

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 – Preliminary Conditions

Date: 16 May 2019

Background

- 1 By the Ninth Minute dated 8 May 2019 the Hearings Panel issued a set of preliminary consent conditions for the Project for restricted 'administrative' comments by 16 May 2019.
- 2 As a general observation Meridian Energy Limited (Meridian) supports the conditions as drafted with the minor comments below.

Condition 9 Outline plan(s) (construction works)

- 3 For completeness Meridian consider that condition 9(e) v) may be more certain if it was amended to read:

"That except where Meridian provides written consent, the Project must not result in the remove removal of more than two turbines from the Te Āpiti wind farm;..."

- 4 The rationale for the above amendment is to ensure all effects of the Project are captured and the removal of turbines is capped and limited to two. The concern is whether a turbine is 'removed' if it is needed to be decommissioned for indirect reasons, for example, due to no access by over-dimensional loads (i.e. therefore no ability to maintain). This is especially the situation where nine turbines are located within the proposed road corridor with another five in close proximity and 31 turbines will have their access roads impacted in some manner.¹
- 5 Meridian supports the wording to Condition 9(e) vi) and which provides certainty as to permanent access to the Te Āpiti wind farm.

Condition T1 Te Āpiti Wind Farm Management Plan

- 6 Condition T1 a) may be amended to include property reference number 8:

"Prior to any enabling or construction works, being undertaken within the portion of the Te Āpiti wind farm site indicated by property reference numbers 8, 9, 10, 11, and 12 on Land

¹ See paragraph 10, Opening Legal Submissions dated 25 March 2019 – Meridian Energy Limited

Requirement Plan LR-11 dated October 2018, the Requiring Authority must prepare a Wind Farm Management Plan."

- 7 Similarly, there appears to be an omission not including property reference 8 within the following conditions:

17 Landscape Management Plan v)

"Planting required by the Landscape Management Plan within a portion of the Te Āpiti wind farm indicated by property reference numbers 8, 9, 10, 11, and 12 on Land Requirement Plan LR-11 dated October 2018 must be:..."

...

18 Terrestrial Ecology d)

"Not be located within a portion of the Te Āpiti wind farm indicated by property reference numbers 8, 9, 10, 11, and 12 on Land Requirement Plan LR-11 dated October 2018 except where:..."

...

- 8 Property reference number 8 relates to a small parcel of land owned by Braemoar Farms Limited being 0.0911ha and which is included within the Te Āpiti wind farm. For clarity the inclusion of Property reference number was provided by NZTA T1 Draft Conditions at pages 40, 43 and 82, NZ Transport Agency Appendix A Conditions proposed by the Transport Agency 18-4-19.
- 9 Meridian otherwise supports the conditions as drafted.

Dated: 16 May 2019



H J Tapper

Counsel for Meridian Energy Limited

