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BOARD OF INQUIRY
HAUAURU MA RAKI WIND FARM PROPOSAL

In the Matter of the Resource Management Act 1991

And

In the matter of resource consent applications by Contact Wind Limited in respect of the Hauauru Ma Raki Wind Farm Proposal

And

In the matter of notices of requirement and a resource consent application by Contact Energy Limited for transmission infrastructure related to the Hauauru Ma Raki Wind Farm Proposal

BRIEF OF EVIDENCE IN CHIEF OF MARK BULPITT CHRISP

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Introduction

1. My name is Mark Bulpitt Crisp. I am a Director and a Principal Environmental Planner in the Hamilton Office of Environmental Management Services Ltd.
2. I have the following qualifications and experience relevant to the evidence I shall give:
 - (a) I have a Master of Social Sciences degree in Resources and Environmental Planning from the University of Waikato. I am a member of the New Zealand Planning Institute and have more than 19 years experience as a resource management consultant; and
 - (b) Dealing with environmental issues associated with the development, expansion, and on-going operation of activities within the energy sector is one of my specialties. I have been a planning advisor for the following industrial / energy projects over the last 15 years:
 - Wairakei Binary Plant (1994 – 1998);
 - Te Rapa Dairy Factory Expansion and Co-generation Power Plant (1996 – 1997);
 - Ohaaki Geothermal Power Plant Re-consenting (1998 – 1999);
 - Tauhara Geothermal Power Development (1999 – 2000);
 - Tongariro Power Development Re-consenting – advising the Waikato Regional Council (Environment Waikato) (2000 – 2002);
 - Wairakei Geothermal Power Plant Re-consenting (1999 – 2007);
 - Resource consents for exploratory drilling on the Wairakei - Tauhara Geothermal System (2007 and 2008); and
 - Te Mihi Geothermal Power Station (2007 – 2008).
3. I was involved in the environmental investigations and the preparation of the documentation supporting the resource consent applications by Contact Wind Limited (Contact Wind) and the Notices of Requirement by Contact Energy Limited (Contact Energy) dated June 2008 for the construction, operation and maintenance of the proposed Hauāuru mā raki Project including the following roles:

- contributing author writing sections of the Project Description;
 - undertaking community consultation;
 - drafting the resource consent applications and Notices of Requirement (Parts A and B respectively) in relation to the Hauāuru mā raki Project;
 - author of the report entitled: “Hauāuru mā raki – Waikato Wind Farm: Planning Assessment” forming part of the AEE; and
 - contributing author writing sections of the AEE lodged with the resource consent applications and Notices of Requirement.
4. I confirm that I have read the ‘Code of Conduct for Expert Witnesses’ contained in the Environment Court Consolidated Practice Note 2006. My evidence has been prepared in compliance with that Code in the same way as I would if giving evidence in the Environment Court. 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. My evidence will provide the Board of Inquiry with details as to the regulatory and policy framework under the Resource Management Act 1991 (RMA) within which decisions regarding the resource consent applications by Contact Wind and the Notices of Requirement by Contact Energy for the proposed Hauāuru mā raki Project are to be made. This will include an analysis of the objectives and policies that are relevant to the Board of Inquiry’s consideration of the applications and Notices of Requirement by virtue of sections 104(1)(b) and 171(1)(a) respectively. Specifically, I will set out a summary of the key conclusions that I have reached in relation to my analysis of the proposal in respect of the relevant statutory criteria. The evidence upon which those conclusions are based will then be presented under the following headings:
- RMA Status of Activities;
 - Proposed Consent Holders;
 - Proposed Consent Holders – Environment Waikato Jurisdiction;

- Proposed Consent Holders – Territorial Authority Jurisdiction;
- Bundling;
- Assessment of a Non-complying Activity;
- Section 104D(1)(a) of the RMA;
- Section 104D(1)(b) of the RMA;
- Section 104 of the RMA;
- National Policy Statements;
- New Zealand Coastal Policy Statement;
- Regional Policy Statement;
- Waikato Regional Plan;
- Franklin District Plan;
- Waikato Operative and Proposed District Plans;
- Other Potentially Relevant Matters;
- Assessment of Notices of Requirement;
- Part II of the RMA; and
- Comments on Submissions.

Summary of Conclusions

6. There are a wide range of activities associated with the Hauāuru mā raki Project that give rise to the need for some kind of authorisation under the RMA (either by way of a resource consent or a designation in a district plan).
7. Some of the activities associated with the Hauāuru mā raki Project are non-complying activities. In my opinion, these activities are all able to pass at least one of the threshold tests under section 104D of the RMA.
8. The entire Hauāuru mā raki Project has been considered in relation to the relevant matters specified in sections 104 and 171 of the RMA. The proposal experiences some tension with a number of objectives and policies, particularly those which focus on preserving the natural character of the

coastal environment. However, an overall evaluation of all the relevant objectives and policies leads me to a conclusion that the Hauāuru mā raki Project is consistent with the relevant policy and planning documents.

9. Of greatest importance, it is my opinion that the Hauāuru mā raki Project is consistent with the purpose of the RMA.

RMA Status of Activities

10. A full analysis of the RMA status of the activities associated with the Hauāuru mā raki Project (with reference to relevant rule numbers) is presented in the report I prepared entitled: “Hauāuru mā raki – Waikato Wind Farm: Planning Assessment” forming part of the AEE. The relevant plans are as follows:

- Waikato Regional Plan;
- Franklin District Plan;
- Waikato Operative District Plan; and
- Waikato Proposed District Plan (Appeals Version dated 31 January 2007).

11. Table 1 summarises the RMA status of the activities associated with the Hauāuru mā raki Project that will require some form of consent or approval under the RMA.

TABLE 1 - SUMMARY OF RMA STATUS FOR ACTIVITIES REQUIRING CONSENT		
COUNCIL	ACTIVITY	RMA STATUS
Environment Waikato	Earthworks and roading/tracking associated with the construction, operation and maintenance of a wind farm including turbines, internal access roads, and improvements to local roads.	Discretionary
	Earthworks associated with the Whitford Quarry.	Discretionary
	Take water from four surface water bodies.	Restricted Discretionary
	Take water from one ground water source.	Non-complying
	Streambed works.	Controlled
	Discharge of quarry process water and wash water associated with up to four concrete batching plants.	Discretionary

Franklin District Council	Construction, operation and maintenance of a wind farm including turbines and internal access roads.	Discretionary
	Earthworks.	Discretionary
	Construction, operation, maintenance, replacement and upgrading of a substation at Limestone Downs (referred to as the Limestone Downs Substation).	Discretionary
	Construction, operation, maintenance, replacement and upgrading of a single circuit 220kv transmission line on monopoles linking the substations.	Discretionary
	Construction, operation, maintenance, replacement and upgrading of a double circuit 220kV transmission line between the proposed Limestone Downs Substation and the Huntly-Otahuhu Transmission Line at Orton.	Discretionary
	Construction, operation, maintenance, replacement and upgrading of a Switchyard at Orton.	Discretionary
	Re-opening and operation of the Whitford Quarry including rock crushing and processing facilities.	Non-complying
	Operation of concrete batching plants.	Non-complying
	Up to three viewing areas (including signage) and associated parking areas.	Non-complying
	Improvements to local roads.	Restricted Discretionary
Waikato District Council	Construction, operation and maintenance of a wind farm including turbines and internal access roads.	Non-complying at <7.5m from a road boundary, <25m from other boundaries and <1,000m from MHWS, otherwise Discretionary
	Earthworks.	Discretionary
	Vegetation clearance.	Non-complying
	Operation of concrete batching plants.	Non-complying
	Construction, operation and maintenance of a substation at Matira (referred to as the Matira Substation).	Discretionary
	Construction, operation and maintenance of a substation at Te Akau (referred to as the Te Akau Substation).	Discretionary
	Construction, operation and maintenance of a single circuit 220kV transmission line on	Discretionary

	monopoles linking the substations.	
	Improvements to local roads	Discretionary

12. Table 1 details the RMA status of the various activities associated with the Hauāuru mā raki Project as determined by the relevant regional and district plans. Several aspects of the project are classified as non-complying activities as explained below:

- The take of water from a spring at the Whitford Quarry is a non-complying activity on the basis that the proposed take will be up to 100% of the flow of the spring.
- The re-opening and operation of the Whitford Quarry including rock crushing and processing facilities is a discretionary activity in the Franklin Operative District Plan, but becomes a non-complying activity in the newly created Coastal Zone as a result of Plan Change 14.¹
- The proposed concrete batching plants and the public viewing areas are non-complying activities in the Franklin District due to the fact that they are not included in the lists of activities in the Franklin District Plan that specify permitted, controlled, restricted discretionary, and discretionary activities.
- Like the Franklin District Plan, the format of the Waikato Operative District Plan is a list of activities which are classified as permitted, controlled, restricted discretionary or discretionary activities. Where an activity is not listed, it is deemed to be a non-complying activity (by virtue of 'catch-all' rules), which is the case in relation to the proposed wind farm and the concrete batching plants. The Waikato Operative District Plan was made operative in December 1997 at a time when wind farming was not an activity anticipated within the Waikato District.
- Wind farms are recognised and provided for in the Waikato Proposed District Plan as a discretionary activity in both the Rural and Coastal Zones subject to compliance with performance standards. Some of the proposed turbines within the Waikato District are classified as non-complying activities due to non-compliance with the performance

¹ The Franklin District Council released its decisions on submissions in relation to Plan Change 14 in July 2006 which are still subject to various appeals to the Environment Court.

standards that require set-backs from property boundaries and/or mean high water springs (the latter being a 1,000m setback requirement).

- Vegetation clearance is a non-complying activity in the Waikato Operative District Plan due to the 'catch-all' rule for activities not specifically listed as permitted, controlled, restricted discretionary or discretionary activities. The proposed vegetation clearance associated with the Hauāuru mā raki Project is a restricted discretionary activity under the Waikato Proposed District Plan.
13. The RMA status of each of the activities listed in Table 1 above is relevant to the extent that they will be the subject of a resource consent application. Table 1 has to be read however subject to the discussion of "bundling" below. In addition, it is proposed that a significant proportion of the Hauāuru mā raki Project be authorised by way of designations in the relevant district plans (pursuant to various Notices of Requirement) rather than making an application for a resource consent.² The way in which various activities associated with the Hauāuru mā raki Project have been sought to be authorised under the RMA is outlined as follows.

Proposed Consent Holders

14. The institutional arrangements associated with the Hauāuru mā raki Project have been explained in the evidence of Messrs Mills and Geoghegan which have resulted in Contact Wind applying for resource consents for the actual wind farm, while Contact Energy (being a 'Requiring Authority') has lodged Notices of Requirement for the electrical transmission infrastructure associated with the Hauāuru mā raki Project and one resource consent application associated with construction earthworks.

Proposed Consent Holders - Environment Waikato Jurisdiction

15. If the Board of Inquiry decides to grant the resource consents sought:
- Contact Wind will hold resource consents from Environment Waikato for the various activities within Environment Waikato's jurisdiction as summarised in Table 1 above.
 - Contact Energy will hold a resource consent from Environment Waikato for earthworks and roading and tracking associated with the construction,

² On this basis, the RMA status of every aspect of the project has been presented in Table 1 for the sake of completeness.

operation and maintenance of the three substations, a switchyard, 220 kV transmission lines and ancillary activities.

Proposed Consent Holders - Territorial Authority Jurisdiction

16. In terms of the control of land uses within the jurisdiction of the Franklin District Council and the Waikato District Council, it is proposed that there will be two separate parties that will hold the resource consents / authorisations for different activities associated with the Hauāuru mā raki Project as follows.

Contact Wind Limited

17. If the Board of Inquiry grants the resource consents sought, Contact Wind will hold the following resource consents from the Franklin District Council:
- A land use permit for all activities associated with the proposed wind farm within the Franklin District excluding those activities which will be the subject of a Notice of Requirement (as detailed below) or separate resource consent applications as follows.
 - A land use permit for the re-opening and operation of the Whitford Quarry.
 - A land use permit for up to two concrete batching plants.
 - A land use permit for up to three public viewing areas (including signage) and associated parking areas.
 - A land use permit for improvements to local roads.
18. If the Board of Inquiry, grants the resource consents sought, Contact Wind will hold the following resource consents from the Waikato District Council:
- A land use permit for all activities associated with the proposed wind farm within the Waikato District excluding those activities which will be the subject of a Notice of Requirement (as detailed below) or separate resource consent applications as follows.
 - A land use permit for up to two concrete batching plants.
 - A land use permit for improvements to local roads.

Contact Energy Limited

19. If the Board of Inquiry confirms the Notices of Requirement before it, designations will exist in the Franklin District Plan allowing Contact Energy to undertake the construction, operation and maintenance of:
- The Limestone Downs Substation;
 - The single circuit 220kV transmission line generally on monopoles linking the substations (to the extent that the line will be within the Franklin District);
 - The double circuit 220kV transmission line on lattice towers between the Limestone Downs Substation and the Switchyard at Orton;
 - The Orton Switchyard; and
 - The connection to the National Grid via the existing 220kV Huntly-Otahuhu A transmission line.
20. If the Board of Inquiry confirms the Notices of Requirement before it, designations will exist in the Waikato Operative and Proposed District Plans allowing Contact Energy to undertake the construction, operation and maintenance of:
- The Matira Substation;
 - The Te Akau Substation; and
 - The single circuit 220kV transmission line generally on monopoles linking the substations (to the extent that the line will be within the Waikato District).

Bundling

21. As noted in Table 1 above, many of the activities associated with the Hauāuru mā raki Project are discretionary activities under the relevant provisions of the regional and district plans. The most notable exception is the non-complying activity status of the proposed wind farm within the Waikato District due to turbines being located within 1,000m of Mean High Water Springs in the Coastal Zone of the Waikato Proposed District Plan.
22. Three ancillary or incidental activities primarily associated with the construction of the Hauāuru mā raki Project are also non-complying activities within the Franklin District, namely the re-opening of the Whitford Quarry, the

concrete batching plants, and the public viewing areas and associated parking areas. The concrete batching plants proposed in the Waikato District are also non-complying activities. In this regard, I note that the supply of aggregate and concrete could be obtained from established sources of supply (e.g. in Huntly) thereby avoiding the need to apply for resource consents for these 'non-complying' aspects of the Hauāuru mā raki Project. However, Contact Wind has not sought to design the project with a view to orchestrating the most favourable RMA land use status possible. Despite being non-complying activities, these aspects of the project have been included within the ambit of the suite of resource consent applications on the basis that they represent the most sensible and efficient options with the least environmental effect (e.g. significant less traffic effects) compared with the available alternatives that do not require a resource consent. Similarly, the public viewing areas are arguably in the category of being an 'optional extra', but have been included within the ambit of the applications as they are intended to responsibly and safely provide for an anticipated level of public interest associated with the construction and operation of the Hauāuru mā raki Project.

23. 'Bundling' is the practice utilised whereby the most restrictive RMA status is applied where different activities associated with the same project have differing RMA status. It is my understanding that the following principles apply in relation to the practice of bundling:
- Bundling of RMA status can only occur within the same jurisdiction (e.g. non-complying activity status of activities within Waikato District Council's jurisdiction does not alter the discretionary activity status of the activities associated with the project within Environment Waikato's jurisdiction).
 - Where there is an overlap between two or more applications such that consideration of one may affect the outcome of the others, it will generally be appropriate to treat the application as a whole requiring the entire proposal to be assessed as the most restrictive land use classification.³ Put another way, where there is a 'bundle of uses' and the uses are closely related, an overall assessment of those uses may be appropriate. However, when the different uses are not closely related and where one is carried out in a separate part of the total area from the others, a single joint classification would not present the reality of the situation.⁴ In this

³ Body Corporate 970101 v Auckland CC (M.1725/99).

⁴ KB Furniture Ltd v Tauranga DC HC Wellington, AP150/92.

regard, a judgement needs to be made as to the extent to which different activities associated with a project covering a large geographical area should be 'bundled' together in terms their RMA status.⁵

24. In light of the above principles, I believe the following approach is the correct one to apply to the various activities associated with the Hauāuru mā raki Project which are the subject of a resource consent application (i.e. excluding those activities that are the subject of the Notices of Requirement) in relation to the RMA status as summarised in Table 2.

TABLE 2 – BUNDLING OF RMA STATUS OF ACTIVITIES	
Council/Jurisdiction	RMA Status
Environment Waikato	No bundling occurs (activity status as per Table 1 above).
Franklin District Council	<p>Discretionary activity status for all activities associated with the Hauāuru mā raki Project in the Franklin District Council's jurisdiction except as follows.</p> <p>Non-complying activity status for:</p> <ul style="list-style-type: none"> ▪ The re-opening and operation of the Whitford Quarry; ▪ Concrete batching plants; and ▪ Up to three viewing areas (including signage) and associated parking areas. <p>Restricted discretionary activity status for:</p> <ul style="list-style-type: none"> ▪ Improvements to local roads (where works occur beyond the legal road reserve).
Waikato District Council	<p>Non-complying Activity status for all activities associated with the Hauāuru mā raki Project in the Waikato District Council's jurisdiction except as follows:</p> <ul style="list-style-type: none"> ▪ Concrete batching plants (being 'stand-alone' non-complying activities); and ▪ Improvements to local roads (being a discretionary activity).

⁵ As an example in relation to another large scale industrial and associated electricity generation activity that I was involved in, the non-complying activity status of the grade separate access into the Te Rapa Dairy Factory did not alter the otherwise discretionary activity status of other aspects of the proposed capacity expansion and co-generation power plant within Waikato District Council's jurisdiction when the matter was considered by the Environment Court – see Mahuta and others v Waikato RC and Waikato DC A91/98.

25. In Summary:

- Each activity within Environment Waikato's jurisdiction is proposed in a different geographical location and the granting or otherwise of any of those consents will not, in my opinion, have any influence on the decision in relation to any of the other resource consent applications. On this basis, each application is considered as a separate matter and no bundling occurs in relation to the activities within Environment Waikato's jurisdiction.
- The Whitford Quarry, concrete batching plants, public viewing areas, and the improvements to local roads are smaller scale, relatively stand alone components of the Hauāuru mā raki Project with only localised potential effects on the environment. I do not consider the determination of the resource consent applications for these activities will have an influence on the determination of the main resource consent application for the proposed wind farm. I consider therefore that these ancillary / incidental activities should be assessed as separate activities and not alter the otherwise discretionary activity status of the Hauāuru mā raki Project in the Franklin District.
- A significant number of wind turbine sites are non-complying activities in the Waikato District.⁶ There is a good case therefore for bundling to apply within the Waikato District Council jurisdiction except in relation to the improvements to local roads (being a discretionary activity) and the concrete batching plants (which are 'stand-alone' non-complying activities). The improvements to local roads and the concrete batching plants occur at discrete geographical locations and can be regarded as activities in their own right separate to that of the wind farm. As the concrete batching plants are non-complying activities, the distinction makes little difference in practice.

Assessment of a Non-complying Activity

26. The RMA places a restriction on the ability of a consent authority to grant a resource consent for a non-complying activity. Specifically, section 104D of the RMA states:

⁶ The number of turbines which are non-complying activities is discussed later in my evidence.

- (1) *Despite any decision made for the purposes of section 93 in relation to minor effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either -*
 - (a) *The adverse effects of the activity on the environment (other than any effect to which section 104(3)(b) applies) will be minor; or*
 - (b) *The application is for an activity that will not be contrary to the objectives and policies of –*
 - (i) *The relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *The relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *Both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*
- (2) *To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.*

27. There is one cross references in section 104D to another section of the RMA which is relevant to the assessment that needs to be undertaken and which is discussed as follows.

28. Section 104(3)(b) of the RMA states:

- (3) *A consent authority must not -*
 - (a) *...*
 - (b) *when considering an application, have regard to any effect on a person who has given their written approval to the application:*

29. Section 104(3)(b) is relevant to the Hauāuru mā raki Project on the basis that all the land owners (except for three land owners as at the time of writing this evidence⁷) on whose land turbines are proposed have given their written approval to the applications as discussed in the evidence of Mr Yates (and summarised in his Exhibit ARY4). The land owned by these land owners is shown on Plans 1 and 2 in Schedule 2 of Part A – Resource Consent Applications (reproduced as Exhibit M B C 1 of my evidence).

30. In summary, for a consent authority to grant a resource consent for a non-complying activity, it must be satisfied that the proposed activity is able to pass one of the two ‘threshold tests’ in section 104D of the RMA. An analysis of the non-complying activities associated with the Hauāuru mā raki

⁷ The three landowners who have not provided their written approval are: P & P Jackson (properties 16 and 17 on Plan 2 in Exhibit M B C 1), Whareana Farm (property 1 on Plan 1 in Exhibit M B C 1), and S Thompson (properties 3 and 10 on Plan 2 in Exhibit M B C 1) - the latter two potential land owner approvals being matters currently before the Maori Land Court as discussed in the evidence of Mr Yates.

Project (as set out in Table 2 above) is presented in relation to the section 104D threshold tests in the following sections of my evidence.

Section 104D (1) (a) of the RMA

31. For the purposes of section 104D(1)(a) of the RMA, the test is whether the adverse effects of the proposed activity on the environment, as proposed to be remedied and/or mitigated, and taken as a whole, are more than minor. This assessment needs to be undertaken separately for each jurisdiction as follows.

Environment Waikato

32. The environmental effects associated with the proposed non-complying activity water take (i.e. the proposed 100% take of the flow of the spring at the Whitford Quarry) are discussed in the evidence of Mr Millais and Mr Kessels.
33. In terms of any ecological effects, Mr Kessels states that:
- “The proposed take of up to 100% the Whitford Spring will remove all habitats for fish and macroinvertebrate species within the reach between the spring head and the confluence with the Waikaretu Stream during the proposed abstraction period. This equates to a stream length of some 100 m.”*
34. In terms of effects on the Waikaretu Stream (into which the spring flows), the key conclusion in the evidence of Mr Kessels is as follows:
- “Monitoring by BECA in the Waikaretu Stream in vicinity of the Whitford Spring indicates that in normal flows the proposed 100% abstraction of Whitford Spring will result in a 0.05% reduction in flow downstream of the confluence of the spring discharge and the Waikaretu Stream. During a five year low flow event a 100% abstraction of the Whitford Spring would result in a 0.8% reduction in flow within the Waikaretu Stream. It is considered that these abstraction rates would result in negligible adverse effects on the ecological values of the Waikaretu Stream.”*
35. Mitigation measures have been proposed (as discussed in the evidence of Messrs Kessels and Tonks) to address any ecological effects associated with the take of water from the spring at the Whitford Quarry (and the proposed installation of culverts - the latter being controlled activities). These mitigations measures are the subject of suggested consent conditions as presented in the evidence of Mr Daysh. On the basis of the above, it is my opinion that, with the proposed mitigation measures, any adverse effects

associated with the non-complying activity water take will be no more than minor.

Franklin District Council

36. As previously noted, the activities associated with the Hauāuru mā raki Project that need to be assessed as non-complying activities in the Franklin District are:
- The re-opening and operation of the Whitford Quarry;
 - Concrete batching plants; and
 - Up to three viewing areas (including signage) and associated parking areas.
37. No effects of these non-complying activities on the land owners on whose land they are proposed can be taken into account on the basis that they have provided their written approval to the application for these activities (pursuant to section 104(3)(b) of the RMA).

Whitford Quarry and Concrete Batching Plants

38. The Whitford Quarry and one of the concrete batching plants are to be located in the middle of a large farm. The other concrete batching plant in the Franklin District will also be located on a large farm near to where turbines will be located. Both of these sites are remote from any neighbouring residential activity.
39. The main potential environmental effects associated with the operation of the Whitford Quarry and the concrete batching plants are landscape and visual effects, noise, traffic generation, and discharges to the environment.
40. In terms of landscape and visual effects, the concrete batching plants will be temporary activities occurring either within the context of a quarry operation (whereby it will be a minor component of a larger activity) or within an area that will be a temporary construction site (again whereby it will be seen as a minor component of larger temporary construction activity). The Whitford Quarry will only be visible from the paddocks of one adjoining property to the south (the owner of which is involved in the wind farm project and who has given their written approval to the applications). In the longer term, the Whitford Quarry will be rehabilitated so that the land can be used for pastoral farming purposes on an on-going basis. In this regard, it is anticipated that

the end result will be an improvement over the existing situation which, from a visual effects perspective, currently looks like an abandoned quarry site which was the subject of little or no rehabilitation when the previous quarrying activities ceased.

41. In terms of potential noise effects, the evidence of Mr Hegley concludes that the concrete batching plants are not expected to exceed 25dBA L10 at the closest notional boundary from the Whitford Quarry site and 30-35dBA Leq when the concrete batching plants are at other locations and hence unlikely to be heard by any resident in the area. Both the quarry and the concrete batching plants are expected to operate well within the relevant noise limits specified in the Franklin District Plan.
42. In terms of traffic generation, the main purpose of re-opening the Whitford Quarry and establishing concrete batching plants within the project area is to reduce the extent of traffic generation which would otherwise occur if aggregate and concrete were transported to the project area from established quarries and concrete batching plants in other locations such as Huntly.
43. The evidence of Mr Galloway outlines a range of measures proposed to ensure that any adverse effects of construction traffic (including traffic to and from the quarry and the concrete batching plants) will be no more than minor. This includes the preparation and implementation of a Construction Traffic Management Plan and improvements to various aspects of local roads.
44. There are three potential types of discharges to the environment associated with the operation of the quarry and the concrete batching plants, namely stormwater, process water, and dust.
45. The discharge of stormwater associated with the quarry will be addressed as part of the resource consent application to Environment Waikato for earthworks associated with the operation of the quarry. In any event, it is proposed that any stormwater discharges will comply with the relevant permitted activity standards in the Waikato Regional Plan due to the installation of an appropriate interceptor system.
46. A resource consent application has been applied for from Environment Waikato in relation to the discharges of process water from the concrete batching plants. Such discharges can be appropriately managed to ensure that there will be no more than minor adverse effect on the environment. The

operation of the concrete batching plants involves extensive recycling of water which will minimise the extent of any discharge.

47. Any discharges of dust to air associated with the Whitford Quarry and the concrete batching plants will comply with the permitted activity standards in the Waikato Regional Plan (largely due to their location being remote from any sensitive receiving environments) and will therefore not give rise to any environmental effect that is more than minor.
48. A Quarry Management Plan has been prepared for the operation of the Whitford Quarry (and submitted as part of the AEE) to ensure that any environmental effect is appropriately managed. Compliance with the Quarry Management Plan is required by the suggested consent conditions presented in the evidence of Mr Daysh.
49. On the basis of the above, it is my opinion that the environmental effects associated with the re-opening and operation of the Whitford Quarry and the operation of the concrete batching plants can be appropriately managed to ensure that there will be no more than minor adverse effect on the environment.

Public Viewing Areas

50. The public viewing areas and associated parking areas are essentially mitigation measures to provide for the safety and convenience of people (potentially including school groups) wishing to view the wind farm both during its construction and operational phases. As described in the evidence of Mr James, the viewing areas will be levelled areas of land and could include some form of decking. The viewing areas would include directional and interpretive sign boards. The parking areas will have an all weather metal surface and an appropriate standard of access onto the adjacent roading network.
51. One of the key considerations when selecting the sites for the viewing areas was to ensure that they would have safe points of access onto the adjacent local roading network.
52. In terms of any direct environmental effect (having addressed any potential traffic safety issues), it is only the land owner on whose land the viewing areas will be located that could realistically be adversely affected. The approval of these land owners has been obtained and in which case section 104(3)(b) of the RMA applies.

53. On the basis of the above, it is my opinion that the proposed viewing areas and associated parking areas will have no more than minor adverse effects.

Waikato District Council

54. Due to the practice of 'bundling', all aspects of the Hauāuru mā raki Project within the Waikato District are non-complying activities except for the proposed improvements to local roads (which are to be dealt with as separate activities and assessed as discretionary activities).
55. A wide range of potential effects on the environment associated with the Hauāuru mā raki Project have been investigated and are the subject of the various technical reports forming part of the AEE and the evidence presented at this hearing. Most of these reports and the evidence conclude that the environmental effects of the proposed activities will be no more than minor and/or can be appropriately managed including by way of mitigation measures being undertaken.
56. However, to be able to pass the first threshold test in section 104D of the RMA, a consent authority needs to be satisfied that "the adverse effects of the activity on the environment (other than any effect to which section 104(3)(b) applies) will be minor". It is not realistic to reach such a conclusion in terms of landscape and visual effects in relation to a proposal that involves the construction of numerous large structures up to 150 metres in height (as per the conclusions reached in the Isthmus Landscape and Visual Effects Assessment, 2008) and the evidence presented at this hearing by Mr Lister. Accordingly, the parts of the Hauāuru mā raki Project within the Waikato District will be assessed in terms of section 104D(1)(b) of the RMA relating to the objectives and policies of the relevant plans as follows.

Section 104D (1) (b) of the RMA

57. The threshold test in section 104D(1)(b) of the RMA is that the application is for an activity that will not be contrary to the objectives and policies of any relevant plan or proposed plan. To the extent that any non-complying activity cannot satisfy the test in section 104D(1)(a) in any jurisdiction an assessment needs to be undertaken in relation to the relevant plans in that jurisdiction. In practice (based on the conclusions I have reached above), this means that an assessment is only required in relation to relevant plans in the Waikato District.

58. As part of the preparation of this brief of evidence, I reviewed the decision of the Waikato District Council (made by Independent Commissioners including an experienced legal chair (Mr M Savage) and an experienced planning consultant (Mr D Hill)) which granted the resource consent applications by WEL Networks Limited for the proposed Te Uku Wind Farm near Raglan in the Waikato District. It is my view that the Te Uku Wind Farm decision (which is now beyond challenge) provides a useful benchmark in relation to the consideration of the Hauāuru mā raki Project, at least in terms of consistency in the interpretation and application of the relevant objectives and policies in the Waikato Operative and Proposed District Plans.
59. The Te Uku Wind Farm was a non-complying activity in the Rural Zone of the Waikato Operative District Plan (due to the same 'catch-all' rule which makes the Hauāuru mā raki Project a non-complying activity in the Waikato District) and was assessed in terms of section 104D of the RMA. As recorded in the Commissioners' decision (at paragraph 34), it was accepted by WEL Networks at the outset that the adverse visual effects of the proposed Te Uku Wind Farm would be more than minor. As a consequence, the proposal needed to satisfy the second jurisdictional test in section 104D of the RMA for the proposal to be considered on its merits.
60. The Commissioners concluded (at paragraph 37) that the proposed Te Uku Wind Farm was "contrary to the objectives and policies of the ODP, but not those of the PDP".⁸ This conclusion was due to the fact that a small part of the proposed site was identified in the Operative Plan as a Landscape Policy Area and a significant part of the site was identified in the Operative Plan as a Ridgeline Protection Policy Area. The proposal was considered (as later explained in more detail at paragraph 324 of the decision) to be contrary to the suite of controls in the Waikato Operative District Plan designed to maintain the natural appearance and character of these areas.
61. For the purposes of any comparative analysis, I note that the site of the Hauāuru mā raki Project is not located within a Landscape Policy Area or a Ridgeline Protection Policy Area.
62. Following the conclusion reached at paragraph 37 (quoted above), the decision went on to state (at paragraph 38) that:

"We have further concluded that the PDP provisions should be given significantly more weight than those of the OPD, in the context of this

⁸ OPD = Operative District Plan and PDP = Proposed District Plan.

application for consent. This is because both of the advanced stage the provisions of the PDP have reached in the planning process, and because of the clear support for renewable energy, including wind farms, found in the PDP.”

63. I concur with the above conclusions reached by the Commissioners in the Te Uku Wind Farm decision.
64. The following sections of my evidence present my analysis of the Hauāuru mā raki Project in relation to the relevant objectives and policies in the Waikato Operative and Proposed District Plans.

Waikato Operative District Plan

65. All activities associated with the Hauāuru mā raki Project in the Waikato District are located within the Rural Zone of the Waikato Operative District Plan. There is a Coastal Policy Area (within the Rural Zone) along the coastal margin applying to part of the application area within the Waikato District.
66. The Waikato Operative District Plan includes a large number of objectives and policies covering a wide range of topics that are potentially relevant to the assessment of the Hauāuru mā raki Project in terms of section 104D(1)(b) of the RMA because most of the parallel objectives and policies of the Waikato Proposed District Plan are not yet beyond challenge.
67. The parts of the Waikato District Plan that contain objectives and policies potentially relevant to the parts of the Hauāuru mā raki Project within the Waikato District are as follows:
- Section 9 – Rural
 - Section 22 – The Coastal Policy Area
 - Section 36 – Land Transport
 - Section 45 – Excavations and Fill
 - Section 47 – Hazardous Substances
 - Section 48 – Noise
 - Section 50 – Air Quality

- Section 51 – Public Works and Utilities⁹
 - Section 52 – Landscaping
 - Section 53 – Conservation and Natural Resources
 - Section 54 – Items of Cultural Heritage
68. All of the relevant objectives and policies in the sections of the Waikato Operative District Plan listed above are presented in Exhibit M B C 2 of my evidence. An analysis of the Hauāuru mā raki Project in relation to those objectives and policies is presented as follows.
- Rural Zone Objectives and Policies*
69. The relevant objectives and policies relating to the Rural Zone in the Waikato Operative District Plan (in which the Hauāuru mā raki Project is proposed to be located) focus on soil resources, efficient use of resources, managing the potential for adverse effects on the environment and the safety of people, managing the potential for conflict between different activities and amenity values.
70. Although it will occupy a large land area overall, the Hauāuru mā raki Project will have a relatively small footprint associated with the access tracks and the bases of the turbine towers. The effect of the wind farm on the productive capacity and versatility of soil resources and the existing farming operations will therefore be limited. The location of the wind farm in a rural area on land that is already utilised for another purpose (i.e. farming) with little effect on that existing use, illustrates that the activity is an efficient use of resources. In particular, the proposal is consistent with Objective 9.1.2 which states:

“To retain rural land, particularly land containing high quality soils, in large holdings that maintain versatility and efficient use of the land in terms of providing for the needs of future generations and safeguarding the life-supporting capacity of the soil.”

71. The objective relating to amenity values in the Rural Zone (Objective 9.1.6) states:

“To ensure that the rural visual character and amenity values are maintained or enhanced.”

⁹ The objectives and policies relating to Public Works and Utilities will be discussed later in my evidence as part of my analysis of the Notices of Requirement.

72. I do not interpret this policy as being a 'no change' policy requiring the maintenance of the status quo. Rather it is interpreted as seeking to ensure that activities are appropriately located based on their land use character. For example, the construction of a large dairy shed in the rural environment is not considered to cause an adverse effect on the visual character of the rural environment. Similarly, a proposal to construct a number of large steel towers associated with a ski lift in Tongariro National Park (as has recently occurred at the Turoa Ski Field) may result in a visual effect that is more than minor (being tall structures located in a natural environment sensitive to visual effects), but which is not out of character with an alpine recreational environment.
73. The Hauāuru mā raki Project is, in my opinion, a rural activity that is proposed to be located in a rural environment. As far as I am aware, all wind farms in New Zealand are located in some form of Rural Zone and subsequent changes or reviews of those district plans have not sought to rezone wind farms to some form of alternative zoning. In this regard, I note that (as a result of recent Consent Order of the Environment Court) the Waikato Proposed District Plan now includes a definition of 'wind energy facilities'. The same Consent Order also amends the definition of 'industrial activity' to explicitly exclude wind energy facilities.¹⁰
74. While the Hauāuru mā raki Project will introduce a significant change to the nature of the environment in which it will be located (in terms of its visual appearance), the end result will still be an environment that is still very much 'rural' in character. Leaving aside visual effects (discussed in more detail below), potential effects on amenity values will be no more than minor as concluded in the relevant technical reports and the evidence presented at this hearing (e.g. noise, shadow flicker).

Coastal Policy Area

75. The objectives and policies relating to the Coastal Policy Area are particularly relevant to the Hauāuru mā raki Project within the Waikato District. The objective relating to the Coastal Policy Area is:

¹⁰ As a result of the Consent Order, the Waikato Proposed District Plan includes the following definitions. "Wind Energy Facilities means buildings, turbines and structures used to generate electricity from the wind, and ancillary structures. It includes electricity lines of less than 110kV." "Industrial Activity means the processing, manufacturing, fabrication, packing or storage of goods, and includes servicing and repair activities, rural industries, electricity generation (excluding wind energy facilities) and stockpiling of coal but excludes farming."

“To preserve the natural character of the coastal environment of the District through protection from inappropriate subdivision, use or development.”

76. The relevant policies relating to the Coastal Policy Area are:

“To ensure that development requiring a resource consent is subject to a full assessment of the environmental effects, and measures taken to remedy, mitigate or avoid the effects of the proposed activity.”

“To ensure adequate protection of significant environmental and cultural features.”

77. The above objective and policies seeks to protect the coastal environment from inappropriate subdivision, use and development. I do not consider the Hauāuru mā raki Project to be an inappropriate use or development because *inter alia*:

- A wind farm is inherently a rural activity which is proposed to be located in a rural area;
- The Hauāuru mā raki Project is proposed to be located in a rural area with a very low density of population (being the most appropriate type of location for a wind farm as discussed in the evidence of Mr Lister); and
- the conclusions reached in the various technical effects assessments and the evidence presented at this hearing indicate that most of the adverse effects are either minor or can be remedied or mitigated.

78. The one aspect of the proposal where the effects on the environment have been assessed as being more than minor is in relation to landscape and visual effects. However, the Landscape and Visual Assessment prepared by Isthmus Group (2008) concludes as follows:

“In balancing the range of considerations in RMA Part II, it is considered the site is an appropriate landscape for a wind farm for the following reasons:

- *The turbines are set back from the immediate coastal escarpment mostly in open pasture, and engage with natural coastal processes (s6(a))*
- *There are no outstanding natural landscapes that would be affected (s6(b))*
- *The expansive scale and productive rural character is appropriate for the wind farm. The wind turbines are point structures that allow the underlying landscape surface to continue uninterrupted, and turbine groups are laid out in relation to landform. (s7(c))*

- *The area is off-the-beaten-track and thinly settled so that visual effects are limited; but it is not so remote that it is valued for wilderness qualities (s7(c))*
- *The area has a topography and open pastoral land use that can accommodate the earthworks required (s7(f))”*

79. The evidence presented at this hearing by Mr Lister concludes that:

“Overall, I consider that the Wind Farm and associated transmission infrastructure fit appropriately within the landscape in which they are sited, and the adverse effects will be acceptable.”

80. In terms of the policies relating to the Coastal Policy Area, the Hauāuru mā raki Project is the subject of a full assessment of the environmental effects including measures to avoid, remedy, or mitigate the effects of the proposed activity. Particular effort has been made to avoid adverse effects on significant environmental and cultural features including ecological values, landscape values, and archaeological sites.

81. On the basis of the above, it is my opinion that the Hauāuru mā raki Project is not contrary to the objectives and policies relating to the Coastal Policy Area.

Control of Environmental Effects

82. The objectives and policies relating to topics such as land transport, excavations and fill, hazardous substances, noise, air quality tend to focus on the manner in which activities should be undertaken so as to not cause significant adverse effects on the environment. Based on the conclusions reached in the various technical reports and the evidence presented at this hearing dealing with these types of issues, the Hauāuru mā raki Project will not be contrary to any of these objectives and policies as a result of appropriate location, design and best practice being implemented in relation to the construction, operation and maintenance of the wind farm.

Conservation and Natural Resources

83. The objectives and policies relating to conservation and natural resources relate primarily to indigenous vegetation and its contribution to natural character and landscapes. The extent of indigenous vegetation within the project area is very limited and only one block of the Hauāuru mā raki Project within the Waikato District (Block H) involves the clearance of some indigenous vegetation. Mitigation measures have been developed to

address the effect of this loss of indigenous vegetation as discussed in the evidence of Messrs Kessels and Tonks.

Cultural Heritage

84. The Plan includes objectives and policies which seek to protect items of cultural heritage within the district. There are a large number of archaeological sites within the Hauāuru mā raki Project area. In this regard, the layout of the wind farm has been designed to specifically avoid adverse effects on archaeological sites which are considered to be of significant value as discussed in the evidence of Dr Clough. This process has been undertaken in consultation with representatives of tangata whenua including a site visit of the entire wind farm area which I attended. The evidence of Mr Flavell discusses this matter in more detail and states (at paragraph 26):

“Obviously it is important to stay off important historic sites, but I am comfortable that the working party I was involved in has made sure that that will be taken care of. There is also a protocol the working party agreed on which sorts out what will happen if any pits or remains are found during construction.”

85. An application has been lodged with the New Zealand Historic Places Trust (NZHPT) in relation to the modification of some archaeological sites. That application is currently being processed by NZHPT as discussed in the evidence of Dr Clough.

Summary

86. On the basis of the above, it is my opinion that the Hauāuru mā raki Project is not contrary to the relevant objectives and policies in the Waikato Operative District Plan.

Waikato Proposed District Plan

87. The proposed activities associated with the Hauāuru mā raki Project in the Waikato District are to occur in the Rural Zone and the Coastal Zone of the Waikato Proposed District Plan. Approximately 47 of the turbines and associated works will be located in the Coastal Zone.¹¹ Of these 47 turbines, 32 are non-complying activities due to their indicative locations being within 1,000m of mean high water springs. All other activities associated with the project in the Waikato District will be located in the Rural Zone.

¹¹ This is a conservative assessment based in my analysis of the relevant plans presented in the HMR Project Description and the Planning Maps in the Waikato Proposed District Plan. The difficulty in being precise is that the inland boundary of the Coastal Zones follows irregular un-surveyed topographical features for much of its length.

88. Most district plans present a range of objectives and policies which apply across the entire district and those which are specific to each zone. The Waikato Proposed District Plan does not have 'zone specific' objectives and policies. It has one set of objectives and policies which apply across the entire Waikato District as relevant to any particular proposal.
89. The objectives and policies in the Waikato Proposed District Plan that are potentially relevant to the parts of the Hauāuru mā raki Project that are non-complying activities (particularly within the Coastal Zone in the Waikato Proposed District Plan) are presented under the following topic headings:
- Chapter 2 – Indigenous Vegetation and Habitat
 - Chapter 3 – Natural Features and Landscapes
 - Chapter 4 – Natural Resources
 - Chapter 5 – Natural Hazards
 - Chapter 6 – Built Environment
 - Chapter 7 – Energy
 - Chapter 8 – Land Transport Network
 - Chapter 11 – Social, Cultural and Economic Wellbeing
 - Chapter 12 – Historic Heritage
 - Chapter 13 – Amenity Values
 - Chapter 14 – Hazardous Substances
 - Chapter 16 – Financial Contributions
90. All of the relevant objectives and policies in the sections of the Waikato Proposed District Plan listed above are presented in Exhibit M B C 3 of my evidence. The way the plan is drafted, all of the objectives and policies are intended to be considered on an 'even footing', i.e. there is no greater or lesser weight to be applied to any of them. An analysis of the Hauāuru mā raki Project in relation to the relevant objectives and policies is presented as follows.
91. As is typically the case with many planning and policy documents, there are competing and sometimes conflicting imperatives encapsulated in the

objectives and policies of Waikato Proposed District Plan. In general terms, the objectives and policies tend to fall into one of three categories focusing on either:

1. Encouraging, promoting, recognising and/or providing for the use and development of natural and physical resources for the benefit of people and communities.
2. Preserving or protecting characteristics and/or values associated with the existing environment that are highly valued.
3. Controlling the manner in which activities occur with a focus on ensuring that environmental effects are appropriately avoided, remedied or mitigated (recognising that activities will cause some level of environmental effect within acceptable limits). Objectives and policies in this category (and the methods that seek to implement them) mainly deal with more 'mechanical' issues such as the control of bulk and location of structures, noise levels, traffic safety, and the management of hazardous substances.

Enabling Policies

92. There is often a tension between the objectives and policies in the first and second categories identified above, which is the situation with the Waikato Proposed District Plan. For example (and of most relevance to the Hauāuru mā raki Project) the Waikato Proposed District Plan includes the following objective and policies under the heading 'Energy':

"Objective 7.4.1

Generation and use of renewable energy resources is increased."

"Policy 7.4.2

Positive effects to the environment and the community of generating and using renewable energy resources should be recognised and provided for."

"Policy 7.4.3

The renewable energy resources of the district (including geothermal, biomass, solar and wind) should be recognised for their potential contribution to national energy production."

93. The Hauāuru mā raki Project is entirely consistent with the above objective and policies as it involves the development of a wind farm to generate electricity from a renewable source within the Waikato District.

94. Both the Rural Zone and Coastal Zone in the Waikato Proposed District Plan include a performance standard in relation to wind turbine noise (which the Hauāuru mā raki Project will meet). This clearly indicates that the prospect of a wind farm is an activity that is contemplated in these zones and, in these circumstances, it is concluded that a wind farm (subject to other policy considerations being addressed) cannot be seen as being intrinsically contrary to the objectives and policies of the Waikato Proposed District Plan.
95. The Waikato Proposed District Plan includes some strong policies under the heading 'Built Environment' such as:

"Policy 6.8.2

Strategic nationally and regionally important utilities, and industrial and research sites must be recognised for the important benefits they contribute to the community."

"Policy 6.8.4

Energy producing resources and infrastructure ... must retain their opportunities for continued use and expansion."

96. The Waikato Proposed District Plan also includes objectives and policies which focus on social, cultural and economic wellbeing, the most pertinent being:

"Objective 11.6.1

People and communities are able to access resources so that they can provide for their economic wellbeing."

"Policy 11.6.2

Community economic wellbeing should be enabled through activities that use and develop natural and physical resources without adverse effects on the local environment."

97. These 'enabling' policies need to be considered alongside the more 'protectionist' type of objectives and policies which are included in the Waikato Proposed District Plan.

Indigenous Vegetation and Habitat

98. The objectives and policies in relation to indigenous vegetation and habitat focus on maintaining or enhancing the biodiversity and life supporting capacity of indigenous ecosystems. The policies seek to ensure that adverse effects are avoided, remedied or mitigated and guidance is provided as to the matters that should be considered.
99. The ability to remedy or mitigate adverse effects on indigenous ecosystems (rather than simply avoiding such effects) is recognised in the policies as a

valid approach. One of the policies (Policy 2.2.8) seeks to protect indigenous habitats and fauna from 'inappropriate development'. As previously noted, I do not consider the proposed wind farm to be an inappropriate development in the proposed location.

100. The approach adopted as part of the Hauāuru mā raki Project is to avoid effects as much as reasonably possible in the first instance and to develop appropriate measures to remedy or mitigate any residual adverse effects through the preparation of a number of management plans, monitoring programmes, further studies, a peer review panel, and possible reviews of the conditions under section 128 of the RMA as discussed in the evidence of Messrs Kessels and Seaton (in relation to ecological effects), Tonks (in relation to off-set mitigation measures), and Daysh (in relation to suggested consent conditions). On this basis, provided that the mitigation and other measures proposed are determined to be adequate, the Hauāuru mā raki Project will, in my opinion, be consistent with the objectives and policies in the Waikato Proposed District Plan in relation to the management of indigenous vegetation and habitat.
101. In terms of a 'permitted baseline' analysis, Rule 25.43A.1 of the Waikato Proposed District Plan classifies indigenous vegetation clearance and the clearance of habitat of indigenous fauna as a permitted activity provided it is at least 10m from a waterbody and does not exceed 3,000m² per site in a 3 year period.¹²

Natural Features and Landscapes

102. The objectives in relation to natural features and landscapes (Chapter 3 of the Plan) seek to:
- Recognise and protect outstanding natural features and landscapes;
 - Retain and enhance landscapes and visual amenity values as viewed from public places; and
 - Preserve the natural character of the coastal environment, wetlands, lakes and rivers and their margins.
103. The Isthmus Landscape and Visual Assessment (2008) and the evidence presented at this hearing by Mr Lister conclude that there are no outstanding

¹² Rule 25.43A.1 is the subject of appeals to the Environment Court by the Department of Conservation, Federated Farmers, and others.

natural features or landscapes identified in the Hauāuru mā raki Project area (meaning that Objective 3.2.1 and the following policies that refer specifically to outstanding natural features and landscapes are not relevant).

104. Objective 3.4.1 states:

Landscapes and visual amenity values, as viewed from public places, are retained and enhanced.

105. There are fairly limited opportunities to view the proposed wind farm from public places (being mainly from public roads and on the Tasman Sea). I have not identified this as an issue that has been specifically raised in any of the submissions. It is anticipated that the wind farm will, to some extent, and assuming consents are granted, become a point of interest within the landscape and, accordingly, the Hauāuru mā raki Project includes three public viewing areas to safely provide for the needs of those wishing to view the construction and operation of the wind farm.

106. Policy 3.4.2(b) was recently amended by the insertion of the word “significant” by way of a Consent Order of the Environment Court dated 20 November 2007 so that it now reads:

“Natural features and landscapes, including locally distinctive landforms and prominent ridgelines, and general visual amenity values should be protected from inappropriate subdivision, use and development, in particular by:

...

(b) ensuring that the visual effects of buildings can be absorbed without significant adverse effects on the landscape.

107. As previously stated, it is my opinion that the Hauāuru mā raki Project is an appropriate activity in the area it is proposed to be located, including for the reasons stated in the evidence of Mr Lister where he reaches the same conclusion in terms of his assessment of the landscape and visual effects.

108. Objective 3.6.1 conveys a strong protectionist approach in relation to the natural character of particular environments. It states:

“The natural character of the coastal environment, wetlands, and lakes and rivers and their margins is preserved.”

109. The turbines associated with the Hauāuru mā raki Project are proposed to be set back from MHWS by at least 150 metres and located in a part of the coastal environment which Mr Lister concludes has ‘moderate’ natural character. The policies dealing with this issue refer to protecting natural features and landscapes from “inappropriate” development. As previously

discussed, I do not consider the Hauāuru mā raki Project to be an inappropriate development in the environment in which it is proposed.

110. An explanation in the Proposed Plan states that “preference is given to subdivision, use and development in coastal areas that have already been compromised, rather than areas with more natural character”.¹³ In this regard, the coastal environment in which the Hauāuru mā raki Project is proposed (within the Waikato District) has already been significantly modified (and therefore ‘compromised’ in terms of its former natural character) as a result of the establishment and on-going operation of pastoral farming activities. Even so, it could not be sensibly suggested that the Hauāuru mā raki Project will “preserve” the natural character of the coastal environment and the proposal is therefore, in my opinion, contrary to Objective 3.6.1 of the Plan.

Natural Resources

111. Objectives and policies relating to natural resources in the Waikato Proposed District Plan seek to protect the productive potential of soils, especially high quality soils, retain high quality soils in rural lots for productive purposes, ensure minerals are available for extraction and are not compromised by inappropriate location of incompatible activities and protect the coastline from adverse effects of subdivision and land disturbance.
112. The Hauāuru mā raki Project is to be located in a rural area dominated by pastoral farming. A relatively small proportion of land will be disturbed during the construction phases of the project associated with the creation and ongoing use of tracks and foundations for the structures of the wind farm. However, wherever possible, disturbed land will be reinstated in pasture for farming on completion of the construction phase of the project. As a result, the integrity of the surrounding rural land for pastoral farming will be maintained and it is intended farming will continue in conjunction with the wind farm operation. The construction of the access tracks will, in many instances, assist the relevant land owner with their farming operations as a result of improved access.
113. The ability to access minerals will not be compromised by the Hauāuru mā raki Project as a result of the relatively small footprint of the individual

¹³ Section 3.7.1A of the Waikato Proposed District Plan.

structures that comprise the wind farm. The wind farm is not considered to be incompatible with any anticipated mineral extraction activity.

114. As discussed previously, the structures of the wind farm will all be set back at least 150 metres from mean high water springs to ensure adverse effects of soil disturbance on the coastal environment are avoided.

Other Objectives and Policies

115. Other objectives and policies in the Waikato Proposed District Plan address issues that have been previously discussed in the analysis of the objectives and policies in the Waikato Operative District Plan. In particular, I note that Objective 13.6.1 in the Waikato Proposed District Plan which reads: “*Rural character preserved*”, is very similar to Objective 9.1.6 in the Waikato Operative District Plan. As previously discussed in relation to the latter, it is my opinion that such a policy is not a ‘no change’ policy requiring the maintenance of the status quo, but rather it is seeking to ensure that activities are appropriately located based on their land use character.

Summary of Analysis of Waikato District Plan Objectives and Policies

116. Under the analysis required under section 104D(1)(a) of the RMA discrete environmental effects being more than minor can potentially lead to a proposal failing to meet the test due to the reference to any environmental effect (being more than minor). However, as I understand it, an analysis undertaken under section 104D(1)(b) of the RMA requires an assessment of the objectives and policies of the relevant plan(s) as a whole in an overall consideration of the purposes and scheme of the relevant parts of the plan(s).¹⁴
117. The Hauāuru mā raki Project experiences some tension with the objectives that focus on ‘preserving’ the natural character of the coastal environment. However, these objectives and/or the policies that seek to achieve the objectives focus on controlling “inappropriate” development. As concluded in my evidence (and notably in the evidence of Mr Lister – subject to his recommendation that no turbines be located in his Zones A and B), the Hauāuru mā raki Project is considered to be an appropriate development for the location in which it is proposed. It is a rural activity that is proposed to be developed in a remote rural location with a very low density of population and associated residential activity. Overall, I consider that the proposal is not

¹⁴ Living Earth Ltd v Auckland RC and Manukau CC A126/2006.

contrary to the relevant objectives and policies of the Waikato Operative and Proposed District Plans when considered as a whole.

118. There are a number of key objectives and policies which squarely support the type of development proposed. The fact that both the Rural and Coastal Zones include a performance standard relating to wind turbine noise clearly indicates that a wind farm is an activity that is contemplated within those zones. In this regard, I note that a recent Consent Order signed by the Environment Court makes 'wind energy facilities' a discretionary activity in the Rural Zone and parts of the Coastal Zone (the latter where turbines are located more than 1,000m from mean high water springs). Despite the more stringent land use classification within 1,000m of mean high water springs, the relevant objectives and policies previously discussed in my evidence (and the wind turbine noise standard) relate to the entirety of the Rural and Coastal Zones. On this basis, it is my opinion that the proposal cannot be considered to be contrary (or repugnant) to the objectives and policies of the Waikato Proposed District Plan.
119. The Hauāuru mā raki Project has been located and designed (including the development of mitigation measures) to address all the considerations raised in the objectives and policies. Accordingly, I consider that the Hauāuru mā raki Project is able to pass the threshold test in section 104D(1)(b) of the RMA in terms of the Waikato District Council's jurisdiction in relation to the non-complying activity resource consent applications.

Section 104 of the RMA

120. If a non-complying activity is able to pass at least one of the two threshold tests in section 104D of the RMA, then the consent authority must assess and determine the application having regard to the matters specified in section 104 of the RMA.
121. Section 104 of the RMA states:
- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 have regard to-*
 - (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (b) *any relevant provisions of –*
 - (i) *a national policy statement;*
 - (ii) *a New Zealand coastal policy statement;*
 - (iii) *a regional policy statement or proposed regional policy statement;*

- (c) (iv) *a plan or proposed plan; and*
any other matter the consent authority considers relevant and reasonably necessary to determine the application.

122. Some aspects of the matters to be considered under section 104 of the RMA have been addressed above in the context of section 104D of the RMA in relation to the activities associated with the Hauāuru mā raki Project which are classified as non-complying activities. Accordingly, the following sections of my evidence will address the elements of section 104 of the RMA to the extent that they have not already been covered by the analysis presented in relation to section 104D of the RMA.

Environmental Effects

123. The Hauāuru mā raki Project was developed with the assistance of three baseline environmental studies relating to archaeology, ecology, and landscape values. As discussed in the evidence of Mr Yates, the approach taken in the development of the layout of the Hauāuru mā raki Project has focused on avoiding adverse effects on aspects of the existing environment that were considered to have particular value rather than having to remedy or mitigate such adverse effects that might have otherwise occurred.
124. Following the initial baseline studies, the environmental effects associated with the Hauāuru mā raki Project have been the subject of the following detailed investigations and assessments (which are also the subject matter of the evidence presented at this hearing):
- Archaeological Assessment
 - Ecological Assessment
 - Landscape and Visual Assessment
 - Shadow Flicker Assessment
 - Radio Frequency Interference
 - Noise Impact Assessment
 - Traffic Assessment
 - Economic Impact Assessment
 - Cultural Values Assessment

- Water Supply Assessment
- Wind Engineering (including optimisation of the utilisation of the wind resource)
- Electrical Engineering
- Civil Engineering
- Geotechnical Engineering
- Quarry Management

125. Apart from the Landscape and Visual Assessment¹⁵ and the evidence of Mr Lister, each of the various technical reports and the associated statements of evidence have concluded that either the environmental effects associated with the Hauāuru mā raki Project are no more than minor, or that measures can be developed to remedy or mitigate the environmental effects identified. In this regard, to the extent that any environmental effects may be more than minor (in the absence of any mitigation), the following key points are noted:

- A range of mitigation and other measures have been developed to mitigate the ecological effects associated with the loss of some indigenous vegetation and habitat in the project area as discussed in the evidence of Messrs Kessels, Tonks and Daysh;
- It is proposed that Earthworks and Sediment Control Management and Construction Ecology Effects Management Plans be prepared (and approved by Environment Waikato) for each block of turbines prior to civil works being undertaken as per the proposed conditions of consent discussed in the evidence of Mr Daysh.
- A Quarry Management Plan has been prepared for the operation of the Whitford Quarry, compliance with which is the subject of the proposed conditions of consent discussed in the evidence of Mr Daysh.
- Financial compensation will be paid (at a minimum in accordance with the Public Works Act) to property owners on whose land the proposed transmission lines will be located (i.e. a 'remedy' for the effects on those properties) as discussed in the evidence of Mr Crighton. Mr Mills discusses in his evidence the ways in which Contact Energy has

¹⁵ Isthmus Group Ltd, 2008.

identified it might offer better terms to landowners than would strictly be required under the Public Works Act.

126. On the basis of the above (i.e. proposals for mitigation being advanced where environmental effects cannot be avoided), it is considered that the overall effects on the environment associated with the Hauāuru mā raki Project (leaving aside visual effects) will be no more than minor.

National Policy Statements

127. There is one National Policy Statement (on Electricity Transmission) that is potentially relevant to the proposed Hauāuru mā raki Project and will be discussed later in my evidence in relation to the Notices of Requirement.

New Zealand Coastal Policy Statement

128. The purpose of the New Zealand Coastal Policy Statement (NZCPS) is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment. That is, it seeks to assist in achieving the purpose of the RMA as set out in section 5, which in turn, cannot be read in isolation from the rest of Part II of the RMA.
129. The NZCPS sets out fourteen general principles in addition to Part II of the RMA. Most of these principles relate to the area of the coastal environment that is located below mean high water springs (MHWS), however some of the principles have relevance for the areas of land above MHWS.
130. It is my view that the following principles (which appear to relate to the wider 'coastal environment' – not just the area below MHWS) are relevant:

“2 *The protection of the value of the coastal environment need not preclude appropriate use and development in appropriate places.*

7 *The coastal environment is particularly susceptible to the effects of natural hazards.*

8 *Cultural, historical, spiritual, amenity and intrinsic values are the heritage of future generations and damage to these values is often irreversible.*

9 *The tangata whenua are the Kaitiaki of the coastal environment.”*

131. The evidence of Mr Lister has concluded that the proposed location for the Hauāuru mā raki Project is an appropriate one subject to this recommendation that no turbines be located in his Zones A and B as

previously noted. On that basis, the Hauāuru mā raki Project is consistent with Principle 2 of the NZCPS.

132. All of the turbines in the project area will be located at least 150 metres inland of MHWS and archaeological sites of significance have been avoided. These measures mean that principles 7 or 8 of the NZCPS are not offended.
133. Contact Wind has undertaken consultation with representatives of the local hapu whose rohe covers most of the project area. Hapu representatives have undertaken a site visit to the project area including all of the archaeological sites identified and have formed a working group to identify and work through the potential issues of concern to tangata whenua associated with the Hauāuru mā raki Project including the preparation of a Cultural Values Assessment. I consider that the consultative process entered into by Contact Wind in respect of this project recognises and provides for Principle 9 of the NZCPS.
134. I anticipate (based on their submission) that Tainui Awhiro will take a different view in relation to this matter. Contact Wind's efforts to undertake consultation with Tainui Awhiro and to address any issues of concern to them have been discussed in the evidence of Mr Yates.
135. The NZCPS also has a range of policies that are required to be taken into consideration. The policies that are of relevance to the Hauāuru mā raki Project are discussed below.

Policy 1.1.1

"It is a national priority to preserve the natural character of the coastal environment by:

- (a) Encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment.*
- (b) Taking into account the potential effects of subdivision, use or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and*
- (c) Avoiding cumulative adverse effects of subdivision, use and development in the coastal environment."*

136. The evidence of Mr Lister concludes that the Hauāuru mā raki Project will significantly diminish the natural, particularly visual, character of the coastal environment, but considers the wind farm to constitute an appropriate use in the coastal environment. It is considered that the 150 metre setback from

MHWS (and no turbines being located in his Zone A and B) reduces the adverse effects on the values relating to the natural character of the coastal environment. Parts of the wind farm are proposed to be located in a part of the coastal environment which is already compromised (to use the words of the above policy) in terms of its former natural character by existing farming activities. I consider the Hauāuru mā raki Project to be an appropriate development in this environment and therefore consistent with Policy 1.1.1 of the NZCPS.

Policy 1.1.2

“It is a national priority for the preservation of the natural character of the coastal environment to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in that environment by:

- (a) avoiding any actual or potential adverse effects of activities on the following areas or habitats:
 - (i) areas and habitats important to the continued survival of any indigenous species; and*
 - (ii) areas containing nationally vulnerable species or nationally outstanding examples of indigenous community types;**
- (b) avoiding or remedying any actual or potential adverse effects of activities on the following areas:
 - (i) outstanding or rare indigenous community types within an ecological region or ecological district;*
 - (ii) habitat important to regionally endangered or nationally rare species and ecological corridors connecting such areas; and*
 - (iii) areas important to migratory species, and to vulnerable stages of common indigenous species, in particular wetlands and estuaries;**
- (c) protecting ecosystems which are unique to the coastal environment and vulnerable to modification including estuaries, coastal wetlands, mangroves and dunes and their margins; and*
- (d) recognising that any other areas of predominantly indigenous vegetation or habitats of significant indigenous fauna should be disturbed only to the extent reasonably necessary to carry out approved activities.”*

137. Aspects of the Hauāuru mā raki Project of relevance to the above policy are the proposed clearance of a small proportion of an area of indigenous vegetation within the coastal environment and the potential for bird/bat strike as discussed in the evidence of Mr Kessels. As previously discussed, mitigation and other measures have been developed to address these actual and potential effects as discussed in the evidence of Messrs Kessels, Tonks, and Daysh.

Policy 1.1.3

“It is a national priority to protect the following features, which in themselves or in combination are essential or important elements of the natural character of the coastal environment:

(a) Landscapes, seascapes and landforms, including:

- (i) Significant representative examples of each landform which provides the variety in each region;*
- (ii) Visually or scientifically significant geological features; and*
- (iii) The collective characteristics which give the coastal environments its natural character including wild and scenic areas;*

(b) Characteristics of special spiritual, historical or cultural significance to Maori in accordance with tikanga Maori; and

(c) Significant places or areas of historical or cultural significance.”

138. As previously discussed, the proposed setback from MHWS ensures that the important elements of the coastal environment in the project area are protected. Matters of significance to Maori and places of historical significance are discussed elsewhere in this document and conclude that these matters are protected or otherwise recognised and provided for.

Policy 2.1.1

“Provision should be made for the identification of the characteristics of the coastal environment of special value to the tangata whenua in accordance with tikanga Maori. This includes the right of the tangata whenua to choose not to identify all or any of them.”

Policy 2.1.2

“Protection of the characteristics of the coastal environment of special value to the tangata whenua should be carried out in accordance with tikanga Maori. Provision should be made to determine, in accordance with tikanga Maori, the means whereby the characteristics are to be protected.”

139. As discussed above, Contact Wind has consulted, and will continue to consult, with the hapu in the project area (including endeavouring to consult with Tainui Awhiro). I consider that the consultative process entered into by Contact Wind in respect of this project (including the preparation of the Cultural Values Assessment) has, and will continue to facilitate, a process to recognise and provide for the outcomes specified in Policy 2.1.1 and Policy 2.1.2 of the NZCPS. Furthermore, conditions have been suggested (in the evidence of Mr Daysh) which are specifically intended to address archaeological and cultural heritage issues in a manner which accords with the above policies.

Policy 3.2.2

“Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.”

140. The 150 metre setback from MHWS (and absence of turbines in Zones A and B as recommended by Mr Lister) ensures that adverse effects of the Hauāuru mā raki Project in the most sensitive parts of the coastal environment are avoided. It is not practical to completely avoid all effects on the coastal environment (visual effects being the main issue). Mitigation measures such as colour selection have been specified to mitigate visual effects as far as practical. On this basis, it is considered that the Hauāuru mā raki Project is consistent with Policy 3.2.2.

Policy 3.2.5

“Subdivision, use and development in the coastal environment should be conditional on the provision of adequate services (particularly the disposal of wastes), and the adverse effects of providing those services should be taken into account when preparing policy statements and plans and when considering applications for resource consents.”

141. Contact Wind is to provide all necessary services for the project including appropriate disposal of waste and these matters are proposed to be the subject of consent conditions as presented in the evidence of Mr Daysh. The proposed development is therefore considered to be consistent with this policy.
142. I am aware that the Minister of Conservation has reviewed the NZCPS, prepared a proposed NZCPS, and that submissions were heard on this proposed NZCPS by a Board of Inquiry during 2008. As at the time of writing this evidence, the Board is yet to report and make its recommendation. It is therefore not yet a statutory document for the purposes of section 104 of the RMA and, in any event, its final form is not known.

Regional Policy Statement

143. The relevant document is the Waikato Regional Policy Statement (RPS) which was made operative in October 2000. The RPS identifies significant resource management issues, objectives, policies and methods within the Waikato Region.

144. Of relevance to the Hauāuru mā raki Project, the following objective and policy are included in the Energy Chapter of the RPS.

Objective: Efficient use of energy within the Waikato Region.

*Policy One: Energy Efficiency and Conservation
To promote efficiency and conservation in the production, transmission and consumption of energy.*

145. The Infrastructure Chapter of the RPS includes the following objective:

Objective: The continued operation of regionally significant infrastructure (including network utilities) maintained or enhanced.

146. The Hauāuru mā raki Project will assist with the achievement of the above objectives and policy particularly by generating electricity in relatively close proximity to the largest centre of demand, i.e. Auckland.

147. Many of the objectives and policies in the RPS focus on avoiding, remedying or mitigating adverse effects on various aspects of the environment. Of most relevance to the Hauāuru mā raki Project are the following provisions of the RPS.

148. The Coastal Chapter of the RPS states the following issue and objective:

Issue: Inappropriate subdivision, use and development within the coastal environment results in loss of natural character.

Objective: Preservation of the natural character of the coastal environment, including the physical and ecological processes which ensure its dynamic stability.

149. As indicated by the wording of the 'issue' quoted above, the intension is to prevent or limit 'inappropriate' development. As previously discussed, I consider the Hauāuru mā raki Project to be an appropriate development in the proposed location and it is therefore not inconsistent with the objective.

150. The RPS defines the word "preservation" as follows:

"Preservation in relation to a resource, means the maintenance, so far as is practicable, of its intrinsic values."

151. The recognition of practicality is an important consideration in relation to the Hauāuru mā raki Project. The 150 metre minimum setback from MHWS is a practical measure that has been taken to ensure that the project will not cause any adverse effects on the physical and ecological processes which ensure the dynamic stability of the coastal environment as sought to be

achieved by the objective quoted above and the policies which seek to implement the objective.

152. Other objectives and policies in the RPS of relevance to the Hauāuru mā raki Project focus on topics such as reducing accelerated erosion, improvement in water quality, and the maintenance or enhancement of biodiversity. In each case, the objectives and policies tend to provide for activities provided that the environmental effects are avoided, remedied, or mitigated. For example, and of particular relevance to the Hauāuru mā raki Project, the objective and one of the policies in the Biodiversity Chapter of the RPS states:

Objective: Biodiversity within the Region maintained or enhanced.

*Policy One: Avoid, Remedy or Mitigate Adverse Effects on Biodiversity
Allow the use and development of natural and physical resources while avoiding, remedying or mitigating adverse effects on biodiversity in the Region.*

153. Efforts have been made to avoid adverse effects on indigenous vegetation as far as practical and otherwise mitigated as discussed in the evidence of Mr Tonks. Subject to the mitigation measures proposed being determined to be adequate by the Board of Inquiry, the Hauāuru mā raki Project is entirely consistent with the above policy.

Waikato Regional Plan

154. Like the RPS, the Waikato Regional Plan¹⁶ includes a wide range of objectives and policies which mostly focus on avoiding, remedying or mitigating the adverse effects of activities on the environment.¹⁷ The Hauāuru mā raki Project will be consistent with the Waikato Regional Plan on the basis that all environmental effects addressed by the relevant objectives and policies (being matters within the jurisdiction of Environment Waikato) will either be minor or mitigated to acceptable levels (particularly through the preparation and implementation of management plans as previously discussed).

¹⁶ The Waikato Regional Plan was made operative in September 2007.

¹⁷ Environment Waikato has also been working for the last two years, and consulting widely, on developing a comprehensive Energy Strategy for the Waikato in which the ability of the region to support wind generation is explored. My understanding is that this document will guide upcoming RPS and Regional Plan reviews.

155. I note that the proposed clearance of indigenous vegetation as part of the Hauāuru mā raki Project does not give rise to the need for a resource consent from Environment Waikato on the basis that it is either not proposed within a 'high risk erosion area', as defined by the Waikato Regional Plan, or is within the allowable limits (i.e. less than 1 hectare within any 12 month period).¹⁸

Franklin District Plan

156. The parts of the Franklin District Plan that contain objectives and policies potentially relevant to the Hauāuru mā raki Project are as follows:

- Part 4 – Partnership with Tangata Whenua
- Part 5 – Conservation of Natural Features
- Part 7 – Natural Hazards
- Part 8 – Cultural Heritage
- Part 9 – Transportation
- Part 15 – Activities Throughout the District
- Part 17 – Objectives, Policies and Methods: Rural

157. All of the relevant objectives and policies in the parts of the Franklin District Plan listed above are presented in Exhibit MB C 4 of my evidence. An analysis of the Hauāuru mā raki Project in relation to those objectives and policies is presented as follows.

Part 4 – Partnership with Tangata Whenua

158. The objective and policies reflect the matters in Part II of the RMA focusing on the relationship of tangata whenua with their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. The policies require that adverse effects on these values be avoided, remedied or mitigated, that customary values and practices be respected, and that consultation be undertaken with tangata whenua.

159. The Hauāuru mā raki Project has been developed in a manner that is consistent with these objectives and policies for the following reasons:

¹⁸ From my experience, the way in which the relevant rule has been consistently interpreted and applied by Environment Waikato is on a 'per property basis'.

- Consultation has been undertaken with tangata whenua within the Franklin District (and beyond) through the establishment of a Hapu Working Group;
- An extensive amount of work has been undertaken (including with representatives of tangata whenua) to minimise any adverse effects on archaeological sites throughout the project area; and
- Local Maori are involved in the project and beneficial land owners and are supportive of the proposed wind farm as discussed in the evidence of Mr Flavell.

Part 5 – Conservation of Natural Features

160. The objectives and policies in this part of the Franklin District Plan are presented under three subheadings as follows:

- Ecosystems
- Bodies of Water
- Sustainably Managing Natural Heritage Resources

161. The objective is under the subheading “Ecosystems” is:

“To avoid, remedy or mitigate the adverse effects of activities on the life supporting capacity of indigenous ecosystems.”

162. This objective is followed by two policies. The first policy is similar to the objective but refers to ‘controlling’ the effects of activities where they may directly or indirectly compromise the life supporting capacity of indigenous ecosystems. The second policy directs that priority be given to avoiding any adverse effects of land subdivision, use or development on those areas identified in Schedule 5.A. No part of the project area is included in Schedule 5.A.

163. As discussed in the evidence of Mr Kessels, there will be some adverse effect on the ecological values of two areas of indigenous vegetation within the Franklin District (being within Blocks A and C).

164. Efforts have been made to avoid effects on these areas of indigenous vegetation as far as practical. To the extent that such effects cannot be avoided, it is proposed that mitigation measures be implemented (as discussed in the evidence of Messrs Kessels and Tonks) such that any

residual level of effect is suitably remedied or mitigated (as provided for and consistent with the outcome sought to be achieved in the above objective).

165. I note that the proposed clearance of indigenous vegetation associated with the Hauāuru mā raki Project within the Franklin District does not give rise to the need for a resource consent. The clearance of vegetation is only restricted in the Coastal Protection Setback under Plan Change 14 whereby it is a non-complying activity. No activities associated with the Hauāuru mā raki Project are located in the Coastal Protection Setback and therefore do not give rise to the need for a resource consent application in this regard.

166. The next subheading is “Bodies of Water” whereby the focus (in terms of relevance to the current proposal) is on the natural character of the coastal environment. The objective is:

“To preserve the features, elements and systems which contribute to and maintain the natural character of the West Coast, Firth of Thames and Manukau Harbour coastal environments, and wetlands, lakes and rivers, and their margins, and to ensure that they are protected from inappropriate subdivision, use and development.”

167. This objective is followed by seven policies which focus of the preservation, and avoidance of adverse effects on, the natural character of coastal environment (and other water bodies). Section 5.1.6 of the Franklin District Plan is headed “Coastal Environment” and commences with the following description of what is meant by the term “coastal environment” as follows:

“The West Coast adjoins the Tasman Sea and is a rugged stretch of coastline rising sharply from the sea to the ridge line. It is largely undeveloped except at Port Waikato. In general terms the coastal environment can be defined as the area between the sea and the first ridgeline. For practical reasons it is defined as 60 metres inland from mean high water springs.”

168. On the basis of the above, the objective and policies specifically referring to the ‘coastal environment’ are not relevant to the Hauāuru mā raki Project as there are no elements of the proposal within the coastal environment as defined in the Plan. No element of the proposal will be within 150m of MHWS.

169. The third subheading under this part of the Plan is “Sustainably Managing Natural Heritage Resources”. Given the particular relevance of some aspects of the objective and policies under this heading, they are presented in full as follows:

“Objective:

To sustainably manage the natural heritage resources of the District by:

- *Protecting the following items from inappropriate subdivision, use, and development:*
 - *outstanding natural feature's and landscapes;*
 - *areas of significant indigenous vegetation, and*
 - *significant habitats of indigenous fauna including trout and salmon;*
- *Ensuring that representative samples of natural features, areas of indigenous vegetation, and habitats of indigenous fauna that are of value at a Regional and District level are protected.*

Policies:

1. *Adverse effects of land use activities that have the potential to damage or destroy the values of those items listed in Schedule 5A shall be avoided.*
2. *Significant natural features, areas of indigenous vegetation and habitats of indigenous fauna not listed in Schedule 5A which contribute to the rural or natural character of the area should be retained. In the assessment of the significance of such heritage resources the following criteria will be taken into account:*

Whether the native bush:

- *is of sufficient size and shape to maintain its intrinsic qualities;*
- *consists of a coherent well-developed canopy of native species;*
- *consists of a range of native species appropriate to that forest type;*
- *contains a significant percentage (at least 25 per cent) of mature native trees;*
- *represents a significant or prominent landscape feature;*
- *may contain native species threatened in the Franklin District;*
- *the area has wildlife habitat values, or provides or contributes to a habitat corridor facilitating the movement of wildlife species in the local area.*

Whether natural features and habitats of indigenous fauna are:

- *are of sufficient size and shape to maintain its intrinsic qualities;*
- *the habitat of threatened species (as defined by IUCN criteria);*
- *an area of recognised wildlife or earth science significance;*
- *a freshwater wetland;*
- *an uncommon indigenous vegetation community;*
- *Contribute to the National, Regional or District geological heritage.”*

170. In terms of the above objective, the evidence of Mr Lister concludes that there are no outstanding natural features and landscapes affected by the Hauāuru mā raki Project.

171. The vast majority of the Hauāuru mā raki Project within the Franklin District is located on land that is currently used for pastoral farming and will not create any issues in relation to the above objective and policies. However, as previously noted, there are two areas of indigenous vegetation (also being habitat for indigenous fauna) which will be affected to some extent by the proposal as discussed above in relation to the objective and policies focusing on ecosystems.
172. The above objective seeks to protect these areas from “inappropriate” subdivision, use and development. As previously noted, I do not consider the Hauāuru mā raki Project to be an inappropriate use or development in the proposed location.
173. The second part of the objective seeks to protect ‘representative samples’ of indigenous vegetation (not necessarily every part of what exists).
174. In terms of Policy 1, no part of the project area is included in Schedule 5.A.
175. In terms of the criteria listed in Policy 2 above, the two areas of indigenous vegetation would qualify as being of significance whereby the policy seeks to retain and protect such areas. What is proposed as part of the Hauāuru mā raki Project is that only a small proportion of these bush areas will be cleared along with the implementation of mitigation measures to remedy and/or mitigate the effect of this vegetation clearance.
176. On the basis of the above, it is considered that the Hauāuru mā raki Project is not inconsistent with the objective and policies focusing on the conservation of natural features.

Part 7 – Natural Hazards

177. The objective and polices focus on ensuring that activities do not cause, accelerate, or contribute to natural hazards (including erosion, flooding, and coastal processes) and convey a general desire to maintain public safety.
178. The Hauāuru mā raki Project has been designed in a manner which is intended to avoid any creation or exacerbation of natural hazards and therefore is consistent with the objective and policies. A comprehensive Geotechnical Assessment has been undertaken to assist in this regard and a setback of 150 from MHWS has been adopted for all structures.

Part 8 – Cultural Heritage

179. The objective seeks to protect known places, areas, trees and objects having heritage significance in the District from inappropriate subdivision, use, and development. As previously noted, I do not consider the Hauāuru mā raki Project to be an inappropriate use or development. In any event, all sites of significance covered by this policy have been avoided as a result of extensive archaeological investigations and consultation with tangata whenua.
180. Policy 1 seeks to avoid the modification, damage or destruction of archaeological sites and a range of other heritage items except where consent has been granted by NZHPT and tangata whenua. Any works on a site or feature covered by this policy will only be undertaken in accordance with an Authority granted by NZHPT. Following a site visit of all archaeological sites within the project area, it is my understanding that tangata whenua within the Franklin District do not have any objection to the proposed works on, or in the vicinity of, archaeological sites (as discussed in the evidence of Mr Flavell).
181. The other policies on this topic require a proper assessment of effects in relation to heritage items (which has been undertaken as part of the Hauāuru mā raki Project) and provide some guidance on matters which are not relevant to the current proposal.
182. On the basis of the above, it is my opinion that the Hauāuru mā raki Project is not inconsistent with the objective and policies focusing on cultural heritage.

Part 9 – Transportation

183. The objectives and policies in relation to transportation issues focus on maintaining road safety. The Transportation Assessment¹⁹ (discussed in the evidence of Mr Galloway) has undertaken a comprehensive assessment of the effects of the Hauāuru mā raki Project on the roading network. With the various mitigation measures proposed, the Transportation Assessment concludes that the temporary transportation effects during construction will be minor, with a legacy of betterment provided in the longer term. On this basis, it is considered that the proposal will be consistent with the transportation objectives and policies in the Franklin District Plan.

¹⁹ Traffic Design Group, June 2008.

Part 15 – Activities Throughout the District

184. This part of the Franklin District Plan includes the following two objectives:

“Objective

To recognise the importance to the economic and social well-being of the District and the essential nature of network and other utilities and other essential services and to provide for their development, operation and maintenance.

Objective

To ensure that network and other utilities and other essential services are provided in a manner that:

- *does not adversely affect the health and safety of the people of the District;*
- *avoids, remedies or mitigates any adverse effects on the natural and physical resources;*
- *is sensitive to the amenity values of the District, and relevant cultural or spiritual values;*
- *is efficient.”*

185. These objectives, and the policies than following them, are supportive of ‘essential services’ which includes the generation of electricity, and seek to provide for their development, operation and maintenance. The Hauāuru mā raki Project is proposed to be developed in a manner that is in accordance with the four bullet points in the second of the above objectives.

Part 17 – Objectives, Policies and Methods: Rural

186. The objectives and policies in this part of the Franklin District Plan focus on soil and water resources, the extraction of mineral resources, managing conflicts between different types of activities, and amenity values.

187. While it will occupy a large area, the Hauāuru mā raki Project (like most other wind farms) will have a relatively small ‘footprint’ associated with the access tracks (which in themselves provide benefits for the farming operation) and the base of the turbine towers. It will therefore have little effect on the productive capacity of the soil resources in the area and the existing farming operations occurring on that land.

188. The Hauāuru mā raki Project will involve temporary takes of water. However, these takes will be undertaken in a manner that will not cause any long term adverse effect on the life supporting capacity of the waterbodies from which water is to be taken as discussed in the evidence of Mr Kessels. In any event, mitigation measures have been proposed in the evidence of Messrs Kessels and Tonks in relation to the temporary effects associated with the proposed water takes.

189. The objectives and policies focusing on mineral resources recognise the importance of these resources and seek to protect them from incompatible land uses. The Hauāuru mā raki Project will make beneficial use of mineral resources within the project area (e.g. aggregate) and the type of issues addressed in the policies (e.g. reverse sensitivity type issues) will not arise.²⁰

190. The objective in relation to rural amenities states:

“To avoid or minimise the adverse effects of activities on outstanding natural features and significant habitats, and manage other effects on rural landscape and amenities for the benefit of the District.”

191. The way in which any effects on the two areas of indigenous vegetation (and habitat) will be avoided, remedied or mitigated has been previously discussed.

192. The effects of the Hauāuru mā raki Project on the rural landscape and amenities have been addressed in several of the technical reports and the associated evidence presented at this hearing including the Landscape Assessment, Noise Assessment, and the Shadow Flicker Assessment.

Plan Change 14

193. Plan Change 14 to the Franklin District Plan identifies 12 key objectives that relate to the management of the rural and coastal area within the district. These are described in the Plan as “cornerstone objectives under which all activities are to be assessed”. Given their pre-eminence, they are presented in the following table along with comments in relation to the Hauāuru mā raki Project.

OBJECTIVES	COMMENTS
Objectives for Sustainability of the Natural and Physical Environment	
1. Recognise and provide for enhancement of those landscape values that contribute to the sense of enjoyment and appreciation of living in rural and coastal areas.	The evidence of Mr Lister has concluded that the proposed site is an appropriate location for a wind farm. Those who live in the area who will be most affected by the proposal are typically involved in the project and/or will be financially compensated (e.g. in relation to the transmission lines).
2. Maintain and enhance the quality and quantity of water resources.	Water takes are the subject of resource consent applications to Environment Waikato. Any adverse effect associated with water takes will be minor and temporary.
3. Preserve and enhance remaining indigenous ecological resources and	There will be some clearance of indigenous vegetation, however the effects of this will

²⁰ The objectives and policies relating to mineral resources are relevant to the concerns raised in the submission by Ravensdown Fertiliser Co-operative Ltd. These concerns will be discussed as part of my assessment of the Notices of Requirement land in my evidence.

enhance their contribution to biodiversity, landscape and amenity values.	be the subject of mitigation measures as discussed in the evidence of Mr Tonks.
4. Protect natural character, outstanding landscape features and values.	There are no outstanding landscape features affected by the project. There will be some adverse effect on the natural character, but the evidence of Mr Lister has concluded that the site is an appropriate location for a wind farm.
5. Recognise and provide for the life supporting capacity of versatile soils and their contribution to the economic and social well being of the District. [956, 1014]	The Hauāuru mā raki Project will have minimal effect on the life supporting capacity of versatile soils within the project area. The owners of any soil affected by the wind farm are supportive of the project.
6. Protect and preserve the taonga of Tangata Whenua.	This objective has been addressed through the establishment of a Hapu Working Group, the preparation of a Cultural Values Assessment, and extensive investigations in relation to archaeological sites.
<u>Objectives for Rural Growth Management</u>	
7. Enhance opportunities to utilise the productive potential of natural resources in an environmentally sustainable manner.	The Hauāuru mā raki Project is entirely consistent with this objective. It seeks to utilise the productive potential of the wind resource in the area in an environmentally sustainable manner (particularly being the use of a renewable source of energy).
8. Promote the safe, efficient use, development and protection of physical resources, including roads, water supplies and sewage schemes and other infrastructure.	The completed Hauāuru mā raki Project will result a betterment of public physical resources especially local roading.
9. Provide for the sustainable growth of the District at appropriate rural and coastal village settlements through zoning, structure planning and appropriate subdivision and land use controls. [953]	N/A
10. Provide limited opportunities for living in rural and coastal areas, where significant environmental benefits are gained through the protection, enhancement, or restoration of the natural, physical and cultural environment. [1005, 1006]	N/A
11. Provide limited opportunities for living in the rural and coastal areas by avoiding adverse effects on the productive use of versatile soils, through zoning, adjustment of lot boundaries and Transferable Rural Lot Rights. [953, 956, 1009, 1014, 1006]	N/A
12. Manage rural land use conflicts that balance the expectations of new residents with the need to recognise and protect existing rural activities and their typical effects and characteristics to ensure conflicts and reverse sensitivity issues are avoided, remedied or mitigated.	N/A

Note: Numbers in square brackets after an objective in the above table indicate that the objective is the subject of one or more appeals to the Environment Court.

Waikato Operative and Proposed District Plans

194. An analysis of the Hauāuru mā raki Project in relation to the objectives and policies in the Waikato Operative and Proposed District Plans has already been presented above.

Other Potentially Relevant Matters

195. The Hauāuru mā raki Project will assist the New Zealand Government with its obligations entered into in relation to the Kyoto Protocol in terms of reducing greenhouse gas emissions. The Hauāuru mā raki Project is also entirely consistent with the New Zealand Energy Strategy to 2050 which seeks to increase the use of renewable sources of energy to meet the country's increasing demand for electricity so as to reduce greenhouse gas emissions. The Hauāuru mā raki Project being consistent with the New Zealand Energy Strategy to 2050 is noted for the sake of completeness. I am not confident as to the extent to which any weight can be placed on that document as a statement of Central Government policy in the context of the current applications given the recent change in Government following the result of the General Election last year.
196. The (former) Minister for the Environment notified in 2008 a Proposed National Policy Statement for Renewable Electricity Generation. Submissions and further submissions have been received and it is currently awaiting hearing by a Board of Inquiry. I mention it for completeness. At its announcement it was stated as being intended to establish the national significance of the benefits that are associated with renewable electricity generation. However, as the process for its development is incomplete, it does not yet have any statutory weight.

Assessment of Notices of Requirement

197. A total of eight Notices of Requirement have been lodged with Franklin District Council and Waikato District Council for the electrical equipment associated with the Hauāuru mā raki Project. This includes three substations, a switchyard, and a significant length of 220 kV transmission line.
198. In my view, the use of the designation process (commenced by way of a Notice of Requirement) is both necessary and appropriate for large scale infrastructure projects, particularly those such as the transmission component of the Hauāuru mā raki Project which is of a lineal nature. A designation in

the relevant district plan provides the necessary 'land use consent' under the RMA for a specified type of infrastructure.

199. Section 171 of the RMA states:

- (1) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*
- (a) *any relevant provisions of—*
 - (i) *a national policy statement;*
 - (ii) *a New Zealand coastal policy statement;*
 - (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan; and*
 - (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
 - (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
 - (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*

200. These matters have been specifically addressed in the Notices of Requirement and/or the supporting documentation and will be discussed in the following sections of my evidence.

Policy and Planning Documents

National Policy Statements

201. The National Policy Statement (NPS) on Electricity Transmission 2008²¹ is relevant to the proposed transmission lines and associated substations and switchyard proposed to convey the electricity generated by the Hauāuru mā raki Project to the National Grid if those assets become owned or operated by Transpower NZ Ltd as part of the National Grid (an outcome which has yet to be confirmed).

202. The NPS identifies as a matter of national significance “the need to operate, maintain, develop and upgrade the electricity transmission network”. The “electricity transmission network” is defined in the NPS as:

“part of the national grid of transmission lines and cables (aerial, underground and undersea, including high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand.”

203. The objective of the NPS is:

“To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- *Managing the adverse environmental effects of the network; and*
- *Managing the adverse effects of other activities on the network.”*

204. The above objective is followed by 14 policies which amplify and expand upon the outcomes embodied in the objective of the NPS. Of particular relevance to the Hauāuru mā raki Project, the policies require decision-makers to:

- recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission;
- recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network;
- have regard to the extent to which adverse effects have been avoided, remedied, or mitigated by the route, site and method selection (and the constraints imposed on achieving measures to avoid, remedy or mitigate adverse environmental effects by the technical and operational requirements of the network);
- minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive areas;
- avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreational value and amenity and existing sensitive activities; and
- recognise that the designation process can facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.

²¹ The National Policy Statement on Electricity Transmission 2008 was gazetted on 13 March 2008 and took effect 28 days later.

205. I consider the proposed transmission equipment associated with the Hauāuru mā raki Project to be consistent with the NPS on the basis of the assessment and conclusions reached in the various technical reports covering aspects of the proposed transmission equipment and the evidence of Ms Yorke and Messrs Hunt and Lister presented at this hearing. In particular the proposed transmission equipment will:

- provide national, regional and local benefits associated with a sustainable, secure and efficient electricity transmission network and enhance its effective operation;
- not cause any adverse effects on town centres and areas of high recreational value or amenity and existing sensitive areas; and
- not cause any adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreational value and amenity and existing sensitive activities.

New Zealand Coastal Policy Statement

206. The NZCPS is not relevant, in my opinion, to the assessment of the Notices of Requirement on the basis that none of the proposed electrical transmission equipment will be located within the coastal environment.

Waikato Regional Policy Statement and Waikato Regional Plan

207. The previous sections of my evidence have discussed the relevant objectives and policies in the Waikato Regional Policy Statement and the Waikato Regional Plan in relation to the Hauāuru mā raki Project. In that regard, I note that there are a number of objectives and policies focusing on energy and infrastructure and a wide range of objectives and policies which focus on avoiding, remedying, or mitigating adverse effects on the environment that are within the jurisdiction of Environment Waikato. In summary, it is my opinion that the aspects of the Hauāuru mā raki Project which are the subject of the Notices of Requirement are consistent with the relevant objectives and policies in these planning instruments.

Franklin District Plan

208. All of the activities that are the subject of the Notices of Requirement are located in the Rural Zone of the Franklin District Plan.

209. The previous sections of my evidence have discussed the relevant objectives and policies in the Franklin District Plan in relation to the Hauāuru mā raki Project including Part 15 of the Plan which focuses on ‘Activities Throughout the District’. For ease of reference, the relevant objectives are represented as follows:

“Objective

To recognise the importance to the economic and social well-being of the District and the essential nature of network and other utilities and other essential services and to provide for their development, operation and maintenance.

Objective

To ensure that network and other utilities and other essential services are provided in a manner that:

- *does not adversely affect the health and safety of the people of the District;*
- *avoids, remedies or mitigates any adverse effects on the natural and physical resources;*
- *is sensitive to the amenity values of the District, and relevant cultural or spiritual values;*
- *is efficient.”*

210. The above objectives are supportive of the type of electricity transmission infrastructure proposed as part of the Hauāuru mā raki Project, subject to the matters in the four bullet points above being addressed. Based in the evidence presented at this hearing, particularly the evidence of Mr Lister and the conditions attached to the evidence of Mr Daysh in relation to house site mitigation measures, it is my view that the activities the subject of the Notices of Requirement are proposed to be developed in a manner which is, as far as practical, consistent with the above objectives.

211. The concerns raised in the submission by Ravensdown Fertiliser Co-operative Ltd (Ravensdown) are potentially relevant to the objectives and policies in the Franklin District Plan that focus on mineral resources (previously discussed in my evidence). Ravensdown raises some concerns about the proposed alignment of the single circuit 220kV transmission line being “through their Waikaretu limestone quarry”. However, the proposed alignment of the transmission line is not through the existing quarry. It is located to the east of the quarry on land owned by DJ Whitford Ltd (a land owner who has provided written approval to the proposed transmission line in accordance with section 104(3)(b) of the RMA).

212. From my experience in dealing with resource management issues associated with quarries, the existence of power lines within the working area of a quarry

is a common occurrence and is generally a manageable issue. NOR Plan 4 provides for a wide corridor to be designated (approximately 300 – 400m wide) as it passes to the east of the existing Waikaretu Quarry. This allows flexibility to select an alignment which will minimise any effect on the potential for the area to be quarried in the future.

Waikato Operative District Plan

213. All of the activities that are the subject of the Notices of Requirement are located in the Rural Zone of the Waikato Operative District Plan.
214. The Waikato Operative District Plan includes objectives and policies relating to public works and utilities which are relevant to the activities which are the subject of the Notices of Requirement. These objectives and policies are essentially supportive of such works and focus on ensuring that such activities avoid, remedy or mitigate adverse effects on the environment as far as practical. For example, one of the policies states:

“To balance the operational requirements of public works and utilities to ensure a continuity of service with the need to avoid, remedy or mitigate adverse effects on the environment.”

215. The ‘balance’ between benefits in general and environmental effects is a matter that will be discussed later in my evidence in relation to Part II of the RMA.

Waikato Proposed District Plan

216. All of the activities that are the subject of the Notices of Requirement are located in the Rural Zone of the Waikato Proposed District Plan.
217. The previous sections of my evidence have discussed the relevant objectives and policies in the Waikato Proposed District Plan in relation to the Hauāuru mā raki Project. In particular, the objectives and policies under the headings ‘Energy’ and ‘Built Environment’ are particularly relevant, and indeed supportive of the proposed activities that are the subject of the Notices of Requirement.
218. The Waikato Proposed District Plan includes objectives and policies under the heading of ‘Amenity Values’. While most of the policies relate to specific effects that are not relevant to the activities the subject of the Notices of Requirement, the objectives seek that adverse effects of activities on amenity values are contained within the site where they are generated (Objective

13.2.1) and that amenity values of localities are maintained and enhanced (Objective 13.2.6).

219. The evidence of Mr Lister concludes that there will be some adverse effects on landscape and visual amenity arising from the transmission infrastructure, but that the components have been designed, located and aligned in such a way as to minimise such effects as far as possible.

Consideration of Alternatives

220. In terms of section 171(1)(b) of the RMA, two reports have been prepared which detail the investigations that have been undertaken in relation to the consideration of alternatives associated with the electrical equipment for the Hauāuru mā raki Project as follows:

- Hauāuru mā raki: Transmission System – Consideration of Alternatives and Options Evaluation, June 2008.
- Hauāuru mā raki – Waikato Wind Farm: Connection to 220 kV Main Grid Undergrounding Study, March 2008.

221. As discussed in the evidence of Mr Mills, the latter of the above two reports was commissioned in response to concerns raised during consultation with interested and potentially affected parties.

222. The key outcomes of these investigations and the conclusions reached in those reports can be summarised as follows:

- A range of alternatives have been considered and investigated in relation to each aspect of the electrical equipment associated with the Hauāuru mā raki Project.
- The option which forms the subject of each Notice of Requirement is the best option in terms of meeting the objectives of the requiring authority and avoiding, remedying or mitigated any adverse effects on the environment.
- The installation of a high capacity underground 220kV cable circuit cross country (green field site) between Limestone Downs and Orton is not practical in terms of installation techniques and system security and would be at a very high cost. However, an overhead transmission line is feasible and is the recommended option.

223. Contact Energy has secured land owner approval in relation to the location of the substations, switch yard, most of the internal transmission line, and some of the external transmission line (including some land being purchased).

Necessity

224. Section 171(1)(c) of the RMA requires an assessment as to “*whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought*”. As discussed in the evidence of Mr Geoghegan, each of the Notices of Requirement include a common overall objective sought to be achieved by the requiring authority as follows:

“The overall objective is to create a safe, practical and efficient means by which electricity from the Hauāuru mā raki wind farm is able to be transmitted to the National Grid from which it can then be further transmitted by the operator of the National Grid to wholesale and retail consumers throughout New Zealand for their use.”

225. Each of the Notices of Requirement also includes an objective which is specific to the nature of the work the subject of the notice. The reasons why the work and the designation are reasonably necessary to achieve the stated objectives of the requiring authority is stated in each Notice of Requirement as follows.

“Electricity demand in New Zealand is steadily increasing. Government Policy, as expressed in the National Energy Strategy is to meet both existing and future electricity demand through the increased use of renewable energy resources, with a target of 90% of electricity generation from renewable sources by 2025. The Hauāuru mā raki wind farm on the western coastline of the Waikato Region is ideally placed to contribute to that Government objective through its location relatively close to the major existing and increasing centres of electricity demand in New Zealand, but relies on the ability to connect to the National Electricity Grid in order to make that contribution.”

226. The various components of the electrical equipment associated with the Hauāuru mā raki Project are necessary (for the reasons specified in each Notice of Requirement) to achieve the above overall objective.

Other Matters

227. In terms of section 171(1)(d) of the RMA, neither the Franklin District Council nor the Waikato District Council have identified any ‘other matters’ that are considered to be reasonably necessary in relation to the consideration of the Notices of Requirement.

228. All of the matters specified in section 104 of the RMA which the consent authority must 'have regard to' and section 171 of the RMA which the consent authority must have 'particular regard to' are subject to Part II of the RMA which sets out the purpose and principles of the Act and which are central to the determination of the resource consent applications and the Notices of Requirement for the proposed Hauāuru mā raki Project.
229. The overarching intention of the resource consent application and Notice of Requirement processes is to ensure that the proposed activities are consistent with the purpose of the RMA. From my understanding of the relevant case law²², this involves the comparison of often conflicting considerations and the scale or degree of them and their relative significance or proportion in the final outcome.
230. In terms of section 5 of the RMA, the Hauāuru mā raki Project will enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety by the provision of electricity. The benefits of the Hauāuru mā raki Project from a national perspective have been discussed in the evidence of Mr Hunt.
231. Electricity generated from wind sources will assist the Government in meeting its international commitments in relation to the Kyoto Protocol due to the relative absence of emissions of CO₂ associated with wind electricity generation.
232. In addition to the generation of electricity, the existence and operation of the Hauāuru mā raki Project will enable a range of parties to provide for their social, economic, and cultural well-being through the creation of employment and associated economic activity. The local and regional benefits associated with the Hauāuru mā raki Project have been discussed in the evidence of Mr Butcher.
233. Sustainable management enables the use and development of resources while ensuring that the circumstances in section 5(2)(a)-(c) are able to be satisfied.
234. In terms of the needs of future generations, the Hauāuru mā raki Project is intended to meet the increasing electricity demand of present and future generations using a renewable source of energy. Any effect on the life

supporting capacity of aspects of the environment (particularly indigenous vegetation) will be mitigated. The effects on the environment associated with the Hauāuru mā raki Project have been previously discussed. One further point to note is that a wind farm is able to be removed and therefore any effects are potentially reversible.

235. Most aspects of section 6 of the RMA (setting our matters of national importance) are relevant to the Hauāuru mā raki Project and have been previously discussed in my evidence (e.g. section 6(a) relating to the preservation of the natural character of the coastal environment and its protection from inappropriate use and development; and section 6(c) relating to the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna). There will be some adverse effects in relation some of these matters, however, measures have been proposed to remedy or mitigate those effects as discussed in the evidence of Messrs Lister, Kessels, Tonks, and Daysh.
236. Similarly, most aspects of sections 7 and 8 of the RMA (other matters and Treaty of Waitangi) are relevant and have also been previously discussed in my evidence. In this regard, the Hauāuru mā raki Project represents an efficient use and development of natural and physical resources in terms of section 7(b) by utilising a renewable source of energy while having little effect on productive capacity of the farming activities currently occurring on the land in question.
237. Leaving aside those landowners who have provided their written approval to the Hauāuru mā raki Project in terms of section 104(3)(b) of the RMA, there will be a reduction in amenity values, in terms of section 7(c), experienced by a number of neighbouring property owners as discussed in the evidence of Mr Lister. In terms of section 7(f), the Hauāuru mā raki Project will also cause some negative effect of the quality of the environment in which it is located to the extent that any adverse effect arises, particularly landscape and visual effects. In this regard, a set of suggested conditions have been presented as part of the evidence of Mr Daysh in relation to landscape mitigation for houses which are adversely affected by visual effects from the wind farm and/or transmission assets.
238. These effects, and their relative significance, need to be weighed against the benefits of the Hauāuru mā raki Project. In a wider sense, the development

²² North Shore City Council v Auckland Regional Council [1997] NZRMA 59, 94.

of a non-polluting renewable source of energy will help achieve the maintenance and enhancement of the quality of the wider environment, particularly compared with the development of alternative sources of energy that will otherwise be required to meet the electricity needs of people and communities.

239. Of particular relevance to the Hauāuru mā raki Project, section 7(j) of the RMA requires all persons exercising functions and powers under the RMA in relation to the use, development and protection of natural and physical resources to have particular regard to the benefits to be derived from the use and development of renewable energy.
240. “Renewable energy” is defined in section 2 of the RMA and includes energy produced from wind.
241. Section 7(j) of the RMA gives added weight to the type of benefits that will be derived from the Hauāuru mā raki Project as discussed in the evidence of Mr Hunt and Ms Nebel.
242. Ultimately, an assessment of the applications under Part II of the RMA requires an overall consideration of all aspects of the project measured against the statutory purpose in section 5 of the RMA. It is my opinion that an overall assessment in this case leads to a conclusion that the purpose of the RMA is better served by granting the consents as sought than declining them.

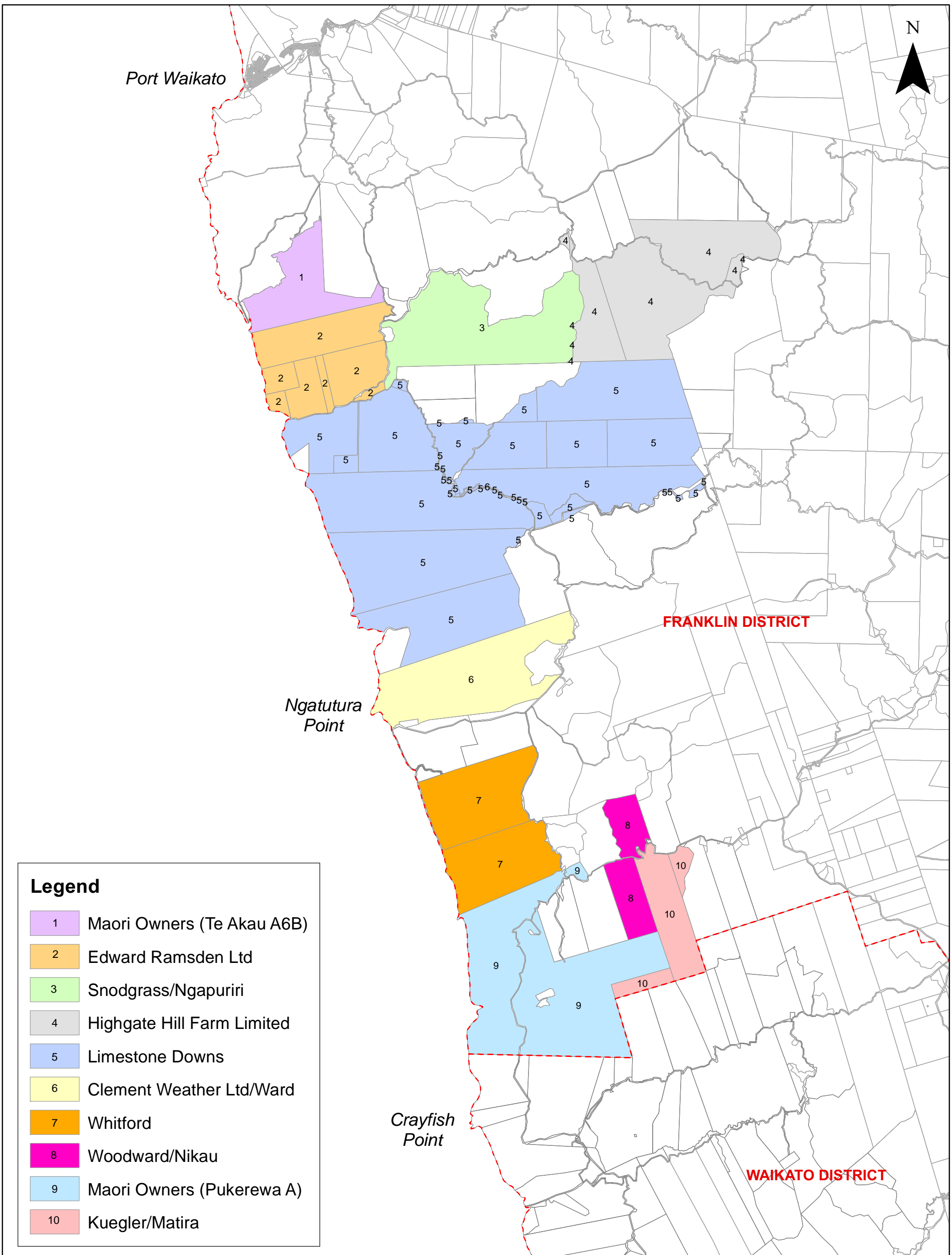
Comments on Submissions

243. A number of submissions have raised issues that relate to the matters I have addressed in my evidence, particularly in relation to the relevant policy and planning documents. I do not propose to address each of those submissions individually on the basis that I believe I have already addressed the issues raised in the previous sections of my evidence.

M B Chrisp

Exhibit MBC1A

**Plan 1 – Hauāuru mā raki Location of Proposed Wind Farm Franklin
District**



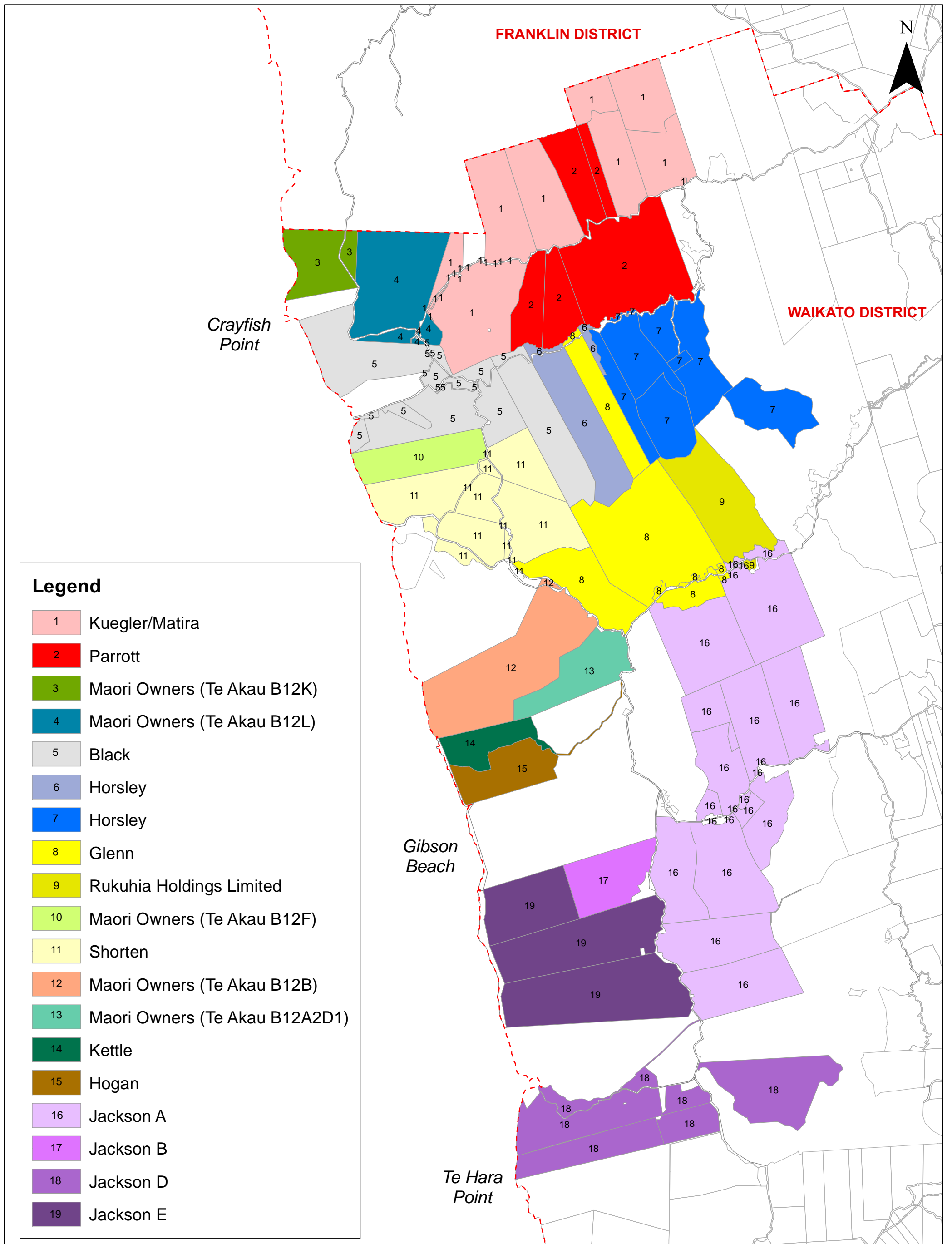
Plan 1 - Hauāuru mā raki: Location of Proposed Wind Farm Franklin District

A3 Scale 1:75,000

Dated 1/02/08

Exhibit MBC1B

**Plan 2 – Hauāuru mā raki Location of Proposed Wind Farm Waikato
District**



Plan 2 - Hauāuru mā raki: Location of Proposed Wind Farm Waikato District

A3 Scale 1:60,000

Dated 1/02/08

Exhibit MBC2

Waikato Operative District Plan – Objectives and Policies

Waikato Operative District Plan – Objectives and Policies

9 RURAL OBJECTIVES

9.1.1 To maintain the versatility and safeguard the life-supporting capacity of the soil resource, while ensuring new lots are able to:

- absorb or manage storm water runoff,
- accommodate household effluent disposal,
- avoid location in proximity to mineral extraction,
- maintain road safety and promote transport efficiency,
- maintain the health and wellbeing of people,
- reflect rural amenity values,
- remedy or mitigate adverse effects from adjacent, established activities,
- retain community connections to their past,
- retain indigenous habitats, and
- retain sediment from disturbed land.

9.1.2 To retain rural land, particularly land containing high quality soils, in large holdings that maintain versatility and efficient use of the land in terms of providing for the needs of future generations and safeguarding the life-supporting capacity of the soil.

9.1.3 To ensure that the efficient extraction of mineral resources is not unduly compromised by the location of activities sensitive to noise, dust, traffic or odour.

9.1.3A To ensure that industrial activities, including in industrial zones, are not compromised by the establishment nearby of activities that are sensitive to noise, dust, traffic, and odour from those industrial activities.

9.1.4 To ensure efficient and effective management of the District's physical resources of roading, land drainage, and rural water supplies.

9.1.5: To ensure intensive forms of farming, rural industries, and commercial services do not adversely affect the environment.

9.1.6: To ensure that the rural visual character and amenity values are maintained or enhanced.

9.1.7: To ensure urban consolidation of existing District urban areas is not compromised by interim development.

9.1.8: To ensure storage and disposal of waste associated with any activity does not create a public health risk.

9.1.9: To ensure that intensification of rural land use does not adversely affect public health and safety.

9.1.10: To ensure that intensification of land use does not increase the risk of land inundation.

9.1.11: To ensure that activities are not adversely affected by inundation.

9.1.12. To ensure that rural industries and commercial services do not adversely affect traffic safety and the convenient use of State Highways.

9.1.13 To enable the effective and efficient use of existing buildings and infrastructure on sites previously designated or utilised for rural industries or commercial services.

9.1.14: To ensure that rural industries and commercial services are located in areas free from any natural hazard and coal mining subsidence.

9.1.15: To ensure that all land and building development associated with the establishment of rural industries or commercial services is designed and constructed to address the adverse effects of storm water disposal, effluent disposal, and water supply or to offset the full costs of reticulated servicing.

9.1.16 To ensure that new lots created for Commercial Services are of sufficient size for the effective establishment of the proposed use.

9.1.17 To enable Agricultural Research Centres to function efficiently.

9.1.18: To enable efficient use of land in the Rural Zone, recognising the reasonably foreseeable needs of future generations, by managing transitional development.

9.1.19. To ensure that residential development is located and controlled to limit the adverse noise effects from the operation of Hamilton International Airport, and to limit reverse sensitivity effects of residential activity on the operation of the Airport.

RURAL POLICIES

9.2.1 Objectives 9.1.1 and 9.1.2: To provide for subdivision of rural land into shapes and sizes that enable efficient use of the land while retaining opportunities to use the soil resource now and in the future.

9.2.1A Objective 9.1.1: To ensure new lots are located sufficiently far from existing activities causing noise, dust, traffic and odour effects that cannot be avoided, remedied or mitigated.

9.2.2 Objective 9.1.1: To ensure all new lots contain sufficient appropriate area:

- for the treatment and disposal of household effluent and storm water runoff,
- so that sediment resulting from building platforms, access formation and use, and landscaping does not contaminate surface water,
- so that noise, dust, traffic and odour from activities located in rural areas including mineral extraction, can be remedied or mitigated, and
- so that significant levels of noise, dust, agricultural chemicals and odour from onsite activities can be contained within the boundaries of the lot.

9.2.3 To avoid, remedy or mitigate the effects of exploration, prospecting and extraction of minerals where they significantly compromise high quality soils.

9.2.4 Objective 9.1.2: To retain land containing high quality soils in appropriately shaped and sized lots that enable efficient use and development of the soil resource, now and in the future.

9.2.4A Objective 9.1.2: To retain large holdings on high quality soils by limiting the opportunity to subdivide land containing high quality soils.

9.2.5 Objective 9.1.2: To promote amalgamation of land presently in small lots and retain large holdings, especially on high quality soils.

9.2.6 Objective 9.1.7: To avoid sporadic forms of urban development which have adverse effects on major traffic routes, urban form, and the efficient provision of infrastructure.

9.2.7 Objective 9.1.12: To avoid potential adverse effects on State Highways from commercial services and rural industries.

9.2.8 Objective 9.1.4 and 9.1.10: To avoid or mitigate downstream effects of surface water runoff.

9.2.9 Objective 9.1.6: To avoid, remedy, or mitigate the visual and physical effects of tall or large buildings on the landscape and the overshadowing effect of trees on existing residences on adjacent properties in Rural Zones and on urban zoned land.

9.2.10 Objective 9.1.6: To avoid the effects of light spillage and glare on neighbouring properties.

9.2.11 Objectives 9.1.8 and 9.1.14: To avoid, remedy, or mitigate risks to public health from waste, storage, and disposal systems.

9.2.12 Objective 9.1.4: To avoid, remedy, or mitigate the adverse effects of development causing a reduction in the quality of:

- Roading resources and the consequent greater risk to traffic safety.
- Land drainage provided within Drainage Districts, and the consequent increased risk of inundation and reduced land productivity.
- Rural water supplies and the consequent greater risk to public health and reduced land productivity.

9.2.13 Objectives 9.1.4 and 9.1.9: To avoid, remedy, or mitigate the increased risks to public health and safety from the intensification of rural land use through:

- significantly increased generation of road dust
- significantly increased traffic volumes on minor roads
- limitations on quality or availability of water supply.

9.2.14 Objectives 9.1.4 and 9.1.10: To avoid, remedy, or mitigate the effects of increased storm water runoff from any activity.

9.2.15 Objectives 9.1.4, 9.1.10 and 9.1.11: To avoid, remedy, or mitigate the effects of flooding on any activity where land is subject to inundation.

9.2.16 Objective 9.1.16: To allow flexibility in the subdivision design provided that satisfactory building platforms, vehicular access, utility services, and other related provisions to assist with the commercial services, can be achieved.

9.2.17 Objectives 9.1.6 and 53.1.1: To recognise the NZ Logging Industry Research Organisation, NZ Forest Code of Practice (Second Edition June 1993) as a method of maintaining and enhancing natural resources and rural amenity values.

9.2.18 Objective 9.1.17: To protect the agricultural research investment at Agricultural Research Centres and their efficient functioning.

9.2.19 Objective 9.1.14: To avoid the development of rural industries and commercial services on sites within any coal mining policy area.

9.2.20 Objective 9.1.6 and Policies 9.2.5 and 9.2.6: To conserve special landscape features in any Residential Farm Park.

9.2.21 Objective 9.1.3: The locational and finite characteristics of minerals shall be recognised and mineral resources identified in the Aggregate Extraction Policy Area shall not be unduly compromised by the constraints of sensitive activities and associated subdivision occurring in close proximity to the resource.

9.2.22 Objective 9.1.3A: To avoid the establishment of Scheduled Deferred Residential Areas in locations which could compromise lawfully operating industrial activities in industrial zones.

9.2.23 Objective 9.1.3A: Important recognised rural industries shall not be unduly compromised by the constraints of sensitive activities developing in close proximity to them.

SECTION 14 EXTRACTIVE INDUSTRIES

14.1.1: To recognise the importance of the District's mineral resources

14.1.2: To ensure that extractive industries, including prospecting and exploration, are carried out in a manner which minimises adverse effects on the environment in the present and foreseeable future.

14.1.3: To ensure that high quality soils are not taken out of productive use on a permanent basis as a result of extractive industries.

14.1.4: To protect significant landscape, conservation and heritage values including waahitapu from the effects of exploration, prospecting and extraction of minerals.

14.1.5 Issues 14.0.1, 14.0.2 and 14.0.9: To ensure land use activities do not unduly constrain potential access to and the development of identified significant coal and aggregate resources.

14.2 POLICIES

14.2.1 Objectives 14.1.1, 14.1.2 and 14.1.5: To identify the location of coal resources and coal extraction activities, as part of Council's responsibility to identify potential hazards.

14.2.2 Objectives 14.1.1 and 14.1.5: To record all identified significant mineral resources for information purposes.

14.2.3 Objectives 14.1.2 and 14.1.4: To avoid, remedy or mitigate any adverse effects of an extractive industry on the environment.

14.2.4 Objective 14.1.4: To avoid, remedy or mitigate any adverse effects from extractive industries on significant landscape features, natural conservation areas or heritage features, including waahitapu.

14.2.5 Objective 14.1.2, 14.1.3 and 14.1.4: That land subject to disturbance by extractive industries be rehabilitated.

14.2.6 Objectives 14.1.2 and 14.1.3: To rehabilitate land containing high quality soils in a manner which reinstates such soils to a similar productive condition.

14.2.7 To protect mineral resources identified in the Aggregate Extraction Policy Area from the effects of the constraints created by encroachment by sensitive activities.

SECTION 17 – SOLID WASTE

17.1 OBJECTIVES

17.1.1: Reduce the volume of solid wastes requiring disposal.

17.1.2: Manage solid waste collection, recycling, recovery, transfer, treatment and disposal operations in a manner which minimises adverse effects on the environment.

17.2 POLICIES

17.2.1 Objective 17.1.1 & 17.1.2: To promote practices within and outside the District that will reduce the volume of solid waste disposed of in the District.

17.2.2 Objective 17.1.1: Encourage community involvement and private enterprise participation in the collection and recycling of solid waste.

17.2.3 Objective 17.1.2: To ensure that solid waste collection, recycling, recovery, treatment and disposal facilities are sited, designed and managed so as to avoid, remedy, or mitigate adverse effects on the environment, and in particular on amenity values, health and safety, high quality soils, landscapes, and ecologically and culturally sensitive areas.

17.2.4 Objective 17.1.2: Discourage the illegal dumping of solid waste.

SECTION 22 THE COASTAL POLICY AREA

22.1 OBJECTIVE

22.1.1: To preserve the natural character of the coastal environment of the District through protection from inappropriate subdivision, use or development.

22.2 POLICIES

22.2.1 Objective 22.1.1: To ensure that development requiring a resource consent is subject to a full assessment of the environmental effects, and measures taken to remedy, mitigate or avoid the effects of the proposed activity.

22.2.2 Objective 22.1.1: To avoid, remedy or mitigate adverse effects of development on the unique natural character of the coastal environment within the Special Policy Area from Calvert Road Raglan to Papanui Point.

22.2.3 Objective 22.1.1: To ensure adequate protection of significant environmental and cultural features.

SECTION 36 LAND TRANSPORT

36.1 OBJECTIVES

36.1.1 Any adverse effects of activities on the sustainable management of the land transport infrastructure are avoided, remedied, or mitigated.

36.1.2 Development and maintenance of the land transport infrastructure in a way that avoids, remedies, or mitigates adverse effects on the environment of the Waikato District, including the health and safety, and wellbeing of the community.

36.2 POLICIES

36.2.1 Avoid, remedy, or mitigate adverse effects from the land transport infrastructure on the amenity values and natural and physical resources of the Waikato District.

36.2.2 Ensure all new roads and extensions to existing roads are consistent with the District roading hierarchy and that all subdivisions and developments of land incorporate provision for the connection of future stages of development to existing roads consistent with the roading hierarchy.

36.2.3 Require that all new or extended roads are appropriate and provide safe and convenient access, and will avoid future inappropriate subdivision and development.

36.2.4 Maintain amenity values by encouraging high volumes of traffic and heavy vehicles to use national routes and arterial roads, and, where practicable, discouraging high volume and heavy traffic use of collector and local roads which serve rural areas, or pass through residential areas.

36.2.5 Require all new roads and private access to be designed and constructed to standards to mitigate adverse environmental effects and to enable safety and efficiency of vehicle movement including:

- (a) urban roads and private access to be sealed to an all-weather hard surface standard and have overhead lighting, where appropriate;

- (b) rural roads and private access to be finished with an all-weather sealed or metalled surface appropriate to the expected volume of vehicle traffic;
- (c) roads and private access to have sufficient width to provide, where appropriate:
 - 1 vehicle carriageways capable of carrying two lanes of moving traffic except for very short local roads or private access where potential traffic volumes are insufficient to warrant two lanes;
 - 2 public facilities, including pedestrian footpaths on one or both sides of the road as appropriate in urban situations;
 - 3 above-ground and sub-surface public reticulated services;
 - 4 street lighting;
 - 5 drainage;
 - 6 landscaping;
 - 7 road-side vehicle parking; and
 - 8 safety barriers and fences;
- (d) vertical alignments such that inclines can be negotiated during all weather conditions and sight distances are adequate for road safety;
- (e) intersections to ensure adequate sight distances having regard to expected traffic volumes, speeds on approach roads, and other local features likely to influence safety at the intersection; and
- (f) cul-de-sacs to incorporate a turning head where light vehicles (cars) can turn without reversing, and larger vehicles after manoeuvring can enter and leave the cul-de-sac in a forward direction.

36.2.6 Require all vehicle entrances connecting sites to public roads to be constructed between the kerb line and the property boundary in such a way as to minimise any adverse effect on the safety or convenience of users of public footpaths or road reserves.

36.2.7 Ensure that buildings in business areas, located adjacent to pedestrian footpaths, provide overhead shelter for users of those footpaths (e.g. overhead verandahs).

36.2.8 Enable use of public roads for a range of community activities.

36.2.9 Ensure that the cost of new roading, which is needed to provide access to new subdivision or development, is met by the developer, and that upgrading of existing roads that is needed is contributed to by the developer.

36.2.10 Ensure that subdivision and development of land adjacent to public roads does not compromise the safe or efficient flow of traffic along those roads through increased entrance ways, kerb-side vehicle parking, or location of access points and intersections.

36.2.11 Provide for traffic control and directional signs and road marking on or adjacent to all road and rail facilities.

36.2.12 Ensure that buildings, vegetation and activities do not reduce clear sight lines for trains and road vehicles at level rail crossings, or for vehicles at road intersections.

36.2.13 Avoid or mitigate any adverse effects from activities on the safe and efficient operation of roads, including glare, inappropriate direct lighting, smoke, discharges and shading onto the road, or inappropriate distractions.

36.2.14 Ensure that the location, design, and number of signs visible from roads do not compromise the safety of road users.

36.2.15 Ensure that activities which generate a demand for vehicle parking, except in Town Centres, or which involve loading or unloading provide space within the activity site to accommodate manoeuvring, loading and unloading of vehicles as well as safe and convenient access onto roads.

36.2.16 Ensure that the amenity for pedestrians and the retail character of Town Centres are retained.

36.2.17 Require vehicle entrances from roads to be constructed and maintained to standards appropriate to the level of service provided by the road in terms of road geometry, traffic volume, pedestrian movement, and local traffic speed.

36.2.18 Require appropriate facilities for vehicle parking, loading, unloading and storage of goods at mooring and boat launching facilities in the District.

36.2.19 Require new urban subdivisions and development, and where practicable, upgrades, rehabilitation, or resealing and remaking of existing roads to incorporate facilities to increase the safety and efficiency of non-motorised transport users and particularly require:

- (a) provision for cycle traffic within road carriageways in such a way that lane width, design, and surface finish are adequate to safely accommodate both motorised vehicles and cycles where appropriate;
- (b) pedestrian access routes connecting residential areas, schools, shopping centres, recreation reserves, and public transport collection points and terminals where appropriate; and
- (c) pedestrian footpaths in urban areas:
 - 1 to be adjacent to, but separated from, motor vehicle carriageways and private property by appropriate safety structures including fences, where appropriate;
 - 2 to be constructed with permanent hard surfaces, such as asphalt or concrete;
 - 3 to be constructed to minimise any surface water flow that would be an impediment or hazard to pedestrians;
 - 4 to have ramp and wheelchair crossings located at convenient positions in relation to intersections;
 - 5 to have longitudinal profile and surface finish not unduly disrupted by vehicle crossings; and
 - 6 to have gradients not exceeding 1 in 6 except in extraordinary circumstances, where steps should be provided.

36.2.20 Where proposed abutments have access from a public road, require that access to be suitable for the safe and efficient carriage of vehicles, cyclists, and pedestrians.

SECTION 45 EXCAVATIONS AND FILL

45.1 OBJECTIVES

45.1.1 Issues 45.0.1 and 45.0.2. To ensure that any uncontrolled excavations or filling activities do not cause significant adverse effects on the environment.

45.1.2 Issue 45.0.3. To ensure land does not become contaminated through the placement of fill.

45.1.3 Issue 45.0.4. To ensure land is not rendered unstable for building or other purposes through the placement of fill.

45.2 POLICIES

45.2.1 Objective 45.1.1. To avoid, remedy or mitigate any adverse effects on the environment arising from excavation and filling activities.

45.2.2 Objective 45.1.1: To avoid, remedy, or mitigate the adverse effects from noise generation and dust generation, and on roading, visual amenity values, public safety and land disturbance.

45.2.3 Objective 45.1.1. To recognise that the scale of the effects potentially generated by larger excavations and fills require different management than effects arising from small excavations or fills.

45.2.4 Objective 45.1.2. To manage contaminated fills and clear fills in different ways to reflect the potential for the generation of adverse effects.

45.2.5 Objective 45.1.3. Fill activities should not result in the creation of hazards arising from ground instability.

SECTION 46 BUILDINGS

46.1 OBJECTIVES

46.1.1 Issues 9.0.6, 10.0.3, 26.0.4, 27.0.2, 27.0.3, 28.0.1, 29.0.2: To ensure that the external condition of residential buildings including residential houses, does not detract from the appearance of residential, rural, or other areas.

46.1.2 Issues 9.0.6, 10.0.3, 26.0.4, 27.0.2, 27.0.3, 28.0.1, 29.0.2: To ensure that any existing building in any Zone which fails to comply with current rules for height, height in relation to boundary, bulk, and yards is able to be utilised.

46.2 POLICIES

46.2.1 Objective 46.1.1: To avoid, remedy, or mitigate adverse effects from residential buildings on the amenity values of residential, rural, and other areas.

46.2.2 Objective 46.1.2: To avoid the demolition or disuse of any structurally sound building which, apart from its non-compliance with bulk and location requirements, can be utilised for an appropriate activity.

SECTION 47 HAZARDOUS SUBSTANCES

47.1 OBJECTIVE

47.1.1 Issues 47.0.1 and 47.0.2: To avoid adverse environmental effects and to minimise the risks presented by activities involving the use, storage, disposal and transport of hazardous substances in the District.

47.2 POLICIES

47.2.1 To control the location of, and mitigate site-specific environmental effects and risks associated with activities involving the use, storage, transport and disposal of hazardous substances, and any hazardous facilities in the District.

47.2.2 To ensure identified contaminated areas in the District are managed and/or redeveloped in a manner which prevents or mitigates any adverse environmental effects and risks.

47.2.3 To ensure the environmentally safe disposal of hazardous wastes at suitable disposal facilities using suitable disposal techniques.

SECTION 48 NOISE

48.1 OBJECTIVE

To create or maintain an acceptable ambient noise level in the District.

48.2 POLICIES

48.2.1 To protect people, particularly those in dwellings, from the effect of noise arising from activities.

48.2.2 To especially protect from noise dwelling houses located in any Residential Zone, Rural Residential Zone, Pa Zone (Urban) and Pa Zone (Rural) by ensuring the noise levels generated by any activity within these zones are compatible with the quieter environment expected in those zones.

48.2.3 To protect the Residential, Rural Residential, Rural and Pa Zones which are situated adjacent to the Industrial and Business Zones, from unreasonable noise emanating from these zones.

48.2.4 To accommodate noise generated from Marine Industrial activities within the Marine Industrial Zone and from activities in the few Special Industry areas shown on the Planning Maps

48.2.5 To provide for a few occasional and temporary recreational activities which fail to comply with maximum permitted noise levels.

48.2.6 To recognise that the operational requirements of industrial activities justify less stringent noise controls in the Industrial Zone.

SECTION 49 SIGNS

49.1 OBJECTIVE

49.1.1 Signs should provide information that communicates a message to the community while avoiding, remedying or mitigating adverse effects on communities and road safety, visual amenity of different areas within the Wakato District and the cultural values of people and communities within the Wakato District, or surrounding areas.

49.2 POLICIES

Safety

49.2.1 To provide for signs where they are an important factor in promoting the safety of the community and road users.

49.2.2 To ensure the message of signs does not confuse road users or encourage them to make impulsive manoeuvres.

49.2.3 To ensure that signs, other than traffic signs, are provided for in a manner that facilitates community and road safety.

Amenity

49.2.4 To ensure that the number, size and location of signs are compatible with the level of sensitivity of different areas to the adverse effects of signs, including visual clutter.

49.2.5 To encourage a high standard of sign presentation, construction and maintenance.

49.2.6 To ensure that signs, other than traffic signs, are provided for in a manner that maintains landscape and visual amenity, and cultural values while avoiding signs that are incongruous or out of character with their neighbourhood.

Conspicuity

49.2.7 To ensure that signs are prominently visible, clear, concise and easily read and understood by road users.

SECTION 50 AIR QUALITY

50.1 OBJECTIVE

50.1.1 Issue 50.0.1: To contribute to the maintenance and enhancement of air quality in the District by minimising adverse effects of discharges to air.

50.2 POLICIES

50.2.1 Objective 50.1.1: To control, where appropriate, detrimental effects in the environment resulting from discharges to air.

50.2.2 Objective 50.1.1: To minimise the effects of dust and odour emissions.

SECTION 51 PUBLIC WORKS AND UTILITIES

51.1 OBJECTIVES

51.1.1 Issue 51.0.1: To protect public works and utilities and their networks as physical resources of the District so that continuity of service is ensured now and in future to enable the health, safety, and wellbeing of the community.

51.1.2 Issue 51.0.2: To ensure that public works and utilities are provided in a manner which is sensitive to the amenity values of the District and avoids and/or mitigates any adverse effects on the natural and physical environment.

51.2 POLICIES

51.2.1 Objectives 51.1.1 and 51.1.2: To balance the operational requirements of public works and utilities to ensure a continuity of service with the need to avoid, remedy or mitigate adverse effects on the environment.

51.2.2 Objective 51.1.2: To ensure that, where practicable, public works and utilities are placed underground ("practicable" here means technically and economically feasible).

51.2.3 Objective 51.1.2: To encourage co-siting or sharing of facilities where this is technically feasible and the operations of co-sited facilities are compatible.

51.2.4 Objective 51.1.1: To ensure that the installation of telecommunication and electricity services does not detract from the amenity values expected of new subdivision in the Rural Residential, Residential, Industrial, Business and Commercial Zones of development in the Rural Residential Zone and in the Coastal, Landscape and Ridge Line Protection Policy Areas, whilst contributing to social wellbeing and the health and safety of residents.

SECTION 52 LANDSCAPING

52.1 OBJECTIVES

52.1.1 The policies of this Section are linked to the objectives of the Zone Sections as shown below.

52.2 POLICIES

52.2.1 Objectives 9.1.6, 26.1.1, 27.1.2, 29.1.1: To improve the appearance of activities in Residential, Industrial and Business Zones and of Rural Industries and Commercial Services in Rural Zones which are permitted or for which resource consent is sought.

52.2.2 Objectives 9.1.6, 27.1.2, 29.1.1: To reinforce the separation between Zones and improve the appearance of activities in Industrial and Business Zones and of Rural Industries and Commercial Services in Rural Zones which are permitted or for which resource consent is sought.

SECTION 53 CONSERVATION AND NATURAL RESOURCES

53.1 OBJECTIVES

53.1.1 Issues 53.0.1-4: To conserve and enhance those qualities which contribute to the natural character and amenity values of the rural, urban and coastal areas of the District.

53.1.2 Issues 53.0.1-4: To protect significant remnant areas of indigenous bush and to preserve wetlands, to safeguard significant habitats of indigenous fauna and flora, to preserve the natural character of the coastal margins of the Wakato District, and to protect outstanding natural features and landscapes.

53.2 POLICIES

53.2.1 Objectives 53.1.1, 53.1.2: To ensure that natural conservation features under the jurisdiction of the Department of Conservation are protected.

53.2.2 Objectives 53.1.1, 53.1.2: To protect ecologically sensitive wildlife habitats.

53.2.3 Objective 53.1.1, 53.1.2: To protect trees of significant landscape or historic value including indigenous trees at the time of subdivision.

53.2.4 Objective 53.1.1: To protect trees in Huntly, Ngauwaha, Raglan and Taupiri of significant landscape or historic value within road reserves or Council reserves.

53.2.5 Objective 53.1.1: To protect trees in Huntly, Ngauwaha, Raglan, and Tamahere of significant landscape or historic value on other land.

53.2.6 Objective 53.1.1, 53.1.2: To enhance esplanade reserves by retaining yards which abut them.

53.2.7 Objective 53.1.1, 53.1.2: To encourage the protection of outstanding natural features and landscapes, and areas of significant indigenous vegetation and significant habitats of indigenous fauna.

SECTION 54 ITEMS OF CULTURAL HERITAGE

54.1 OBJECTIVES

54.1.1 Issues 54.0.1 and 51.0.2: To protect those buildings, objects, items and areas which are of cultural heritage value to the District.

54.1.2 Issue 54.0.1: To ensure that removal or demolition activities associated with historical resources are controlled so as to avoid or mitigate their adverse effects.

54.1.3 Issue 54.0.1: To ensure that developments associated with heritage resources do not adversely affect their historical or cultural integrity.

54.2 POLICIES

54.2.1 Objective 54.1.1: To ensure that any modification or development does not adversely affect the historical integrity of those buildings, objects, items and areas which are of cultural heritage value to the District. For the purpose of this policy, those buildings, objects, items and areas which are of cultural heritage value to the District include:

- a building, object, item or area which has strong associations with significant events or notable people;
- a building, object, item or area which is a notable example of a particular designer, style or period;
- a building, object, item or area recognised by the community as contributing to the uniqueness and identity of the locality, district, neighbourhood or street.

54.2.2 To ensure that the use of land within areas where there are buildings, objects, items and areas associated with early Māori and European settlement should not compromise the visual character of those settlements or the links that they provide with ancestral lands, water, sites, wāhi tapu and other taonga.

54.2.3 Necessary maintenance, including redecoration and repair, should ensure that the works remain in character with the nature, design, construction, form and extent of the buildings, objects, items and areas which are of cultural heritage value to the District.

Exhibit MBC3

Waikato Proposed District Plan – Objectives and Policies

Waikato Proposed District Plan – Objectives and Policies

Chapter 2 – Indigenous Vegetation and Habitat

Objective

2.2.1

Indigenous biodiversity and the life-supporting capacity of indigenous ecosystems are maintained or enhanced.

Policies

2.2.2

Areas of indigenous vegetation and habitats of indigenous fauna, and the life-supporting capacity of indigenous ecosystems should be maintained or enhanced through on-site works, and the creation of ecological buffers and linkages using eco-sourced plants.

2.2.3

Priority should be given to protecting and restoring threatened habitats and habitats of threatened species such as coastal and lowland forest, riparian areas, wetlands, dunes and peatlands.

2.2.5

Areas of significant indigenous vegetation and significant habitats of indigenous fauna should be managed in a way that protects their long-term ecological functioning and biodiversity through such means as:

- (a) excluding stock
- (b) undertaking plant and animal pest control
- (c) retaining and enhancing vegetation cover
- (d) maintaining wetland hydrology
- (e) avoiding physical and legal fragmentation
- (ea) avoiding housing development close to such areas.

2.2.6

Subdivision, use and development should be located and designed to avoid, remedy or mitigate adverse effects on indigenous biodiversity. This will include adverse effects on the ecological functioning and values of significant indigenous vegetation and significant habitats of indigenous fauna, in-stream values, riparian margins and gullies.

2.2.7 [1183, 0010]

When avoiding, remedying or mitigating adverse effects on indigenous biodiversity, regard should be had to:

- (a) the need for species to continue to have access to their required range of food sources and habitats during their life cycle
- (b) the need for species to have access to refuges from predators and disturbances
- (c) the maintenance of natural isolation
- (d) the need to prevent invasion by exotic species
- (e) the need to maintain vegetation structure, such as a continuous closed-forest canopy and understorey, and the compactness of an area's shape to limit edge effects such as wind damage
- (f) the need to replace or restore habitats
- (g) retaining and restoring the natural character and landscape values of the area [0075]
- (ga) maintenance and enhancement of ecological corridors and buffer areas.

2.2.8 [0075]

The features and values that characterise areas of indigenous vegetation and habitats of indigenous fauna and that contribute to biodiversity should be protected from inappropriate subdivision, use and development.

Chapter 3 – Natural Features and Landscape

Objective

3.2.1

Outstanding natural features and landscapes are recognised and protected.

Policies

3.2.2 [0021]

Outstanding natural features and landscapes, identified in Schedule 3A, should be recognised and protected from the adverse effects of inappropriate subdivision, use and development.

3.2.3

Cultural and spiritual relationships of Māori with outstanding natural features and landscapes should be recognised and provided for in the course of subdivision, use and development.

3.2.4 [0021]

Subdivision, use, development, roads and tracks should avoid adverse effects on outstanding natural features and landscapes, including prominent ridgelines.

3.2.6 [0023]

Views of outstanding natural features and landscapes from public places should be protected from the adverse effects of inappropriate subdivision, use and development.

Objective

3.4.1 [0010, 0067]

Landscapes and visual amenity values, as viewed from public places, are retained and enhanced.

Policies

3.4.2 [0067, 0010, 0027]

Natural features and landscapes, including locally distinctive landforms and prominent ridgelines, and general visual amenity values should be protected from inappropriate subdivision, use and development, in particular by: **[0021, 0051]**

- (a) avoiding or mitigating adverse effects on natural features such as indigenous vegetation, lakes, rivers and mountains
- (b) ensuring that the visual effects of buildings can be absorbed without significant adverse effects on the landscape
- (c) locating buildings and development so as to integrate them with the surrounding landscape and backdrops, to avoid dominating the landscape
- (d) designing subdivision so that potential development, including building platforms, fences and vehicle accesses, are located sympathetically in the landscape
- (e) avoiding, remedying or mitigating as soon as practicable, the adverse visual effects of earthworks and vegetation clearance, by:
 - retaining vegetation, and

- restoring natural contours and replanting with appropriate species, and
 - limiting the area of soil exposed by earthworks and the length of time it is exposed, and
 - locating and constructing roads, tracks and vehicle accesses to minimise their visual impacts.
- (f) avoiding or mitigating the adverse effects on visual amenity from noxious, dangerous, offensive or objectionable materials.
- (fa) considering the effects of activities on the relationship of Māori with their ancestral lands and waahitapu.

Objective

3.6.1

The natural character of the coastal environment, wetlands, and lakes and rivers and their margins is preserved.

Policies

3.6.2

Subdivision, use and development should be of a density, scale, intensity and location that preserves the natural character of the coastal environment, wetlands, and lakes and rivers and their margins and should retain or enhance the relevant components of that character, including:

- (a) geology, landform, indigenous vegetation and wildlife, and
- (b) natural processes, elements and patterns, and
- (c) intrinsic values of ecosystems, and
- (d) restoration potential, including potential vegetation cover, and
- (e) aesthetic, visual, cultural and heritage values attached to places and features, and
- (f) unique or typical characteristics, and
- (g) the scale and context of modifications, including:
 - the ratio of open space to areas covered by buildings and other development
 - land use
 - open space areas in pasture, trees, crops or indigenous vegetation
 - water quality and flows
 - views of natural features, the coast, indigenous vegetation and waterbodies.

3.6.2A [0075]

Subdivision, use or development in the coastal environment should be located in areas where the natural character has already been compromised, and should not be sprawling or sporadic.

3.6.2B [0075]

The unique natural character of the Wāhanga Coast should be specially recognised and protected.

Chapter 4 – Natural Resources

Objective

4.2.1 [0045]

Physical, chemical and biological properties necessary for maintaining the life supporting capacity and productive use of the soil, especially high quality soil, are retained

Policies

4.2.2 [0045]

The productive potential of soil, especially high quality soil, should not be compromised by activities that do not use or rehabilitate the productive capability of the soil or that adversely affect the physical, chemical and biological properties of the soil.

4.2.3 [0045]

Soil, especially high quality soil, should be available in its natural state and original location for future generations.

4.2.4 [1183, 0045]

Activities that do not utilise or rehabilitate the life supporting capacity and the productive capability of high quality soils should not locate on land containing high quality soils.

4.2.5

Where high quality soil remains or disturbance cannot be avoided, the soil should be used to rehabilitate the land or enhance soils elsewhere to retain soil versatility and productive capacity.

4.2.6

The physical, chemical and biological properties of soil should be reinstated at the conclusion of activities that have adversely affected those properties.

Objective

4.4.1

Versatility and productive capability of rural land, especially that containing high quality soil and open space, is retained.

Policies

4.4.2

Allotments created by subdivision, particularly in areas containing high quality soils, should be appropriately located and shaped and of sufficient size to enable rural production based on the soil resource.

4.4.2A

Rural land should be retained in large holdings to retain opportunities for land based primary production and rural industries.

Objective

4.5A.1

Minerals are available for extraction.

Policies

4.5A.2 [0035]

Nationally and regionally significant mineral resources should be recognised for their potential contribution to social and economic wellbeing.

4.5A.3 [1183, 0070, 0035]

Extraction of mineral resources from specific sites individually identified on the planning maps should not be compromised by new use or development in areas on or close to those sites.

4.5A.4

Activities that are sensitive to the effects of mining or associated mineral haulage should be located and designed to avoid, remedy or mitigate adverse effects on the utilisation of actively exploited mineral resources, so that resource utilisation is not constrained.

Objective

4.6.1

Coastlines, wetlands, lakes and rivers are protected from the adverse effects of subdivision and land disturbance.

Policies

4.6.2

Margins of water bodies (including river banks) and the coast, significant indigenous vegetation and habitats, and other sensitive areas should be protected from the adverse effects of soil removal and disturbance, earthworks, vegetation clearance, and disposal of waste to land, or if disturbed, reinstated to an equivalent or better condition than prior to disturbance.

4.6.2A

Subdivision and land disturbance along the margins of water bodies and the coast should be managed to avoid, remedy or mitigate adverse effects, including sediment and nutrient runoff and the removal of soil.

4.6.2B

The coastal environment should be protected from the effects of activities distant from the coast, including soil disturbance, earthworks, vegetation removal and waste disposal to land.

Chapter 5 – Natural Hazards

Objective

5.2.1

Risks from natural hazards to health, safety and property, resulting from use, development or protection of land, are minimised.

Policies

5.2.2

Use, development or protection of land subject to natural hazards should be avoided unless the related risks to health, safety and property are mitigated.

5.2.3

Use, development or protection of land should not increase the adverse effects of natural hazards, or compromise natural processes.

5.2.4

Construction or alteration of a building should not take place on land that in the event of a 0.5 metre sea-level rise would be:

- (a) below mean high water springs, or
- (b) subject to inundation by storm surges, or
- (c) subject to coastal erosion.

5.2.5

Development should minimise impervious surfaces, provide adequate storm water drainage, and mitigate the off-site effects of storm water drained from the site.

5.2.6

Plantation forests should be provided with firebreaks and a source of water for fire fighting.

5.2.7

Dwellings should be located where they will not be at an abnormal risk from fire.

5.2.8

Natural buffers against the effects of natural hazards should be used, maintained, or enhanced.

5.2.9

Development should be designed and located to avoid or mitigate the predicted effects of global climate change on natural hazards, especially increased flooding, erosion, fire, and storms. Where there is incomplete information, a precautionary approach should be taken.

Chapter 6 – Built Environment

Objective

6.4.1 **[0010]**

Network utilities are provided in a manner that does not compromise qualities and characteristics of surrounding environments.

Policies

6.4.2 **[0010]**

Utilities should be designed and located to avoid, remedy or mitigate any adverse effects from their structures on the environment, community health and amenity.

6.4.3 **[0010]**

Compatible utilities should, where technically and practicably feasible, share locations or facilities where advantages are achieved in terms of visual, landscape or other positive effects.

6.4.4

Utilities should be placed underground unless:

- (a) the adverse effects on the environment are greater than placing the utility above ground, or
- (b) a natural or physical feature or structure renders underground placement in practical or undesirable, or
- (c) the utility must be placed above ground for practical, operational or technical reasons.

6.4.5

Land close to electricity transmission lines should remain open space.

6.4.6

Raglan Harbour (W haingaroa) navigational beacons and associated view shafts must not be obscured.

6.4.7

New use or development should not compromise the potential for, or use and operation of, utilities.

6.4.8 [0045]

Utilities in developments near the Hamilton city boundary should be compatible with and capable of connection to those same utilities in Hamilton city.

6.4.9

Network utilities should make a positive contribution to community wellbeing including by being of a quality and standard appropriate to meet the needs of the community.

Objective

6.6.1

Adverse effects of use and development are avoided by provision of wastewater and storm water disposal, supply of water, energy and telecommunications.

Policies

6.6.2

Where land is subdivided or its use intensified, then adequate water supply, wastewater treatment, and land and storm water drainage must be provided to each allotment, by connection to available reticulated services, or by on-site facilities where reticulated services are not available.

6.6.3

Every allotment in a subdivision should be connected to reticulated services for telecommunications and electricity supply where these are reasonably available.

6.6.4

The density and type of development should not exceed the capacity of the area to absorb the adverse effects of the development on amenity, water quality, storm water runoff, ecological values, health or safety.

Objective

6.8.1 [0067, 0051]

Investments in strategically and regionally important utilities, and industrial and research sites are protected.

Policies

6.8.2 [0045]

Strategically and regionally important utilities, and industrial and research sites must be recognised for the important benefits they contribute to the community.

6.8.3 [0045, 0067]

Subdivision, use and development must not compromise the ongoing efficiency of strategically and regionally important infrastructure, including power stations, electricity transmission lines, gas lines, landfills, air and land transport networks, and facilities integral to the agriculture sector (Te Rapa Dairy Factory, Horotiu meat processing plant, and agricultural research centres).

6.8.4 [1183, 0067]

Energy producing resources and infrastructure (including the Wakato coalfields and Huntly Power Station), and facilities integral to the agricultural sector (Te Rapa dairy

factory, Horotiu meat processing plant and agricultural research centres and Wakato Innovation Park) must retain the opportunities for continued use and expansion.

Chapter 7 – Energy

Objective

7.4.1

Generation and use of renewable energy resources is increased.

Policies

7.4.2

Positive effects to the environment and the community of generating and using renewable energy resources should be recognised and provided for.

7.4.3

The renewable energy resources of the district (including geothermal, biomass, solar and wind) should be recognised for their potential contribution to national energy production.

Chapter 8 – Land Transport Network

Objective

8.2.1

An integrated, safe, responsive and sustainable land transport network is maintained, improved and protected.

Policies

8.2.2

Design, construction and operation of roads should be consistent with their function in the road hierarchy.

8.2.2A

Subdivision, use and development should not compromise the road function as specified in the road hierarchy.

8.2.3

The integrated, safe, responsive and sustainable operation of the land transport network should be promoted through:

- (a) carriageway, intersection and site design
- (b) appropriate siting of and access for traffic generating activities
- (c) traffic management, signage, road marking, lighting, and rest areas and parking as appropriate
- (d) provision for pedestrians, cyclists and the disabled, including off road routes and connections
- (e) provision of public transport
- (f) provision for network utilities
- (g) appropriate access for existing land uses
- (h) railway crossing design.

8.2.4

Subdivision and development should not obstruct future road linkages including access to adjoining land and to Hamilton City where relevant.

8.2.5

Subdivision, use and development should be located and designed to connect safely to an existing road.

8.2.5A

Land use activities should provide adequate on-site parking.

8.2.6

Buildings, structures, night lighting, glare, advertising signs, aerial distractions and vegetation should not compromise the safe and efficient operation of the land transport network, or obscure RAP ID numbers.

8.2.7

Stock and pedestrians should be provided with safe and appropriate means of crossing a road or railway line.

Objective

8.4.1

Land transport networks are provided, while not compromising the qualities and character of surrounding environments.

Policies

8.4.2

Road and rail maintenance, construction and operation should minimise adverse effects on people, communities and the environment by managing:

- (a) discharge of storm water
- (b) effects of contamination, including discharge of stock effluent
- (c) disturbance to natural landscapes, soil resources, indigenous vegetation and habitats, and cultural and heritage sites
- (d) severance of property and communities
- (e) road surface noise
- (f) connections between communities
- (g) glare and light spill from street lighting.

Chapter 10 – Solid Waste

Objective

10.2.1

Solid waste volumes are reduced.

Policies

10.2.2

Practices that reduce the volume of solid waste generated and disposed of in the district should be promoted.

10.2.3

Waste should be minimised where possible, or re-used or recycled.

10.2.4

The producers of waste should be responsible for its disposal.

10.2.5

Community involvement and private enterprise participation should be encouraged in the reduction, collection and recycling of solid waste.

10.2.6

The illegal dumping of solid waste should be minimised.

Chapter 11 – Social, Cultural and Economic Wellbeing

Objective

11.4.1

Cultural practices and beliefs of Tangata whenua are respected.

Policies

11.4.2

Subdivision, use and development should not compromise the cultural and spiritual significance of areas, including waahitapu, urupa, munga and other landforms, mahinga kai, and indigenous flora and fauna.

11.4.3

The cultural significance of the Wakato River, Raglan Harbour (Whaingaroa), coastal areas, wetlands and other waterbodies should be recognised and maintained.

11.4.4

Tangata whenua should be able to sustainably manage their lands and resources in accordance with their cultural preferences and aspirations.

Objective

11.6.1

People and communities are able to access resources so that they can provide for their economic wellbeing.

Policies

11.6.2

Community economic wellbeing should be enabled through activities that use and develop natural and physical resources without adverse effects on the local environment.

11.6.3

Activities in Raglan should utilise the natural and physical resources of the locality, including Raglan Wharf, and be of a character, scale and intensity consistent with serving local economic needs.

11.6.4

Activities in Ngauwaha should serve local economic needs consistent with the town's residential character.

11.6.5

Activities in Huntly should enable the Huntly community to provide for and improve the town's economic wellbeing.

11.6.6

Activities in Te Kauwhata should utilise local natural and physical resources to provide for the economic wellbeing of an evolving and growing community.

11.6.7

Activities in villages should provide economic opportunities while retaining the characteristics of those communities.

11.6.8 **[0045]**

Subdivision, use and development in rural areas should not compromise access to resources needed for economic activity, especially resources of a fixed or finite nature, including land, (particularly that used for productive agricultural and farming activities), soil, water, minerals, and the open space that provides separation from sensitive activities.

Chapter 12 - Historic Heritage

Objective

12.2.1

Historic heritage is retained

Policies

12.2.2

Buildings, sites, structures, places and areas that contribute to the historic heritage of the community should be restored, conserved and reused.

12.2.3 **[1183, 0086, 0093]**

Buildings, sites, structures, places and areas having heritage value, including architectural, archaeological, cultural, technological, historical, scientific, intrinsic or amenity values, visual appeal or other special character, should not be adversely affected by subdivision, use and development.

12.2.4

Relationships between heritage buildings, sites, structures, places and areas and their surrounds or setting, and views of identified places of historic significance (including redoubts and battlefields) should be maintained.

12.2.5

Identified heritage items must not be demolished or removed unless:

- (a) the condition of the item poses a serious risk to human life, and
- (b) reasonable alternatives have been investigated and considered, including restoration or adaptation, reuse and relocation, and these alternatives have been found to be in practicable or uneconomical.

12.2.6

Identified heritage items may be altered or added to if the work is:

- (a) in keeping with and sympathetic to the original characteristics for which the item is valued, including streetscape, and
- (b) of a nature that does not cause permanent loss or damage to the original fabric of the building.

12.2.7 **[1183]**

Archaeological sites and areas, sites of significance to Maori (including waahitapu sites and waahitapu areas), and places of historic significance should be protected from adverse effects of development or activities on those sites.

12.2.8 **[0093]**

Design and appearance of new development, and external alterations or additions to buildings should be compatible with the scale, detailing, style, materials and character of the precinct and should protect heritage values within:

- (a) Raglan town centre
- (b) Matangi Heritage Precinct
- (c) Rangiri Heritage Precinct
- (d) Huntly Heritage Precinct

Chapter 13 – Amenity Values

Objective

13.2.1 **[1183, 0067]**

Adverse effects of activities on amenity values are contained within the site where they are generated.

Policies

13.2.2 **[0067]**

Adverse effects associated with lighting, litter, electromagnetic radiation, vermin, traffic, spray drift, and noise should be contained within the site where they are generated.

13.2.3 **[0067]**

Adverse effects associated with offensive or objectionable dust, smoke and odour should be contained within the site where they are generated.

13.2.4 **[0067, 1183]**

Adverse effects that cannot be contained on the site where they are generated should be remedied or mitigated.

13.2.5 **[0067]**

Amenity values, health and safety should be protected from adverse traffic effects including:

- (a) noise, vibration, dust, lighting and glare
- (b) vehicle emissions
- (c) accelerated or contaminated storm water runoff
- (d) visual effects of parking and loading areas
- (e) traffic safety and congestion.

Objective

13.2.6

Amenity values of localities are maintained and enhanced.

Policies

13.2.7 **[0061, 0067]**

Scale, intensity, timing and duration of effects of activities should be managed to be compatible with the amenity and character of the locality.

13.2.8

Activities with similar effects or a similar expectation of amenity should be located together.

13.2.9 **[0067]**

Activities sensitive to noise, dust, smoke, odour, spray drift, lighting, litter, electromagnetic radiation, vibration or traffic should locate in areas where local amenity values are not already compromised by those effects.

13.2.10 **[0035]**

Activities with dissimilar effects or a dissimilar expectation of amenity should be separated where possible.

13.2.11

The district should be divided into zones for the purposes of resource management.

Objective

13.4.1

Amenity values of sites and localities maintained or enhanced by subdivision, building and development

Policies

13.4.2

Subdivision, building and development should be located and designed to:

- (a) be sympathetic to and reflect the natural and physical qualities and characteristics of the area
- (b) ensure buildings have bulk and location that is consistent with buildings in the neighbourhood and the locality **[0024]**
- (c) avoid buildings and structures dominating adjoining land or public places, the coast, or waterbodies
- (d) retain private open space and access to public open space
- (e) encourage retention and provision of trees, vegetation and landscaping
- (f) arrange allotments and buildings in ways that allow for view sharing, where appropriate
- (g) provide adequate vehicle manoeuvring and parking space on site
- (h) provide vehicle, cycling and pedestrian connection to transport networks, including roads, cycleways and walkways, and facilitate public transport
- (i) promote security and safety of public land and buildings, and places
- (j) mitigate foreseeable effects (including reverse sensitivity effects) on, and from, nearby land use, particularly existing lawfully established activities
- (k) mitigate foreseeable effects on waterbodies
- (l) maintain adequate daylight and direct sunlight to buildings, outdoor living areas and public places
- (m) maintain privacy
- (n) avoid glare and light spill.

13.4.3

Trees that have special amenity value should be protected.

Objective

13.4.4

Signs visible from public places do not compromise visual amenity or road safety.

Policies

13.4.5

The number, size, location and appearance of signs visible from public places should be compatible with the character and sensitivity of localities.

13.4.6

Signs visible from public places should not create adverse effects from illumination, light spill, flashing or reflection.

13.4.7

Messages or images on signs visible from roads should not confuse or distract road users.

Objective

13.6.1

Rural character is preserved

Policy

13.6.2 [1183, 0010]

Rural subdivision and development should be of a density, scale, intensity and location consistent with the existing rural character of the locality and should retain or enhance the relevant components of that character, including:

- (a) a very high ratio of open space in relation to areas covered by buildings
- (b) open space areas in pasture, trees, crops or indigenous vegetation
- (c) tracts of unmodified natural features, indigenous vegetation, streams, rivers, wetlands and ponds
- (d) large numbers of farm animals and wildlife
- (e) noises, smells and sights of farming, horticultural and forestry uses [0070]
- (f) post and wire fences, purpose-built farm buildings, and scattered dwellings
- (g) generally narrow carriageways within wide road reserves, often unsealed with open drains, low-speed geometry and low traffic volumes
- (h) a general absence of urban-scale and urban-type infrastructure such as roads with kerb and channel, footpaths, mown berms, street lights, advertising signs, sealed and demarcated parking areas, decorative fences and gateways
- (i) a diversity of lot sizes and shapes, related to the character and pattern of the landscape.

Chapter 14 - Hazardous Substances

Objective

14.2.1

Environment, people and property are protected from the adverse effects of hazardous substances.

Policies

14.2.2

Activities that use, store, transport and dispose of hazardous substances should avoid risk to the environment, human health, safety and property by:

- (a) being separated from sensitive natural environments, schools, recreational venues and residential areas
- (b) being located away from incompatible activities
- (c) being designed and constructed to contain any hazardous substances that may be accidentally released
- (d) disposing of hazardous substances in an environmentally safe manner
- (e) not causing contamination of land, its soil resource, or bio-accumulation of toxic substances in plants, animals and ecosystems
- (f) containing all accidental or uncontrolled releases of hazardous substances on-site

- (g) having procedures for storing and handling hazardous substances
- (h) having a hazardous substances management plan to deal with accidental or uncontrolled releases
- (i) using non-hazardous substances and technologies where possible.

14.2.3

Sensitive land uses should avoid locations where they may be adversely affected by transportation of hazardous substances, particularly along energy corridors, railway lines or major transport routes.

Chapter 16 - Financial Contributions

Objective

16.2.1 [0045]

Developers pay the costs of adverse effects on the environment arising from their private land subdivision and development.

Policies

16.2.2 [0045]

The costs of and responsibility for avoiding, remedying, and mitigating effects of activities should be borne by the subdivider and developer.

16.2.3

Subdividers and developers should:

- (a) meet the cost of network utilities necessary to avoid, remedy, mitigate or offset the effects on the environment of the subdivision or development, and
- (b) meet the total costs of on-site services, including linkages to and upgrading of network utilities, and [0035]
- (c) contribute towards any previous upgrading of network utilities of which the excess capacity is utilised, and
- (d) meet the costs of additional or enhanced network utilities and services arising from the activity, including the road network and the provision and development of reserves and community facilities. [0045]

Exhibit MBC4

Franklin District Plan – Objectives and Policies

Franklin District Plan – Objectives and Policies

Part 4 Partnership with Tangata Whenua

4.1 Objectives, Policies and Methods

4.1.1 OBJECTIVE - TRADITIONAL RELATIONSHIP

To protect the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahitapu, and other taonga.

Policies:

1. Adverse effects on Tangata Whenua's ancestral lands, water, sites, waahitapu, and other taonga and on their relationship with such should be avoided, remedied or mitigated.
2. The assessment of effects on Tangata Whenua should occur in a way that respects Maori customary values and practices.
3. Tangata Whenua should be consulted where activities have the potential to adversely affect ancestral lands, water, sites, waahitapu, and other taonga.

PART 5 CONSERVATION OF NATURAL FEATURES

5.2 Objectives, Policies and Methods

5.2.1 OBJECTIVE - ECOSYSTEMS

To avoid remedy or mitigate the adverse effects of activities on the life supporting capacity of indigenous ecosystems.

Policies:

1. To control the effects of activities where they compromise, directly or indirectly, the life supporting capacity of any indigenous ecosystem including those ecosystems which cross the boundary of Mānuka High Water Springs.
2. That priority be given to avoiding any adverse effects of land subdivision, use or development on those areas identified in Schedule 5A.

5.2.2 OBJECTIVE - BODIES OF WATER

To preserve the features, elements and systems which contribute to and maintain the natural character of the West Coast, Firth of Thames and Manukau Harbour coastal environments, and wetlands, lakes and rivers, and their margins, and to ensure that they are protected from inappropriate subdivision, use and development.

Policies:

Activities within the COASTAL ENVIRONMENT should:

1. Avoid adversely affecting the areas and or features identified in Schedule 5A.
2. Avoid, remedy or mitigate adverse effects on the following areas or features:

- (i) areas of indigenous vegetation or habitats of indigenous fauna which derive their intrinsic character from a coastal location or which contribute to the natural character of the coastal environment.
- (ii) any landform which is a substantial part of the coastal environment.
- (iii) any feature which substantially contributes to the visual quality or amenity value of the coast.
- (iv) the identified characteristics of special spiritual, historical or cultural significance to Māori.

COASTAL ENVIRONMENT AND WETLANDS, LAKES AND RIVERS, AND THEIR MARGINS:

3. That appropriate vegetation cover, consistent with the natural character and intrinsic values of these areas remains or is reinstated following development.
4. The subdivision, use or development does not introduce effects which would be of a scale or nature which is inconsistent with the existing elements of the natural character of the area.
5. Particular regard shall be had to the cumulative effects of activities to protect the values and functions of the area.
6. To provide for public access where practicable: Public access may not be practicable where it is necessary to:
 - protect areas identified in Schedule 5A.
 - be consistent with conservation values
 - protect Māori cultural values
 - protect public health and safety
 - ensure a level of security consistent with the purpose of a resource consent and in other exceptional circumstances.
7. That recreational uses of lakes, rivers and their islands, and wetlands be allowed where such uses do not adversely affect the particular conservation values of the area or resource.

5.2.3 OBJECTIVE - SUSTAINABLY MANAGING NATURAL HERITAGE RESOURCES

To sustainably manage the natural heritage resources of the District by:

- Protecting the following items from inappropriate subdivision, use, and development:
 - outstanding natural features and landscapes;
 - areas of significant indigenous vegetation, and
 - significant habitats of indigenous fauna including trout and salmon;
- Ensuring that representative samples of natural features, areas of indigenous vegetation, and habitats of indigenous fauna that are of value at a Regional and District level are protected.

Policies:

1. Adverse effects of land use activities that have the potential to damage or destroy the values of those items listed in Schedule 5A shall be avoided.

2. Significant natural features, areas of indigenous vegetation and habitats of indigenous fauna not listed in Schedule 5A which contribute to the rural or natural character of the area should be retained. In the assessment of the significance of such heritage resources the following criteria will be taken into account:

Whether the native bush:

- is of sufficient size and shape to maintain its intrinsic qualities;
- consists of a coherent well-developed canopy of native species;
- consists of a range of native species appropriate to that forest type;
- contains a significant percentage (at least 25 percent) of mature native trees;
- represents a significant or prominent landscape feature;
- may contain native species threatened in the Franklin District;
- the area has wildlife habitat values, or provides or contributes to a habitat corridor facilitating the movement of wildlife species in the local area.

Whether natural features and habitats of indigenous fauna are:

- are of sufficient size and shape to maintain its intrinsic qualities;
- the habitat of threatened species (as defined by IUCN criteria);
- an area of recognised wildlife or earth science significance;
- a freshwater wetland;
- an uncommon indigenous vegetation community;
- Contribute to the National, Regional or District biological heritage.

PART 7 NATURAL HAZARDS

7.2 OBJECTIVES POLICIES AND METHODS

7.2.1 OBJECTIVE - HAZARDS AVOIDANCE AND MITIGATION

To ensure, as far as practicable, that

- activities do not cause, accelerate or contribute to natural hazards;
- activities do not occur in or near areas of known natural hazards;
- the public is well informed as to the location and nature of natural hazards.

Policies:

1. That buildings be controlled in terms of their floor levels and siting where this would safeguard against the on-site or off-site effects of both low probability, high impact events and high probability, low impact events.

2. That a conservative or precautionary approach be taken to setting building controls until a greater level of understanding of each hazard or the particular locality is achieved.

3. Land disturbance activity in coastal and riparian margins shall not give rise to instability or erosion.
4. That a natural hazards register be maintained and regularly updated and that this information be made available or disseminated to the public in effective ways.
5. That a hazard risk assessment be required for any proposal that does not comply with the minimum building standards or which is in or near an area of known or suspected natural hazard potential, and that approval only be given where adequate and appropriate measures can be taken to avoid or mitigate any probable adverse effects related to the particular hazard or proposal.
6. That adverse effects on flood protection works are avoided, remedied or mitigated.
7. New subdivision, use, and development should be located and designed to avoid interference with natural coastal processes, so that the need for coastal protection measures is avoided.
8. Where existing subdivision, use, and development in the coastal environment is adversely affected by coastal hazards, including mean sea level rise, further subdivision, use, and development that exacerbates the risk, or creates a new risk should be avoided.
9. Natural features such as beaches (sand dunes and bayshore bars), mangroves, and wetlands, which may buffer subdivision, use, and development from coastal hazards, shall be protected.

PART 8 CULTURAL HERITAGE

8.1 OBJECTIVES, POLICIES AND METHODS

8.1.1 OBJECTIVE - SAFEGUARDING HERITAGE FEATURES

To protect known places, areas, trees and objects having heritage significance in the District from inappropriate subdivision, use, and development.

Policies:

1. All persons shall avoid the modification, damage, or destruction of archaeological sites, heritage items, historic places, trees or objects listed in Schedule 8 A, and other resources subject to a Heritage Covenant or a Heritage Order whether or not they are identified in this Plan, except where consent has been granted by the NZ Historic Places Trust and Tangata Whenua.
2. That all activities for which a resource consent is required be assessed in terms of any effects on known or significant heritage places, trees or objects in the District, and that where appropriate, conditions be used to avoid or minimise any direct or indirect loss of heritage value, or to ensure that there is sufficient and reasonable compensation to the community for any significant loss.
3. That in general the extent of protection required be limited to the exterior of a building or object and to an area around the "item" which is relative to its size and

scale; that in respect of trees the protection extend at least to the drip line and that no activity which would threaten the life or health of the tree, such as building too close or excavating for driveways or foundations, be allowed, unless a resource consent has been granted.

8.1.2 OBJECTIVE - INFORMATION

To record historic places and areas and other resources having heritage value within the District, monitor the condition of the most significant or most vulnerable ones, and inform landowners and the general community as to the significance, vulnerability, and the methods and incentives available to protect these resources.

Policies:

1. That a joint monitoring programme be implemented with Tangata Whenua, the New Zealand Historic Places Trust, the Department of Conservation, Regional Councils and other relevant public agencies and interest groups, to assess the condition of those heritage items listed in Schedule 8A during the term of this Plan.
2. That further items be added to Schedule 8A where the criteria specified in Part 8.2 of this Plan are satisfied in response to the work of any agency, including the Franklin District Council, with the Council's priority being those areas which are considered most under threat.
3. That an ongoing liaison programme be established whereby current and prospective owners of scheduled items are informed of the nature and significance of them, the methods and incentives available for protection and the implications of the policies and rules of the Plan.
4. That a range of alternative methods be used to disseminate information to the community to raise the public's awareness of heritage issues and values of the District.
5. That landowners be encouraged to protect heritage features through incentives to offset any penalty incurred for owning a heritage resource.

PART 9 TRANSPORTATION

9.3 OBJECTIVES POLICIES AND METHODS

9.3.1 OBJECTIVE - MINIMISE CONFLICT

To minimise conflict between the movement and access functions of roads and ensure, as far as practicable, that activities are compatible with the predominant function of the roads they front.

Policies:

1. That the District's roads are classified in terms of the relative importance of their movement and access functions and that a road hierarchy be established based on that classification.
2. That the effects of the subdivision, use and development of land are assessed in terms of the road hierarchy to determine and ensure the compatibility of activities with the roads they front or rely upon for access.

3. That activities that would lead to new or extended 'ribbon' development along, and with direct access to, existing or proposed state highways and district arterial roads be avoided through the Plan's activity controls and decisions and conditions on resource consents.
4. That activities that generate high volumes of traffic or frequent trips be prevented from establishing in locations where direct access from state highways and district arterial roads is necessary unless the characteristics of, and provision made for, the traffic generated (including crossing and intersection design) are such as to ensure the avoidance of any adverse effects; in the case of State Highways and 'arterials', the ingress/egress should be designed in accordance with Transit New Zealand standards or guidelines. (Note: Transit NZ will generally expect that the requirements of Table 9 are satisfied - see Page 9/10).
5. That multi-lot subdivisions in rural areas be required, where practicable, to obtain access from state highways or district arterial roads via a local road or a single common access lot or easement of right of way rather than through separate vehicle access points for each new lot.
6. That all activities be required to provide off road parking and bading facilities and to have access points (vehicle crossings) which comply with the Council's minimum standards for same.
7. That the Plan uses frontyards in all Zones to assist in minimising conflict between roads and land use activities.

9.3.2 OBJECTIVE - SAFETY

To ensure a safe roading network.

Policies:

1. That all activities be assessed in terms of the roading hierarchy to determine the appropriate standards of vehicle access, driveways and parking and bading areas, and manoeuvring space.
2. That minimum standards be required to be satisfied for the location, design and construction of vehicle access points and road intersections.
3. That all persons and agencies ensure, as far as practicable, that road furniture, signage and vegetation is located, designed and maintained so as not to cause road safety problems, including visual obstruction or distraction.
4. That no activity be permitted to create a situation where glare or light overspill from exterior lighting associated with that activity dazzles, distracts or otherwise impairs driver vision on roads adjacent to the activity.

9.3.3 OBJECTIVE - OTHER ADVERSE EFFECTS

To ensure that the construction, modification and use of roads does not cause adverse effects.

Policies:

1. The activity status of various types of road works be determined in accordance with the nature and scale of the effects likely to be associated with each type of work.
2. That road works requiring land use consent only proceed following due consideration for avoiding, remedying or mitigating any adverse effects.
3. That activities requiring land use consents and involving frequent trips and/or significant types or quantities of hazardous substances, consideration be given to the routes intended to be used and the alternative routes available; where a route is not considered to be appropriate in terms of the potential adverse effects on the environment of any road crash or other possible mishap, consideration will be given to alternative sites for the proposed land use, and to the greater suitability and appropriateness of such sites; any assessment will in particular consider:
 - routes containing sensitive land uses such as schools and hospitals;
 - ease of access for emergency vehicles both to the site of the activity and any parts of the alternative routes being considered;
 - susceptibility of natural resources along the alternative routes to damage or contamination from the particular "hazardous substances"; and
 - the policies of adjoining territorial authorities on these issues.

PART 15 ACTIVITIES THROUGHOUT THE DISTRICT

15.1 NETWORK AND OTHER UTILITIES AND ESSENTIAL SERVICES

15.1.1 OBJECTIVES, POLICIES AND METHODS

15.1.1.1 Objective

To recognise the importance to the economic and social wellbeing of the District and the essential nature of network and other utilities and other essential services and to provide for their development, operation and maintenance.

15.1.1.2 Objective

To ensure that network and other utilities and other essential services are provided in a manner that:

- does not adversely affect the health and safety of the people of the District;
- avoids, remedies or mitigates any adverse effects on the natural and physical resources;
- is sensitive to the amenity values of the District, and relevant cultural or spiritual values;
- is efficient.

Policies:

1. Network and other utilities and essential services will be controlled according to the potential effects of the activity.

2. The continuing operation of significant infrastructure such as network and other utilities shall be protected from adverse effects from other inappropriate activity.
3. Where technically practicable and financially realistic taking into account the environmental cost of above-ground placement, utilities shall be placed underground, unless there are cultural, landscape or conservation objectives and policies that would be compromised thereby.
4. All agencies shall be encouraged or required, as circumstances permit, to co-site utility equipment and infrastructure where this is technically feasible and practical.

PART 17 OBJECTIVES POLICIES AND METHODS :RURAL

17.1 LAND AND SOIL RESOURCE OBJECTIVES

17.1.1 OBJECTIVE -LAND AND SOIL RESOURCE MANAGEMENT

To manage land and soil resources in such a way that their accessibility, versatility and life-supporting capacity are sustained for present and future generations.

Policies:

1. That land and soil resources are maintained in a title structure that safeguards their accessibility, versatility and life-supporting capacity and enables a wide range of activities to establish and operate on a long term sustainable basis.
2. Activities should avoid, remedy or mitigate any adverse effects on the accessibility, versatility or life-supporting capacity of rural land and soil resources. Priority shall be given to avoiding any adverse effects on versatile land.
3. That subdivision and subsequent development avoids, remedies or mitigates any adverse effects on the present and future accessibility of land and soil resources. Where it is necessary for the better achievement of the purposes of the Act to compromise land and soil resources, the greatest priority shall be given to the protection of the most versatile land.

17.1.2 OBJECTIVE -SUSTAINING SOIL RESOURCES

To safeguard the life-supporting capacity of soils.

Policies:

1. That the loss or reduction of the versatility and life-supporting capacity of soils be avoided, remedied or mitigated. Priority for protection is to be given to the soils of versatile land.
2. That the consideration of alternative locations or sites be part of the assessment of an application where it can be seen that this would result in the avoidance of significant adverse effects.

17.1.3 OBJECTIVE -AVOID SOIL LOSS

To avoid the inappropriate removal of the soils of versatile land.

Policy:

1. That the excavation or removal from a site of soils from versatile land be prevented except where it is for the purposes of making more effective or sustainable use of remaining soils or there is some characteristic of the soil which necessitates its removal.

17.2 OTHER RURAL RESOURCE OBJECTIVES

17.2.1 OBJECTIVE - PROTECTING WATER RESOURCES

To avoid, remedy or mitigate the adverse effects of land use activities to ensure that the life supporting capacity of ground and surface water resources is safeguarded.

Policies:

1. Significant adverse effects shall in the first instance be avoided and where this is not possible remedied and mitigated.
2. Alternative locations or sites should be considered where this would result in the avoidance of significant adverse effects.
3. Activities shall not adversely affect the quality and availability of surface and ground waters.
4. That the District Plan provides a supporting role to Regional Policy Statements and Regional Plans by ensuring, as far as practicable, that the subdivision, use and development of land will not result in the contamination of ground and surface water resources.

17.2.2 OBJECTIVE - MANAGING MINING EFFECTS

To ensure, as far as practicable, that the exploration and extraction of mineral resources occurs in such a manner that the life supporting capacity of air, water and soil resources is safeguarded.

Policy:

1. That low impact activities (prospecting and exploration) be permitted subject to specific performance standards, but that other mining activities be subject to resource consent processes.

17.2.3 OBJECTIVE - IDENTIFICATION OF MINERAL RESOURCES

To identify those locations within the District where significant mineral resources exist and where the future utilisation of those resources has not been constrained by urban development or more intensive rural settlement, and where significant conservation values do not preclude mining activities.

17.2.4 OBJECTIVE - PROTECTING MINERAL RESOURCES

To ensure, as far as practicable, that within these significant mineral resources locations, the mineral resources are not rendered unusable by the effects of other activities.

Policies:

1. That the presence of mineral resources is included as a relevant consideration in making resource management decisions about activities with effects that may render such resources unusable.
2. That the Plan prevents the establishment or expansion of urban centres and rural "settlements" on land known to contain mineral resources with a potential to be commercially utilised, unless there are no alternative directions for such expansion.

17.2.5 OBJECTIVE - MANAGING CONFLICTS

To avoid, remedy or mitigate conflicts between rural residents and primary productive activities and between different primary productive activities.

Policies:

1. Activities in the Rural Zone shall not create effects of noise, odour, dust, and spray that would not normally be expected from a predominantly rural environment.
2. Activities in the Rural Zone shall not cause an adverse effect that would result in those activities that are dependent on the productive potential of land and soil resources being prevented or constrained from operating.
3. Priority shall be given to avoiding the potential for conflicts between urban areas and intensive farming operations through the use of buffer distances with respect to urban areas. Outside the buffer distances the priority shall be to mitigate any adverse effects.
4. The expansion of the main urban centres and selected settlements shall be in those directions where the potential for creating conflicts with established rural activities is minimised.
5. That the transfer and relocation of rural titles must demonstrate that the new lots will result in a significant reduction in the potential or actual conflict between "rural residential" use of the land and primary productive activities.

17.2.6 OBJECTIVE - RURAL AMENITIES

To avoid or minimise the adverse effects of activities on outstanding natural features and significant habitats, and manage other effects on rural landscape and amenities for the benefit of the District.

Policies:

1. That buildings and structures be so sited and designed that they do not visually compromise outstanding natural features or the values of significant habitats of indigenous fauna as identified in Schedule 5A, or the natural character of the coastal environment.
2. That adverse visual impacts of rural residential development on the rural landscape shall be avoided, remedied or mitigated.

3. That adverse visual impacts of signs on the rural landscape shall be avoided, remedied or mitigated.
4. That proposed mineral extraction activities are assessed against their impact on rural landscapes.
5. That all subdivisions have regard for the likely development of the land including the way this might adversely affect significant landscape features as well as the rural amenities of the District.
6. That buildings and structures be so sited and designed that they do not visually compromise items listed in Schedule 8A.

PLAN CHANGE 14

Part 17 – Rural and Coastal Objectives & Policies

The Franklin District Plan identifies 12 key objectives to support the rural and coastal resource management strategy, the sustainability of the natural and physical environment and the management of growth in the rural and coastal areas.

These objectives are the cornerstone under which all activities are to be assessed, irrespective of particular management areas and are to be considered in terms of the wider growth management and environmental quality goals anticipated.

These objectives are not to be considered as being independent of each other, nor in terms of any hierarchical order.

They are listed below.¹

Objectives for Sustainability of the Natural and Physical Environment

1. Recognise and provide for enhancement of those landscape values that contribute to the sense of enjoyment and appreciation of living in rural and coastal areas.
2. Maintain and enhance the quality and quantity of water resources.
3. Preserve and enhance remaining indigenous ecological resources and enhance their contribution to biodiversity, landscape and amenity values.
4. Protect natural character, outstanding landscape features and values.
5. Recognise and provide for the life supporting capacity of versatile soils and their contribution to the economic and social wellbeing of the District. [956, 1014]
6. Protect and preserve the taonga of Tangata Whenua.

Objectives for Rural Growth Management

7. Enhance opportunities to utilise the productive potential of natural resources in an environmentally sustainable manner.
8. Promote the safe, efficient use, development and protection of physical resources, including roads, water supplies and sewage schemes and other infrastructure.

¹ Objectives or policies with a number in square brackets after them indicates that they are the subject of an appeal to the Environment Court.

9. Provide for the sustainable growth of the District at appropriate rural and coastal village settlements through zoning, structure planning and appropriate subdivision and land use controls. [953]
10. Provide limited opportunities for living in rural and coastal areas, where significant environmental benefits are gained through the protection, enhancement, or restoration of the natural, physical and cultural environment. [1005, 1006]
11. Provide limited opportunities for living in the rural and coastal areas by avoiding adverse effects on the productive use of versatile soils, through zoning, adjustment of lot boundaries and Transferable Rural Lot Rights. [953, 956, 1009, 1014, 1006]
12. Manage rural land use conflicts that balance the expectations of new residents with the need to recognise and protect existing rural activities and their typical effects and characteristics to ensure conflicts and reverse sensitivity issues are avoided, remedied or mitigated.

OTHER RELEVANT OBJECTIVES AND POLICIES

Additional Objective in Section 4.

4.1.2 Objective Cultural Heritage

To protect, restore and enhance the natural and cultural heritage resources of the District.

Deletion of Section 5 in its entirety and replacement with new text and the following Objectives and Policies in Section 5.2.

5.2.1 OBJECTIVE - ECOSYSTEMS

To maintain and enhance the life supporting capacity of indigenous ecosystems.

Policies:

1. To control the effects of activities where they compromise, directly or indirectly, the life supporting capacity of any indigenous ecosystem including those ecosystems which cross the boundary of Mean High Water Springs.
2. That priority be given to avoiding any adverse effects of land subdivision, use or development on those areas identified in Schedule 5 A.

5.2.2 OBJECTIVE - BODIES OF WATER

To preserve the features, elements and systems which contribute to and maintain the natural character of the West Coast, Firth of Thames and Manukau Harbour coastal environments, and wetlands, lakes and rivers, and their margins, and to ensure that they are protected from inappropriate subdivision, use and development.

Policies:

1. To Avoid, Remedy or Mitigate Adverse Effects on the Following Areas or Features Located within the Coastal Environment:
 - a) Areas or features identified in Schedule 5A and 5B.
 - b) Areas of indigenous vegetation or habitats of indigenous fauna, which derive their intrinsic character from a coastal location or which contribute to the natural character of the coastal environment.
 - c) Any landform which is a substantial part of the coastal environment.
 - d) Any feature which substantially contributes to the visual quality or amenity value of the coast.
 - e) The identified characteristics of special spiritual, historical or cultural significance to Māori.

2. Coastal Environment and Wetlands, Lakes and Rivers, and their Margins:
 - a) That appropriate vegetation cover, consistent with the natural character and intrinsic values of these areas remains or is reinstated following development.
 - b) To ensure that the effects of subdivision, use or development are not of a scale or nature which is inconsistent with the existing elements of the natural character of the area.
 - c) Protect the natural character and ecological functions of waterbodies from cumulative adverse effects.
 - d) To provide for public access where practicable: Public access may not be practicable where it is necessary to:
 - (i) protect areas identified in Schedule 5A.
 - (ii) be consistent with conservation values
 - (iii) protect Māori cultural values
 - (iv) protect public health and safety
 - (v) ensure a level of security consistent with the purpose of a resource consent

and in other exceptional circumstances.

- e) Ensure that the recreational use of lakes, rivers and their islands, and wetlands only be allowed where such uses do not adversely affect the particular conservation values of the area or resource."

5.2.3 OBJECTIVE - SUSTAINABLY MANAGING NATURAL HERITAGE RESOURCES

To sustainably manage the natural heritage resources of the District by:

1. Protecting the following items from inappropriate subdivision, use, and development:
 - a) Outstanding natural features and landscapes;
 - b) Areas of significant indigenous vegetation, and
 - c) Significant habitats of indigenous fauna including trout and salmon;

2. Ensuring that representative samples of natural features, areas of indigenous vegetation, and habitats of indigenous fauna that are of value at a Regional and District level are protected.

Policies:

1. Adverse effects of land use activities that have the potential to damage or destroy the values of those items listed in Schedule 5A shall be avoided.
2. Significant natural features, areas of indigenous vegetation and habitats of indigenous fauna not listed in Schedule 5A which contribute to the rural or natural character of the area should be retained. In the assessment of the significance of such heritage resources the following criteria will be taken into account:

Whether the native bush:

- a) Is of sufficient size and shape to maintain its intrinsic qualities;
- b) Consists of a coherent well developed canopy of native species;
- c) Consists of a range of native species appropriate to that forest type;
- d) Contains a significant percentage (at least 25 per cent) of mature native trees;
- e) Represents a significant or prominent landscape feature;
- f) May contain native species threatened in the Franklin District;
- g) The area has wildlife habitat values, or provides or contributes to a habitat corridor facilitating the movement of wildlife species in the local area.

Whether natural features and habitats of indigenous fauna are:

- a) Of sufficient size and shape to maintain its intrinsic qualities;
- b) The habitat of threatened species (as defined by IUCN criteria);
- c) An area of recognised wildlife or earth science significance;
- d) Freshwater wetland;
- e) An uncommon indigenous vegetation community;
- f) Contribute to the National, Regional or District geological heritage.

Under the Rural Plan Change, The area in which the proposal is to be located is defined as the Southern Rural Management Area. Parts of the area are also classified as the Tasman Coast Management Area. The relevant objectives and policies for these areas are detailed below.

17.2.5.3 SOUTHERN RURAL MANAGEMENT AREA OBJECTIVES

1. To provide for rural activities and limited countryside living with environmental protection, enhancement or restoration including soil conservation, indigenous biodiversity, water quality enhancement and riparian management.
2. To promote economic growth through land investment and stewardship opportunities.

17.2.5.4 SOUTHERN RURAL MANAGEMENT AREA POLICIES

1. [INTENTIONALLY BLANK]
2. Recognise and enable opportunities for tourism and recreation activities in connection with the coast as long as coastal values are not degraded.

3. [INTENTIONALLY BLANK]
4. Manage reverse sensitivity conflicts between countryside living and rural activities by controlling design and layout of subdivisions and locations of house sites.
5. Ensure all subdivision, use and development is designed in such a way that landscape and ecological values are maintained or enhanced.
6. Encourage planting of indigenous forestry and sustainable farm forestry in appropriate locations.
7. Recognise that nutrient runoff and source point discharges are a contributing factor to cumulative contaminant impacts on the Waikato River water quality.
8. Enhance the ecological functions of waterways through effective riparian management.

17.2.7.3 TASMAN COAST OBJECTIVES

1. To ensure the high natural values, including natural character, landscapes and other resources are protected from inappropriate subdivision, use and development while providing for rural activities.
2. To recognise natural coastal processes by avoiding subdivision, use and development which would create coastal hazards.
3. To recognise and provide for significant cultural values across the Peninsula.

17.2.7.4 TASMAN COAST POLICIES

1. Provide for limited subdivision, use and development that will enable coastal natural character and landscape values to be maintained and enhanced.
2. Avoid land modification and development along sandy coastal margins and seaward faces of the coastal escarpments or ridgelines.
3. Encourage protection of stands of indigenous bush, and restoration and enhancement planting of indigenous trees, shrubs and other plants along the coastal escarpments and ridgelines.
4. Promote public access to the coast in strategic locations, in conjunction with environmental protection, enhancement or restoration and in a way that does not adversely affect coastal processes and natural character and significant indigenous vegetation and habitats.
5. Recognise the wild, scenic, and remote values of the Tasman Coast.
6. [INTENTIONALLY BLANK]

7. Promote community based beach care initiatives and apply coastal protection setbacks for development.
8. Promote the protection and enhancement of ecological, cultural, water and natural character values of the dune lakes and other waterbodies.
9. Recognise and provide for the protection of Maori cultural values, especially the protection of sites of significance.
10. Encourage planting of indigenous forestry and sustainable farm forestry in appropriate locations.
11. Provide for the use of inland energy resources in a manner which is consistent with the natural character, special environmental and amenity values of the Tasman Coast.
12. Provide for a limited number of Environmental Lots in any one particular locality.
13. Require the transfer of Environmental Lots above defined limits into identified Countryside Living Areas and specified Management Areas.
14. Prevent the transfer of Rural Lot Rights into the Tasman Coast Management Area.
15. Prevent the creation of additional titles (other than Environmental Lots) outside defined villages or countryside living growth areas.

17.4 MANAGING CONFLICTS AND AMENITIES IN THE RURAL AND COASTAL AREAS

17.4.1 MANAGING CONFLICT

17.4.1.2 Objective:

To manage conflicts between different productive primary activities and with residential activities but recognising that a certain level of noise, odour and other adverse effects are characteristic of the rural and coastal environments.

17.4.1.3 Policies:

1. Activities in the rural area shall not create effects of noise, odour, dust and spray that would not normally be expected from a predominantly rural environment.
2. Activities in the rural area shall not cause an adverse effect that would result in activities which are dependent on the productive potential of land and soil resources being prevented or constrained from operating.

3. Mechanisms such as setbacks and buffer distances will be used to manage the potential for conflicts between urban, rural and coastal village areas and intensive farming operations. The main concern outside the buffer distances shall be to mitigate any adverse effects.
4. The expansion of the main urban centres and selected rural and coastal villages shall be in those directions where the potential for creating conflicts with established rural activities is minimised.
5. The creation of new rural titles must demonstrate that such development avoids, remedies or mitigates any reverse sensitivity conflicts between existing or potential primary productive activities and the use of rural land for "countryside living".

17.4.2 COASTAL AND RURAL CHARACTER

17.4.2.2 Objective:

To avoid or minimise the adverse effects of activities on outstanding natural features and significant habitats, and manage other effects on rural landscape and amenities for the benefit of the District. [1009]

17.4.2.3 Policies:

1. That buildings and structures be so sited and designed that they do not visually compromise outstanding natural features or the values of significant habitats of indigenous fauna as identified in Schedule 5A, or the natural character of the coastal environment.
2. That adverse visual impacts of rural residential development on the rural landscape shall be avoided, remedied or mitigated.
3. That adverse visual impacts of signs on the rural landscape shall be avoided, remedied or mitigated.
4. That proposed mineral extraction activities are assessed against their impact on rural landscapes.
5. That all subdivisions have regard for the likely development of the land including the way this might adversely affect significant landscape features as well as the rural amenities of the District.
6. That buildings and structures be so sited and designed that they do not visually compromise items listed in Schedule 8A.

21.6 OBJECTIVES - MINERAL RESOURCES

21.6.1 OBJECTIVE - PROVIDING FOR MINERAL RESOURCES

To ensure District and Regional need for MINERAL resources continues to be met and that the significant MINERAL resources within the District are not unnecessarily compromised or rendered unusable.

Policies:

1. To provide for M INERAL extraction and processing throughout the Rural Zone subject to appropriate measures to avoid, mitigate or remedy any adverse effects.
2. That the presence of M INERAL resources is included as a relevant consideration in making resource management decisions about activities whose effects may render such resources unusable.
3. That the Plan prevents the establishment or expansion of urban centres and rural "settlements" on or within land of close proximity to known areas of significant M INERAL resources with a potential to be commercially utilised, unless there are no alternative directions for such expansion.
4. To facilitate the continued operation of established mineral extraction and processing activities and to sustainably manage substantial mineral resources through suitable plan provisions subject to the management of environmental impacts.

21.6.2 OBJECTIVE - MANAGING M INERAL RESOURCES

To avoid, remedy or mitigate the adverse effects of M INERAL extraction and processing on the environment and community by ensuring that the extraction and processing of M INERAL resources occurs in such a manner that the amenity of the rural and coastal environments and the life supporting capacity of air, water and soil resources are safeguarded.

Policies:

1. Impose controls in the rural areas that are necessary to address adverse environmental effects of activities and likely conflicts between incompatible activities.
2. The effects of M INERAL extraction activities on air, water, soil resources, habitats, rural landscape and the community will be assessed through Discretionary resource consent applications (refer to Rule 23A).
3. That generally consent will not be granted for any night-time M INERAL and processing activity which is likely to create adverse noise effects upon the surrounding community.
4. That significant M INERAL extraction and processing will be avoided in sensitive coastal environments.