

Before the Hearings Commissioners
at Palmerston North

in the matter of: Notices of Requirement by the New Zealand Transport Agency under section 168 of the RMA for the construction, operation, maintenance and improvement of approximately 11.5km of new State Highway between Ashhurst and Woodville to replace the closed section of State Highway 3 through the Manawatu Gorge and associated works, known as the Te Ahu a Turanga Manawatu Tararua Highway Project ('the Project')

to: **Palmerston North City Council**

Manawatu District Council

Tararua District Council

applicant: **New Zealand Transport Agency**

submitter: **Meridian Energy Limited**

Summary of Evidence by **Lindsay John Daysh** on behalf of

Meridian Energy Limited

Date: 28 March 2019

Summary

1. This summary should be heard in conjunction with that of Tony Keyte, Paul Botha and Chris Jones dated 15 March 2019 and is in support of Meridian Energy's submission.
2. My expertise and experience is outlined at paragraphs 1-9 within my Statement of Evidence dated 15 March 2019.
3. Since the drafting of my evidence I attended joint witness conferencing on planning matters on 21 March 2019. The outcome of that conferencing is recorded in the Joint Witness Statement.
4. At a strategic transportation level I accept the rationale for the notice of requirement. The clear community need for a highway replacement to the now closed SH3 through the Manawatū Gorge is well understood. I also acknowledge the efforts that the requiring authority has gone to in engaging with Meridian to date in order to work through the substantial issues that remain.
5. However, the designation bisects an operational windfarm which is generally accepted as being in an ideal location for wind power generation. There will be a loss of existing and potential renewable energy generation. In order to avoid the further loss of generation, to the extent that is reasonably practicable, it is imperative that ongoing co-operation between the requiring authority and Meridian continues.
6. There is a large amount of detail that has not been covered in the notice of requirement. This detail is being left to future processes, in particular, the securing of the necessary resource consents, the outline plan process, the compilation and then implementation of management plans and the ongoing and lengthy process of construction. This is in an area that is highly constrained by the existing wind farm.
7. The evidence of Mr Botha, Mr Keyte and Mr Jones have considered the implications of the existing context of the windfarm and have concluded that there remain adverse effects. In order to achieve an acceptable outcome for both the requiring authority and Meridian effective conditions guiding the future process are imperative.
8. There are four main areas of concern as to effects. The first is in relation to the potential for loss of generation capacity through design of cuts and fills that may adversely affect wind flows as described in Mr Botha's evidence. I note that the requiring authority has accepted that the windfarm site should not contain large vegetation as this also can affect wind generation capacity. This undertaking has also been reflected in conditions 13 and 14.

9. The second matter relates to the need for acknowledgement in ongoing processes of the ability for Meridian to shift turbine locations in accordance with the 100 metre flexibility permitted by the original resource consent for the Te Āpiti wind farm in 2003. A process is proposed where the built form of the highway alignment, including any cuts and fills, is within 160 metres of the turbine locations then detailed engineering design should consider the location of any replacement turbines in direct discussions with Meridian.
10. The third matter is the maintenance of effective and fit for purpose access to each turbine. The evidence of Mr Keyte details the practical issues there are with the bisection of the windfarm and the severing of some of the existing access provision.
11. The fourth matter is in relation to detail such as enabling works i.e. when they are done and how they are done, the protection of underground cables, the minimisation of dust and the general duty of care to manage construction effects.
12. I note the strength of the NPS Renewable Energy Generation that seeks to provide for new infrastructure, protect existing infrastructure, provide for maintenance and upgrading of existing sites. This is in the context of Part 2, particularly the targeted section 7 matters in s7(b) (efficient use and development of natural resources) where the wind farm is an ideal site for this activity. In addition, s7(i) (the effects of climate change) and in particular s7(j) (the benefits to be derived from the use and development of renewable energy) are also relevant.
13. I also have had regard to the One Plan and the Tararua District Plan noting that each recognises the benefits of renewable energy generation at a policy level.
14. Having considered the evidence from the requiring authority and the s42A report authors particularly in respect of conditions, I proposed some amendments in my evidence in chief. The most significant change proposed is the recasting of condition T1 to be a 'Wind Farm Management Plan'.
15. The objective is to contain in one condition a process whereby the key design, programming and effects management matters on the operation and potential upgrading of the wind farm can be avoided where possible, or effectively managed through a co-operative consultation and construction process.
16. Ms McLeod for the Transport Agency has redrafted the Meridian focused condition T1 and circulated this over the weekend. If a recommendation to approve the designation is made I propose some further amendments.

Conditions

17. Most of the changes proposed to T1 are to provide for clarity or are to strengthen the intent including reference to 160 metres as opposed to Ms McLeod's suggested 60 metres.
18. Additionally, I note that Mr Keyte considers that the enabling plan condition 5A is insufficient and that conditions should also provide for maintenance and over dimension and overweight vehicles access to be provided at all times during construction. I have amended condition T1 d) to make this clear as T1 c) relates to ongoing access arrangements.

T1.	<p><u>Te Āpiti Wind Farm</u></p> <p><u>Prior to any construction works, or enabling works, being undertaken within the portion of the Te Āpiti wind farm site indicated by property reference numbers 9, 10, 11, and 12 on Land Requirement Plan LR-11, the Requiring Authority must prepare a Wind Farm Management Plan ("WFMP") to manage and avoid, where practicable, the potential effects of the Project on wind farm operations and on future upgrading. The WFMP must form part of the CEMP required by Condition 10 and must, as a minimum;</u></p> <p>a) <u>be prepared in consultation with Meridian;</u></p> <p>b) <u>include full details of the consultation undertaken, including measures taken by the Requiring Authority to respond to Meridian's comments and the best endeavours undertaken by the Requiring Authority to address any feedback and requirements received from Meridian;</u></p> <p>c) <u>describe the details of the on-going access arrangements, including for over-dimensional loads, as required by Condition 5(e)(x) to accommodate Meridian's operation, maintenance and upgrade requirements;</u></p> <p>d) <u>describe the details of management of construction traffic within the wind farm including provision for access for turbine maintenance and for over dimension and overweight vehicles at all times;</u></p> <p>e) <u>described the measures to be undertaken for including the protection of underground infrastructure, as required by Condition 5(e)(ix);</u></p> <p>f) <u>include technical, engineering and geotechnical advice from a suitably qualified and experienced person, or person in relation to the impact of the Project on the safe and efficient operation of that turbine location where:</u></p> <p>i. <u>construction activities (other than for the relocation of underground infrastructure and wind farm accesses) that are within 60 160 metres of any practical turbine location permitted by the wind farm</u></p>
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	<p><u>resource consent (granted on 3 September 2003);</u> <u>and</u></p> <p>ii. <u>that turbine is not removed as part of the Project,</u></p> <p>g) <u>confirm compliance with NZECP 34:2001;</u></p> <p>h) <u>set out details of site management and security;</u></p> <p>i) <u>describe arrangements for site inductions and</u> <u>contractor training, including Meridian's involvement in</u> <u>that training; and</u></p> <p>j) <u>confirm measures to manage the effects of dust that</u> <u>may damage the turbines, the substation and associated</u> <u>transmission lines.</u></p>
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Dated: 28 March 2019

L J Daysh