

Board of Inquiry

Hauauru Ma Raki Wind Farm Proposal

In the matter of the Resource Management Act 1991

And

in the matter of resource consent applications by Contact Wind Ltd in respect of the Hauauru Ma Raki Wind Farm Proposal for the construction of the wind farm (LO8052 – Land Use Consent) and for all improvements to local roads (LO8056 Land Use Consent)

Submissions by Sunset Views Ltd and Rimanui Farms Ltd on Contact Wind Application for Resource Consents

Contents:

1. Introduction	3
2. Details of the Submitter	3
3. Background to the submission	3
4. The Project Background	4
5. Environmental Effects.....	4
6. Submission	6
7. Consent Applications that are the subject of this submission	7
8. Specific Concerns	7
8.1. Environmental and Landscape effects	7
8.2. Planning Issues	8
8.3. Roading issue	14
9. Summary.....	22
10. Remedies	24

The following appendices are attached to this submission:

- A. Plan of Existing Dwellings, Proposed Turbines and Cadastral Boundaries where relevant to the submission.
- B. Extract from Franklin District Council decision on Genesis Application for a Windfarm at Awhitu, Confirmed by the Environment Court on 21/12/2005.
- C. Information on Traffic Counts supplied by the Manuwatu District Council and comments extracted from evidence in chief prepared by Lister
- D. Legal Opinion on Bundling of Consents by J Milne
- E. Summary of Environment Court decision on the Motorimu Windfarm Proposal at the foothills of the Tararua Ranges
- F. Proposed New Zealand Coastal Policy Statement 2008 (full document)
- G. Extract from Part 15 of the Operative Franklin District Plan
- H. Extract from the initial Assessment of Environmental Effects supplied by the Applicant
- J. Extract from Part 53 of the Operative Franklin District Plan
- K. Extract from Plan Change 14 to the Operative Franklin District Plan
- L. Coastal Setback Diagram Extract from Part 23 of the Plan Change 14 to the Operative Franklin District Plan
- M. Tasman Coast Diagram and Definitions extracted from Plan Change 14 to the Operative District Plan (Consequential Amendments to Rule 50)
- N. (1) Extract from Applicant's evidence (Tatuk GIS Viewer) showing proposed Earthworks Area in relation to the Tasman Coast for the Group A Turbines

(2) Extract from Applicant's evidence (Tatuk GIS Viewer) showing Turbines A017-A019 with Contours overlain on Aerial Photograph

(3) Extract from Applicant's evidence (Tatuk GIS Viewer) showing Turbines A026 & A027 with Contours overlain on Aerial Photograph

1. Introduction

My name is William Francis Birch, I am a Registered Professional Surveyor, Member of the NZ Institute of Surveyors, and Managing Director of William Birch Consulting Ltd. My company provides consulting services to Birch Surveyors Limited. I have been involved in one capacity or other as a Minister of the Crown and as a surveyor, in the Resource Management Act and Land Use Planning in Franklin, Waikato and the surrounding Districts from the time I established my Survey Practice in Pukekohe in 1957.

a) I am familiar with the Operative District Plan of the Franklin District Council, Plan Change 14 to the Operative District Plan and the planning issues which are important in the consideration of this application.

b) I have been requested to represent the two submitter companies in respect of their submissions to the Board of Inquiry

2. Details of the Submitter

This submission is being made on behalf of Sunset Views Ltd (the Land owner) and Rimanui Farms Ltd (the farmer) of Port Waikato. These two companies have a significant common shareholding and have common concerns about the impacts of this application. Where the views of Sunset Views are expressed in this submission it can be assumed that Rimanui Farms Ltd. share the same views and thus the reason for the single submission on behalf of both companies.

3. Background to the submission

The submitters are substantial land owners and farmers whose farm of approximately 3,400 hectares (8,500 acres) is comprised in a multiplicity of titles and is located on the north side and directly adjacent to the proposed wind farm. The farm currently runs 16000 stock units and employs 5 full time workers including the farm manager Todd Linkhorn. Of the five houses on the properties four are occupied by the farm workers and their families. The fifth house is used by the owners of the property during their regular visits to the farm.

Sunset Views Ltd initially agreed to Wind Farm Group Ltd. undertaking an investigation on the property to assess the viability of the land as a wind farm site and was subsequently approached by Wind Farm Group Ltd to agree to prominent ridges on the farm being leased and occupied for the purposes of building wind turbines as part of the wind farm project. Approximately 68 wind turbines and substantial access roading would have been involved in the proposed lease of the property.

35 The submitters after careful consideration declined to be involved because once the full
implications of the project became clear the company was concerned about the huge
adverse and invasive impact the proposal would have on their farming operations, the
character of the district and on the environment of their workers. I intend to call on Howard
Spencer who is a shareholder in both of the companies to provide further information on
the company's concern about the impact of these two applications on the company's
properties. I also intend to call on Lester Wright who is the manager of Rimanui Farms Ltd
40 to provide further information about the implication of the applications on the farm's
operations.

4. The Project Background

45 The submitters have considered the applications for a Resource Consent and have read the
Evidence in Chief supplied by the Applicant in so far as it is relevant to the concerns of my
client. We have studied the various technical and supplementary reports; we have also
been supplied with the Section 92 requests by Franklin District Council, Waikato District
Council and Environment Waikato together with the responses by the applicant to those
requests. The submitters are also aware of and understand the national importance of
energy supply and the associated economic and employment benefits that are being
50 promoted for this project. Notwithstanding the foregoing, Sunset Views Ltd. and Rimanui
Farms Ltd believe that there are a number of aspects of the project that have not been
given adequate consideration including the direct impact on its property and farm and the
families of the people that they employ.

55 In essence the overall project proposes up to 180 Wind Turbine Generators to be erected
over 34 kilometers of Coastline that contains outstanding landscape values between Port
Waikato and Raglan on the West Coast of New Zealand.

The Turbines are proposed to be constructed to a height of 150m above the ground and will
involve several million cubic metres of site and access works along with the transmission
lines and ancillary works.

60 5. Environmental Effects

The scale of the proposed development means that the visual impact on the submitters'
property will be significant. As far as we can determine this is the largest single wind farm
ever proposed for New Zealand with the largest wind turbines ever to be constructed for
wind farms in this country. The impact of this proposal is more than minor and is well
65 beyond that which was ever conceived in the context of the policies and objectives of the
District Plan. The sheer enormity of this proposal will directly reduce the amenity value of

70 the land and the owners' quiet enjoyment of the property. Within a farming environment it
 is inappropriate to consider only the visual effects from the dwellings and as farm
 ownership incorporates a much wider amenity value. The submitters originally declined to
 participate so as to preserve these values, but the location of a large number of turbines on
 the neighbouring properties and in close proximity to the boundaries of our clients'
 property renders this decision irrelevant. We table to assist the Board a Plan of Existing
 Dwellings, Proposed Turbines and Cadastral Boundaries – Appendix 'A' showing the
 75 cadastral boundaries of our clients' property together with the proposed location of the
 wind turbines in close proximity to the boundaries that we referred to in our original
 submission.

80 Our clients have considered the implications and effects of constructing the 15 turbines
 that form Group A and as a result of the further information supplied by the applicant as
 part of the evidence in chief we are now seeking the agreement of the Board amend our
 submission and to have all 15 turbines deleted from the application.

There are eight turbines in Group C within 1km of the submitter's boundaries as noted in
 the table below:

Turbine No.	Approximate horizontal distance in metres to turbines within 1 kilometre of the Boundary of Sunset Views Ltd. Property (measured from Centre of Turbine to the nearest boundary point using Tatuk GIS Viewer)
C004	46m
C005	47m
C006	237m
C007	591m
C009	57m
C010	513m
C011	797m
C012	670m

85 Now that the full implications of the size and effect of these turbines are understood as a
result of being able to position and assess the size and impact from the additional evidence
supplied by the applicant our clients also seek the agreement of the Board to having our
original submission amended by requesting that turbines C004 – C007, C009 – C012
90 deleted from the application. We note at this point that in total five of these turbines from
Groups A and C are proposed to be erected contrary to the height to boundary rules of the
Operative District Plan as will be explained later in this submission.

Not only is the location of the turbines relevant to existing house sites but will severely
limit future potential house sites that could easily be accommodated on a property of this
scale. We will refer later in this submission to the fact that under current and proposed
95 rules of the District Plan, our clients' property is eligible to create up to 20 environmental
lots based on the existence of approximately 200 hectares of qualifying bush, plus other
additional dwellings and lots as allowed on the property by the District Plan.

The visual impact of the project is also relevant when viewed from the coast. The coastal
view is one of outstanding natural character and should be preserved, particularly in close
100 proximity to the Port Waikato township. This area is used by the owners and their
employees for recreational purposes and will be disturbed by the presence of the wind
farm. Further evidence of these activities will be provided by Mr. Spencer and Mr. Wright.

The cumulative effects on the environment of a development of this scale are considerable.
The turbines will dominate the landscape from Port Waikato to Raglan. It is appropriate
105 that their presence be confined to a smaller area and that there be greater separation from
the Port Waikato village.

The submitters utilise the property for recreational as well as for farming purposes. The use
of the property for this type of activity is a result of the property's proximity to Auckland
and to Port Waikato and is reflected in the value of the land. It is our contention that this
110 usage and the quiet enjoyment of the land will be compromised by the presence of the
wind farm. Again further detailed evidence will be supplied by my clients.

6. Submission

Having declined to be involved in the wind farm project, the submitters now want to ensure
that these severe impacts of the project on its property and farm operations (if consent is
115 granted under the Resource Management Act) are mitigated as far as the company's
property and farm is concerned.

7. Consent Applications that are the subject of this submission

Whilst the submitters are concerned about the overall impact of the project on the rural character of the district and the community, the two Consent Applications that will have specific and direct effects on the companies' operations and which this submission will be confined to are:

- Land Use application LO8052 for all activities associated with the construction, operation and maintenance of a wind farm within the Franklin District in the area shown on Plan 1 in Part A, Schedule 2 of the Resource Consent Application Documents. This includes the erection and operation of wind turbine generators, site mobilization and establishment, earthworks and land disturbance, underground and over-ground 33Kv transmission works and site reinstatement and;
- Land Use Application L08056 for all improvements to local roads as shown on Plan 12 – 14 in Part A, Schedule 2 of the Resource Consent Applications.

8. Specific Concerns

8.1. Environmental and Landscape effects

In respect of L08052 and the wind farm generally, the specific concerns include:

- That the Group A turbines are directly in the face of three of the five houses on the Sunset Views Ltd property and will significantly change the farming character of this coastal landscape that the submitters are entitled to expect would be protected under the rural zoning of the Franklin District Operative Plan and Proposed Plan Change 14.
- The proposed turbines are described as having a maximum height of 150m and as such will dominate the skyline. One of the farm houses (described as Sunset worker 3 in Appendix G – Dwelling List of the Project Description) is situated only about 1 kilometer from the nearest of these turbines (A020). The earthworks necessary for the building and accessing the 15 turbines of Block A has an indicative starting date of January 2009 according to Appendix D (Construction Schedule) in the Project Description. Block A stage of the project is estimated to involve approximately 287650m³ of cut material with an additional 63345m³ of topsoil to be stripped. Of the cut material, 180640m³ will be used for fill and 113220m³ will be surplus and disposed of in designated fill areas. These quantities are large and indicate the extent to which the landscape will be modified to accommodate the turbines and access roads. A printout from the Tatuk GIS viewer supplied in the Evidence in Chief by the Applicant shows the proposed extents of the earthworks for Group A (Appendix N (1) to this submission). Our submission is that

150 the turbines described above should be deleted from the project to preserve the
landscape of the whole of the Sunset Views valley from the invasion of wind turbines
for the sake of protecting the environment of this length of coastline as well as to
mitigate the environmental effects on the property owned by Sunset Views Ltd. and the
farming operations of Rimanui Farms Ltd. We will be calling on John Van Der Leden,
155 Director of Data Interface Technologies Ltd of Auckland to present to the board an
Interactive 3D Model of the proposed wind farm demonstrating the visual impact that
this application will have on our clients' environment. We will also be calling on Sally
Peake who is a Landscape Architect and principal of Peake Design Ltd also of Auckland
to provide a brief overview of the Landscape Context and issues with an assessment of
160 anticipated landscape and visual effects.

- The submitters are also concerned about the environmental effects on future
development prospects of their farm property. Under both the Operative District Plan
and Plan Change 14 property owners who are prepared to permanently covenant
qualifying bush are permitted to create lifestyle or environmental lots. We are advised
165 that the area of qualifying bush on Sunset Farms is at least 200 hectares which would
permit up to 20 new lifestyle sites to be created spread over the whole property. One of
the more desirable locations for a few of these proposed life style sites are in the area
between the cattle yards and the Group 'A' turbines. With careful design and
landscaping a small number of these sites could be accommodated in this area without
170 adversely affecting the farm operations or the rural character of the area. The presence
of the turbines would have a severe adverse effect on the potential for this
development to proceed. The Group C turbines noted above pose similar issues to the
future of the property and it is submitted that these turbines also be removed.

8.2. Planning Issues

175 8.2.1 Bundling

Para.11 - Table 1 on page 5 of the Evidence in Chief by Mark Chrisp notes the RMA
status of the Activities associated with the Wind Farm Project will require some form
of approval under the RMA. In respect of the Franklin District Council Operative
District these applications include 5 that are Discretionary, 1 that is Restricted
180 Discretionary and 3 that are non-complying. Para.17 of this evidence notes that if
these consents are granted by the Board of Inquiry, Contact Wind Ltd will hold the
following consents from the Franklin District Council:

- A land use permit for all those activities associated with the proposed wind
farm within the Franklin District – Discretionary activity.

- 185
- A land use permit for the re-opening and operation of the Whitford Quarry – Non-Complying.
 - A land use permit for up to two batching plants – Non-Complying.
 - A land use permit for up to three viewing areas – Non-Complying.
 - A land use permit for improvements to local roads – Restricted Discretionary.

190 These activities are closely linked and directed to one dominant purpose use and
purpose. Mr. Chrisp argues that the applications should not be bundled and therefore
the application as a whole should not be considered as Non-Complying. We disagree
and submit the opinion of J. Milne Barrister dated 8 September 2008 for the
consideration of the Board as Appendix D. The only purpose of re-opening and
195 operating the quarry and for establishing the batching plants is for the purpose of
establishing the wind farm. Similarly the only purpose of building the three viewing
areas and associated parking is because of the wind farm. These three applications are
significant components of the wind farm application and should be considered in its
entirety. As Mr. Milne notes in his opinion and I quote “The rationale for the judicial
200 doctrine of bundling is that there is in reality a single proposal which it would be
artificial to split up into its component parts and which is to be assessed overall as the
most stringent activity status applying to any of the constituent parts.”

8.2.2 Resource Management Act Sec 104 1.a – Effects – Actual and potential

205 When considering an application for a Resource Consent and any submissions received
the consent authority must (subject to Part 2) have regard to-

(a) Any actual or potential effects on the environment of allowing the activity.

It will be clear from the evidence to be supplied by Mr. Van Der Leden and Sally Peake
that the effects of the wind farm and its associated activities will be more than minor.
The construction of wind power turbines with a total height of 150m close to many of
210 the boundaries of the property will have a major effect on the environment and the
amenity of the property. It is not only the dramatic visual impact of the turbines but
equally it is the impact of the presence of the turbines on the character of this valley.
The total height of these turbines including the 50m long blades when vertical is 150m
or the equivalent of a 50 storey building. It is easy to dismiss the adverse environmental
215 effects on communities because of the perceived need for wind power generation but it
is equally important to ensure that these turbines do not impose an “unreasonable

burden on the neighbours of the site” as noted by the Environment Court in its decision on the Motorimu wind farm in Manawatu. I attach a summary of that decision as Appendix E.

220 **8.2.3 RMA Sec 104 1 b (i) – (iii) – National Policy Statements, New Zealand Coastal Policy Statements, Plans and proposed plans.**

I propose to deal more fully with both the Operative District Plan and Plan Change 14 later in my submission.

225 In this category I attach the Proposed New Zealand Coastal Policy Statement 2008 as Appendix F. This is referred to in passing by Mr. Lister in his evidence.

The New Zealand Coastal Policy statement is referred to by Sally Peake in her evidence however I consider it important to draw the board’s attention to:

- 230 • Objective 3 - The natural character of the coastal environment is preserved, through the protection or restoration of natural landscapes, features, processes and indigenous biological diversity.

- 235 • Policy 1 - In promoting the sustainable management of the coastal environment, policy statements and plans shall recognize that the coastal environment includes, at least:
 - (f) landscapes and features that contribute to the natural character, visual qualities or amenity values of that environment

- 240 • Policy 19 - The amenity values of the coastal environment shall be maintained and enhanced, including by:
 - (c) recognizing that some areas derive their particular character and amenity value from a predominance of structures, modifications or activities and providing for their appropriate management.

- 245 • Policy 30 - Integrity and functioning To preserve the natural character of the coastal environment, it is a national priority to protect its integrity and functioning by maintaining:
 - (b) Natural landscape and landform

It is appreciated by the submitters that some compromises are necessary if wind turbines are to be established along this coast. However, it is equally important from the

250 local, regional and national point of view to recognize that this coastline includes
stunning coastal landscapes and has a unique rural character. As the Board will hear
from Landscape Architect Sally Peake and see from the presentation by John Van Der
Leden it is important to avoid compromising as much of the coastline as possible and we
submit after consideration of the adverse impact on the amenity and the environment
of the sunset valley that approval for Group 'A' of the Turbines be declined. This would
be consistent with the Coastal Policy Statement and the Proposed Coastal Policy
Statement by the New Zealand Government.

255 **8.2.4 RMA Sec 104 D Particular Restrictions for Non-Complying activities**

As noted above under the heading of 'Bundling', we believe that the Applicant has erred
in their assessment of the activity status of the application and we believe that it is more
appropriate to assess the entire application as 'Non Complying' which is consistent with
the opinion of Milne. Non Complying activities are required to be assessed against s104
260 D of the RMA. Under this section, one of two threshold tests must be met if for a
consent authority to grant a resource consent for a Non-Complying activity, being that
either—

- (a) the adverse effects of the activity on the environment will be minor; or
- (b) the application is for an activity that will not be contrary to the objectives and policies
265 of—
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a
relevant plan and a proposed plan in respect of the activity.

We have submitted earlier that the presence of the turbines will have an adverse effect on the
environment that will be more than minor and we now wish to turn to the policies and
270 objectives of the Franklin District Council Operative District Plan and Plan Change 14.

8.2.5 Operative District Plan

- **Part 15**

In addition to consideration under 104, 104B and 104D of the RMA, the
application will require consideration under Part 15.1.2.9 – Assessment criteria
275 for network and other utilities and other essential services which are
discretionary activities as well as part 53 of the Operative Franklin District Plan.
We note that Mr. Chrisp's evidence includes as **Exhibit MBC4** the objectives and
policies of the Franklin District Plan including Plan Change 14 but no attempt has

280 been made to measure the application's compliance with the Policies and Objectives of Part 15 against the assessment criteria in part 15.1.2.9 nor against part 53 of the Operative District Plan. No doubt he relies on the evidence of others to assess against the criteria of the plan and we refer below in our submission to the assessment criteria in part 15.1.2.9 and part 53.

- **Part 15.1.2.9**

285 Given that the Board has the same powers and duties as a local authority under the RMA when considering resource consent applications I would expect that the application and subsequent evidence by the applicant to specifically address the relevant assessment criteria in the Operative Franklin District Plan. I am attaching as Appendix 'G' Part 15.1.2.9 of the Operative Franklin District Plan against which the application is required to be assessed. We also attach as appendix 'H' Part 7 of the Assessment of Environmental Effects dealing with Landscape and Visual Effects of the application. In respect of our clients' property we do not believe that this assessment directly addresses the issues in Part 15.1.2.9 of the Plan particularly in regard to the bullet points underlined in Appendix 'H'. We acknowledge that Mr. Lister's evidence provides comprehensive assessments of landscape and visual effects of the wind farm generally and we rely on Sally Peakes evidence to deal with the areas where we believe his assessment does not directly address the bullet points in Part 15.1.2.9 in so far as the submitters are concerned.

- **Part 23.6.1**

300 However we also have concerns about compliance with Part 23.6.1 of the Operative Franklin District Plan. The land on which the wind farm is to be built is zoned Rural and General Performance Standards that are applied to buildings in the Rural zone require recognition of the height to boundary controls of Part 23.6.1. The height in relation to boundary requirement is based upon a height envelope of a height distance of 3 metres at the boundary plus the shortest horizontal distance (45degrees) from the boundary unless the written approval of the owners has been obtained. This in effect means that the turbines are required to be located at least 153 metres from the boundary to meet this performance standard assuming a flat plane from boundary to turbine. We referred to earlier in para. 5 that several of the proposed turbines are within 153 metres of the boundary. We now draw to the Board's attention that no specific request has been made for consent from our clients and that these turbines if

315 constructed in the locations proposed would be in breach of the performance standards of the District Plan. It would appear that an application for a Resource Consent under part 23.6.1 is required.

- **Part 53**

320 Part 53 Rule 53 of the Operative District Plan requires that “In addition to the provisions of Section 104 of the Act, all applications for a *Discretionary(RA)*, *Discretionary*, or *Non-complying activity* shall be assessed in terms of the following criteria. We attach as Appendix (J) Part 53 of the Operative District Plan that sets out the required criteria against which the policies and objectives are to be assessed by the applicant. As with Part 15.1.2.9 we believe that the application has not specifically assessed the application against this criteria.

325 Again we acknowledge that Mr Lister’s evidence provides a comprehensive assessment of landscape and visual effects of the wind farm generally and we rely on Sally Peakes evidence to deal with the areas where we believe his assessment does not directly address the bullet points in Part 53 in so far as the submitter are concerned. We do not accept that a submitter should have to look through the whole of the application to find answers to the questions raised in Rule 53 to enable submitters and consenting authorities to consider the effects of an activity directly against the specified criteria in the Operative District Plan as well as the specific provisions of the Resource Management Act. In deed we submit that the application and the evidence does not satisfactorily deal with the

330 first three bullet points in Rule 53 as far as our clients interests are concerned.

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- **Plan Change 14**

340 The decision Version of Proposed Plan Change 14 to the Operative Franklin District Plan (PC14) was agreed to by the Franklin District Council in July 2006 and is now the subject of appeals to the Environment Court. This plan change follows comprehensive community consultation by the Council and deals with issues affecting the Rural areas as well as rural villages and coastal villages. PC 14 does not propose to alter Part 15 of the Plan and it does confirm that all Discretionary (RA), Discretionary and Non-Complying activities shall be assessed against Rule 53 criteria. PC 14 is relevant to the application in that it adds a new part 5.16 on the Coastal Environment which we attach as Appendix K. This

345 describes the coast south of Port Waikato as “A rugged and irregular coast with a wide range of landforms” etc. More specifically it proposes more stringent controls for development by way of a “Coastal Protection Setback” and a newly

350 defined "Additional Natural Character Area ". These definitions are illustrated at
the commencement of Part 23 of PC 14 and are attached as Appendices L and M.
The full implications of these new definitions on Resource Consent applications
is further explained on pages 351 and 352 of PC 14 as shown on the attached
Appendix M. What is clear from PC 14 is that the Coastal Protection Setback and
Additional Natural character Area is defined as:

- 355 (i) Land within the Tasman Coast Management Area
encompassing the area between Mean High Water Springs and
60 metres landward from "the top edge of the coastal
escarpments or ridgelines".

360 The additional natural character area as shown in the diagrams is land situated
from 60m landward from the top edge of the coastal escarpments or ridgelines
to 150m landward.

365 That means that any development within 150m of the top of cliff or escarpment
on the Tasman Coast must be assessed within the more rigorous requirements of
Part 53 of the Operative District Plan. Structures falli within the Restricted
Discretionary activities and earthworks within Discretionary activities. We are
attaching appendices N1, N2 and N3 which shows the extent of the proposed
earthworks either within or adjacent to the Additional Character Area and that
at least 2 proposed turbines are located at the top of the ridgelines and thus
within the "Additional Natural Character Area". We are concerned that neither
370 the original application nor the subsequent evidence looked at these individual
sites in sufficient detail to provide a detailed assessment of environmental
effects or an assessment in respect of the requirements of Part 53 of the Plan.
This fact adds additional weight for the removal of Group A turbines from the
application.

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8.3. Roding issue

380 The broad concerns of the submitter in respect of roading are summarized in our
original submissions but we do wish to expand on those submissions. Both **application**
LO8052 for the construction of the Windfarm Turbines and **application LO8056** for the
Construction of Local Roads will be a major intrusion to this rural community and cause
major disruptions to Sunset View's farms in particular. We do not propose to call expert

385 evidence on the state of the Port Waikato – Waikaretu Road that runs for 6.2 kilometers through Sunset Views farm and dissects the farm as shown on Appendix A to this submission. We believe our concerns will be self evident to the Board at the time of its inspection of the site.

390 A further concern with these applications is the extent that it will disrupt the rural community and the farming and family activities associated with the farming operations of Sunset Views Ltd. carried out by Rimanui Farms Ltd. The adverse effects of the proposal generally on Sunset Views Ltd include:

- 395 • Severe traffic disruption during the construction period through the heavy construction traffic and the transporting by Road of the component parts of the turbines. This disruption includes the interference with school bus timetables as the four families on the property have children attending the Onewhero District School involving some 60 kilometers of return travel.
- It is proposed to cart large volumes of sand from the north bank of the Waikato River at the elbow for the use in construction of the platforms. The direct access to the batching plants will be via Port Waikato.
- 400 • The earthworks segment of Block A stage alone of the project is estimated to involve approximately 287650m³ of cut material with an additional 63345m³ of topsoil to be stripped. Of the cut material, 180640m³ will be used for fill and 113220m³ will be surplus and disposed of in designated fill areas. These quantities are large and indicate the extent to which the landscape will be modified to accommodate the turbines and access roads. It also indicates the extent to which heavy earthworks machinery will need to be transported up this section of road with the submitters' farms on either side of the road. Significant traffic will be generated through the servicing of this plan and by the coming and going of the operators.
- 405 • As the property is located on both sides of the Port Waikato – Waikaretu Road it is necessary to regularly move stock both across and along the road. More particularly the principal stock yards of the overall farm are located adjacent to the road just south of residence N049. The increase in traffic and the nature of the traffic will make this operation more difficult.
- 410 • The relatively close location to Auckland Region which contains approximately 1.3million and is the fastest growing region in New Zealand (*Source: ARC Website*). Visitors will generate tourist traffic both during and after construction that will
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445 stabilizing both the cut and fill batters that are subject to regular slips and causing traffic
blockages throughout the year even without the wind farm project. The level of
upgrading should be agreed prior to any approval of the wind farm applications.

- 450
- It is appreciated that a comprehensive set of conditions have been drafted and included
in the evidence of Mr Daysh as Exhibit SGD2 and these are now proposed for the Board
to consider in respect of the protection and maintenance of the Public Roads that will
be affected by this project .including the Port Waikato – Waikaretu Road. The problem
with those conditions is that they do not propose any improvements in the road
alignment nor do they recognize the precarious nature of roads such as that which
passes through the Sunset Views property. We submit that this road is particularly
vulnerable to damage by the inevitable heavy construction traffic, and the increase in
traffic which will arise out of increased visitor numbers. Although the proposed
455 conditions appear to be adequate in assessing pavement conditions and for ensuring
that any damaged road is repaired to its current condition, from the point of view of the
farm owners, managers and resident families simply to return the road to its current
condition after the wind farm has been built and the residents have been placed
virtually in the centre of a major construction site is an unacceptable intrusion into the
460 rural nature of their community.

- The appropriate time to improve the alignment of this winding road and to relieve the
pressure from frequent slips on both sides of the road is while reconstruction of the
pavement is undertaken. We note that in the case of the Awhitu Wind Farm application
by Genesis Power Ltd., the Franklin District Council imposed on the applicant a financial
465 condition that a sum of \$146,250 including GST be paid to the Council prior to the
commencement of construction activity on the site for the purpose of **upgrading**
Karioitahi Road. The consent including this condition was confirmed by the Environment
Court on 21 December 2005. A copy of that condition is tabled as Appendix B.

- Mr. Lister in his evidence in chief refers Sec 94 to the fact that the Wind farm is likely to
470 attract increased visitor numbers and in Appendix E in his evidence refers to the fact
that in the Manawatu where they “are promoted as tourist attraction”. An inquiry to
Wayne Keightley, Roading Engineer with Manawatu District Council revealed that there
has been a substantial increase in the daily traffic counts on Saddle Hill Road over the
past 5 years even taken into account that this route is used as an alternative when the
475 Manawatu George Road is closed. This information is tabled as Appendix C. No evidence
has been offered by the applicant to suggest that there will not be increased visitor
numbers wishing to visit the proposed wind farm out of curiosity. The Recreation and
Tourism impact report is more to do with the impact of the wind farm on existing
tourism and public recreation. Common sense suggests that the increased number of
480 visitors from the Auckland Region will be significant.

In Respect of **L08056 and in the construction of local roads** the specific concerns are the
following:

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- Further the Assessment notes that in Section 13.8 “Before preparing the designs for the works, the adjoining owners will be approached and, where the works extend beyond the road reserve boundary their approval will be obtained. This may require a topographical survey to confirm boundary locations. The works will similarly be discussed with Council at an early stage” In our view this is simply not good enough from the point of view of local owners such as the submitters. The submitters are entitled to know prior to the Resource Consent being heard exactly what upgrading of the local road is intended, and to what degree it will affect their land.

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 - The report also confirms that within the construction zone including the length of road between the quarry and the access point traffic will be controlled by the use of two way radio and escorted vehicles. It is uncertain to what extent this will impact on Sunset View farm operations.

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 - These above concerns were also picked up by the Franklin District Council and in a series of Sec 92 requests to the applicant, the Council required further information on these and a range of other matters.

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 - Our concern now is that in the response by the applicant to the Section 92 requests and after consultation with the officials from the Franklin District Council, the set of DRAFT CONDITIONS suggested in the Evidence in Chief by Mr Daysh proposes that the applicant be required to submit detailed design plans to the Franklin District Council “no later than 3 months prior to the commencement of any earthworks on a wind farm cluster area or Local Road.” Written approval would then be required from the Council before any work was commenced. The problem with this proposed condition which we understand was proposed by the Council is that it provides no indication of the extent of the upgrade of the local road or the extent of the detailed earthworks on the wind farm clusters prior to the application for the Resource Consent being considered by the Board. In other words the concerned submitter is taken out of the loop and the upgrading issue is a matter for the Council even though as noted in appendix 9 of the Application by Dawn Ingles of the FDC that “The actual road is not always in the legal boundary, particularly south of Port Waikato”. The least a submitter whose property may be involved could expect is that preliminary design work be undertaken so that there would be a realistic appreciation to what extent the geometry and the pavements of the local roads are to be upgraded and the realistic extent of the windfarm cluster earthworks prior to the application being considered. It is noted that in appendix 8 to the Sec 92 response, the consultants have provided an example of improvements to curve 32 on Waikaretu Road. Similar work
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should at least be undertaken by consultants prior to the application being decided by the Board. Such an approach would at least allow the consultation to take place prior to any Consent being granted and before removing the ability of a property owner to insist on being consulted.

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- If the Board of Inquiry accepts the DRAFT CONDITIONS proposed by Mr Daysh, then at the very least the applicant should be required to upgrade the alignment of this length of public road as well as reducing the susceptibility to regular slips by stabilizing the steep batters on either side of the road.

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- The individual concerns of the families living on the Sunset Views Ltd. property have been taken into account in these submissions and these concerns include the following:

I. The road south of Port Waikato is so winding, narrow and subject to slips that it does not seem practical for the road in its present state to carry the proposed construction traffic without being upgraded.

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II. The narrow nature of the road means that excessive road closures will be required during construction with implications for the school traffic and the operation of the farm.

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III. The narrow formation means that it is not possible for trucks to negotiate without crossing the centre-line and creating hazards for other users. Children travel to and from school on this road twice daily.

IV. When Contact Wind undertook a test run with an oversized vehicle necessary for the transportation of materials, it had great difficulty negotiating this length of road.

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V. This road carries power and telephone services which will be jeopardized with heavy traffic or consequential road construction and there is very poor cell phone service locally.

VI. The only alternative access for families will be Baker Road which is not a practical alternative.

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- The following selection of recent photos of the Port Waikato – Waikaretu Road through the Sunset Views property help to indicate the above points:

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Figure 1: Pavement damage and dangerous shoulder of road



Figure 2: 5.5m seal but no shoulder to road

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Figure 3: Slip Area on both sides

625 The concerns of the submitters would be mitigated by removing the turbines from the
project as suggested and requiring a preliminary engineering design of the upgrade of
that part of the Port Waikato- Waikaretu Road up to the northernmost public viewing
site prior to this application being decided by the Board of Inquiry. Agreement could
630 then be reached between the Franklin District Council and the submitters as to the
extent of upgrade that could be required of this length of road as a condition to the
Resource Consent for the remainder of the wind farm.

9. Summary

635 Our submissions supplemented by the submissions of Mr. Spencer and Mr. Wright and the
expert evidence of John Van Der Leden and Sally Peake, seek to establish for the
consideration of the Board of Inquiry several areas of concern on behalf of the submitters,
Sunset views Ltd and Rimanui Farms Ltd.

- 640 1. That the submitters are not opposed to the principle of wind farms but declined to
be a participant in this proposal because of the perceived adverse effects of this
particular proposal on their property and the wider rural community in the valley
that their farm occupies.
2. Although the submitters were approached and engaged in discussions about the
wind farm project they were not consulted about the exact positions of the turbines
nor the details of the application.
- 645 3. Our original submissions which requested that 8 turbines in Group 'A' be deleted
from the application on the project were made without the benefit of the technical
evidence and detail that was later supplied. On the basis of a fuller appraisal of the
adverse effects on the farm environment and on the amenity of the valley generally
we now request that our original submission be expanded to request that all of the
650 turbines in Group 'A' and all the turbines in Group 'C' within 1 km of the sunset
boundaries be deleted.
4. The major concerns of the submitters are the visual and landscape effects of the
turbines and it is appreciated that an offer has been made to mitigate these effects
by planting around the three most affected dwellings but this would not remove the
655 main objection which is the presence of the turbines and their adverse impact on
the amenity of this valley.
5. Evidence will be produced by John Van Den Leden and Sally Peake as to the adverse
landscape and visual effects of these 150m high structures.

- 660 6. We draw the Board's attention to the decision of the Environment Court in the case of Motorimu Wind Farm Ltd of 26 September 2008 in which the Court found that there would be **significant adverse effects on amenity** and that some identified **turbines would be intrusive to an unacceptable degree**. The Court also found that the additional turbines imposed **an unreasonable burden on the neighbours of the site**. We submit that similar outcomes would be inevitable in this application.
- 665 7. A further concern was the locating of the turbines very close to the boundaries of the submitters' property. There was no reference in the application or the assessment of environmental effects that many of these turbines breached the height to boundary relationship in the District Plan or would have severe implications for the future development of the submitters' property.
- 670 8. We have drawn attention in this submission to the lack of detailed planning assessment against Part 15 and 53 of the Operative Franklin District Plan and against the provisions of Plan Change 14. Of particular concern is that proposed Group A turbines and associated significant earthworks is to take place along the coastal ridgelines without any detailed assessments against Part 53 of the Plan.
- 675 9. We have drawn attention in our submissions to the scale of the project and that virtually the whole of the attractive landscape along the coastline from Sunset Farms to Raglan will be compromised by the 150m structures. Sally Peake correctly makes a strong case for the Sunset Valley to be an exception to this invasion.
- 680 10. A further issue for the submitters is the inadequate consideration of the impact of the project on the Port Waikato – Waikaretu Road, at least from Port Waikato to the first viewing platform shown on Appendix (A). No expert evidence has been called on the current state of this section of the road but we submit that the contained in the draft set of conditions contained in the evidence of Mr. Daysh is inadequate. This road is an important conduit for this rural community and even in its current state it is barely adequate as the Board will view for itself. The application proposes to transport the huge components of the turbines to the northern part of the wind farm as well as cart huge quantities of sand from the Waikato River at the facility known as the Elbow. In addition construction equipment, contractors' vehicles and maintenance contractors will be using the road during the construction. Whilst no effort has been made by the applicant to assess visitor numbers either short term or long term there is little doubt that visitor numbers will be significant given the proximity of the project to Auckland. Some references have been to this likelihood
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by Mr Lister and we have provided the results of monitoring Saddle Road in Manawatu.

695 11. We submit that as a remedy to this situation that the applicant be required to undertake a detailed engineering survey & design of this length of road and that consultations be undertaken with the Franklin District Council and the submitters to determine improvements that can be justified to this road alignment prior to construction being undertaken.

700 **10. Remedies**

To remedy the concerns of the submitters we propose the following:

- That the turbines in Group A of the application be deleted;
 - That any other turbines within 1km. of the property boundaries be deleted and;
 - That a detailed detailed engineering survey of the length of road from Port Waikato to the first viewing tower be undertaken by the applicant and that subsequent consultations be undertaken with the Franklin District Council and the submitters to determine improvements that can be justified to this road alignment prior to construction of the wind farm being undertaken.
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