects of such activities to be appropriately remedied or mitigated.

APPENDIX 1

One Plan as amended by Decisions – Table 7-1: Regionally Outstanding Natural Features and Landscapes

Schedule F: Regionally Outstanding Natural Features and Landscapes

Schedule F is a component of Part I - the Regional Policy Statement.

Table F1 lists some regionally outstanding natural features and landscapes in the Manawatu-Wanganui Region and their associated characteristics and values in narrative form.

The extent of some of these regionally outstanding natural features and landscapes has not been defined. Therefore, assessments will be required using the approach set out in Policy 7-7A and the criteria listed in Table 7.2 at the time that any use or development is proposed for those areas, so that the actual location of the feature or landscape can be defined in relation to the use or development proposal.

Regionally outstanding natural features and landscapes in the Region include the following:

Table F1

| Outstanding Natural Features or Landscapes | Characteristics / Values |
|--|--|
| (a) Tongariro National Park | <ul style="list-style-type: none"> (i) Visual and scenic characteristics, particularly the park's visual prominence in the Region and the contrast of the Rangipo desert with adjacent landscapes (ii) Geological features including the Rangataua Lava Flow (iii) Recreational values, particularly tramping and snow sports (iv) Scientific value, particularly the volcanic landscape (v) Ecological value, particularly the mountainous ecology and the extensive tussock grasslands and wetlands supporting rare indigenous flora (vi) Importance to tangata whenua |
| (b) Whakapapa River and river valley, including all of the river catchment | <ul style="list-style-type: none"> (i) Visual and scenic characteristics (ii) Recreational values (iii) Ecological significance, particularly in providing a habitat for the Blue Duck (whio) |
| (ba) Whanganui River and river valley, upstream of Aramoana | <ul style="list-style-type: none"> (i) Scenic qualities provided by the gorge landscapes and papa rock formations (ii) Recreational values, particularly tramping and hunting, and those provided by the water and riparian margins (iii) Ecological value provided by the presence of original forest remnants (iv) Importance to tangata whenua (v) Historical importance |
| (c) Whanganui National Park | <ul style="list-style-type: none"> (i) Visual and scenic characteristics, particularly the gorge landscapes and papa rock formations (ii) Ecological significance, particularly for providing habitat for rare bird species, the presence of mature indigenous forest, contribution to the national conservation estate, wilderness (iii) Intrinsic value |

Entire Schedule appealed by Federated Farmers of New Zealand Inc
ENV-2010-WLG-000148 and Meridian Energy Limited ENV-2010-WLG-000149

| Outstanding Natural Features or Landscapes | Characteristics / Values |
|--|---|
| | <ul style="list-style-type: none"> (iv) Importance to tangata whenua (v) Recreational values, particularly tramping and hunting, and those provided by the water and riparian margins (vi) Recognised protection – national park (vii) Historical importance |
| (d) Kaimanawa Ranges, in particular the skyline and the south-eastern side of the ranges | <ul style="list-style-type: none"> (i) Visual and scenic characteristics, particularly the visual prominence of the skyline in much of the Region (ii) Ecological significance, including the Ranges' contribution to the national conservation estate |
| (da) The skyline of the Puketoi Ranges defined as the boundary between the land and sky as viewed at a sufficient distance from the foothills so as to see the contrast between the sky and the solid nature of the land at the crest of the highest points along the ridges | <ul style="list-style-type: none"> (i) Visual and scenic characteristics, particularly the visual prominence of the skyline in the eastern part of the Region (ii) Geological features, particularly the asymmetrical landform termed a cuesta |
| (e) Mount Aorangi - Awarua | <ul style="list-style-type: none"> (i) Visual and scenic characteristics, particularly Mount Aorangi's visual prominence and contrast to the Mangaohane Plateau (ii) Intrinsic value (iii) Ecological significance, provided by areas of unmodified podocarp forest, high diversity of wetland types and as a habitat for rare indigenous flora and fauna (iv) Scientific value, particularly Reporoa Bog and Makirikiri Tarns (v) Importance to tangata whenua |
| (f) Manganui o te Ao River and river valley, including the Makatote and Mangaturuturu Rivers and their valleys, the Waimarino and Orautoha Streams (but not the Waimarino and Orautoha valleys or the Ruatiti Stream or valley) | <ul style="list-style-type: none"> (i) Visual and scenic characteristics, particularly river gorges and riparian margins and outstanding wild and scenic characteristics (ii) Ecological significance, providing a habitat for the Blue Duck (whio), and wildlife and fisheries (iii) Recognised protection – National Water Conservation Order |
| (g) Rangitikei River and river valley from Mangarere Bridge (approximate map reference NZMS 260 T22:488-496) to Putorino (approximate map reference NZMS 260 T22:315-315), and from Mangarere Bridge (approximate map reference NZMS 260 T22:488-496) to the confluence of Whakaurekou River and Ohutu Stream (approximate map reference NZMS 260 U21:714-691) | <ul style="list-style-type: none"> (i) Visual and scenic characteristics – particularly its gorges, the Rangitikei alluvial terraces and high bluffs, and the Rangitikei River Plio-Pleistocene fossiliferous sediments (map reference NZMS 260 S23:214-224) (ii) Scientific and educational value |
| (h) The Ruahine Forest Park | <ul style="list-style-type: none"> (i) Visual and scenic characteristics, particularly its prominence throughout much of the Region and its backdrop vista in contrast to the Region's plains (ii) Ecological values, including values associated with mature indigenous forest, remnant and regenerating indigenous vegetation and important habitat (iii) Contribution to the national conservation estate (iv) Recreational values, especially tramping and hunting (v) Historical values associated with early recreation, |

Entire Schedule appealed by Federated Farmers of New Zealand Inc
 ENV-2010-WLG-000148 and Meridian Energy Limited ENV-2010-WLG-000149

| Outstanding Natural Features or Landscapes | Characteristics / Values |
|--|--|
| | <p>hunting and botanical exploration</p> <p>(vi) Cultural values</p> |
| (i) The Tararua Forest Park | <p>(i) Visual and scenic characteristics, particularly its prominence throughout much of the Region and its backdrop vista in contrast to the Region's plains</p> <p>(ii) Ecological values, including values associated with mature indigenous forest, remnant and regenerating indigenous vegetation and important habitat</p> <p>(iii) Contribution to the national conservation estate</p> <p>(iv) Recreational values, especially tramping</p> <p>(v) Historical values associated with early recreation</p> <p>(vi) Cultural values</p> |
| (ia) The skyline of the Ruahine and Tararua Ranges - defined as the boundary between the land and sky as viewed at a sufficient distance from the foothills so as to see the contrast between the sky and the solid nature of the land at the crest of the highest points along ridges. The skyline is a feature that extends along the Ruahine and Tararua Ranges beyond the areas in (h) and (i) above | <p>(i) Visual and scenic characteristics, including aesthetic cohesion and continuity, its prominence throughout much of the Region and its backdrop vista in contrast to the Region's plains</p> <p>(ii) Importance to tangata whenua and cultural values</p> <p>(iii) Ecological values including values associated with remnant and regenerating indigenous vegetation</p> <p>(iv) Historical values</p> <p>(v) Recreational values</p> |
| (j) Manawatu Gorge, from Ballance Bridge to the confluence of the Pohangina and Manawatu Rivers, including the adjacent scenic reserve | <p>(i) Visual and scenic characteristics, particularly provided by its distinctive landscape</p> <p>(ii) Geological feature, provided by being the only river in New Zealand to drain both east and west of the main divide</p> <p>(iii) Ecological significance, provided by its regenerating indigenous vegetation and remnant native shrubland</p> <p>(iv) Scientific value, particularly for its geology</p> |
| (k) Coastline of the Region, particularly the Akitio Shore Platform, Castlecliff to Nukumarū coastal cliffs, Foxtangī Dunes and Hokio Beach South Dune Fields | <p>(i) Visual and scenic characteristics, particularly its special coastal landscape features including the Waitotara ventifacts at Waitotara River Mouth, Waitotara Estuary fossil forest and Santoft parabolic dunes</p> <p>(ii) Coastal geological processes</p> <p>(iii) Ecological value, particularly the Whanganui, Whangaehu, Turakina, Rangitikei, Akitio, Ohau, Waikawa and Manawatu River estuaries as habitats for indigenous fauna</p> <p>(iv) Recreational value</p> <p>(v) Significance to tangata whenua</p> <p>(vi) Scientific and educational values</p> |
| (m) Cape Turnagain | <p>(i) Visual and scenic characteristics, particularly its visual prominence along the Region's east coast</p> <p>(ii) Ecological significance, particularly as a habitat for blue penguins and fur seals</p> <p>(iii) Scientific value</p> <p>(iv) Significance to tangata whenua</p> |

Entire Schedule appealed by Federated Farmers of New Zealand Inc
 ENV-2010-WLG-000148 and Meridian Energy Limited ENV-2010-WLG-000149

| Outstanding Natural Features or Landscapes | Characteristics / Values |
|--|---|
| | (v) Historic heritage as an archaeological site |

Mighty River Power ENV-2010-WLG-000139

Note:

There are a number of other areas within the Region that are highly likely to be regionally, if not nationally, outstanding natural features and landscapes. Some of these areas were included in the previous operative Regional Policy Statement but were not included in the One Plan as notified. Consequently, these areas have not currently been included in Schedule F due to a need for the Regional Council to either consult with affected landowners or undertake further studies of the areas using the approach set out in Policy 7-7A and the criteria listed in Table 7.2.

These areas include, but are not limited to:

- (i) Central North Island tussocklands
- (ii) Eastern Desert Road landscape
- (iii) Moawhango Ecological Region including the Moawhango Gorge, Makirikiri Tarns and Reporoa Bog, and the Kutaroa and Otahupitara Swamps (Irirangi Swamp)
- (iv) Waimarino – Erua – National Park fault scarp
- (v) Western Edge of the Volcanic Plateau
- (vi) Landguard Bluff
- (vii) Lake Horowhenua and its margins
- (viii) Lake Papaitonga and its adjacent scenic reserve

Entire Schedule appealed by Federated Farmers of New Zealand Inc
ENV-2010-WLG-000148 and Meridian Energy Limited ENV-2010-WLG-000149