

## MINUTES OF PRE HEARING CONFERENCE

Tuakau Town Hall, 9 March 2009, 10.30am

### IN ATTENDANCE -

**BOARD:** Judge Smith (Chairperson), Dr Menzies (Member), Ms Gina Rangi (Member), Mr John Lumsden (Member)

Kim Morgan, Ministry for the Environment (Board support)

**APPLICANT:** TP Robinson, HR Dixon, SG Daysh and AR Yates (Contact Energy Ltd and Contact Wind Ltd)

**SUBMITTERS:** R Gardner (FDC), N Pritchard (WDC), G Blackie agent for S Menzies (EW), J Carr (self), S Bradley and R Kelleher (DOC), R Gardner (Fed Farmers), R Darmody (NZHPT), E Allan (self), J Ball (self and G Ball), C Bradley (self and S Bradley), R Brown (Raglan Point Boardriders Club), MJ Caird (self), K Deane (self and Deane family), N Hall (self, K and M Hall), N Hansen (self and M Hansen and N McConnell), S Kiernan (self), J Partridge (self), A Reeves (self and A Reeves), R Smith (self and for J and B Austin), Sir W Birch (Sunset Views Ltd and Rimanu Farms Ltd), R Walker (self and Waikaretu School Board of Trustees), J Keaney and D Walter (D and P Walter), E Wright (self), G Rasmussen (self and Maitairoa Farm Ltd) and R Gemmell (self).

The Chairman opened with introductions and the objectives of the conference, these include:

1. Names of parties present,
2. List of witnesses,
3. Hearing procedures,
4. Hearing timeframes,
5. Site visit,
6. Hearing venues

### 1. Names of Parties Present

The Chairman undertook a roll call of parties present. Those in attendance are provided above.

Corrections include the following –

- Amending the submission from Mr R Brown to the Raglan Point Boardriders Club; and
- Noting Mr Ramussen now wishes to be heard (no objections were received to this request).

### 2. List of Witnesses

The Chairman asked if there were any parties present that had time constraints for the pre hearing conference; a finishing time of between 1-4pm was estimated.

The following persons advised they had time constraints and would need to leave early. The Chairperson noted their hearing details as below –

- Mr M Hansen – 2 parties to provide evidence (Mr & Mrs Hansen). No time constraints before July 09. Time estimate 1-2 hours (if cross examined).
- Mr C Bradley - 2 parties to provide evidence (Mr & Mrs Bradley). No time constraints. Request a site visit to their property and give permission to the Board to visit at any reasonable time. Time estimate 1-2 hours (if cross examined).
- Mr A Reeves - 1-2 parties (self & possibly wife) to give evidence. 1 hour estimate (if cross examined).
- Mr R Smith - 1 party (self) to give evidence. Requested a time slot, as late in June as possible. Asked if a local community representative could attend the site visit with the Board to identify areas for the Board to view.
- Mr G Rasmussen - 1 party (self) to give evidence. Time availability will depend on other commitments but requested a date be provided. 30 minutes.
- Mr J Carr - 1 party (self) to provide evidence. No time constraints. Asked for Power Point facilities to be made available at the hearing. 30 minutes.
- Sir Wm Birch - Evidence will focus on landscape and roading issues. He would also like to be present when Board visits the northern area of the site. 3 hour estimate.
- Mr J Patridge - Wish to be present when Board visits Orton site. 2 hour time slot required (if cross examined).
- Mr S Kiernan - 1 party (self) to provide evidence. Request for the Board to visit his property. 30 minutes estimated.
- Mrs Hall - No evidence. Will read her submission. 5 minutes.

### **3. Hearing procedures**

The Chairperson asked if those present had received the evidence and were content with electronic versions. Ten submitters requested hard copies be sent to them as follows –

Full sets to be provided to - J Ball (first priority due to a prior request), S Kiernan, R Gemmell, D Walter, E Allan, R Gardner (Federated Farmers), R Walker, K Deane, Sir W Birch

Photomontages to - MJ Caird

As required by the hearing procedures all submitter evidence is to be provided by 27 March 2009. The procedures require this to be provided to all other submitters.

Questions were raised by submitters on how to distribute their evidence to other parties. Difficulties with lack of broadband and/or sending out over 50 hard copies or CD ROMS were raised, in particular when the evidence contains photos.

It was requested by the parties that submitters will provide their evidence to the Project Manager, Ministry for the Environment who will then circulate to all other submitters in compilation CD ROM form. The Chairperson asked for a short break to confer with the Project Manager on the additional workload this would require.

FDC advised they wish to provide a video and asked if this would need to be circulated as evidence. The Chairperson advised it will. In addition the person speaking on the

video may need to be present at the hearing to respond to questions, depending on the content of the video.

**Break at 12.10pm**

**Re-convene at 12.25pm**

The Chairperson advised that without setting a precedent for future cases the Project Manager will be able to distribute the submitter evidence. This would require only 1 CD with all the evidence needing to be circulated.

PLEASE NOTE: The process for submitter’s evidence will be as follows –

- to provide one electronic copy and 5 hard copies to the Project Manager by 27 March 2009, and
- to provide one electronic or hard copy to R Dixon at Contact Energy by 27 March 2009,
- Project Manager to collate and save all evidence on to CD and then send this out to all parties.

**4. Hearing timeframes**

To estimate timeframes the Chairperson requested to hear from parties who intended to have more than 2 witnesses. Parties present provided the following information -

- R Gardner (Fed F) - 2 parties (self and 1 other). No experts.
- S Bradley (DOC) - 8-9 witnesses – DOC, terrestrial ecology, freshwater ecology, herbivore fauna, planning, up to 3 on birds and 1 possible on bats.
- J Keaney - 2 landowners and 3 expert witnesses – landscape and pylon impact.
- R Brown - Expert witness on surfbreak protection. Possibly on visual.
- R Darmody (NZHPT)- 1 witness on archaeology.
- K Deane - Considering landscape witness.
- G Blackie (EW) - 5 Expert witnesses – hydrology, ecology (x2), EW, and planning.
- N Pritchard (WDC) - Possible 2 witnesses – planning and traffic depending on discussions with Contact Energy.

Generally, in the Environment Court, to allow parties to hear the prior evidence, submissions are heard in order of support, neutral or mixed, then those who oppose. The list of witnesses and time estimates suggest the following draft timeline -

Stage	Time Estimate	Dates
Contact Energy opening (27 Witnesses)	1.5 - 2 weeks	Week 27 April & 4 May 09
Board Site Visit		Week 18 May 09
Raglan hearing		21 or 22 May
Submitters (support)	0.5 day	End week 4 May or week 8 June 09
Submitters (neutral)	2 days	End week 4 May or week 8 June 09
Submitters (mixed)	3 days	Week 8 June 09
Submitters (oppose)	5 days	End week 8 June or week 15 June 09
Closing	2 hours	End week 15 June

The hearing is estimated to take 5 weeks including a site visit (see below) before closing argument from Contact Energy begins.

The Chairperson advised that the time estimates cannot be more fixed at this point and invariably these will change. However, submitters would likely be giving their evidence in the weeks of 8 and 15 June 2009.

PLEASE NOTE: If any party has a difficulty with these dates they are to advise the Project Manager.

Environment Waikato requested a preference for a later time as their evidence would be relevant to draft consent conditions. The Chairperson preferred they remain early in the appearances as the information is of value to other submitters.

The Chairperson asked for any comments on the time estimate. Contact Energy advised it was also their best guess at this time. No other comments were received.

## **5. Site Visit**

The Chairperson indicated the Board intends to undertake a site visit by helicopter before the hearing begins. Contact Energy is to provide the helicopter. There were no objections to such a course. In addition the Board would undertake a ground based visit after the case from Contact Energy. In addition further targeted site visits may also be needed. A possible site visit by boat may also be required.

A guide knowledgeable about the site would be required for the helicopter visit. This would preferably be someone from outside Contact Energy, or failing that, someone who will not be providing evidence to the Board. The guide's role is to point out the relevant features and answer questions, but will not give evidence to or influence the Board. Submitters requested they be advised who the guide will be and Contact Energy is to advise them of this.

Submitters have requested to be present for the Board's site visit at various locations. The Chairperson was not opposed to this request and would seek to identify appropriate representatives as not all parties would be able to attend.

The Chairperson asked Contact Energy for their response to representatives from the community attending the site visit. They advised that in general they do not have an issue with it, other than an access restriction to some parts of the site, which are restricted to All Terrain Vehicles. Contact advised if numbers were to increase substantially they may need to readdress this response.

The Chairperson proposed that the site visit be divided into various sections and that parties be given an opportunity to nominate the sections they wish to be present at.

The agreed sections are as follows –

- i) Internal Transmission Line
- ii) External Transmission Line
- iii) Orton end of external line,
- iv) North end of windfarm (includes Port Waikato)
- v) Mid-level (includes Waikaretu School)
- vi) Wainui Reserve, Whale Bay and Manu Bay
- vii) Blocks A, C and H of the wind turbines,
- viii) Cluster J of the wind turbines; and
- ix) Whitford quarry

PLEASE NOTE: Parties are to identify to Contact Energy in writing (and clearly locate on a map) the sections of the site visit they would like to attend. Contact Energy will then assemble and circulate to the parties a proposed site visit itinerary for the Board. This will include details of not only where and what submitters are joining them, but will include other relevant aspects of the site, such as the proposed earthworks sites and transmission lines etc.

The Chairperson also requested a council representative on the site visit to assist with any questions the Board have. The councils are to advise who that may be.

## **6. Hearing Venue**

The hearing will begin at Tuakau Town Hall for the first 3 weeks.

The Chairperson asked for nominations of any other venues. R Brown requested the Raglan Town Hall and indicated 7-8 people would be interested in that venue. A half day to full day was suggested.

A visit to a marae was noted as a possibility though no formal request has yet been made.

A further request for a hearing venue in Hamilton by DOC was denied by the Chairperson, as being outside the affected area. This issue had been considered previously by the Board. There are venue issues in Hamilton and very few parties sought a hearing there. Many more sought hearing in Auckland, which had significant advantages for the Board. However given the preference for a hearing in the District, Tuakau was selected. Options for video linking-in to the hearing were also queried. Costs for this can be prohibitive and would be borne by the person's conferencing in.

## **7. General Issues**

The parties were asked about any other issues.

Prior experiences in the Tuakau Town Hall suggested some acoustic problems. The Project Manager will ensure a PA system is available at the Hearing.

In response to a query the Chairperson advised Franklin: The Centre was not available during the dates required and was not a suitable hearing venue for other practical reasons. This venue along with many others was viewed by the Chairperson and the Project Manager.

**Meeting finished at 1.30pm.**

Minute will be sent to all parties who wish to be heard.