

STAFF REPORT

TO: Environment & Planning Subcommittee
Commissioner Hearing

FROM: Jack Andrew, Co-ordinator Land Use Consents

REFERENCE: RM060942

SUBJECT: **NEW ZEALAND ENERGY LTD - MATIRI HYDRO SCHEME - REPORT EP09/02/04** - Report prepared for hearing of 9 to 13 February 2009

1. INTRODUCTION

1.1 Scope of this Report and the Proposal

The district land use application component of New Zealand Energy Limited's Matiri Hydro Scheme development proposal is a relatively small part of the overall suite of resource consent applications.

The district land use application covers the proposed buildings, signage, transmission lines and the industrial (electricity generation) activity.

The land disturbance land use and water considerations are matters assessed in the reports of [Mr Pigott](#) and [Mr Tyson](#).

The district land use matters are addressed in various parts of the application and quite comprehensively in the applicant's landscape architect's report. In that landscape report the ~~applicant's~~ Landscape Architect, Mr [Tom](#) Carter, has suggested that the project be assessed in a downstream direction from top to bottom -and where relevant this report also generally follows that approach.

The proposed buildings include:

- a control hut approximately 1.8 x 2.4 x 2.4 metres high located on land beside Weir 2 (Mr T Carter report p12);
- a penstock pipeline being 1.6 diameter and 2.3 km long (-Mr T Carter report p12 and 13);
- a power house being approximately 100 m² and 4.5 metres high sited in an excavated depression with security fencing (-Mr T Carter report page 14);
- a new and upgraded transmission line with the new [line](#) being approximately 4 km long and the upgraded existing line being approximately 10 km long; and
- warning and car parking signage.

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These structures are required in generating hydro electricity and that activity in district land use terms of the Council's planning document (TRMP) is an industrial/rural industrial activity.

A description of the Matiri Hydro Scheme (hereafter MHS) and the legal description of the land involved is [contained given in Mr Tyson's Introductory report](#).

1.2 Zone Rules, Other Rules and Consent Requirements

1.2.1 Zone Rules

a) Conservation Zone

Part of the application is on Crown Land, Sec 1 SO15298, which is administered by [the Department of Conservation \(DOC\)](#). This land and water is within the Lake Matiri Conservation Area and within it is the gazetted Lake Matiri Wildlife Refuge. It is zoned "Conservation" in the TRMP. As it relates to the application all of the land zoned "Conservation" comes within Segments A, B and C as described in the applicants Landscape Architect's report ([TomMr Carter](#)).

In the "Conservation Zone" the only permitted activities are those that are carried out by the Crown in accordance with an approved conservation management strategy (rule 17.11.2.1(c)) while "buildings" must be setback 10 metres from boundaries and not exceed 7.5 metres in height (rule 17.11.2.1(e) and (f)).

In the "Conservation Zone" activities, buildings and signs that do not comply with the permitted activity standard become discretionary activities and buildings pursuant to rule 17.11.2.2.

b) Rural 2 Zone

Part of the application is on freehold land, Sec3 BLK IV, owned by New Zealand Energy Ltd (hereafter referred to as NZEL) which is zoned "Rural 2" in the TRMP. All of this Rural 2 zoned land downstream to the Turnbull farm dwelling is described as Segments D, E, F and G in the applicant's Landscape Architect's report ([TomMr Carter](#)).

In the Rural 2 zone industrial and rural industrial activities are excluded from being a permitted activity (rule 17.6.2.1(b)(i)) and are a discretionary activity pursuant to rule 17.6.2.3.

In the Rural 2 zone buildings are permitted to a maximum height of 7.5 metres and setback 20 metres from rivers with a bed greater than 5 metres.

1.2.2 Other Rules

a) Transmission Lines

The upgrading of the existing power line and the construction of a new line up to the proposed power house is entirely within the Rural 2 zone.

It is expected that the existing Network Tasman transmission line extending from the Transpower sub station on the Matiri Valley Road to the northern most house on the west bank of the Matiri River (the Turnbull house) will be able to be up graded from 11kV 1MVA to 22kV 5MVA. It is expected that the existing poles will be able to be utilised with slightly larger insulators, thicker conductors and slightly wider crossarms (from 2m to 2.6m wide). Some additional poles may also be needed.

A new line will be constructed from the existing line for approximately 4 km up to the proposed power station.

Changes to the existing line and the construction and operation of the proposed new line are permitted as they fall within the scope of permitted activity rule 16.6.2.1(l) (-PTRMP rule 16.6.2(k)) which permits new lines of up to 110kV 100MVA in the Rural 2 Zone.

b) Signage

In the Conservation and Rural 2 zones one sign is permitted per property with more than one sign being a restricted discretionary activity with Council's discretion being limited to the following matters:

- "(1) Location and legibility in respect to traffic safety.*
- (2) Amenity effects on the surrounding area, including cumulative effects of signs.*
- (3) The need for the sign to provide for ready identification of the activity, event or property to which the sign relates, including alternative means to provide for it."*

1.2.3 Summary

Overall the district land use aspects of the Matiri Hydro Scheme (hereafter referred to as the MHS) are a Discretionary Activity under the relevant rules of the Tasman Resource Management Plan as in that:

- the control hut and penstock pipeline are in the "Conservation Zone" but are not proposed by the Crown as part of an approved management strategy;
- the electricity generation in the Rural 2 zone is an Industrial and Rural Industrial activity;
- more than one sign per property is proposed.

2. STATUTORY CONSIDERATIONS FOR A DISCRETIONARY APPLICATION

2.1 Resource Management Act 1991 (The Act)

Power to Grant or Refuse Consent and Impose Conditions

After having considered the matters in Section 104 of the Act, the consent authority may grant or refuse resource consent for a discretionary activity in accordance with Section 104B of the Act.

The Section 104 matters are addressed in Part 9 of this report.

2.2 Matters to be considered in Assessment

In regard to this particular application, the decision must be based on consideration of the following matters set out in Section 104(1) of the Act:

- a) Part II matters;
- b) any relevant provisions of national or regional policy statements;
- c) any relevant provisions of a plan or proposed plan;
- d) any actual and potential effects on the environment of allowing the activity;
- e) any other matters considered relevant and reasonably necessary to determine the application.

In having regard to the above matters, primacy is given to Part II of the Act; the purpose and principles of sustainable management of natural and physical resources.

In addition, Section 104(1)(a) "*any actual and potential effects on the environment of allowing the activity*" can be qualified by the permitted baseline concept in Section 104(2).

2.3 Permitted Baseline

The actual and potential adverse effects on the environment of the proposal may be determined having regard to the permitted baseline concept in Section 104(2) of the Act, which states:

"When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect."

A comparison can be made between the proposed activity and what other activities could take place on the subject site as of right. The comparison must be with a credible as of right development and not a fanciful one.

If consent is granted, conditions may be imposed pursuant to Section 108 of the Act

2.4 Written Approvals

The consent authority must not have regard to any actual or potential effect on any person who has provided their written approval in accordance with Section 104(3)(b) of the Act. The applicant has forwarded no affected parties written approvals with the application.

2.5 Purpose and Principles of the Act (Part II Matters)

In this instance the "Section 104 matters" are to be considered subject to Part II of the Act. This includes the purpose and principles in Section 5 of the Act, and other matters to be recognised and provided for in Section 6, or had regard to in Section 7, or taken into account in Section 8 of the Act.

An analysis of Part II is necessary to assess whether the Matiri Hydro Scheme MHS meets the overarching purpose of the RMA. Sections 6 to 8 of the RMA are now commented upon, prior to a final evaluation of Section 5 of the RMA. This approach is in line with *Tainui Hapu v Waikato Regional Council A063/2004 at (163)*.

This stated: *"because the Act has a single purpose, and so Sections 6 to 8 are subordinate and ancillary to (Section 5), we apply the relevant provisions of those sections first, then come to the overall judgement."*

This approach has been taken in this report, beginning with Matters of National Importance (Section 6); other Specific Matters (Section 7); the Principles of the Treaty of Waitangi (Section 8) and then commenting on Section 5.

Although there are tensions inherent in the provisions of Part II, the provisions broadly indicate the level of weight to be given to each section, effectively establishing a hierarchy giving priority to the matters of national importance in Section 6 over the matters set out for having particular regard to in Section 7 and taking into account in Section 8.

2.6 Section 6: Matters of National Importance to be Recognised and Provided For

There are several matters in Section 6 of the Act that are considered to be relevant to determine this application and they are:

- a) The preservation of the natural character of lakes and rivers and their margins and the protection of them from inappropriate use and development;
- b) The protection of outstanding natural features and landscapes from inappropriate use and development;
- c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- d) The maintenance and enhancement of public access to and along lakes and rivers;
- e) The recognition and provision for the protection of historic heritage from inappropriate use and development;

- f) The protection of historic heritage from inappropriate subdivision, use , and development;
- g) The protection of recognised customary activities.

As far as I am aware Section 6(f) concerning protection of historic heritage is not offended by the development proposal.

2.6.1 Section 6(a)

In relation to Section 6(a) the words “natural” and “natural character” do not necessarily equate with “pristine”, but may connote a range of qualities and features created by nature as distinct from human constructions. Even where human occupation has modified a landscape its natural character is not necessarily destroyed although it will be a lesser value.

The proposed MHS will change the natural character of the area with the placement of three weirs, structures (1.6 metre diameter penstock pipeline, control hut, power station, signs and the transmission line) and through the formation of permanent and temporary access roading.

Preservation is subject to the qualification as to protection from inappropriate development. The District and Regional Plans can help to identify what appropriate development is through their rules. For example in the Rural 2 zone portion of the MHS the rules permit the transmission line development and the power station building is well within the building bulk and location standards.

Taking these matters into consideration in my opinion it is appropriate that the Section 6 assessment is in terms of the degree of natural character, the amount of change being effected and the extent to which the development is appropriate.

For this purpose the MHS can be divided into two parts. The first part is within the bush and includes Segments A, B, C and D as outlined in ~~Mr Tom~~ Carter's landscape report. From the district land use perspective this area will be changed by the control hut, the penstock pipeline and by development of new access and maintenance tracks. Its natural character and wilderness experience will change with the penstock and its maintenance track being visible as one walks through the area. The access into this area will also be less challenging and it is likely that more visitors and possibly mountain bikers will travel into the area. The applicant proposes to minimise these effects by mitigation measures limiting the width of tracking, having a small control hut building and limiting the penstock to a 1.6 metre diameter pipeline with all structures being finished in recessive colours.

The MHS will involve the penstock pipeline being located within the banks of the Matiri river for approximately 200 metres at the sweeping bend and then on land adjoining the river down to the power house with a tail race returning the water back into the river. In these locations the penstock pipeline will detract from the natural character of the river. The applicant has recognised this and has proposed mitigating these visual impacts as far as practical. At the sweeping bend where for approximately 200 metres the penstock pipeline is within the river bank the recommended rock protection is sandstone rocks retrieved from along the penstock

and road routes. It is also recommended that this construction work only take place during low river flows when the work can be carried out on dry land.

Where the penstock pipeline is on New Zealand Energy Limited property below the sweeping bend down to the powerhouse it is to be buried where that is practical with access located on top of the covered pipeline.

In relation to the second part of the site which covers the open river flats in Segments E, F, and G of TomMrTom Carter's landscape report the power house, transmission line and access proposals will have very little impact on the natural character of this area over and above development that would be permitted as of right under the provisions of the Rural 2 zone (for instance if it were a shearing shed with power).

The applicant has proposed to mitigate the visual impacts of the proposed power house by limiting the buildings size to 100 m², its height to 4.5 metres, and finishing it in recessive colours.

Generally hydro schemes are tied to a river or lake resource and in that sense ~~are an~~ are appropriate use an appropriate use or development of lakes and rivers where that development does not throw other equally or more significant matters out of kilter. In my opinion while there will be some loss to the natural character of the area from the MHS that loss will be relatively small and the natural character of the area will remain even with the new structures and the changes in accessibility to the area. Under the Act it is possible to seek/provide mitigating compensation to help offset the loss of natural character and this could be achieved by a condition for preservation of bush on NZEL's land. Please note that the legal pathway for such a condition of consent is under the financial contributions provisions of the RMA s108 (2)(a) & (10) and chapter 16.5 of the TRMP. The TRMP provides through Rule 16.5.5.1(b) for a financial contribution of money or land or a combination of these to be made for the purpose of obtaining:

"...any defined positive effect on the environment, in order to offset any identified adverse effect attributable to the activity that is the subject of the consent."

2.6.2 Section 6(b)

Section 6(b) requires the protection of outstanding natural features and landscapes from inappropriate use and development.

To fall within Section 6(b) a natural feature or landscape must be both outstanding and natural.

In my opinion Lake Matiri is both an outstanding natural feature and an outstanding landscape. I understand that the applicant will work within the parameters of the Buller Water Conservation Order (refer MrMr Tyson's report).

From a district land use perspective the area at issue in terms of Section 6(b) is the land area within Segments A, B, C and D as described in MrMr Carter's landscape report. Within this area most of the vegetation is mature beech forest. The proposed development within the forest is either relatively low to the ground structures or up to 6 metre wide access tracks with the penstock located within them (Mr Carter landscape report p 13). I believe that in time the landscape will soon largely absorb this development. As a result I do not regard the development as contrary to Section

6(b) provided the mitigating compensation recommendation described under my comments on Section 6(a) above are met.

2.6.3 Section 6 (c)

Areas of significant indigenous vegetation and significant habitats of indigenous fauna are to be recognised and provision made for their protection under Section 6(c).

Mr Peter Williams a botanist from Landcare Research has undertaken a botanical assessment of the proposed Matiri Hydro Scheme. Peter-MrPeter Williams advises that the forest is typical red beech - silver beech and that approximately 0.5 hectares of forest would be affected by the proposed 6m wide access road for construction of the penstock pipeline and turning bays. He noted that "The temporary turning bays will be revegetated with local plant material and the adjacent forest canopy would be expected to fill the space above the pipeline and track in time, as evidenced in the forest above the old bulldozed track beyond the outlet." (P 9 clause 5.3 of Peter Williams's report).

PeterPeterMr Williams concludes that the hydro scheme will have negligible effects on the conservation values of the area.

Since PeterPeterMr Williams report was written the applicant has proposed repositioning the penstock pipeline below the sweeping bend out of the Matiri River bed and onto land where a further 0.65 hectares would be affected (refer clause 6.3 of the July 2007 application).

Even with this additional area in my opinion the proposed hydro scheme is not contrary to Section 6(c) of the Act and the vegetation impact would be offset through providing for protection of bush on NZEL's land title as mitigating compensation.

2.6.4 Section 6(d)

Section 6 (d) requires recognition of public access to and along the coastal marine area, lakes and rivers and provision for the maintenance and enhancement of access. While legal public access exists from the Matiri West Bank Road up into the Kahurangi National Park that is not practical access.

The present practical access from the end of the Council's formed Matiri West Bank Road to the west branch of the Matiri River is a 4WD track. This track is correctly described by the applicant as meandering on and off both New Zealand Energy Limited owned land and legal road reserve.

The applicant has volunteered to form and seal a 3 kilometre extension of the Matiri West Bank Road and to create a car park at the end of it near the west branch of the Matiri River. The applicant intends vesting this road extension and car park in the Tasman District Council.

A temporary Baigent bridge is proposed across the west branch of the Matiri River. This bridge is to be available for the hydro scheme construction traffic only. When the hydro scheme is built the bridge will be removed.

Beyond the west branch of the Matiri River up to the Kahurangi National Park public access is by a walking track that again meanders on and off the marginal strip.

The strip of land adjoining both the West and North Branch of the Matiri River is Crown Land Reserved from Sale. This area was set aside pursuant to Section 58 of the Land Act 1948 (Now repealed and replaced with the setting aside of marginal strips under Part 4A (section 24) of the Conservation Act 1987). Under Section 58 of the Land Act 1948 66 feet (20 metres) was required to be set aside when the Crown disposed of land adjoining rivers and the coast.

Since the land was set aside it has eroded away in places as the river has encroached into its banks. This erosion process can be expected to continue over time and while New Zealand Energy Limited has permitted public access over their land future different landowners might not. The application does not propose any easement where the practical public access presently exists or where it might have to move to in the future, on New Zealand Energy Limited land.

From the west branch of the Matiri River to approximately 100 metres north of the proposed power station building site a new maintenance road/track will be constructed for vehicles involved in ongoing maintenance of the MHS operation. The application does not propose any easement for public access on this new maintenance road/track.

Approximately 100 metres north of the proposed power station building site the walking track and new maintenance road/track converge into one vehicle-walking track/road. The penstock pipeline will be located within this track up to the sweeping bend. At the sweeping bend access is via a 3 metre wide roadway built on top of the covered/armoured penstock pipeline.

Taking the above into account and provided the present public walking track from the proposed legal road to Kahurangi National Park is secured by an easement and the new service road/track also has an easement providing for public access by foot and cycle then the public will have both practical and legal access. I refer to cycle access specifically because I consider it would show foresight if mountain bikes were allowed on the new maintenance road/track when it was not in use by maintenance vehicles. Having a destination such as Lake Matiri available for mountain biking would help diversify Murchison's growing adventure tourism opportunities.

Overall in my opinion with the provisos mentioned above the MHS application does recognise and provide for the relevant matters in Section 6(d) of the Act.

2.6.5 Section 6(e) and Section 6(g)

Section 6(e) requires recognition and provision for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. Section 6(g) recognises the need to provide for the protection of customary activities. The applicant has investigated these matters through the cultural impact assessment report submitted through Te Runanga o Ngati Waewae. The cultural impact report has identified water related matters including weir structures, natural character of the water outflow from Lake Matiri and low flows as key issues of concern. The report and information available to Council does not identify any settlement or information suggesting that the area was part of an important Maori

transport route that might require any special district land use conditions for any consent.

2.6.6 Section 6(f)

Section 6(f) requires recognition and provision for the protection of historic heritage from inappropriate use and development. Council has no record of any historic mining, structures or settlement that would be jeopardised by the Matiri Hydro Scheme.

2.7 Section 7: Matters to be had Particular Regard to

The matters that are to be had regard to in Section 7 of the Act are:

“(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) maintenance and enhancement of the quality of the environment:

(f) any finite characteristics of natural and physical resources:

(g) the protection of habitat of trout and salmon:

(h) the effects of climate change:

(g) the benefits to be derived from the use and development of renewable energy.

Of these Sections 7(a) kaitiakitanga and Section 7(aa) ethic of stewardship require an obligation of environmental care. NZEL has commissioned a cultural impact report from Te Runanga o Ngati Waewae in order to appreciate and address iwi concerns that could be affected by the MHS. I expect Te Runanga o Ngati Waewae will further elaborate on their perspective on these matters at the hearing.

Section 7 (b) the efficient use and development of natural and physical resources is difficult to assess and opinions in the community are quite divided when a development incorporates a mix of private freehold land and National Park land. The proposed development crosses the boundary between National Park and private freehold land resources. Because of its location and climatic constraints the potential for traditional Rural 2 productive land uses on the NZEL's property north of the west branch of the Matiri River are very limited. In this situation the utilisation of a small portion of this Rural 2 zoned property for hydro electricity generation is a very efficient use of that land resource.

However in relation to a National Park resource there is quite a different expectation about efficient use and development. The Conservation Department who are a party to the hearing will need to advise the Committee on whether the proposed development can be complementary to their management planning for the conservation estate.

The possibility of mitigating compensation through protection of native bush by protecting bush on NZEL's private property adjoining the Conservation estate would also be a factor to be taken into account. In my opinion ~~if~~ the proposed MHS, with bush protection ~~of hectares~~ and practical secure public access, when taken as a whole ~~would~~ on balance both ~~considered to~~ complement the conservation management plans and also amount to a then such multiple use package ~~that would~~ in my opinion meets the requirements of section 7(b).

Section (ba) the efficiency of the end use of electricity, (i) the effects of climate change and (j) the benefits to be derived from the use and development of renewable energy are all interrelated with the development of energy.

The MHS achieves these three matters. Having a local source of electricity generation provides the potential to increase the security of supply and reduce line losses in supplying electricity to the Murchison area. Hydro electricity is one type of renewable energy (even given the imbedded cost of steel and concrete required to achieve production) and does not have a potential negative climate change impact in the way that say coal generated energy may.

Section 7(c) the maintenance and enhancement of amenity values has been discussed before but under the Rural 2 zone of the District Plan a wide range of development is anticipated while in the Conservation zone the amenity of Lake Matiri area down to the west branch of the Matiri River is one of a remote rural area with limited accessibility, an absence of structures (buildings and transmission lines) and aesthetically quite striking with a narrow range of farming and recreational opportunities.

While during construction of the Matiri Hydro Project these amenity values will be temporarily compromised post construction the amenity of the area will not be greatly changed in the sense that the transmission line, tracks and building are all within the permitted baseline that sets the amenity of that zone. Some amenity elements such as public access should be improved and some matters such as the building height (which is voluntarily limited to 4.5 metres in height and finished in recessive colours) go beyond the amenity standards as set by the permitted building rules for the zone.

In relation to the Conservation zone the structures and tracks are relatively small scale and set within the bush where in the scale of the landscape I do not believe that they will present as a significant detractor from visual amenity of the area or Lake Matiri.

Overall in a planning sense the changes to the amenity values can be construed to meet the requirements of amenity maintenance and enhancement in Section 7(c).

Section 7(d) having regard to the intrinsic values of ecosystems requires consideration of the RMA definition of "intrinsic values" being:

"in relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including:

- a) their biological and genetic diversity; and*
- b) the essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience".*

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The impact of the development on the aquatic ecosystems is addressed in Mr Tyson's and Mr Pigott's reports.

The impact of the development on the indigenous forest has been investigated by Mr Peter Williams of Landcare Research and is covered in part 4.7.3 Section 6(c) of this report. Overall it is considered that the MHS will not have significant ecological effects arising from the loss of vegetation as the area affected is quite small and in the wider context of the forest ecosystem is still well represented in this area.

Section 7(g) requires decision makers to have regard to any finite characteristics of natural and physical resources. The proposal does involve winning some of the local gravel resource but in this location it is insignificant in terms of resource depletion. The MHS is not contrary to Section 7(g).

2.8 Section 8 Treaty of Waitangi

"In achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)"

The wording "shall take into account" requires decision makers to consider the principles of the Treaty with all other matters.

A Cultural Impact Assessment from Te Runanga o Ngati Waewae was lodged with the application and the Council's commissioners hearing the application will hear further matters of concern to iwi through their submission to the application. In this situation while a process of consultation has been undertaken it is clear some ongoing dialogue is also needed and the hearing will be part of that.

3. SECTION 5 PURPOSE OF SUSTAINABLE MANAGEMENT

The purpose of the Act is to promote the sustainable management of natural and physical resources. The underlying philosophy is "enabling" in nature, so that people should be able to meet their needs as long as they do not compromise the ability of others to meet their needs now and in the future. Appropriate protection is to be afforded to the environment from any potential adverse effects.

From a district land use perspective the proposed MHS has the potential to play an important role in the economy of the Tasman/Nelson/West Coast and Murchison areas. It is expected to be capable of generating enough electricity to meet the equivalent needs of an estimated 3000 households (refer New Zealand Energy Ltd's, Assessment of Environmental Effects part 2.3 p6). It has the potential to provide better physical access into the Murchison end of the Kahurangi National Park for traditional users and possibly new users. Improved access may also facilitate some aspects of adventure tourism such as mountain biking and if this was permitted then it would help continue the diversification of the economy of the Murchison area. Against these potential benefits the potential adverse effects on river based recreation need to be taken into account and these are discussed in Mr Tyson's report.

The impacts of the land based structures and signs fall mainly in the Rural 2 portion of the project (being segments E, F, & G in Mr Carter's landscape report). I consider those impacts will be no more than minor once construction activity has been completed. The structure, with the exception of the penstock pipeline where it runs within the bank of the Matiri River bank are well within the TRMP's permitted building bulk and location standards and they are proposed to be finished in recessive colours so that they do not dominate the landscape.

In the Conservation zone area and segment D (being segments A, B, C & D in Mr Carter's landscape report) some diminishing of the environmental value of the indigenous forest and the recreation experience, particularly for those seeking a wilderness experience, is likely. However again from a district land use perspective the structures are proposed to be finished in recessive colours and this will help to mitigate the potential adverse visual impact on an attractive indigenous forest environment.

Overall in relation to the district land use considerations in my opinion the proposed MHS is a sustainable development.

4. NATIONAL POLICY STATEMENTS

The Ministry for the Environment has produced two National Policy Statements the first being the NZ Coastal Policy Statement and the second the Electricity Transmission Policy Statement.

The proposed development is located well away from the Coast so the NZ Coastal Policy Statement is not relevant.

The National Policy Statement on Electricity Transmission was issued by notice in the NZ Gazette on 13 March and came into effect on 10 April 2008. This policy statement sets out the objective and policies to enable the management of the effects of the electricity transmission network under the Resource Management Act. The preamble to the policy statement indicates that the focus is on electricity transmission matters. The objective of the Policy Statement is:

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

- *managing the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network."*

This objective is followed through by several policies with Policy 1 highlighting the benefits of transmission:

"In achieving the purpose of the Act, decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The benefits relevant to any particular project or development of the electricity transmission network may include:

- i) *maintained or improved security of supply of electricity; or*

- ii) *efficient transfer of energy through a reduction of transmission losses; or*
- iii) *the facilitation of the use and development of new electricity generation, including renewable generation which assists in the management of the effects of climate change; or*
- iv) *enhanced supply of electricity through the removal of points of congestion.*

The above list of benefits is not intended to be exhaustive and a particular policy, plan, project or development may have or recognise other benefits.”

The MHS requires a relatively minor upgrade to the existing Matiri Valley transmission line. The up grade is likely to include a 4 km line extension, larger insulators, thicker conductors and slightly wider crossarms. The proposed transmission line upgrade and extension are in line with the above national policy framework. Also as mentioned earlier in Part 1 of this report the transmission line component of the MHS has a permitted activity status under the Network Utility rules of the TRMP

5. TASMAN REGIONAL POLICY STATEMENT (TRPS)

The TRPS became operative on 1 July 2001. The TRPS specifies the overriding policies of the Tasman District Council when preparing other resource management plans and when considering any application for any resource consent.

The TRPS seeks to achieve the sustainable management of the District's land and associated environmental resources.

A summary of the relevant and key objectives and policies in the TRPS applicable to this application is provided in Table 1 in the Introduction, Summary and Recommendation reports.

A copy of the above TRPS Objectives and Policies and explanation as provided in the TRPS is outlined in Appendix 1.

Because the TRMP was developed to be consistent with the TRPS, it is considered that an assessment under the TRMP will in a general way also be part of the assessment against the TRPS except for energy matters which are still being developed in the TRMP. However before turning to the energy chapter of the TRPS I will briefly comment on the main matters of the TRPS that relate to the district land use element of the MHS.

General objective 7 and policy 4.2 relates to Nagti Waewae and essentially seeks to recognise and protect the water values that are important to Maori In this instance that should be able to be achieved through water quality and quantity management conditions on the water consents.

Chapter 6 deals with Land Resources and has several themes that are relevant to the application:

- Firstly objective 6.1 and policy 6.1 and 6.2 insofar as they seek to direct non soil based productive activity away from the regions scarce potentially highly productive soils are meet. The land resource to which the MHS relates has little value for food production and only a very small area of land is required to be taken out of grazing for the MHS.
- Secondly objectives 6.2,6.5, and 6.6 and policies 6.1, 6.2, and 6.3 relate to protecting land of significant indigenous vegetation, riparian lands and land having public access, recreation and high visual amenity value. The land affected by the application for the MHS has all of these values. The applicant has addressed these values in the various reports that they have commissioned and from a district land use perspective the reports of Mr Carter, Landscape Architect, and Peter Williams, Botanist, have concluded that the project could proceed without greatly detracting from these values. The proposal can also enhance the existing public access into the Lake Matiri area although some submitters are concerned that this will detract from the isolation of the area and the Lake Matiri hut. That maybe the case but in terms of Council's policy framework the proposal overall has the potential to enhance public access and recreational opportunity.
- Thirdly objective 6.5 and policy 6.6 seek to avoid or reduce damage from migration of animal and weed pests. In relation to botanical matters Peter Williams commented: "In some circumstances a road such as this might be seen as creating a pathway for weeds, but in this case the lakeshore already has most of the weeds one might expect to find. The existing road to the lake facilitated the entry of weeds into the valley (refer part 5.3 of Peter Williams report). Peter Williams mentions that several willows (*Salix* sp.*) are established at the northern end and while they threaten lakeside communities they could be cut and poisoned. It would probably be more appropriate for pest management conditions affecting Department of Conservation managed land to be dealt with by the Department in its concession agreement in the event of it deciding to grant a concession to NZEL.

Chapter 12.3 deals with Transport infrastructure and seeks to safely and efficiently meet the transport services and systems needs of communities and the District's economy. The proposal to extend the Matiri West Bank Road is assessed by Council's Development Engineer Mr Ley. The road extension is located at the road end and is to include a public parking area and signage for public information. This will be of benefit to the general public.

Chapter 13 has resource management process objectives. The application has been processed as a notified application which in our opinion is appropriate rather than processing it as a private plan change. We consider Council has enough information available to it through the application and submissions to be in a position to make a sound resource management decision on the overall development.

Chapter 12.2 deals with Energy. The Councils energy objectives include maximising opportunities for the efficient up take of energy generation where adverse environmental effects can be avoided or mitigated. With appropriate mitigating conditions I believe that the MHS is in accordance with the TRPS's energy objectives and policies.

6. TASMAN RESOURCE MANAGEMENT PLAN (TRMP)

The Plan that is relevant in the assessment of this application is the TRMP.

Key **Objectives and Policies** relevant to an assessment of the MHS are outlined in Table 2 of the Introduction, Summary and Recommendation report.

6.1 Comment on Site Amenity Objectives and Policies

The MHS development proposal essentially utilises an unusual geographical situation where following an earthquake triggered landslide several hundred years ago a natural dam was formed. In most hydro electricity projects the building of a dam and consequential flooding of large areas of river valleys can have major adverse cross boundary impacts on the amenity and social structure of rural areas. Because the dam and lake were created naturally in an unsettled area the MHS does not generate traditional major cross boundary impacts that conflict with the above objective and policies. All potential adverse cross boundary social effects are largely mitigated by the development's location being well set back from adjoining dwellings. Adjoining extensive pastoral farming operations are not likely to be jeopardised by the construction phase or ongoing operation of the development.

The proposal is unlikely to generate any of the cross boundary matters identified in Policy 5.1.3.9 such as dust, noise and electrical interference etc that might create a cross boundary nuisance in more densely settled rural areas. While the development should not detract from the "openness" of the general rural area in which it is located the affects on site amenity in respect of recreation use are more problematical.

Beyond the site boundaries the recreational effects should be no more than minor but within the application area disruption will undoubtedly occur during the construction phase of the development. This disruption should be temporary and once that phase is completed improved access may create new recreational opportunities and encourage more people to partake of the recreational opportunities of the area.

Signs can have adverse amenity effects but the proposed signs fall within the scope of policies 5.2.3.10 and 5.2.3.11. The proposed signs are to be finished in the colours used in National Park signs and these colours are appropriate in this environment.

6.2 Comment on Rural Environment Effects Objectives and Policies

The Tasman Districts land resource is largely rural and its productive use and tourism directly and indirectly underpin the social, economic and cultural well being of the small communities and residents of the district. Industrial activities are not encouraged to locate in the rural areas except where by their nature they need to locate close to a rural resource on which they are dependent. Some industries are resource tied to rural resources and this is recognised in objectives 7.2.2 and 7.4.2 and policies 7.2.3.1, 7.2.3.2 and 7.4.3.1. These objectives and policies do not provide "carte blanche" for resource tied industrial development to occur at random anywhere in the rural areas as their impact on rural character and amenity values needs to be recognised and mitigated.

The generation of hydro electricity is an industrial/rural industrial activity which is usually tied to rural land and water resources. The proposed MHS will not result in the loss of potentially highly productive land as it is located on marginal pastoral farming land. The amenity effects of the proposed generation related buildings and structures are mitigated by their relatively low height, finished colour and location where they are not likely to dominate the visual amenity of the rural area in which they are located.

6.3 Comment on Margins of Rivers and Lakes

Protection of the natural character of lakes, rivers and wetlands and their margins from inappropriate use and development and maintenance of public access to and along these waters are matters of national importance. In this regard the TRMP recognises the Acts requirements and seeks to ensure that the district land use policy framework is in accordance with the national requirements. The TRMP seeks to ensure effective riparian management results for habitats, recreation and amenity purposes.

In the Tasman District maintaining and enhancing public access to and alongside lakes and rivers is particularly emphasised (refer objectives 8.1.2 and policies 8.1.3.1, 8.1.3.2, 8.1.3.3, 8.1.3.5 & 8.1.3.7).

The penstock structure, tail race and control building are within the river margin and at sweeping bend the penstock is within the river bank. These structures are proposed to be constructed in a way that will serve both hydro electricity generation and also to facilitate public access. At some locations the penstock will provide for public access over the top of the penstock pipeline and elsewhere along side it. River erosion protection works will be required and the applicant's proposal is to use local rock recovered during the land disturbance operation. Use of a local rock finish in river erosion protection works should as far as is practical help meet the intention of policy 8.2.3.20. The finished colours of the control hut, penstock pipeline and generation station building are to be recessive and this should help mitigate the impact of these structures on the visual amenity of the riparian margin areas of the lake and river.

6.4 Comment on Landscape Policies

The Murchison area has a distinctive character which owes much to the landscape pattern and outstanding natural earthquake features. Rugged hills with prominent rocky outcrops are mixed in with forested hills and productive farmland and wild and scenic rivers. The TRMP identifies the key issue in relation to landscape as the retention of the outstanding landscapes and features of the District from the adverse effects of inappropriate use and development and the management of other land, especially in the rural area to mitigate adverse visual effects.

The upper Matiri Valley is a large scale landscape that is not clearly visible from main highways or settlement areas. It is relatively isolated and as one comes up the valley it appears as a natural pastoral and bush clad rural landscape. As outlined earlier the MHS will have relatively low scale structures and buildings finished in recessive colours and once the initial land disturbance impacts have softened the general large scale rural landscape of the area should appear virtually unchanged from its present state.

Within the general area of the MHS there are some quite spectacular landscape features that range in size from the huge areas of exposed rock faces uncovered by the earthquake that created Lake Matiri to the quite small scale tufa feature at [...](#) sweeping bend. The tufa feature is recognised as a feature to be left undisturbed in the application and the development should not detract from the views of the earthquake features.

Overall we consider that the development will not significantly alter the visual character of the large scale and immediate outstanding landscapes of the area and is not contrary to policy 9.1.3.4.

6.5 Comment on Significant Natural Values

The objectives and policies on Significant Natural Values and Cultural Heritage in Chapter 10 of the TRMP are addressed elsewhere. The Significant Natural Values component is being considered in Mr Tyson's and Mr Pigott's reports. The Cultural Heritage objective 10.2.2 relates to protection of archaeological sites and structures and as far as we are aware no historic building or archaeological site is jeopardised by the Matiri Hydro Scheme.

6.6 Comment on Land Transport Policies

It is considered that the roading works proposed as part of the MHS will meet the transport objectives and policies of the TRMP. The road up-grade and parking area proposed will benefit the general public once the construction phase of the development is completed. The proposed signage at the road head will not prejudice traffic safety (policy 11.1.3.11) and will be informative for the public. The development is estimated to generate very little traffic once it is operational and on site parking will not create cross boundary traffic conflicts (policy 11.1.3.7). Council's Development Engineers has reported separately on the traffic and roading aspects of the proposal and in that report there are no matters that indicate the proposal is out of kilter with Council's transport objectives and policies.

6.7 Summary of Objectives and Policies

Overall in terms of the objectives and policies of the Council's planning documents the MHS development does not compromise their main thrust and should not create adverse cross boundary impacts or detract from the productive working rural amenity and natural character of this part of the Murchison area of the Tasman District.

7. ACTUAL OR POTENTIAL EFFECTS ON THE ENVIRONMENT

In accordance with Section 104(1)(a) of the Resource Management Act, an assessment of environmental effects on the environment of allowing the development proposal is required. In this instance the relevant environmental effects are: construction effects; social effects; landscape effects; recreation and tourism effects; transport and roading; land productivity; and industrial activity effects.

7.1 Construction Effects

The TRMP provides for construction effects as a permitted activity for the duration of the project or for a period not exceeding 12 months whichever is the lesser (rule 16.8.2.1). The time needed for the construction phase of the Matiri Hydro scheme is not yet known as only if consent is granted will the detailed civil and mechanical engineering planning be undertaken which will then enable a practical construction timeframe to be developed. However regardless of the timeframe for the construction works the construction work will generate noise, air quality, earthworks, water effects and recreation disruption effects.

The applicant expects that the working hours during the construction period will be restricted from 6.00 am to 8.00 pm Monday to Saturday with any work outside these hours being publicly notified (refer NZEL AEE 2.11.1).

In relation to noise effects the noise standard for the Rural 2 zone is unlikely to be exceeded by either construction activity or the ongoing operation of the Hydro Scheme. This is because noise is measured at the nominal boundary of any dwellings. The nearest dwelling is the Turnbull dwelling which is well away from the main construction areas and power generation station. It would be appropriate to apply the Rural 2 noise standard to the Lake Matiri Hut for it has many of the characteristics of a dwelling. The applicant will ensure that the New Zealand standard for noise during construction (NZS 6803P:1999) will be complied with and that if this still results in genuine concerns from adjoining landowners or recreational users then solutions to such genuine noise problems would be sought (NZEL AEE clause 2.11.15)

In relation to dust in the Rural 2 zone activities should not emit offensive dust that is discernible in a Residential Zone. The nearest Residential zone is in Murchison and ~~and~~ so it is extremely unlikely that standard could be exceeded. Some dust will be generated by the construction works but given the remoteness of the work from dwellings and horticulture and Murchison's climate dust is unlikely to generate cross boundary land use conflict.

In relation to earthworks the earthworks and associated vegetation clearance that will occur during the construction phase that is addressed in Leif Pigots report.

In relation to water effects they are addressed in Mr Tyson's report.

The construction phase will result in disruption to public access and recreation which is explained in the application follows:

“ There will be periods during construction when public access will be restricted for safety reasons. These periods will be determined during the engineering design phase of the project and will be advised via public notice in local newspapers, local Department of Conservation offices and on site signage”

This impact on recreation is unable to be avoided but there are ways to create offsetting or compensatory benefits for recreation for this. The obvious one is to secure public access rights for walking and mountain biking along most of the length of the MHS ~~maintenance road~~ [maintenance road](#)/track.

7.2 Social Effects

The MHS will not displace any farming families and is unlikely to have any adverse social effects. During construction there may be some social impacts on Murchison arising from temporary accommodation for construction workers. In the past road construction crews have worked out of Murchison and I am not aware of that having generated adverse social impacts.

7.3 Landscape and Visual Amenity Effects

The landscape and visual amenity effects for the MHS are quite different from traditional hydro projects where the main impact arises from the creation of a new dam and lake on a river system. In the applicant's situation the visual amenity and landscape from Lake Matiri down to sweeping bend is very largely retained intact. With relatively minor mitigation the control hut structure, penstock pipe, and maintenance road/track be absorbed by the existing forest so that the landscape and visual amenity impact is minor.

Where the MHS comes into the open at sweeping bend down to the power house building it will have an adverse landscape impact. Mr Carter's landscape report, submitted with the application report, contains several recommendations for providing some degree of mitigation of the landscape effects on these segments of the landscape. Those mitigation measures should be implemented by the consent holder.

From the power house building down to the existing formed Matiri West Bank Road and Network Tasman transmission line the landscape will be detracted from by the power line and road extensions. I consider this detraction to be no more than minor as it is within the Rural 2 zone and is part and parcel for a working rural landscape.

7.4 Recreation and Tourism Effects

Recreation and tourism in the Murchison area is largely based on the scenic attractions of the area and adventure tourism through river kayaking, hunting and fishing, and tramping. The MHS development will lead to some loss of the natural character for those walking from the Matiri West ~~Bank Road~~[Bank Road](#) end into the Lake Matiri hut. However this loss is one of degree and not a total loss. It is also potentially offset by the opportunities that the development presents by facilitating secure practical access into and through the area. In addition if the maintenance road/track access can be available for mountain bikers (as is the case with the Dun Mountain track near Nelson) then that will help add to Murchison's adventure tourism and recreation attractions.

7.5 Traffic and Parking Effects

The MHS's transport and roading effects have been assessed by Council's Development Engineer, ~~Dugald Ley's~~[Dugald Ley](#) in his separate report. The extension of the Matiri West bank Road by approximately 3 kilometres will provide practical legal public access through to the west branch of the Matiri River and this is a positive benefit of the MHS. The applicants NZEL predict that once the construction phase of their project is completed that traffic will amount to approximately 14 vehicle movements per day (made up of: farmer 4vpd; NZE 0.2 vpd

and Kahurangi National Park visitors 10 vpd). This volume of traffic is unlikely to create negative impacts on the local or national road networks serving the general Murchison area.

The proposed road extension does not affect any known archaeological, historic or scientifically important sites or structures.

7.6 Land Productivity

The MHS is proposed on marginal farming land with little productive potential. The area lost to production through the MHS is very small and overall the actual and potential loss in land productivity is no more than minor. Most of the land in NZEL ownership that is located north of the west branch of the Matiri River is in indigenous forest cover and if protected would provide an appropriate buffer for the Kahurangi National Park. I note that one submitter has commented on the value of National Park buffer areas in some North America National Parks and it is a concept that could be applied in respect of the NZEL indigenous forest.

7.7 Industrial Activity Effects and Reverse Sensitivity

The electricity generation plant is within the proposed power station building which is located in the Rural 2 zone. Electricity generation and its associated power lines and communication equipment does not create dust, daylight, glare and visual issues from large industrial building, onsite waste, traffic, and other potential nuisance effects that are often part of industrial developments. The main potential adverse effects are noise and electromagnetic radiation.

We are confident that the MHS will meet the Rural 2 zone noise standard which is:

Noise

- (d) *Except in the Richmond West Development Area, noise generated by the activity, **C10 10/07 ???** when measured at or within the notional boundary of any dwelling in a Rural Zone (other than any dwelling on the site from which the noise is being generated), Rural Residential, Papakainga or Tourist Services zone, or at or within any site within a Residential Zone, does not exceed:*

	Day	Night
L_{10}	55 dBA	40 dBA
L_{max}	70 dBA	

Except that this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from:

- (i) *mobile horticultural and agricultural equipment;*
- (ii) *forest and tree harvesting activities;*
- (iii) *animals, except when associated with intensive livestock farming and animal boarding activities;*
- (iv) *bird scarers and hail cannons.*

N.B. Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays).

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Night = All other times, plus public holidays.

The measurement and assessment of noise at the notional boundary of a dwelling applies whether the measurement location is within Tasman District or in an adjacent district.

Noise must be measured and assessed in accordance with the provisions of NZS 6801:1991, Measurement of Sound and NZS 6802:1991, Assessment of Environmental Sound.

In addition it is noted that in addition the requirements of S16 RMA are also relevant. That states:

Every occupier of land shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.

Power stations and transmission lines are perceived by many in the community as being likely to cause health risks from exposure to the electric and magnetic fields(EMF) flowing from them. The International Commission on Non-Ionising Radiation Protection (ICNIRP) establishes guidelines to protect public and occupational health, which have been adopted by the Ministry of Health as suitable for application. The ICNIRP Guidelines are also cited in the National policy Statement on Electricity transmission. This guideline could be applied as a condition of any consent granted to NZEL.

The New Zealand Code of Practice for Electrical Safe Distances sets minimum safe electrical distance requirements for overhead electric lines and buildings, vehicles and trees etc and that code of practice would apply to the transmission line.

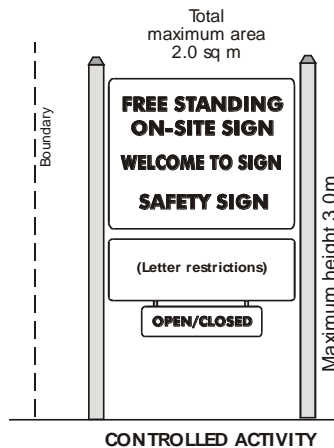
Given the guidelines and code of practice that applies to power stations and transmission lines throughout New Zealand and the particularly isolated and uninhabited nature of the area to which NZEL's application relates I consider that these electrical effects will be no more than minor.

7.8 Signage

NZEL seek consent for several signs which are described in clause 6.6 of their application. In summary they are:

- i) a free standing sign in accordance with the TRMP's controlled activity sign outlined in drawing Figure16.1C (below) is proposed in the new car park. This sign will provide information on access into the Kahurangi National Park and warn of the dangers associated with the MHS. It is to be finished in DOC approved colours;
- ii) A 1 m² wall sign ~~on Power~~ [Power](#) House describing the facility and providing warning of danger. It is to be finished in DOC approved colours;
- iii) Multiple red and white "Keep Out" signs on the security fence around the Power House;

- iv) A 1 m² free standing sign warning sign at the penstock intake. It is to be finished in DOC approved colours.



These signs do not meet the Rural 2 Zone sign requirements which only permit one 1 m² sign per property. The signs have a Restricted Discretionary Activity status pursuant to TRMP rule 16.1.5.4 (PTRMP rule 16.1.7) with Council limiting its discretion to three matters.

The first matter is the “*location and legibility in respect to traffic safety*”. The only sign ~~that could~~ that could affect this matter is the sign (i) which is proposed to be erected in the car ~~park at~~ park at the end of the extension to the Matiri West Bank Road. This sign will not jeopardise traffic safety.

The second matter is “*amenity effects on the surrounding area, including cumulative effects of signs*”. While the various signs at the power house will detract from the amenity of the area they are all essentially information and /or public safety signs that are in part at least intricately related to the provision of public access through NZEL’s private property. In my view they are unavoidable.

The third matter is “*the need for the sign to provide for ready identification of the activity...*” and in my view there is a public need for the signs as they have a public safety benefit and not a commercial purpose.

7.9 Summary of Actual and Potential Adverse Effects

In summary, the consequence of granting district land use consent to this application is no more than minor in terms of actual and potential adverse effects on the environment. Some mitigation measures are required and most of those measures and controls were within the application and supporting specialist reports submitted by NZEL.

8. CONCLUSION AND RECOMMENDATION

The MHS is based upon a landslide that occurred several hundred years ago and established a natural dam and Lake Matiri. The landslide and Lake Matiri is are an outstanding geographical feature set in a very attractive landscape with significant recreation value and potential.

The landslide also created approximately 95 metres of vertical fall from the outlet of Lake Matiri to just below the toe of the landslide. The vertical fall has good potential for generation of hydroelectric power. NZEL have developed a proposal to realise that hydroelectric power potential.

The district land use component of NZEL's applications is a relatively small part of the overall package of consents for the project. The district land use matters include the proposed buildings (a control hut, penstock pipeline and powerhouse), industrial/rural industrial (electricity generation), legal road extension and signage. The electricity transmission lines are a permitted activity and no consent is required for them. The district land use matters have a discretionary status under the TRMP and fall for consideration against Part II of the Act; National, Regional and District Policy Statements; and the actual and potential environmental effects generated by the proposal.

In relation to Part II of the Act an assessment of the MHS against the provisions of sections 6, 7 and 8 was made. Where the development is within the Landslide area (being segments A,B, and C of Mr Carter's landscape report) there will be some detraction from the natural character, and the recreational experience of the area. However this detraction can be mitigated to some degree by the design and finish of the MHS structures so that over time they recede into the bush landscape. The detraction can also be offset by mitigating compensation obtained by securing both practical public access through privately owned NZEL land to the conservation estate and by the protection of a bush buffer area on NZEL land (being segment D of Mr Carter's landscape report)) that contains the powerhouse development. The MHS helps contribute to the purpose of Section 7 (ba), (k), and (l) in so far as it is providing a renewable source of energy, does not have a negative impact on climate change and provides a potential reduction in the line loss of electricity in supplying electricity in the Murchison area. Taking all this into account I consider that the MHS supports the overarching purpose of sustainable management under the RMA.

The MHS was also assessed against the National, Regional and District Policy frameworks established by the National Policy Statement on electricity transmission, Tasman Regional Policy Statement and the TRMP objectives and Policies.

From this assessment I conclude that the MHS with compensatory mitigation in relation to public access and bush protection and also with low profile structures finished in recessive colours will not be contrary top the overall policy framework. The MHS should be able to achieve energy generation without jeopardising the community's objectives and policies for significant natural resources, important landscape, and the general rural amenity of the Murchison-Matiri part of the Tasman District.

The actual and potential environmental effects identified included construction effects; social effects; landscape effects; recreational and tourism effects; transport and roading; land productivity and industrial activity effects. While some of these effects require mitigating conditions many were found to be positive effects and the effects relating to structures were mitigated by volunteered conditions in relation to the scale and finish of the structures. Cross boundary and reverse sensitivity effects that traditionally effect land productivity will not eventuate because of the relative remoteness of the MHS in relation to traditional rural land use activities.

In summary, from a district land use perspective I am satisfied that the MHS is not contrary to Part II of the Act, is in accord with the relevant National, Regional and District policy framework and will have environmental effects that are not more than minor. However, I appreciate that consents other than District Land Use consents are an integral part of the Matiri Hydro Scheme and so if the Committee are of a mind to grant consent to the Matiri Hydro Scheme as a whole then I recommended that pursuant to 104B that District Land Use consent be granted subject to the conditions contained in Section 9 of this report.

9. CONDITIONS

I recommend the following conditions be imposed on the district land use consent:

Control Shed

~~1. The Control Shed building of approximately 4.32m² (1.8m x 2.4m) shall be finished in recessive colours~~

1. Colour

The exterior of the control shed building of approximately 4.32 m² (1.8 metres x 2.4 metres) and the powerhouse building and the penstock pipeline shall all be finished in colours that are recessive and which blend in with the immediate environment. The consent holder shall submit to the Council's Consent Manager/Planner, Richmond/Motueka/Takaka for approval prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the building:

- a) the material to be used (e.g. paint, colour steel);
- b) the name and manufacturer of the product or paint;
- c) the reflectance value of the colour;
- d) the proposed finish (e.g. matt, low-gloss, gloss); and
- e) Either the BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The building shall be finished in colours that have been approved by the Council.

Advice Note:

The consent holder should engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

2. Power House Building

2. The Power House building ~~shall be a maximum of maybe up to 100 m² in floor area and shall not exceed 4.5 metres in height and shall be finished in recessive colours.~~ The power house building and associated security fencing to

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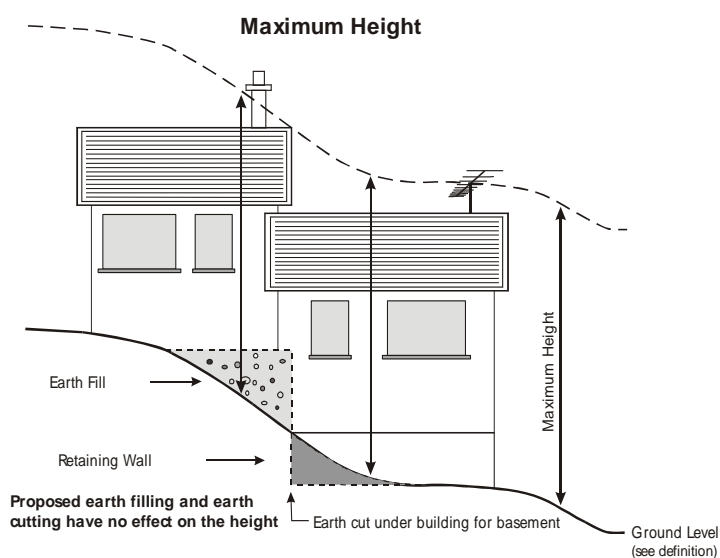
be located at or about M29 538474 as shown on Plan attached as to this recommendation (location to be confirmed by the Committee).

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The building height shall be measured in accordance with the following TRMP definition:

“Height – in relation to a building, means the vertical distance between ground level at any point and the highest part of the building immediately above that point. For the purpose of calculating height, account is taken of parapets, but not of:

- a) radio and television aerials, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5 metres;
- b) chimneys (not exceeding 1.1 metres in any direction); or finials, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 1.5 metres.



Penstock Pipeline

~~3. The penstock pipeline shall be finished in recessive colours.~~

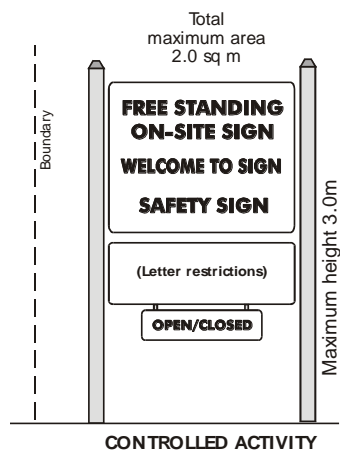
3. Signs

Permanent signs shall be erected in accordance with the documentation submitted with part 6.6 of the application.

Advice Note:

For clarification it is noted that the application proposed:

- a single free standing sign in accordance with figure 16.1C Controlled Activity sign at the proposed car park giving information on access and safety;
- a single 1 m² interpretative and warning sign attached to, and to blend in with, the power house building;
- Red and white warning signs (each being less than 1 m²) attached to the power house security fence;
- A single 1 m² free standing information and warning sign near the penstock intake.



4. Noise

Noise generated by the activity, when measured at or within the notional boundary of any dwelling in a Rural Zone (other than any dwelling on the site from which the noise is being generated), Rural Residential, Papakainga or Tourist Services zone, or at or within any site within a Residential Zone, shall not exceed:

	Day	Night
L ₁₀	55 dBA	40 dBA
L _{Max}	70 dBA	

Except that this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from:

- mobile horticultural and agricultural equipment;
- forest and tree harvesting activities;
- animals, except when associated with intensive livestock farming and animal boarding activities;

iv) bird scarers and hail cannons.

N.B. Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays).
Night = All other times, plus public holidays.

The measurement and assessment of noise at the notional boundary of a dwelling applies whether the measurement location is within Tasman District or in an adjacent district.

Noise must be measured and assessed in accordance with the provisions of NZS 6801:1991, Measurement of Sound and NZS 6802:1991, Assessment of Environmental Sound.

Power House and Transmission Line Electromagnetic Fields

~~6. The Power House shall be designed and constructed to limit the EMF exposure to the International Committee on Non-Ionising Radiation Protection Guidelines for limiting exposure to time varying magnetic fields (up to 300GHZ) (Health Physics, 1998 74(4): 494-552 ICNIRP Guidelines) public reference levels of 5kV/m for electric fields and 100NT for magnetic flux density at 1m above ground under maximum normal operating conditions (ie, when there are no faults in the transmission system).~~

~~In designing and constructing the line works the consent holder shall ensure compliance with regulations 58 to 60, 69 and 87 (as relevant) of the Appendix 3 – Evaluation of Draft Conditions Page 27 Electricity Regulations 1997 as in force as at the date of consent.~~

~~All works shall be designed to comply with NZS 6869:2004 Limits & Measurement Methods of Electromagnetic Noise from High Voltage a.c. Power Systems, 0.15 to 1000 MHz. **Power House and Transmission Line Electromagnetic Fields**~~

5a. The Power House shall be designed and constructed to meet the occupational guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) 1998 and recommended by the National Radiation Laboratory, a unit of the New Zealand Ministry of Health (refer www.nrl.moh.govt.nz. and also www.icnirp.org).

5b. All Power Lines shall be designed to comply with the International Committee on Non-Ionising Radiation Protection Guidelines for limiting exposure to time varying magnetic fields (up to 300GHZ) (Health Physics, 1998 74(4): 494-552 ICNIRP Guidelines) and recommendations from the World Health Organisation monograph Environment Health Criteria(NO 238, June 2007) or revisions thereof and any applicable New Zealand standards or national environmental standards.

Advice Note:

Condition 5b is essentially a requirement from Policy 9 of the National Policy Statement

Possible Compensatory Mitigation Condition

6. Bush Covenant

Prior to any building consent being issued for the Power House, a bush protection ~~covenant~~ covenant under Section 108 of the Resource Management Act 1991 shall be entered into and registered against the certificate of title NL9A/1079 for the land on which a Power House, Penstock Pipeline and Service access road and Transmission line is to be located. The covenant shall ~~must~~ state that:

- a) Area "A" on the attached aerial plan shall be subject to a bush protection covenant; and
- b) The bush protection covenant shall include clauses prohibiting:
 - i) the removal or damage of native trees, shrubs and other native plants; and
 - ii) the keeping of browsing animals (including goats, deer, cattle, horses, and sheep);
 - iii) the introductions of exotic plant or animal species.
- c) The bush protection area shall be managed as a buffer area that is complementary to the Kahurangi National Park

The covenant shall be entered into pursuant to Section 108(2)(d) of the Act and shall be registered against the title pursuant to Section 109 of the Act. All costs incurred in preparing and registering the covenant shall be paid for by the consent holder.

Possible Compensatory Mitigation Condition on Maintenance Access Roads

7. Public Access Covenant

Prior to any building consent being issued for the power house, a registered easement in gross in favour of the Crown shall be created over the proposed maintenance access road and the existing formed walking track on Sec 3 Blk V Matiri SD (NL9A/1079). The easements shall have a width of 6 metres and shall provide for unrestricted non-motorised public access (except that public access can be temporarily closed on the maintenance access road when the Matiri Hydro Scheme resource consent holder requires vehicular access for maintenance purposes and provided alternative walking access is available). The walking track easement shall maintain practical public walking access in the event of river movement.

8. Extension to Matiri West Bank Road and car park development

That the Matiri West Bank Road extension and car park for a minimum of 10 car parks be designed and constructed to comply with the following:

- a) sealed carriageway width 3.5 metre wide; shoulder 2 x 1.35 metre; grassed swales and batters x2 ; 2 coat chip seal (100 mm depth base course, 200 mm depth sub base dependent upon the underlying geography);

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- b) maximum grade 1:7;
- c) design speed 50 kilometres per hour;
- d) provision for stormwater control and dispersal;
- e) all cut and batter slopes to be stabilised with vegetation as soon as possible after completion of earthworks;
- f) That the extended road and car parking area for 10 carparks be surveyed by a Registered Surveyor and vested in Council as Road reserve area with the road reserve having a minimum width of 18 metres.
- g) The car park shall be formed to a firm all weather finish.

9. Engineering Plans and Reports

That prior to undertaking any of the works or installation of services required by Condition 6, i.e., road construction and car parking, engineering plans are to be submitted to Council for approval. All works to be undertaken in accordance with the approved plans.

The plans required by this condition are to include the following reports:

a) Site Works

A report on the provisions for management of construction and site works, including an environmental management plan to avoid or mitigate any adverse effects from stormwater and silt run-off, and the clearance and disposal of vegetation and other waste.

b) Stormwater

i) General

1. The design of all stormwater systems shall be generally in accordance with the Tasman Resource Management Plan and Engineering Standards and Policies 2008.
2. The developed discharge of stormwater from the site shall be restricted to that of its current undeveloped state.
3. All stormwater systems shall be designed to cater for a 2% (1 in 50 years) AEP storm event.

At completion of works the construction plans shall be updated and a complete set submitted in an "as-built" form for approval.

10. Maintenance Performance Bond

The applicant ~~shall~~^{is to} provide a performance bond of \$10,000.00 to cover maintenance of roads and services to vest in Council. The bond is to be paid when engineering plans are submitted for Council approval under Condition 9, and shall ~~be retained inure???~~ for a period from that date until the new road reserve has been vested in Council.

11. Engineering Works, Services, Supervision, Plans and Bonds

Unless otherwise approved within this consent, all works undertaken and services, plans and bonds shall be in accordance with the Tasman District Council Engineering Standards and Policies 2008 or to the Engineering Manager's satisfaction.

The applicant is to engage a suitably qualified consultant to observe and test the construction of the work and installation of services. A certificate of supervision for all works together with producer statements are to be submitted to Council by a chartered professional engineer before electricity generation from the MHS commences.

12. Financial Contribution

The Consent Holder shall, no later than the time of uplifting the building consent for the Power House, pay a financial contribution to the Council. The amount of the financial contribution shall be assessed as a percentage of the value of the building consent component in accordance with the following:

Financial Contribution – Building	
Component	Contribution
Building Consent (\$0 to \$50,000 value)	0%
Building Consent (\$50,001 to \$200,000 value)	0.5%
Building Consent (above \$200,001 value)	0.25%

Notes:

1. The financial contribution is GST inclusive.
2. The building consent value is GST exclusive.
3. The financial contribution is for reserves and community services where a development contribution has been required for infrastructure services under Council's Development Contributions Policy in its Long Term Council Community Plan prepared under the Local Government Act. Where this has not been required, the financial contribution is double the percentage contribution shown in the figure and is divided evenly between infrastructure services and reserves and community services.
4. The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings.

13. Review

That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within 15 years from the date of issue for any of the following purposes:

- a) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
- b) to deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
- c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.

ADVICE NOTES:

1. Council Regulations

The Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

2. Tasman Resource Management Plan

This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:

1. comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
2. be allowed by the Resource Management Act; or
3. be authorised by separate resource consent.

3. Consent Holder

This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

4. Interests Registered on Property Title

4. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

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5. Transmission Lines

Compliance will be required with New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001. Please see www.ess.govt.nz/rules/pdf/nzecp34_2001.pdf.

6. Development Contributions

The Consent Holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

Council will not issue a Code Compliance Certificate until all development contributions have been paid in accordance with Council’s Development Contributions Policy under the Local Government Act 2002.

7. Monitoring

Monitoring of this resource consent will be undertaken by the Council as provided for by section 35 of the Act and a one-off fee has already been charged for this monitoring. Should the monitoring costs exceed this fee, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visits.

8. Colour

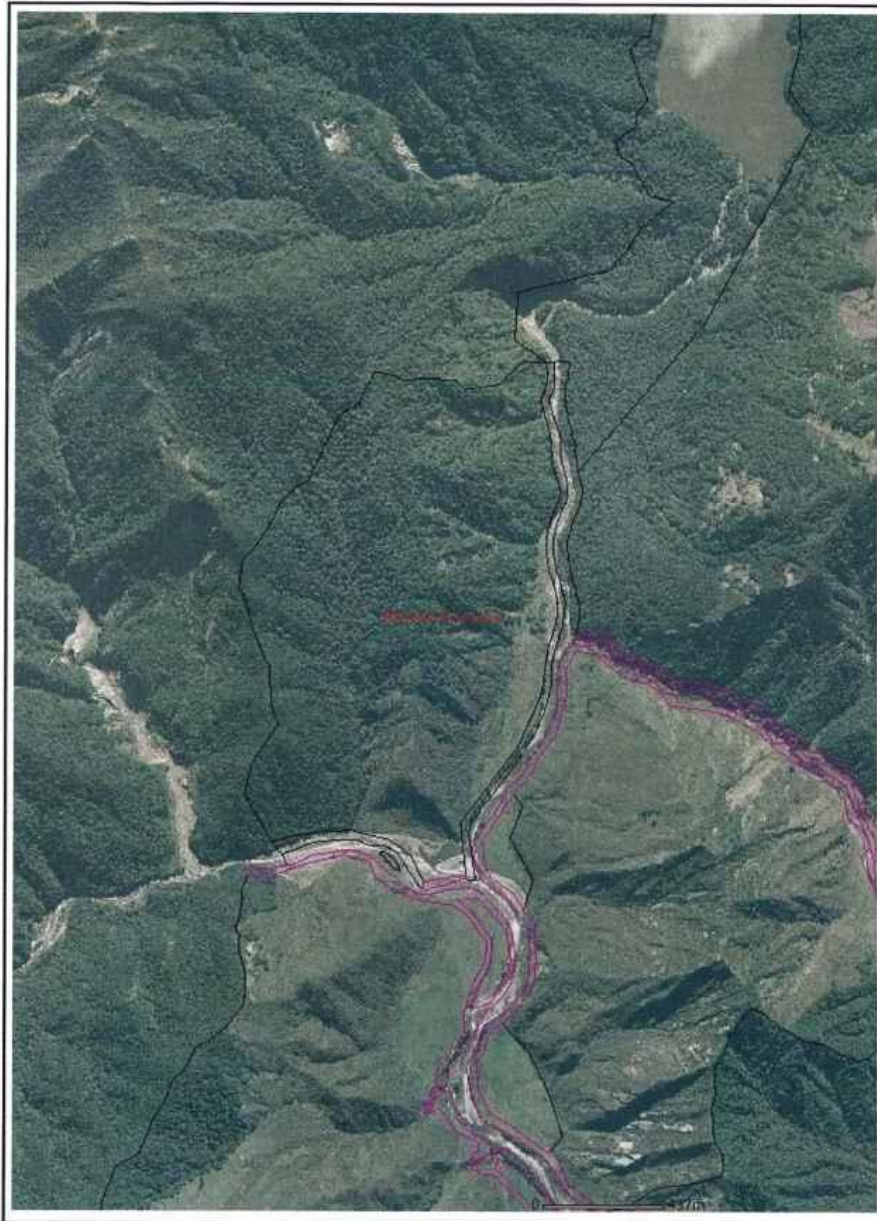
As a guide, the Council will generally approve colours that meet the following criteria:

Colour Group*	External Building Colour
Group A	A09 to A14 and reflectance value $\leq 25\%$
Group B	B23 to B29 and reflectance value $\leq 25\%$
Group C	C39 to C40, reflectance value $\leq 25\%$, and hue range 06-16
Group D	Excluded
Group E	Excluded
Finish	Matt or Low-gloss

Based on BS5252:1976 (British Standard Framework for Colour Co-ordination for Building Purposes). Where a BS5252 descriptor code is not available, the Council will compare the sample colour chip provided with known BS5252 colours to assess appropriateness.

Jack Andrew
Co-Ordinator Land Use Consents

PLAN A
Location Plan



ExploreTasmanMap

23/12/2008 **DISCLAIMER:**
This map is derived from ExploreTasman and has generally been compiled from data generated by and supplied to the TDC. It has no legal status and is known to be incomplete. To ascertain the exact location of any item, TDC advises that the customer arrange onsite verification. TDC will not be liable for any damages or loss whatsoever suffered from the use of this information.
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PLAN B
Segments taken from Mr T Carter's report





