

ORIGINAL

BEFORE THE ENVIRONMENT COURT

Decision No. [2010] NZEnvC 14

IN THE MATTER

of an appeal pursuant to section 120 of the
Resource Management Act 1991

BETWEEN

RANGITIKEI GUARDIANS SOCIETY INC
(ENV-2009-WLG-000046)

Appellant

AND

MANAWATU-WANGANUI REGIONAL
COUNCIL

RANGITIKEI DISTRICT COUNCIL

RUAPEHU DISTRICT COUNCIL

AND

MERIDIAN ENERGY LIMITED

Applicant

Court: Environment Judge B P Dwyer presiding
Environment Commissioner H M Beaumont
Environment Commissioner K A Edmonds

Heard at: Taihape on 8 - 10 September 2009, Site visit 7 September

Closing submissions received: 24 September 2009

Counsel/Apearances:

M McClelland and P Tancock for Rangitikei Guardians
A Beatson and A Roberts for Meridian Energy Limited
B Pearse and N Jessen for Manawatu-Wanganui Regional Council,
Rangitikei District Council and Ruapehu District Council
D Llewellyn and D Nightingale for Minister for the Environment on
behalf of the Crown

DECISION

Decision Issued: **26 JAN 2010**

A: Appeal declined.

B: Costs reserved.



Introduction

[1] In a decision dated 11 February 2009, Commissioners jointly appointed by the Manawatu-Wanganui Regional Council (the Regional Council), Rangitikei District Council and Ruapehu District Council (the District Council/s) granted Meridian Energy Limited (Meridian) various consents allowing it to establish and operate a wind farm on a site between Waiouru and Taihape in the central North Island.

[2] Rangitikei Guardians Society Inc (the Guardians) appealed against the grant of consents.

The Parties

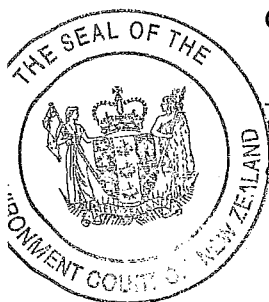
[3] Meridian is a state owned energy company. It appeared in support of its application and upholding the consents in full, with expert witnesses providing evidence on all aspects of the project (Project Central Wind).

[4] The Guardians was formed on 18 June 2008. It has approximately 60 members and supporters and is now an incorporated society which succeeds an unincorporated society as the appellant.¹ It was opposed to the proposed wind farm in its entirety primarily because of concerns about landscape and amenity values. The Guardians called one expert landscape witness and several residents gave evidence, with their focus on the landscape and visual effects of the turbines.

[5] The District Councils and Regional Council were jointly represented at the appeal hearing. Rangitikei District Council called landscape and planning evidence supporting the Commissioners' decision, the Regional Council did not call any evidence and Ruapehu District Council abided the Court's decision.

[6] The Minister for the Environment appeared as a s274 party to support the decisions of the consent authorities and called evidence from Department of Conservation (DoC) and Ministry for the Environment staff to assist the Court. The Minister pointed to Project Central Wind's energy generation capacity and potential contribution to Government's energy and climate change policy objectives.

Rangitikei Guardians Society v Manawatu-Wanganui Regional Council and Rangitikei District Council and Ruapehu District Council Decision W064/2009.



[7] The hearing ran over three days and followed a full day site visit undertaken by the Court accompanied by one representative from each of the Guardians (Mr Geoff Duncan) and Meridian (Mr Steve Harding).

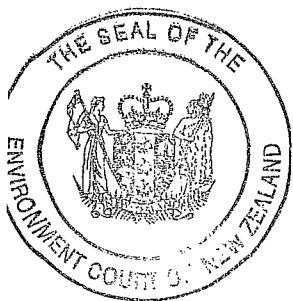
The Scope and Nature of the Evidence

[8] Prior to the hearing, the parties had narrowed the issues in dispute down to the effects of the proposed wind farm on landscape and amenity values. Notwithstanding, the Guardians' lay witnesses canvassed a broad range of other matters including health and noise issues and their views disputing the benefits of wind farms generally. The Guardians did not cross-examine the Meridian expert witnesses on these matters nor did it call expert evidence that contradicted the evidence of those experts.

[9] Ms Pearce drew to our attention s92(1) of the Evidence Act 2006 which provides:
*In any proceeding, a party must cross-examine a witness on significant matters that are relevant **and in issue** and that contradict the evidence of the witness, if the witness could reasonably be expected to be in a position to give admissible evidence on those matters.* (our emphasis)

[10] Mr Beatson acknowledged that the Court is not constrained by the Evidence Act in terms of the evidence which it receives, but submitted that many of the matters raised by the Guardians' witnesses were not within the refined scope of appeal, nor covered in the Guardians' opening legal submissions nor put to the expert witnesses. He commented that much of the evidence amounted to little more than expressions of opinion by lay people looking to support their personal opposition to the project. He submitted that such evidence was irrelevant and that the evidence given by Meridian's experts on these matters can (and should) be accepted by the Court as essentially uncontested evidence.

[11] We recognise that landscape and amenity evidence may have a broad compass involving related issues such as ecology and the amenity effects of noise (for example). The evidence of lay witnesses identifying those aspects of the environment which are appreciated by them, the reasons for that appreciation, and expressing views as to how their appreciation might be reduced by a particular proposal, are legitimate subjects of lay evidence. We have had due regard to such evidence. That consideration does not extend



to information sourced from the internet which went into areas such as technical noise issues and health effects.

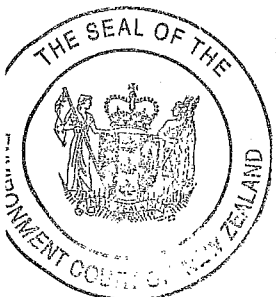
The Proposal

[12] Project Central Wind is to be situated on a geographic feature described as the Hihitahi Plateau. The site covers 47 square kilometres over six different properties (and an area of unformed legal road), all within the Manawatu-Wanganui Region. Most of the site is within the Ruapehu District with a small part within the Rangitikei District.

[13] The proposal is for:

- 52 turbines with a total capacity of 120-130MW (depending on the final turbine selected), each up to 135m high with ancillary foundations, transformer boxes and working areas;
- The turbines are to be laid out in groupings which have been allocated the identification letters A-H;
- Two wind meteorological masts each up to 85m high;
- Some 56km of internal roads;
- A concrete batching plant;
- A substation (one of two site options) connecting to the existing transmission line that runs to the west of the site;
- A switching station;
- Above-ground electricity transmission lines for some 5 km between the substation and the switching station;
- Some 765,000m³ of earthworks affecting, in total, approximately 0.92 km² of the site; and
- A construction access road to be built over Crown (Defence) land from Waiouru to the wind farm site.

[14] The Siemens SWT-2.3-93 turbine was used to design the wind farm layout. The proposal has turbine envelopes accommodating a rotor diameter of up to 110m and a maximum ground-to-blade tip height of 135m. This height was specified to ensure flexibility in final turbine selection.



[15] Typically the turbines are to be spaced some 400-500m apart. While the application identifies the location of all proposed turbines, a 150m placement envelope is sought for most of the turbines to allow for their final placement to be determined having regard to ground conditions and operational or design requirements. Conditions of consent imposed by the consent authorities reflected the design parameters and flexibility requested by Meridian.

Applications and Consent Status

[16] In summary the nine resource consents applied for (and granted) were:

- Land use consents (District Councils): construction and use of a wind farm and ancillary works;
- Land use consents (Regional Council): a bridge across the Hautapu Stream; culverts; vegetation; and soil disturbance;
- Discharge permits (Regional Council): clean fill and associated contaminants to land; and wastewater to land from site offices; and
- Water permit (Regional Council): groundwater interference from drilling.

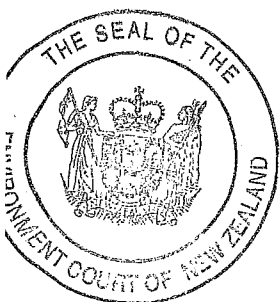
There may be a need for further Regional Council consents, such as for additional culverts and potentially for the damming of streams, once final design has been completed.

[17] The focus of the appeal was the land use consents required under the Ruapehu and Rangitikei District Plans. There was no dispute between any of the parties that the wind farm proposal requires consent as a discretionary activity under both Plans.

[18] The landowners of the various properties comprising the wind farm site have given their written approval to the application and that means that effects on them are to be disregarded in accordance with s104(3)(b) Resource Management Act 1991 (RMA).

The Site and the Receiving Environment

[19] The wind farm site on the Hihitahi Plateau is approximately 12km north of Taihape and 10km southeast of Waiouru. Tongariro National Park, a World Heritage Site, which includes Mount Ruapehu and the Rangipo Desert, is situated approximately 24 km northwest of the site at its closest point. The nearest settlement to the site is the



small village of Moawhango, approximately 3km to the southeast on the Gentle Annie route between Taihape and Napier.

[20] There are three groups of landforms on the Hihitahi Plateau – cuesta² escarpments, cuesta plateaux and valleys. The Hihitahi Plateau has a major cuesta escarpment along its northern face, approximately 100 metres in height, extending from close to State Highway 1 (SH1) on its western side through to the Moawhango River and Moawhango Gorge on its eastern side. At the foot of the escarpment is the Hautapu Stream which flows into the Waiouru Stream and then into the Hautapu River, a tributary of the Rangitikei River.

[21] SH1 runs around the western edge of the Hihitahi Plateau, as does the North Island Main Trunk Railway Line and the large transmission lines of the National Electricity Grid. To the north of, and close to, the escarpment is Defence land, including a Restricted Area (subject to low firing of ammunition) and other Defence facilities nearer Waiouru. The boundary between private farmland and the Defence land is clearly demarcated on the ground by tussock on the Defence side in contrast with exotic pasture grasses on the private land.

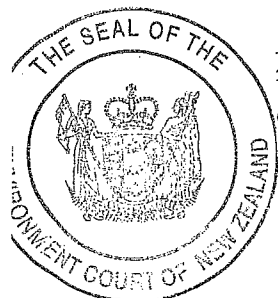
[22] Development of the wind farm is proposed over four distinct areas on the cuesta plateaux and associated ridges. The first two areas are close to the escarpment which runs along the full north face of the Hihitahi Plateau:

- the Lower Mounganui Plateau (turbines B01-06 and C01-09) to the west; and
- the Upper Mounganui Plateau (turbines A01-A11) to the east.

Further south are:

- the Motukawa Plateau (turbines D01-06 D01-06, E01-10 and F01-03) running down from Kauaekeke (1,103m above sea level) and south of the Lower Mounganui Plateau; and
- the Pukemako Ridge, (turbines G01-7 and H01), between Pukemako (1,032m) and Paoneone (825m) south of the Upper Mounganui Plateau.

² A cuesta is an asymmetric ridge that possesses both a steep escarpment slope and a gently sloping plateau or dip slope. It is typical of areas underlain by strata of varying resistance to erosion that are dipping gently in one direction.



[23] The deeply incised valley side slopes of the cuesta plateaux and associated ridges have regenerating native vegetation and streams at their base which run into the Moawhango River (another tributary of the Rangitikei River) to the south. There is extensive mature native bush within the Hihitahi Forest Sanctuary adjacent to the western end of the site and Te Rei Bush adjacent to the eastern end.

The Merits

[24] The discretionary activity applications fall to be considered pursuant to Section 104(1) RMA which provides:

(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:

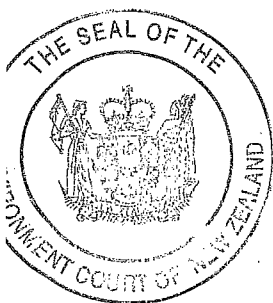
(iii) a regional policy statement or proposed regional policy statement:

(iv) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

[25] We consider all those various matters, but focussing on the specific matters at issue in this case. We commence by considering the effects (positive and negative) of the proposal, then the relevant planning documents and other matters, concluding with our overall evaluation under Part 2.

[26] If a regional or district plan allows certain adverse effects as a permitted activity, we may disregard those adverse effects in accordance with s104(2) RMA (the permitted baseline). The Council Hearings Commissioners did not consider that there was any determinative baseline comparison in this case. None of the evidence before us made a convincing case for such a comparison. We accept that the permitted baseline is not of relevance here as part of our assessment of effects and set it to one side.



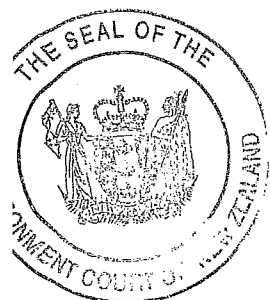
Positive Effects

[27] The underlying premise of Meridian's case was that there would be real local and regional benefits, as well as national benefits, from the wind farm proposal. Meridian contended that the project would assist in meeting New Zealand's growing electricity demand via an environmentally sound process.

[28] Mr Adam Muldoon (Meridian's Wind Development Manager) identified the national benefits of the project as suppression of electricity prices, diversification to improve security of supply and reduced carbon emissions.

[29] Mr Stuart Calman (Director, Climate and Risk, Ministry for the Environment) testified that the two most likely sources of energy to supply New Zealand's future electricity needs are wind and geothermal. He emphasised the benefits of wind as a low emission energy option which would increase generation capacity while displacing greenhouse gas emissions from fossil-fuelled alternatives. Those benefits included helping New Zealand meet its international climate change obligations (such as the Kyoto Protocol) and avoiding the economic consequences of not doing so. He referred to the need for resilience in the system to help maintain the supply of electricity and strengthening supply through diversification. In addition, he said that siting wind farms in various places across NZ would reduce the existing reliance on one area (the Manawatu) for the majority of wind generated electricity.

[30] Dr Brent Layton (an economist called by Meridian) testified that the principal benefits from the wind farm would be the production of between 375 and 400 GWh of electricity per year, the direct and indirect stimulation of local economic activity (estimated at approximately \$42 million), direct employment during the construction phase, and the avoided greenhouse gas emissions. He estimated the value of avoiding these emissions to be between \$2.9 to \$4.8m per year (if displacing gas-fired generation) and \$6.8 to \$11.4 million (for coal-fired) depending on the cost of carbon. He referred to the benefits of reduced transmission losses compared with some other more remote options. Dr Layton accepted that these benefits did not factor in costs from negative impacts on the environment because of the difficulty of assigning a monetary value to intangible and other adverse effects on the environment which would not be borne by Meridian.



[31] Some local and regional benefits arise as a direct consequence of Project Central Wind itself and some as a result of measures offered by Meridian to address community concerns. These benefits were identified in the evidence of the Meridian witnesses and we did not understand them to be substantially challenged, notwithstanding the scepticism of some residents about aspects of the evidence. We list them here without further comment.

- Local economic expenditure on wages, transport (road and air) plant and site servicing and local supplies;
- Construction, likely to take two years and to involve approximately 160 staff, with the intention to source most staff locally and expectation of staff spending a high proportion of their wages locally;
- After construction, it is expected the site would be managed by seven locally based staff; and
- A community fund over three years of NZD 50,000 each year once the wind farm is operational (an *Augier* condition on the consent).

Landscape Effects

[32] The adverse effects primarily in dispute before us were the landscape and visual amenity effects of the wind farm. We heard evidence from four landscape architects on these matters:

- Mr Shannon Bray (for Meridian);
- Mr Stephen Brown (for Meridian), a qualified planner as well as a landscape architect;
- Mr David Compton-Moen (for Rangitikei District) who peer reviewed the landscape and visual assessment undertaken by Mr Brown; and
- Ms Diane Lucas (for the Guardians).

The landscape witnesses have all had varying degrees of involvement in other wind farm projects.

[33] We also heard evidence as to the effects of the wind farm on the geomorphology of the area, and the *science of scenery*, from Dr Mark Mabin, a geomorphologist for Meridian. We consider that evidence under this head.



[34] Mr Russell Maunder (for Meridian) gave uncontested rebuttal evidence regarding computer simulated visual aids which he had produced under the direction of Mr Brown to assist with the visual assessment of wind farm effects. These included a series of photographic images from 13 public viewpoints and three residential properties, a video simulation depicting the proposed wind farm as seen from SH1 driving south from Waouru around the Hihitahi Plateau and four digital terrain model renderings from four residential properties. All of the landscape witnesses agreed that these were useful tools in the assessment process but had their limitations.

[35] Ms Lucas provided two sets of attachments containing various maps, plans and aerial photographs as part of her evidence. There were questions about the referencing and provenance of some of the material, and accordingly its reliability as the basis for an assessment of effects.

[36] The two planning witnesses who gave evidence, Ms Mary O'Callahan (for Meridian) and Mr Andrew Guerin (for Rangitikei District) addressed the relevance of landscape under various planning documents.

[37] Meridian acknowledged that Project Central Wind would impact upon landscape character, with the most significant change resulting from the erection of 52 turbines and less significant effects from related infrastructure works. The focus of the hearing was on the effects of the turbines.

The relevant landscape

[38] Mr Brown identified a series of nine landscape character areas relevant to assessment of the site and surrounding environment. Those landscape character areas were identified by him in these terms:

Unit Numbers	Geophysical Description:	Key Features & Characteristics
1	Volcanic Cones	<i>Mounts Ruapehu, Tongariro & Ngauruhoe – the three dominant volcanic, often snow covered mountains that hall-mark Tongariro National Park</i>
2	Ruapehu Foothills & Native Forest	<i>Extensive mid-lower slopes north and east of Ohakune covered in predominantly native forest, including multiple stream courses extending down from Mt Ruapehu (including the Makotuku River, Mangaturuturu River, Makatoe River & Mangawhero River)</i>
3	Tangiwai Pine Forest	<i>Ares of extensive plantation pine forestry covering the southern flank of Mt Ruapehu</i>



4	Rangipo Desert	<i>Red Tussock covered expanse of the central Plateau east to south-east of Mt Ruapehu that is dominated by the terraced volcanic apron around that cone, periodically intersected by steep river valleys/gullies and remnant beech forest</i>
5	Ohakune Terraces	<i>Volcanic terraces south to south-west of Mt Ruapehu that are predominantly used for open grazing of sheep and cattle, together with market gardening; the landscape is frequently compartmentalised by shelter belts and the odd remnant stand of totara, beech and other native trees</i>
6	Hihitahi Ridges & Foothills	<i>Sequence of foothill and flat-topped limestone ridges, together with steep river valleys and gullies: covered in a mixture of rolling to very steep farm country, areas of scrub and remnant native forest (including Hihitahi Forest Sanctuary), that mark the point of transition from the central volcanic Plateau and Rangipo Desert into the dissected hill country of the Rangitikei District</i>
7	Waiouru Terraces & Foothills	<i>Volcanic terraces and alluvial hills, together with natural swamp and bogs, at the interface between the Rangipo Desert and the Kaimanawa Ranges that extend from Waiouru township eastwards: mostly covered in tussock and managed by Army Group Waiouru; also contains a scattering of buildings, bunkers, tracks and other infrastructure</i>
8	Kaimanawa & Northern Ruahine Ranges	<i>Extensive sequence of greywacke hill country and ranges that are often covered in snow in Winter, including a mixture of scree and native forest covered slopes transitioning into lower foothills and river valleys that are employed for extensive sheep and cattle grazing</i>
9	Rangitikei Hill Country & River Valleys	<i>Steep sequence of sedimentary and limestone hills and river valleys, together with river terracing, that are very extensively cleared and grazed; a very dynamic landscape that is subject to a marked absence of vegetation cover and pronounced erosion</i>

[39] During expert caucusing prior to the hearing, the landscape experts agreed that the units identified by Mr Brown reflected geomorphic conditions overlaid by vegetation patterns, extent and type, together with land uses. They agreed that Mr Brown's Landscape Unit 6 (which includes the Hihitahi Plateau and the site) is a discrete landscape character area. The experts also agreed that Unit 6 was different in character to the sedimentary hill country of the northern Rangitikei (Unit 9 to the south) and the landscapes of the Volcanic Plateau (Units 2, 3, 4 and 7 - to the north of the site).

[40] By the time she prepared her evidence, Ms Lucas had formed a different opinion. She grouped Units 2 (indigenous forest), 3 (exotic forest) and 4 (Rangipo desert) together as a ring plain. She considered that the Hihitahi Plateau and Moawhango uplands (referred to as the Waiouru Terraces and Foothills by Mr Brown – Unit 7) are similar in character to, connect with and form an edge to the Rangipo Desert and are therefore part



of the same landscape character unit. In other words she considered Mr Brown's Landscape Units 6 and 7 to be one landscape unit.

[41] When questioned, Ms Lucas contended that a geomorphologic base was the most appropriate means of landscape character assessment. In her opinion the landscape units identified by Mr Brown were vegetation driven and vegetation cover was not permanent. However, in her own assessment she put considerable emphasis on the tussock vegetation values of the Defence land to the north identified by Mr Brown as Landscape Unit 7. Ms Lucas's opinion was also inconsistent with the view of Dr Mabin who noted the similarity of Mr Brown's landscape character areas with his regional geomorphology assessment.

[42] We recognise that there can be a number of approaches to identification of landscape character areas. Factors such as (among other things) landform, geomorphology and vegetation cover would all be relevant considerations in any given situation. However we do not accept that Units 6 and 7 can be merged into one as Ms Lucas contended. Unit 6 comprises a series of elevated plateaux and is largely in pasture, while Unit 7 comprises a series of lower terraces and foothills covered in tussock. Both the underlying geomorphology and the vegetative cover indicate separate landscape character areas. The two areas are physically and visually divided by the steep, 100m high escarpment which forms the northern edge of the Hihitahi Plateau.

[43] We accept that the landscape character areas identified by Mr Brown and agreed by the expert caucus are the appropriate landscape setting for considering this wind farm application. We consider that the Hihitahi Plateau is part of a separately identifiable landscape character unit (Mr Brown's Unit 6) within the wider landscape and environment.

Outstanding natural feature or landscape?

[44] In considering the landscape effects of Project Central Wind it is necessary to determine whether or not the wind farm is to be located in an outstanding natural feature or landscape. If it is so situated, that brings into play the provisions of s6(b) RMA which provides (in summary) that the protection of outstanding natural features and landscapes from inappropriate use and development is a matter of national importance. We



understood Ms Lucas to contend that the wind farm site was contained within an outstanding feature or landscape.

[45] In *Wakatipu Environmental Society Inc v Queenstown Lakes District Council*³ the Court identified that:

The word "outstanding" means:

- "conspicuous, eminent, especially because of excellence";
- "remarkable in".⁴

In that decision the Court noted:

*Usually an outstanding natural landscape should be so obvious (in general terms) that there is no need for expert analysis.*⁵

[46] All landscape witnesses assessed the landscape in terms of the *modified Pigeon Bay factors*⁶, namely:

- Natural science factors - the geological, topographical, ecological and dynamic components of the landscape;
- Aesthetic values – including memorability and naturalness;
- Expressiveness (legibility) – how obviously the landscape demonstrates the formative processes leading to it;
- Transient values – occasional presence of wildlife: or its values at certain times of the day or of the year;
- Whether the values are shared and recognised;
- Tangata Whenua values; and
- Historical associations.

[47] The landscape witnesses all accepted that the *modified Pigeon Bay factors* are not the beginning and end of consideration of what is an outstanding landscape. Mr Brown described eminence and conspicuousness as a layer of analysis that goes beyond these factors.

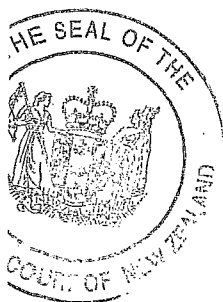
Identification of outstanding features and landscapes in relevant plan documents

³ [2000] NZRMA 59.

⁴ Para 82.

⁵ Para 99.

⁶ *Wakatipu Environmental Society Inc v Queenstown Lakes District Council* [2000] NZRMA 59.



[48] As a starting point for determining whether the site is contained within an outstanding natural feature or landscape we consider whether or not it is within a natural feature or landscape identified as outstanding in any of the relevant planning documents. We recognise that although such identification (or the lack of it) is not necessarily determinative of the issue⁷ it is a highly relevant consideration either way.

[49] Mr Brown testified that the site does not fall within an outstanding natural feature or landscape identified in any of the relevant district or regional planning documents. That opinion was shared by Messrs Bray and Compton-Moen as well as the planning witnesses, Mr Guerin and Ms O'Callahan.

[50] The Manawatu-Wanganui Regional Policy Statement (RPS) identifies a number of outstanding and regionally significant features. Policy 8.3 of the RPS is:

To protect from inappropriate subdivision, use and development, the specified values associated with the following features, which are both outstanding and regionally significant:

a. Tongariro National Park, particularly the volcanoes, specifically:

- i. its recreational qualities particularly for tramping and snow sports;*
- ii. its scientific value provided by the volcanic landscape;*
- iii. its ecological value provided by the mountainous ecology;*
- iv. its scenic qualities provided by its visual prominence in the Region; and*
- v. its importance to tangata whenua.*

e. Kaimanawa Ranges, in particular the skyline and the south eastern side of the ranges, specifically:

- i. its scenic qualities provided by the visual prominence of the skyline in much of the Region; and*
- ii. its contribution to the national conservation estate.*

f. Rangipo Desert, specifically:

- i. its scenic qualities provided by its contrast to adjacent landscapes; and*

⁷ *Unison Networks Limited v Hastings District Council* 11/12/07 Potter J, High Court Wellington CIV 2007-485-896).



- ii. *its ecological value provided by extensive tussock grasslands and wetlands supporting rare indigenous flora.*
- g. *Mount Aorangi, specifically:*
 - i. *its scenic qualities provided by its visual prominence;*
 - ii. *its intrinsic and ecological values provided by areas of unmodified podocarp forest; and*
 - iii. *its importance as a habitat for rare indigenous fauna.*
- ga. *Kutaroa and Otahupitara Swamps (Irirangi Swamp) near Waiouru, specifically:*
 - i. *their scenic qualities provided by the drowned landscape features of the extensive wetland system that surrounds former hilltops; and*
 - ii. *their ecological values*
- h. *Hautapu River and adjacent river valley, including the area to either the level covered by an annual flood or to the top of the first river terrace, specifically:*
 - i. *its recreational value as a brown trout fishery protected by a local water conservation notice; and*
 - ii. *its scenic qualities provided by the deeply entrenched river and steep gorge.*
- k. *Rangitikei River and river valley*

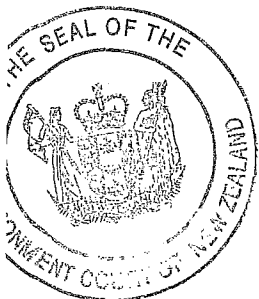
[51] The RPS also contains reasons for including these features on the list. These include for Rangipo Desert:

... State Highway 1 traverses the middle of this feature. The Rangipo Desert is defined, for the purpose of this list, as the area bounded by the northern boundary of the Region, Waiouru, the eastern edge of Mount Ruapehu at the national park boundary and the forested foothills of the Kaimanawa Ranges.

The Rangipo Desert contains the most extensive tussock grasslands in the North Island, including large stands of relatively unmodified red tussock.

This contrasts with the adjacent areas of pasture or forest.

[52] Ms Lucas produced a map (Exhibit 4) on which she had hatched what she considered to be an outstanding natural landscape identified in the RPS which included



the Rangipo Desert. Her outstanding natural landscape extended across SH1 and included the Moawhango tussocklands (or uplands as she sometimes referred to them) and extended southward to the escarpment of the Hihitahi Plateau.

[53] Ms Lucas conceded that the RPS states that the Rangipo Desert extends from Waiouru northwards. However, she said that she had hatched the area south of Waiouru because the RPS also recognises the Hautapu River as an outstanding natural feature. Apparently Ms Lucas had *filled in* the area in between and regarded it all as outstanding under the RPS. She conceded in questioning that her map was only indicative and that there were problems with it.

[54] Mr Brown did not agree with this approach on the basis that the RPS deals with particular outstanding landscapes individually and lists values for them that warrant protection. He questioned Ms Lucas's inclusion of the Hautapu headwaters in her outstanding landscape, with recreational fishery values not relevant to a landscape assessment. Mr Brown took the values identified in the RPS as relating to the river below where the Hautapu Stream joins the Waiouru Stream, given that is where the river is deeply entrenched, with a steep gorge.

[55] Ms Lucas was of the opinion that the RPS reference included the Hautapu Stream and adjacent river valley to the north of the escarpment because the Stream was referred to on some maps as the Hautapu River. She considered that the Hautapu is entrenched quite substantially between the escarpment and the Moawhango uplands. She said that some maps call it a stream and some call it a river but in the outstanding natural landscape parlance a stream is the same as a river.

[56] The RPS gives the following reasons for including the Hautapu River and adjacent river valley in the outstanding natural feature classification:

The Hautapu River extends from its headwaters, south east of Waiouru, to its confluence with the Rangitikei River south of Utiku.

The Hautapu River (from its source to its confluence with the Oraukura Stream including the Waiouru and Irirangi Streams) is protected by a local water conservation notice in recognition of its recreational brown trout fishery of regional significance. The deeply entrenched nature of the river means that the channel is largely unmodified and stable.



The Hautapu River and its valley is an outstanding natural feature and landscape of regional significance as it meets criteria a, d and e of Policy 8.1. ...

[57] We appreciate that it would have been preferable if the area under discussion had been more clearly described and mapped in the RPS. However, we accept Mr Brown's point that the scenic qualities provided by the deeply entrenched river and steep gorge are not present along the northern edge of the site, nor do those qualities extend up onto the escarpment of the Hihitahi Plateau. That was apparent in our site visit and we consider that Ms Lucas applied a severely strained interpretation of the RPS in preparation of her Exhibit 4.

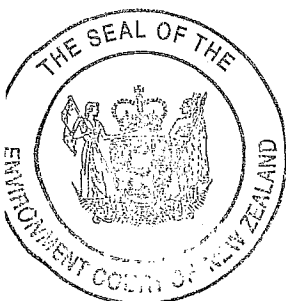
[58] Mr McClelland submitted that Objective 8 indicates that it is not intended that the RPS specifically identifies all the outstanding features and landscapes within the region. He said that the RPS provides criteria in Policy 8.1 *to assist in the identification of them* and while some landscapes are scheduled, the methods do not confine the landscapes to be protected to those specifically mentioned. We concur with that, given the statement contained in the RPS that the Regional Council may in future determine that other features satisfy the criteria in Policy 8.1. Mr McClelland also submitted that when the RPS became operative no regional landscape assessment had been conducted.

[59] Ms Lucas and the other landscapes witnesses did not specifically address the matters in Policy 8.1 when considering whether there are other outstanding natural features and landscapes. However, we recognise that the matters in Policy 8.1 are similar to those in the modified Pigeon Bay factors.

[60] Ultimately we concur with Mr Brown's view of the RPS. The outstanding features and landscapes specifically identified in the RPS clearly do not include the Hihitahi Plateau nor do any of those identified outstanding features or landscapes lie adjacent to the Plateau. Accordingly we find that the site is not part of nor is it adjacent to an outstanding natural feature or landscape identified in the RPS.

The Proposed One Plan

[61] The Proposed One Plan (One Plan) is a review of the RPS and Manawatu-Wanganui Regional Plan. Hearings on submissions have concluded but decisions had not



issued at the time of our hearing. We do not consider that it is a document we can give any weight at this time although we briefly consider its relevant provisions.

[62] One Plan incorporates some of the provisions of the operative RPS but has split out ecological and other values (including for the Hautapu River and adjacent river valley) into categories other than natural landscapes and features. As well as listing and specifying characteristics and values in Schedule F, it has also mapped outstanding natural landscapes and features.

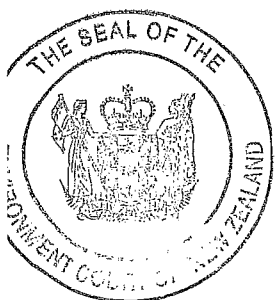
[63] Tongariro National Park is listed as an outstanding natural landscape/feature, particularly the volcanoes and the Rangipo Desert. The listed area is mapped (Schedule F, Figure 1) at some distance from the site on the Hihitahi Plateau and does not extend to the eastern side of SH1. Neither the site nor the Hihitahi Plateau generally are listed or mapped as outstanding natural landscapes or features in One Plan.

[64] Ms Lucas advised that DoC's original submission on One Plan supported an outstanding natural landscape classification for the whole of the Moawhango Ecological District which includes the northern part of the Hihitahi Plateau. However, Mr Peter Morton of DoC advised that it no longer sought that identification and now accepted that regional landscape assessment work needed to be undertaken to justify the classification and mapping of outstanding natural features and landscapes.

[65] To the extent that it is relevant, we find that One Plan does not recognise the site, nor any area on the Hihitahi Plateau, as an outstanding natural feature or landscape.

The District Plans

[66] The Ruapehu District Plan (Policy NL 1.3) recognises the following areas as outstanding natural features and landscapes: Rangipo Desert, Hautapu River and adjacent river valley, Kaimanawa Ranges, Kutaroa and Otahupitara Swamps (Irirangi Swamp) near Waionuru. These areas reflect the provisions of the RPS. The omission of the outstanding natural features and landscapes of the Tongariro National Park is deliberate because these are protected through the Protected Areas Zone.



[67] The Rangitikei District Plan (Policy 14.2) refers to recognising and protecting the *unique cultural, spiritual, ecological, and natural values associated with ... significant features and landscapes* that include Mount Aorangi, red tussock grasslands, Kutaroa and Otahupitara Swamps, the ridgeline of the Ruahine and Kaimanawa Ranges and the Rangitikei River valley. It also (Policy 14.5) refers to recognising and providing for the *natural and scenic values of the ... Hautapu [and] Moawhango Rivers and their adjacent river corridors*.

[68] We find that the District Plan provisions do not recognise either the site, or the Hihitahi Plateau, as an outstanding natural feature or landscape.

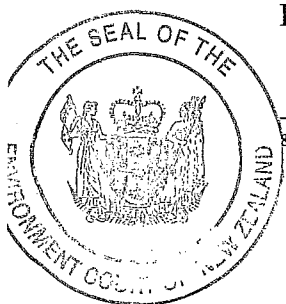
[69] Accordingly, none of the identified Plans identifies the site as being contained within an outstanding natural feature or landscape. However, we are not confined by what the planning documents have identified and it is open to us to separately determine on the evidence that the site is contained within an outstanding natural landscape⁸. We now consider that evidence.

The Evidence

[70] Messrs Brown, Bray and Compton-Moen did not consider the Hihitahi Plateau to be an outstanding natural feature or landscape. Mr Brown considered that Te Rei Bush (adjacent to the eastern end of the site) might be an outstanding natural feature, although it is not identified as such in any regional or district planning document. Messrs Bray and Compton-Moen were of the opinion that the site on Hihitahi Plateau was contained within an amenity landscape, which we take to mean a landscape with amenity values (particularly visual amenity values) that we need to consider when assessing amenity effects.

[71] Ms Lucas considered that most of the site was within an outstanding natural landscape not just because of its intrinsic landscape qualities, but also because of its association with the Tongariro National Park and the Rangipo Desert (we refer to these areas jointly as the Volcanic Plateau) extending across the Moawhango uplands on to the Hihitahi Plateau. She introduced a broader concept – a composite outstanding natural

⁸ Cf para [48].



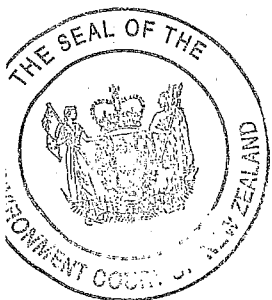
landscape. We look first at the site and its surroundings on the Hihitahi Plateau before considering that proposition.

[72] Mr Brown considered the modified Pigeon Bay factors. He said that natural science factors on the site are high for geomorphic values but weakened by the removal of native vegetation cover resulting in low ecological value. In terms of aesthetic values he considered that the site lies within an area of hill country, ridges and gullies which provide a transition between the truly eminent and outstanding landscapes of the Volcanic Plateau, Kaimanawas, Ruahines and the nearby Rangitikei River Valley.

[73] Mr Brown considered that the site is appealing but not eminent or memorable, particularly when compared with other nearby landscapes and features. In terms of expressiveness, legibility, structure and pattern, he considered that the bare nature of the site (and the wider Hihitahi Plateau) deprives it of the landscape structure and pattern that generally connotes outstanding landscapes.

[74] On the subject of transient values Mr Brown testified that bird life is not a prominent feature and that the effects of sunsets, sun rises and weather induced atmospheric effects are not outstanding compared with experiences on the Volcanic Plateau. On shared/recognised values, he had found no documents expressly identifying the wind farm site as a location with values of importance to communities. He accepted that he had not looked at tangata whenua values, being matters outside his area of expertise.

[75] Mr Compton-Moen agreed with Mr Brown that the site is not within an outstanding natural feature or landscape. In summary, it was his view that it is the site's association with Mount Ruapehu that is of value. This is only apparent from a relatively small viewshaft to the southeast, given the site's distance from the mountain. Mr Compton-Moen considered that the site (and the wider Hihitahi Plateau) has value as an amenity landscape due to the role it plays in supporting the wider landscape of the Volcanic Plateau and more specifically views of Mount Ruapehu. He said it was the association with Mount Ruapehu along with the site's open character and visible limestone landscape (from the Taihape-Napier Road) that gave the site its amenity.



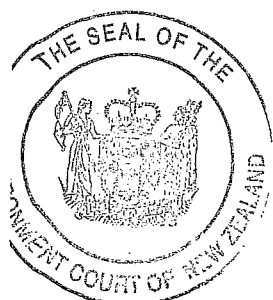
[76] Mr Bray conducted a similar assessment to that of Mr Brown and similarly came to the conclusion that the site is not within an outstanding natural feature or landscape. He considered whether or not the presence of the site in close proximity to the outstanding Volcanic Plateau, and its role as a transitional landscape, meant that it warranted an outstanding classification in its own right. He did so because from some viewpoints (principally from the southeast), the site forms a distinctive backdrop intersected by Ruapehu with the steep Moawhango River valley in the foreground. However, he concluded that this view is limited to a few locations and the site does not have the perceptual and associational values of the Volcanic Plateau, ranges and river valleys. He considered the site to be an extensively modified landscape that retains important natural qualities, an amenity landscape.

[77] Ms Lucas considered that the following were part of an outstanding natural landscape that roughly extended from the northern escarpment to the southern boundary of the Moawhango Ecological Region which covers the Moawhango uplands/tussocklands and extends over the northern part of the Hihitahi Plateau.

- Moawhango Gorge Geopreservation site
- Te Rei Bush
- Moawhango-iti karst Geopreservation site
- Hihitahi Forest Sanctuary.

The two geopreservation sites are those listed in the NZ Geopreservation Inventory for the Wanganui Region. (We return to consider the listing shortly).

[78] When questioned, Ms Lucas said that the Hihitahi Escarpment is the boundary to an outstanding natural landscape in terms of the natural land form as well as being so identified by the planning documents (an argument we dismissed earlier). She also said that it would be appropriate to recognise that there are outstanding natural features adjoining the top of the escarpment which could legitimately extend the outstanding natural landscape to the peaks of Kauaekeke (where turbine D4 is situated), Pukemako (where turbine G1 is situated), Hihitahi and another peak (Whakatara) in the Hihitahi Forest Sanctuary. (That would mean all the A, B and C series turbines would be situated in an outstanding natural landscape.)



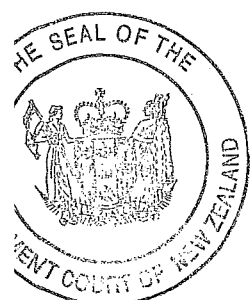
[79] Ms Lucas rated natural science values of the Hihitahi Plateau more highly than the other landscape experts. She considered that Mr Brown had put too much emphasis on the modification of the site for its farming use. In her opinion this use was not visible from many viewpoints with the overall impression being *natural*. Ms Lucas considered Hihitahi, Kauaekeke, Pukemako and Te Rei to be particularly appreciated when viewed in silhouette.

[80] She also referred to the extensive Recommended Area of Protection (RAP), identified in 1993 as part of DoC's Protected Natural Areas programme⁹, covering 2,613ha eastwards of the site and centred on Te Rei rather than the reduced area of ecological significance recognised in the District Plan. She considered the ecological values of Hihitahi Forest Sanctuary (2000 ha), the largest tract of intact Pahautea (Halls Totara) forest remaining in the central North Island and gazetted in 1973, as unjustifiably downgraded by Messrs Brown and Bray because of die-back within the forest. Messrs Brown and Bray did not accept that criticism.

[81] Ms Lucas referred to the recognition of the two geopreservation sites as of regional significance and described the cuesta landforms as highly legible at both a broad and closer scale. Dr Mabin did not share Ms Lucas assessment of the geological values of the Moawhango-iti Karst geopreservation site. That site has only recently been included in the New Zealand Geopreservation Inventory with a classification of C3 – the C meaning it is of regional significance (A and B are international and national respectively). The NZ Geopreservation Inventory has been compiled since 1983, initially under the auspices of a Joint NZ Earth Science Societies' Working Group on Geopreservation. It is now maintained by the Geological Society of New Zealand.

[82] Dr Mabin had been in contact with Drs Hayward and Kenny who compile the Geopreservation Inventory. Dr Hayward had said that the listing means that the geopreservation site was assessed and regarded as being significant or outstanding. Dr Mabin did not agree with that assessment, noting that neither Dr Hayward nor Dr Kenny had visited the site but used information from another source. Dr Mabin acknowledged that on the Hihitahi Plateau there are features associated with karst landforms, such as dolines (sinkholes) and stream sinks, and that Waipuna Cave is

⁹ Rogers, G. 1993: Moawhango Ecological Region – Survey Report for the Protected Natural Areas Programme. Report produced for the Department of Conservation.



identified on a topographical map. In his view the karst landforms are unremarkable, with far more spectacular sites of karst landforms in this region and around New Zealand.

[83] Dr Mabin also disagreed with Ms Lucas as to the significance of the cuesta landforms – he considered them to be subtle rather than highly legible. He referred to the Mangahine plateau at Ohotu as a good example of a cuesta landform.

[84] None of the landscape witnesses, other than Ms Lucas, considered the inclusion of the Moawhango-iti Karst in the Geopreservation Inventory changed their assessment of the landscape values of the site and surrounding area. We concur with their assessment, particularly in the light of Dr Mabin's direct evidence on the subject.

Is the site part of a composite outstanding landscape?

[85] Ms Lucas based her evidence on the concept of a composite outstanding natural landscape. She said that a multiplicity of exceptional values supported the recognition of the composite landscape of Ruapehu-Rangipo-Moawhango-Hautapu up onto the Hihitahi Plateau as an outstanding natural landscape. When questioned, Ms Lucas said that at least the northern part of the site forms part of and contributes to many outstanding natural landscapes – the Ruapehu Volcanoes, Rangipo-Moawhango tussocklands, Upper Hautapu and Moawhango. In her opinion all these areas should be grouped together as one large landscape and the site is located at the juxtaposition of different kinds of landscapes, landforms or landscape units.

[86] Ms Lucas went on to contend that the naturalness of this bigger open and uncluttered upland landscape is minimally disrupted, rare in its accessibility and exceptionally highly valued. She acknowledged that the historic utility corridor of transmission lines running through the landscape significantly reduces natural character and landscape values, but considered that the scale and drama of the context landscape is of such value and quality that the outstanding threshold is met.

[87] The other landscape witnesses did not support Ms Lucas' composite outstanding natural landscape construct. It was their opinion that Tongariro National Park and the Rangipo Desert (extending as far south as Waiouru) are the key outstanding natural landscapes potentially affected by the proposal. They considered that the site is part of a



distinct and transitional landscape from the wider context (both to the north and south), and that the presence of outstanding natural landscapes in the vicinity did not justify elevating the significance of this distinct and lesser part of the wider landscape. Mr Brown considered that Ms Lucas' interpretation of the landscape did not reflect the true distribution of landscape characteristics and values across the landscape around the Hihitahi Plateau and that her analysis and comments distort the real on *the ground* situation.

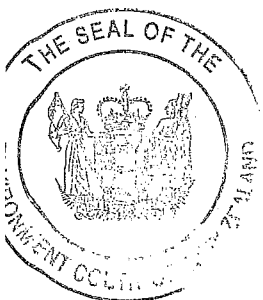
Findings on Outstanding Natural Landscape

[88] We accept the evidence of Messrs Brown, Bray and Compton-Moen and Dr Mabin and conclude that the Hihitahi Plateau is neither an outstanding natural landscape in its own right nor does it form part of a wider outstanding natural landscape. While we note that Mr Brown considers that Te Rei Bush *may* be an outstanding natural feature, we were not persuaded that it has a stand out quality that would accord it this status.

[89] We find that the values and degree of association with the outstanding natural landscapes and features of the Volcanic Plateau which Ms Lucas claims to identify do not justify including the Hihitahi Plateau, or its northern flank (where most of the proposed turbines are to be located), in a composite outstanding natural landscape.

[90] We appreciate that the boundaries of landscapes may not necessarily be easily defined and that there will be grey areas and blurred edges in identifying any particular landscape. We also appreciate that matters of scale are relevant and that a separately identifiable landscape unit may form part of a wider, significant landscape. Nevertheless we consider that the Hihitahi Plateau is clearly part of a separate landscape to the outstanding landscapes of the Volcanic Plateau.

[91] Our site visit confirmed the views expressed by the landscape witnesses, other than Ms Lucas. The site itself is essentially elevated farmland covered in pasture. The northern escarpment of the Hihitahi Plateau is a prominent feature in the landscape but also provides a clear line of demarcation between the tussocklands to the north (which lead onto the Volcanic Plateau) and the elevated pasturelands of the Plateau. The landforms and vegetation of the tussocklands and the Hihitahi Plateau are quite distinct.



The landforms and vegetation of the Volcanic Plateau are equally distinct and considerably distant (24km or so).

[92] Unlike Ms Lucas, we considered that the use of the Hihitahi Plateau for grazing was readily apparent and that Mr Brown's weighting of the absence of native forest cover on the site as one of the factors in his assessment was correct. We concur with Mr Brown's description of the site as lying in an area of hill country, ridges and gullies which provide a physical transition between the outstanding landscapes to the north (particularly the Volcanic Plateau) and the Rangitikei River Valley.

[93] Messrs Brown, Bray and Compton-Moen all acknowledged the high amenity (particularly visual amenity) values of the site and the area around it. We accept their view that although the site is extensively modified in terms of its groundcover it retains significant natural qualities and is important because of its contribution to amenity values. We agree with their opinions that the site is part of what can be called an amenity landscape, not an outstanding natural landscape.

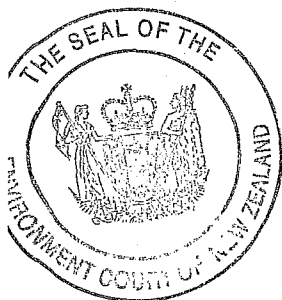
[94] However, that is not the end of the matter. A proposed wind farm does not need to be located in an outstanding natural landscape to have adverse effects on one - *Unison Networks v Hastings District Council*.¹⁰

[95] The wind farm site is visible from outstanding natural landscapes and features, particularly Tongariro National Park and Rangipo Desert on the Volcanic Plateau. We accept that there is potential for the wind farm to have adverse effects on those outstanding natural landscapes and features, particularly given the height and movement of the turbine blades along the skyline of the Hihitahi Plateau. The effects of the wind farm proposal on the outstanding natural landscapes of the Volcanic Plateau should be considered carefully under s6(b).

What are the landscape effects of the proposed wind farm?

[96] Ms Lucas considered that the scale and character of the proposed wind farm structures located on the Hihitahi Plateau would have a significant adverse effect on

¹⁰ Decision W058/2006.



outstanding natural features and landscapes of district, regional, national and international importance. The other landscape witnesses did not share that opinion.

[97] It seems to us that such adverse effects may occur when development undermines the character of a natural feature or landscape in some way thereby diminishing or disrupting the qualities which make it outstanding. In order to evaluate the significance of any landscape effects in this case we consider the site and its immediate vicinity first, before turning to landscape context and potential effects on the outstanding natural landscapes we have identified.

The Site and its Immediate Vicinity

[98] No witness suggested that the wind farm proposal would affect the Moawhango Gorge Geopreservation Site, situated to the east of Te Rei Bush and some distance from the site.

[99] Dr Mabin was of the opinion that the wind farm would have no direct impact on the karst landforms in the Moawhango-iti Karst Geopreservation Site. He said that the identification of the geopreservation site does not specifically identify significant karst features or those parts vulnerable to human action. The only specific karst landform shown on the relevant topographical map is the Waipuna Cave. Turbine A6 is the closest turbine to Waipuna Cave and that is 300 metres away.

[100] Dr Mabin's evidence was that the karst landforms are in the low parts of the landscape, with dolines tending to be associated with the stream lines and valleys and dips, and it is unlikely that turbines would be placed there. Most of the proposed wind farm access tracks already exist as farm tracks and he presumed farmers would have avoided putting their tracks into difficult terrain.

[101] Mr Brown considered that the wind farm would have minimal effects on the site and its immediate surrounds, with the factors which limit the inherent value of the existing landscape also reducing its susceptibility to the effects of the proposal. Those factors included the absence of key natural elements or features and endemic values, other than those derived from the core landforms of the area. He considered that Hihitahi Sanctuary and Te Rei Bush would not be directly affected by the wind farm with the



nearest turbine to Te Rei Bush some distance away. In questioning, Mr Brown appeared to accept that it would be preferable if turbines were not too close to Hihitahi Sanctuary without elaborating on that.

[102] None of the landscape witnesses raised issues about the effects on ecological values.

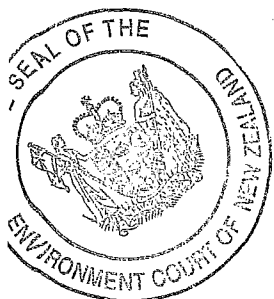
[103] Ms Lucas contended that the wind farm would disrupt the natural landform profile, with structures 100m taller than the natural canopy of trees in Hihitahi Sanctuary and Te Rei Bush. It was her evidence that the associations and special heritage values of landscape features of the northern Hihitahi Plateau, the escarpment, Hihitahi Sanctuary and Te Rei bush, karst and various peaks, would be diminished by the wind farm structures.

[104] Ms Cathryn Barr (an archaeologist called by Meridian), gave evidence that she had identified no Maori settlement sites located physically within the wind farm areas. She did not consider that the wind farm would physically impose or overshadow the Te Riu Pa site on Army land (about 1.6km north of the proposed site).

[105] Mr Mahanga Maru (a management consultant when he prepared his evidence and now employed by Meridian), detailed the outcome of consultation with Ngati Whitikaupēka and Ngati Tamakopiri (who hold mana whenua over much of the land east of SH 1 from the summit of the Desert Road to Taihape) and Ngati Rangi (who hold mana whenua over the summit of the Desert Road stretching south along the Hautapu River). His evidence explained the relationships developed with tangata whenua and their support for the Central Wind Project. We accept Mr Maru's evidence.

Findings on the Site and Immediate Vicinity

[106] We accept the evidence of Messrs Brown, Bray and Compton-Moen that the change in the landscape from the proposed wind farm development would not involve significant adverse effects on the landscape values of the site and its immediate surroundings, including Te Rei and the Hihitahi Sanctuary. We consider that their views in that regard are consistent with their opinions that the site is not part of an outstanding natural landscape or feature which we have previously accepted.



[107] We accept Dr Mabin's opinion that the wind farm development would not have an adverse effect on the Moawhango-iti Karst Preservation Site. Although Ms Lucas suggested that there might be such an effect we formed the view that she was stretching her expertise in making that suggestion. We preferred Dr Mabin's expert view on this matter.

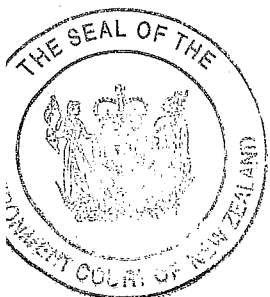
Effects on the Wider Landscape

[108] The focus of Ms Lucas' evidence was on the effects which the wind farm might have on appreciation of the outstanding landscapes of the Volcanic Plateau. She did not contest the landscape evidence for Meridian that the proposal would not have a significant impact on other outstanding landscapes, such as the Kaimanawa and Ruahine Ranges.

[109] Mr Brown concluded that Project Central Wind would not have a significant impact on the key outstanding landscapes of the Volcanic Plateau. He recognised that the Volcanic Plateau, with its iconic cones and the Rangipo Desert, exerts a powerful influence over public perception of the central North Island and creates a high degree of general sensitivity around Waiouru and the southern margins of the Plateau. He considered how the wind farm would be seen from a range of possible viewpoints in Tongariro National Park and the Rangipo Desert.

[110] In Mr Brown's opinion the proposed wind farm would not be visible at all from the main ski areas of Whakapapa or Turoa. He also considered that it would be substantially screened from the Tongariro Crossing (some 44 km from the wind farm at its closest point) by Mount Ngauruhoe, Mount Ruapehu and the southwestern edge of the Kaimanawa Ranges. He said that some turbine blades and nacelles may be visible from tracks on the south-eastern side of Mount Ngauruhoe. However, he considered that variations in the local terrain, vegetation and viewing distance would reduce the wind farm's profile so that it would be all but indistinguishable from the wider northern Rangitikei skyline on the edge of the Volcanic Plateau.

[111] Mr Brown considered that from within Tongariro National Park, the wind farm would typically be viewed over a considerable viewing distance, in the opposite direction to the volcanic cones and most of the Rangipo Desert. Even from the closer and more



elevated south-eastern slopes of Mount Ruapehu and around the Tukino Ski Field, viewing distances would be 30km or more. He accepted that the movement of the turbines might be seen from within these places.

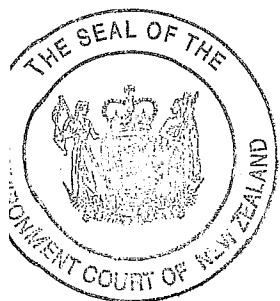
[112] Mr Brown recognised that the proposed wind farm would be visible from the south-eastern slopes of Mount Ruapehu, as well as parts of the Rangipo Desert and Desert Road. He said that it would be viewed within a relatively remote and modified landscape emerging from the edge of the northern Rangitikei. The wind farm would be viewed together with farmland, terraces employed for army training, the township of Waiouru, shelter belts, extensive pine forest, State Highways 1 and 49, the national main trunk rail line and the transmission lines of the national electricity grid corridor.

[113] Mr Brown said that viewed from the terrace landscapes of the Rangipo Desert, a small to moderate number of turbine blades and nacelles would be visible. He considered that the low, flat, angle of viewing from this viewpoint would make it difficult to clearly discern or differentiate the wind farm from the array of ridges and hills on the western side of the Kaimanawas and the amalgam of shelterbelts, trees, buildings and structures around Waiouru. He said that such views also look through, or are parallel with, the national grid lines.

[114] Mr Brown considered that the scale and visibility of the turbines would be diminished by viewing distance, cloud and haze, with the effects ephemeral, varying with the time of day and year and the weather conditions. He considered that the often bleak weather conditions in this vicinity would further isolate the wind farm from the key landscapes which he had identified.

[115] Mr Bray had a similar opinion. He emphasised that the proposed wind farm would be significantly distant from the key landscapes and occupy only a portion of an expansive outlook from those viewpoints. Unlike the central transmission lines which dissect the view, he considered that the wind farm would be seen as distinctly separate from the more natural major features.

[116] On the other hand, Ms Lucas considered that the proposal would have significant adverse effects on the Tongariro National Park (particularly Mount Ruapehu) and the



wider tussock landscape including the Rangipo Desert. She did not accept that the site was peripheral to these key outstanding landscapes. She said that as an outstanding natural landscape of very high standing, the landscape context of the National Park requires careful protection from significant adverse effects.

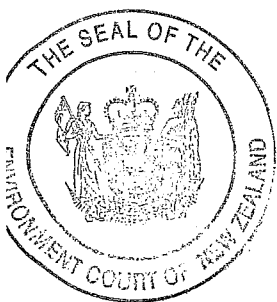
[117] Ms Lucas said that the proposed wind farm would disrupt the natural landform profile of the Hihitahi Plateau and detract from the appreciation of the associated volcanic landscape. She produced a photograph taken by Craig Potton from a hut on Mt Ruapehu showing a cloud hovering below the outline of the Hihitahi Plateau to demonstrate the prominence of the site from the mountain. In her opinion, the vertical structures rotating on the Hihitahi Plateau, seen across the open basin from Mt Ruapehu, would be highly visible when frontlit or backlit. Ms Lucas referred to the movement of the turbines as drawing the eye and accentuating their scale and character and contrasting with the context landscape.

[118] Ms Lucas accepted that the existing utility corridor, army land use, infrastructure, farming, forestry and the Waiouru settlement, diminish the naturalness of parts of the greater landscape and threaten the integrity of their surroundings. However, she considered that, notwithstanding the existing land uses, the introduction of the wind farm structures would significantly reduce the quality and specialness of the overall landscape with its naturalness and remote character. Another concern for Ms Lucas was that the proposal would undermine a landscape conservation effort being undertaken in the adjoining tussock landscape on the Defence land to the north of the site.

Findings on Wider Landscape

[119] We agree that the turbines of the proposed wind farm would be visible from a number of viewpoints within the National Park and Rangipo Desert. We do not consider that visibility of itself is an adverse effect. We ask ourselves whether or not the sight of the Project Central Wind turbines would in some way diminish the quality of the outstanding features and landscapes contained within the Park and the Desert or diminish the experience of visitors to them. We consider it would not.

[120] We consider that the factor of distance alone substantially mitigates any potential effect of the wind turbines on the natural character of the key landscapes. The wind farm



site is part of a clearly identifiable and separate landscape many kilometres away from the National Park and Rangipo Desert.

[121] We concur with the evidence of the landscape witnesses other than Ms Lucas as to the effects of the wind farm viewed from the National Park and Rangipo Desert. From these distant views the wind farm would be a small element in an extensive landscape. It would be seen (to the extent it is seen) against road, rail and transmission corridors, Defence activities, agricultural use and forest activities.

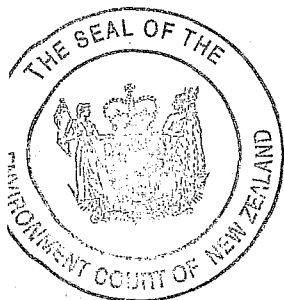
[122] The wider landscape is not a pristine landscape at present but the sheer scale and magnificence of the volcanoes and desert mean that they remain the dominant features and landforms within that wider landscape. That situation would not be changed by the addition of the distant turbines to the wider landscape. We do not find that the special features of the National Park and Rangipo Desert, nor visitors' appreciation of those features, would be compromised or diminished in any way by establishment of the proposed wind farm.

The Gateway Experience

[123] There was much debate before us as to the effect of the proposed wind farm on the experience of arriving on the Volcanic Plateau. This was described as the *gateway experience*. Most people experience the outstanding natural landscapes of the National Park and Rangipo Desert travelling through them by car (although the journey by train also takes in views from the south). We did not find argument about whether Taihape or some other point was the gateway to the Volcanic Plateau particularly helpful or relevant. We understood that reference to the gateway was a reference to the point at which travellers first begin to experience the Volcanic Plateau.

[124] We think that the essence of this debate was the effect which views of the wind farm might have on travellers' appreciation of the landscapes through which they are travelling, including the outstanding features and landscapes we have identified. This discussion needs to be undertaken in light of our earlier findings that;

- The wind farm site is not part of an outstanding feature or landscape, but is a landscape separate from the outstanding landscapes of the Volcanic Plateau; and
- Visibility is not of itself an adverse effect.



[125] Under this head we consider impacts of the wind farm on the experience of travellers on SH 1 between Taihape and Taupo and on the Gentle Annie route between Taihape and Napier.

State Highway 1

[126] Ms Lucas considered that large man-made structures on the wind farm site would significantly impact on the natural character and experience of the landscapes of Mount Ruapehu, the Rangipo Desert and the tussocklands. In her opinion most people experience their naturalness and remoteness as they travel through them and the wind farm turbines would negatively influence a traveller's initial or (alternatively) lasting impression of these landscapes.

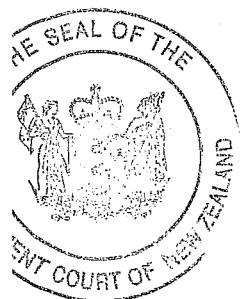
[127] Mr Brown concluded that when heading south on SH 1 along the Desert Road from Taupo the proposed wind farm would only become consistently apparent south of Waiouru. At that point it would be viewed in conjunction with a scattering of army huts and tracks across the Waiouru Training Area, pasture on the slopes around Mount Hihitahi, army signage, the main trunk line and the National Grid – a post-National Park perspective.

[128] Mr Brown considered that driving northwards along SH 1 from the direction of Taihape, a sequence of farmed hill country, the Hihitahi Forest Sanctuary and the Irirangi Swamp (including the Naval Communications Centre) frame the approach to the Volanic Plateau. He said:

As one rounds the Rioriaka Conservation area (on hills south of Waiouru and west of the state highway) and first obtain clear views to both a majestic Mt Ruapehu and its Desert margins, all of the elements described above – army huts, signage, etc, together with the settlement of Waiouru and Army Museum – also come into view. At this juncture both the Mounganui Plateau and Project Central Wind site lie behind the main axis of viewing towards the National Park proper and largely outside a viewer's peripheral vision.¹¹

Mr Brown considered that although the wind farm would have been previously visible around Turangarere on the approach from Taihape, some 10km of road and a chain of

¹¹ Evidence-in-chief, para 127.



pasture dominated hills (including Hihitahi) separate this vantage point from the so-called gateway to the Tongariro National Park. Mr Bray had a similar opinion.

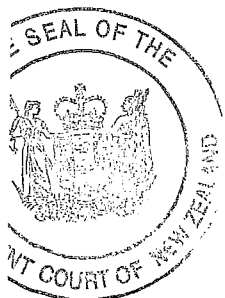
[129] Ms Lucas had a contrary view. She put considerable emphasis on the effect on SH 1 travellers coming from the north, who would first see the turbines from a point some 14km north of Waiouru, coinciding with their experience of the tussock landscape.

[130] In rejoinder, Mr Brown said that at this point the turbines would be exposed briefly above the western terraces and ridges on the edge of the Kaimanawas, both north of and around Waiouru. He pointed out that the wind farm would be located at right angles to the much more spectacular views to the eastern side of Mount Ruapehu.

[131] Mr Bray referred to the first fleeting glimpses of the wind farm from the north, with the nearest turbine nearly 20km away, as occurring in a landscape that is increasingly managed, with Army Restriction Zone signs, an increase in shelterbelts and proximity of the Tangiwai commercial pine forest. He considered that the traveller heading south had already received the first indication that the wilder natural landscape was coming to end, when passing under three high voltage power transmission lines which come between the viewer and Mt Ruapehu. He considered that the turbines on a distant skyline would appear very small in comparison to the boldness of the landform, with the blades unlikely to be immediately discernable to the naked eye.

[132] Mr Bray said that closer to Waiouru, a series of lower hills would screen views of the wind farm or alternatively it would be seen in conjunction with built elements and farming activities. He considered that the first clear and noticeable view of the wind farm was near the Army Museum. At that point the wind farm was 9km away and would be viewed for a distance of about 4km as the traveller moved south, for about 2 ½ minutes at 90km per hour.

[133] Mr Compton-Moen referred to the character of the area changing for travellers coming into Waiouru from the north on SH 1, with farm paddocks to the west and tussock with army signage, willows, gorse and weeds to the east in strong contrast to the Rangipo Desert.



[134] Ms Lucas considered the gateway to the Volcanic Plateau to begin at Taihape, with the proposed wind farm potentially changing the outlook from the town to that of a utilitarian and energy landscape, with the turbines highly visible along the skyline and regularly backlit. She said that the structures on the Hihitahi Plateau would detract and distract from its natural landscape values and the view to Ruapehu.

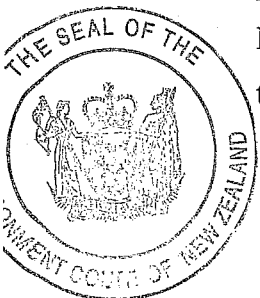
[135] Mr Brown considered that this exaggerated the impacts. He said the proposed wind farm would be only intermittently visible when first approaching and entering Taihape over viewing distances of approximately 13-14km. That visibility would be from two parts of the township and three very short sections of SH1 with views of short duration. The wind farm would be seen above and between intervening hills, ridges and forest and over a working farm landscape. He said that Mt Ruapehu is a rather distant and fleeting element in the entry to Taihape.

Gentle Annie Road

[136] The Gentle Annie road is the main road from Taihape to Napier. The section of road which we visited traversed an attractive rural landscape. Mt Ruapehu can be seen from a number of points on this route. The road is well travelled and sealing of the last remaining unsealed section is about to be undertaken. We expect that this would enhance the attraction of the road as a scenic route.

[137] Ms Lucas considered that for travellers on this route, the turbines would significantly reduce the approach to what she called the dramatic plateaux landscape which forms the threshold of the volcanic region. Mrs Gillian Duncan (secretary of the Guardians) gave evidence that it was necessary to pass the wind farm whilst travelling to the Volcanic Plateau along the Gentle Annie route. She considered that the wind farm site would be visually connected to Mt Ruapehu from some views from this route.

[138] Mr Bray doubted that the Gentle Annie is an approach to the Volcanic Plateau landscape at all, as opposed to an approach to the Rangitikei Hill Country through a productive rural landscape. He said that it is not until the traveller is well within the more productive rural landscape that the wind farm would become an element of the view. Mr Bray said that Mt Ruapehu is rarely visible from this road and there is no point where the proposed wind farm would be in front of glimpses of the central volcanic mountains.



[139] Messrs Brown, Bray and Compton-Moen did not consider that the visibility of the proposed wind farm and the connection to Mt Ruapehu, would spoil the experience of travellers on the Gentle Annie route. They pointed to the fleeting nature of views of the turbines for travellers on that road. The photographic evidence pointed to the fact that in such views of the turbines as there might be from the road, they would not be in front of Mt Ruapehu. This evidence was consistent with our experience and impressions during our site visit.

Findings on the Gateway Experience

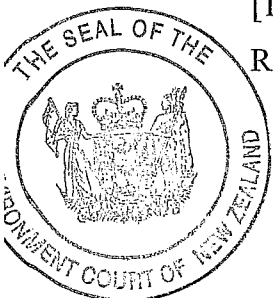
[140] We agree with the evidence of Messrs Brown, Bray and Compton-Moen on the minimal effects of the proposed wind farm on travellers' experience of the Volcanic Plateau whether travelling along any of the routes discussed, through one of the so-called gateways or otherwise.

[141] Coming from the north there would be fleeting, distant views of the wind farm until Waiouru is reached. These views are at right angles to the dominating views of Mt Ruapehu. From Waiouru on the views are in the context of the other developments which we have described and are again away from Mt Ruapehu which would be then situated behind the viewer.

[142] We accept that travellers from the south (Taihape) or east (Gentle Annie route) would see the wind farm turbines for various periods of time from various points on either road. From some of these viewpoints the turbines would sit between the viewer and Mt Ruapehu and from some the viewer would see the wind farm development in conjunction with the distant mountain but not directly in front of it.

[143] The context within which the wind farm would be seen from all of these viewpoints is that of a working, productive farm landscape set amongst a series of hills, ridges, plateaux and valleys. Where Mt Ruapehu is visible, it is a distant presence and clearly part of a different landscape.

[144] To the extent that it is relevant, we have found that the point of exit from the Rangitikei hills south of Waiouru is the entry or gateway to the Volcanic Plateau. This



conclusion is supported by the *Driving Guide to Scenic New Zealand*, referred to by Ms Lucas, which says the following about the 134km Taupo-Taipahe (SH 1) route:

The scenic highlights of this route are provided by the 105-km drive around Lake Taupō and along the Desert Road past the Tongariro volcanoes to Waiouru. Beyond here interest pales unless you've a penchant for rural scenery.

[145] At this point the eye is drawn to the full view of Mt Ruapehu and the impression of the wide open spaces around it. From those points along this stretch of road where the wind farm structures may be visible, they would be off to the right in the opposite direction to the mountain.

[146] However, even if Taihape was considered to be the southern gateway to the Volcanic Plateau (as contended by the Guardians) our conclusion would be the same given that glimpses of Mt Ruapehu from SH 1 between Taihape and Waiouru are offset from the wind farm, at a considerable distance, and over farmland and bush with a rural character.

[147] For all of these reasons we do not consider that the presence of the wind farm would have adverse effects on the gateway experience of travellers on any of the routes we have discussed.

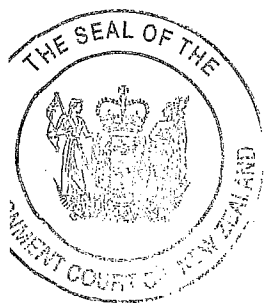
[148] We now consider the objectives and policies contained in the planning documents which are relevant to our landscape considerations. We quote some policies in full here and address those parts of the policies which relate to adverse effects on landscape. We leave their evaluation in terms of weight to our overall assessment.

The Plans

[149] Objective 8 of the RPS is:

To protect natural features and landscapes which are outstanding and regionally significant from inappropriate subdivision, use and development.

[150] The objective is supported by a number of policies;



- Policy 8.1 provides the criteria for identifying the regional significance of the features and landscapes.
- Policy 8.2 deals with the protection of outstanding features and landscapes.
- Policy 8.3 identifies the values of certain features which are to be protected in terms of the criteria identified in Policy 8.1.

[151] Policy 8.2 reads:

To protect regionally significant natural features and landscapes which are outstanding from inappropriate subdivision, use and development. In determining inappropriate subdivision, use and development the following will be taken into account:

- a. the degree to which activities would adversely affect the values specified in Policy 8.3 so far as those values provide a significant contribution to outstanding features and landscapes; and*
 - b. the degree to which the activity provides for the social or economic well-being of people and communities, (including providing essential services to the public);*
- while ensuring that, in all cases, adverse effects of any activity on the features or landscapes are avoided, remedied or mitigated.*
- (our emphasis)

[152] We accept that the RPS seeks to protect values (in particular scenic views) not only from inside the outstanding natural features and landscapes but also as an integral aspect of the appreciation of the views of these outstanding natural features and landscapes from areas outside of them.

[153] Ms Lucas suggested that the wind farm would detract from the recreational value of the Tongariro National Park (particularly for tramping) as the turbines would be visible from a number of tracks and at least one hut. In her opinion people in the National Park would have a view of the turbines and that would impact negatively on their perception of the Park. We refer to our earlier findings to the contrary.

[154] One Plan effectively carried through the values in the RPS. Under the heading 7.4.2 Landscapes and Natural Character the Plan states:



Policy 7-7: Outstanding landscapes

The landscapes listed in Schedule F shall be recognised as outstanding. All subdivision, use and development affecting these areas shall be managed in a manner which:

- (a) avoids or minimises to the extent reasonable any adverse effects on the characteristics and values specified in Schedule F for each landscape ...*
- (c) takes into account the policies in Chapter 3 when assessing activities involving renewable energy and infrastructure of regional importance.*

(our emphasis).

The characteristics and values specified in Schedule F for the *Tongariro National Park*, particularly the volcanoes and the Rangipo Desert, are:

Visual and scenic characteristics, particularly the park's visual prominence in the Region and the contrast of the desert with adjacent landscapes.

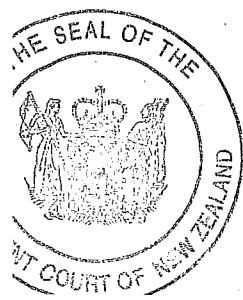
Other values listed are similar to those in the operative RPS. The Proposed One Plan also refers to *all use and development affecting* the listed (and mapped) landscapes (Policy 7-7).

[155] The Ruapehu District Plan and Rangitikei District Plans both restate the provisions of s6(b) RMA in their objectives and policies. We will consider that matter as part of our overall assessment.

Overall Findings on Landscape Effects

[156] We have accepted Dr Mabin's evidence that the wind farm structures would be located away from karst landforms and would not affect the physical features of the Moawhango-iti Karst Geopreservation Site. There is significant separation between the wind farm site and the Moawhango Gorge Geopreservation Site.

[157] There are no direct effects of the wind farm on the Te Rei Bush and Hihitahi Forest Sanctuary as the turbines would be established on adjoining pastoral land rather than the vegetated areas and no tracks or other work require clearance of significant vegetation. Therefore we do not consider the natural science values of the site or its environs would be significantly affected by the wind farm.



[158] We have considered the landscape effects which might arise from the visibility of the turbines and their potential to affect the perception and experience of the Tongariro National Park. We accept that turbine blades (moving at times) would potentially be visible from various parts of Tongariro National Park including tracks, huts and part of the Tukino ski field. We do not accept that this would significantly diminish the experience for those using the National Park. For these viewers the wind farm site is a small part of a vast landscape and is located 30 km or more away. The wind farm would also be seen in the context of Waiouru, built development, farmland, forestry and the road, rail and electricity infrastructure corridors.

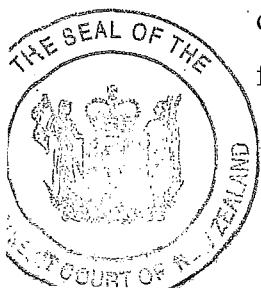
[159] There has been no opposition to the wind farm from those holding mana whenua over the National Park nor from DoC.

[160] We recognise that there are views from the Rangipo Desert across the top of the Moawhango tussocklands to parts of the Hihitahi Plateau. However, the proposed wind farm would be a small part of a distant and generally (for travellers) fleeting view. We do not consider that such views would compromise the experience of the Rangipo Desert.

[161] We have accepted the evidence of Messrs Brown, Bray and Compton-Moen that the proposed wind farm would not detract from the experience of those arriving and departing the Volcanic Plateau from either the north or south on SH 1. We have found that the point of exit from the Rangitikei hills south of Waiouru is the point of entry or gateway to the Volcanic Plateau and that even if Taihape was considered to be the southern gateway to the Volcanic Plateau (as contended by the Guardians) our conclusion would be the same.

[162] Similarly, we do not consider that views of the wind farm from the Gentle Annie route would detract from the experience of arriving on, or departing from, the Volcanic Plateau. Such views are ephemeral and from a distance. As far as we could tell the turbines would not sit directly between the viewer and Mt Ruapehu on this route.

[163] We do not consider that the wind farm threatens the values identified for various outstanding natural landscapes in the operative RPS and District Plans. The distant wind farm would not diminish the visual dominance of Mt Ruapehu and the other volcanoes



which would retain their natural values when viewed from inside or outside the National Park from any location in the region. Neither would the distant turbines compromise the natural qualities of the Rangipo Desert. In each case we have accepted that wind farm turbines would be visible from some parts of the outstanding landscapes but we consider that any potential adverse effects are mitigated (if not nullified) by the effects of distance and the intervening landscapes.

[164] Accordingly we find that that the proposed wind farm would not have adverse effects on the outstanding natural features and landscapes of the Tongariro National Park and the Rangipo Desert.

Amenity Issues

[165] In the preceding section of this decision we assessed the impact of the wind farm on the wider landscape including the outstanding natural landscapes and features. We now consider the amenity effects of the wind farm, and in particular how the turbines might affect the visual amenity of those who live near or within sight of Project Central Wind. We appreciate that there is some crossover between the landscape matters that we have previously discussed and the issue of visual amenity.

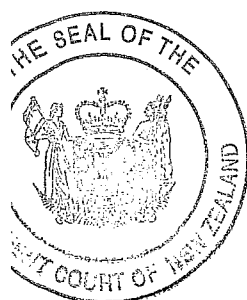
[166] Amenity values are defined by RMA as being . . . *those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.*¹² The focus of consideration of amenity effects in this case is on how the wind farm might affect people's appreciation of their environment and the values and features of that area surrounding the wind farm which are important to them.

Visual Amenity Effects

[167] We commence this section of our decision by noting that the landscape experts for Meridian and the Rangitikei District Council accepted that Project Central Wind would have direct effects on the visual amenity of some private residences and properties.

[168] Mr Brown testified that the proposed wind farm would have a comparatively significant impact on a small number of farm properties around the Moawhango Valley

¹² Section 2 RMA.



and Pukeokahu Road. Amenity effects would arise from the direct visual juxtaposition of the proposed wind turbines against or close to the outline of Mount Ruapehu, together with erosion of the essentially rural character of the landscape viewed from such properties. In particular that would be the case for properties owned by residents Duncans, Durrants, Frosts and to a lesser extent Gordons and Procters. Mr Brown said that there would also be an effect on the wider rural character and amenity enjoyed by local residents who do not see Mount Ruapehu.

[169] We now turn to the evidence of the lay witnesses for the Rangitikei Guardians.

Mrs Nicola Duncan

[170] Mrs Nicola Duncan and her husband farm a 1250 acre beef and sheep property on Moawhango Road. She gave evidence that they had recently sold a cottage and life style block at the Hiwera Valley and had built a new house on their farm with views of Mt Ruapehu and the surrounding landscape. Their new house is approximately 12 kms from the proposed wind farm site and parts of the farm are within 8km.

[171] Mrs Duncan said that 46 of the 52 turbines would be visible from 6 rooms in their house as well as from the garden surrounding it. Her concern was the constant movement of turbine blades and what she described as industrial development in a landscape currently noted for its stillness and natural beauty.

[172] Mrs Duncan had a particular concern that there might be turbine blades level with or higher than the mountain in their view and thought there might be nine turbines in this position. She expressed a worry about the visual effect of turbine blades passing above the cone of Mount Ruapehu. We had the benefit of a Truescape viewpoint simulation from the lawn in front of the Duncan house, but from that simulation we could not be certain as to how many turbine blades would pass above the mountain in the view.

[173] Mr Compton-Moen considered that the turbines would have significant adverse effects on stunning views from the property (and the next Duncan property), a greater effect than the assessment by Messrs Brown and Bray. He considered the effects would be significant because the wind farm site forms the middle ground for views of Mt Ruapehu, the turbines are to be placed on the skyline in front of those views and the



turbines would compete with the cone. From the Duncans' direction, the majority (if not all 52 turbines) would be visible either in front of the cone of Mount Ruapehu or flanking either side.

[174] Mr Compton-Moen said that while the impact of the proposal would often be lessened by atmospheric conditions, the position of the sun and intervening distance, the Duncan houses (including Hiwera which we consider next) are positioned to take advantage of the views to Mt Ruapehu and that without the association with the mountain, the quality of the view would be diminished to that of a typical rural outlook.

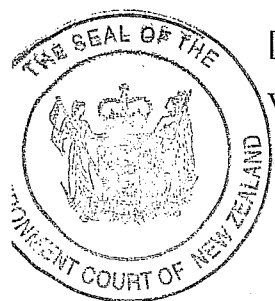
Mrs Gillian Duncan

[175] Mrs Gillian Duncan lives in what was identified by the landscape experts as one of the worst affected properties, along with her family including Mr Geoff Duncan who accompanied us on our site visit. She gave evidence of the historic heritage of their property at Hiwera (and known by that name). The proposed wind farm is slightly further away from Hiwera than the other Duncan property described by Mrs Nicola Duncan.

[176] Mrs Duncan said that 46 of the proposed turbines and towers would be visible from the Hiwera homestead, 10 immediately in front of Mt Ruapehu, 24 to the west and 12 to the east. She said that the homestead is positioned to capture the view and that turbines would be visible from the formal living area, bedrooms and front entrance/hall. The view from the garden in front of the Hiwera homestead would be similarly affected. She referred to the wind farm occupying approximately 80% of the view of the horizon. She said that all of the turbines would be visible from the farm property.

[177] Mrs Duncan described the visual impact as *dreadful* due to the relative distances and elevations between the active volcanoes, the Volcanic Plateau and viewpoints from this area. She said that not only do the structures come between the Duncan property and the mountain, but that they would introduce constant motion into what is essentially a static environment. Even when the mountain is not visible Mrs Duncan said that it was a focus.

[178] Mr Compton-Moen considered the potential adverse impact of the wind farm on views from this property to be significant, similar to the other Duncan property.



[179] Mrs Duncan said that while Messrs Brown and Bray had both discussed planting as a mitigation option at the homesteads, measures such as screening would result in the loss of the amazing outlook and severely and adversely affect their visual amenity and enjoyment of their property.

Mrs Rita Batley

[180] Mrs Rita Batley lives with her husband on a 6.5 ha property in Moawhango village and farms a 1471 ha property approximately 5km from the proposed wind farm off the Napier-Taihape Road. She gave evidence of the long association of her husband's family with the area. She said that from the highest point of the farm (960m above sea-level) they had a panoramic view including the Hihitahi plateau, Te Rei and the Hihitahi Sanctuary. She opposed adding 135m high industrial structures to this panorama, with 12 or so of the 80 farm paddocks having a limited view of the proposed wind farm site.

[181] Mrs Batley would be 100m down the road from her house before she saw the turbines. However, she referred to the views walking up Wherewhere Rd which looks over the whole proposed wind farm site or from the Tikirere (or Shepherd's) Falls which are a feature of the Gentle Annie route. Mrs Batley considered the wind turbines would impact negatively on these views, with the turbines totally at odds with the receiving environment.

Ms Lianne Adams

[182] Ms Lianne Adams, an artist living at Taihape, gave evidence about her paintings of local landscapes and their sale domestically and overseas. She said that the wind farm would impact on the area she is passionate about painting and would directly affect her livelihood.

Ms Madeline Frost

[183] Ms Frost gave evidence that her home has a stunning view over the Hiwera and Moawhango valleys across to Te Rei Bush 16 km away and the mountain beyond. She referred to a Truescape image showing all of the A series turbines right in front of her view of Mt Ruapehu and B01 between the first step of the plateau and the mountain. She



said that the clear plateau skyline would have 52 turbines across her vista. She also raised a concern about red aviation warning lights in what is now a dark night sky.

[184] Mr Brown considered that the obstacle lighting is unlikely to be directly visible from most areas surrounding the site due to topography and that most lights are typically shielded to prevent light being cast below the horizontal plane. This would mean that there would be no direct adverse visual effect for residents. While he accepted that motorists on the state highway and elsewhere might see a string of red lights on and above the southern horizon at night-time, he considered that such effects would not spill over onto the Volcanic Plateau proper.

Others

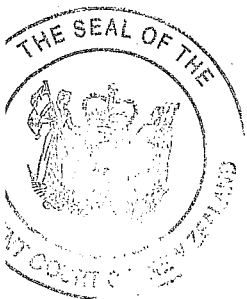
[185] A number of other lay witnesses provided evidence but were not cross-examined. Mr Mark Cottrell from Oruamatua Station had a concern about possible blade strike visible at the family home from the A series turbines, and the visibility of 46 of the 52 turbines from the farm. Mr Cottrell, Mrs Elizabeth Cottrell and Ms Robyn Woolaston expressed similar concerns as those residents who were cross-examined.

[186] Mrs Carol Walker, who lives in Moawhango, gave evidence of her concerns about the turbines blocking the unspoilt views of the plateaux and the areas of bush on Mounganui (Te Rei). A major concern for her was that having turbines between the Tikirere falls and their line of sight to the sacred mountain (Ruapehu) would diminish the mana of the taonga of her Tupuna, Tamatea Pokai Whenua. While Mrs Walker said that she did not accept or agree with what her people had done, she acknowledged that her iwi had consented to the proposal.

[187] Mr Rex Turnbull, currently living in Sydney, expressed concern about the proposed wind farm compromising the natural beauty of the local landscape.

Effects on Moawhango village and community

[188] Moawahango village is the closest settlement to the proposed wind farm and has two marae and a school. We had evidence as to its natural and rural character and the contribution of the Moawhango Gorge, Te Rei Bush and the ridgelines that enclose it. Mrs Batley referred to the settlement's attractiveness to tourists she hosted. Mrs Batley



expressed a concern about turbines on the Pukemako Ridge disturbing the peacefulness of the valley.

[189] Mr Brown's assessed adverse effects of the wind farm on views from the village as moderate to moderate/ high.

[190] Mr Bray considered that while the Moawhango village is close to the E series turbines these are screened from view by the surrounding landform. Four of the G and H series turbines are potentially visible but are partially screened by the foreground landscape. The A series turbines, 6 km distant, occupy the skyline to the north on the lower Mounganui Plateau adjacent to Te Rei bush. Mr Bray was of the opinion that 5 of these turbines would be visible, with a generous spacing between them, on a relatively prominent but distant skyline. This would have no more than minor effects on the visual amenity. He said that the wind farm might also be visible from private farmland on the ridgelines east and north of the village.

[191] Mr Compton-Moen said that there would be views of turbines from groups A, G and H from a relatively close proximity, but he considered the effects no more than minor. He did not think that the turbines would have an overbearing or overpowering effect on the village nor would they detract from the character of the working rural landscape with its moderate degree of modification.

[192] Ms Lucas considered that heritage and amenity values within the Moawhango valley and the natural character and natural landscape values of the Moawhango River gorge corridor would be affected by Project Central Wind. In her opinion, the presence of the turbines would significantly affect the aesthetic, legibility and heritage values of the valley.

[193] We accept that there would be some minor amenity effects on Moawhango Village arising as a consequence of establishment of the wind farm. We concur with the assessments of Messrs Bray and Compton-Moen in that regard. Although a number of the turbines would be visible from various points in and around the village they would not be present in such numbers and in such close proximity that the issue of dominance which



was of concern to the Court in *Motorimu Wind Farm Ltd v Palmerston North City Council*¹³ comes into play.

Effects on Taihape

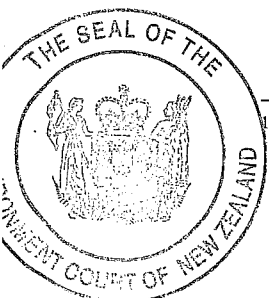
[194] There are parts of Taihape from which the wind farm turbines would be visible. These were identified and discussed by the various landscape witnesses.

[195] Mr Bray testified that although the turbines would be visible on the skyline from Taihape, their 12km distance would be a significant mitigating factor, with the turbines minor landscape elements in a productive, working landscape and the bold, dark landforms remaining dominant. The turbines are also east (right) of the volcano, remaining visually separate and enhanced by the noticeable drop in elevation around Hihitahi. He said that the turbines also appear to have generous spacing between them, therefore avoiding dense clustering which might lead to their dominance in views from Taihape.

[196] Ms Lucas said that the wind farm would detract and distract from the natural landform profile and landscape values of the Hihitahi Plateau, with the turbines much taller than the trees on the Plateau. She considered that the kinetic structures along the extensive skylines some 12 km to the north, and regularly backlit (if that occurs), would be very visible. She was also concerned about the effect of the structures on what she described as the tantalising view to Ruapehu. Messrs Brown and Bray were of the opinion that Ms Lucas overstated these effects.

[197] We concur with the evidence of Messrs Brown and Bray. While there are elevated parts of Taihape which look towards Mt Ruapehu across the Hihitahi Plateau and would have clear views of the wind farm turbines, the wind farm is about 12 km from Taihape and is offset from the volcanic cone of the mountain. The wind farm would be viewed across a rural working landscape.

[198] We accept that the wind farm would be clearly visible from some parts of Taihape and would be seen in conjunction with Mt Ruapehu, however the factor of distance again



¹³ Decision W 067/2008.

avoids the dominating effect which we referred to earlier. That said, we appreciate that many people would prefer not to see the turbines in their views at all.

Visual Amenity overall

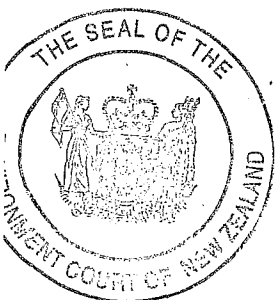
[199] We find that effects on visual amenity values brought about by Project Central Wind are not sufficient to categorise them as significantly adverse overall. However, we accept that a small number of people would experience a change in views from their properties in that the wind farm turbines would now be a significant feature of those views.

[200] We do not seek to downplay the adverse effects people foresee from a change in the present rural landscape with the addition of moving turbines, particularly where these are in line with their views of Mt Ruapehu. There is no doubt that some residents with presently uncluttered views of the mountain would experience the loss of what they have had due to the presence of the distant turbines between themselves and the mountain. All of the landscape witnesses agree on that.

[201] However, this is not a situation where residents' properties would be dominated or overwhelmed by the proposed turbines. Nor would the turbines dominate the mountain itself from these viewpoints. Although the turbines will be a clear presence, the sheer scale of Mt Ruapehu ensures that it would continue to be the dominating feature in the landscape. We do not consider that the turbines would obstruct peoples' views of the mountain, rather, we consider that the turbines would become a part of those views.

[202] The siting of wind farms in any landscape is challenging. Wind farms are always likely to be established in areas with significant natural and/or rural character. By their very nature the wind farm structures are always going to be highly visible and prominent. Someone is always likely to be affected by disruption of views and amenity.

[203] Mr Brown gave evidence that this is a wind farm site that affects fewer people, and to a lesser extent, than many of the other projects he has been involved with. While our assessment is not a *numbers game*, inevitably the degree of effect and the number of people and properties involved are factors which will have some influence in evaluating the significance of amenity effects in any given instance. For those people such as the



Duncans whose views will be directly affected we consider that the distance of the turbines from their properties provides some degree of mitigation of effects although we accept that from their point of view the diminution in amenity is significant.

Other Effects

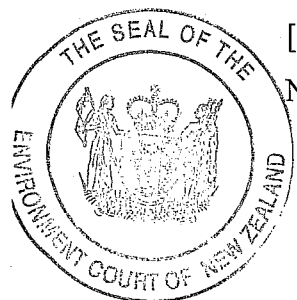
[204] We now look at the other effects raised in some of the briefs from the Guardians' lay witnesses. As we said earlier, some of the briefs of the lay witnesses ventured into opinion on technical and scientific issues which are beyond the scope of lay witnesses and relied on considerable material gleaned from the Internet. In the absence of empirical evidence we would give such opinion and material no weight. However, we have rebuttal evidence from the expert witnesses addressing the concerns raised by the lay witnesses and the material sourced from the Internet which we consider for the sake of completeness.

Noise

[205] Evidence on wind farm noise was given by Mr Paul Botha (for Meridian), a mechanical engineer responsible for designing the layout of Project Central Wind. He had undertaken the acoustic impact assessment for the Project. He said that noise modelling and predictions had been undertaken for all 36 houses within 5 km of the closest wind turbines. The 3 closest houses are within the project area – at 1.8km, 1.9km and 2.1km from the closest turbine – and their owners have consented to the application. The maximum predicted noise level for these 3 houses is 33 dBA L_{eq} . The other 33 houses, within the Moawhango Valley area, are all more than 2.1 km away from the closest turbine. The predicted noise levels at these houses, and the Moawhango School, are less than 30 dBA L_{eq} .

[206] Mr Botha said that construction noise from the proposal would comply with the limits set out in NZS 6803:1999 *Acoustics – Construction Noise* and that the sub-station would comply with the noise rules for the Rural Zone set out in the Rangitikei District Plan. The operative noise rules in the Rural Zone of the Rangitikei District Plan are 45 dBA L_{10} at night and 50 dBA L_{10} during the day.

[207] The wind farm operational noise levels are to comply with the limits set out in NZS6808:1998 *Acoustics – The Assessment and Measurement of Sound from Wind*



Turbine Generators and an updated Standard (which is in the course of review) once it is published. Further, the Rangitikei District Plan noise rules specifically reference this as the standard to be used for the assessment of noise from wind turbines, although the Ruapehu District Plan predates both this standard and the current version of NZS6803.

[208] NZS6808:1998 sets the limit for a wind farm noise at a level of 40 dBA L₉₅ or 5 dBA above the background, whichever is the greater. The updated Standard would not be adopted if its criteria are less stringent than the 1998 version of NZS6808 (an *Augier* condition on the consent).

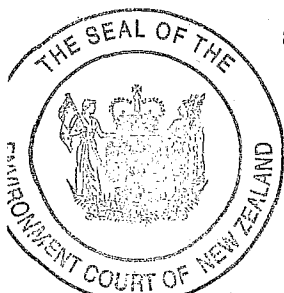
[209] Mr Botha observed that the maximum predicted noise levels would be well below the limits set out in NZS6808:1998. He said that noise would not be an issue for the Moawhango School, located 3.3km away from the closest turbine, with day time noise levels below those permitted by the Rangitikei District Plan.

Shadow Flicker and Blade Glint

[210] Mr Botha also gave evidence that experience abroad has shown that shadow flicker (when the rotating turbine blades cast shadows that move rapidly across the ground and nearby structures) would have no nuisance effect on houses at a distance further than 10 turbine rotor diameters from the turbine. He said that all houses are beyond that distance from turbines. He said that it is not possible to calculate the extent to which blade glint, the reflection of sunlight off the surfaces of rotating turbine blades, would occur. However, to reduce the extent to which blade glint may occur, wind turbines would be painted a light grey colour (RAL 7035) and have a gloss level of below 30%. He said that to notice the blade glint effect, one needs to look directly at the turbine blades and even then it only appears as a distant twinkling and is not mesmerising. We had no evidence to the contrary.

Health Effects

[211] Evidence was given by Dr David Black (for Meridian) on the possibilities of Project Central Wind causing adverse biological or health effects on individuals or the community. Dr Black is a medical practitioner with considerable experience in the health and safety aspects of the electricity generation and supply industry as well as the



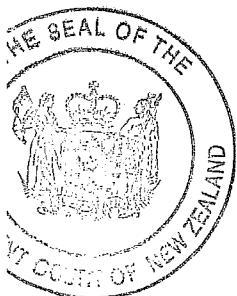
telecommunications industry. A number of submitters had expressed concern about the possibility of health effects on children attending Moawhango School.

[212] Dr Black had prepared evidence-in-chief, concluding that public health effects were not an issue. However, he provided a rebuttal statement, covering further research in order to comment directly on the concerns raised (and material produced) by submitters.

[213] Dr Black could not identify any potential for adverse health effects being caused in the Moawhango community. Relying on Mr Botha's noise calculations, Dr Black considered that the level of noise energy experienced at Moawhango would be so low as to be generally indiscernible and nowhere near a level which could cause disturbance or adverse health effects.

[214] Dr Black considered the proposition that flicker from turbines at frequencies greater than 3 Hz could potentially be troublesome to residents. He said that the maximum speed of the turbines at Project Central Wind would not exceed 16 rpm and that the flicker frequency would always be less than 1 Hz. He also said that use of variable speed turbines, which will not be synchronised, ensures that a higher frequency flicker would not occur as light would not pass through two or more turbines in line with the sun's shadow. More important in Dr Black's view was that the theory that wind turbines can cause epilepsy has not been confirmed and that other than in a situation of immediate proximity (where living space is literally in the immediate shadow of the turbine) the possibility cannot even be seriously hypothesised. He said that no cases of epilepsy from wind turbine flicker have ever been confirmed.

[215] Dr Black also addressed the issue of blade glint. He referred to Mr Botha's evidence that the reflectivity of the blades would be limited to 30%. That means that more than two thirds of any light ray falling on the surface would be absorbed rather than reflected so that the majority of the light is attenuated at a similar rate to the attenuation achieved by dark sunglasses. He also referred to other design and operational features that mean any possibility of blade glint would be attenuated and minimised in both time and intensity. Dr Black concluded that, having regard to the distances involved and the



overall orientation of this facility to adjacent inhabited areas, it is most likely that no blade glint would be noticed by residents at all.

[216] We conclude from the evidence of Dr Black that there would be no health effects of concern arising from the establishment of Project Central Wind.

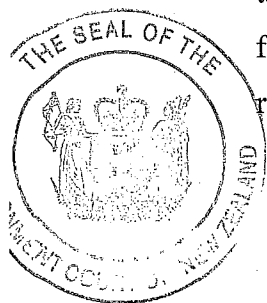
Ecological Effects

[217] Mr Stephen Fuller (for Meridian) and Dr Richard Seaton (for Meridian), both qualified and experienced ecologists, gave evidence on ecological effects of the wind farm.

[218] Mr Fuller concluded that no outstanding or rare indigenous plant communities, or areas or habitats important to the continued survival of indigenous species, would be affected. He said that any vegetation removed in the course of wind farm construction would comprise plant communities that are largely exotic or common native communities which are not rare, threatened or at risk. Good design of stream crossings in the Hautapu Valley would avoid impacts on adjacent wetlands. In some areas improved fish passage would result from replacing poorly installed culverts along existing farm access tracks. In Mr Fuller's opinion sediment management to restrict effects on ecosystems vulnerable to modification, particularly the Hautapu Stream, Tikirere Stream and the Moawhango River, would mean any such effects would be short term and minor.

[219] Meridian has reached agreement with landowners over the permanent covenanting of two areas of native forest with a combined area of 36 ha which are contiguous with Hihitahi Forest Sanctuary. Mr Fuller considered that this would fully mitigate or offset any adverse effects of approximately 18 ha of native vegetation clearance which would occur during construction of the wind farm and would provide valuable additions to the Hihitahi Forest Sanctuary. Protection of these sites is a requirement of consent conditions.

[220] Mr Fuller advised that there are two animal species (North Island falcon and long-tailed bat) where additional information is required to determine potential risk from wind farm turbines and that further study in that regard has commenced. Given uncertainty regarding potential effects on avifauna, there are extensive consent conditions relating to



monitoring before and after construction, including bird-strike monitoring. Mr Fuller was confident that mitigation measures could be put in place in the unlikely event that effects of the wind farm on wildlife were more than minor. Dr Seaton (whose specialty is the study of falcons) considered the consent conditions would enable any issues which arose with falcons to be identified and subsequently addressed.

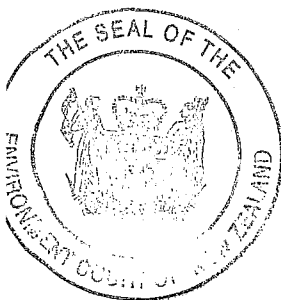
[221] Mr Morton agreed with most of the points made in the evidence in Mr Fuller and Dr Seaton. However, he considered that Mr Fuller had been too bold in stating there would be no direct or indirect adverse effects on Hihitahi Forest Sanctuary, Te Rei, or Te Moehau Junctions Bush RAPs. He reviewed and supported consent conditions relating to hydrology and freshwater values, potential risks to avifauna and bats within the wind farm site and the risk to the ecological values of the Hihitahi Forest Sanctuary. Those consent conditions included fencing and protection of 36 ha of currently unprotected forest on private land and funding pest control within the Hihitahi Forest Sanctuary with the goal of improving overall forest health, nesting success and food availability for native birds.

[222] Mr Morton said if falcons are found to be particularly vulnerable to the proposed wind farm, there is a range of measures listed within the conditions which could then be undertaken to minimise adverse effects. He said that in a worst case scenario, if these measures were not effective locally, then the information on the experience with the wind farm would be useful elsewhere.

[223] Given the evidence and the concurrence of the Department of Conservation with the proposal and the consent conditions, we conclude that any ecological effects arising from Project Central Wind have been appropriately addressed.

Recreation and Tourism

[224] Mr Rob Greenaway, a leisure and open space planner, gave evidence for Meridian on possible effects of Project Central Wind on recreation and tourism. He said that such activities identified by wind farm opponents were not landscape based. He concluded that any effect would, at worst, be neutral on existing tourism and recreation activities.



[225] We accept Mr Greenaway's evidence and find that Project Central Wind is unlikely to diminish recreational or tourism opportunities.

Other

[226] Uncontested evidence was given by witnesses for Meridian as to other effects, such as traffic. However, none of these effects warranted further consideration to that given by the Commissioners in the first instance. Also there was really no challenge to the adequacy of the conditions imposed by the Commissioners.

Planning Documents

[227] Ms O'Callahan and Mr Guerin gave evidence on the relevant planning documents, including national policy statements. We have already addressed some of the specific landscape and amenity provisions in the regional and district planning documents.

National policy statements

[228] Mr Guerin testified that the National Policy Statement (NPS) on Electricity Transmission is relevant in relation to the proposed new switchyard and transmission line that would allow the transfer of electricity generated by the wind turbines to the national grid operated by Transpower. In his opinion the proposal is consistent with the NPS in so far as it applies to the transmission components of the proposed wind farm.

[229] There is no national policy statement under RMA giving guidance in relation to the development of renewable energy in general nor on the development of wind farms in particular. While our attention was drawn to a Proposed National Policy Statement it is proposed only and not referred to in s104(1)(b). We consider it under other matters, as did the Hearings Commissioners in the first instance.

Regional policy statement and regional plans

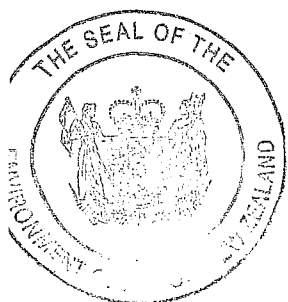
[230] Objective 28 of the RPS is:

To promote the sustainable management of energy resources.

Policies which flow from that objective are:

Policy 28.1

To promote the sustainable supply and use of energy resources to meet the needs of the regional community:



Policy 28.2

To promote the increased use and development of renewable energy sources where practicable.

Policy 28.3

To promote efficiency in the use of energy and the implementation of energy efficiency procedures.

[231] We conclude that establishment of Project Central Wind is consistent with the provisions of the RPS relating to the use of energy resources. It would also be consistent with the landscape provisions of the RPS given their wording and our findings on landscape effects.

[232] While there are a number of relevant regional plans the planning witnesses agreed that the proposal was consistent with all of them.

The Proposed One Plan

[233] The Proposed One Plan, Policy 7.7 (outstanding landscapes and natural character) refers to Chapter 3, which includes:

Objective 3-1: Infrastructure and energy:

Resource use activities associated with the provision, maintenance and upgrading of infrastructure, and/or with the use of renewable energy, will be recognised and enabled.

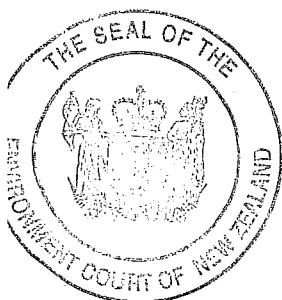
Policy 3-1: Benefits of infrastructure

(a) *All persons exercising functions and powers under the RMA shall recognise the following infrastructure within the Region as being physical resources of regional and national importance:*

(i) *facilities for the generation of electricity where the electricity generated is supplied to the electricity grid and facilities and infrastructure to transmit the electricity generated into the electricity grid ...*

Policy 3-4: Renewable Energy

(a) *The development of renewable energy generation and use of renewable energy resources shall be preferred to the development and use of non-renewable energy resources in ... resource consent decision making.*



[234] Project Central Wind involves renewable energy and infrastructure of regional (and national) importance and to that extent it is consistent with the provisions above. There was no argument that the proposal was inconsistent with other provisions of the Proposed One Plan to which we were referred. We reiterate that we have given little weight to One Plan as it awaits decisions on submissions.

The District Plans

[235] We have already addressed the provisions of the relevant District Plans on outstanding and significant landscapes. Additionally, Policy NL 1.3 of the Ruapehu District Plan directs us to take into account the degree to which an activity is necessary to provide for the social or economic well being of communities, or to provide essential utilities or services to the public. We have noted the benefits of the proposal in that regard.

[236] The Appellants also referred to Policy 7.10 of the Rangitikei District Plan:

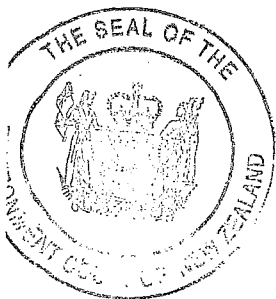
Maintain the low density of built development and the open character of the rural landscape; avoid, remedy or mitigate the adverse impact of buildings on landscape values; and maintain an overall low building height throughout the rural environment.

In terms of that policy, the explanatory text in the Rural Chapter notes the following features as contributing to the rural character and amenity:

- An open and green pastoral landscape of rolling hills and plains;
- Stands and plantations of native and introduced trees;
- Few buildings of generally low height;
- Overall quiet noise conditions; and
- Private residential properties set back from roads.

The District Plan also notes effects which commonly cause concerns in the rural environment including ... *adverse effects of buildings and earthworks on important landscape features or views.*

[237] Wind farm turbines clearly do not accord with the *generally low height* feature. However, Mr Guerin and Ms O'Callahan both considered that the open character of the pastoral landscape would be maintained through the spacing of the slender structures.



[238] As with the regional planning documents, we find that the proposal would not have significant adverse effects on outstanding and significant landscapes (whether identified in the Plans or not). In terms of the recognition and protection to be given to outstanding landscapes (or indeed those areas described by landscape witnesses as amenity landscapes) we do not consider that the District Plan provisions present any barrier to the proposal.

Other matters

[239] There are a number of *other matters* to which we have had regard in our considerations. These include:

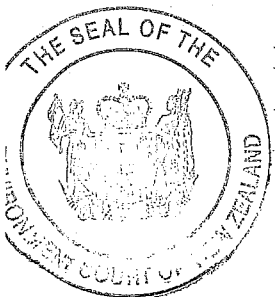
World Heritage Site Status

[240] The Guardians raised the status of Tongariro National Park as a UNESCO World Heritage Site and contended that the evidence of the landscape witnesses (other than Ms Lucas) had not adequately considered the effects of the wind farm proposal on it.

[241] Established in 1887, Tongariro was the first national park in New Zealand and the fourth in the world. It is also a dual World Heritage Site, a status which recognises both the Park's important Maori cultural and spiritual associations and its outstanding volcanic features. Ms Lucas referred to the need for buffer zones around the World Heritage Site to protect its values.

[242] The landscape witnesses (other than Ms Lucas), together with Ms O'Callahan, considered that adequate consideration had been given to potential effects on the World Heritage area and status in their *outstanding landscape* assessments. We have found that the outstanding landscape values of the Volcanic Plateau (including the National Park) would not be compromised by Project Central Wind for the reasons which we have previously identified. We similarly find that Project Central Wind would not compromise the values of Tongariro National Park as a World Heritage Site.

[243] We have acknowledged the iconic values of the Volcanic Plateau. The World Heritage Site status adds a further dimension to that and is clearly another matter to which we must have regard. However, we have found that Project Central Wind would not



diminish the outstanding natural characteristics of the Volcanic Plateau in any way. Accordingly it would not diminish the characteristics which have led to identification of the National Park as a World Heritage Site.

Proposed National Policy Statement on Renewable Electricity Generation

[244] A Proposed National Policy Statement on Renewable Electricity Generation has been notified, submissions received, hearings held and consideration is underway by a Board of Inquiry. Mr Calman attached it to his evidence. While the Commissioners considered it as a relevant matter under s104(1)(c), Ms Llewellyn acknowledged that the proposed NPS on Renewable Electricity Generation is not something that is reasonably necessary for us to have regard to in order to determine the appeal. She submitted that it is illustrative of Government's commitment to renewable energy in tackling climate change. Accordingly we do not consider the details of that document.

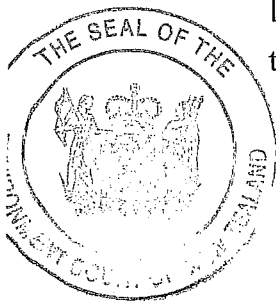
[245] A number of Government policy documents in similar vein were drawn to our attention. We see no need to traverse the details of these, given they too underpin and reinforce the benefits of the proposed wind farm at a national level.

Local Burden

[246] Some witnesses for the Guardians referred to the damming of the headwaters of the Moawhango River in the late 1970s, expressing a view that the community had *done its bit* for electricity generation nationally. These witnesses vented their frustration at past promises by energy companies which they perceived had not been delivered on, particularly promises of sound environmental practices and performance. Another point made was that in the witnesses' view the proposal is only in Meridian's commercial interest and not in the national interest.

[247] The Commissioners in the first instance considered that while the Moawhango River is part of the wider receiving environment, there is no direct relationship between Project Central Wind and the Moawhango River.

[248] The reality is that electricity generation from renewable sources will occur where the natural and physical resources which enable that generation are situated and where the



proposal is commercially viable. Inevitably some locations will be more attractive than others for siting wind farms and hydro-electric power development.

[249] While we do not consider the damming of the Moawhango River to be a relevant consideration in this case, we can understand that the community wants reassurance about construction and operation of the proposed wind farm. Consents must be framed not only so that there is no uncertainty about the required environmental outcomes (at all stages of the development), but also so that any conditions are enforceable and transparent.

Precedent

[250] We do not consider that there are any issues of precedent here particularly in light of our finding that the Project Central Wind site is not contained within an outstanding feature or landscape, nor would it adversely affect such a feature or landscape.

Part 2

[251] We now consider whether or not consent ought to be granted to Project Central Wind in light of our findings in the preceding sections of this decision. That requires us to determine whether or not granting consent achieves the purpose of the Act, namely promotion of the sustainable management of natural and physical resources. Sustainable management is defined in RMA in these terms.

In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying or mitigating any adverse effects of activities on the environment.¹⁴*

¹⁴ Section 5 (2) RMA.



[252] Natural and physical resources are defined as including . . . *land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures*¹⁵.

[253] The wind which will drive the turbines is a natural and physical resource as is the land beneath and surrounding the wind farm site, and the houses and other improvements which Project Central Wind's neighbours have constructed on their land. In reaching our decision we must seek to manage the use, development and protection of all of these resources and in doing so we must have regard to the provisions of ss6, 7 and 8 RMA.

[254] In view of the evidence and the relationships developed with tangata whenua and their support for the Central Wind Project, we do not see that there are issues in relation to ss6(e), 7(a) or s8 RMA.

[255] Section 6 identifies various matters of national importance which we are required to recognise and provide for. Of particular relevance is s6(b):

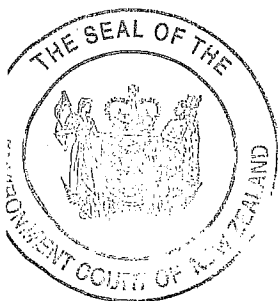
The protection of outstanding natural features and landscapes from inappropriate ... use, and development.

We have found that the proposed wind farm would not have adverse effects on outstanding natural features and landscapes. While it would be visible within the wider landscape setting of those outstanding features and landscapes, the effects are acceptable for the reasons which we have identified. We do not find Project Central Wind to be an inappropriate use or development from which any outstanding features and landscapes require protection.

[256] In terms of the *maintenance and enhancement of amenity values*¹⁶ we have also found that there are localised adverse effects on visual amenity values, but these are not widespread. We accept that they are significant to those persons whose unimpeded views of Mt Ruapehu would now incorporate views of intervening but distant wind farm structures.

¹⁵ Section 2 RMA.

¹⁶ Section 7(c) RMA.



[257] Overall there would not be a reduction in the *quality of the environment* under s7(f), except for the diminution of visual amenity values for some individuals. The move towards renewable energy and reduction of greenhouse gas emissions would contribute to, and enhance, the quality of the environment. The additional areas of bush adjacent to the Hihitahi Forest Sanctuary would provide environmental benefits.

[258] Project Central Wind involves *the efficient use and development of natural and physical resources*¹⁷, maximising the use of the high quality wind resource in this location but with only minimal impact on agricultural production from the underlying site use. Proximity to existing transmission lines also allows efficient use of physical resources.

[259] *The benefits to be derived from the use and development of renewable energy*¹⁸ are positive effects of Project Central Wind. The proposed wind farm would reduce the need to draw on oil, gas and coal reserves, and reduce reliance on fossil fuels. It would assist in the diversification of electricity generation sources.

[260] Consideration of both costs and benefits raises issues to which we are to have particular regard in reaching our decision pursuant to ss7(b),(c) and (j) RMA. None of these carries any greater statutory weight than the others.

[261] We acknowledge that there would be an adverse effect on the visual amenity of some local residents brought about by the establishment of wind farm structures in line with their views of Mount Ruapehu. Those persons whose views of Mount Ruapehu (in particular) would now incorporate views of wind farm structures would pay a cost (diminution of amenity) for the wider benefits (efficient use and development of renewable energy) which we have found would accrue from establishment of Project Central Wind.

[262] We have found that the proposed wind farm is sufficiently distant from affected properties that the dominance and overwhelming effects which may accompany wind farms are avoided. The amenity effect on views is mitigated by the distance between the wind farm and the most significantly affected properties which would continue to

¹⁷ Section 7(b) RMA.

¹⁸ Section 7(j) RMA.



have views of the dominant Mount Ruapehu, albeit with turbines in the distant foreground. Accordingly we consider that Project Central Wind avoids, remedies or mitigates the amenity effects of potential concern to the greatest extent possible.

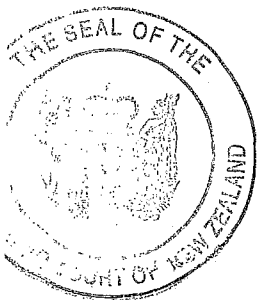
[263] Ultimately, when we consider the diminution of amenity cost against the wider renewable energy benefits we have identified, we reach the conclusion that the cost is not so major that consent to Project Central Wind ought be declined.

[264] When we undertake a broad, overall evaluation, we find that approval of Project Central Wind promotes sustainable management of natural and physical resources. It would meet the wider community's need for electricity which is essential to its health and wellbeing. It is in accordance with national imperatives for the development of renewable energy resources. It would provide local employment and economic benefits. The outstanding natural landscapes of the Volcanic Plateau would remain for the enjoyment of present and future generations. The development of the proposed wind farm would assist in safeguarding the life supporting capacity of air, water, soil and ecosystems, all of which might potentially be affected by climate change. Adverse effects would be avoided, remedied or mitigated to the greatest extent possible.

Result

[265] The Council's decision in respect of the Meridian wind farm application is confirmed and consent is granted for the proposal as presented to us.

[266] It is essential that there is no uncertainty about the approved proposal and what the consent conditions require. It may be that there are changes to the conditions in the Councils' decisions needed as a consequence of the evidence we heard and undertakings given by Meridian prior to or during the hearing. We direct that Meridian and the Councils confer about any changes which may be needed to the conditions. A revised, final set of conditions is to be lodged with the Court and circulated to all parties for comment by 1 March 2010. The proposed conditions should be accompanied by a memorandum explaining the reasons for any changes or additions to the original conditions.



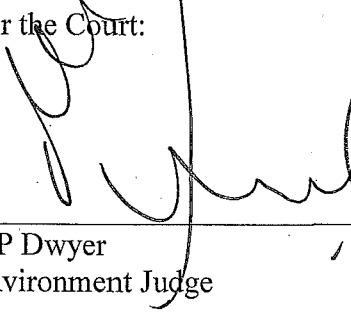
[267] Interested parties shall have 20 working days from receipt of the draft conditions in which to file and serve any submissions which they might have regarding them. Meridian and the Councils may reply within 15 working days of receipt of same. We anticipate determining final conditions *on the papers*. If any party seeks a hearing on conditions they should advise accordingly.

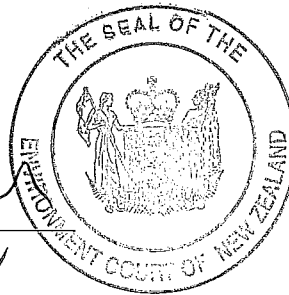
[268] Costs are reserved. Any party who or which wishes to make a costs application is to do so and other parties are to respond in accordance with note 4.5.6 of the Court's Consolidated Practice Note 2006.

[269] This decision was jointly drafted by Commissioner Edmonds and Judge Dwyer and represents the unanimous view of the Court.

DATED at Wellington this 22nd day of January 2010

For the Court:


B P Dwyer
Environment Judge




K A Edmonds
Environment Commissioner