

**IN THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
TE WHANGANUI-A-TARA ROHE**

ENV-2024-WLG-001

UNDER the Resource Management Act 1991

IN THE MATTER the direct referral of applications for resource consents by
under section 87G of the Act for the Mt Munro Wind Farm


BY **MERIDIAN ENERGY LIMITED**
Applicant

STATEMENT OF EVIDENCE OF DAMIEN MCGAHAN

ON BEHALF OF TARARUA DISTRICT COUNCIL AND MASTERTON DISTRICT COUNCIL

PLANNING

Dated: 23 August 2024


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STATEMENT OF EVIDENCE OF DAMIEN MCGAHAN

A. INTRODUCTION

- [1] My name is Damien McGahan. I am a Principal at Aurecon New Zealand Limited (Aurecon), a multi-disciplinary consultancy firm which provides engineering, management and specialist technical services for public and private sector clients. I am a full member of the New Zealand Planning Institute.
- [2] I co-authored a report on the application required by section 87F of the Resource Management Act 1991 (**RMA**) on behalf of Tararua District Council (**TDC**) and Masterton District Council (**MDC**) (the **District Councils**), dated 15 March 2024 (**s 87F Report**).
- [3] In the s 87F Report, I reviewed the application from Meridian Energy Limited (the **Applicant** or **Meridian**) for resource consent applications lodged with the District Councils for the Mt Munro Wind Farm (**Mt Munro Project** or **Project**). My s 87F Report provided recommendations to improve or further clarify aspects of the resource consent applications, including with regard to conditions, should the Court be minded to grant resource consents.
- [4] I confirm I have the qualifications and experience set out at paragraphs 492-497 of the s 87F Report.
- [5] On 8 and 9 August 2024, I participated in expert conferencing on planning, which resulted in a joint witness statement dated 9 August 2024 (the **Planning JWS**). I confirm the contents of the Planning JWS.
- [6] I participated in further expert conferencing on 14 August 2024 with the District Council's traffic expert, Ms Harriet Fraser along with Meridian's traffic expert Mr Colin Shields, and planning expert Mr Tom Anderson. This conference addressed some matters arising from the Transport JWS dated 7 August 2024 and resulted in a joint witness statement dated 14 August 2024 (the **Traffic and Planning JWS**). I confirm the contents of this JWS.

- [7] I attended mediation on 18 and 19 June 2024 in Palmerston North. Following mediation, I have had discussions and workshops on 11-12 July 2024 with Mr Tom Anderson from Meridian (and the Regional Council planning experts) as to some of the matters arising from mediation, and in particular the condition set. Following on from expert conferencing, I, along with the planners for the Regional Councils, have continued to discuss the condition set with Mr Anderson for the purpose of evidence preparation. I discuss the conditions in further detail in Section F below.

B. CODE OF CONDUCT

- [8] I repeat the confirmation provided in the s 87F Report that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with that Code. Statements expressed in this evidence are within my areas of expertise, except where I state I am relying on the opinion or evidence of other witnesses.

C. SCOPE OF EVIDENCE

- [9] This statement will cover the following:
- (a) The extent to which issues identified in the s 87F Report have been resolved through mediation, Meridian evidence, and expert conferencing;
 - (b) A response to section 274 party evidence; and
 - (c) Conditions.
- [10] In addition to the material that was reviewed for the s 87F Report, the following has also been reviewed:
- (a) All of the Joint Witness Statements (**JWS**) filed with the Court;
 - (b) Statements of Evidence of Mr Grant Telfar (Meridian and the Electricity Sector), Mr Nicholas Bowmar (Project Description and Consultation), Mr James Kendrick (Ngāti Kahungunu ki Tāmaki nui a rua), Mr Simon Faulkner (Wind Technical), Dr Jennifer Purdie

(Climate Change Impacts and Mt Munro), Mr Rhys Girvan (Landscape and Visual), Mr Miklin Halstead (Acoustics), Mr Colin Shields (Traffic and Transportation), Mr Christopher Jones (Mill Creek Ohariu Valley Road Upgrade), Mr Maurice Mills (Civil Engineering Design), Mr Robert Van de Munckhof (Air Quality), Mr Glen Wright (Lighting), Ms Emily Howitt (Archaeology), and Mr Tom Anderson (Planning) dated 24 May 2024, on behalf of Meridian;

- (c) The proposed changes to conditions filed with Mr Anderson's evidence (the **Meridian conditions**);
- (d) Further information provided by Meridian, dated 27 June 2024, 3 July 2024, 11 July 2024, and 26 July 2024;
- (e) Evidence of Janet McIlraith (s 274 party) dated 10 July 2024;
- (f) Evidence of Robin Olliver (s 274 party) dated 10 July 2024;
- (g) Evidence of Hastwell/Mt Munro Protection Society Inc. (s 274 party) dated 10 July 2024;
- (h) Evidence (Social Impact Report) of John Maxwell (s 274 party) dated 10 July 2024; and
- (i) Draft evidence of Ms Harriet Fraser (Traffic and Transportation), Mr Joshua Hunt (Landscape and Visual), Mr John Mckensey (Lighting), Mr Nigel Lloyd (Acoustics), Ms Sarah Newall (Contaminated Land), Ms Claire West (Shadow Flicker), Mr Neil Crampton (Geotechnical), Mr Andrew Curtis (Air Quality), Mr James Lambie (Terrestrial Ecology), Ms Lauren Edwards and Ms Alisha Vivian (Planning).

[11] Along with Ms Edwards and Ms Vivian for the Regional Councils, I have proposed amendments to the condition set which has been the subject of discussion (and in many cases agreement) with Mr Anderson. Where there are changes to the conditions that have not been agreed with Mr Anderson

or Meridian, they are shown. I discuss these conditions, referred to as the **August Proposed Conditions**, in further detail in Section F.¹

- [12] My evidence responds to any outstanding issues raised in submissions and evidence that have not been addressed in the s 87F Report, or where, in that report, I reserved my position until all relevant evidence had been heard. I also address new information that has been provided following mediation, and the matters addressed through conferencing. I have indicated where I have updated or changed my recommendations. Where I have not responded to an issue, I consider this issue to be addressed in full in the s 87F Report or through expert conferencing and my opinion remains unchanged.

D. OUTSTANDING ISSUES

- [13] Many of the issues identified in the s 87F Report, which have been discussed in the evidence of Meridian, have been resolved and/or narrowed in the Planning JWS and other technical JWSs and in the draft evidence of Council's experts.
- [14] Following mediation, expert conferencing and review of the Meridian and section 274 evidence, I have identified the following planning matters that remain at issue:
- (a) Application of existing environment;
 - (b) Actual and potential environmental effects:
 - (i) Landscape and visual effects – in particular the 'high' (significant) effects on 4 properties, and the mitigation of these effects.
 - (ii) Effects on tangata whenua and cultural effects – specifically in relation to effects on Rangitāne o Tamaki nui-ā-Rua and Rangitāne o Wairarapa.

¹ See Attachment B for the August Proposed Conditions.

- (iii) Traffic and transportation – in particular, potential effects in relation to safety associated with the design of and ongoing maintenance of Old Coach Road, treatment and management of the SH2/Kaiparoro Road intersection and the scope of potential haulage routes (including Opaki-Kaiparoro Road) and their treatment during construction.
 - (iv) Construction noise – in particular relating to the appropriate standard to apply to the operation of the Concrete Batching Plant and Mobile Aggregate Crushing operations and to confirm timings around proposed blasting activities.
 - (v) Social Impact (Health and Social Wellbeing) – based on feedback from section 274 parties during mediation and through their evidence and the need to address this matter with an appropriate level of assessment.
 - (vi) While I do not consider the following to be at issue, I also provide a summary of other important potential district-level effects including: geotechnical / natural hazards; contaminated land; air discharges (dust); lighting; and shadow flicker and other effects raised by section 274 parties such as aviation, reserve sensitivity for farming operations and fire risk).
- (c) Statutory Planning Framework;
 - (d) The appropriate lapse period for the consents; and
 - (e) Conditions.

Existing Environment

- [15] I consider that the Project site and its surrounds can be best described as a substantially modified, working rural landscape that is predominantly used for pastoral farming activities. I note that the surrounds also contain some rural-residential lifestyle blocks, particularly to the south-east of the Project site within the Hastwell area. The immediately surrounding area is zoned for

rural related activities under both the TDC and MDC district planning documents.

[16] I have reviewed the relevant district plans and note that they anticipate activities, such as wind farms, as either a “viable and legitimate land use” within the rural environment subject to the appropriate management of effects (Taranua District Plan (**TDP**))² or “are an appropriate part of the rural environment, provided effects can be appropriately managed” (WCDP).³ I discuss these matters further below.

[17] Mr John Maxwell and the Hastwell/Mt Munro Protection Society have raised a concern relating to the Project preventing residents or individual landowners realising their ‘vision for the future’ (which I understand to include the subdivision and/or selling off land).⁴ I have therefore closely reviewed the extent of assessment that has taken place, particularly in relation to the presence of an operational wind farm. Further detail has been included within the Planning JWS on this matter, specifically in relation to properties within the Masterton district.⁵ This includes identifying the limitations around subdivision/boundary adjustments (particularly under the proposed WCDP) and other governing rules, standards and overlays.

[18] I have reviewed the general land pattern in the general vicinity and within 2km and note that there are a variety of land parcel sizes in existence including:

- (a) 8-10 ha blocks on the northern side of Hall Road;
- (b) 2-4 ha blocks on the southern side of Hall Road;
- (c) 1-2 ha blocks on Opaki-Kaiparoro Road west of Smiths Line;
- (d) Historic titles of approx. 4000m² on Opaki-Kaiparoro Road east of Smiths Line; and

² Taranua District Plan, at page 2-14.

³ Wairarapa Combined District Plan, at page 4-2.

⁴ Statement of Evidence – John Maxwell, 10 July 2024 at page 23. Statement of Evidence – Hastwell/Mt Munro Protection Society Inc, 10 July 2024 at page 13.

⁵ Planning JWS, at page 5, item 4.

(e) Larger lots in excess of 35 ha to the south of Opaki-Kaiparoro Road.

[19] I note that some individual land parcels are also amalgamated (e.g. WN58A/74), resulting in a number of titles being tied together.

[20] I consider there are a range of activities from a residential perspective that are feasible, subject to meeting relevant permitted activity standards for the zone. I specifically note the restrictions imposed on subdivision under the proposed WCDP which have legal effect.

[21] Taking account of the above however, I consider that it difficult to predict with certainty where future development is likely or will take place and on what basis. Undertaking an assessment of a proposal, such as a landscape and visual assessment, for example, is typically undertaken using an accepted methodology and will, as I understand it, consider representative viewpoints or receivers that exist at the time of assessment (including those that might have an unimplemented consent). I consider that this type of approach has been undertaken here and is agreed between the relevant landscape and visual experts, including consideration of any recent consented activities.⁶ In my view, the assessment has been appropriate on the basis of the environment as it exists today, recently lodged consents and consented activities and what may be readily expected. I note the similar approach to the assessment of noise, and shadow flicker, in accounting for the existing environment.

Actual and potential environmental effects

[22] The following subsections cover those actual and potential effects that have been the subject of ongoing discussion and detailed analysis post Councils' planning s 87F Report, and receipt of evidence (from both Meridian and the section 274 parties). I also provide a brief update regarding other important district-level effects.

⁶ Landscape and Visual JWS.

Landscape, Rural Character and Visual (Amenity) Effects

- [23] I have reviewed the evidence of Mr Girven and Mr Hunt and considered the Landscape and Visual JWS. I am satisfied that the landscape and rural character effects associated with the Project will not be more than minor.
- [24] The visual effects arising from the Project have been the subject of detailed assessment, with many submitters and section 274 parties raising concerns with regard to these effects. Having reviewed the Landscape Effects Assessment and the reporting by Mr Hunt, I noted in my s 87 Report that further evidence was required to confirm how significant adverse visual (amenity) effects for four properties would be managed or mitigated to an appropriate level.⁷
- [25] These gaps largely have been resolved through further evidence provided by Meridian (**Alternatives Memorandum**)⁸ and Mr Hunt, agreements noted within the Landscape and Visual JWS, and an offered condition by Meridian that confirms additional mitigation will be offered to all receivers who may experience 'moderate-high' or 'high' adverse visual effects which was attached to the Planning JWS.⁹
- [26] The Landscape and Visual JWS confirms the level of effects anticipated for identified representative properties within 2km of the Project site, which is based on an appropriate and accepted methodology.¹⁰ I specifically note the distinction made between 'high' (significant) and 'very high' (significant, and unacceptable) effects and how that has been applied. I note that Mr Hunt has confirmed his agreement with this distinction and the continuum of 'adverse effects' that exist between 'high' and 'very high'.¹¹
- [27] The Alternatives Memorandum relates to the range of alternative turbine layouts considered by Meridian. It confirms that there will be no material

⁷ Section 87F Report – Planning, 15 March 2024 at [526].

⁸ Alternatives Memorandum (Rhys Girvan) – BM210418 Mount Munro Windfarm: Consideration of Alternative Turbine Layouts. Annexure D to Landscape and Visual JWS.

⁹ See also August Proposed Conditions, at Condition VM1.

¹⁰ Landscape and Visual JWS, at Annexure B.

¹¹ At page 6, item 9.

differences in likely levels of landscape and visual effects attributed to those alternative layouts that remain within the consent envelope.¹² The Alternatives Memorandum also confirms the Project would require the removal of some 12 of the 20 proposed turbines (60%), to reduce the adverse visual effects to 'moderate-high' (thereby removing the 'high' effect for the identified four properties).¹³ While Meridian has not explicitly indicated it, in my experience, and opinion, questions of feasibility would arise with a Project of this smaller scale. As such, there does not appear to be any other feasible mitigation available to reduce effects through reducing the scale of the Project. In my opinion, removing 60% of the Project is not a practicable option for reducing the visual effects of the Project.

[28] Meridian's offered condition (Condition VM1) will provide a mechanism to mitigate properties that will experience 'moderate-high' or 'high' effects, provided the property owners agree to this mitigation. Mitigation will consist of planting additional advanced grade specimen tree(s) to foreshorten identified views in the direction of turbines. Properties that will experience 'high' effects will also be offered the construction or extension of a patio or deck accessed from the dwelling which will refocus available rural views away from the direction of the proposed wind farm.

[29] It is acknowledged that the level of effect remains at "moderate-high" or "high" where mitigation options are not taken up by landowners.

[30] I address the policy implications of this assessment and associated recommendations in paragraphs [76] to [82] below.

Effects on Tangata Whenua and Cultural Effects

[31] As identified in my s 87F Report, I was unable to assess the Project's actual or potential effects on cultural values or matters of importance of iwi based on the evidence in front of me at that time.¹⁴ I also noted that there was a lack of direction in relation to how ongoing engagement might work with those iwi who have identified an interest in the Project area and the Project

¹² Alternatives Memorandum at page 1.

¹³ At page 2.

¹⁴ Section 87F Report – Planning, 15 March 2024 at [529].

itself, including through any potential condition framework.¹⁵ It was on this basis I proposed draft conditions that included opportunities for iwi involvement (e.g., as part of the proposed Stakeholder liaison Group and for pre-start and annual site meetings). I acknowledge however, that these have been proposed without any input from iwi.

- [32] While Meridian have provided further information through the evidence of Mr Bowmar¹⁶ and Mr Anderson,¹⁷ including confirmation that Ngāti Kahungunu ki Tāmaki nui-ā-Rua and Ngāti Kahungunu ki Wairarapa have confirmed their support for the Project, some gaps remain.
- [33] In particular, I note that Rangitāne o Tāmaki nui-ā-Rua's support is contingent on the completion of a Cultural History Assessment (as an update to its 2014 Cultural Values Assessment), which I understand has not yet been completed. The implications of this are unknown. In addition, I understand that Meridian is still in discussions with both Rangitāne o Tāmaki nui-ā-Rua and Rangitāne o Wairarapa regarding a Memorandum of Partnership. I also understand that Mr Anderson is in the process of engaging with iwi representatives around the shape of draft conditions.
- [34] Given the information gaps that still remain, I am unable to conclude if the proposal and/or conditions have adequately and appropriately addressed matters of cultural importance for Rangitāne o Tāmaki nui-ā-Rua and Rangitāne o Wairarapa. I cannot therefore offer a view as to mitigation of effects or alignment with the relevant objectives and policy framework for TDC and MDC (this matter has also been recorded in the Planning JWS).¹⁸ Should additional information be filed or provided by Meridian, I can re-assess my opinion at that time.

¹⁵ At [529].

¹⁶ Statement of Evidence of Nicholas Erskine Bowmar (Project Description and Consultation), 24 May 2024, at [49-62].

¹⁷ Statement of Evidence – Tom Anderson (Planning), 24 May 2024, paragraphs [140], [208].

¹⁸ Planning JWS, at page 16, item 10.

Traffic and Transportation

[35] The Traffic JWS and the Traffic & Planning JWS records agreement between the experts for:

- (a) The parameters of the upgrade to Old Coach Road (including the need for to and timing for the right-hand turn from SH2 onto Old Coach Road).¹⁹
- (b) The retention of the Old Coach Road seal post-construction (subject to the appropriate maintenance agreement being entered into between Meridian and TDC).²⁰ I note it would be useful to receive an update from Meridian on the status of this agreement.
- (c) The locations and associated geographic extents of the required intersection, roads and access point upgrades and maintenance during construction.²¹
- (d) That some form of identification of geographic extent and associated pavement surveys for haulage routes is appropriate.²² I note that while this agreement has been reached, the final form of the condition is still to be agreed. On this basis, I have taken proposed Condition CTM3 (as appended to my s 87F Report)²³ and included amendments as recommended by Ms Fraser in her evidence. I have also made some minor changes to proposed to CTM5(d)(i-iii) to 'lock-in' the requirement to identify haulage routes and tie these identified routes to propose Condition CTM3. I consider this is an appropriate approach and, in my opinion, confirms recent engagement between the Councils and the Applicant on the matter.

[36] Based on the above, the evidence of Ms Fraser, and subject to confirmation of the maintenance agreement and final form of conditions, I consider that

¹⁹ Traffic and Planning JWS, at page 1, item 1. Traffic JWS at page 5, item 5.

²⁰ Traffic JWS, at page 9, item 18.

²¹ Traffic and Planning JWS, at page 4. Traffic JWS, at pages 1-2, 6, 9.

²² Traffic and Planning JWS, at page 4, item 4.

²³ See Appendix 23 to Section 87F Report – Planning, 15 March 2024.

the actual and potential transportation related effects of the Project can be appropriately managed. I have made several amendments to the August Proposed Conditions to reflect the above outcomes.

Construction and Operational Noise

- [37] The Acoustics JWS shows a good degree of alignment between the experts, and it indicates that the actual and potential effects of the Project can be appropriately managed. I agree that the effects can be appropriately and effectively managed as is the norm for projects of this nature, including those involving roading upgrades. I have proposed some changes to the August Proposed Conditions which reflect agreements within the Planning JWS and the evidence of Mr Lloyd.
- [38] The key areas of disagreement that remains relates to the construction noise standards that should apply to specific construction activities, in particular the Concrete Batching Plant and the Mobile Aggregate crushing activity.²⁴
- [39] Regarding this, I note that Mr Lloyd agrees that the 250-metre setback from any dwellings is appropriate because it will protect daytime residential amenity at dwellings. However, Mr Lloyd remains concerned that there will still be some noise impacts on a small number of dwellings resulting from the night-time operation of the concrete batching plant (which may occur on approximately 20 occasions given the number of wind turbines involved). He is of the view that, given the envelope approach taken (where the actual location of the concrete batching plant is yet to be determined by the Applicant) that the noise limits in condition WF01 are appropriate in the circumstances. Mr Lloyd recommends that the concrete batching plant only operate at night, where it is for essential reasons, and on a strictly limited basis, as directed by a management plan.²⁵ Mr Lloyd has referred to the need to continue into the evening when pouring foundations as an example of essentiality.²⁶ Mr Lloyd has recommended that nighttime operation of the concrete batching plant be provided for in the conditions, on a strictly

²⁴ Acoustics JWS, at page 4, item 5.

²⁵ The Concrete Batching Plant Management Plan.

²⁶ Statement of Evidence – Nigel Lloyd (Acoustics), 23 August 2024, at [18].

limited basis. He has suggested a condition to be added to Condition CN1. I consider this appropriate in order to manage potential adverse nighttime operation of the concrete batching plant, including giving local residents advance notice. I have adopted Mr Lloyd's recommendation and inserted this at subpart (c) of Condition CN1.

[40] Based on Mr Lloyd's assessment and associated recommendations, I am confident activities associated with the Concrete Batching Plant can be suitably managed through conditions.

[41] I note Mr Lloyd's comfort regarding the Mobile Aggregate crushing activity based on it being a daytime activity only and with the setbacks built in. I also note Mr Lloyd's view that the setbacks need to be provided for more explicitly in the conditions, and amendments have been proposed (also for the concrete batching plant) in the August Proposed Conditions.²⁷

[42] I understand Mr Lloyd remains concerned about providing for production blasting on an unrestricted time basis. The experts have identified a need to clarify the hours of operation and management of the proposed production blasting.²⁸ This information is yet to be provided. For now, on the information before him, Mr Lloyd considers that production blasting should be restricted to day-time hours.

[43] Aside from the matters identified above, I have made several amendments to the proposed condition set to reflect the recommendations of Mr Lloyd in the August Proposed Conditions. I consider that these measures represent the Best Practicable Option when considered against section 16 of the RMA.

Health and Social Wellbeing

[44] I concluded in my s 87F Report that, based on the information in front of me at that time, the Application as lodged would result in both positive and adverse social effects. I noted that a number of those environmental effects (which I understand can be classified as 'environmental stressors' to communities and/or individuals) and the ongoing interface with the

²⁷ Statement of Evidence – Nigel Lloyd (Acoustics), 23 August 2024, from [22].

²⁸ Acoustics JWS, at page 6, item 3.

community (both pre, during and post construction) could be appropriately managed through conditions of consent.²⁹

[45] Following mediation and a review of the evidence of the section 274 parties (Mr Olliver, Ms McIlraith, Mr Maxwell, and the Hastwell/Mt Munro Protection Society Inc.),³⁰ I requested a preliminary review of the Application material in relation to this matter and whether there were any specific gaps. Ms Louise Strogon of Aurecon, who is experienced in social impact assessment (SIA) has provided me with a preliminary memorandum outlining her review. This memorandum is attached at **Attachment A** to my evidence. In summary, this technical memorandum identifies the following:

- (a) The requirement to consider social aspects of development proposals under the RMA.
- (b) SIA is the most common framework in New Zealand and internationally to identify, analyse, monitor and manage the potential social consequences of development and is typically guided by matters provided for in the International Association of Impact Assessment (IAIA) Social Impact Guidelines.
- (c) That an SIA would, in the context of this Application, be an appropriate assessment to undertake when viewed against the submissions and the section 274 party evidence in relation to the types of social matters that have been raised.

[46] It is my understanding that Meridian, as a result of mediation and a review of the evidence of the section 274 parties, is in the process of undertaking an SIA for the Project. I consider that this is an appropriate and positive step.

[47] I note that the Planning JWS captures this aspect, and the Councils look forward to reviewing this assessment once it becomes available.³¹ On receipt

²⁹ Section 87F Report – Planning, 15 March 2024 at [674].

³⁰ Including the analysis provided by Ms Steadman for the Hastwell/Mt Munro Protection Society – see Appendix 1 to Society’s evidence.

³¹ See Planning JWS, at page 8, item 7.

and review of the SIA, I may update my opinion regarding the nature, extent and management of social effects.

Other Effects

Geotechnical and natural hazard matters

- [48] I note the agreement between the relevant experts as to geotechnical and natural hazard matters and general alignment with the conditions as proposed.³² The experts have confirmed that it would be appropriate to include an additional condition requiring detailed site-specific assessment of the Terminal Substation siting and design in response to the presence of inferred faults in the vicinity.³³ I agree with this inclusion and have proposed an additional condition (condition EW3) in the August Proposed Conditions.

Contaminated land

- [49] I remain of the view that the potential adverse effects associated with contaminated land can be managed via an accidental discovery condition. I have proposed additional requirements (steps) that should be included within the condition set to ensure works stop immediately in the event of a find, the area is isolated and the appropriate people, including the Councils, are advised. These changes are reflected at proposed condition PCS1 in the August Proposed Conditions. PCS2 sets out the process by which works may restart in the identified area again. I note that this may include a need to seek additional consents.

Air Discharges (Dust)

- [50] Based on the Air Quality JWS, there is a high degree of alignment between the experts for Meridian and the Councils. This includes agreement that through the implementation of a Dust Management Plan, the sealing of Old Coach Road and careful management, the potential for effects associated with the construction phase will no more than minor and in many instances negligible.³⁴ A number of recommendations are made with respect to

³² Geotechnical JWS, at pages 3-4.

³³ At pages 3-4, item 3.

³⁴ Air Quality JWS, at pages 3-6.

conditions of consent, which generally reflect the outcomes reached as part of the Planning JWS.

Lighting

- [51] Based on the Lighting JWS, there is a high degree of alignment between the experts for Meridian and the Councils. I am of the opinion, that subject to confirmation of appropriate conditions, the potential effects associated with construction and operational lighting (including aviation lighting) will be no more than minor. Several recommendations are made within the Lighting JWS regarding proposed conditions of consent. I address this further below.

Shadow Flicker

- [52] Based on the Shadow Flicker JWS, there is a high degree of alignment between the experts for Meridian and the Councils.
- [53] While the conditions as proposed through Meridian's evidence are considered appropriate, I note that Ms West, in her evidence recommends that that the curtailment strategy implementation proposed by the Applicant should be explained in detail in the Pre-Instalment Shadow Flicker Assessment and outlines some specific information requirements. I agree with Ms West's recommendation including the need to identify threshold values where appropriate within the conditions to aid in implementation, monitoring and enforceability. I have reflected Ms West's recommendations in the updated conditions at **Attachment B**.
- [54] Another matter that arises in relation to Pre-Instalment Shadow Flicker Assessment is the definition of what constitutes a 'dwelling' for the purpose of conditions SF2 and SF3. I consider it is feasible that additional dwellings could have lawfully established (as a permitted activity) between the decision on the resource consent applications and the pre-instalment survey. In that case, the current definition of 'dwelling' would preclude them from being considered as part of any pre-instalment assessment under SF3, and SF4. Whether this is an issue or not, will be different in every case, and it may be that the Consent Holder needs to satisfy itself as to whether there is any permitted development that is being advanced, such that it is likely,

and the conditions needing to accommodate the future dwellings in some way.

- [55] Alongside the above recommended changes, I agree with the addition of a certification requirement at proposed condition SF3 (with minor amendments relating to the certification process) and an additional condition at SL4 that requires Meridian to update its Shadow Flicker assessment in the event it becomes aware of any changes at a particular receiver (either informed or generated via a complaint). I consider this appropriate and provides an extra safeguard for both the Consent Holder and receivers. I consider that the potential effects associated with Shadow Flicker can be appropriately managed.

Other effects

- [56] Following further consideration, I consider that potential effects previously identified or that have been raised through submissions and the evidence of section 274 parties including effects on aviation, farming operations and in relation to fire risk are able to be appropriately managed. I note the following:
- (a) I consider that effects on aviation activities will be no more than minor, and I note that there is process governed by the Civil Aviation Act 1990 which Meridian will need adhere to. I consider that the revised Condition CAR1, which signals this requirement, is appropriate for addressing these effects.
 - (b) I remain of the view that effects on neighbouring farming activities can be appropriately managed through farming practices generally and via conditions of consent. Proposed conditions include requirements to communicate with neighbours during the construction phase³⁵ and the engagement and associated feedback loops provided for through Conditions SLG2 and CM4(c)(xvi)).

³⁵ See Condition CTM5(d) (viii, xiii, xiv).

- (c) I have reviewed my position on the management of potential fire risk and no longer consider it necessary for Fire Emergency New Zealand to be part of a regularly occurring Stakeholder Liaison Group. I consider that through good design and management of the wind farm, any potential effects associated with fire risk will be negligible.

Summary

- [57] Based on the above analysis, I consider that the actual and potential adverse effects that have been identified through the s 87F reporting, and evidence, can be addressed through the recommended conditions (see Section F).

Consistency with the Statutory Planning Framework

- [58] Following a review of evidence and further information supplied by Meridian to date, and a review of the section 274 parties' evidence I consider I am in a position to provide an update in the following areas:

- (a) Positive effects and benefits;
- (b) National Policy Statement on Highly Productive Land 2022; and
- (c) District Plan Objective and Policy Framework.

Positive effects and benefits

- [59] Consideration of the Project's positive effects and benefits is relevant to the National Policy Statement for Renewable Energy Generation 2011 (**NPS-REG**) and various District Plan objectives and policies.³⁶
- [60] In my s 87F Report, I concurred with the Applicant's assessment of the Project's positive effects but noted that some submitters have challenged the stated regional/local benefits.³⁷ One section 274 party also questioned

³⁶ For example, TDC policy 2.8.4.2(a); operative CWDP NUE2(b) policy; proposed CWDP objective ENG-O1.

³⁷ Section 87F Report– Planning, 15 March 2024, at [675-677].

the local benefits of the Project, in particular the potential for local employment during construction.³⁸

- [61] I have previously noted that Meridian will be providing a SIA for the Project, which may provide some further detail on the potential regional and/or local benefits of the Project. I may update my opinion upon receipt of that information.

National Policy Statement for Highly Productive Land 2022 (NPS HPL)

- [62] Meridian have agreed to provide information on the functional or operational need for the terminal substation infrastructure and a section of the transmission line to be located on LUC 3 land. In addition, I have sought clarification on the reasons why the terminal substation was excluded from the draft decommissioning conditions included in my s87F report.³⁹ This outstanding information has the potential to affect the assessment of the Project when considered against the NPS HPL as discussed below.
- [63] While I accepted that the overall Project had a functional need to be located on Mt Munro in my s 87F Report,⁴⁰ I require clarification on the functional/operational⁴¹ need for the terminal substation infrastructure and a section of the transmission line to be located on the identified LUC 3 land specifically.
- [64] The Applicant has recently provided further information setting out the *operational* need to locate on the LUC 3 land taking into consideration terrain, geological, constructability, planning and environmental factors, and ensuring the route and site would be accessible for construction and maintenance.⁴² These factors, are in my opinion, valid considerations in selection sites for the type of infrastructure under consideration for the

³⁸ Statement of Evidence - Hastwell/Mount Munro Protection Society Inc, 10 July 2024, at Section D, page 8.

³⁹ Planning JWS, at page 4, item 2.

⁴⁰ Section 87F Report– Planning, 15 March 2024 at [697(b)].

⁴¹ Noting that ‘functional’ and ‘operational’ need have different meanings; although in the application material and reporting the term was used interchangeably at times.

⁴² Memorandum from Meridian – Response to queries in Planning JWS, 16 August 2024.

Project. In my view, this information establishes an operational need for the Project for the purposes of the NPS-HPL.

- [65] In addition, the Applicant has identified an alternative route which avoids the terminal substation and infrastructure needing to occur on HPL. Several constraints that would make the alternative route/site unfeasible, are identified.⁴³ These factors broadly include a greater number of impacted properties/property owner interfaces; an alignment corridor which is less optimal when linking from the principal wind farm site and which would lead to greater disruption by cutting through property (as opposed to following fence lines for example), and accessibility challenges. I also consider the nature of the site (flat / large), immediate adjacency to the National Grid and the ability to be readily accessed from SH2 are important when considering the potential alternative.
- [66] Overall, in my opinion, the additional information confirms that the terminal substation infrastructure is an appropriate use of HPL in this location.
- [67] The policy tests for appropriate use of HPL set out in cl 3.9(3)(a-b) of the NPS-HPL were also discussed during expert conferencing, and it was agreed the Project is consistent with these tests.⁴⁴ However, I note Meridian intend to provide more information on why the terminal substation was excluded from decommissioning conditions, which may further inform my view on how these policy tests are met.
- [68] Finally, the NPS-HPL has been amended and these changes come into effect on 13 September 2024. The changes, clarify at cl. 3.9(2)(j)(i), the consent pathway for construction of new specified infrastructure on HPL.

District Plan Objective and Policy Framework

- [69] In my s 87F Report, I concluded that I was unable to determine consistency with some district plan objectives and policies as there were aspects of the Project that required clarification and / or further assessment. I note that further evidence from the Applicant and the alignment of experts in several

⁴³ At paragraph 4.3.

⁴⁴ Planning JWS, at page 4, item 2.

areas has enabled many of the issues and associated effects which were at large to be narrowed.

[70] As set out in the Planning JWS, I am of the view that the Project is consistent with the objectives and policies of the relevant district plans, with the exception of those associated with cultural matters, general amenity associated with the construction and operation of renewable energy infrastructure and transportation.⁴⁵ I address these objectives and policies below.

[71] I note that Masterton District Council notified its Proposed CWDP in October 2023 and hearings are yet to be held. While the objectives and policies are relevant to the proposal, given the current stage of plan development, I afford limited weight to these.

Cultural matters

[72] As recorded at paragraphs [31] to [34], further information is still required in order for me to draw a conclusion on the alignment or consistency with the relevant objectives and policies of the TDP and Operative/Proposed CWDP.⁴⁶

Providing for Renewable Energy

[73] I record that there is strong common direction provided through national policy (i.e., NPS-REG) and regional policy (i.e., Objective 3-1 and 3-2 and Policies 3-1, 3-3 and 3.6 of the One Plan – Part 1: RPS; and Objective 9 and Policy 39 of the RPS for the Wellington Region) to recognise the national significance of renewable energy and to provide for its development, operation, maintenance and upgrading. This direction also indicates that where any residual environmental effects of renewable energy generation activities cannot be avoided, remedied or mitigated, decision makers shall

⁴⁵ See Planning JWS, at pages 16-18, items 10-11.

⁴⁶ Tararua District Plan: Objectives 2.10.2.1; 2.10.3.1; Policies 2.10.2.2(a) and (b) and 2.10.3.2(a). Operative Combined Wairarapa District Plan: Objective TW1 and Policies TW1(a)-(c). Proposed Combined Wairarapa District Plan: Objectives TW-01; TW-02; TW-04.

have regard to offsetting measures or environmental and/or financial compensation.

[74] I consider that the district-level planning framework for both the Tararua and Masterton districts reflects national and regional direction as broadly set out above, and provides important direction in terms of recognising and providing for renewable electricity generation (including wind farms), within appropriate rural environments.

[75] In undertaking my analysis, I have had particular regard to:

- (a) Objective 2.8.4.1 and Policies 2.8.4.2 (a) and (b) of the TDP which require that adverse effects associated with renewable energy generation will be avoided, remedied or mitigated *where possible*.
- (b) Objective NUE2 and associated Policies NUE2 (b) – (f) of the Operative CWDP which require that adverse effects associated with renewable energy generation will be avoided, remedied or mitigated *as far as is practicable*.
- (c) Objective ENG-01 and Policy ENG-P4 of the Proposed CWDP which seek to provide for renewable generation activities where the effects *are appropriately managed*.

General amenity associated with the construction and operation of the Project

[76] General amenity effects of particular relevance include those associated with increased traffic generation (e.g. noise; dust) and more generally noise associated with the construction phase and the visual presence of turbine infrastructure to nearby residences.

[77] I consider the Project is generally aligned to the landscape and rural character related objectives and policies of the TDP (contained within Sections 2.3 and 2.6) and the Operative CWDP (contained within Chapters 4, 9 and 19) for reasons set out in my s 87F Report⁴⁷ and based on the evidence

⁴⁷ Section 87F Report – Planning, 15 March 2024 from [707], [741].

of Ms Fraser, Mr Lloyd, Mr Curtis and Mr Hunt and the various JWSs. There is a strong degree of alignment in terms of the methodologies used to assess effects, the identification of effects and the identification of measures to avoid, remedy or mitigate those effects.

[78] In particular, I note that the Landscape and Visual JWS confirms that landscape and visual effects must consider the statutory context within which change is proposed.⁴⁸ Based on my own analysis, I agree that wind farms are both an anticipated and appropriate land use within the rural environment. Both district plans reflect this approach, subject to effects being appropriately avoided, remedied or mitigated, or otherwise offset or compensated where possible or where practicable with particular regard to the locality / receiving environment.

[79] I accept the evidence of Mr Bowmar, which demonstrates the suitability of the site and therefore the need to locate the wind farm at Mt Munro when examined against the alternatives considered. I am of the opinion that the Applicant has demonstrated, through all reasonable means, that it has attempted to minimise any significant adverse effects through measures including:

- (a) The testing of a range of turbine layouts within an identified turbine envelope zone, having regard to the constraints of the site (refer to the Landscape and Visual JWS).⁴⁹ I consider that this exercise has demonstrated that there is little room for variation given the constraints, and would not influence the effects on the receiving environment to any material degree.
- (b) I consider the testing of a potential reduction in the number of turbines to reduce the level of effect is useful, in that it raises questions as to feasibility of the Project (as discussed earlier in my evidence at paragraph [27]). I consider this an important point as I consider this Project, at a reduced scale, would likely be inconsistent

⁴⁸ Landscape and Visual JWS, at page 4, item 5.

⁴⁹ See Annexure D to Landscape and Visual JWS for Alternatives Memorandum.

with district-level and higher order policy direction. I would welcome a view from the Applicant on this matter.

- (c) The proposed mitigation condition (VM1) that has been appended to the Planning JWS demonstrates a strong willingness by the Applicant to mitigate not only those receivers that have a 'high' visual amenity rating, but those with 'moderate-high' ratings. I am generally comfortable with the intent of the proposed condition however I would signal that the proposed requirement to engage within a 12-month period following the start of construction is not appropriate. I consider this engagement needs to begin at least 6 months prior to the start of construction. In addition, I consider that the Applicant needs to enable the Councils the opportunity to review and feedback on any draft landscape plans that are completed and to regularly report on progress made. This is considered important so that the Councils can have confidence that the Applicant is seeking to mitigate the identified adverse effects and have confirmation of final mitigation agreements reached. I have made these recommendations in updated condition VM1 at **Attachment B**. This outcome would in my opinion, provide far more certainty to affected parties that a reasonable mitigation option for 'high' adverse effects can be offered and potentially implemented well before the wind farm is completed, and prior to operation.

[80] In my view, the offer, through the above-mentioned condition is an appropriate step. I note also that the Applicant has recorded that it can utilise its Power Up community fund to the benefit of the local community and the local environment. I consider that this would be appropriate in this instance, but also understand from the evidence of Mr Telfar that there is no guarantee the Power Up fund will be used in this location.⁵⁰

[81] Based on the evidence of Mr Hunt and the position recorded in the Landscape and Visual JWS, I accept that there will be residual 'high' and 'moderate-high' adverse effects associated with visual amenity on some

⁵⁰ Statement of Evidence – Grant Telfar (Meridian and the Electricity Sector), 24 May 2024, at [87].

receivers. Given the lack of practicable alternatives (which I have concluded on the basis of the evidence of Mr Bowmar, Mr Girvin, the review by Mr Hunt and the position recorded in the Landscape and Visual JWS) and the offered mitigation to properties that may experience 'high' and 'moderate-high' effects, it is my view that the landscape and visual effects of the Project have been mitigated as far as is practicable.

- [82] On the basis of the preceding analysis, I consider that the measures (discussed at paragraph 79 (a) – (c)), demonstrate that the proposal is not contrary to the outcomes sought under the district plan frameworks and is strongly supported by national and regional level policy direction (as set out at paragraph 67). Further, I consider the actual and potential adverse effects are avoided, remedied or mitigated to an appropriate and acceptable level when considered against the district-level planning framework, in particular the overarching objectives and policies set out at paragraph 69.

Transportation Infrastructure

- [83] Based on my assessment of traffic matters and construction phase noise above at paragraphs [35] – [36] and [37] – [43] respectively, subject to the necessary clarifications outlined relating to an agreement between the Applicant regarding the maintenance of Old Coach Road and the implementation of all other traffic related recommendations associated with the Project to manage effects, I consider that the Project will find consistency with the relevant objectives and policies of the TDP and Operative/Proposed CWDP.⁵¹

Summary

- [84] I am of the view, given the strong alignment between experts on the nature of effects and mitigation, including proposed conditions of resource consent, that the Project is consistent with, and not contrary to the District Plan objectives and policy framework. I consider the Project finds strong support from higher order policy direction, and this has been an important

⁵¹ Tararua District Plan: Objectives 2.8.3.1; Polic 2.8.3.2(h). Operative Combined Wairarapa District Plan: Objective TT1 and Policies TT1(a)-(c). Proposed Combined Wairarapa District Plan: Objectives TR-01; TR-03; TR-P7.

consideration when reaching my conclusion. I note that an update on the potential social effects of the Project is expected (and will need to be reviewed), while some clarifications around cultural, transportation and acoustic matters are required. I will update my opinion upon receiving this further information.

Consent Lapse and Expiry Dates

- [85] The consent lapse dates applied for by Meridian have been confirmed in the Planning JWS as ten (10) years for all consents.⁵²
- [86] As outlined in my s 87F Report, I consider that five (5) years for all resource consents is appropriate based on the information presented to date by Meridian.⁵³ Meridian have not, in my view, provided sufficient reasons to justify why a longer period is necessary for this Project, particularly given it has been identified in evidence by Mr Bowmar as a priority project and the best development option available to Meridian (at the time of lodgement).⁵⁴
- [87] Consistent with the Planning JWS, Meridian has recently provided further evidence concerning the variables as set out in Mr Bowmar's evidence and additional matters that may influence the implementation of consents.⁵⁵
- [88] The recent information highlights several factors⁵⁶ that influence the Applicant's request for a 10-year lapse. I agree that these can all be relevant matters, however there is no evidence around the timing implications, other than for the detailed design and tendering related processes (identified as 2.5 years). In my view, greater clarity is required around the interplay (or overlap) between the various factors from a timing perspective and any sensitivity analysis to better understand the likely start / delivery of the Project. It would also be useful to understand where this Project sits on

⁵² Planning JWS, at page 6, item 6.

⁵³ Section 87F Report – Planning, 15 March 2024, at [836].

⁵⁴ Statement of Evidence – Nicholas Bowmar (Project Description and Consultation), 24 May 2024 at [11].

⁵⁵ Planning JWS, at page 6, item 6.

⁵⁶ Memorandum from Meridian: Response to queries in Planning JWS, at points 5-10.

Transpower's Connections Management Framework, given grid connection has been highlighted as a key matter.

[89] While the updated information is helpful, I am not persuaded at this stage that a lapse of ten (10) years is appropriate. If further clarity can be provided on the timing aspects outlined above, I will be in a position to consider the question of an appropriate 'lapse' period further.

[90] I note that the district-level resource consents all have an unlimited expiry date.

E. RESPONSE TO SECTION 274 PARTY EVIDENCE

[91] I have reviewed the section 274 party evidence and have responded to the matters raised relevant to my field of expertise (and as appropriate) in earlier sections of my evidence. I have also reviewed the evidence of other experts of relevance and consider all matters raised through the section 274 party evidence have been addressed.

F. CONDITIONS

[92] As a result of the condition workshops and the Planning JWS, amendments to the Meridian conditions were agreed upon. These have been included as a version titled 'August Proposed Conditions' in **Attachment B** to my evidence. The August Proposed Conditions also include amendments proposed by the Councils (shown as underlined text and ~~strike-out~~). Some of the amendments proposed by the Councils are of an administrative and implementation nature. Other changes are a result of expert advice and have not yet been agreed upon or remain at issue between Councils and Meridian.

[93] I summarise the district related conditions that remain at issue and/or require further comment or refinement:

- (a) The proposed recommendation regarding proposed Condition VM1.
- (b) The inclusion of proposed Condition EW3.
- (c) The retention of CTM3 and some associated edits at CTM5 to provide a more direct connection between these conditions.

- (d) I have developed further, the proposed operational lighting conditions at proposed Conditions WFO13 and WFO14, to better reflect the evidence of Mr McKensey.
- (e) The management of noise associated with the mobile aggregate crusher and the concrete batching plant through MACF4 and CB4, as recommended by Mr Lloyd.
- (f) Proposed amendments to provide greater certainty around the measurement of shadow flicker under SF1-SF4.
- (g) Provision for the management of contaminated land within the condition set including PCS1.
- (h) Some general drafting improvements to reflect evidence and to address administrative and implementation matters.

G. CONCLUSION

[94] A number of issues identified within my s 87F Report have been addressed through evidence, mediation, the provision of additional information and through expert conferencing. However there remain some matters that still require further attention to ensure the effects of the Project are appropriately avoided, remedied, mitigated or offset having regard to the relevant planning framework. I have described these matters above having had regard to technical evidence of various experts, the JWS's and I have recommended changes to proposed conditions at **Attachment B**.

23 August 2024

Damien McGahan