

BEFORE THE BOARD OF INQUIRY

IN THE MATTER OF: The Resource Management Act 1991

AND: of a Board of Inquiry appointed under s146 of the Resource Management Act 1991 to consider an application by Mighty River Power Limited for resource consents to construct, operate, and maintain a wind farm at Turitea

REBUTTAL EVIDENCE OF GREGORY FRANCIS POLLOCK

TABLE OF CONTENTS

1	INTRODUCTION	3
2	APPLICABLE REGIONAL RULES	4
3	RELEVANT OBJECTIVES AND POLICIES	4
4	THE PART 2 “HIERARCHY”	7
5	OUTSTANDING NATURAL LANDSCAPE	8
6	SECTION 104(1)(C)	8
7	PROJECT SCALE.....	10
8	ECOLOGICAL EFFECTS AND SECTION 6(C).....	11
9	THE RECEIVING ENVIRONMENT	12
10	PROJECT BENEFITS.....	14
11	SECTION 42A REPORT	15

ATTACHMENTS

Appendix 1: Agreed Objectives and Policies

1 INTRODUCTION

1. My name is Gregory Francis Pollock. My qualifications and relevant experience are set out in my evidence in chief. I confirm that I have prepared this rebuttal evidence in accordance with the Environment Court Code of Conduct for Expert Witnesses (July 2006).
2. I am providing this rebuttal evidence to comment on and respond to some of the primary evidence presented in respect of these applications that relates to planning matters. In particular, I will comment on the evidence of Mr Phillip Hindrup presented on behalf of Horizons Regional Council (HRC) and Mr Jeff Baker presented on behalf of Palmerston North City Council (PNCC). Specifically, I shall address the following matters raised by those witnesses:
 - The applicable regional rules
 - The relevant objectives and policies
 - The Part 2 hierarchy
 - Outstanding natural landscapes
 - Section 104(1)(c) matters
 - The scale of the project
 - Ecological effects
 - The receiving environment
 - Project Benefits
 - Section 42A Report.
3. I will also address relevant matters arising from the report prepared for the Board in accordance with section 42A of the Resource Management Act 1991 (RMA) by Helen Anderson of URS New Zealand Limited, and dated 20 May 2009.
4. In preparing my rebuttal evidence, I have reviewed the evidence of other parties and the draft rebuttal evidence prepared by experts appearing in support of Mighty River Power's application. While I do not comment on all evidence in detail, I have again relied on the relevant Mighty River Power witnesses in preparing this rebuttal evidence. I also note that in relation to the planning evidence of Mr Hindrup and Mr Baker, where I have not rebutted specific points this does not imply I accept them. Rather, I have focussed on the critical issues from a planning perspective. In a number of instances, it is appropriate that other Mighty River Power experts address points made in particular by Mr Baker.

2 APPLICABLE REGIONAL RULES

5. Table 1 of Mr Hindrup's evidence provides an assessment of the relevant regional rules. I agree with his observation (at paragraph 19) that consent application 104553, previously described as to undertake vegetation removal and land disturbance within a rare or threatened habitat, is in fact to undertake vegetation removal and land disturbance in an at-risk habitat as defined in Schedule E of the proposed One Plan (POP). However, I also agree that this does not alter the objectives and policies relevant to that activity.
6. I note that a total of eight resource consents are required from HRC (as shown in Mr Hindrup's Table 1), rather than seven as he refers to in his paragraph 20. For completeness, I note that a total of ten consents are required for the project, the other two being land use consents from each district council.
7. A number of the policies identified by Mr Hindrup in his evidence relate to assessment criteria that apply to resource consent applications generally, in addition to the specific criteria I have identified as applying to each of the eight resource consents required from HRC. To assist the Board, in my opinion it would be useful to identify and apply those policies with respect to the specific consents sought by way of these applications. I will attempt to agree to such an approach with Mr Hindrup in caucusing, based on the agreed set of objectives, policies and rules outlined in this evidence.

3 RELEVANT OBJECTIVES AND POLICIES

8. In his evidence (at paragraph 34), Mr Hindrup notes that *"Mr Pollock provides a comprehensive list of all relevant objectives and policies of the Operative RPS, Proposed One Plan (POP) and all Regional Plans. I have assessed Mr Pollock's list and in my view it includes the majority of the objectives and policies relevant to this proposal. Those provisions which are not included and, which in my opinion are relevant, have been included in a table in Appendix B of my evidence."*
9. In his evidence (at paragraph 14), Mr Baker notes that his focus *"is on the evaluation of the land use consent application within the territorial boundary of Palmerston North....I will therefore not be addressing the provisions of the Taranaki District Plan."* Mr Baker goes on to note that *"I do not intend to provide a planning statement that recites planning instruments, as these are already adequately referred to by MRP planning expert Mr Pollock. Rather I will identify areas of agreement and disagreement"*. Because Mr Baker does not use objectives and policies from any of the statutory plans to frame his

assessment, I have had to infer areas where he and I differ in our interpretation of objectives and policies.

10. I address Mr Baker's areas of agreement and disagreement elsewhere in this rebuttal evidence. However, on the basis of the planning evidence received, it appears that Mr Baker, Mr Hindrup and myself all agree that:

- I have identified all the relevant objectives and policies of the Tararua District Plan. There is also no evidence which disagrees with my interpretation of these objectives and policies.
- I have identified all the relevant objectives and policies of the Palmerston North District Plan. Mr Baker does however provide an alternative interpretation of some, but not all, of these provisions.
- I have identified all the relevant objectives and policies of the Manawatu Catchment Water Quality Regional Plan (1998).
- My interpretation and analysis of the relevant regional objectives and policies is uncontested, with the exception of Mr Hindrup's assessment of the "skyline" provisions of the RPS and POP (which I will address separately).
- I have applied an appropriate weighting to the various planning documents (specifically those that are not operative).

11. In my evidence in chief, I have provided the Board with an overview of the most relevant objectives and policies from all the statutory documents that apply. In order to assist the Board in identifying the most relevant matters, I also provided an assessment of the application against those objectives and policies. Mr Hindrup has identified some additional objectives and policies from the relevant regional planning instruments he also considers to be relevant. I consider that I have already assessed the 'issues' addressed in each of the additional objectives and policies Mr Hindrup identifies in his Appendix B. I confirm that I am comfortable that the Board could also have regard to each of those in the context of the present applications. I therefore comment on those additional objectives and policies as relevant in the following sections of my evidence. I also attach a consolidated set of relevant objectives and policies as **Appendix 1**.

3.1 RPS

12. Mr Hindrup has identified the following objectives and policies from the operative Regional Policy Statement (RPS) as being relevant to the present applications:

- Objective 3 and related policies, relating to the relationship of nga iwi with their ancestral lands, water, sites, waahi tapu and other taonga. I have already

assessed such matters in my primary evidence, and consider the addition of these objectives and policies does not require any further comment or evaluation.

- Policies 5.4, 8.2, 15.1, 16.2 and 35.2. I have already addressed the overarching objectives to which all of these policies relate in my evidence in chief.
- Objective 13 and Policy 13.1 regarding maintenance of groundwater quality. I do not consider this objective and policy are particularly relevant. On the basis of the evidence in particular of Messrs Levy and Watson, I also consider such matters have been adequately taken into account and addressed in the context of the present applications.
- Objective 19 and Policy 19.1 relate to maintaining or enhancing air quality in the region. I did not identify these in my evidence in chief because in my opinion the adverse effects on air quality are de minimis.
- Objective 34 and Policies 34.1 and 34.2 relate to the length of duration of resource consents. These have been considered in seeking 35 year terms for consents from HRC. However, I note that in my interpretation, Policy 34.1 does not apply to this activity, and so Policy 34.2 is most relevant.

3.2 PROPOSED ONE PLAN

13. Mr Hindrup has identified a number of objectives and policies from the POP that he considers to be relevant. I provide a summary of those below, noting Mr Hindrup agrees with my assessment that very low weight can be given to any of these provisions due to the statutory immaturity of this document:

- Objective 2-1 and related policies deal with resource consent conditions and other related matters. In my opinion, none of these matters require any further specific evaluation or assessment in the context of the present applications.
- Policies 6-9, 6-10, 6-28, 7-3, 7-6, 8-3, 12-3, 12-5, 13-2, 13-3, 14-2, 16-1. Again, I have already addressed the overarching objectives to which these policies relate, in my evidence in chief, where I consider this to be relevant to the assessment.
- Consent expiry dates are identified in the POP relative to the date of expiry of catchment management plans. I do not consider this approach should be applied in this instance, because the expiry periods would all fall within the lapse period for the consent. However, as a matter of principle, I accept there is merit in reviewing catchment plans and consents within that catchment simultaneously wherever possible. Therefore, the Board should be aware of Policy 11-4 (and the submissions to it).

3.3 REGIONAL PLANS

14. For the operative Manawatu-Wanganui Land and Water Regional Plan, Mr Hindrup identifies the following objectives and policies as relevant:
 - DL Policy 2 regarding relevant matters in respect of discharge consents. These matters have been considered in the assessment undertaken with respect to sections 105 and 107 of the RMA in both the Assessment of Environmental Effects submitted in support of the applications, and my evidence in chief.
 - Three additional objectives are identified, relating to avoiding erosion, reducing sediment, bacteria and nutrient runoff and riparian management. Policies associated with these objectives are also identified. I have considered these issues in my evidence in chief, and these are also addressed further in Mr Levy's evidence.
15. For the operative Manawatu-Wanganui Regional Plan for the Beds of Rivers and Lakes, Mr Hindrup has also identified Policy 2 as relevant to the consideration of the resource consent relating to construction of a double culvert. I accept that this policy provides some guidance in relation to the application for a culvert, in addition to my original assessment. It does not, however, alter the conclusions I reached in that assessment.
16. For the operative Manawatu-Wanganui Regional Air Plan, Mr Hindrup has also identified Policy 3 relating to conditions for air discharge consents. I agree that this policy provides additional guidance to the Board in relation to relevant conditions for the air discharge consents. The assessment in my evidence in chief remains consistent with this policy.

4 THE PART 2 "HIERARCHY"

17. Mr Baker notes at paragraph 68 that "*Part 2 is written in broad language and it is conceivable that matters in s7 can inform how to achieve sustainable management to a greater degree than matters in s6 when the context justifies this.*" He goes on to note that "*Protection of amenity values in a special amenity landscape enjoyed by a large urban population can assume more importance in achieving sustainable management than protection of a small proportion of an outstanding landscape remote from an urban population.*"
18. I disagree with Mr Baker's Part 2 analysis in the context of these applications. While many applications involve a tension between the various matters in sections 6, 7 and 8 of the RMA, the Act provides for a hierarchy between these provisions in order to assist the decision maker's assessment under section 5. I also note that in the context of these

applications, and based on the evidence of Messrs Wyatt, Brown, Bray and Anstey, there are no relevant section 6(b) matters. Mr Baker's theoretically factual situation of competing considerations under sections 6(b) and 7(c) therefore does not arise.

19. In particular circumstances, I accept that where no section 6 matters are relevant (as with the present case), or that any such matters are insubstantial, it may be that section 7 matters (or a section 7 matter) assume greater importance in undertaking the broad overall judgement of sustainable management required under section 5 of the RMA. However, again the evidence of Messrs Wyatt and Brown is that in the context of the present applications, the section 7(c) matters are not of such significance as to require declining consent.

5 OUTSTANDING NATURAL LANDSCAPE

20. Mr Hindrup goes on to note (at paragraph 40) that *"the Operative RPS, which has been in place for 10 years, identifies the site as an outstanding and regionally significant landscape"*.

21. In this regard, I note that the wind farm site, including the highest ridgeline, is not considered by Messrs Brown, Wyatt or Anstey to be an outstanding natural landscape. On this basis, and as outlined in my evidence in chief, it is my assessment that the skyline provisions are not intended to, and should not, apply to the Turitea site.

22. I also note Mr Coomb's evidence with respect to similar provisions sought to be included in the POP. In particular, I concur with Mr Coombs' assessment that identifying the "Skyline" of the Ranges is a poor way of acknowledging and protecting those parts of them that are outstanding. The scale of the Ranges, and the fact they have multiple viewing points, in my opinion means a provision relating to the "Skyline" is too broad and ambiguous to be practical and workable. I therefore consider it is far better practice to have a provision relating to the Tararua State Forest Park, as is now being recommended through the POP process. I also note that such a provision would be consistent with the Environment Court's comments in the *Motorimu* decision. However, I also consider it is important that the extent of this feature be based on expert landscape advice, such as that presented by Messrs Brown, Wyatt and Anstey in the present case.

6 SECTION 104(1)(C)

23. Mr Baker, in his evidence, introduces two new documents that he contends are relevant to the Board's consideration. These are:

- The “New Zealand Biodiversity Strategy – Our Chance to turn the Tide” (2000) (Biodiversity Strategy); and
- The contract between Mighty River Power and Palmerston North City Council.

24. I had not previously considered these two documents, but accept that they are documents the Board could take account of under s104(1)(c) of the RMA. Mr Chris Shaw provides evidence for Mighty River Power in relation to the contractual matters.

6.1 NEW ZEALAND BIODIVERSITY STRATEGY (FEBRUARY 2000)

25. The Biodiversity Strategy contains four goals, of which I consider two are relevant to the present applications:

Goal 2: Actively protect iwi and hapu interests in indigenous biodiversity, and build and strengthen partnerships between government agencies and iwi and hapu in conserving and sustainably using indigenous biodiversity.

Goal 3: Maintain and restore a full range of remaining natural habitats and ecosystems to a healthy functioning state, enhance critically scarce habitats, and sustain the more modified ecosystems in production and urban environments; and do what else is necessary to maintain and restore viable populations of all indigenous species and subspecies across their natural range and maintain their genetic diversity.

26. The document then outlines 13 principles, of which I consider the following to be most relevant:

Principle Seven: Internalising Environmental Costs: *Where an activity imposes adverse effects on biodiversity, the costs of mitigating or remedying those impacts should be borne by those benefiting from the activity.*

Principle Eight: In situ Conservation: *Biodiversity is best conserved in situ by conserving ecosystems and ecological processes to maintain species in their natural habitats. Ex situ measures will be important to support the conservation of some species, however (see Glossary).*

Principle Ten: Sustainable Use: *Conserving biodiversity is a priority, but does not preclude its use, where this use is ecologically sustainable and does not result in the long-term decline of biodiversity.*

Principle Eleven: Management Actions: *Biodiversity management requires a comprehensive approach that recognises all levels of biodiversity (ecosystem, species and genetic). Management actions should identify, and prevent and mitigate the causes of biodiversity loss and in doing so should:*

- *address all key threats;*
- *be based on the best and most current information and knowledge available;*
- *be adaptive, aiming for continual improvement as new knowledge is gained; and*
- *be focused on the priority needs; and*
- *be cost-effective.*

27. In my opinion, the Turitea Wind Farm is consistent with the approach identified in the Biodiversity Strategy. In particular, the Strategy clearly allows for Mighty River Power to remedy or mitigate impacts on biodiversity. Mr Baker expresses conflicting views on whether it is possible to remedy or mitigate effects on vegetation within the Reserve. At paragraph 90 of this evidence, Mr Baker considers the Turitea Reserve to qualify as a significant habitat under section 6(c), and goes on to suggest that it would be possible to mitigate for the loss of horopito vegetation within the Reserve. However, this contradicts his earlier statement (at paragraph 84) that avoidance of effects is required. Furthermore, the document that Mr Baker has drawn attention to clearly recognises the ability to do this, as does the RMA framework provided in those statutory plans that I have already assessed.

28. In relation to Principle 11, the future actions of PNCC in developing the Eco-Park, as it has been conceived to date, identify pest-control as a major element. As outlined in the evidence of various experts (in particular Mr William Shaw and Professor Craig), this would provide a range of significant benefits for fauna, in particular birds. On this basis, I consider the Eco-Park is clearly a project benefit which the Board should take into account in weighing the benefits of the project against its adverse effects. Mr Baker has, in my opinion, erred in not including the Eco-Park as a significant benefit in his overall assessment.

7 PROJECT SCALE

29. Mr Baker states that *“the magnitude of the project is immense and of a completely different order of magnitude to other wind farm applications considered by PNCC”* (para 24). I find

this comment somewhat difficult to understand, given Mr Baker’s involvement in the Motorimu wind farm project. While ultimately only 80 turbines were consented, the original application was for over 130 turbines, so of a scale comparable to the 122 turbines sought by way of the present applications.

30. I have also assessed the scale of the wind farm relative to others in the area using two measures that seem to be logical – that is, turbines per hectare and megawatts per hectare – as follows:

Windfarm	Wind Farm Capacity (MW)	Number of Turbines	Hectares	Turbine per Hectare	Megawatt per Hectare
Te Apiti	91	55	1001	0.05	0.09
Tararua	161	134	1372	0.10	0.12
Te Rere Hau	48.5	97	301	0.32	0.16
Turitea	336	122	2066	0.06	0.16
Motorimu	68	80	483	0.17	0.14

31. With respect to the two criteria above, it can be seen that the Turitea wind farm is the least intensive of all the wind farms evaluated. While it has a greater generation capacity and covers a much larger area, its scale and intensity is comparable if not less. The larger area is explained by the avoidance of a large water catchment at the centre of the windfarm. On the basis of this assessment, I do not consider that the scale of the project is inconsistent with others in the Region. More importantly, I also fail to see how the scale of the Turitea project relative to nearby wind farms has any relevance to assessment of the present applications for the purposes of the RMA.

8 ECOLOGICAL EFFECTS AND SECTION 6(C)

32. At paragraph 90 of his evidence, Mr Baker states that *“I consider that there is a strong argument that the Turitea Reserve qualifies as a significant habitat under s6(c).”* At paragraph 84, he notes that with respect to section 6(c) of the RMA, *“avoidance of effects is required.”*
33. As outlined in legal submissions, the concept of “protection” in the RMA does not require avoidance of all effects (including positive or adverse effects) as Mr Baker contends. Rather, protection can involve the use and development of resources, the effects from which are appropriately avoided, remedied or mitigated. The appropriateness of such developments must therefore be addressed on a case by case basis. On this basis, I do not consider that section 6(c) of the RMA necessarily requires avoidance of effects in all areas of significant indigenous vegetation.

34. I also note that, as outlined by Mr William Shaw, while parts of the Reserve can be considered to be “significant” for the purposes of section 6(c) of the RMA, others are not. Mr William Shaw also identifies that the wind farm has been specifically and carefully designed to avoid those parts of the Reserve with the most significant vegetation – including the remnant tawa forest and Browns Flat. Mighty River Power has also proposed a significant mitigation/restoration package, which includes the revegetation of 75ha of land within the Reserve, and restoration of 8ha to be cleared during turbine construction. On this basis, I remain firm in my assessment that section 6(c) of the RMA has been adequately recognised and provided for in the context of the present applications.

9 THE RECEIVING ENVIRONMENT

9.1 DWELLINGS ASSESSMENT

35. Mr Baker makes an assessment of the ‘receiving environment’, by which I understand him to mean the property which surrounds the Turitea Wind farm site. In his evidence (at paragraph 64(d)), Mr Baker notes *“the following table sets out my summary of existing dwellings in the 3km area (256) based on fieldwork and aerial photo analysis I have done with Mr Anstey. I also include a potential houses column which indicates approximately 106 further houses could be developed in the 3km range either as of right or ones that would likely be consented by PNCC.”*
36. Neither the basis of Mr Baker’s assessment in this regard, nor the implications he wishes to draw from it, are clear. I have searched both Mr Baker’s and Mr Anstey’s evidence for the information on which these figures are based, and sought this from Mr Baker directly. However, Mr Baker did not have this information immediately at hand, and has not been able to provide it to me at the time of writing this evidence. Mr Baker also refers to other developments likely to be consented at the Pacific Drive in his evidence (at paragraph 62). I have not been provided with any relevant information in relation to this development so am unable to comment as to whether it should comprise the existing environment. Based on my own assessment (as outlined in my evidence in chief), I am confident that there are no dwellings within 1km of a turbine.

9.2 DWELLINGS NEAR WIND FARMS

37. At paragraph 91 of his evidence, Mr Baker states that he considers *“the groups of turbines known as Browns Flat West, Love Property, Bryant Hill West, Bryant Hill East and the Upper Pahiatua all create significant adverse effects on properties particularly within a 3km radius*

of the nearest turbines". Mr Baker further considers that these effects are of such magnitude as to warrant declining consent to these turbine groups.

38. I note that there are no "buffer zones" provided for in the relevant District Plans, such that there is no statutory basis for assessing the receiving environment up to 3km from a wind farm. The District Plans also do not prevent subdivision within close proximity to an existing wind farm, and contain no criteria addressing "reverse sensitivity" issues.

9.3 NATURE OF RECEIVING ENVIRONMENT

39. I now turn to the "sensitivity" of the receiving environment. Mr Baker contends (at paragraph 32(b)) that the project is located close to a high number of rural-residential properties and an urban residential growth area. He goes on to contend at paragraph 67 that "*the effects are experienced in a highly populated area*".

40. In my opinion, the sensitivity of the environment should be measured on a case by case basis relative to the actual or potential effects – not simply by referring to the type of development or its density. In many instances, it is my experience that rural environments can be more sensitive to the adverse effects of certain activities than urban environments. The environment surrounding the wind farm is rural, with three distinct 'pockets' of rural lifestyle development: Kahuterawa Valley, Turitea Road / Ngahere Park, and Pahiatua-Aokautere Road. In my opinion, these are the closest and most affected areas to the site. While I agree they are affected, I do not agree that the area is highly populated. I am unclear from Mr Baker's assessment at paragraphs 67 and 68 of his evidence what population or area he is basing his assessment on. In my opinion, it would generally not be accepted to term the level of development within 3km of this proposed wind farm as urban. The only exception to this is where Pacific Drive impinges on the notional 3km line, as this is at urban density.

41. Because Mr Baker appears to assign greater sensitivity to urban environments at paragraph 68, in my opinion it is possible he has overstated the level of adverse effect that could be experienced by adjoining property owners. In my opinion, these properties are the most adversely affected, and I stated this in my evidence in chief. However, having regard to the potential for mitigation described by Mr Wyatt, the 1km minimum separation of turbines, and the evidence of Mr Hegley, I consider the adverse effects are acceptable. The data provided to Mr Baines (Table 15, para 3.3.4) by Palmerston North City Council also demonstrates that areas surrounding existing wind farms have continued to develop after their construction.

10 PROJECT BENEFITS

10.1 BENEFITS TO BE DERIVED FROM RENEWABLE ENERGY

42. Mr Baker makes an assessment at paragraph 81 of his evidence that *“The fact that Palmerston North has already taken account of those benefits in the provision of renewable energy on its landscapes. The weight to be attached to the benefits in my view diminishes as the finite expanse of the Tararua landscape visible from Palmerston North is consumed.”*
43. I take a different interpretation of section 7(j) of the RMA than Mr Baker. In my opinion, section 7(j) is not constrained by the extent to which there are already other renewable energy projects in an area. Mr Baker also makes the point elsewhere in his evidence that Palmerston North has done its fair share (paragraphs 27, and 81(a)). I do not consider this to be a valid approach to assessing the effects of this proposal. He notes at paragraph 27 *“I do not believe that the responsibility should fall disproportionately on any one particular community such that its residents experience unacceptable effects”*. In my opinion this leads to his weighing of the proposal under Part 2 of the Act being flawed, because Mr Baker appears to have essentially discounted the renewable energy benefits associated with this proposal, as a result of the other renewable energy generation already consented in Palmerston North.

10.2 CLIMATE CHANGE

44. At paragraph 80 of his evidence, Mr Baker acknowledges that the positive effects of the proposal must be properly considered under Part 2 of the RMA. However, in not considering the benefits of the project on climate change, I consider his overall balancing exercise is flawed. In considering the rebuttal evidence of Professor Sims and Dr Layton, I consider my original weighing process to have correctly acknowledged and considered these benefits.

10.3 ECO-PARK

45. The Eco-Park provides specific benefits to the future flora and fauna values of the Turitea Reserve and Hardings Park. The evidence of Mr Chris Shaw has explained the contractual requirements relating to the Eco-Park, and I consider this is a significant benefit that will arise as a result of the project. While the Eco-Park does not form part of Mighty River Power’s formal ecological mitigation package, the Board can and should still consider this positive enhancement benefit in its overall evaluation of the present applications.

46. It is clear that Mr Baker has failed to consider the benefits of the Eco-Park in coming to his overall conclusion on the applications. In addition to the errors he has made in relation to his assessment of ecological matters, his overall balancing of project benefits against adverse effects is deficient as a result. This is made more significant because he places greatest weight on landscape and ecological matters in reaching his conclusion.

11 SECTION 42A REPORT

47. The section 42A report prepared by URS for the Board states that some relevant statutory matters have not been adequately assessed with respect to the present applications. In this regard, I note the following:

- An assessment of the project against the Palmerston North Water Supply Bylaw (July 2008) has been made by other experts appearing for Mighty River Power, and in legal submissions.
- The Conservation Act 1987 is relevant to these applications only insofar as a concession is required. I do not consider an “assessment” is required of this Act, and hence I have not provided one.
- No “assessment” is required in respect of the necessary approvals under s176(1) of the RMA, which have been sought from Palmerston North City Council and Tararua District Council.
- The National Environmental Standard for Sources of Human Drinking Water is addressed in the evidence of Mr Watson.
- The matters under section 141B(2) of the RMA could not have been assessed at the time the original application was lodged by Mighty River Power, because at that stage, the project had not been called-in. However, I provided an assessment of these matters in my evidence in chief (see Section 4.4).

48. The Section 42A report also notes that Mighty River Power did not re-issue all reports to amend minor differences of opinion on, or errors of, an editorial nature. In my experience, it is not normal practice to do so, and I consider the assessment of environmental effects and consolidated section 92 reports were sufficient to allow a thorough understanding of the application.

49. Overall, I consider that the application documents identified and addressed all relevant aspects of the statutory policy framework. The evidence of Mr Hindrup and the section 42A report have identified some further matters. While I accept the relevance of some of these additional matters, I confirm that they do not materially alter the assessment and conclusion

provided in my evidence in chief that overall, the sustainable management purpose of the Act will best be provided for by granting the present applications.

Greg Pollock

5 June 2009.