

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**

Memorandum of Counsel

Date: 2 April 2019

Background

- 1 Meridian Energy Limited ("Meridian" (#363)): –
 - (a) made a submission on the Project dated 13 December 2018;
 - (b) filed statements of evidence all dated 15 March 2019 by:
 - (i) Paul Cedric Botha;
 - (ii) Tony Glenn Keyte;
 - (iii) Christopher Simon Jones; and
 - (iv) Lindsay John Daysh for and on behalf of Meridian; and
 - (c) filed opening legal submission dated 25 March 2019.

Hearing – 28th March

- 2 On 28 March 2019 Meridian attended the hearing and provided summary statements of evidence from:
 - (a) Mr Botha;
 - (b) Mr Keyte;
 - (c) Mr Jones; and
 - (d) Mr Daysh.
- 3 At the hearing Meridian was requested by the Hearings Panel to consider the Addendum to the Statement of Evidence of Andrew Mark Whaley made on behalf of the New Zealand Transport Agency dated 25 March 2019 ("Mr Whaley's Addendum") and to respond in writing where appropriate.

Response to questions

- 4 Accordingly, the following briefs of evidence made by Mr Botha and Mr Keyte, both dated 2 April 2019 and that accompany this

memorandum address the questions raised by the Hearing Panel to Mr Whaley's Addendum and forms part of Meridian's submission.

Dated: 2 April 2019



H J Tapper

Counsel for Meridian Energy Limited

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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**

Response to questions raised during delivery of evidence by **Paul Cedric Botha** on behalf of Meridian Energy Limited

Date: 2 April 2019

Introduction and experience

1. My full name is Paul Cedric Botha. I previously provided a statement of evidence dated 15 March 2019 and a summary of evidence dated 28 March 2019 in relation to the Project for and on behalf of Meridian Energy Limited (Meridian).
2. My qualifications and relevant professional experience are set out in my first statement of evidence.
3. During the presentation of my evidence to the Hearing Commissioners on Thursday 28 March 2019, Commissioner van Voorthuysen asked if I had seen the Addendum to the Statement of Evidence of Andrew Mark Whaley on behalf of the New Zealand Transport Agency dated 25 March 2019 (Mr Whaley's addendum) and where Mr Whaley addresses concerns raised by Meridian.
4. I had not seen Mr Whaley's addendum and Commissioner van Voorthuysen asked if I may provide a written statement as to whether it addressed concerns I had raised in my statement of evidence dated 15 March 2019. This same question was raised with another Meridian witness, Mr Tony Keyte, and he is responding on these matters separately.
5. I confirm again that I have read the Code of Conduct for Expert Witnesses Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014, and agree to comply with them in giving evidence in this proceeding. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.
6. I confirm that I have read Mr Tony Glenn Keyte's Response to questions raised during delivery of evidence dated 2 April 2019 and agree with his comments and response.

Mr Whaley's addendum

7. Mr Whaley's addendum in paragraphs 10 to 17 addresses issues raised by myself and Mr Tony Keyte with respect to Meridian's wind farm and covers four topics:
 - a) Meridian's request for a 160m contingency zone.
 - b) Accesses off the proposed highway into the wind farm.
 - c) The underpass to give everyday access to the wind farm south of the highway.

- d) Over dimensional access to turbines Tap23 and Tap02. This in turn addresses concerns I raised with respect to over-dimensional access to turbine Tap08 and Tap01.
8. I provide comment on bullet points a) and d) above and confirm that my statement of evidence dated 15 March 2019 remains unchanged.
9. My response is outlined below:

Turbine contingency zone of 160 m

10. Meridian has requested a 160 m turbine contingency zone. This is not an exclusion zone as Mr Whaley correctly points out. Meridian requests that any works within this 160 m contingency zone will require NZTA to consult with Meridian and provide sufficient engineering detail to show that the current turbine location and possible future turbine locations are not compromised by NZTA works.

Over-dimensional access to turbines Tap01, Tap02, Tap08 and Tap23.

11. In my evidence I state that Meridian has not been given plans or drawings, which can be reviewed, showing new over-dimensional access to the four turbines, Tap01, Tap02, Tap08 and Tap23.
12. My Whaley's addendum evidence clarifies that the three turbines south of the proposed highway, that I raised concerns over (Tap01, Tap02 and Tap08), will have a new over dimensional access track, adjacent to and on the south side of the proposed highway. This over dimensional track originates from the new access off the highway to turbine Tap27, past turbines Tap26, Tap24 and Tap22 and then on to turbines Tap08, Tap02 and Tap01.
13. While Mr Whaley confirms the route, NZTA have yet to provide detailed drawings showing both plan and elevation details, which Meridian can review. To date the details of this proposed route have only been shown in plan view without the necessary turning radii detail. No elevations have been provided. It is this information that is required to show that access to turbines Tap01, Tap02 and Tap08 is physically possible. Mr Whaley has not provided that detail so I have not re-assurance that access is possible.
14. Turbine Tap23 is on the northern side of the highway and its current over dimensional access route is cut by the proposed highway. While Mr Whaley again confirms NZTA's preference to provide access off the Saddle Road, those detailed drawings have not been provided.

Dated 02 April 2019

P C Botha

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**

Response to questions raised during delivery of evidence by **Tony Glenn Keyte** on behalf of

Meridian Energy Limited

Date: 02 April 2019

Introduction and experience

1. My full name is Tony Glenn Keyte. I previously provided a statement of evidence dated 15 March 2019 and a summary of evidence dated 28 March 2019 in relation to the Project for and on behalf of Meridian Energy Limited (Meridian).
2. My qualifications and relevant professional experience are set out in my first statement of evidence.
3. During the presentation of my evidence to the Hearing Commissioners on Thursday 28 March 2019, Commissioner van Voorthuysen asked if I had seen the Addendum to the Statement of Evidence of Andrew Mark Whaley on behalf of the New Zealand Transport Agency dated 25 March 2019 (Mr Whaley's addendum) and where Mr Whaley addresses concerns raised by Meridian.
4. I had not seen Mr Whaley's addendum and Commissioner van Voorthuysen asked if I may provide a written statement as to whether it addressed concerns I had raised in my statement of evidence dated 15 March 2019. This same question was raised with another Meridian witness, Mr Paul Botha, and he is responding on these matters separately.
5. I confirm again that I have read the Code of Conduct for Expert Witnesses Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014, and agree to comply with them in giving evidence in this proceeding. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.
6. I confirm that I have read Mr Paul Cedric Botha's Response to questions raised during delivery of evidence dated 2 April 2019 and agree with his comments and response.

Mr Whaley's addendum

7. Mr Whaley's addendum, in paragraphs 10 to 17 addresses issues raised by me and Mr Paul Botha with respect to Meridian's wind farm and covers four topics:
 - a) Meridians request for a 160m contingency zone.
 - b) Access off the proposed highway into the wind farm.
 - c) The underpass to give everyday access to the wind farm south of the highway.

- d) Over dimensional access to turbines TAP 23 and TAP 01 and TAP02.
8. I provide comment on bullet points b), c) and d) above and confirm that my statement of evidence dated 15 March 2019 remains unchanged.
9. My response is outlined below:

Access to the Wind Farm is currently from Saddle Road

10. Mr Whaley's addendum evidence correctly states that current access to the windfarm is via Saddle Road. However, he has misunderstood Meridian's operation and access to turbines including those on the north side of the proposed highway. My evidence discusses the need to provide access to TAP23. The current access to TAP23 is via Morgan Road past TAP50, TAP49 and so on. This road and windfarm access route will be severed by the proposed highway alignment in two places. Therefore statement 13 of Mr Whaley's addendum is incorrect.
11. I agree with Mr Whaley's addendum statement that the underpass can be used by maintenance vehicles and day to day operation to the southern turbines. However, over dimension access will need to be via the proposed highway.
12. Meridian supports the concept of providing access to TAP23 via Cook Road, however at this stage there is no evidence that it is possible to upgrade this route given a portion of the alignment is on public road (Cook Road) and widening may impact the transmission lines in the corridor. In addition, the road is a local authority asset and would require Palmerston North City's approval together with a portion of the alignment through private land outside of the designation (J & G Bolton). A condition in relation to this would be ultra vires unless agreements have been reached. Mr Whaley considers that this is a matter for future discussion. At this point, Meridian have no certainty in relation to over dimension access to TAP23 and therefore my evidence remains in relation to requiring access on the north side of the proposed highway to TAP23 Sta 8320m opposite TAP27. However, this condition could provide flexibility for Meridian and NZTA to explore alternatives if possible.
13. Mr Whaley has advised through his addendum evidence that NZTA are proposing an underpass size of 4.9m high x 6.0m wide internal dimensions. This is slightly smaller than the recommendation in my evidence. As stated in the hearing, Meridian would be accepting of NZTA's proposal.

14. Mr Whaley refers to my suggestion that there is a need for localised widening of the proposed highway and a central barrier gate at the over dimension access Sta 8320 near TAP27. He considers that widening is not considered necessary as the delivery of over dimension loads need to be undertaken under positive traffic management with arrangements considerably improved over the existing access off Saddle Road. The centre barrier gate is also not considered necessary given the low volumes/occasional usage and could encourage increased usage for routine operations.
15. Under Meridian's current consent, they have full flexibility for access from Saddle Road including both directions of travel and at the time of consent with significant lower traffic volumes. If it were not for the issues with the Manawatu Gorge, Meridian would not need to contend with State Highway traffic today. In that regard and further to my discussion in point 7 above, Meridian require full flexibility of access to both the northern and southern side of the proposed highway. It is understood that NZTA wish to install a central median barrier for the full length of the alignment between Ashurst an Woodville. It is unclear if over dimension vehicles can in fact navigate "u turn" manoeuvres at the roundabouts at each end of the project and therefore it is imperative that access through the median is provided. Barrier gates are difficult to operate –a such it would be unlikely that Meridian would use it for routine operations given the health and safety risks and the ease at which the underpass will provide routine access.
16. Widening of the proposed highway at the access points is considered essential also. Mr Whaley seems to have ignored NZTA's own Planning and Policy Manual that requires widening (refer section 52 of my evidence) of accesses onto State Highways. NZTA has in the past made it a condition of consent in relation to existing state highways for other windfarms e.g. Maungaharuru Windfarm SH5 (Hawkes Bay), citing safety and policy. The operational needs associated with the widening are critical to Meridian as transport operators usually stop on the roadside for the tight manoeuvre into the windfarm often checking loads before accessing unsealed roads. Depending on the trailer unit, operators require a remote operator to steer the rear of the trailer independent of the truck. Mr Whaley indicates that Meridian may require special arrangement for positive traffic management from NZTA for every over dimension vehicle if widening was not provided. Meridian also maintains the need to require like for like conditions in relation to access. This is contrary to the current operation and Meridian wish to continue to transport over dimension loads in a safe and efficient manner. This can be done with suitable widening and access design.

17. Mr Botha has concerns that there is insufficient detail to confirm if NZTA can access TAP08, TAP01 and TAP02 from the proposed extended parallel windfarm road south of the highway. In my view I believe that the engineering will be challenging and recognise that it is subject to detail design, however it does appear possible. The proposed condition relating to the "Windfarm Management Plan" that requires NZTA to demonstrate access suitability will address those concerns.

Dated: 02 April 2019

T G Keyte