

Draft consent conditions – Taumatotora Consent Variation Application

S42A Draft 13 October 2023

In consideration of Section 104, and pursuant to Sections 104B and 108 of the Resource Management Act 1991, the Waitomo District Council grants consent to Ventus Energy (NZ) Limited to construct and operate a utility scale wind farm comprised of a maximum of 22 horizontal axis turbines and associated substation buildings, earthworks and access roads and activities as described in Conditions (1) and (2) below for the purpose of generating electricity, on a Rural Zoned site located at Taumatotora West Road, Taharoa, legally described as:

- Part Section 10 Block V Kawhia South Survey District and Section 3 Survey Office Plan 53968 comprised in Certificate of Title 141077;
- Section 3 Block IX Kawhia South Survey District comprised in Certificate of Title SA28A/586;
- Section 1 Survey Office Plan 58558 comprised in Certificate of Title SA47A/876;
- Section IA Block V Kawhia South Survey District comprised in Certificate of Title SA37A/25;
- Section 12 and Section 22 Block V Kawhia South Survey District comprised in Certificate of Title SA31C/23;
- Section 2 Block V Kawhia South Survey District comprised in Certificate of Title SA37A/26; and
- Part Section 24 Block V Kawhia South Survey District and Section 2 Survey Office Plan 53968 comprised in Certificate of Title SA48B/494;

subject to the following conditions:

General

1. The wind farm development shall be constructed, operated and maintained in general accordance with the information, plans and drawings submitted with the application and received by Council on 23rd December 2005; and the additional information received on 30th January 2005 and 8th March 2005 except as otherwise amended by the s 127 application dated 21st November 2011 and the further information response dated 28th February [2012, Application To Change Consent Conditions dated 5 July 2020, further information response dated 10 December 2020, further information response dated 10 December 2020, clarification of section 92 information dated 12 April 2021, clarification of section 92 information dated 26 August 2021, clarification of section 92 information dated 6 July 2023, and the Consent Variation Application dated 15 September 2023.](#)

2. The application documentation comprises of:

- (a) Taumatotara Windfarm Assessment of Environmental Effects, Volume 1 - Main Report, dated March 2005;
- (b) Taumatotara Windfarm Assessment of Environmental Effects, Volume 2 - Book of Figures, dated March 2005.
- (c) Further information received 30th January 2005 and 8th March 2005.
- (d) Further Information provided in respect of the revised proposal approved as part of the change to the conditions of consent in accordance with Section 127 of the Resource Management Act 1991, namely:
 - i. Report dated 21st November 2011; titled 'Taumatotara Windfarm Assessment of Environmental Effects for a Turbine Tip Height Increase', prepared by Ventus Energy (NZ) Ltd;
 - ii. Further information response dated 28th February 2012; titled 'Taumatotara Windfarm Further Information for a Turbine Tip Height Increase', prepared by Ventus Energy (NZ) Ltd;
 - iii. Report dated 24th February 2012; titled 'Taumatotara Wind Farm Landscape and Visual Assessment for S 92(1) Further Information Request', prepared by Opus International Consultants Ltd;
 - iv. Report dated 5th July 2020; titled 'Application To Change Consent Conditions', prepared by Taumatotara Wind Farm Limited;
 - v. Further information response dated 10 December 2020; titled 'S92 Requests and Responses', prepared by Shearer Consulting Limited;
 - vi. Further Information Response dated 12 April 2021; titled 'Clarification questions arising from s92 information package - Taumatotara Wind Farm Limited', prepared by Shearer Consulting Limited;
 - vii. Further information response dated 26 August 2021; titled 'Request for Clarification of Section 92 information', prepared by Shearer Consulting Limited;
 - viii. Further information response dated 6 July 2023, titled 'S92 Questions and Responses', prepared by Shearer Consulting Limited;
 - ix. The letter dated 15 September 2023, titled Update On Progress – Taumatotara Windfarm Limited (T4) Consent Variation Application, prepared by Gillian Chappell – Foundry Chambers.

1A. Where there is conflict between earlier and later information provided, the more recent information prevails; and where there is conflict between the general condition and specific conditions, the latter prevails.

Commented [GC1]: This condition is added for clarity / certainty

3. For the purposes of this consent and for avoidance of doubt the activities authorised by this consent include:

- (a) the installation, operation and maintenance of no more than ~~eight (8)~~ ~~twenty two (22)~~ horizontal axis wind turbines ("turbines");
- (b) An underground fibre optic network connecting each turbine to the central control system in the on-site operations building(s);
- (c) Tracking and placement of an underground network of 33kV transmission lines delivering electricity from each turbine to the two on-site substations;
- (d) Overhead or underground powerlines connecting the on-site wind farm substations to the two existing 33kV lines that traverse the eastern edge of the landholding;
- (e) A fenced compound to house the on-site control building and sub-station equipment;
- (f) Earthworks associated with the creation of the turbine building platforms, access roads and other facilities described in items a) to e) above.
- (g) Widening and/or realignment works along parts of Taumatotara West Road to enable the safe passage of the oversized wind farm components to the site.

Commented [GC2]: Amendments to this condition reflect the Updated Variation Proposal

4. The turbines shall have a maximum height measured from the ground to the top of the vertically extended blade tip as follows:

- (a) ~~Turbines 1, 3, 5, 6, 7, 8, 10 and to 11 inclusive - maximum height of 121.5~~ ~~metres.~~ **180.5** metres.
- ~~(b) Turbines 12 to 22 inclusive - maximum height of 110 metres.~~

Commented [GC3]: Amendments to this condition reflect the Updated Variation Proposal

5. Each turbine shall be located within a turbine contingency zone of no greater than 100 metre radius from the turbine locations specified in the application. The turbine contingency zones shall avoid locations closer to external property boundaries, significant indigenous vegetation and significant habitats of indigenous fauna.

6. ~~Prior to construction, the consent holder shall submit to the Manager Policy and Planning, Waitomo District Council for approval a plan specifying the final proposed locations of turbines 19 to 22 and a report outlining the reasons for the final locations. The locations of these turbines shall be chosen so that they are located as far as practicable back from the western ridgeline, taking into account geotechnical and other such location requirements, so as to minimise their visual impact as viewed from the west and south.~~

Commented [GC4]: This condition is now redundant as it relates to turbines 19-22 which are deleted

7. The consent holder shall submit to the Manager Policy and Planning, Waitomo District Council an as-built plan confirming the locations of all constructed turbines, access roads, entranceways, excess material fills, the substations and control building, the spare turbine component storage area, electricity transmission lines, and road upgrading/realignment works. The Plan shall also include but is not limited to:

- (a) The finished line of cut and fill batters;
- (b) The finished edge line of pavement and seal widening works;
- (c) The location and dimensions of site entrances;
- (d) The finished level of access road centrelines;
- (e) The location, size and extent of all new stormwater drains or culvert extensions;
- (f) The location of all subsoil drains, sumps and manholes; and
- (g) Any underground services installed or altered as part of the works.

This plan shall be certified by a registered surveyor as to the accuracy at the completion of the work and is required to be submitted to Council within 6 months of the completion of construction of the wind farm.

Noise

[Drafting Note: the noise conditions have been updated based on the recommendations of the noise experts. For the avoidance of doubt, the Applicant does not consider that changes to the conditions arise because of the Variation Application. However, it is prepared to accept the updating of the conditions on the basis of good practice and using an Augier approach]

Operational Noise

8. The consent holder shall ensure that noise from sources on the site other than those within the scope of conditions 8 and 12 does not exceed the following noise limits:

7.00am to 7.00pm 45 dB $L_{Aeq(15min)}$

7.00pm to 7.00am 35 dB $L_{Aeq(15min)}$

7.00pm to 7.00am 60 dB L_{AFmax}

Noise shall be measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008

~~The noise from all other activities on the site (other than wind turbine generator operation and construction activities) shall not exceed the following limits when measured in accordance with the requirements of NZS 6801:1991 Measurement of Sound and assessed in accordance with the requirements of NZS 6802:1991 Assessment of Environmental Sound:~~

~~7.00am to 7.00pm 45dBA L_{10}~~

~~7.00pm to 7.00am 35dBA L_{10}~~

~~7.00pm to 7.00am 60dBA L_{max}~~

8. The consent holder shall ensure that, at the specified assessment positions, at any wind speed, wind farm noise levels do not exceed 40 dB $L_{A90(10 min)}$. Wind farm noise shall be measured and assessed in accordance with NZS 6808:2010. The Assessment Positions shall be outside at the locations marked 22, 23, 24 and 25 on Site Plan [x].

~~The noise from the wind farm shall comply with the requirements of NZS6808:1998, Acoustics—The Assessment and Measurement of Sound from Wind Turbine Generators in relation to any dwelling existing at the date of the granting of this consent, except:~~

- ~~(a) Any dwelling on any site that forms part of the wind farm; and
(b) The dwellings labelled as H1, H2, H2A, H3, and H4 on the approved plans.~~

9. Prior to installation of the turbines commencing any development of the wind farm ~~commencing any development of the wind farm~~, background sound level measurements ~~detailed ambient noise monitoring~~ shall be undertaken at any Assessment Position within the notional boundary of any dwelling within the 30dBA noise contour (other than the dwellings specifically referred to in (a) and (b) of condition 8 above) by a person suitably qualified and experienced in acoustics and accepted by the Manager, Policy and Planning.

Commented [GC5]: See Memo of 15 Sept 23 from Altissimo proposing specific assessment positions

Commented [SW6]: Disagree with this one. Prior to installation of turbines comes establishment of roads on site and concrete pads - all noisy activities that can affect the background noise levels at the survey location. I would prefer that the surveys be undertaken prior to development on site.

Commented [GC7]: See Memo of 15 Sept 23 from Altissimo proposing a further minor change for best practice reasons

Waitomo District Council. The monitoring Measurements shall be measured undertaken to determine the existing background sound in terms of the requirements of in accordance with Section 7.4 of NZS6808:1998 2010 Acoustics - The Assessment and Measurement of Sound from Wind Farm Noise Turbine Generators. If no Assessment Positions have predicted noise levels above 30 dB LA90, measurements shall be performed at two of the Assessment Positions locations Sufficient field measurements shall be undertaken to demonstrate to the satisfaction of Council's Manager, Policy and Planning. A report of measured noise levels shall be prepared in accordance with Section 8.2 of NZS6808:2010 and submitted to the Council's Manager, Policy and Planning, Waitomo District Council, that the best fit regression curve gives an accurate representation of the existing noise environment.

10. Prior to installation of the turbines ~~commencing any development of the wind farm,~~ a prediction report shall be submitted the consent holder shall prepare a noise report to demonstrate, to the satisfaction of Council's Manager, Policy and Planning, in accordance with Section 8.4.2 that the wind farm will comply with the requirements of NZS6808:1998 2010. That prediction should shall be based on the highest sound power level, and include results for both NZS 6808: 2010 and IoA GPG methods. This report shall be prepared by a person suitably qualified and experienced in acoustics and accepted by the Manager, Policy and Planning, Waitomo District Council.

Commented [SW8]: The report can be done prior to installation of turbines, but surveys (8 above) need to be done before development.

Commented [GC9]: Refer above comment

11. The wind turbines shall not have a sound power level of greater than 107.2 dB Lwa. A certificate confirming the sound power level shall be included in the prediction report required by condition 10. exceed a rotor tip height of 110 metres above ground level and a sound power of 107.2dBA unless it can be demonstrated by a person specialising in acoustics and accepted by the Manager, Policy and Planning, Waitomo District Council that higher turbine heights or sound power will still comply with the requirements of NZS6808:1998.

Construction Noise

12. Noise from all construction and decommissioning work including (but not limited to):
- a. Public road upgrades between SH37 and the site;
 - b. Site works;
 - c. Wind turbine generator assembly and placement;
 - d. Concrete placement;
 - e. Wind turbine removal; and
 - f. Land reinstatement

shall be measured and assessed in accordance with the requirements of NZS6803:1999 Acoustics – Construction Noise and shall comply with the noise limits in the Table.

Time	Weekdays		Saturdays		Sundays	
	L _{Aeq}	L _{AFmax}	L _{Aeq}	L _{AFmax}	L _{Aeq}	L _{AFmax}
0630-0730	55dB	75dB	45dB	75dB	45dB	75dB
0730-1800	70dB	85dB	70dB	85dB	55dB	85dB
1800-2000	65dB	80dB	45dB	75dB	45dB	75dB
2000-0630	45dB	75dB	45dB	75dB	45dB	75dB

13. No concrete trucks shall be permitted to enter the site before 7.00am or leave the site after 7.00pm.
14. Prior to the commencement of construction, a Construction Noise Management Plan shall be prepared to the satisfaction of the Manager, Policy and Planning, Waitomo District Council. The Construction Noise Management Plan shall demonstrate how the requirements of condition 12 will be achieved.
15. The Construction Noise Management Plan shall address, amongst other things, the potential noise effects of construction traffic on the roads and techniques to minimise these effects. Any night time (10.00pm - 7.00am) traffic movements must be included in the evaluation.

Noise Monitoring:

16. Within six months of the wind farm becoming fully operational commencement of operation, of the wind farm, ~~the noise~~ noise levels shall be measured at all Assessment Positions where, in the report of Condition 10, predicted sound noise levels are greater than 30 dB L_{A90}. If no Assessment Positions have predicted noise levels above 30 dB L_{A90}, measurements shall be performed at the same locations measured in condition 9. If access is denied, alternate locations are to be proposed to the satisfaction of the Manager, Policy and Planning, Waitomo District Council. Within one months of completion of the surveys, a compliance assessment report shall be submitted to the Manager, Policy and Planning, Waitomo District Council in accordance with section 8.4.1 of NZS 6808:2010. and results provided to the Manager, Policy and Planning, Waitomo District Council.
17. The consent holder shall pay all costs associated with noise compliance measurements, monitoring and reporting.

Traffic and Rooding

Construction Programme

18. A Construction ~~Programme~~ **Management Plan (CMP)** shall be prepared by the consent holder and submitted to the satisfaction of the Manager, Policy and Planning, Waitomo District Council prior to any construction works commencing. The **CMP** shall include the following:
 - a. The hours of construction work on Taumatotara West Road and other Waitomo District Council administered roads shall be between 7.00am and 7.00pm Monday

to Saturday (excluding public holidays), unless written approval is otherwise obtained from the Manager, Policy and Planning, Waitomo District Council to work outside of these hours;

- b. Provision shall be made to maintain adequate and safe access to and from individual properties along Taumatotara West Road and other Waitomo District Council administered roads while transportation movements are undertaken; and
- c. The consent holder shall arrange to hold a copy of all Resource Consents on site at all times during construction.

Traffic Management Plan

19. A Traffic Management Plan shall be prepared by the consent holder and submitted to the satisfaction of the Manager, Policy and Planning, Waitomo District Council prior to any construction works commencing. The Traffic Management Plan shall be prepared in accordance with the latest edition of the Transit New Zealand Code of Practice for Temporary Traffic Management and shall include but not be limited to:

- a. The transport route (in general accordance with the route proposed in the application);
- b. Times and locations when deliveries are prohibited;
- c. Piloting and traffic management procedures;
- d. Contingency plans for breakdowns, bridge or pavement failure, severe weather conditions, accidents or roadworks;
- e. Provisions for co-ordination with other parties, including emergency services;
- f. Provisions to maintain adequate and safe access to and from individual properties along Taumatotara West Road and other Waitomo District Council administered roads while transportation movements are undertaken; and
- g. A construction timetable, detailing vehicles movements to and from the site, and the hours that the trucks will operate.

20. The Traffic Management Plan shall be designed to ensure that at all times during construction, all Waitomo District Council administered roads shall be kept open. In exceptional circumstances a request may be sought for short term road closures. Any road closures shall be approved by the Manager, Policy and Planning, Waitomo District Council.

21. If traffic control measures are not carried out in accordance with the Traffic Management Plan and the Transit New Zealand Code of Practice for Temporary Traffic Management, the Waitomo District Council reserves the right after notifying the consent holder or contractors either verbally or in writing, to instruct the consent holder or contractors to cease all work until the requirements of this Plan and Code of Practice are met. Alternatively the Manager, Policy and Planning, Waitomo District Council, may arrange for the traffic management to be carried out by others, the costs of which will be borne by the

consent holder.

Roading Design

22. The consent holder shall provide, to the satisfaction of the Manager, Policy and Planning, Waitomo District Council, pavement deflection data for relevant sections of Waitomo District Council roads that are to be utilised for transportation of construction materials and turbine components both before and after the construction period. The pavement deflection measurements shall be carried out using either Falling Weight Deflectometer or Benkelman Beam testing techniques.
23. The consent holder shall provide, to the satisfaction of the Manager, Policy and Planning, Waitomo District Council, bridge inspection findings and details of axle loadings resulting from the transportation of the turbine components, to verify that all Waitomo District Council bridges are able to accommodate the transportation of these loads without resulting in any damage. If the Manager, Policy and Planning, Waitomo District Council considers it to be necessary, Council may require the consent holder to provide an appropriate level of supervision of heavy loads across Waitomo District Council bridges.
24. Detailed roading design plans for internal site access roads, Taumatotara West Road, and any other Waitomo District Council roads that are subject to upgrading or realignment works, shall be developed in accordance with appropriate construction standards and submitted to the satisfaction of the Manager, Policy and Planning, Waitomo District Council prior to construction commencing. The detailed design shall include:
 - a. Geotechnical investigation and interpretation report;
 - b. Corner widening design (including cut/fill batters details);
 - c. Taumatotara West Road/ Taharoa Road intersection design;
 - d. Pavement design;
 - e. Surfacing details;
 - f. Shoulder feather-edge details;
 - g. Drainage (surface water channels and culverts);
 - h. Safe stopping sight distance; and
 - i. Minimised cut earthworks for the construction of the internal access roads.

Road Maintenance

25. A maintenance regime covering all Waitomo District Council roads and bridges to be utilised for transportation of construction materials and turbine components shall be prepared by the consent holder and submitted to the satisfaction of the Manager, Policy and Planning, Waitomo District Council prior to any construction works commencing. The maintenance regime shall cover the full construction period and may be developed in partnership with an ongoing maintenance programme (shared with the Waitomo District

Council's own Network Maintenance Contractors). The maintenance regime shall ensure the following:

- a. During the construction period, the consent holder shall undertake any necessary works to ensure that the roads and bridges utilised for transportation of construction materials and turbine components are maintained at a quality no less than the quality of the road and bridges prior to construction commencing.

26. A bond of **\$86,000** shall be paid to Council to secure the ongoing performance of condition 25 with regard to Taumatotara West Road maintenance only, pursuant to section 108(2)(b) and section 108A of the Resource Management Act 1991. The bond applies to regular maintenance only, not pavement rehabilitation and shall be refunded to the consent holder at such a time as the Manager, Policy and Planning, Waitomo District Council is satisfied that the objectives of the maintenance regime required by condition 25, as it relates to Taumatotara West Road, has been met. Should the Manager, Policy and Planning, Waitomo District Council consider the consent holder is not meeting the objectives of the maintenance regime with regard to the maintenance of Taumatotara West Road, the bond will be utilised to undertake the work.

Access

27. Detail of vehicle access points and permanent entranceways along Taumatotara West Road shall be provided prior to construction works commencing. The details will include allowances for:
 - a. Pavement widening to a minimum 6.5 metre sealed width;
 - b. Bellmouth radii to a minimum 15 metres;
 - c. Entranceway culverts to a minimum 300mm diameter; and
 - d. Pavement surfacing to a minimum 70 metres at full width, with matching in tapers at 1 in 10.
28. All internal access roads shall be a minimum of 5 metres in width.

Landscaping and Visual

29. Prior to construction commencing the consent holder shall submit to the satisfaction of the Manager, Policy and Planning, Waitomo District Council, a Landscape Mitigation Plan prepared by a suitably qualified Landscape Architect. The Landscape Mitigation Plan shall detail the visual mitigation and landscape restoration strategies that will be undertaken and shall include but not be limited to:
 - a. A plan showing details of planting and landscaping to be undertaken around the substation, control building and spare turbine part storage area;
 - b. The height and location of any earth bunds or mounds created for visual, noise, or mitigation purposes;
 - c. Topsoil stockpile and management plan for all topsoil stockpiled for more than six

months from the time of stripping;

- d. The restoration strategy for any disturbed landforms including:
 - i. Permanent earthworks, including all road cuttings;
 - ii. Temporary earthworks, including construction pads; and
 - iii. Topsoil restoration.
- e. The restoration shall integrate the new landform into the natural contours, and revegetate (with either pasture or planting) so it appears homogenous with the surrounding landscape;
- f. An implementation strategy identifying when the mitigation works will be undertaken;
- g. A maintenance schedule.

- 30. The colour of the turbines shall be selected to minimise the visual impact. Due consideration will be given to the predominant ambient background sky colour in selection of the final colour. Low reflectivity finishes shall be used on the turbines and the turbine blades where practicable.
- 31. All "dead" turbines and turbine components shall be removed within one month from the time that they ceased to function, unless exceptional circumstances exist and written approval is obtained from Manager, Policy and Planning, Waitomo District Council.
- 32. Upon decommissioning of the wind farm, all visible structures (including turbines, substations and hard stand areas) shall be removed from the site. All foundations shall be buried under a minimum of two metres of soil and revegetated, unless otherwise approved by the Manager, Policy and Planning, Waitomo District Council.

Air Safety

- 33. One month prior to commencing installation of the turbines the consent holder shall provide a copy of a determination from the Civil Aviation Authority (CAA) authorising construction of the windfarm to the maximum tip height to the Manager, Policy and Planning, Waitomo District Council for certification. ~~The consent holder shall comply with the Civil Aviation Authority (CAA) Determinations issued to Ventus Energy Limited dated 7 February 2006 and 23 August 2011.~~
- 34. Those turbines identified as numbers 1, 5, and 10, and any other turbines as identified by the CAA 18 and 22 on the approved plan (and identified below) shall be lit with a medium intensity obstacle light located on the highest practicable point, sufficient to indicate to aircraft the general location of the wind farm.

Commented [GC10]: This condition is modified as updated CAA determinations are appropriate

Commented [GC11]: This condition to reflect the changes to condition 33 and the removal of turbines 18-22

Turbine ID	Easting	Northing	Attitude
1	2664848	6331439	251m AMSL

5	2665338	6330549	322m AMSL
10	2666640	6329258	319m AMSL
18	2667836	6327401	367m AMSL
22	2668272	6326391	321m AMSL

35. The medium intensity obstacle lights shall:

- be red; and
- have an effective intensity of not less than 1600 cd of red light;
- be visible to aircraft approaching the wind farm from any direction; and
- shall be installed and operated in a way that minimise their visibility to persons on the ground while meeting CAA requirements.

Geotechnical

36. In accordance with the recommendations of the geotechnical review prepared by Riley Consultants, and submitted with the application (Appendix K of Volume One), the consent holder shall undertake subsurface geotechnical investigation and engineering geological mapping for the wind farm area, to ensure that all of the turbine sites are geotechnically feasible, and provided with stable building platforms. The results of these investigations and detailed design of the proposed geotechnical foundation works for each of the turbines shall be provided for the approval certification of the Manager, Policy and Planning, Waitomo District Council prior to construction commencing.

Effects on Wildlife

Baseline studies

37. The Consent Holder shall complete a pre-construction avifauna baseline study for Threatened and At Risk avifauna species that will include methods for monitoring NZ falcon (Sept to Feb) and cryptic marshbirds (Sept to Nov). The methodology for survey and monitoring shall be developed in consultation with the Director General of Conservation.
38. A pre-construction bat survey shall be undertaken to capture the key periods of bat activity. This survey will include the placement of bat recorders at each turbine location. The methodology for survey and monitoring shall be developed in consultation with the Director General of Conservation.

Post-construction monitoring

39. The results of the pre-construction baseline avifauna study required by Condition 37 shall determine (in consultation with the Department of Conservation) if there are any Threatened or At Risk bird species that may require post-construction mortality monitoring. If it is determined that post-construction mortality monitoring is required, an Avifauna Mortality Monitoring Plan will be prepared by the consent holder in consultation with the Department of Conservation, and certified by Waitomo District Council. The post-construction avifauna mortality monitoring shall be for a minimum period of two years commencing immediately after the wind farm becomes fully commissioned.

40. If, in the opinion of a suitably qualified avifauna expert (SQEP), any monitoring required under Condition 39 finds a significant adverse effect ~~is found~~ (through dedicated monitoring or other monitoring) then monthly inspections shall continue in the interim and a plan developed, in conjunction with a SQEP to the satisfaction of the Manager, Policy and Planning, Waitomo District Council and in consultation with the Department of Conservation, acting reasonably, to address the effects. Such a plan shall propose a monitoring regime and identify methods and options to avoid, remedy or mitigate the adverse effects. ~~Specifically excluded from a plan will be any modification or restriction on the operation of the wind turbines.~~
41. Prior to the commencement of the wind farm operation, a post-construction Bat Mortality Monitoring Plan will be prepared by the consent holder in consultation with the Department of Conservation, and certified by Waitomo District Council. The duration of the monitoring programme will be for two years and the results provided to the Department of Conservation and Waitomo District Council.
42. If the post-construction bat mortality monitoring required under Condition 41 identifies a significant adverse effect from the operation of the wind farm on the local population of bats, the consent holder shall discuss the findings with the suitably qualified bat expert and, if necessary, determine and implement a reasonable course of action to mitigate or offset those effects. The consent holder shall consult with the Department of Conservation and report to the Waitomo District Council regarding this condition.
43. Any unidentified species remains recovered shall be referred to the Department of Conservation for identification as soon as is practicably possible following their discovery.

Register

44. The consent holder shall keep a register of observations of effects of the wind farm activities on wildlife. This will include evidence of turbine strike (with species, date, weather conditions and other relevant observations), notes of avoidance behaviour observed, and other observed interaction of wildlife with the wind farm. Ground inspections with nil results should also be recorded. The register shall be maintained for the life of the consent, and shall be made available to Council within 2 working days of its request.

Inspections

- ~~45. In accordance with Condition 37 above, all wind farm personnel will inspect the area around the turbine bases when visiting or passing by a turbine, throughout the life of the consent, for evidence of wildlife mortality.~~
- ~~46. The consent holder shall undertake dedicated inspections of all turbine bases for evidence of wildlife mortality at monthly intervals for the first two years of operation. If construction is staged, later turbines shall also continue to be inspected for a full two years.~~

39A The consent holder shall record and report any evidence of bird strikes detected postconstruction. Should a bird species listed in the Department of Conservation's most current threat classification system as Threatened or At Risk at the time be found injured or dead at the site, the Director General of Conservation and the Waitomo District Council is to be notified immediately and the bird provided to the Director General of Conservation

or its nominated agent for autopsy or rehabilitation.

47. Any unidentified species remains recovered shall be referred to the Department of Conservation for identification as soon as is practicably possible following their discovery.
- ~~48. If no significant adverse effects on wildlife are evident following the first two years of operation then dedicated inspections shall be discontinued, with the prior approval of the Manager, Policy and Planning, Waitomo District Council.~~

40A. The consent holder shall forward bat records to the Department of Conservation.

Advice Note: Condition 39A, 40A and amendments to condition 40 have been offered by the Consent Holder and it has agreed to be bound by those in accordance with the principle in Augier.

Reporting:

49. An annual report, detailing the information required in conditions ~~37—40~~ 39 - 44 above shall be provided to Waitomo District Council and the Department of Conservation. ~~Any unidentified species remains recovered shall be referred to the Department of Conservation for identification as soon as is practicably possible following their discovery.~~

Bird Perches

50. No telecommunications devices or signs shall be connected/attached to any part of the turbines and/or the accessory structures.
51. With the exception of the transmission lines connecting the substation to the existing transmission lines, all other intra project lines within the wind farm shall be underground.
52. The turbine towers shall be tubular in design.

Bat Detection

44A. Immediately prior to turbine operation, the consent holder shall attach and commission automated bat detectors to turbines 1, 7 and 11 at a height of at least 15m. Results are to be analysed in relation to wind speed when 12 months of data is available.

Advice Note: Condition 44A has been offered by the Consent Holder and it has agreed to be bound by it in accordance with the principle in Augier.

Compensation

44C. The consent holder will commit the sum of \$25,000 per year for 5 years from the commission of the turbines to support an investigation of bat populations in the geographical area running from Marokopa, Te Anga, Te Waitere and Taharoa. This will be offered by the consent holder through a University research scholarship or other equivalent mechanism in consultation with the Waitomo District Council and the Department of Conservation. The consent holder will provide to the Waitomo District

Council evidence of the offer of the scholarship or other equivalent mechanism on the anniversary of the commissioning of the turbines for the duration of this condition.

Advice Note: Condition 44C has been offered by the Consent Holder and it has agreed to be bound by this in accordance with the principle in Augier. If the scholarship or other mechanism is not taken up by a third party the consent holder will have complied with this condition, provided the scholarship or equivalent mechanism has been offered.

Ecological Effects

Native Vegetation

53. The clearance and trimming of native vegetation associated with the wind farm activities shall be restricted to the minimum area required to undertake the road realignment works, and any realignments of the power line routes. In particular, the consent holder shall avoid the removal of pole stand Rimu where practicable.
54. The consent holder shall develop and implement a weed control programme for the site and access roads, to the satisfaction of Council and for the first 2 years of operation.

Communications

55. In the event that the wind farm activities result in any disruption to free to air (not satellite) television, Broadband Wireless access licenses and/or microwave path operators at those properties in the area surrounding the wind farm site, the consent holder shall assist those parties to obtain reception comparable to the pre-construction quality, to the satisfaction of Council. The consent holder shall advise the Manager Policy and Planning, Waitomo District Council of the agreed mitigation measures in writing.

Complaints Register

56. The consent holder shall appoint a representative who shall be the Waitomo District Council's principal contact person in regard to matters relating to this resource consent. The consent holder shall inform the Manager Policy and Planning, Waitomo District Council of the representative's name and how they can be contacted prior to this resource consent being commenced.
57. The consent holder shall maintain a complaints register for the wind farm activities. The register shall record all complaints received and shall include:
 - a. The date, time and duration of the incident that has resulted in the complaint;
 - b. The location of the complainant;
 - c. The cause of the incident where appropriate;
 - d. Any corrective action undertaken by the consent holder in response to the complaint.

The register shall be available to Council within 2 working days of its request.

Implementation, Review and Monitoring

58. Pursuant to sections 128 to 130 of the Resource Management Act the Waitomo District Council may undertake a review of conditions of consent, within twelve months of the commencement of operation of the wind farm and thereafter on an annual basis for the following purpose:
- a. to review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the exercise of this resource consent (in particular the potential adverse environmental effects in relation to noise, vegetation removal, earthworks, and the visual, landscape and amenity effects), and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions; or
 - b. to address any adverse effect on the environment which has arisen as a result of the exercise of this consent; or
 - c. if necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment; or
 - d. to review the adequacy of and the necessity for monitoring undertaken by the consent holder.

The Council will undertake the review in consultation with the consent holder. The consent holder shall pay the actual and reasonable costs of the review.

59. The consent holder shall pay all costs associated with the implementation of this consent in order to achieve and demonstrate compliance with the consent conditions therein.
60. Pursuant to section 36 of the Resource Management Act 1991 the consent holder shall pay the actual and reasonable costs incurred by the Council when monitoring the conditions of this consent.

Lapse Period

61. This consent shall lapse eight years after the date of it being granted, unless the consent is either given effect to before that lapsing date, or unless the Waitomo District Council fixes a longer period pursuant to section 125 of the Resource Management Act 1991.

Advisory Notes

- 1) The consent holder shall also ensure compliance with conditions of the Waikato Regional Council resource consent. Conditions related to matters covered by that consent have been omitted from this consent to avoid duplication.
- 2) All on-site works shall comply with the requirements of the Health and Safety in Employment Act 1992.
- 3) This consent covers road widening and realignment works associated with Taumatotara West Road only. The consent holder shall obtain any other resource consents required for

road widening, including any resource consents required from Waikato Regional Council.

- 4) The consent holder will need to consult with and meet the requirements of all road controlling authorities affected by the transportation of the turbine components, including Transit New Zealand.
- 5) The consent holder will need to consult with the Manager, Policy and Planning, Waitomo District Council in order to facilitate proceeding with the establishment of a turbine viewing area on Marokopa Road.
- 6) If the transmission lines connecting the substation to the existing electricity transmission lines are located above ground, they shall be designed and located so that they are a permitted activity in accordance with Rule 15.5.1 of the Proposed Waitomo District Plan and the NZ Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).
- 7) ~~For the purposes of condition 11, a height greater than 110 metres will be approved for turbines 1 to 11 inclusive subject to the necessary confirmation being provided in respect of compliance with NZS6808:1998. Condition 3 also requires that the maximum height of turbines 1 to 11 inclusive must not exceed 121.5 metres and that the maximum height of turbines 12 to 22 inclusive must not exceed 110 metres.~~

Commented [GC12]: This advice note is redundant