

# Closing Submission

## 1. Land Swap

The 14.6 ha Fairdown property proposed to be exchanged for an area of land on the Stockton Plateau is not covered by any form of covenant. However, an area of 1.77 ha which adjoins this block is covered by a “no native vegetation clearance” covenant. My evidence referred to this covenanted area as being some 9.4 ha but this is incorrect and should refer to 1.77 ha, as indicated by Ms Bayley. However, this is immaterial given HDL only propose off-setting mitigation for habitat loss in terms of the 14.6 ha they own.

Further to the issue of land swap, HDL does not see the necessity for placing a covenant on the 14.6 ha property at Fairdown to ensure it forms part of the mitigation package. Land exchange and hence construction of the hydro scheme cannot proceed without a land swap occurring. As indicated in DoC 's withdrawal of their request to be heard, all parties anticipate that the land swap with the Fairdown property will proceed and there is genuine good will to achieve this outcome. In the unlikely event that this particular land exchange “falls over”, HDL would then need to identify and purchase another block of high conservation value to enable the land exchange of the Stockton Plateau footprint to proceed. Either way a suitable area of land of high ecological value will be required to off-set the loss of habitat on the Plateau.

## 2. Historic Places Trust (HPT)

The HPT evidence concentrated on the potential effects of the loss of a portion of the loco formation and clearly established their guiding principle as being avoidance of damage to archaeological sites. HPT assert that HDL have given little attention to avoiding damage to the historic loco formation. This is not the case and during the design phase consideration was given to alternative reservoir scenarios at Weka so as to avoid the loco formation. Attached correspondence documents some of HDL's efforts to address the matter of alternatives with HPT.

HPT evidence expressed concern in relation to potential for additional features to be located at the base of the Millerton Incline (5.1 - Bridget Mosley). Katharine Watson's survey included the Granity coal bin area at the base of the historic Millerton Incline, with her report stating that she considered it unlikely that archaeological material would be found in this area, given the degree of previous disturbance (bulldozing).

With respect to mitigation for the loss of a portion of the loco formation, we have considered our position in this regard and appreciate the concerns the commissioners have with our condition as currently proposed, merely establishing an intent on our part to protect a remanent intact section of the historic loco line as opposed to “real” mitigation. To this end HDL will commit to protecting a portion of remanent formation that runs adjacent to Mine creek terminating in the vicinity of A Tunnel portal, viewed on your site visit. Development of a walking track along this portion of the loco formation will be undertaken in conjunction with the on-site interpretative display planned at Weka power station to create a broad heritage experience. Access is already provided up to the area of A tunnel via the Pack Track walkway (which commences at Millerton) and HDL will undertake to maintain this existing walkway and link the new loco walkway to the Weka interpretative display area..

The Mine creek section of the loco formation is on DoC stewardship land therefore will need to

form part of our access negotiations. However, we do not anticipate any issues with obtaining access as DoC have also indicated they wish to see suitable mitigation for the the loss of loco formation resulting from project construction. Our amended condition would require HDL to construct the walking track within 1 year of commissioning of the hydro scheme.

### 3. Bryophytes

*Blindia lewinskyae*, although classified as sparse has been found at a variety of sites beyond both the HDL project footprint and areas likely to be affected by mine development, with a significant body of survey work recording this fact. With respect to bryophytes generally, John Braggins report noted that many bryophytes rely on bank seepage therefore are likely to survive even after water abstraction from scheme operation, hence his conclusions as to minor effects. I would also note that although Mr Braggins do not undertake a site visit, he advised he was able to make an informed assessment based on the considerable body of existing survey work and his own knowledge of the Stockton Plateau bryophyte environment.

### 4. Snails/Fernbirds

I believe HDL have addressed the issue of potential fernbird effects so I do not intend to re-iterate our experts statements in this regard. However, with respect to potential effects on *Powelliphanta* snails I would like to remind the commissioners of snail distributions on the Plateau as being well removed from the general area of the HDL development (refer to section 5.4 of the Terrestrial Fauna report):

- *Patrickensis* – relatively wide distribution mainly to the south of the development
- *Johnstoni* – known only from the Ngakawau catchment, some 2km north of the development
- *Millertoni* – (single site of 0.5 ha) approximately 700m from Granity tunnel
- *Augustus* - Mt Augustus – approximately 2.5 km to the west of the development

### 5. Conditions

We have taken on board your comments as regards some of the suggested conditions of consent and to this end we will provide amended conditions to the Councils in relation to the ocean outfall, blasting/vibration and historic heritage, which I've discussed above. Our approach today is to briefly discuss some of the revisions that will be made in these areas, with re-drafted suggestions to follow in the next few days.

**5.1 Bond clarification** – The proposed bond sum is intended to cover initial exploration activities and is suggested to be held for a term of 2 years. Assuming full project construction would then follow the condition as proposed enables the bond sum to be reviewed and adjusted, after consideration of the annual work plan estimation of rehabilitation costs. We appreciate Mr Dalls concerns regarding the need for a construction related bond. However, we suggest that the proposed bond review condition taken in conjunction with an annual work plan requirement will provide the necessary mechanism for ensuring adequate bond sums are held in relation to construction and rehabilitation of the project.

**5.2 Noise/Vibration** – We have considered the commissioners comments as regards the conditions of consent with HDL to advance further amendments including the following:

- Blasting at Granity construction site to be limited to the normal hours of work until excavation of the tunnel extends a minimum of 25m from the portal entrance.

- Identification of buildings for which pre and post conditions surveys will be undertaken to ensure vibration from project construction has not affected building integrity. (Note, we have already included all the historic buildings but will cast the net wider to include any other potentially affected buildings along the micro tunnel route and adjacent to the Granity construction yard)

**5.3 Ocean Outfall** – in this regard I have sought further feedback from Cawthron and HDL will advance further amendments covering such areas as:

- provision for outfall monitoring to be located at the Granity power station,
- baseline benthic survey and monitoring details,
- baseline sediment quality and monitoring details,
- specific water quality monitoring parameters.

## **6. Conclusion**

Having heard from Ms Bayley that she now believes the applications being sought under the BDP pass the second gateway test of Section 104D, being not contrary to the objectives and policies of the BDP, I would suggest the Hearing Commissioners now only need consider the applications in terms of the Section 104 and Part 2 requirements of the RMA. In this regard I would draw your attention to what was identified as the 14 outstanding matters listed in the Officers report and our comments in relation to these issues.

I would suggest that given HDL's commitment to undertaking protection of a remanent section of the loco formation that this now addresses the concerns raised in items 3 and 4. As to the other issues, I contend they have been adequately addressed through a combination of the evidence before you and the draft conditions, including suggested revisions.

With regard to the management plan conditions, Ms Bayley suggest that these internalise virtually all potentially measurable standards. However, in my view the conditions, particularly with the suggested amendments are both robust and specific as to standards of compliance particularly as regards noise, dust, vibration, lighting, hazardous substances and water discharges, to name a few. All these matters have specified performance standards with the means of achieving these to be addressed through the management plan. It is by no means an unusual practice to require several management plans for a project of this scale and this approach allows for new technology and knowledge to be adopted in relation to compliance.

Finally I would like to finish with drawing the Commissioners attention to considerations of sustainable management and whether the project achieves the RMA aim of such. In my opinion the project in addressing a number of issues readily achieves sustainable management of both natural and physical resources. Generation of renewable energy and injection into the local network and addressing current and historic AMD contamination on the Plateau are significant benefits of the scheme. Further, the location of the project within the significantly modified environment of the Stockton Plateau is in my view ideal.

**Rebecca Inwood**  
**6 August 2009**