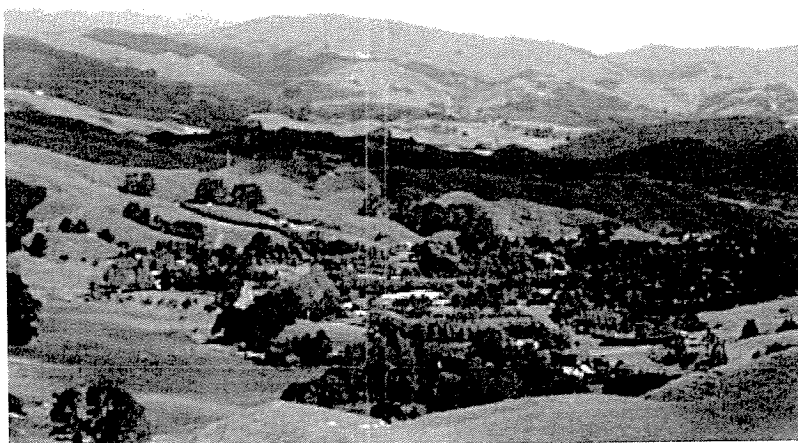


**Subcommittee Recommendation**

**WIND FARM ACCESS ROAD PROVISIONS**

**GREATER WELLINGTON PARKS NETWORK PLAN  
BATTLE HILL FARM PARK**



**Report and Recommendation of Greater Wellington Parks  
Network Plan (specific provisions relating to Battle Hill Farm  
Forest Park) Subcommittee  
Appointed by the Greater Wellington Regional Council**

**May 2011**

## CONTENTS

<b>Section</b>	<b>Page</b>
	<b>No.</b>
1: Introduction	3
2: Background	5
3: Submissions / Hearing	8
4: Identification of Issues	10
5: Recreational Access	14
6: Environmental Impact	17
7: Landscape Character & Visual Amenity	21
8: Consistency with GWPNP Policies & Plan Integrity	26
9 Overall Consideration	29
10 Recommendations	34

## 1.0 INTRODUCTION

### Sub-Committee Brief

1.1 The Greater Wellington Parks Network Plan (specific provisions relating to Battle Hill Farm Forest Park) Subcommittee (the Subcommittee) was appointed by the Greater Wellington Regional Council (the Council):

- *To hear oral submissions on the proposed provisions of the Greater Wellington Parks Network Plan that provide for a potential wind farm access road, including servicing cables buried beneath the access road, in Battle Hill Farm Forest Park (proposed provisions).*
- *To consider both the written and oral submissions on the proposed provisions.*
- *To summarise the outcomes of the consultation process.*
- *To seek clarification from Council officers on any technical matters.*
- *Unfettered by any previous Council decisions and disregarding any previous contractual arrangements, to prepare a report to the Council with recommendations regarding whether the proposed provisions, or any variation to them, should be included in the Greater Wellington Parks Network Plan.*

1.2 Having undertaken the hearing, considered the written and oral submissions and sought clarification on various matters from Council officers, this report fulfils the last bullet point listed above, in that it provides recommendations to the Council regarding whether the proposed provisions, or any variation to them, should be included in the Greater Wellington Parks Network Plan (GWPNP).

1.3 The Subcommittee is made up of the following members:

- Stuart Kinnear (Chair)
- Clive Anstey
- David McMahon

1.4 The background leading to the appointment of the Subcommittee follows in Section 2 of this report.

### Preliminary Comments

1.5 Before moving onto the substantive portion of this report and recommendation, we make some preliminary comments.

1.6 Firstly, we record our appreciation at the manner in which the hearing<sup>1</sup> was conducted by all the parties taking part. It was clear to us prior to the hearing that there was considerable background to this proposal, involving a variety of matters. In this respect, we would like to acknowledge the following endeavours:

---

<sup>1</sup> Although we refer to this as a "hearing" throughout this report (given that we convened to hear submissions on the GWPNP) it was technically a meeting under the Local Government Official Information and Meetings Act 1987.

- The role of the Council co-ordinators, Luke Troy and Sharon Lee; in particular the useful timeline produced by Sharon Lee relating to the development of the Management Plan between November 2006 and the commencement of this hearing.
  - The comprehensive nature of the technical reports from the various Council advisors, including Margret Meek and Sharon Lee.
  - The agreement of most submitters to focus on the present proposals rather than get bogged down in procedural issues. In particular, the willingness of submitters and advisors to accommodate a certain amount of dialogue between the parties during the course of the hearing via the questions of clarification approach we adopted.
- 1.7 The above actions promoted a much focused proceeding that has greatly assisted us when assessing and determining the issues.
- 1.8 Secondly, we wish to stress at the outset that the Subcommittee is tasked with providing a *recommendation* to the Council, not with making a final decision. The conclusions and recommendations contained in this report are therefore not binding upon the Council. Rather, the purpose of this report is to bring to the attention of the Council the relevant information and issues regarding the proposed access road in the context of the GWPNP.
- 1.9 On the above basis, we now turn our attention to the background leading up the hearing.

## 2.0 BACKGROUND

### What is the Greater Wellington Parks Network Plan?

- 2.1 The Greater Wellington Parks Network Plan (GWPNP), prepared by the Council, is a management plan for parks and forests owned or managed by the Council. The purpose of the plan is stated as follows:

*“This plan sets out the **direction for managing** the regional parks and forests in the Wellington region (referred to as “parks”). It **provides a framework for addressing issues** common to these areas and managing them in a comprehensive and consistent way. The plan highlights the unique nature and values in the different parks, and addresses the need for specific management of these areas. It **represents a common understanding between Greater Wellington and the community about the future management of the parks network.**” [Emphasis added]*

- 2.2 The GWPNP has been developed under both the provisions of the Reserves Act 1977 and Local Government Act 2002. For those parts of the parks network that are held as reserves the GWPNP is the management plan required under Section 41 of the Reserves Act. For those parts of the parks network not held as reserve (including the majority of Battle Hill Farm Forest Park) it forms Council policy.

### Background Process and Plans leading up to the GWPNP

- 2.3 Prior to the GWPNP, the Council had a number of separate management plans, including one for Battle Hill Farm Forest Park, which was adopted by the the Council in November 2010<sup>2</sup>, following on from community consultation. The full sequence of dates associated with the BHFFP and the GWPNP were usefully outlined in a timetable produced by one of the council officers.
- 2.4 Our understanding of the key documents and dates in this sequence is:
- 3 November 2008: Release of the revised BHFFP management plan for public consultation and submissions
  - April/May 2009: submissions and officers report heard on the BHFFP
  - Sept/Oct 2009: Deliberations on the plan and submissions to it and recommendations
  - 11 November 2009: Agreement by GWRC to the development of a comprehensive management plan for all parks and forests in the region.
  - 11 November 2009: BHFFP adopted by GWRC which prohibited, inter alia, an access road on Battle Hill from Paekakariki Hill Road
- 2.5 We note that many of the submitters at this hearing have been involved in the process since the review of the Battle Hill Farm Forest Park Management Plan between November 2008 and it adoption in November 2009 ( and prior to that in relation to commercial issues associated with the proposed Puketiro Wind Farm in the Akatarawa Forest).

---

<sup>2</sup> Prior to this, the previous Plan was dated 1992

- 2.6 It is our understanding that in late 2009, the Council resolved to review all the Park Management Plans in the region to produce an integrated plan for all parks, under both the Reserves Act 1977 and the Local Government Act 2004, i.e. what eventually became the GWPNP.
- 2.7 In May 2010, a draft GWPNP was notified. This process involved submissions and hearings which culminated in 14 December 2010 when the GWPNP was approved by the Council with the exception of the wind farm access road through Battle Hill.
- 2.8 When the Council determined to adopt the GWPNP, this included retaining in draft form only the provisions that provided for a potential wind farm access road in the Battle Hill Farm Forest Park. Combined with this, the Council resolved to undertake further consultation around the proposed provisions relating to this potential access road and ancillary underground services.
- 2.9 In effect, the consultation resolved upon by the Council is the submission and hearing process that has been undertaken and that this report relates to.

### **Proposed Wind Farm Access Road**

- 2.10 The indicative route of the potential wind farm access road is shown in the GWPNP map of Battle Hill – Projected future changes. The proposed route is sometimes described as lying ‘within the 350 metre contour’, as it largely follows the top of the ridgeline. It enters the park from private property on the southern boundary and follows the existing forestry access road. The mid-section of the potential road is within the Puketiro/Akatarawa Forest, which is outside of Battle Hill.
- 2.11 The northern section of the potential road would follow the line of an existing track and future forestry access road but would extend a further 100 metres to the northern boundary and then continue on through private property. We were advised in the report by the Parks Planner that this route is considered to be the only feasible route for an access road to the proposed wind farm site<sup>3</sup>.

### **Comment on the Role of Subcommittee with regards to the GWPNP**

- 2.12 As noted, when the Council determined to adopt the GWPNP, this included retaining in draft form only the provisions in this plan that provided for a potential wind farm access road in the Battle Hill Farm Forest Park and a commitment to undertake further consultation around this matter.
- 2.13 While we note that some submitters raised concerns that the Council had acted in this manner due to ‘contractual obligations’, we emphasise that the powers delegated to the Subcommittee expressly state that we are not to be fettered by any previous Council decisions or have regard to any previous contractual engagements.

---

<sup>3</sup> Refer to section 4.0 for a discussion on alternatives (para 4.24- 4.27)

- 2.14 The role of the Subcommittee is relatively narrow and involves considering the proposed provisions of the GWPNP that provide for the potential wind farm access road, including servicing cables, that would be positioned underground within the access road, as described above. We are able to consider whether these provisions should be included in the GWPNP or not, and if so, if any variation is required to them.
- 2.15 We note that the purpose of these provisions is not to grant ‘permission’ to such a road. Rather, the provisions, as with the provisions in the GWPNP generally, are intended to set out the *direction* for *managing* the identified parks in the Wellington region. However, in our view, by including a reference to a potential wind farm access road in the GWPNP, the Council would be essentially signalling that it sees this activity as *generally appropriate* in terms of its parks management functions.
- 2.16 However, we emphasise that it does not remove the need for a future developer to follow through the process outlined in Part 7 of the GWPNP (Rules for use and Development). This requires an application to be made to the Council as a ‘restricted activity’ for an instrument such as an easement, license or lease for the access road. The application would be considered in its merits, having regard to the relevant provisions of the GWPNP. We were advised by Mr Troy that such an application for a licence, lease or easement is likely to be publically notified. Relevant considerations are outlined in Policy 7.4.7 and conditions that may be imposed are outlined in Policy 7.4.11.
- 2.17 In addition, inclusion of the provisions would not circumvent the need for the development and use of the access road to obtain other statutory approvals such as resource consent under the Resource Management Act 1991<sup>4</sup>. We emphasise that the development and use of the access road will need to meet the various statutory tests of the RMA and that it is quite possible that consent may not be granted, notwithstanding any provisions in the GWPNP. For example, we note that a number of submitters raised concerns about the potential environmental effects of the road’s development and use. We agree with the comments in the report by the Parks Planner that these can (and need to be) considered as part of the resource consent process.
- 2.18 Having outlined the background we now focus on the submissions received and the issues they raise for our consideration.

---

<sup>4</sup> Resource consents are likely to be required for the road under the GWRC Regional Plans and under the Porirua City District Plan

## 3.0 SUBMISSIONS/HEARING

### Submissions

- 3.1 A total of 22 submissions were received on the proposed provisions relating to provisions for wind farm access and ancillary underground services through Battle Hill. All but one of these submissions opposed the potential road access and its inclusion in the plan. The other submission was made by the developer of the Puketiro wind farm and provided an overview of the roading and access requirements. These submissions were helpfully summarised by the Parks Planner.
- 3.2 The Subcommittee was also provided with past submissions made on this particular issue to the Regional Sustainability Committee in 2010.
- 3.3 The reasons given for the opposition to the proposed provisions have been summarised by issue and commented on in the report by the Parks Planner. In this report, we have taken the same approach as the Parks Planner, by considering the matter on an issues basis, rather than submission-by-submission. This is provided in sections 4.0 – 9.0 of this report.

### The Hearing

- 3.4 Prior to the hearing an order paper for the hearing was circulated to all parties. It included the following papers:
- Report 11.123: Process for considering submissions on specific provisions of the Greater Wellington Parks Network Plan that relate to Battle Hill Farm Forest Park. Author: Margaret Meek, Senior Policy Analyst
  - Report 11.125: Parks Network Plan, wind farm access through Battle Hill - Report on submissions: Author - Sharon Lee, Parks Planner
- 3.5 The hearing for those wishing to present oral submissions to the Subcommittee was held on Thursday 7th April 2011. We heard from the following people during the course of the hearing:

#### *Submitters*

- Linda Hoyle (Submission 7)
- Ken McAdam (Submission 1)
- J Chris Horne (Submission 8)
- Ron Segal (Submission 12)
- Diane Strugnell (Submission 6)
- Preserve Pautahanui Inc.(Submission 14) - Pete Jenkins and Diane Strugnell
- Moonshine Valley Residents Assn Inc (Submission 13) - Mr Andrew Hutson
- Mark Phillips (Submission 11)
- Preserve Pauatahanui Futures Society Inc (Submission 18) - Nicky Chapman and Alan Gray



*Attendance by Greater Wellington Regional Council Officers*

- Sharon Lee, Parks Planner
- Luke Troy, Manager Corporate Planning
- Tony Shaw: Manager, Development and Strategy
- Murray Kennedy: General Manager, Utility and Services
- Francis Ryan: Manager, Democratic Services
- Miles Rae: Committee Advisor

- 3.6 The hearing was opened at 9.30am and after initial introductions and procedural issues (including a contextual outline of the process and the matter before us by the Chair), the hearing commenced with presentations by submitters outlined above. We exercised our opportunity to question all persons present.
- 3.7 This was followed by an opportunity for the Council Officers to provide us with further comments.
- 3.8 The hearing was then adjourned and we undertook our deliberations.
- 3.9 In addition we have had the benefit of reading all the submissions by those submitters who chose not to attend the hearing.
- 3.10 We have considered all the written and oral submissions in coming to our recommendation.

**Site Visit**

- 3.11 We also record here that prior to the hearing, the Subcommittee undertook a visit to Battle Hill on Monday 4<sup>th</sup> April 2011. In addition to Luke Troy and Sharon Lee we were accompanied by:
- Barry Leonard: Manager, Forestry
  - Erik Vanderspek: Principal Ranger - Western Sector
  - Andrew Nevin: Park Ranger - Battle Hill
  - Tony Shaw: Manager, Development and Strategy
- 3.12 The presence of these GWRC personnel was solely for the purposes of transportation, health and safety and for factual context.

## 4.0 IDENTIFICATION OF ISSUES

### Key Question

- 4.1 In considering the issues raised in submissions, and in deliberating on them, we have found it easiest to pose a key question, which is:

*Is the proposed provision in the GWPWP (an access road) reasonable/appropriate in the context of the GWPNP, and the legislation and policy framework that 'informs' the document?*

- 4.2 In order to answer this question, we have considered a number of issues that have arisen from the submissions, and the hearing to consider those submissions, and from the Parks Planner's report. These are outlined below, and are considered in the following sections of this report:

- a) Recreational Access (section 5.0)
- b) Environmental impact (section 6.0)
- c) Landscape character and visual amenity (section 7.0)
- d) Consistency with GWPNP policies and plan integrity (section 8.0)

- 4.3 Having assessed each of these issues above, we then arrive at the **overall consideration** in section 9.0, after considering the various options for addressing the submissions relating to the provisions in question. In section 10.0 we arrive at a **final recommendation**.

- 4.4 However, before moving onto the above assessment, there are some procedural aspects that we first canvas below.

### Legal Issues

- 4.5 Some submitters raised the issue of whether the inclusion of the provisions relating to the potential wind farm access road was in fact ultra vires, and therefore should not proceed on that basis. This was, in part, related to the question of whether the provisions constituted disposal of land under section 138 of the Local Government Act. The issue of disposal is further briefly considered later in this section of this report, however the wider question of the legality of the provisions is considered below.

- 4.6 The GWPNP was developed under the provisions of section 41 of the Reserves Act 1977. This prescribes the process for preparing a management plan. We were advised that for the purposes of consistency and an integrated approach, the Council included within the GWPNP, a number of areas of land not held as reserves but managed as part of the Council's regional parks network. This includes the majority of Battle Hill Farm Forest Park, which is freehold land.

- 4.7 Section 41 (3) of the Reserves Act provides for wide ranging provisions to be included in a management plan as follows:

*The management plan shall provide for and ensure the use, enjoyment, maintenance, protection, and preservation, as the case may require, and, to the extent that the administering body's resources permit, the development, as appropriate, of the reserve for the purposes for which it is*

---

*classified, and shall incorporate and ensure compliance with the principles set out in section 17, section 18, section 19, section 20, section 21, section 22, or section 23, as the case may be, of this Act for a reserve of that classification.*

4.8 On the above basis, we have no doubt that the subject matter pertaining to the proposed access road is clearly within the scope of any management plan prepared under section 41(3) Reserves Act

4.9 We also note that under the Local Government Act 2004 (LGA), the Council has very wide powers, as outlined in Section 10:

*The purpose of local government is—*

*(a) to enable democratic local decision-making and action by, and on behalf of, communities; and*

*(b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.*

4.10 Part 6 of the LGA outlines a wide range of plans that a local authority can make and the general procedures it should use to prepare and approve these. Council has the ability to develop Council policies on any matter that falls within its purpose. On that basis, we also conclude that the Plan and the access road provisions fall within the ambit of the Councils legislative functions.

4.11 In summary, we have determined that the provision in the GWPNP being consulted on as part of this Subcommittee process (relating to the potential wind farm access road) signals the Council's policy intent and potential future development, and falls within its general powers under the above mentioned Acts. On their own, the proposed provisions convey no certainty as to the outcome of any subsequent approval or consent process and do not remove the need to go through any further processes under the GWPNP, Reserves Act, LGA, or RMA, including the granting of any easement, lease or other similar instrument.

4.12 As such, we do not consider that there is any legal impediment to the Council including the draft provisions or similar in the GWPNP and in section 5 we consider the merits of doing this in further detail.

### Process Issues

4.13 We have also considered the issue raised by a number of submitters, with regards to "due process". Wind farm access through Battle Hill Farm Forest Park was not provided for in the November 2010 plan for the Park, appearing as a new provision in the GWPNP. The appearance of this provision has involved further time and effort by parties opposed to such a provisions being included.

4.14 We understand that with regard to process, this was the subject of an investigation by the Ombudsman. After considering the Ombudsman's report, the Council agreed to a further consultation process on the identification of a potential wind farm access road through Battle Hill which would satisfy the Ombudsman's concerns.

- 4.15 It is our opinion that this further consultation and consideration of the provisions in the GWPNP is a legitimate process. While we acknowledge the historical process, and consider that it does provide a useful context to help inform our decision-making, we consider that this matter was entirely “at large” with respect to the preparation of the GWPNP.
- 4.16 In considering the process undertaken with regards to the GWPNP, we have been advised that Council officers met with residents, and that this process was transparent, and did not exclude the public. The fact that we convened a hearing to consider submissions and are herewith recording our determinations is testament to due process being followed. We do acknowledge that many submitters felt exasperated that this is the second, and possibly third, time they have been through the submission process on this matter. That sense of frustration was clear to us, however the alternative of no consultation would, we believe, be less palatable.

### Irrelevant and Extraneous Considerations

- 4.17 Before turning to the main issues for our consideration, we note a number of matters were brought before us that we consider, for the reasons set out below, are irrelevant to making our recommendation.

#### Significance issue

- 4.18 It was argued that this matter was a “significant” decision under the LGA, the implication of which is that the Special Consultative Procedure would need to be followed. We note that whether a decision is “significant” or not is guided by the Significance Policy adopted by the Council under section 90 of the LGA. In this regard, we rely on the advice from officers (both the reports from the Senior Policy Analyst and that from the Parks Planner) that the matter does not trigger the criteria for ‘significance’.

#### ‘Disposal’

- 4.19 A submitter also raised concerns that the provisions to include the road and ancillary services amounted to ‘disposal’ of part of the park. While we note that a legal opinion on this matter has been provided to the Council, we have not seen this opinion. As we have said above, the purpose of the provisions in the GWPNP is not to grant permission for a road. Other statutory processes are required for that purpose. For those reasons, we do not consider that “disposal” is a matter that needs to be considered in coming to our recommendation.

#### Wind Farm

- 4.20 We note that some submitters made comments opposing any wind farms in the Battle Hill Farm Forest Park. This is not a matter that is within our jurisdiction to consider, and in any case we note the comments of the Parks Planner that the GWPNP “*currently does not provide for blade flyover or wind turbines*” in the BHFFP.

- 
- 4.21 It is also important to remember that we are only charged with considering the provisions in the GWPNP that pertain to Battle Hill Farm Forest Park; the wind farm that the access is proposed to serve is outside the Battle Hill boundaries.
- 4.22 We note that any wind farm application will be required to go through the statutory process for determination, and our consideration of the access provisions under the GWPNP do not influence this in any way.

#### Contractual Issues

- 4.23 A number of submitters raised concerns that the provisions for a wind farm access being included in the GWPNP had arisen due to contractual obligations that the Council has. While we have no knowledge of these obligations, we do not consider them to be relevant, and note that it is quite clear in the appointment of the Subcommittee that we are to disregard any previous contractual arrangements.

#### Alternatives

- 4.24 In the normal course of events under a statute such as the RMA, any proposal which has the potential to cause significant adverse effects - whether a resource consent, a designation or a proposed plan provision - is required to consider alternatives. The consideration of alternatives is basic precept of that Act and its sustainable management purposes and principles. The GWPNP is not an RMA Plan; it is plan prepared under the LGA and Reserves Act. As such there is no requirement to consider alternatives.
- 4.25 Even if we had a mandate to consider alternatives - in this case an alternative route for the proposed access road to the wind farm - we were given very scant details on what the alternatives were and how they “stacked up” against the proposed route. We were told that that in the original draft of the BHFFP there was an access road option running through the middle of the park (from Paekakariki Hill Road) up the eastern face. However we were told that that was deleted from the final version of the BHFP and there is no mention of it in the GWPNP.
- 4.26 The only other advice from Officer’s was that prior to notifying the GWPNP the Council did consider alternatives in terms of technical, economic, environmental and land ownership criteria and that the route nominated in the GWPNP was the preferred route when measured against those criteria. However, we were not advised as to what those alternatives were.
- 4.27 This is, essentially, as far as we can take this issue given the combination of the absence of a statutory mandate and the paucity of information available. For completeness, we record that should the wind farm access road proposal proceed to an application under the RMA then the statutory regime of that Act would, in our view, require a thorough examination of alternatives.

## 5.0 RECREATIONAL ACCESS

### Issues Raised

5.1 Some submitters outlined concerns that recreational access to the park would be affected by the potential access road, both in terms of potential vehicle conflict and restrictions on access. This would include both:

(a) The construction phase, which would involve things such as the building/upgrading of the road, and the trucking in of components of the wind farm, and might occur over a 1-2 year period, and

(b) During the on-going operation of the wind farm (of up to 25 years).

5.2 We consider both of these potential timeframes below, starting with the actual usage of the existing recreational track and ultimately moving on to the features and usage of the existing and proposed forestry and wind farm access tracks /road respectively.

### Our Evaluation

5.3 In terms of our starting point - determining the actual use of the existing track (as a form of existing 'baseline' of usage) - we note and accept the comments in the Parks Planner's report about use of the track. The key themes that we discerned (and which were generally not in dispute by any party at the hearing) were as follows:

- The majority of visitors to the park do not access the steeper northern sections of the Park, and that the route of the potential road intersects with the Puketiro Loop track both within the Battle Hill Park and the Akatarawa Forest. This track is maintained as an unsealed road (like a 4WD track) and is used by walkers, mountain bikers and horse riders, often regular local users.
- This track is also the longest in the park and provides access to the open tops and 360 degree views. Access through this area is also provided for many events.
- The link along the forestry road to the south is often used by local horse riders and the link to the east beyond the summit to Puketiro Road/Bulls Run Road is often used by mountain bikers.

5.4 On the above basis, the issues for us are essentially what impact would a (up to) two year construction period (for the construction of the road and the use of it for the construction of any wind farm) have on the above-mentioned usage of the recreational track and would there be a continued impact on recreation access for the life of the wind farm access road (i.e. 2-25 years).

5.5 Dealing firstly with the construction period, there is no doubt in our minds that there will be some impact and restriction on recreational use. Given that for health and safety purposes alone, part of the track would need to be closed during

the construction of the access road and transportation of components, this is inevitable. However, we have no reason to believe that this is not controllable or capable of remedy and mitigation. In this respect, we note that there are two instruments that can provide a suitable basis for future decision-makers to assess and respond to access issues. They are:

- (a) Firstly, the future instrument that will be necessary to gain landowner (GWRC) approval for any road (i.e. an easement, license or lease under the LGA) will need to be a defined process. That process for seeking such an instrument can be influenced by the content of the GWPNP and to this end guidance in the Plan in respect to assessing the extent (both spatial and temporal) of disruption likely and the availability of alternative access routes for the public are two matters that could be considered under the current wording of the GWPNP<sup>5</sup>
- (b) Secondly, the required RMA consents (particular any land use consent required from the Porirua City Council) will be able to assess issues such as adverse effects on public/recreational access.

5.6 Under both of the above instruments we would expect a close focus on techniques such as a “roading and access management plan” and note that the decision-makers would have the ability to impose conditions on the road construction and component transportation to reflect public access constraints.

5.7 In arriving at the above determination, we by no means wish to diminish the concerns of the submitters, but it would be remiss of us not to acknowledge the comments by the Officers (and our own observations during the site visit) that the existing recreational activities appear to readily co-exist with forestry harvesting operations, in that only a small section of the road is closed at any one time, and that forestry activities are modified to cater for major events such as the Karapoti Classic. We see no valid reason why the same approach cannot and will not be adopted in relation to a wind farm access road.

5.8 In terms of the operational effects of a road on public access, we believe the extent of the potential problem is largely confined by the likely frequency of restriction occasions. In this respect, we think that frequency will be very low. We say this because restrictions on track use due to roading operations will be largely confined to regular maintenance or replacement operations during the life of the wind farm as follows:

- (a) In terms of maintenance activities we have no reason to expect wholesale disruption and it is even debatable whether there would be any closure of the track given the type of operations likely; and.
- (b) With component replacement it is conceivable that there might be periods of closure but we would expect this not only to be infrequent but also for short timeframes.

---

<sup>5</sup> We further expect on the advice of Mr Troy that an application for such an instrument is highly likely to be notified for public input.

- 5.9 Again we suggest that these issues are better handled through a track and roading access management plan and both the LGA easement process and the RMA consent process are better equipped to deal with this.

### **Our Conclusion**

- 5.10 For the above reasons, we accept that the Officer's opinion that if the potential road was constructed it could be managed so that it does not *unreasonably* interfere with recreational access, while accepting that there would likely be some short-term disruption during the construction period where greater restrictions on access would be required for health and safety reasons. The Officer considers that continued recreational access could be adequately dealt with as part of the easement and resource consent process. We agree.



## 6.0 ENVIRONMENTAL IMPACT

### Issue Raised

- 6.1 There is concern amongst submitters that the environmental effects of constructing a wind farm access road would be significant, requiring the clearance of vegetation and significant earthworks, potentially causing erosion and the sedimentation of waterways.
- 6.2 Although parts of the proposed access road currently exist as a forestry road, the wind farm access road is seen by some submitters as having a greater impact than a forestry road, due to the widening, straightening, and additional formation required. This is seen as being inappropriate within the landscape and therefore should not be in a regional park.
- 6.3 We assess the above potential effects below starting with an understanding of the sensitivity of the receiving environment.

### Our Evaluation

- 6.4 The Officer Report, the evidence of the submitters and our own site visit collectively provided an excellent understanding of the soil and vegetation resource within the Park. We were able to ascertain that the route of the potential access road is through plantation forest and open grassy ridge tops. There are some small native shrubs on the edges of the existing forestry road to the south, where these have regenerated in recent years.
- 6.5 We were able to divide the proposed access route into the following sections:
- (a) The southern section of the route: This has already been developed for forestry access purposes. This road is metalled to a width of 4.5-5.5 metres when being actively used for logging purposes. Between harvest periods, secondary growth is allowed to form and this is trimmed before the next logging cycle. The maximum gradient of a road for loaded logging trucks is 12.5% (1 in 8).
  - (b) The route of the mid-section of road: This section is contained within Puketiro/Akatarawa Forest and is not fixed at this point, and it is uncertain whether it will or will not follow the current forestry access road. If it does not, this will require more extensive works. However it is noted that this section of the route is outside of the Battle Hill Farm Forest Park boundaries. For that reason, we have not considered this section any further.
  - (c) The northern section of the route. This follows the route of an existing 4-wheel drive track, which is intended to be upgraded to a forestry access road in the future as the area around it is actively logged as part of the usual cycle. Most of this is currently clay track with minimal amounts of roading metal in place. The standard of this forestry access road will be similar to the existing southern section. The forestry access road would terminate approximately 100 metres from the adjoining property on the northern side of the Battle

Hill land as this is all that is required for harvesting purposes. If developed for wind farm access, this last 100 metres would need to be formed.

- 6.6 Further to the above, and as agreed by the Officers and the submitters attending the hearing, the submission from RES provided useful information on understanding the nature of the potential roading. In this respect we note that their submission includes a preliminary roading assessment that identifies an additional width of 0.5 to 1.5 metres of metalled road for wind farm access purposes compared to a forestry road but requiring similar gradients. Widening of some corners will also be necessary to transport the larger components.<sup>6</sup>
- 6.7 We also note the provision in the GWPNP for a new roadway to be constructed from Paekakariki Hill to the ridgeline at Battle Hill. This road is proposed be built to design standards for forestry access purposes only.
- 6.8 Overall it is considered that at a strategic policy level the provision of a proposed wind farm access road in the GWPNP is not significantly different from the existing provision for forestry access and harvesting roads. Nevertheless we do acknowledge that there will be some differences and the issue for us then was how those differences (and potential higher level impacts) would be assessed and/or accommodated.
- 6.9 Starting with vegetation removal, we note two points:
- (a) The abovementioned three sections of the proposed access road do not impact on the listed significant *indigenous environmental areas and features* listed in Table 3 of the GWPNP<sup>7</sup>. We note that the four features listed in the Plan relate to bush remnants, riparian plantings, a forest remnant and a wetland. The route of the road is far removed from those features. On that basis, the vegetation resource associated with road construction is considered to be insignificant and the impact of any removal likely to be minor;
  - (b) Secondly, and notwithstanding the above, it is highly probable that any vegetation removal will trigger the need for a resource consent from GWRC in terms of the Regional Soil Plan.<sup>8</sup> That Plan, and related policies in the Council's Regional Policy Statement, will ensure that any resource consent will require that any actual and potential adverse effects of vegetation removal are avoided, remedied or mitigated. The statutory process provides for the inclusion of conditions to ensure mitigation and has the ultimate veto of consent decline if the decision-makers are not satisfied that the effects can be mitigated to a reasonable level. On that basis, we believe any future resource consent process will be sufficiently robust to assess the concerns raised by submitters

---

<sup>6</sup> We note that the accuracy of RES roading information assessment was challenged in passing by some submitters. Our position on this is that in the absence of alternative technical specification and assessments, we must place reasonable weight on the RES information. From our own observations, the an additional width of 0.5 to 1.5 metres of metalled road for wind farm access appears to about right albeit that we acknowledge that the works on bends and corner would be of a higher magnitude.

<sup>7</sup> p59 of the GWPNP

<sup>8</sup> Or any subsequent review of it.

- 6.10 In terms of sedimentation effects associated with earthworks, and without repeating the above, we are also of the view that a similar level of scrutiny would apply in assessing those works and their associated environmental effects. In that respect there is likely to be a need for an Erosion and Sediment Control Management Plan. Such plans have become standard practice for earthworks projects where the volume, height and extent of cut and fill are substantial. Again we see no reason not to rely on that well established process for assessing the effects of earthworks and determining the outcome of any application. Such a process will be informed by experts not available to us. Moreover, given that further information over and above that which has been provided to date will need to be provided, it would be wholly appropriate to rely on that process to produce the required information.
- 6.11 We add that is also possible that in addition to any regional resource consents it is highly likely that there may also be a need for land use consent from the PCC for earthworks and vegetation clearance.
- 6.12 We accept that there is no guarantee that there will be public input into any of the above mentioned resource consents. That is for a future process to decide. What we can state with confidence is that that the effects of vegetation removal and earthworks associated with the construction and operation of an access road on erosion and sedimentation will be robustly assessed by experts in the field at either or both the regional and district councils and that appropriate management regimes will be put in place. Moreover, if the applicant can't convince the decision-makers that the effects will be managed to a less than minor level then the option of declining such consent applications is very real.
- 6.13 Most importantly however, we stress that any decision to make strategic provision in the GWPNP for an access road, will not undermine or pre-determine the relevant resource consent process. As we have stressed earlier, there is a multi-level approvals process in front of any access road; this includes not only a property /tenure agreement (i.e. an easement or similar instrument) but also the various resource consents referred to.

### **Our Conclusion**

- 6.14 In conclusion, we determine that the potential environmental effects raised in the submissions are indeed not only very real but are also potentially of a greater scale than those effects associated with existing and future forestry roads in the Park. These potential effects are associated with erosion and sedimentation as a result of vegetation removal and earthworks.
- 6.15 Notwithstanding the above, we derive considerable comfort from the fact that that no significant indigenous vegetation is potentially affected and that the access track is far removed from any important waterways. Furthermore, even if there were potential adverse effects on such resources, we know that there are resource consent processes to ensure that such if adverse effects can't be avoided, remedied or mitigated, then an access road proposal would fail to be consented. We accept that these represent a reasonable set of checks and balances which will facilitate an evaluative judgement of risk/scale of change comparison with existing forestry roads/upgrades to them and the wind farm access road.

- 6.16 On that basis we determine that at a strategic level the provision of a proposed wind farm access road in the GWPNP is not inappropriate from an environmental perspective as the effects will be adequately considered as part of any subsequent resource consent process.

## 7.0 CONSISTENCY WITH GWPNP POLICIES AND PLAN INTEGRITY

### Issues Raised

- 7.1 Many submitters consider that the proposed access road provisions are inconsistent with the GWPNP, citing the vision, guiding principles, general management outcomes and policies of that Plan, as well as the key characteristics of Battle Hill Farm Forest Park.
- 7.2 Notwithstanding the above claims, there was very little evidence presented at the hearing that illustrated a causal link between the submissions and the content of the Plan such to elevate the submissions into fact. On this basis we were largely left with assessment contained within the Officer's Report to determine the degree to which the proposed wind farm access road provision is inconsistent with the Outcomes and Policies of the Plan. To this end, we have delved into the outcomes and policy section of the Plan (particular those contained with Section 4.0) to test both the claims made by submitters and the conclusions in the Officer Report.

### Our Evaluation

- 7.3 There are some 9 categories of General Management outcomes and policies listed in the GWPNP. Of these, the evidence presented generally isolated four of them as being potentially relevant. They are:
- (a) Section 4.1: Biodiversity and ecosystems
  - (b) Section 4.2: Landscape and geological values
  - (c) Section 4.4: Land Management
  - (d) Section 4.6: Park Infrastructure
- 7.4 Section 4.1 Biodiversity and ecosystems lists 3 outcomes (1-3) which collectively seek to protect important existing ecosystems in the various parks comprising the GWPNP, whilst also restoring degraded ecosystems. As previously mentioned, within the Battle Hill section of the Plan there is a list of significant indigenous ecosystems in Table 3 and none of those ecosystems are directly affected by the access road so we accept the Officer's advice that this outcome and associated policies are not conflicted.
- 7.5 We also note outcome 3 specifically refers to ecological connections notably between catchments in the Plan but also on adjoining lands. To this extent we accept that there is potentially an effect on not only the waterways within the Battle Hill Park but also outside the Park and particularly the Pauatahanui Inlet. However, notwithstanding this potential, particularly sedimentation effects on the inlet, we are again mindful of the regional consents that will be required (particularly the discharge to land or water consents that will specially consider these issues.)
- 7.6 Section 4.2 Landscape and geological values relates to landscape areas and Outcome 4 in that section specifically states that: *The integrity of important landscapes and geological features are protected from inappropriate development and use.*

7.7 Policies 22 -26 then seek to identify such features and landscapes and set out a regime for the protection and management of them. The key policies to achieve those outcomes are as follows:

*Policy 22: To identify:*

- a. The diverse range of **distinctive landscapes** and geological features of each park*
- b. Areas of particular significance to tangata whenua*
- c. Significant modified landscapes or features that have high historic or cultural value.*

*Policy 23: To protect **identified landscapes** and geological features from inappropriate development and use.*

*Policy 24: To give weight to the values of **identified landscapes** and geological features in considering what management methods are appropriate.*

*Policy 25: To consider the impact of any new proposals or activities on **important landscapes** and geological features including the views of these from within the park.*

*Policy 26: To manage land use, developments or other activities to ensure that park values are not compromised. This includes:*

- a. Managing **the scale of development** so it is appropriate to its setting*
- b. **Ensuring any tracks or access ways are constructed to minimise visual effects on landforms***
- c. Minimising the intrusion of any built structures on the landscape.*

(Emphasis added)

7.8 In this instance there are no such identified landscape or geological features listed in the Battle Hill chapter of the Plan. The closest one gets to that term is the phrase *key landscape feature* in policy 6.2.4(c) of the Battle Hill Chapter<sup>9</sup>. Whilst there is mention under that policy of the *forested steeplands of the eastern hills*, we have no evidence that the proposed access tracks would cause effects of such magnitude and duration such as to be said to be contrary (as in diametrically opposed) to that policy.

7.9 Turning to Section 4.4 land management, we note that of the four listed outcomes (7 to 10), only two outcomes are potentially relevant; they are:

- Outcome 7 which states that “*modified ecosystems (such as farming and forestry) are good examples of sustainable management*”; and
- Outcome 10 which requires that “*any impacts of public utilities and community infrastructure are minimised*”.

---

<sup>9</sup>As an aside we note the inconsistent use of terminology through the Plan whereby section 4 refers to “*important landscapes*”, “*distinctive landscapes*”, and “*identified landscapes*” and where the Battle Hill chapter doesn’t employ any of those terms but refer to “*key landscape features*”

- 7.10 In terms of Outcome 7, the four policies (35 to 38) dealing with farm and plantation forestry, are largely irrelevant to the wind farm access road proposal. The possible exception to this is Policy 36(e) which requires forestry practices to minimise sediment and nutrient discharges and downstream effects by *“utilising existing access arrangements through plantation forestry areas”*. Whilst the proposed wind farm access is not a forestry access per se, it does largely follow the existing and future routes of forestry access within the Park (see discussion in section 5), and therefore the same expectations relating to avoidance of sedimentation will apply. As discussed in Section 6 (Environmental Impact) this will not only be a consideration under the GWRC but also specifically under regional discharge consent applications.
- 7.11 In terms of Outcome 10, Section 4.4.5 Utilities is potentially relevant in that there is a suite of 7 policies (48 to 54) which collectively recognise the important role of network utilities in contributing to the health, safety and well-being of the community. In particular, policies 50 and 51 require that *“applications for the development of additional network utilities within the parks will be considered as restricted activities and assessed according to the process set out in Part 7 (Rules)”* (Policy 50) and *“additional utility facilities approved under Policy 50 and Part 7 (Rules) will be subject to a licence or easement”* (Policy 51).
- 7.12 Clearly there is an established policy provision for considering applications for utility applications within parks and the proposed policy provision within the Battle Hill Forestry Park does not conflict with that. In fact, the remainder of Policy 51 sets out a series of criteria to assess whether or not a licence or easement will be granted for a particular activity. In the Akatarawa Forest Plan this policy is manifest in section 6.1.3 which lists *“allowing wind energy development on selected ridgelines as a secondary management focus for that Park”*. That provision is followed up in Section 6.1.4 by a specific land management policy (f) which is *“to allow for the development of the Greater Wellington Regional Council approved wind farm development adjacent to the Battle Hill Farm Forestry Park, and associated utility infrastructure”*.
- 7.13 The purpose of mentioning this is not so much to focus on the Akatarawa Plan, but to illustrate that making provision for utility facilities in a particular park is consistent with Policies 50 and 51 the Plan. For example, wind generating activities are provided for as a “restricted activity” in that Park and managed through either a concession, easement, lease, or licence with any conditions as required.<sup>10</sup>
- 7.14 Although technically not a network utility<sup>11</sup>, a wind farm access road in the Battle Hill Forest Park would also be a restricted activity and would be subject to the same provisions as outlined above for a wind generating activity. On that basis, we conclude that making specific reference at a strategic policy level to a wind farm access road is not inconsistent in section 4.4. In fact, not to make that provision when it is clearly a possibility would seem inconsistent and incomplete

---

<sup>10</sup> See section 7.4 which sets out information that is required with such applications (section 7.4.5), application timeframes (7.4.6), decision making guidelines (7.4.7) and the types of condition categories (7.4.11).

<sup>11</sup> See the definition of *network utility* on page 127 which specifically excludes roading infrastructure

given the similar policy provision for the proposed wind farm in the adjoining Akatarawa Park.

- 7.15 Finally, looking at Section 4.6 Park Infrastructure, of the 3 outcomes listed (13 to 15), outcome 14 which seeks to make provision for “recreation corridors such as walking trails and cycle tracks” appears to be the only relevant provision. In this respect, policies 68 to 74 dealing with access to the parks are relevant. In particular, policies 73 and 74 are relevant in that they seek “to maintain a network of tracks and other facilities that provides a range of recreational activities and experiences” and “to give priority when developing new tracks to linkages, circuits and loop tracks”. Whilst it may appear that there is the potential for conflict between these policies (particularly policy 73 and the utilities policies in section 4.5), the Plan seems to anticipate this occurring between different policy topics. In this respect, policy 85 in section 4.6.4 (Use and development) provides the solution by ensuring that the Plan sets out “a process for determining whether new activities or development appropriate to the Park”. Accordingly, the rules in Part 7 (as previously outlined earlier in this section of our report) are adequately equipped to implement that very process.
- 7.16 What this all means for the Battle Hill Forest Park is that if there is an application for an easement, licence, or lease to establish the access road the GWRC will (in all likelihood) publicly notify the proposal under section 7.4.4 and must ensure that the applicant includes relevant information as outlined in 7.4.5. The application will be assessed in terms of the 12 decision making guidelines set out in 7.4.7. Moreover, and in terms of the proposed wind farm access road, the GWRC is required to consider whether, in granting the easement, licence or lease, there will be:
- Any adverse effect on park infrastructure, improved activities, the surrounding environment and the enjoyment of other park users; and
  - Any adverse effect on current or future access.
- 7.17 Accordingly, there is no apparent direct conflict between the provision that makes the wind farm access road a restricted activity and the relevant Outcomes and Policies that we have identified above.

## Our Conclusions

- 7.18 In summary, the above policy provision, including the provision for a potential wind farm access road in the Battle Hill Park, are part of a well-established management strategy which promotes the multiple use of the Region’s parks and reserves subject to the primary management focus for each park not being compromised.
- 7.19 In the Battle Hill context, the principal management focus is one of promoting the farm/forest practice along with protecting the ecological resource and ensuing recreational access is maintained.
- 7.20 The potential wind farm access road will not alter the management focus for the Battle Hill Park (refer to Management Focus 6.2.3), and will not significantly affect the key characteristics of the Park. We say this because the criteria in the



Plan have been specifically designed so as to not allow the Council to approve any easement that compromises those characteristics. The key landscape feature of the Park (that is “*the forested steeplands of the eastern hills*”) will continue to be a management focus of the Park regardless of whether there is policy provision for a wind farm access road as a restricted activity or not.

- 7.21 Put differently, the consent process that is put in place for any future wind farm access road, is very well defined and will ensure that in considering an application, the Council must give consideration to all the relevant policies that underpin the primary management focus. Moreover, if they are not satisfied that the relevant policies will be upheld then that finding will provide a significant barrier to approving the easement (or other relevant instrument).
- 7.22 On this basis we determined that the proposed wind farm access road provision is not inconsistent with the Outcomes and Policies of the Plan.

## 8.0 LANDSCAPE CHARACTER AND VISUAL AMENITY

### Issues Raised

- 8.1 Based on our appraisal of the submissions lodged and the material presented by submitters attending the hearing, we consider that this issue relates to:
- (a) the impact on the nature of the recreational experience of the loop track
  - (b) the impact of the potential road on the immediate area including the ridgeline; and
  - (c) The visual impact of the road on the immediate area, and views from a distance.
- 8.2 Having previously dealt with the first of these matters - impact on the nature of the recreational experience of the loop track – in section 5 of this report, we have adopted the conclusions from that section and in this section focus on the impacts of the access road on the character of the park and on the visual amenity of the ridgeline.

### Our Evaluation

- 8.3 Our starting point is an acknowledgment of a point raised by many submitters; namely that no formal assessment has been undertaken of landscape or amenity impacts of the proposed road. That is correct and also a fact noted in the Officer's Report.
- 8.4 Whilst we acknowledge that point, we also make two further points. Firstly it is not our role to undertake such an assessment and secondly (and a theme already canvassed extensively in this report), there are other more appropriate forums for undertaking such an assessment; namely the resource consent process.
- 8.5 Notwithstanding the above and based on the information we had at hand (including our own observations from the site and locality visit), we can comment on the character of the landscape and visual resource and the potential effects associated with the existing land use regime :
- (a) Battle Hill is an already modified landscape due to farming and forestry operations. At its purchase, the area included pinus radiata trees on 87.5 hectares and this area continues to be part of Greater Wellington's forestry business.
  - (b) Both sections of the potential road would wind through plantation forestry. The northern section is likely to be visible only from the lower sections of the park when the forest is harvested (until cover is once again achieved after replanting).
  - (c) During harvesting operations there will be heavy vehicle traffic and machinery onsite with associated noise impacts. Visually, the harvesting operation may be considered unsightly and while trees are planted within a year of harvesting, it takes about four years before a full tree cover is achieved.

- 8.6 On the above basis it is not unreasonable in our view, to conclude that the existing park environment is not pristine. Equally however it does have significant landscape values as a prominent feature in the wider landscape as well as having important amenity values for users of the Park itself. Although there is a dominance of pines there are substantial pockets of indigenous regeneration in steeper gullies and along the lower slopes and flats. From that perspective the question that naturally arises is what are the residual or ‘net’ additional effects over and above the existing forestry operation that an access road may give rise to? In this respect, we note the following possible additional effects on landscape character and visual amenity:
- (a) A potential adverse effect on the character of the Park due to:
- increased formality of the proposed wind farm roading (vs. randomness of the exiting access track for forestry)
  - scale of the proposed wind farm road compared to existing forestry roads (i.e. wider)
  - alignment of the proposed wind farm road may not reflect the pattern of the ridgeline (i.e. the forestry track is more able to follow the contour of the land)
  - the visual impacts of wind farm access road on the ridge line, impacts greater than might be anticipated from logging access provisions.
- (b) Changed character of the recreation track and its setting – due to increased accessibility to the ridgeline which may diminish the remoteness and attraction of the of the ridgeline as a destination ; and
- (c) Visually the access road has the potential to dominate in immediate environment, if it is out of scale with ridgeline.
- 8.7 Whether the above effects will eventuate or not is difficult to determine with accuracy. Certainly we cannot be as definite as the officers who reached the following conclusion:
- “Overall it is considered that heavy vehicle traffic and noise impacts are likely to be no more significant than those of forestry operations, and once construction has finished the use of the access road for wind farm purposes will be limited. The effects of the proposed Transmission Gully motorway through the Park are likely to have much more significant effects in terms of noise, landscape and amenity.*
- 8.8 Whether that assessment proves to be correct is a matter for a future process. What we can say is that we do not have the necessary detailed design to be able to make an evaluation/judgement; all we can really say is that there is potential for the above effects to occur; particularly the potential visual impact at the immediate locality, if the access road is not appropriately designed and located, is such that the effects could be significantly adverse. However, and returning to our earlier theme, the process to deal with such effects and the degree to which they might be mitigated is the Land use resource consent process that while required under the Porirua City District Plan.

## **Our Conclusions**

- 8.9 On the above basis we conclude that although the existing landscape is effectively intensively managed with a vegetation cover of dominantly exotic trees there is the potential for adverse effects on landscape quality and visual amenity, greater than those associated with accepted forest management practices. The degree to which this might eventuate depends largely on the precise design of the access road and the various mitigation measures; and this is properly a matter for the resource consent process and not a strategic Policy document such is the GWPNP.

## 9.0 OPTIONS AND OVERALL CONSIDERATION

### Context

9.1 In the preceding sections, we have undertaken an in-depth assessment of the key issues that have arisen from the submissions, the hearing of those submissions and from the Parks Planner's report. Those issues essentially were divided into the following categories;

- (a) Effects: namely, the effect of making policy provision in the GWPNP for a wind farm access road on: recreation access to the Battle Hill Farm Forest Park, the physical environment (i.e. erosion and sedimentation) and the effect on landscape character and visual amenity.
- (b) Policy implications; namely whether the proposed policy provision would conflict with the confirmed Outcome and Policy framework in the GWPNP.

9.2 Having assessed each of these issues above, we now turn to our overall consideration including the various options for addressing the submissions relating to the provisions in question. In doing so we draw on the findings of the previous sections; namely that from both an effects and policy perspective there is neither a case for significant adverse effects arising nor a case for a complete policy imbalance that would render the proposed wind farm access road policy provision as totally inappropriate.

9.3 In saying this we stress that it is not the wind farm access road per se that we are considering but rather a policy provision that would provide the basis of a multi-tier LGA and RMA consenting process to consider the actual effects and specific policy implication of the proposed provisions in the Battle Hill section of the GWPNP.

9.4 Accordingly, and in terms of the relief requested by submitters and the information provided by the reporting staff, we discerned that there were largely three options open to us in determining the question of what provision is the most appropriate in the GWPNP. Those options are:

- Option A: Prohibition or
- Option B: Removal or
- Option C: Status quo

### Our Assessment of Options

#### Option A: Prohibition

9.5 Under this option there would be specific provision in Chapter 6 prohibiting the establishment of the potential wind farm access road and ancillary underground services in the Battle Hill Farm Forest Park. The existing equivalent Land Management policy provision is contained in section 6.2.4 (e) which states:

- (e) *To prohibit the construction of wind turbines within the Battle Hill Farm Forest Park*

- 9.6 In accepting the relief sought by submitters section 6.2.4 (e) would be altered to add the words *and wind farm access road and ancillary underground services* after the word *turbine*. The consequential amendment would be the deletion of the reference to *potential wind farm access road within 350m contour envelope* from Map 6.
- 9.7 We were in full consensus that such prohibition is not appropriate in the circumstances for the following three reasons:
- (a) Our starting point for this view was that the provision in question does not in itself permit a future wind farm access road. Rather, it makes policy provision for a potential future road which would need to be considered via a further instrument such as an easement, lease or licence application.
  - (b) Secondly, there was not sufficient or compelling evidence contained in the notices of submission, or in the evidence presented at the hearing for us to conclude that the environmental impacts would be of such magnitude and duration as to make a wind farm access track completely unacceptable in the Battle Hill environment. Similarly, there was no argument advanced to prove that the proposed policy provision is diametrically opposed to the existing outcome and policy framework in the Plan.
  - (c) Thirdly, and finally, we agreed that there are subsequent and more appropriate approvals and consenting paths to consider the specific environmental impact and policy implications of any future wind farm access road through Battle Hill Forest Park.
- 9.8 For the above reasons, we were unanimous that to prevent any future application for an easement, lease or licence to establish a wind farm access road would not only be inappropriate, it would also be inconsistent with the existing provisions of the GWPNP. In terms of the former point, we repeat that the evidence did not justify such prohibition. In terms of the later point, we note that there is explicit provision (albeit a restricted activity) for a wind farm in the Akatarawa Forest Park for an *indicative location of proposed wind farm (with associated roads and power lines)*. In our view it would be dishonest not to indicate in the Plan that potential exists in Battle Hill Forest Park for a wind farm access road to that potential wind farm, especially when there appears to be no reasonable alternative.
- 9.9 Making such a provision does not automatically mean that it will occur as there are several LGA and RMA approval and consenting processes to be completed but, importantly, it does not preclude or prevent the proponent of the access road making an application in those consenting arenas.
- 9.10 Accordingly we do not recommend that the section 6.2.4 (e) is altered to prohibit the construction and operation of a wind farm access road.

Option B: Removal

- 9.11 Under this option all provision for the potential wind farm access road through Battle Hill Forest Park would be removed.

- 
- 9.12 In other words, the following provisions in section 6 of the Plan would be deleted:
- (a) Section 6.25 Projected Changes
    - *Potential wind farm access road and ancillary underground services*
  - (b) Map 6 identified *potential wind farm access road within 350m contour envelope*.
- 9.13 Again we were in full agreement that this option is not optimal. In many respects, it is a non-option or ‘Clayton’s’ option in that removal of the provisions does not in itself prevent the wind farm access road from being constructed. Under that option an absence of reference to the wind farm access road would, as we understand it, mean that the road would default to a restricted activity under the provisions of policy 85 and the rules in section 7 (particularly rule 7.4.3). As such any wind farm proposal would still need to go through the provisions of section 7 including the possible notification of the easement, licence or lease instruments under section 7.4.4.
- 9.14 We also concluded that removing the provisions in contention would lack transparency. In this respect, we believe it is important that all Plan users (both now and in the future) are able to consult the Plan and know with certainty what policy provisions exist and what potential there is for various activities to occur. Removing the provision for potential wind farm access will not achieve this.
- 9.15 Accordingly we do not recommend that the section 6.2.5 or Map 6 is altered to remove provision for the potential construction and operation of a wind farm access road.

Option C: Status quo

- 9.16 Under this option there would be no change or alteration to the provisions in the GWPNP that were notified and submitted on. In other words, section 6.2.5 Projected Changes would still refer to a potential wind farm access road and Map 6 would still indicate an indicative road corridor.
- 9.17 For the reasons outlined above, and in the preceding sections, we generally adopt this as the preferred and recommended option. We say this because:
- (a) The assessment of environmental impact and policy implications of retaining the provisions supports that approach.
  - (b) In terms of process, the rules of section 7 establish a logical and well considered process for assessing restricted activities which will involve the provision of all relevant information, an application timeframe, guidance on notification, decision making guidelines and a range of condition categories aimed at avoiding, remedying and mitigating impact.
  - (c) In terms of outcome, the above provisions do not include any presumption as to whether the application for an easement, licence or lease will be approved or declined. In other words, an application will be considered solely on its merits. Moreover, and notwithstanding any grant of an easement,

licence or lease, a wind farm access will still need to be consented under the provisions of the GWRP and the Porirua City District Plan.

9.18 Notwithstanding the above, in order to provide further transparency and guidance to decisions makers when considering any application for an easement, licence or lease we have recommended some minor wording changes and additions to section 6.2.4 which covers the specific policies for Battle Hill. These policies are outlined in detail in the next and final section containing our recommendation but are essentially aimed at giving a very strong policy steer that there should be a minimum of new track construction and the avoidance of track duplication by ensuring one track can serve both purposes. This involves the changes and alterations to the following provision in respect to section 6.2.4 of the Parks Network Plan (Landscape and Geological Features) which should be amended by :

- (a) Adding words to the second bullet point of 6.2.4 c to make it clear that the landscape includes the ridgeline and not just the eastern hills per se.
- (b) Adding a further sub-clause (f) to 6.2.4 to not only recognise a potential route for a wind farm access road and ancillary underground services but to require combined use by forestry and wind farm users so as to promote efficiency and avoid duplication.
- (c) Expanding the existing 'Explanation' by making reference to not only the wind farm access road but also the existing specific policy provision to allow wind farm development within Akatarawa Forest, adjacent to Battle Hill Farm Forest Park.

## Our Conclusion

9.19 At the outset of this report, and in terms of considering the issues raised in submissions, we posed a key question, which was:

*Is the proposed provision in the GWPWP (an access road) reasonable/appropriate in the context of the GWPNP, and the legislation and policy framework that 'informs' the document?*

9.20 Having undertaken the foregoing assessment we can now conclude with confidence that the proposed provisions (subject to the amendments outlined above), are appropriate for the following reasons:

- (a) By including a reference to a potential wind farm access road in the Parks Network Plan, the Council would be essentially signalling that it sees this activity as generally appropriate in terms of its parks management functions. However it does not remove the need for a future developer to follow through the process outlined in Part 7 of the Plan (Rules for Use and Development). This requires an application to Council as a 'restricted activity' for an easement. The application would be considered on its merits, having regard to the relevant provisions of the Plan. It is likely to be publicly notified. Relevant considerations are outlined in Policy 7.4.7 of the Plan. Conditions that may be imposed are outlined in Policy 7.4.11.



- (b) Any development of a wind farm access road and the main activity of the wind farm itself would also require resource consents to be issued under the Resource Management Act. This is likely to involve a consent application to the Regional Council (in relation to earthworks, stormwater discharge, streams etc.) and a separate consent application to the Porirua District Council (in relation to the land use activity, access and transport etc.)
- (c) In making a recommendation to Council on the provisions of the Parks Network Plan, we are considering the appropriateness of the provisions from a strategic policy perspective. This does not imply that any subsequent approvals or consents would be granted by Council.

9.21 Our recommendation to Council is set out in Section 10 and follows from our analysis of the options that were available to us under our brief. The task has been challenging because of the high level of public interest in the Greater Wellington Parks Network Plan and the values attributed by the public to Battle Hill Farm Forestry Park. As we said at the commencement of this report, however, we very much appreciated the assistance of Council staff and the cooperation of submitters, both of which made the task somewhat easier.

## 10.0 RECOMMENDATION

### 10.1 The Sub-committee resolves:

To recommend to the Greater Wellington Regional Council:

1. That the words '*Potential wind farm access road and underground ancillary services*' be confirmed as a Projected Change identified in Part 6.2.5 and that Map 6 be confirmed as an illustration of this change;
2. That Part 6.2.4 of the Parks Network Plan (Landscape and Geological Features) be amended by:

- (i) adding the words '*and the ridgeline*' to the second bullet point of 6.2.4 c;

- (ii) adding a further sub-clause (f) to 6.2.4 as follows:

*'f. To recognise a potential route for a wind farm access road and ancillary underground services in conjunction with existing and/or future logging roads.'*

- (iii) expanding the existing 'Explanation' by the addition of the following;

*'However, the Plan includes a specific policy to allow wind farm development within Akatarawa Forest, adjacent to Battle Hill Farm Forest Park. There is the potential for a wind farm access road and ancillary underground services to be developed through Battle Hill Farm Forest Park at or about the 350 metre contour in conjunction with the upgrading of existing, and the provision of new, logging roads. The construction of one access road capable of serving both purposes of a logging road and a wind farm access will minimise adverse effects and be an efficient use of resources''*

*Note:*

Part 6.2.4 would read as follows with additional wording shown in underlined bold italics:

### 6.2.4 Specific Policies for Battle Hill

#### Biodiversity and ecosystems

- a. To source plants from the Tararua and the Sounds-Wellington ecological districts, with reference to the species list provided by the Wellington Botanical Society when planting the Battle Hill native bush remnant (Scenic Reserve).

- b. To have particular regard for the high priority indigenous areas when determining ecosystem protection and enhancement priorities as listed in Table 3.

#### *Landscape and geological features*

- c. To protect the park's key landscape features and values from inappropriate use and development. Key landscape features include:
- The European style pastoral character
  - The combination of unbroken pastured river flats, to forested steeplands of the eastern hills *and the ridgeline*
  - Heritage areas, including farmyard and cemetery
  - Patchwork of mature specimen trees and native vegetation
  - Native bush remnant.

#### *Land Management*

- d. To permit the use of aircraft for farming, management purposes or emergency purposes within the park.
- e. To prohibit the construction of wind turbines within the Battle Hill Farm Forest Park.
- f. *To recognise a potential route for a wind farm access road and ancillary underground services in conjunction with existing and/or future logging roads.*

*Explanation: In 2009 the adopted Battle Hill Farm Forest Park Management Plan prohibited construction of wind turbines (or blade flyover) within the park boundary. This provision has been included in this Plan. However, the Plan includes a specific policy to allow wind farm development within Akatarawa Forest, adjacent to Battle Hill Farm Forest Park. There is potential for a wind farm access road and ancillary underground services to be developed through Battle Hill Farm Forest Park at or about the 350 metre contour in conjunction with the upgrading of existing, and the provision of new, logging roads. The construction of one access road capable of serving both purposes of a logging road and a wind farm access will minimise adverse effects and be an efficient use of resources"*

DATED AT WELLINGTON THIS 30<sup>TH</sup> DAY OF MAY 2011



.....

Stuart Kinnear  
Independent Commissioner  
(Chair)  
Greater Wellington Parks Network Plan Subcommittee