

Resource Management Act

18. District Plan Rules

18.1 Operative and Proposed District Plans

There are currently two District Plans that are relevant for the assessment of the proposed wind farm project – the Operative District Plan (ODP) and the Proposed District Plan (PDP).

18.1.1 Status

The ODP “Decision” version was published in 1995 and became fully operative on 9 September 2002. The ODP is and will remain operative until it is replaced (in part or fully) by the PDP.

The PDP was publicly notified on 25 September 2004 and the hearings on the PDP concluded in October 2006. The Council publicly notified an annotated version of the PDP labelled the “Decisions Version” on 18 November 2006. The appeal period has now expired and some 5264 appeals were received. It is understood that:

- The appeals are likely to be grouped into only a few but major issues
- Most of the PDP stands without challenge by way of appeal.

As at the date of this AEE, Council is yet to issue the “Appeals Version” of the PDP showing provisions of the Plan that are under appeal. All provisions of the PDP (except those under appeal) will become operative. ODP provisions may be relevant in situations where PDP provisions are under appeal.

18.1.2 Weighing the Plans

Section 19 allows for a rule to be treated as operative if no submissions or appeal have been lodged, or if all submissions or appeals have been withdrawn or finally determined. Since large parts of the PDP are now deemed operative under s19 RMA, the assessment of the proposed activity is based on the understanding that the PDP is now the dominant planning instrument. . ODP provisions have been referred to mainly for informative purposes.

18.1.3 Structure

It is noted that the PDP has an entirely different approach to the ODP in classifying the status of activities. The main difference is that the ODP lists general District Plan provisions separately from the zone based provisions, while the PDP aims to compile all relevant provisions for each land use zone. Also, the objectives and policies are arranged differently under the two District Plans. The ODP organises objectives and policies around Zones, Activities and Policy Areas, while the PDP distinguishes between Natural Environment, Built Environment and Community Wellbeing.

18.1.4 Zoning and Policy Overlays

The proposed wind farm site is zoned Rural under both District Plans. However, both Plans also contain additional policy overlays that affect the proposed project area. The main ridgeline of the Wharaurora Plateau is covered by a ‘Ridgeline Policy Area’. The extent of the Ridgeline Policy Area is identical under both Plans. In addition, parts of the project area are also covered by a ‘Landscape Policy Area’. The Landscape Policy Area mostly covers Te Uku Ridge Bush, the Mangakino Block, the Pirongia State Forest Park and several other locations beyond those areas. The extent of the Landscape Policy Area under the PDP extends beyond the area identified under the ODP. The parts of the proposed activity (such as turbines or earthworks) that are within the land covered by these policy areas are subject to specific objectives, policies and rules under both Plans.

18.1.5 Key aspects

This District Plan assessment addresses the following key aspects of the proposed wind farm:

- Wind turbines
- Policy Areas
- O&M Building
- Underground Electrical Cables
- Meteorological Masts
- Earthworks
- Vegetation Clearance
- Noise

For the purposes of assessing this application, the proposed activity has been assessed against both Plans as follows:

18.2 Wind turbines

This application seeks resource consent for the erection of 28 wind turbines in accordance with the consent envelope (see section 6.2) and proposed wind farm layout (see Drawings 135250 SK1 to SK7 enclosed in **Appendix D**)

18.2.1 ODP

The ODP does not provide for wind farm development under the Permitted, Controlled or Discretionary Activities categories under the Rural Zone chapter (Section 9).

Wind farms also do not meet the terms of the definition for “Rural Industries”, which excludes the *generation of electricity* (Section 4).

Further, Rule 9.5.5 of the ODP classifies the following as a Non-Complying Activity:

- *Rural Industry, which does not meet the term of the definition for “Rural Industry” and includes those rural industries on sites containing high quality soils or in a Deferred Residential Area.*

Even though those wind turbines subject to the Ridgeline Protection Policy Area are deemed to be a Discretionary Activity (see section 18.3), the overall activity is deemed to be a **Non-Complying Activity** under the ODP.

18.2.2 PDP

Under the PDP, the proposed wind farm has been assessed as a **Discretionary Activity** pursuant to Rule 25.10.2, because the activity does not comply with some of the Permitted Activity standards such as:

- Earthworks, since the activity would involve the disturbance and movement of more than 1000 m³ (Rule 25.25.1(h))
- The height of the proposed wind turbines is in excess of 10 metres (Rule 25.49.1(a))
- Parts of the activity are within the Ridgeline Policy Area, and earthworks within this policy area would not be able to be kept 20 metres below the ridgeline (Rule 25.26.1(a))

18.3 Policy Areas

18.3.1 ODP

As previously stated, the Waikato District Plan Maps contain a number of policy overlays. ODP Map 16 contains the Ridgeline Protection and Landscape Policy Areas, which apply to the proposed wind farm project area. Please refer to Figure A in **Appendix L (3)** outlining the location of the wind farm with regard to the policy areas.

No parts of the proposed activity fall into the Landscape Policy Area, however, 14 out of the 28 turbines (6, 7, 10, 11, 12, 13, 15, 16, 18, 19, 21, 23, 26 and 27) as well as some earthworks are within the Ridgeline Protection Policy Area under the ODP.

The Rules of the Ridgeline Protection Policy Area under section 21 of the ODP override the Rules of other sections of the Plan. As such, all structures, cutting or excavating and formation of tracks and access within 20 vertical metres from a significant ridgeline is deemed to be a **Discretionary Activity** pursuant to Rule 21.5.3. As such, Council reserves discretion to apply the following assessment criteria:

- (i) The reasons why the building, structure, access or tracks cannot be located elsewhere.
- (ii) Alternative sites including sites which have existing structures on them.
- (iii) The conspicuousness of the building or structure from different viewpoints.
- (iv) The existence of trees which may screen a building or structure.
- (v) The existence of steep slopes or other natural hazards.

It is not quite clear if it was the intent of the Plan when drafted that Non-Complying Activities in the Rural Zone are considered as Discretionary Activities in the Ridgeline Protection Policy Area. However, the Non-Complying Activity status will prevail for the overall assessment of this application under the ODP (see paragraph 18.2).

18.3.2 PDP

As mentioned earlier, the PDP takes an entirely different approach towards structuring the Rules of the Plan. As a result, there is no separate chapter for each Policy Area. Instead, the general zone Rules include Rules that relate to the relevant policy overlays.

The extent of the Landscape Policy Area has significantly increased under the PDP and affects seven of the proposed wind turbines (1, 2, 3, 5, 11, 12 and 15) and parts of the earthworks area. However, there is no change in the activity status of the affected parts of the project. Wind turbines and earthwork areas are deemed a **Discretionary Activity**, regardless of whether they are inside or outside a Landscape Policy Area.

The extent of the Ridgeline Policy Area overlay under the PDP remains the same as under the ODP. As under the ODP, 14 out of the 28 turbines and earthworks fall into this Policy Area. The Rural Zone chapter contains Rule 25.26 that permits earthworks and formation of tracks and accesses in a Ridgeline Policy Area if they remain at least 20 metres vertically below a ridge. Any activity that does not meet this requirement is deemed to be a **Discretionary Activity**. Council reserves its discretion to the effects on landscape and amenity values, effects on skylines and ridgelines, effects on views and the re-vegetation of bare land.

18.4 O&M Building

The on-site operations and maintenance facilities will consist of a building with dimensions of approximately 31m x 15m x 6m (465 m² floor area), including approximately 75 m² staff facilities and 120 m² electrical equipment providing the interface between the electrical reticulation of the wind farm and the substation. The O&M building will be accompanied by a yard for the transformer, and a sealed parking and set down area alongside the building. The building will be contained within a security-fenced enclosure of approximately 1380 m².

18.4.1 ODP

An O&M building is likely to be considered as Rural Industry. Rural Industry is classed as a **Discretionary Activity** pursuant to Rule 9.5.4 of the Rural Zone Chapter. The rule is subject to Standards and Terms for Discretionary Activities. The Standards and Terms under Rule 9.5.9(c)2 limits the building Gross Floor Area (gfa) of Rural Industries and Commercial Services in the Rural Zone to 400 m² which excludes staff facilities. As indicated above, the gfa of the O&M building, but excluding staff facilities, is 395 m². Consequently, the building complies with the Standards and Terms for a Discretionary Activity. Rural Industry buildings that exceed the gfa limit are Non-Complying Activities.

18.4.2 PDP

The PDP classifies the construction or alteration of a non-residential building in the Rural Zone as a Permitted Activity pursuant to Rule 25.52.1 subject to the following two conditions:

- a) the gross floor area of any non-residential building does not exceed 400 m², and
- b) the gross floor area of any non-residential building on a site of less than 2 ha does not exceed 250 m².

The PDP has a different approach towards calculating the gfa of non-residential buildings in the Rural Zone. The gfa now constitutes the *sum of gross area of all floors of a building* (see PDP, Appendix P, Clause P31) and no longer exclude staff facilities. As such, the proposed O&M building does not comply with the Permitted Activity conditions under Rule 25.52.1 and is deemed a **Discretionary Activity**.

Please note that this rule has been amended through the District Plan hearing decision and is now subject to an appeal.

18.5 Underground Electrical Cables

Electrical cabling is required to connect the proposed 28 turbines with the substation (please note that the substation is not part of this resource consent application but will be dealt with via the designation provisions of the RMA). The lines will consist of fully buried 33kV cables that connect up to seven turbines in series strings. Any interconnection points will be situated in the bases of the turbines. The individual strings will connect to a 33kV collection bus and from there into a single 33/110kV transformer substation

18.5.1 ODP

The ODP treats underground lines as a **Permitted Activity** pursuant to Rule 51.5.1. The Permitted Activity status applies to all land use zones in the Waikato District. The relevant Rule states:

Underground lines and necessary ancillary structures for conveying electricity at any voltage.

18.5.2 PDP

The relevant PDP rule referring to utilities has been amended significantly through the Hearing process and under Clause 16(2) RMA.

The notified version of the PDP deems underground cables as a **Permitted Activity** under Rule 25.13.1 as follows:

Any activity is a permitted activity if:

- c) i) pipes and cables are located underground

The decision version no longer refers to underground cables under the Network Utility Rule 25.13.1. However, clause (b) of the above rule permits electricity lines of less than 110 KV:

Any activity is a permitted activity if:

- b) it is not an electricity line of 110KV or more

The internal electrical lines will have a capacity of 33 kV and are therefore considered a **Permitted Activity**, regardless if buried underground or not.

18.6 Meteorological masts

Up to three permanent meteorological masts may be part of the proposed WEL Wind farm. Meteorological masts come in different heights, however for the purpose of this project the applicant will use the 80m version.

Please note: under the PDP meteorological masts are defined as “wind measurement systems”.

18.6.1 ODP

Under Rule 51.5.1 of the ODP meteorological facilities are deemed to be a Permitted Activity, provided they comply with the relevant conditions. Rule 51.5.6(c) states that utilities and public works are subject to the maximum height limit of the underlying land use zone. The maximum permitted height in the Rural Zone is limited to 10 metres under Rule 9.5.6(c). Consequently, the proposed activity does not comply with the Permitted Activity standard and is therefore to be assessed as a **Discretionary Activity** (see Rule 51.5.1).

18.6.2 PDP

The decisions version of the PDP now contains Rule 25.69B regarding wind measurement systems as a Controlled Activity subject to conditions. Clause 25.69B.1(b) limits the use of wind measurement systems to three years and clause 25.69B.1(c) limits the total number of masts on the same site to two wind measurement systems. Consequently, the proposed activity does not comply with the Controlled Activity standard and is therefore to be assessed as a **Discretionary Activity** pursuant to Rule 25.69B.2:

Any activity that does not comply with a condition for a controlled activity is a Discretionary Activity.

As stated above, the proposed activity involves up to three permanent 80-meter high meteorological masts. Consequently, the proposed wind measurement systems are deemed to be a Discretionary

Activity under both Plans. Please note that Rule 25.69B of the PDP decision version may be subject to appeals seeking an extension of the time limit for using meteorological masts from three to five years.

18.7 Earthworks

The proposed WEL Wind Farm project involves a significant amount of earthworks that are necessary to form approximately 25 kilometres of roads and to excavate up to 28 wind turbine foundations and platforms. The physical works required to achieve the desired outcomes for the project will involve approximately 350,000 m³ of cut and 300,000 m³ of fill. Further, some sites within the project area may contain material suitable for use as basecourse. If suitable, some of the material will be excavated, processed, and used for pavement.

18.7.1 ODP

The ODP contains a general provision regarding excavations and fills (Rule 45.5.1) that treats the excavation of minerals for use on the property of source, and the movement of fill material within the same property, as a Permitted Activity. Since the Plan does not contain a definition of “property” it could be assumed that the meaning of the term “property” refers to the land defined by the cadastral boundaries of one title. However, a more practical interpretation is that a “property” may include a number of contiguous titles, especially where the land is used for the same overall purpose. Due to the nature of the earthworks it is possible that some of the fill or excavated material may be transported from one title to another, however, all material will remain within the overall wind farm property.

WEL considers that the Rule should be interpreted in a practical sense and as such, the project area can be considered as one “property”. Consequently, the proposed earthworks are deemed to be a **Permitted Activity**.

If the above interpretation of Rule 45.5.1 is not applicable, the proposed placement of fill would be assessed under Rule 45.5.3(c). As such, the placement of clean imported fill in volumes in excess of 2,000 m³ would be deemed a **Discretionary Activity**. Please note that the disposal of clean surplus material from road works in Rural Areas is exempt from this Rule.

Further, if not assessed under Rule 45.5.1, the excavation of basecourse material in excess of 20 m³ is then treated as an Extractive Industry under Rule 14.5(b). Extractive Industries in the Rural Zone are treated as a **Discretionary Activity**.

18.7.2 PDP

Earthworks associated with the proposed wind farm are deemed to be a **Discretionary Activity** pursuant to Rule 25.25.2, 25.26.2 and 25.27.2 because the activity does not comply with the conditions for a Permitted Activity for the following reasons:

- The proposed earthworks would disturb or move more than 500 m³ in the Landscape Policy Area or more than 1,000 m³ in the Rural Zone within a site in a single calendar year
- Some of the proposed cut or batter faces exceed 2 metres in the Landscape Policy Area or exceed 3 metres in the Rural Zone
- Earthworks exceed 250 m³ in the Landscape Policy Area or exceed 1000 m³ in the Rural Zone.
- Earthworks and roading within the Ridgeline Policy Area will be within 20 metres vertically below the ridgeline
- Filling will exceed a volume of 200 m³ and a depth of 1 metre.

18.8 Vegetation Clearance

The construction of the proposed wind farm does not require the removal or disturbance of any indigenous bush or scrubland. The only area affected by clearance is approximately 0.98 ha of mixed broadleaf-podocarp forest that needs to be removed as a result of the widening and upgrading of Plateau Road. Neither Plan contains provisions that would limit the clearance of vegetation in the Rural Zone that is located outside of any Landscape or Conservation Policy Areas.

Please refer to the Ecological Assessment enclosed as **Appendix C** for further details.

18.9 Noise

The Assessment of Noise Effects enclosed as **Appendix B** has found that the requirements of NZS6808:1998, Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators will be complied with at all of the dwellings near the proposed wind farm. Moreover, the proposed construction work will comply with NZS 6803:1999 Acoustics – Construction Noise so that the overall effects of the construction and operation of the proposed wind farm will be no more than minor.

The ODP does not contain any reference to wind farms or the measurement of wind farm noise. The PDP, however, does refer to the NZ Standard for assessment of wind farm noise, under Rule 25.20.1. It is noted that this provision is subject to an appeal to the Environment Court. In its current form, Rule 25.20.1 treats the emission of noise from wind turbines as a Permitted Activity, provided the noise does not 40dBA (L₉₅) at any other site when measured and assessed under NZS6808. Under that standard a penalty of +5dBA is also applied to noise with a special audible characteristic. Due to the expected compliance with NZS6808 the emission of noise from wind turbines is a **Permitted Activity**.

18.10 Summary

The following table provides a summary of the above assessment of District Plan Rules:

Table 7:

Activity	ODP	Rule	PDP	Rule
Wind turbines	Non-Complying (Discretionary within RPPA)	9.5.5 (21.5.3)	Discretionary	25.10.2
O&M Building	Discretionary	9.5.4	Discretionary	25.52.2
Underground Electrical Cables	Permitted	51.5.1	Permitted	25.13.1(b)
Meteorological Masts	Discretionary	51.5.1	Discretionary	25.69B.2
Earthworks	Permitted/ (Discretionary)*	45.5.1/ (45.5.3(c), 14.5(b))	Discretionary	25.25.2, 25.26.2, 25.27.2
Vegetation Clearance	N/A	N/A	N/A	N/A
Noise	N/A	N/A	Permitted	25.20.1

*Depending on interpretation of Rule.

Overall, the entire application would be a **Non-Complying Activity** under the ODP due to the activity status of wind turbines. However, since large parts of the PDP are now deemed operative under s19 RMA the assessment of the proposed activity is based on the understanding that the PDP provisions prevail. Consequently, this assessment refers to the provisions of the ODP mainly for informative purposes.

The PDP uses a very different approach to classify activities and the application would be assessed as a **Discretionary Activity** under that Plan. However, it is noted that the above assessment of the PDP provisions is based on the “decisions version” which may be subject to change depending on Environment Court appeals.

19. Planning Assessment

19.1 Overview

The proposed WEL Wind farm project is to be assessed primarily against the PDP of the Waikato District Council. The weighting between the PDP and ODP as well as the activity status of the project is assessed in section 18 of this report. The ODP may be relevant only where an appeal to the PDP exists.

Under the PDP the proposed wind farm is classed as a Discretionary Activity which requires the application to be considered under section 104 subject to Part 2 of the RMA. The matters to be considered under section 104 include:

- Any actual and potential effects on the environment
- Any relevant provisions of a National Policy Statement, the New Zealand Coastal Policy Statement, a Regional Policy Statement or Proposed Regional Policy Statement, a Plan or Proposed Plan
- Any other matters the consent authority considers relevant and reasonably necessary to determine the application
- Matters under Part 2 of the RMA

Actual and potential effects on the environment have been addressed in Sections 8 to 16 in this AEE. The remaining matters are discussed below.

19.2 Objectives and Policies

Being classed a Discretionary Activity under the PDP, the proposed WEL Wind farm needs to be assessed against the applicable Objectives and Policies of the Plan. There are three particular chapters covering the most relevant issues: natural features and landscapes, energy, and amenity values.

Please note that PDP decisions version contains changes made in response to submissions. Text added is shown underlined. Text deleted is shown ~~struck through~~. The numbers in *[italics and brackets]* that follow these changes refer to the relevant submissions.

19.2.1 *Natural Features, Landscapes and Amenity Values*

The Waikato District contains various outstanding natural features, which contribute towards the natural landscape character of the District. The Plan aims to recognise and protect these natural features and landscapes through Objective 3.2.1 and its associated Policies.

Objective 3.2.1

*Outstanding ~~landforms~~, natural features and landscapes are recognised and protected.
~~retained~~. [194.10, 312.14, 323.22]*

Policy 3.2.2

~~The land identified on the planning maps as a~~ Outstanding natural features and landscapes, identified in Schedule 3A, should be recognised and protected from the adverse effects of inappropriate subdivision, use and development. [299.9, 306.26, 312.15, 323.21]

Policy 3.2.3

Cultural and spiritual relationships of Maori with outstanding natural features and landscapes ~~particular landforms~~ should be recognised and provided for in the course of subdivision, use and development. ~~protected~~. [194.10, 312.17, 323.22]

Policy 3.2.4

Subdivision, use, development, roads and tracks should avoid adverse effects on outstanding natural features and landscapes, and including prominent ridgelines ~~and other significant natural features~~. [194.10, 312.18, 323.24, 653.9]

Policy 3.2.6

Views of outstanding natural features and landscapes from public places should be protected from the adverse effects of inappropriate subdivision, use and development ~~retained~~. [312.16]

And

Objective 3.4.1

Landscapes and visual amenity values, as viewed from public places, are retained and enhanced.

Policy 3.4.2

Natural features and landscapes, including locally distinctive landforms and prominent ridgelines, and general visual amenity values should be protected from inappropriate subdivision, use and development, in particular by:

(a) avoiding or mitigating adverse effects on natural features such as indigenous vegetation, lakes, rivers and mountains

(b) ensuring that the visual effects of buildings can be absorbed without adverse effects on the landscape

(c) locating buildings and development so as to integrate them with the surrounding landscape and backdrops, to avoid dominating the landscape

(d) designing subdivision so that potential development, including building platforms, fences and vehicle accesses, are located sympathetically in the landscape

(e) avoiding, remedying or mitigating as soon as practicable, the adverse visual effects of earthworks and vegetation clearance, by:

- retaining ~~significant areas of indigenous~~ vegetation, and [306.28, 718.2]*
- restoring natural contours and replanting with appropriate species ~~and restoring natural contours~~, and [303.12]*
- limiting the area of soil exposed by earthworks and the length of time it is exposed, and*
- locating and constructing roads, tracks and vehicle accesses to minimise their visual impacts.*

(f) avoiding or mitigating the adverse effects on visual amenity from noxious, dangerous, offensive or objectionable materials.

(fa) considering the effects of activities on the relationship of Maori with their ancestral lands and waahi tapu. [194.10]

In addition, the PDP also outlines three relevant Objectives under Chapter 13 regarding amenity values:

Objective 13.2.1

Adverse effects of activities on amenity values are contained within the site where they are generated.

Objective 13.2.6

Amenity values of localities are maintained and enhanced.

Objective 13.6.1

Rural character is preserved.

Analysis

The land comprising outstanding natural features and landscapes, as identified in Schedule 3A, is shown in the Planning Maps as Landscape Policy Areas. As discussed in section 18.3 of this report, seven of the proposed turbines and some earthworks fall into the Landscape Policy Area, while 14 out of the 28 turbines as well as some earthworks are subject to the Ridgeline Policy Area.

While it is acknowledged that the proposed activity will have some effects on the receiving environment, in particular visual effects, the key purpose of Policies 3.2.2 and 3.2.4 is to avoid adverse effects on outstanding natural features and landscapes. The scale of the proposed wind turbines makes it impractical to utilise screening measures, which are typically adopted to reduce visual, landscape and amenity effects of developments. However, the Visual & Landscape Assessment prepared by Mansergh Graham Landscape Architects (see **Appendix A**) points out that landscape and visual amenity effects will diminish when viewed from outlying locations. The landscape assessment states:

“While an increased number of turbines would be visible from more distant view locations, these would be seen within the context of the wider landscape, and therefore are considered to have a lesser effect (no more than minor to insignificant) on landscape character and visual amenity.”

Further, the assessment demonstrates that the perceived landscape effects are very subjective depending on how the viewer rates the aesthetic acceptability of wind turbines. The assessment considers that the overall effects on landscape and amenity values from the proposed activity will be more than minor due to the nature and scale of the activity, which would apply regardless of the selected location.

With regard to Policy 3.2.3, the cultural and spiritual relationships of Maori with outstanding natural features and landscapes will not be adversely affected by the wind farm project. The CHAR report prepared by the Nga Uri a Mahanga Trust (see **Appendix H**) concludes that the anticipated effects will be no more than minor.

The actual construction work of the proposed project, which includes earthworks, vegetation clearance, access tracks and other infrastructure, will have more than minor effects on landscape and visual amenity during construction. However, once the proposed rehabilitation measures are undertaken the residual effects of the wind farm construction will be no more than minor.

Further, it is noted that Policy 3.2.6 refers to “inappropriate” development. WEL considers that the proposed activity constitutes an “appropriate” development in terms of the selected site being suitable for a wind farm, and in terms of the direction provided by Chapter 7 (Energy) of the PDP and s7 of the RMA.

In summary, the proposed activity is unable to fully accord with all of the Objectives and Policies regarding natural features and landscapes. Due to the scale and nature of the wind farm there will be some effects on the receiving landscape and associated visual amenity, which cannot be avoided, remedied or mitigated. However, there are no adverse effects to cultural and spiritual relationships of Maori and there will be no residual construction effects after site rehabilitation. WEL also considers the proposed wind farm as an “appropriate” development at the selected site.

19.2.2 Energy

The PDP states in the introduction to Chapter 7 (Energy) that the Waikato District is suited to increased use of solar and wind energy, and the location and design of energy production activities should make best use of these renewable resources. The issue statement associated with the Objective and Policies under section 7.4 of the Plan directly reflects this situation:

Issue 7.4

“Renewable energy resources are under utilised, resulting in lost opportunities for environmental benefits. [300.10, 651.5]”

Objective 7.4.1

Generation and use of renewable energy resources is increased.

Policy 7.4.2

Positive effects to the environment and the community of generating and using renewable energy resources should be recognised and provided for. [294.2, 323.32]

Policy 7.4.3

The ~~naturally occurring~~ renewable energy resources of the district (including ~~coal~~, geothermal, biomass, solar and wind) should be recognised for their potential contribution to national energy production. [300.13, 323.33, 651.10]

Analysis

The renewable energy related Objective and Policies of the PDP provide some very supportive provisions that should allow a balanced assessment of the proposed activity. The explanatory text to Policies 7.4.2 and 7.4.3 outline the range of positive effects derived from the utilisation of renewable energy, such as:

- security of supply and greater reliability (by diversifying sources of energy)
- reduction in greenhouse gas emissions
- reduction in dependence on the national grid, and
- reduction of transmission losses.

The Plan states that the anticipated environmental results from these provisions would lead to “greater generation and use of renewable energy resources” (see Clause 7.8.2). Further, the PDP also recognises in Clause 7.5.1 that renewable energy use can have positive effects on the environment and the community, but also may have some degree of impact on other resources, such as landscape:

“Making the best use of renewable resources may have some degree of impact on other resources, such as landscape. However, the benefits to be derived from the use and development of renewable energy must be taken into account when considering potential impacts. [308.4, 308.5]”

The above analysis regarding natural features, landscapes and amenity values under section 19.2.1 of this report demonstrates that the proposed activity does not fully accord with the associated Objectives and Policies due to its likely effects on the landscape and visual amenity. However, PDP Chapter 7 (Energy) provides strong support for the development of the wind resource in the Waikato District and acknowledges that such development may have some degree of impact on the receiving landscape.

When considering the proposed activity, any actual and potential effects on the environment need to be balanced against the benefits related to the use and development of renewable energy and other

matters under Part 2 RMA. Part 2 matters and other national policy considerations are discussed in the following section.

19.3 RMA Part 2 Considerations

19.3.1 Sustainable Management

Section 5 of the Resource Management Act 1991 requires an overall broad judgement as to whether a proposal will promote sustainable management. It also allows for the balancing of conflicting considerations in terms of their relative significance.

The Resource Management Act's definition of sustainable management focuses on managing the use, development and protection of natural and physical resources. Both air and energy are natural resources as defined by the Act. One aspect of sustainable management is managing resources in a way or at a rate that enables people and communities to provide for their social and economic wellbeing. The development of a wind farm, in providing electricity to the community and nation, contributes to social and economic wellbeing.

Sections 5(2)(a), (b) and (c) further define sustainable management. Section 5(2)(a) refers to sustaining the potential of the resource to meet the reasonably foreseeable needs of future generations. Being a renewable resource, the future potential of wind energy is always sustained. The continuing and growing demand for electricity is a foreseeable need. Increasing the ability of the generation system to meet that growing need can therefore be considered an aspect of sustainable management.

Section 5(2)(b) refers to safeguarding the life supporting capacity of air, water, soil and ecosystems. The short-term effects of wind farm construction on water, soil and ecosystems is relevant, although in most cases, long term significant impacts are unlikely. However, the potential for impacts on bird life needs to be seriously addressed, as WEL is committed to doing. As wind turbines and their associated infrastructure have a very small physical 'footprint', conflict with maintaining the land or soil resource is also very limited.

Section 5(2)(c) requires adverse effects to be avoided, remedied or mitigated. Section 5(2)(c) is therefore relevant to potential impacts directly associated with wind farms, such as visual impacts, noise, and effects on bird life. For the WEL Wind farm, the applicant believes that the proposed project has only limited adverse impacts, and effectively avoids or mitigates others. WEL also believes that avoiding the impacts of greenhouse gas release through the development of a wind farm is a valid positive benefit – and one that is supported by section 7(i) of the Act.

19.3.2 Matters of National Importance

Section 6(a) and (d) concern the preservation of the natural character of the coastal environment and access to the coastal marine area. It is noted that these Sections do not apply since the proposed wind farm is not within or near the coastal environment or coastal marine area.

Section 6(b) of the Act refers to the protection of outstanding natural features and landscapes. The PDP identifies outstanding natural features and landscapes on the planning maps as Landscape Policy Areas. As discussed in section 18.3 of this report, some elements of the proposed activity are subject to this policy area. Due to the scale and nature of the proposed wind farm it is impossible to avoid all adverse landscape effects. However, WEL believes that any landscape effects, need to be considered in conjunction with the wide range of benefits that derive from the greater use and development of

renewable energy. Please note that the PDP refers to these benefits within the Energy Chapter, which is discussed in section 19.2.2 of this report.

Section 6(c) refers to the protection of significant indigenous vegetation and significant habitats of indigenous fauna. With appropriate control over construction and rehabilitation, the small footprint of turbines and their associated facilities in the WEL Wind farm project means that they can be established in close proximity to areas with relatively high natural values. It is noted that the actual turbines are exclusively located on pastoral farmland and the layout design includes appropriate setbacks from areas containing significant indigenous vegetation and habitats of indigenous fauna.

Sections 6(e) and (f) include reference to the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. The 2003 Amendment Act has raised protecting “historic heritage” to a matter of national importance. Historic heritage includes historic sites, structures, places and areas, archaeological sites, and sites of significance to Maori (including waahi tapu). It also includes the surroundings associated with those natural and physical resources that comprise “historic heritage”.

WEL has addressed this matter by commissioning an archaeological report and a Cultural Heritage Assessment Report (CHAR) in consultation with tangata whenua. These assessments conclude that the proposed works are capable of being managed to avoid adverse effects on the identified archaeological sites within the project area, including an historic pa site.

19.3.3 Matters of Particular Regard

Changes introduced to the Act in 2004 placed a new emphasis on the use and development of renewable energy. The Minister of Energy, in introducing the Bill noted that “it requires local authorities, when considering proposed wind farming projects, to have particular regard to the benefits of lower greenhouse gas emissions offered by such an energy source.”

Section 7(i) lists “the effects of climate change” as a particular matter to take into account. Introducing this matter to the Act requires the consideration of a negative outcome that many people link to the release of greenhouse gases. Section 7(i) is relevant to wind energy as greater use of the wind to produce electricity can help avoid the release of greenhouse gases associated with alternative forms of power generation such as the use of fossil fuels.

Section 7(j) requires the Council in making its decision to have particular regard to “the benefits to be derived from the use and development of renewable energy”. The government has stated that this provides a stronger legal mandate for consideration of the value of renewable energy, so that decisions and council plans take into account national objectives as detailed in the National Energy Efficiency and Conservation Strategy. The intention is that proposals for renewable energy do not encounter unnecessary barriers.

19.4 Regional Planning Instruments

19.4.1 Waikato Regional Policy Statement

The Waikato Regional Policy Statement (RPS) was proposed in October 1993 and became operative on October 2000. The WRPS sets out the significant resource management issues, which should be considered when managing natural and physical resources within the Region.

The energy section (Section 3.12) of the RPS is considered to be relevant to the proposed activities. The key objective of this part of the RPS aims for the “efficient use of energy within the Waikato

Region”. The associated policy promotes “efficiency and conservation in the production, transmission and consumption of energy”.

Method 2 encourages the use of alternative and renewable energy. The RPS recognises that “by increasing the use of alternative energy resources (e.g. wind, sun, and biomass) we not only reduce our dependence on fossil fuels, but the economy is insulated from problems associated with a reliance on a singular energy source (e.g. the South Island hydro lakes in a drought year).”

Overall it is considered, that the RPS provides a strong statement in favour of alternatives and renewable energy sources in the Waikato Region.

19.4.2 Proposed Waikato Regional Plan

The Proposed Waikato Regional Plan contains policies and methods to manage the natural and physical resources of the Waikato region. The Plan is not yet operative. It is currently subject to references to the Environment Court. This means that the Plan's current status varies, depending on appeals. As indicated previously, the proposed activity would require regional land use consent from EW to undertake bulk earthworks and deposit large volumes of overburden. A separate application will be lodged with EW simultaneously with this application.

The Regional Plan does not contain any Objectives or Policies with particular regard to renewable energy that would support or opposed the proposed activity.

19.5 Other Matters

The draft New Zealand Energy Strategy (NZES), which was released by government on 11 December 2006, proposes to actively promote increased renewable energy development. Measures may include the introduction of incentives to encourage further development and use of renewable energy resources. The NZES is closely linked to the draft New Zealand Energy Efficiency and Conservation Strategy (NZECS) which was publicly released at the same time as the draft NZES.

The NZECS provides a clear objective to increase the amount of electricity generated from renewable sources. The NZECS is expected to set a target to support the Government's commitment to making more use of New Zealand's renewable energy resources for generating electricity, thereby helping to lower the sector's carbon emission profile in the long run.

19.6 Summary

Being a Discretionary Activity under the PDP, the proposed activity needs to be assessed against the Objectives and Policies of the Plan. The PDP contains a range of provisions that would allow a balanced assessment. While “*outstanding natural features and landscapes are recognised and protected*”, the Plan also clearly supports the increased use of renewable energy sourced within the Waikato District. The PDP acknowledges that these two objectives may conflict each other and that the development of renewable energy may result in some degree of impact on other resources, such as landscape.

Further, WEL considers that the proposal is in accord with the principles of sustainable management as set out in Part 2 of the Resource Management Act. In particular, the proposed wind farm will make a positive contribution towards offsetting the emission of climate changing greenhouse gases and will realise nation-wide benefits, such as increasing the security of energy supply. These attributes are fully supported and encouraged by recent Central Government policies, such as the NZES and the NZECS.

Having regard to matters outlined above, WEL believes that this wind farm proposal will have positive effects, both locally and nationally, that should be weighed against any adverse effects on the landscape or visual amenity. The attached specialist reports demonstrate that a large part of the associated adverse effects can be avoided, remedied or mitigated. Achieving positive, sustainable outcomes while making practical efforts to deal with adverse effects is consistent with the principal purpose of the Resource Management Act. Finally, the proposed wind farm could make a positive contribution towards achieving Government's policy objectives and targets.

20. Consultation

20.1 Background

Being an electricity distribution company which is community owned, WEL is committed to pro-actively informing and consulting with both the local and general community and has done so with respect to the WEL wind farm proposal. WEL's consultation philosophy has been to embrace a process that is comprehensive, pro-active, and which commenced right at the start of the project. This process has enabled issues of concern to be communicated back to the project team and where possible, they have been addressed by way of design changes, conditions or information. The final application therefore reflects, as much as possible, the concerns of the local community.

WEL adopted a consultation strategy which involved identifying all key stakeholders and landowners located within 5 kilometres of the site. Contact was made with all parties early on in the process and well before the various technical studies were undertaken. Initial communication was via letter, which invited a phone call and a personal visit. Any queries were followed up. Approximately 30 meetings have been held with landowners and key stakeholders since May 2006. A Public Open Day was held in May 2006 to provide an opportunity for anyone to speak to project team members about their area of expertise and have their questions addressed. A follow up Public Open Day in late November 2006 provided an opportunity for the project team to discuss their findings with local residents.

The overall consultation process was managed by the consultation team consisting of Kellie Ellis (Project Delivery Manager, WEL) and Chris Dawson (Consultation Manager, Bloxam Burnett & Olliver Ltd). A detailed report on the consultation undertaken is enclosed as **Appendix J**.

20.2 Initial Key Stakeholders

WEL has identified a group of initial 'key stakeholders' to be consulted. These parties are key to the process because they represent well defined interests or have particular public responsibilities. Consultation has already taken place with these stakeholders in the lead up to lodging the application, and will continue in relation to any outstanding issues.

An introductory letter and information pack was sent out to all stakeholders identified as having a relationship or link to either the wind farm site or the issues arising from the wind farm. This initial approach was then followed up with a phone call to the key stakeholders with a request to meet and introduce the project.

Consultation was undertaken with the following key stakeholders:

- Waikato District Council
- Environment Waikato
- Transit New Zealand
- Department of Conservation
- Whaingaroa Harbour Care
- Genesis Energy
- Greenpeace New Zealand
- Waipa District Council
- Energy Efficiency and Conservation Authority
- Telecom
- Auckland/Waikato Fish and Game

- Whaingaroa Environment Centre
- Civil Aviation Authority

Other stakeholders that were consulted include:

- Forest & Bird
- Pirongia Restoration Society
- NZ Wind Energy Association
- Topdressing interests
- Raglan Airstrip operators (Waikato District Council)
- Radio Spectrum
- Broadcast Communications Limited
- Maritime Safety Authority (MSA)

Regular update meetings were held with the Department of Conservation (DoC), Waikato District Council and Transit New Zealand due to their interest in key aspects of the project.

Outcomes of the key stakeholder consultation include:

- The signing of a Memorandum of Understanding (MoU) between WEL and Telecom over the continued operation of the existing Telecom radio transmission mast
- The Civil Aviation Authority (CAA) issuing a “Determination of Hazard in Navigable Airspace” and confirming which of the turbines would need to be lit (see **Appendix L(2)**)
- As at the date of this AEE, DoC and WEL are in the process of agreeing on a MoU regarding mitigation and support for relevant bird and bat environmental programmes as well as the monitoring of site impacts.
- Transit New Zealand has provided written approval to the traffic related issues associated with the wind farm (see **Appendix L(6)**).

20.3 Consultation with Residents

WEL initiated contact with all local landowners within 5 kilometres of the project site. The consultation team made the offer to meet these landowners at their homes to discuss the wind farm proposal in detail. Approximately 30 surrounding landowners took up the offer. Follow-ups were arranged when necessary. The key concerns expressed during the first round of consultation related primarily to visual effects of the wind farm, potential noise impacts, consequential effects on property values and health..

An independent assessment of potential health issues was carried out in the course of investigations in and WEL was advised that there are no aspects of the construction or presence of the proposed wind turbines which give rise to cause for concern from a public health point of view and no issues during construction which cannot be readily mitigated from an occupational health and safety or environmental health point of view. The WEL wind farm will prove to be a safe and sustainable means of generating power from energy otherwise lost in the environment and will provide significant benefit to surrounding communities.

In order to allow affected landowners to familiarise themselves with the size, shape and sounds of a working wind farm, WEL organised six chartered flights to Palmerston North and a tour to visit the Te Apiti wind farm near Ashhurst. A WEL staff member accompanied each trip, answering questions and highlighting key points of interest along the way. The overall purpose of this trip was to allow everyone a chance to form their own opinion about wind farms, beyond the information material provided.

Further, WEL organised two Public Open Days, forming an integral part of the consultation programme. The Open Days were held at the Te Uku Hall on 24 May 2006 and 27 November 2006. All key consultants attended and WEL staff were available for the duration of the Open Days to answer questions, provided information and talk to attendees. The Open Days presented an excellent opportunity to engage and consult with the local community on an informal basis, but with the possibility to discuss specific issues one-on-one.

20.4 Consultation with Iwi

The Resource Management Act requires consent authorities to have regard to Maori cultural issues and potential impacts on sites of significance.

WEL initiated consultation with local iwi at the same time as the public announcement of the project. Ngati Mahanga confirmed having mana whenua status over the area within which the project site is located. A small working team from Ngati Mahanga was subsequently engaged by WEL to research and produce a Cultural Heritage Assessment Report (CHAR). The CHAR was designed to assess the historical relationship between Ngati Mahanga and the wind farm site and to assess any potential impacts of the project on sites or areas of cultural heritage significance.

The CHAR concluded that no sites of significance would be impacted by the proposed activity and that an identified pa site was sufficiently separated from the closest works. In addition a series of protocols were agreed through the CHAR process in the event of the site works uncovering any artefacts or sites of possible significance. NUAM also agreed to participate in the opening ceremonies if the wind farm is built. Please refer to section 16 of this report for further details.

20.5 Consultation about Flora and Fauna

Regular consultation meetings have been held with Department of Conservation staff to identify and address issues of concern. WEL's ecological consultant, Mr Gerry Kessels identified and refined the ecological assessment of effects based on preliminary feedback from DoC staff. Key concerns from DoC staff related to the potential effects on short tailed bats and the New Zealand Falcon in terms of impacts from collision with the turbines in flight. WEL has developed a Memorandum of Understanding (MoU) with the Department of Conservation which sets out the detail of how these potential issues are monitored and addressed, if necessary. It is expected that WEL will be able to sign a Memorandum of Understanding (MoU) with the Department shortly.

20.6 Consultation about Equipment Transport and Traffic Issues

A number of parties have been directly consulted over traffic effects and indirectly through open days. While the details of this consultation are outlined in the enclosed consultation report (see **Appendix J**), the following summarises the discussions.

Waikato District Council has been consulted about the use of public roads maintained and managed by the Council. General agreement was reached over the gating of the access road at a similar location which currently exists at the end of Plateau Road. Further, the Council agreed to WEL using the paper road from this point onwards, as the access road crosses and re-crosses the legal route. WDC had some concern over the long term future use of the remaining portion of Plateau Road. While the road may be used occasionally by light maintenance vehicles (twice per week), the increase in volume does not warrant any further upgrade of the road. Moreover, any heavy maintenance equipment will make use of the Te Mata Quarry entrance.

Transit has also been consulted on the proposed Te Uku viewing platform. Transit requested development of a master plan for the Te Uku township and an evaluation of how the viewing platform would fit into the framework. Whilst this is not an essential part of the mitigation, WEL have assisted the community in developing a plan. The concept plan is enclosed in **Appendix L (4)**. The process of seeing the plan through is not for WEL to lead, however as part of the project WEL are in support of community initiatives that promote safety, particularly associated with the State Highway. Transit's response on the viewing platform was supportive and it is seen as a positive way of mitigating unsafe behaviour.

The issue of speed reduction in the Te Uku township was further discussed and examined, however no immediate commitment to such an initiative was given. Transit initially raised concerns about the use of Van Houtte Road as the primary route to the wind farm. These concerns related to the sight distance at the road's intersection with SH23. However, as mentioned previously in this report, primary access to the wind farm will be via the Te Mata Quarry and not via Van Houtte Road.

20.7 Consultation with RMA Consent Authorities

Waikato District Council (WDC) has the statutory responsibility for assessing land use consent applications and deciding whether to grant consent. WDC made it clear early in the consultation that the application would be publicly notified and that a hearing would be held. WEL established a close working relationship with the Council through various pre-application meetings and WEL's involvement in the statutory process of the Proposed District Plan. WEL and WDC agreed to provide the key specialist reports to Council peer reviewers prior lodgement of this application in order to address any outstanding issues prior to public notification.

Environment Waikato (EW) has statutory responsibilities for controlling the effects of earthworks, and impacts on natural watercourses. WEL's discussions with EW have confirmed that resource consent for earthworks, culverts and overburden disposal is required from the Council. All works will be carried out in compliance with a proposed Erosion and Sediment Control Plan (as part of a wider Environmental Management Plan) and the EW "Erosion and Sediment Control Guidelines for Soil Disturbing Activities" (see proposed **Condition 4**).

20.8 Consultation about Air Traffic

WEL undertook consultation with the Civil Aviation Authority (CAA) and Hamilton International Airport to discuss the potential for impacts on air traffic and aviation safety. CAA issued a "Determination of Hazard in Navigable Airspace" confirming which of the turbines would need to be lit at night. Further, the operator of Hamilton Airport had no concerns regarding the proposed wind farm. Please refer to section 13 of this report for further information.

21. Proposed District Consent Conditions

The following consent conditions are proposed by WEL Networks as a means of managing some of the potential effects associated with the wind farm.

These conditions are proposed as a starting point for Council consideration. WEL anticipates that the wording of these proposed conditions may be changed in response to the hearing process.

1. The proposed development shall proceed in general accordance with information provided in the WEL Wind Park (Te Hauhiko o Wharauoa) resource consent application, including the drawings in Appendix B of the application, except as amended at the hearing or by the conditions of this consent.

Turbine Characteristics

2. No more than twenty eight (28) wind turbine generators (“turbines”) shall be installed subject to the following:
 - The maximum turbine height (to the vertically extended blade tip) shall be 137 metres.
 - The maximum turbine tower height shall be 90 metres.
 - Industry standard low reflectivity finishes shall be used on the turbines and the turbine blades.
 - Each turbine may be located anywhere within an individual turbine contingency zone of no greater than 150m radius from the turbine locations specified by the application.
 - Notwithstanding the turbine contingency zones, final turbine locations shall not be located:
 - (a) Within 100m of native bush areas in Pirongia Forest Conservation Park, unless in all cases the written approval of the Department of Conservation is first obtained for a revised turbine location or locations.
 - (b) Within ecologically significant areas identified by the applicant’s ecology report.
 - (c) Where there would be an adverse effect on fixed linking or wide area coverage radio-communication services.
3. The consent holder shall provide Waikato District Council with an as-built plan of the locations of all constructed turbines and access roads at the completion of the work.

Environmental Management Plan

4. The consent holder shall prepare an Environmental Management Plan (EMP) for the project. The EMP shall be in two parts, being:
 - 1) Management of Construction Issues, which shall be submitted prior to construction commencing, and
 - 2) Management of Operational Issues, which shall be submitted prior to the commissioning of the first turbine.

Part 1 of the EMP- Management of Construction Issues shall include, but not be limited to:

- a) The traffic management plan required in condition 14.
- b) Any Erosion and Sediment Control Plan required as a condition of consent by Environment Waikato.
- c) A description of the manner in which the consent holder will comply with:
 - Condition 7 relating to dust.

- Condition 10 relating to construction noise.
 - Condition 35 relating to cultural heritage.
 - Condition 37 relating to any archaeological discovery.
 - Condition 33 relating to worker safety.
 - Condition 39 relating to complaints.
 - Condition 40 relating to site rehabilitation.
- d) A description of the manner in which the consent holder will:
- Manage effects associated with the concrete batching plant.
 - Control the storage or mixing of fuels associated with the site construction.
 - Avoid or limit the introduction of weeds via construction equipment and materials.

Part 2 of the EMP – Management of Operational Issues shall include, but not be limited to:

- e) A description of the manner in which the consent holder will comply on an ongoing basis with:
- Condition 12 relating to NZ falcon and long-tailed bats
 - Condition 9 relating to noise.
 - Condition 39 relating to complaints.
 - Condition 33 relating to worker safety.
 - Condition 35 relating to protection of cultural heritage.

Landscape, Vegetation and Earthworks

5. Cut and fill batters associated with access tracks, borrow areas, and turbine (and associated hard stand) pads shall be re-contoured to visually reintegrate into the natural landform. Re-vegetation of these areas, to visually integrate with surrounding vegetation patterns, shall occur. (Note: Except where the access road passes through areas of bush, it is expected that the majority of the site will be returned to pasture following any earthworks or disturbance).
6. Any Erosion and Sediment Control Plan (ESCP), required as a condition of a regional consent, shall be incorporated within the project's Environmental Management Plan, as noted under condition 4.
7. Active dust suppression measures shall be employed to ensure that construction activities comply with the permitted activity standards of the Proposed Waikato Regional Plan. The measures used shall have particular regard to activities at Te Mata quarry, the portable crushing plant, the portable batching plant, the use of haul roads, and overburden disposal.
8. Following construction, the formed width of access roads shall be reduced to approximately 5 metres where practicable, with the remainder being planted, sown or hydroseeded to the satisfaction of the Waikato District Council.

Noise

9. The wind turbines shall be designed and constructed so that within the notional boundary of any rural dwelling existing at the date consent is granted, the sound level from the generators shall not exceed the background sound level (L95) by more than 5dBA, or a level of 40dBA L95, whichever is the greater, as determined in accordance with NZ Standard NZS6808:1998 Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators.
10. Construction noise shall be managed in accordance with the requirements of NZS6803:1999 Acoustics – Construction Noise.

11. Prior to giving effect to this consent, the consent holder shall provide to the Council a noise assessment prepared by an appropriately qualified person that demonstrates that the intended number, layout and type of turbines to be used will meet the noise standard specified in condition 9 above.

Ecology

12. The consent holder shall undertake monitoring of potential effects on NZ Falcon and long-tailed bats, as well as general bird-strike monitoring. The procedures outlined by this condition shall form part of the project's Environmental Management Plan.
 - The methodology for monitoring is to be developed in consultation with the Department of Conservation.
 - The consent holder shall produce an annual report by a suitably qualified person that details the results of the monitoring program/s.
 - If, after five years, the monitoring shows that the wind farm is having no more than minor effects, then monitoring may cease.
13. The consent holder shall undertake mitigation for any potential adverse ecological effects as follows (subject to a Memorandum of Understanding between WEL and the Department of Conservation):
 - After consultation with the Department of Conservation, programmes to support falcon rearing and release, and habitat restoration / pest control (for long-tailed bats), shall be developed for a period of 5 years from commissioning of the first turbine.
 - If, after five years, monitoring shows the wind farm is having no more than minor effects, then these programs may cease.
 - If the wind turbines are found to be the cause of death of NZ falcon or long-tailed bats, then the programmes referred to in the first bullet point of this condition shall continue.

NOTE: This condition is intended to be implemented if DoC/WEL agree via a proposed MoU.

Traffic

14. Traffic Management Plans shall be prepared in consultation with Transit NZ and Waikato District Council prior to the commencement of construction, for the following purposes:
 - To set out the nature and timing of any physical improvement works to state highways or district roads, agreed to by the consent holder and the respective road authorities as a necessary adjunct to the wind farm project. .
 - To set out local improvements at Te Uku, proposed in conjunction with the wind farm viewing platform.
 - To detail the intended traffic arrangements (including times of traffic movements) and provisions for temporary road closures during the delivery of over-weight and over-dimensioned major components to the site.
 - To manage construction traffic (other than component delivery) during the construction phase.
 - To provide affected residents, local authorities, Transit NZ, Police and emergency services with prior notice of traffic arrangements and possible road closures.

15. At all times during the construction period, the consent holder shall comply with the approved Traffic Management Plans referred to in condition 14.
16. The movement of over-dimension and over-weight loads on state highways and local roads shall generally be programmed to occur during the lowest periods of public use, and shall avoid peak periods of public use.
17. The consent holder shall communicate with schools to ensure that conflict is minimised between programmed school events, school bus movements, and traffic movements associated with wind farm construction.
18. During construction, adequate and safe access (consistent with Transit NZ and Waikato District Council guidelines) shall continue to be provided to and from individual properties, and for traffic travelling along the route through the District to the site.
19. The entrance to Te Mata Quarry from Kawhia Road shall be upgraded to accord with diagram TSG-E1, as set out in the Waikato District Plan.
20. Widening of the unsealed pavement area on the inside curve of the Te Mata Road and Kawhia Road intersection shall be undertaken to ensure that over length vehicles can successfully negotiate the intersection.
21. Vegetation within the legal road reserve, near the intersection of State Highway 23 and Te Mata Road, shall be monitored for the duration of the construction project, and managed where necessary, to ensure that minimum sight distances are maintained.
22. The project's primary access road (generally following the alignment of the largely unformed section of Plateau Road, approximately between Chainage 1700 and 3200 on drawing 135250/SK5 Rev B) shall be upgraded to the satisfaction of the Council and in accordance with the District's Code of Practice for unsealed roads.
23. The publicly accessible and sealed section of Plateau Road (approximately between Chainage 1700 and 3200 on drawing 135250/SK5 Rev B) shall be maintained by the consent holder and resealed at the completion of the wind farm construction.
24. At the completion of construction, Plateau Road, approximately above Chainage 3200 as shown on drawing 135250/SK5 Rev B, shall be modified to prevent access via motorised transport, other than by vehicles associated with wind farm operation and maintenance, farm management, or as otherwise authorised by the wind farm landowners.

Traffic Mitigation Works

25. The consent holder shall provide a public viewing area or platform with car parking accessible from State Highway 23.
26. The traffic mitigation works required in condition 25 affecting the State Highway shall be subject to detailed design approval by Transit New Zealand (acting in a technical certification capacity only) and all to the satisfaction of the Council. The traffic mitigation works shall include:
 - (a) A viewing area or platform; and
 - (b) A carpark for 10 cars with including perimeter fencing as per the approved plan. The carpark shall be formed, sealed and marked out in accordance with the engineering standards contained in Appendix A and B of the Waikato District Plan; and

- (c) The signage required in conditions 28 and 29.
27. In the event that the traffic mitigation measures required in conditions 25 and 26 are satisfied by provision on the Te Uku Hall site then the following provisions shall apply:
- (a) The vehicle entrance shall be located as far as practicable from the Matakotea Road / State Highway 23 intersection; and
 - (b) Matakotea Road shall be sealed to a point immediately past the entrance to Lot 2 DPS 79902 comprised in Certificate of Title 64A/525 including provision for a widened berm to facilitate a bus turnaround and parking area; and
 - (c) The consent holder shall construct to Transit New Zealand standards threshold treatments, flush medians, localised widening and right turn bays for the Okete Road and Matakotea Road intersections.
28. An advanced warning sign with supplementary plates shall be erected at a location on State Highway 23 to be agreed with Transit New Zealand near the summit of the Raglan deviation informing road users of the distance to and location of the wind farm viewing platform.
29. A tourist information sign shall be erected at a location to be agreed with Transit New Zealand near Te Uku informing road users of the wind farm viewing platform.

Air Safety

30. The consent holder shall comply with the conditions of the Civil Aviation Authority Determination, issued 30 November 2006.
31. Any lights on turbines required by the CAA shall be shielded from being directly visible below the horizontal plane.

Radio-communications

32. If, within 6 months of the wind farm becoming fully operational, adverse effects on fixed linking or wide area coverage services are demonstrated to have occurred (and which relate to any network operating within the wind farm project area, at the date consent was granted to the wind farm), the consent holder shall undertake remedial actions to the satisfaction of the Council. In exercising its judgement on the remedial actions, the Council may consult with the affected network operator.
33. To ensure worker safety during construction and ongoing operations and maintenance, minimum safe distances from each radiating antenna at the Te Uku telecommunications mast shall be established and documented. The estimates, and all work on the wind farm, shall comply with the approach recommended in the New Zealand Standard for Radiofrequency Safety NZS 2772.1.
34. If any household within a 6km radius of the site considers that post-construction TV reception is impaired, the consent holder shall submit an independent assessment of the matter. If quality is found to be impaired, the consent holder shall take the best practicable measures to provide reception comparable to pre-construction quality.

Cultural Heritage

35. Fencing and construction signage shall be employed to avoid the risk of impacts on:

- the identified pa site Te Tihi o Tonganui
 - the original Vanhoutte homestead
 - the currently fenced section of the old Plateau Road formation, in the vicinity of Te Tihi o Tonganui
36. A representative approved by tangata whenua shall be given the opportunity to be present during earthworks at: the main site access road; in the vicinity of Te Tihi o Tonganui; and at any borrow pit.
37. In the event of a suspected archaeological discovery, work must cease and the New Zealand Historic Places Trust and tangata whenua shall be informed of the discovery as soon as possible. Work can recommence when any necessary NZHPT approvals have been obtained. The accidental discovery protocol recommended in Appendix 3 of the NUAM Trust report, dated, December 2006, shall be included in the Environmental Management Plan for the project.

Community

38. The consent holder shall offer the opportunity for the establishment of a Community Liaison Group (CLG) comprising representatives from the communities at Te Mata, Te Uku and Waitetuna. If established, the consent holder shall participate in and provide administrative support for the operation of the CLG. The CLG shall convene for the duration of the construction period, including two months prior to and after that period. The CLG shall act as a forum for providing information to the community, and for addressing issues that arise during the period. The applicant will meet the reasonable expenses of the CLG.
39. The consent holder shall establish a procedure for recording and making decisions about acting on complaints received during the construction period, and for twelve months after the commissioning of the first turbine.

De-commissioning

40. If the wind farm is de-commissioned, the site shall be returned to a landform and land use compatible with the underlying use of the land at that time. This condition does not require the removal of sub-surface components, or the removal of roading.

Lapse of Consent

41. This consent will lapse if not given effect to within 10 years of the date of commencement.