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Fax

To: Minister for the Environment
From: Grant Blackie

Organisation: Ministry for the Environment
File No: 61 43 87A

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(Incl header page)

Date: 3 November 2008

Subject: HMR Call In

Please find attached:

SUBMISSION BY WAIKATO REGIONAL COUNCIL

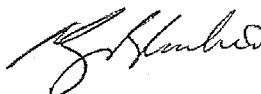
ON CONTACT WIND LTD AND CONTACT ENERGY LTD APPLICATIONS FOR

RESOURCE CONSENT AND NOTICES OF REQUIREMENTS REGARDING

HAUAURU MA RAKI - WAIKATO WIND FARM

Please phone or otherwise contact me if you have any difficulties receiving this fax.

Regards

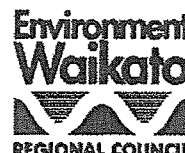


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SUBMISSION ON CONTACT WIND LTD AND CONTACT ENERGY LTD APPLICATIONS FOR RESOURCE CONSENT AND NOTICES OF REQUIRMENTS

| | | | |
|---|----|--|---|
| To: Freepost HMR Call In Minister for the Environment PO Box 10362 The Terrace Wellington 6143 | or | Email: hmrcallin@mfe.govt.nz Fax: 04 439 7705 | [Note: If you are emailing or faxing your submission, please mark in the subject line: 'HMR Call In'] |
|---|----|--|---|

This submission relates to the applications for resource consents and notices of requirement, lodged by Contact Wind Limited and Contact Energy Limited for the Hauauru ma raki wind farm proposal as identified on the next page.

CLOSING DATE AND TIME FOR SUBMISSIONS: 5.00 PM MONDAY 3 NOVEMBER 2008

Full Name: **WAIKATO REGIONAL COUNCIL**
 Postal Address: PO Box 4010
 Hamilton East
 HAMILTON 3247
 Attn: Grant Blackie

Please tick the relevant boxes on the next page to identify whether you are making a submission on all applications for resource consents and notices of requirements or just some of them (please identify). Please also indicate on the back of this form (✓) whether you support, oppose, or are neutral in relation to the applications. If you are making a submission only on parts of an application for resource consent or notice of requirement, please note this when specifying the reasons for your submission.

The reasons for my/our submission are: *If you are attaching further information tick for yes ✓*

REFER TO ATTACHED SUBMISSION

Please use more pages if you need to.

I/we seek the following decision from the Board of Inquiry (provide precise details including the nature of any conditions sought):

REFER TO ATTACHED SUBMISSION

Use a clear tick in the appropriate box below

We wish to be heard in support of our submission (to speak at the public hearing)

I/we DO NOT wish to be heard and hereby make my/our submission in writing only

Signature: 

Date: 3/11/08

(Signature of submitter, or person authorised to sign on their behalf is required. Note signature is not required for electronic (email) submissions. If this is a joint submission by two or more individuals, each individual's signature is required.)

Use the tick boxes below to indicate the called-in applications for resource consents and notices of requirement that your submission concerns. Use a clear tick in the appropriate box or boxes (✓).

I/we make my/our submission concerning all applications for resource consents and notices of requirement below OR

My/our submission only concerns the applications for resource consents and notices of requirement that I/we have ticked below:

| | Support | Oppose | Neutral |
|--|---------|--------|---------|
| Franklin District Council – Land-use Consents | | | |
| L08052: all activities associated with the construction, operation and maintenance of a wind farm | | | ✓ |
| L08053: the re-opening and operation of Whitford Quarry including rock crushing and processing | | | ✓ |
| L08054: two concrete batching plants | | | ✓ |
| L08055: up to three public viewing areas (including signage) and associated parking areas | | | ✓ |
| L08056: improvements to local roads | | | ✓ |
| Franklin District Council – Notices of Requirement for Designation | | | |
| L08058: Limestone Downs Substation and ancillary facilities | | | ✓ |
| L08059: single circuit 220 kV transmission line linking the southern district boundary to Limestone Downs Substation | | | ✓ |
| L08060: double circuit 220 kV transmission line linking Limestone Downs Substation to Orton Switchyard | | | ✓ |
| L08057: Orton Switchyard and ancillary facilities | | | ✓ |
| L08061: double circuit 220 kV transmission line connecting Orton Switchyard to the existing Huntly/Otahuhu A transmission line | | | ✓ |
| Waikato District Council – Land-use Consents | | | |
| LUC00005/08: all activities associated with the construction, operation and maintenance of a wind farm | | | ✓ |
| LUC00005/08.01: two concrete batching plants | | | ✓ |
| LUC00005/08.02: improvements to local roads | | | ✓ |
| Waikato District Council – Notices of Requirement for Designation | | | |
| DES0012/08: Matira Substation and ancillary facilities | | | ✓ |
| DES0013/08: Te Akau Substation and ancillary facilities | | | ✓ |
| DES0014/08: single circuit 220 kV transmission line linking Matira and Te Akau Substations to northern district boundary | | | ✓ |
| Waikato Regional Council (Environment Waikato) – Earthworks Consents | | | |
| WRC 117912: earthworks, roading and tracking associated with construction, operation and maintenance of a wind farm | | | ✓ |
| WRC118074: soil disturbance associated with re-opening and operation of the Whitford Quarry | | | ✓ |
| Waikato Regional Council (Environment Waikato) – Watertake Consents | | | |
| WRC 117913: to take up to 104 m ³ water per day at a rate of up to 1.2 L/s from the Waikawau Strm | | | ✓ |
| WRC 117914: to take up to 94 m ³ water per day at a rate of up to 1.1 L/s from the Kaawa Stream | | | ✓ |
| WRC 117915: to take up to 79 m ³ water per day at a rate of up to 0.9L/s from the Waikaretu Stream | | | ✓ |
| WRC 117916: to take up to 96 m ³ water per day at a rate of up to 1.1 L/s from the Waikorea Stream | | | ✓ |
| WRC 117920: to take up to the full flow from an unnamed spring at the Whitford Quarry | | | ✓ |
| Waikato Regional Council (Environment Waikato) – Streambed Works Consents | | | |
| WRC 117921: to construct and maintain an arch culvert in a tributary to the Te Umukaraka Stream | | | ✓ |
| WRC 117922: to construct and maintain a culvert in a tributary to the Tauterei Stream | | | ✓ |
| WRC 117923: to construct and maintain a 14 m bridge over the Waimai Stream | | | ✓ |
| Waikato Regional Council (Environment Waikato) – Discharges Consents | | | |
| WRC 117924: to discharge process water and stormwater from the Whitford Quarry and a concrete batching plant to land and to the Waikeretu Stream | | | ✓ |
| WRC 117925: to discharge process water and stormwater from three concrete plants to land | | | ✓ |
| Waikato Regional Council (Environment Waikato) – Earthworks Consents | | | |
| WRC 117927: to undertake earthworks activities for the three substations, a switch yard, transmission lines, and ancillary facilities | | | ✓ |

Note: A copy of this submission form must also be sent to Contact Energy Limited at:
 Contact Energy Limited – Hauauru ma raki, PO Box 10742, Wellington 6143 Attn: R Dixon
 or email HMR@contact-energy.co.nz or fax 04 463 9261.

I/we have served a copy of my/our submission on the applicant per Section 96(4) of the RMA.

SUBMISSION BY WAIKATO REGIONAL COUNCIL**ON CONTACT WIND LTD AND CONTACT ENERGY LTD APPLICATIONS FOR
RESOURCE CONSENT AND NOTICES OF REQUIREMENTS REGARDING
HAUAURU MA RAKI - WAIKATO WIND FARM**

TO: Minister for the Environment
PO Box 10362
WELLINGTON 6143

FROM: Chief Executive
Waikato Regional Council
PO Box 4010
HAMILTON EAST

A. INTRODUCTION

The Waikato Regional Council (Environment Waikato) wishes to take this opportunity to lodge a neutral submission on the Contact Wind Ltd and Contact Energy Ltd applications for resource consent and notices of requirements relating to the proposed Waikato Wind Farm (Hauauru ma raki). The purpose of this submission is to highlight the relevant statutory matters that Environment Waikato wishes to draw to the Board's attention in considering and deciding on these matters.

Environment Waikato has a statutory role in the integrated management of soil, water and coastal issues and wishes to ensure that any consents granted for the use of these resources contain appropriate conditions. As the organisation responsible for monitoring any Regional Council consents granted, Environment Waikato wishes to ensure consistency with other similar consents that may be granted relating to the wind farm project and that there is consistency between Environment Waikato's requirements and responsibilities and those of the other two Councils involved in this proposal (Franklin District Council and Waikato District Council).

Environment Waikato wishes to be able to speak to this submission and to provide comment on any other submissions lodged that may relate to Environment Waikato's responsibilities. We also understand that the applicant is undertaking further work with respect to defining the extent of offset mitigation that will be offered and we wish to comment on the nature and suitability or otherwise of these mitigation measures, when this information becomes available.

B. WAIKATO REGIONAL COUNCIL (ENVIRONMENT WAIKATO)

Environment Waikato is responsible for a region covering 25,000 square kilometres in the Central North Island of New Zealand with a population of 382,716 (Statistics New Zealand, 2006 Census). Environment Waikato's role includes the integrated management of the Waikato's natural and physical resources with particular responsibility for soil, water, geothermal resources, coastal issues, air, hazardous substances, biosecurity and natural hazards. Environment Waikato also has a number of transport management functions.

The entire project area for the wind farm project falls within the region of Environment Waikato.

C. STATUTORY MATTERS

Environment Waikato fulfills its role in managing the region's natural resources by the development, implementation and review of its policies and plans. The three plans that are relevant in the consideration of this proposal are the Waikato Regional Policy Statement, the Waikato Regional Coastal Plan and the Waikato Regional Plan.

The Waikato Regional Policy Statement is operative.

The Regional Coastal Plan was made operative (in part) on 27 October 2005. Rule 16.5.3 - Current Marine Farm Structures and Appendix III Marine Farming Map 10 and Schedule 5: Current Marine Farms in the Waikato Region remain subject to appeal and are not yet operative. Council has also prepared Proposed Change No. 1 - Minor Changes to the plan. This is in the middle of the First Schedule process. The purpose of the Plan Change is to make minor changes to improve the workability of the plan, to provide for the installation of temporary structures for monitoring and research as a permitted activity subject to conditions, and to provide for associated vehicle use in relation to relevant existing permitted and controlled activities.

The Waikato Regional Plan became operative (in part) on 28 September 2007. The outstanding parts of the Regional Plan are the subject of variations that have not yet completed the First Schedule RMA process. Those outstanding parts of the plan and their status are:

- Variation No. 2 - Geothermal: All appeals have been resolved and the Variation becomes operative on Friday, 7 November 2008.
- Variation No. 5 - Lake Taupo Catchment: The purpose of this Variation is to protect water quality in Lake Taupo by managing land use and nutrient discharges. The Variation remains subject to appeal.
- Variation No. 6 - Water Allocation: The purpose of this variation is to manage the allocation and use of freshwater over all of the Waikato Region. The text of the Variation replaces that of withdrawn Chapters 3.3 and 3.4.
- Variation No. 7 - Minor Variation and Geothermal Maps: The purpose of this variation is to improve the workability of the plan and to amend maps showing significant geothermal features and geothermal water features.

It is requested that the Board of Inquiry give due consideration to the relevant policies contained within the Waikato Regional Policy Statement, the Waikato Regional Coastal Plan and the Proposed Waikato Regional Plan during the decision making process on the Hauauru ma raki proposal.

1.0 Waikato Regional Policy Statement

1.1 The Waikato Regional Policy Statement ("WRPS") provides an overview of the resource management issues in the Waikato Region. It provides policies and a range of methods to achieve integrated management of natural and physical resources across resources, jurisdictional boundaries (between different territorial local authorities) and agency functions. The WRPS guides the development of subordinate plans, both those developed by Environment Waikato and those developed by the territorial local authorities within the boundaries of the Waikato Region. The WRPS also provides guidance on the consideration of resource consents. The WRPS is operative and there are no changes currently proposed to the WRPS.

Land and Soil (WRPS Section 3.3)

1.2 Section 3.3 of the WRPS identifies that the western hill country area (within the project area) is prone to sheet erosion due to the nature of the underlying geology

and the thickness of the volcanic ash. In addition many of the underlying rocks are weathered and some are prone to mass movement.

- 1.3 Section 3.3.6 identifies that activities such as road construction amongst other activities can lead to accelerated erosion if not appropriately managed. Accelerated erosion is erosion that is triggered or caused by human activity. The effects of accelerated erosion can include impacts on the clarity and nutrient status of water bodies as well as the value of those water bodies for ecological, recreational and aesthetic purposes.
- 1.4 The proposed wind farm will require the construction and upgrade of site specific (and cumulatively) large areas of roads and turbine platforms with the potential to generate significant sediment related effects within receiving environments. The potential for accelerated erosion is high if these matters are not adequately controlled through appropriate management plans, consent conditions and monitoring provisions that seek best practice methods for erosion and sediment control. Environment Waikato wishes to ensure that the Board takes account of these matters in its consideration of the consent applications made.

Relevant Objectives/Policies and Other Methods

Objective – *Net reduction in the effects of accelerated erosion and those effects avoided where practicable.*

Policy One – *Avoid, Remedy or Mitigate Accelerated Erosion*

Ensure that land users:

- a) *avoid where practicable, practices that cause accelerated erosion; and*
- b) *remedy or mitigate the adverse effects of accelerated erosion if it occurs.*

Water (WRPS Section 3.4)

1.5 The WRPS identifies that reduced water quality due to both point and non-point source contamination can adversely affect water quality. The potential for point source contamination (such as from earthworks, concrete making and quarrying activities) to adversely affect streams and the coastal marine area within the project site could be significant if these activities are not managed through appropriate management plans, consent conditions and monitoring provisions that seek best practice methods. Soil erosion from vegetation clearance and land disturbance can contribute to the sedimentation and nutrient enrichment of waterways. The modification of flow regimes in waterways can result in increased water temperature and nutrient levels and reduced oxygen levels. This in turn can adversely affect in-stream uses, habitats, recreational uses and aesthetic character.

Relevant Objectives/Policies and Other Methods

- **Objective** – Net improvement of water quality across the Region

Policy One – Protection of Outstanding Water Bodies

Ensure the protection of significant characteristics of the quality of outstanding water bodies.

Policy Two – Other Water Bodies

Determine the characteristics for which other water bodies are valued and manage those water bodies to ensure that any adverse effects on those characteristics are avoided, remedied or mitigated.

Policy Three – Riparian Management

Ensure that the adverse effects of land use on water quality and aquatic habitats are avoided, remedied or mitigated.

- **Objective** – The range of uses of water reliant on the characteristics of flow regimes maintained or enhanced.

Policy One – Protection of Significant Flow Regimes

Ensure the protection of the significant characteristics of flow regimes where they:

- a) Contribute to significant wild and scenic character; or
- b) Form the basis of significant recreational uses; or
- c) Support significant ecosystems

Policy Two – Modification of Flow Regimes

Allow changes to existing flow regimes while avoiding, remedying and mitigating adverse effects on the environment.

Coast (WRPS Section 3.5)

1.6 Section 6 (a) of the Resource Management Act requires that statutory organizations recognise and provide, as a matter of national importance, for the preservation of the natural character of the coastal environment (including the coastal marine area), wetland, and lakes and rivers and their margins, and the protection of them from

inappropriate subdivision, use and development. This approach also reflects the focus that is placed on the preservation of natural character in the New Zealand Coastal Policy Statement.

- 1.7 Vegetation removal, earthworks and tracking activities and the potential visual effects of the wind turbines associated with the proposed wind farm all have the potential to adversely affect the natural character of the coastal environment. In addition, assessment of the proposed wind farm should take into account that there are other consented wind farms north and south of the proposed project which when combined may result in cumulative effects on the coastal environment. The Board should take these matters into account in its consideration of the proposed wind farm.

Relevant Objectives/Policies and Other Methods

Objective – *Preservation of the natural character of the coastal environment, including the physical and ecological processes which ensure its dynamic stability.*

Policy One – *Protection of Significant Areas*

Through a consultative process, identify and protect significant areas, features, processes and the range and diversity of species and their habitats in the coastal environment, including:

- a) *natural character of the coastal environment*
- b) *outstanding landforms and landscapes*
- c) *significant indigenous vegetation and significant habitats of indigenous fauna*
- d) *areas of importance to tangata whenua*

Policy Two – *Recognition of Natural Processes*

Ensure that subdivision, use and/or development of the coastal environment are undertaken in a way, or at a rate which recognizes and provides for the unique processes operating in this environment.

Policy Four – *Coastal Hazards*

Promote the use of 'soft-engineering' or non-engineering solutions to avoid or mitigate the adverse effects of natural hazards in the coastal environment.

Plants and Animals (Biodiversity) Section 3.11

- 1.8 The biodiversity of indigenous vegetation and habitats of indigenous fauna are important to maintain ecosystem viability. Generally, the more diverse and complex habitats are, the more resistant they are to stress and change. Remnant pockets of indigenous vegetation are present throughout the project site and some of these areas are proposed to be removed to facilitate the development and construction of the windfarm. The applicant is proposing off site mitigation in the form of the covenanting, protection and enhancement of alternative areas of indigenous vegetation within or near the project site to compensate or mitigate this loss.

- 1.9 However Environment Waikato remains concerned at the lack of detail in the current offset mitigation proposal put forward by the applicant and anticipates seeing more detailed plans provided in relation to this issue. This will assist all parties in satisfying themselves that the offset mitigation is sufficient and appropriate for the indigenous vegetation and associated values that will be adversely affected.

Relevant Objectives, Policies and other Methods

Objective – *Biodiversity within the Region maintained or enhanced.*

Policy One – *Avoid, remedy or mitigate Adverse Effects on Biodiversity*

Allow the use and development of natural and physical resources while avoiding, remedying or mitigating adverse effects on biodiversity in the Region.

Energy – *(WRPS Section 3.12)*

- 1.10 The inefficient production and use of energy can result in unnecessary adverse effects on natural and physical resources. The production of energy produces some adverse effects but the inefficient production and use of energy increases those effects.
- 1.11 The production of energy using renewable resources such as wind is efficient in that the supply of wind is inexhaustible and the use of the resource does not reduce the amount available to another user. In addition the location of additional renewable energy production sources so close to the main area of demand (Auckland) should reduce the energy lost due to transmission losses.
- 1.12 Environment Waikato wishes the Board to take account of the benefits to be derived from the use of renewable energy in the balancing between adverse environmental effects and positive effects as required by Part II of the Resource Management Act.

Objective – *Efficient use of energy within the Waikato Region*

Policy One – *Energy Efficiency and Conservation*

To promote efficiency and conservation in the production, transmission and consumption of energy.

2.0 Waikato Regional Coastal Plan

- 2.1 The Waikato Regional Coastal Plan (WRCP) has been prepared to enable Environment Waikato in conjunction with the Minister of Conservation, to promote the

sustainable management and integrated management of the Coastal Marine Area (CMA). The CMA covers the area from Mean High Water Springs out to the 12 mile nautical limit of the territorial sea. Therefore the management of the CMA is primarily to do with the management of the foreshore, seabed, coastal water and the air space above the water. However in recognition of the fact that the coastal environment is particularly sensitive to landuse activities that can occur in the adjacent coastal environment, the WRCP aims to achieve integration in the management of these issues.

- 2.2 Environment Waikato wishes to highlight relevant Objectives and Policies contained in the WRCP for the consideration of the Board in their deliberations. These Policies relate to the Preservation of Natural Character, Significant Vegetation and Habitat, Amenity and Heritage Values, and Water Quality issues.

Preservation of Natural Character

- 2.3 The natural character of the coastal environment is fragile and inappropriate subdivision, use and development can degrade that character. Objective 3.1 states: *"Preservation of the natural character of the coastal environment by protecting it from inappropriate subdivision, use and development; and restoring it where appropriate."*
- 2.4 Policy 3.1.1 expands on this as follows: *"Identify regionally significant and/or representative landscapes, seascapes, landforms and geological features and protect them from the adverse effects of use and development."* Policy 3.1.2 also provides some direction as follows: *"Ensure that any use and development avoids or remedies adverse effects on those natural features, landscape, seascapes, and landforms that define natural character."* Policy 3.1.3 also notes that: *"In areas identified for their remote and isolated characteristics, ensure that any use of development avoids adverse effects in these areas."*
- 2.5 Environment Waikato considers the coastal environs in the vicinity of the project site to be a finite resource. Careful consideration needs to be taken in the assessment of this proposal in terms of its effect on natural character. While this matter is primarily one that falls within the jurisdiction of the Franklin District Council and Waikato District Council, Environment Waikato considers it important from a regional policy perspective. It is important that, where possible, adverse effects on natural character are avoided or remedied. Environment Waikato considers that the Board needs to focus their attention carefully on this issue.

Significant Vegetation and Habitat

- 2.6 The WRCP also has an emphasis on vegetation and habitat as noted in Policy 3.2.1 – Policy – Protection of Significant Vegetation and Habitat.
- (a) *Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna and protect by (i) avoiding any adverse effects of subdivision, use and development on the areas and habitats listed in Policy 1.1.2 (a) of the NZCPS; (ii) Avoiding or remedying any adverse effects of subdivision, use or development on the areas listed in Policy 1.1.2 (b) of the NZCPS.*
 - (b) *Identify the conservation values (other than significant indigenous vegetation and significant habitat of indigenous fauna identified under Policy 3.2.1 (a) above.... And protect by avoiding as far as practicable any adverse effects..... on those values and if avoidance is not practicable, adverse effects on those values are mitigated and provision made for remedying those effects, to the extent practicable.*
- 2.7 This policy emphasizes the importance of establishing the nature and quality of any vegetation to be removed and assessing the response to that removal in light of the need to protect the highest quality significant vegetation areas. Some allowance is made for the mitigation of adverse effects where avoidance is not possible. Environment Waikato considers this issue to be important in the context of the project site and in particular that any proposals for offset mitigation are provided in sufficient detail to assess their comparative conservation value.
- 2.8 Other policies in the WRCP relate to amenity and heritage values and the maintenance of water quality. These issues must also be considered in the assessment and decision making associated with the wind farm proposal.
- 3.0 Waikato Regional Plan and Proposed Variation No.6 (Water Allocation)**
- 3.1 The development of the wind farm requires the granting of a significant number of resource consents under the Waikato Regional Plan (WRP). The applicant has applied for earthworks, water takes, stream bed works and discharge consents and these are identified in detail in the applications lodged with Environment Waikato. The assessment and consideration of these consents should be in accordance with the relevant objectives, policies and rules contained in the WRP.

Earthworks [Applications WRC 117912, WRC 118074 and WRC 117927]

3.2 The issues that Environment Waikato has particular concern over in relation to applications WRC 117912 and WRC 117927 relate to the extent and scope of bulk earthworks for the development of roads and turbine platforms, the location and nature of overburden disposal areas and the potential for the sedimentation of waterways. Parts of the site are close to the coast and the entire site drains to the coast, therefore comprehensive erosion and sediment control plans and procedures are necessary to ensure that the requisite Regional Plan standards are met. It is important that resource consent conditions are practical, robust and enforceable given the extended nature of the project, the sensitive nature of the project site and the very large amount of earthworks involved.

Water Takes [Applications WRC 117913 – 117920]

3.3 Pursuant to the WRP Proposed Variation No.6, the applicant proposes to take water from several streams and a spring within the project area. The primary purpose of the water takes is for dust control during the earthworks phase along with washing of the crushed aggregate derived from the proposed Whitford Quarry. Environment Waikato considers it critical that sufficient water is obtained for use in dust control activities while maintaining the environmental flows in those relevant water bodies. This issue has been discussed in some detail with the applicant and the section 92 response records that an upwardly revised proposal for water takes has been provided, including provision for water storage.

Discharges [Applications WRC 117924 and WRC 117925]

3.4 The applicant proposes to discharge process water and stormwater from the Whitford Quarry and several concrete batching plants within the site. The entire site discharges into catchments that drain to the coast and Environment Waikato is concerned to ensure that appropriate and sufficiently robust conditions are placed on these consents.

Works Within the Beds of Rivers [Applications WRC 117921 - 117923]

3.5 The applicant proposes to construct culverts within the beds of the Te Umukaraka and Tauterei Streams and to construct a bridge within the bed of the Waimai Stream. Potential effects relate to fish passage, appropriate flow capacities and potential construction related effects of sediment discharge and/or other construction materials. Environment Waikato is concerned to ensure that appropriate and sufficiently robust conditions are placed on these consents.

D. RELIEF SOUGHT

- 4.1 Should the Board of Inquiry be of a mind to grant the applications and impose conditions, the relief sought by the Environment Waikato is primarily concerned with the methods by which the applicant proposes to avoid, remedy or mitigate potential adverse effects and the detail of conditions that are, or may be, proposed in this regard.

Suggested Conditions – Application

- 4.2 On the 3 October 2008 the applicant responded, in part, to a section 92 RMA request for further information from Environment Waikato, the Waikato District Council and the Franklin District Council (19 August 2008). In that response, the applicant suggested a number of conditions for the project for the wind farm activity applications to all three Councils (Appendix 3: Suggested Conditions – "Hauauru ma raki – The Waikato Wind Farm, Section 92 Response", by Contact Wind Ltd and Contact Energy Ltd, dated 3 October 2008, under cover of letter dated 3 October 2008).
- 4.3 In the response, the applicant indicated it would suggest other conditions for the Whitford Quarry spring, the proposed stream crossings, along with information on typical earthworks and typical management plans under the resource consent applications when it responded to the remaining parts of the further information request on the 5 December 2008 (after the close of submissions).
- 4.4 Environment Waikato, at a technical level, has provided preliminary input into conditions being drafted by the applicant for its s92 response. Environment Waikato did so on a "without prejudice" basis with a view to informing the applicant of the condition framework typically imposed by Environment Waikato on large scale works of this nature, and with a view to subsequently confirming technical detail/and or other consent conditions that might be necessary for addressing potential effects.
- 4.5 In addition, Environment Waikato (at a technical level) is prepared to provide input into conditions the applicant proposes to suggest for the notices of requirement for transmission lines and substations, if and when the applicant (or the Board) seeks that input.

Suggested Conditions – Evidence

- 4.6 The drafting of conditions through a hearing process can be an iterative process as evidence is presented by a range of participants. In this case, the first opportunity Environment Waikato has to understand how the applicant proposes to ensure effects are avoided, remedied or mitigated, is via the s92 response Suggested Conditions (both before and after close of submissions). Further versions of conditions may be offered by the applicant at the time it submits Evidence.
- 4.7 In preparing, its own evidence for the Hearing, and assuming that evidence is required to be pre-circulated, Environment Waikato will be in a position to seek specific detailed relief in respect of conditions suggested by the applicant in its s92 responses, and any further versions it might suggest in pre-circulated evidence. In addition, Environment Waikato notes that other submitters may offer conditions in their Evidence.
- 4.8 As such, Environment Waikato reserves its position to comment further on conditions that may be offered by the applicant and/or other parties and which Environment Waikato considers might prove necessary and justified after having read and heard the evidence put before the Board at the Hearing.
- 4.9 In this regard, Environment Waikato requests that for the Hearing, Environment Waikato be scheduled to be heard in the latter part of proceedings after all other non-Council submitters. It is suggested that it would be appropriate for Environment Waikato to be heard in the same part of the hearing as the Franklin District Council and the Waikato District Council.
- 4.10 In summary, the relief sought by Environment Waikato is in respect of consent conditions that have been, or may be, proposed by the applicant and/or any other party in respect of avoiding, mitigating or remedying any adverse effect of the proposal should the Board consider granting consents.

Hearing

- 4.11 **Environment Waikato wishes to be heard at the Board of Inquiry Hearing in respect of its submission.** As set out above, it is requested that Environment Waikato be scheduled to be heard in the latter part of a Hearing after all other non-Council submitters.

Signed: MM Kooli

Date: 3/11/ 2008