

BEFORE THE ENVIRONMENT COURT

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 **TRUSTPOWER LTD**
(ENV 2010-WLG-000145)

Appellants

AND **MANAWATU-WANGANUI**
REGIONAL COUNCIL

Respondent

**STATEMENT OF EVIDENCE OF Error! Reference source not found. ON POLICY
7-7 OF THE HORIZONS REGIONAL COUNCIL ONE PLAN**

INTRODUCTION

1. My name is Richard Zane Peterson and I am a Senior Associate and the Wellington Planning Manager of Harrison Grierson Consultants Limited.
2. I have a Masters Degree in Regional and Resource Planning (with Distinction), completed in 1997, and have some 15 years planning and resource management experience. I have worked as a planner in both the private and public sector. During my career I have been involved in a number of resource consent, designation and plan and policy making processes and consequently have been involved in local authority and Environment Court hearings.
3. In my role with Harrison Grierson, I work for a wide range of clients including local authorities, infrastructure providers, central government ministries, industry bodies, land and building developers and other private clients. In this respect I have prepared numerous resource consent applications, provided advice and expert evidence on several policy and plan instruments and prepared several section 32 evaluations and cost benefits analyses for national resource management instruments.
4. Over the past 4 years I have provided planning advice to Mighty River Power Limited on various policy and plan instruments. This has included being involved in the One Plan process from the Council hearings through mediation until the present. I am therefore familiar with the background to Policy 7-7 and have been involved in the various debates and discussions regarding the appropriateness of the Policy and its wording.
5. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice notes and agree to comply with it. Except where I state that I am relying upon the specified evidence of another person, my evidence in this statement is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions which I express.

SCOPE & SUMMARY OF EVIDENCE

6. I have been engaged by Mighty River Power Limited to prepare evidence in relation to Policy 7-7 only. In this regard, I generally concur with the view expressed by Clare Barton in her evidence for the Manawatu-Wanganui Council

dated 31 January 2012, that the decisions version of Policy 7-7, with the modifications agreed at mediation, is appropriate. From this point I will refer to this version of the Policy as the 'modified decisions version'. However, as outlined in paragraphs 8 to 9 below I consider that a further relatively minor amendment would improve the certainty of the Policy.

APPROPRIATENESS OF POLICY 7-7

7. Subject to the amendments discussed below, I consider that the modified decisions version of Policy 7-7 is appropriate. My support for the provision extends to the inclusion of clause (aa) relating to significant adverse cumulative effects. I appreciate that this represents a change from the opinion I presented at the Council hearing in 2009. However I now consider that the modified decisions version is appropriate for the following reasons:
 - a. It is clear that a resource management issue exists relating to cumulative adverse effects on the region's landscape values. This is evident in the existing level of development, and in the ongoing resource consent applications for major development, in or adjacent to the region's valued landscapes.
 - b. I consider that the focus on 'significant adverse cumulative effects' is more appropriate than the alternative 'any cumulative adverse effects' included in the notified version of Policy 7-7.
 - c. I accept the argument that to 'mitigate' adverse cumulative effects to the extent that they are not significant is the same as avoiding significant adverse cumulative effects, i.e. modifying clause (aa) to allow for mitigation is in effect an unnecessary change.
 - d. I consider that the various phrases that were discussed in mediation as alternatives to 'significant adverse cumulative effects', e.g. 'adverse cumulative effects that significantly undermine', are less certain and the meaning of them is less well understood than the phrase 'significant adverse cumulative effects'. Therefore, in my view these alternative phrases are less appropriate.

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- e. While it is true that when taken in isolation Objective 7-2 and Policy 7-7 do not reflect the full breadth of matters that should be taken into account when determining what is inappropriate subdivision use and development for purpose of section 6 or whether a proposal is appropriate in terms of the purpose of the Resource Management Act 1991, I accept that in practice the provisions will not be applied in this isolated manner. When these provisions are applied to inform District Plan decisions or resource consent decisions, they will be considered within the context of various other policy directions, including those contained within Chapter 3 of the One Plan. In particular, I accept that local authorities making decisions in relation to District Plan provisions or resource consent applications associated with wind farm development will need to consider the competing directions in Policies 7-7 and 7-7A with those in Policies 3-1, 3-3 and 3-4. How these competing directions will ultimately be resolved will be influenced by the particular context of the district or project, and by policy direction provided in other resource management instruments.
- f. I concur with Clare Barton's conclusions in relation to the statutory tests relevant to Policy 7-7, contained in Appendix F of her evidence.

CHARACTER & VALUES

8. The one area where I believe the modified decisions version of Policy 7-7 could be improved is in relation to the references within clauses (aa) and (a) to the 'characteristics and values of those outstanding natural features and landscapes'. It is my understanding that the characteristics and values referred to are those listed in Schedule F. The intent would be more certain and therefore be more appropriate, by explicitly stating this in the Policy.
9. I would therefore recommend that the Policy be further modified as follows (the base for these track changes is the modified decisions version recommended by Clare Barton):

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 identified in Schedule F 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 identified in Schedule F of those outstanding features and landscapes.