

BEFORE THE BOARD OF INQUIRY

IN THE MATTER

of the Resource Management Act

AND

IN THE MATTER

of resource consent applications by Mighty River Power Limited ("MRP") to construct, operate and maintain a wind farm at Tutitea

**OPENING STATEMENT OF COUNSEL FOR
HORIZONS REGIONAL COUNCIL**

1 The Manawatu-Wanganui Regional Council ("Horizons Regional Council" or "Horizons") has taken a neutral position in relation to the proposed wind farm –

it neither supports nor opposes the proposal.

2 It is important to state at the outset that Horizons is neither the respondent, nor the primary decision-maker, as it would have been in the usual way had this proposal not been called in by the Minister for the Environment.

3 Horizons will call one witness, Mr Phillip Hindrup, who will give evidence:

3.1 Identifying the provisions of the operative Regional Policy Statement and the Proposed One Plan¹ relevant to the decision that the Board will be making, with a particular focus on the chapters of those documents relating to natural landscapes and energy.

3.2 Confirming the resource consents required under the various operative regional plans and the Proposed One Plan and the activity status of those consent applications.

3.3 Identifying the objectives and policies relevant to those applications.

¹ A second generation planning document which incorporates the Regional Policy Statement with its regional plan

2 The two chapters are Living Heritage (Chapter 7) and Infrastructure Energy & Waste (Chapter 3). The Hearings Panel is currently hearing submissions on the landscape provisions in Chapter 7, having already issued provisional determinations on the biodiversity and heritage sections of that chapter. See the evidence of Mr Hindrup (para 18, page 5) and Mr Baker (para 37, page 15) and the Planning Expert (Caucusing) Report (page 12).

3 Planning Expert (Caucusing) Report, pages 2 – 3.

4 Planning Expert (Caucusing) Report, page 4.

5 Planning Expert (Caucusing) Report, page 10.

6 Planning Expert (Caucusing) Report, page 10.

9.1 The relevant regional plan rules⁴;

9.2 The activity status of the consents required under the various regional planning documents⁵;

9.3 The relevant objectives and policies of the regional planning documents⁶;

9 As far as the regional planning documents are concerned, the planners for MRP, HRC and PNCC have reached agreement on the following matters:

Matters agreed by the planners for MRP, HRC and PNCC

8 The Operative Regional Policy Statement was notified in 1993 and made operative in 1998. Given that the Proposed One Plan is in its infancy, the operative RPS must be given greater weight.

7 The Proposed One Plan is early in its formulation and little weight can be given to its provisions.³

6 The Proposed One Plan was notified in May 2007. The hearing on the two chapters relevant to this proposal commenced in June and is expected to be completed by mid-August.²

Operative RPS and Proposed One Plan

4 Importantly, Mr Hindrup's evidence does not assess either the actual or potential effects of the proposal on the environment or whether the proposal is consistent with the relevant regional planning documents.

5 Those matters have been left to the planners for the applicant and Palmerston North City Council ("PNCC").

9.4 The skyline of the Tararua Ranges is identified in the Operative RPS as an outstanding and regionally significant feature⁷.

Points of difference

10 However the planning and landscape experts for the parties⁸ differ on whether part or all of the site for the proposed wind farm falls within the skyline of the Tararua Ranges.

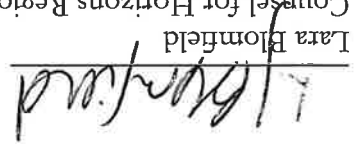
11 In my submission, this Board will be required to determine the following issues in terms of the RPS:

11.1 Whether part or all of the site for the proposed wind farm falls within the skyline of the Tararua Ranges.

11.2 If that question is answered in the affirmative, whether the proposed wind farm is inappropriate use and development (to use the words of objective 8 and policies 8.2 and 8.3 of the operative RPS) from which the skyline should be protected.

12 These issues are different from the questions of whether the proposed site is an outstanding natural feature or landscape for the purpose of section 6(b) of the Resource Management Act 1991 or whether it ought to be classified as an outstanding natural feature or landscape for the purpose of this hearing, but the latter is more appropriately argued at the hearing on the Proposed One Plan, which is presently underway.

5 July 2009


Lara Blomfield

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⁷ Planning Expert (Caucusing) Report, pages 10-11.
⁸ MRP, PNCC and Tararua-Aokautere Guardians (Inc) and Friends of Turtitea Reserve Society (Inc)

