

BEFORE THE PALMERSTON NORTH CITY COUNCIL

IN THE MATTER of the Resource Management Act
1991 (the Act)

AND

IN THE MATTER of a review by **PALMERSTON
NORTH CITY COUNCIL** of the
conditions of consent for Te Rere
Hau Windfarms under s 128 of the
Act.

MEMORANDUM FROM PALMERSTON NORTH CITY COUNCIL TO THE HEARING PANEL

Dated: 18 August 2017

- [1] The Palmerston North City Council ("**the Council**") files, in electronic form, four folders:
- (a) Council Expert Reports (x 4 experts);
 - (b) Council Bundle (10 parts);
 - (c) Council Bundle of Authorities (3 cases); and
 - (d) Council Word version of further changes to consent conditions (changes are highlighted in yellow).
- [2] The Council Bundle contains the documents requested by the Panel and much more. The index in the Council Bundle folder is useful as it is hyperlinked and can open the source files in tabs using the right PDF reader, i.e. Adobe Reader.

[3] For the reasons explained in the expert reports, the Council Bundle is voluminous. Part of the reason is to ensure that the background material relied on by Tom Evans is available as well as ensuring the historical material is accessible if required by the Panel, NZWL or experts. It would be unduly onerous and perplexing for the Panel to pre-read all of this reference material and that is not necessary, and also not an efficient use, of the Panel's time. The Council proposes as guidance pre-reading in the Council Bundle as set out in the table below:

Bundle Part	Recommended Background reading
Part 1	Some already on the website and all of it is recommended reading.
Part 2	All of the submissions are essential reading.
Part 3	NZS6808:2010 and the MOU at Part 3_No. 3.22, Part 3_No. 3.29 (MDA 2014), and Part 3_No. 3.30 are essential reading.
Part 4	No recommended pre-reading except if the Panel is interested in the background to the evidence and information provided for the original consent.
Part 5	Reading a random selection of three or four affidavits is recommended. There is a high degree of commonality between all 20 affidavits.
Part 6	The maps are useful for orientation and are recommended reading.
Part 7	The affidavits of Nigel Lloyd and Mr Reutersward in the second declaratory proceeding are recommended reading.
Part 8	The relevant parts of the planning instruments are addressed in the expert evidence and this is reference material only.
Part 9	No recommended pre-reading at this stage.
Part 10	The relevant parts of the Turitea decisions and conditions are referenced in the reports and are the only parts that require pre-reading.

[4] The Panel should also read the *Pickering* decision in the Council's Authorities Bundle.

- [5] The process that NZWL and the Council followed, pursuant to a Memorandum of Understanding (as explained in the Maassen and Auckram reports), resulted in much consultation between the parties and their experts. Therefore, the two main issues are narrowed between the Council and NZWL experts and come down to two issues:
- (a) The wind speed threshold in Condition 4 (CB Part 1, No 1.1, p 004); and
 - (b) The procedure for assessment and attribution of penalties in Condition 8, and in particular conditions 8.4 and 8.5.
- [6] Mr Evans report has a section specifically addressing these differences at [34] – [51]. A short period of conferencing occurred on these issues and no consensus was reached before the Notice of Review was issued.
- [7] Experts will confer further after the exchange of evidence in accordance with the Minute of the Panel.

Date: 18 August 2017



John W Maassen
Counsel for Palmerston North City Council