

To : New Zealand Windfarms Ltd  
c/- Vicki Morrison-Shaw  
Atkins Holm Majurey  
PO Box 1585  
Auckland 1140

**Notice of intention to review of consent conditions pursuant to  
the Resource Management Act, section 128 (1) (c)**

**TAKE NOTICE** that pursuant to the Resource Management Act 1991, section 128 (1) (c) the Palmerston North City Council is reviewing the conditions of consent for the windfarm known as Te Rere Hau in Palmerston North.


The conditions are being reviewed with the purpose of better managing and monitoring Te Rere Hau's WTG noise emissions.

The reason for the review is that there were material inaccuracies in the statement of acoustic performance of the WTGs used for the Te Rere Hau windfarm in the Assessment of Environmental Effects and the acoustic effects are far greater on the surrounding residential area than was predicted so that s 128 (1)(c) applies as determined by the Environment Court in decision ENV-2010-WLG-000114.

The investigations, information and analysis that are relied upon by the Palmerston North City Council in conducting this review includes the documents set out in Table 1. There are many other documents relating to this matter, all of which have been disclosed to New Zealand Windfarms Ltd in proceedings before the Environment Court.

The Palmerston North City Council proposes modifications to the existing conditions of consent made by the Environment Consent order dated 30 May 2005 as set out in Schedule 1<sup>1</sup> attached to this notice.

Dated : 2 May 2017

  
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Paddy Clifford  
Chief Executive  
Palmerston North City Council

<sup>1</sup> Note that additions and changes have been identified with underlining.

## Advice to the Consent Holder

This is a review on the basis of material inaccuracies in the application that lead to the consent that you now have. This review will be publicly notified and served on affected parties and will be subject to a hearing by a panel appointed by the Palmerston North City Council.

This review is undertaken as part of the supervision and monitoring of your resource consents and is part of the statutory function of the Palmerston North City Council. The Palmerston North City Council is entitled to recover costs associated with these functions pursuant to the Resource Management Act, section 36. The estimated cost of conducting this review is the sum of \$100,000. This includes administration of the application for review, public notification presentation of evidence and reports and provision of specialist acoustic reports.

**Table 1**

The decisions of the Environment Court in ENV-2010-WLG-000114
All evidence exchanged in Environment Court proceeding number ENV-2010-WLG-000114 including the evidence of residents describing the effects of the operation of the windfarm in certain wind conditions.
The noise monitoring report pursuant to an agreed data specification prepared and published in February 2014 by Marshall Day Acoustics
The evidence of Nigel Lloyd and Gustaf Reutersward filed in Environment Court proceeding number ENV-2010-WLG-000114 in support of application for further declarations.
The report commissioned by PNCC from Resonate Acoustics dated 27 October 2016.

## Particulars

The major changes proposed by the Palmerston North City Council are:

**Amend** Condition 1 to clarify the general condition does not apply to noise emissions to WTGs and does not apply to noise emissions and effects identified in the Noise Impact Assessment report of Malcolm Hunt & Associates attached to the Assessment of Environmental Effects.

**Delete** Conditions 4, 5 and 6 and **Replace them** with a new suite of conditions numbered 4-21.

**Amend** the heading before Condition 30.

**Add** Condition 31.

**Add** Condition 45.

Consequential renumbering.

## **Appendices**

**Attached** to this notice are the following:

Appendix 1 = Existing consent with conditions

Appendix 2 = Environment Court decision [2012] NZEnvC 133

Appendix 3 = Environment Court decision [2015] NZEnvC 70

Appendix 4 = Court of Appeal Decision [2014] NZCA 601

Appendix 5 = Report by Resonate Acoustics, Melbourne dated 27 October 2016

Appendix 6 = Further report dated 15 March 2017