

HMR WIND FARM PROJECT
AGENDA & MINUTES
MEETING OF PLANNING WITNESSES

**1.00pm Wednesday 15 April 2009 at the Hamilton Office of
Environmental Management Services Ltd
219 Collingwood Street Hamilton**

Attendees:

- Mark Chrisp – Planning Consultant for Contact Energy Ltd
- Chris Dawson – Planning Consultant for Environment Waikato
- Richard Gard'ner – Regulatory Planning Co-Ordinator: Landuse for Franklin District Council – arrived late
- AnaMaria D'Aubert – Planning Consultant for Waikato District Council
- Gillian Cockerell – Planning Consultant for the Director General of Conservation
- Sir William Birch – Representative for Sunset Views Ltd and Rimanui Farms Ltd

Purpose of the Meeting

The directions of the BOI are that by 17 April 2009:

“Any report prepared by expert witnesses on any issues agreed and the extent of any dispute which remains, to be circulated to the MfE Project Manager, the applicant and all other submitters.”

Agenda

1. RMA status of activities in each jurisdiction (EW, FDC, and WDC).
2. Extent to which activities are bundled in each jurisdiction, and end result.
3. Application of S.104D Thresholds Tests (re non-complying activities).
4. Assessment of Applications under s.104 of the RMA.

Meeting commenced 1.20pm

Each person present introduced themselves and who they were representing.

Mark introduced the minor changes to the Agenda – adding Sir William to the list and correcting Richard Gard'ner's title.

Mark set the agenda on the basis on the four key areas of the planning assessment that the BOI will be seeking advice on as listed above.

Richard Gard'ner arrived 1.23pm.

Cockerill sought that an additional point to the agenda that all parties should agree that the correct objectives and policies had been looked at.

Chrisp suggested that that would be covered in 3 & 4.

Sir William stated he had two roles in the meeting. First as an advocate for Sunset Views Limited and also making submissions on its behalf.

Sir William Birch left the meeting at 2.50pm.

1. RMA status of activities in each jurisdiction (EW, FDC, and WDC).		
	Points Agreed	Points In Dispute
EW	<p>Status of activities set out by Chrisp was concurred with by Chris Dawson.</p> <p>There was one issue that Cockerill had with vegetation clearance. She was unsure that the vegetation clearance did not require a resource consent. There was no evidence provided to confirm this.</p> <p>Chrisp outlined the process which was undertaken to determine the extent of vegetation clearance and whether or not consent was required.</p> <p>As a result all parties concur that: the take at the Whitford Stream is non complying</p> <p>all other water takes are restricted discretionary</p> <p>all the earthworks activities are discretionary activity</p> <p>other activities in the river beds are controlled activities.</p>	

FDC	<p>All agree:</p> <p>Three elements of project are non-complying activities. These are concrete batching plants; the re-opening and operation of Whitford Quarry; and public viewing platforms.</p> <p>All agree earthworks activities as part of the windfarm are discretionary activities.</p> <p>All agree that earthworks within the Coastal Zone 60 metre setback, if they occurred would be non-complying activities.</p> <p>It is agreed that it is a matter of interpretation where the 60 metre Coastal Zone Setback begins and therefore whether some of the turbines are located within the Coastal Zone setback (as shown in the Tasman Coast Diagram on page 350 of Plan Change 14).</p> <p>Contact undertakes to further investigate the location of all turbines within Franklin District with respect to the 60 metre Coastal Zone setback.</p> <p>Indigenous vegetation clearance in its own right only gives rise to the need for a non-complying consent in the coastal zone setback (60m from the escarpment), or in areas set out in Schedule 5A. Otherwise vegetation clearance, as part of the windfarm, should be regarded as a discretionary activity under Rule 15.1.2.8.</p>	
WDC	<p>The windfarm, the concrete batching plants, earthworks and vegetation clearance are Non-Complying Activity under the Waikato Operative Plan.</p> <p>Chrisp & D'Aubert agree: all improvements to the local roads are discretionary activities.</p>	<p>Cockerill is of the view that the improvements to the local roads within the road reserve are permitted activities</p>

2. Extent to which activities are bundled in each jurisdiction, and end result.		
	Points Agreed	Points In Dispute
EW		
FDC		The parties could not agree on the extent to which the activities can or should be bundled.
WDC		
3. Application of S.104D Thresholds Tests (re non-complying activities).		
	Points Agreed	Points In Dispute
EW		
FDC		
WDC		
4. Assessment of Applications under s.104 of the RMA.		
	Points Agreed	Points In Dispute
EW		
FDC		
WDC		

The above minutes represent a true and correct record of the matters that were discussed between the parties present at the abovementioned meeting, the issues that were agreed upon by the parties and the extent of the disputes that remain.

Signed:

Date:

 Mark Crisp
 Planning Consultant for Contact Energy Ltd

Signed:

Date:

 Chris Dawson
 Planning Consultant for Environment Waikato

Signed:

Date:

 Richard Gard'ner
 Regulatory Planning Co-Ordinator: Landuse for Franklin District Council

Signed:

Date:

AnaMaria D'Aubert
Planning Consultant for Waikato District Council

Signed:

Date:

Gillian Cockerell
Planning Consultant for the Director General of Conservation

Signed:

Date:



Sir William Birch
Representative for Sunset Views Ltd and Rimanui Farms Ltd

15/4/2009