

BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY

ENV-2011-CHC-090

UNDER The Resource Management Act
1991

BETWEEN **MERIDIAN ENERGY LIMITED**

Appellant

AND **HURUNUI DISTRICT COUNCIL and
CANTERBURY REGIONAL
COUNCIL**

Consent Authorities

**Affidavit by Graeme Higginson
For Glenmark Community Against Wind Turbines Incorporated Society
In support application for waiver to file late s.274 Notice**

Malcolm Wallace
Barrister
PO Box 13254 Armagh PH 03 3796 976
Christchurch 8141
malcolmwallace@bridgesidechambers.co.nz

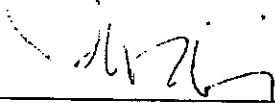
I, **Graeme Higginson**, of Glenmark, farmer swear:

1. I am chair of the Glenmark Community Against Wind Turbines Incorporated Society (the "Society") and I swear this affidavit on behalf of the Society in support of the application for a waiver to file a late s.274 Notice.
2. The Society lodged a detailed submission in opposition to the proposal dated 23 May 2011; copy annexed marked "A". I signed that submission.
3. I also signed the s.274 intended to be lodged on behalf of the Society dated 14 August 2011; copy attached marked "B". I signed that notice.
4. Due to my simple mistake, I inserted the incorrect name in the s.274 notice, commencing the name of the Society with "Hurunui" instead of "Glenmark".
5. As far as I am aware there is no such entity as *Hurunui Community Against Wind Turbines Inc.*, and I am certainly not chairman of a society bearing that name.
6. My intention was to lodge a s.274 notice on behalf of Glenmark Community Against Wind Turbines Incorporated Society.
7. I note that both the Hurunui District Council, and Meridian have noticed this error and it is mentioned in the report to the Court.

8. On behalf of Glenmark Community Against Wind Turbines Incorporated Society I seek the Court's indulgence for my oversight, and seek an extension of time to lodge a s.274 Notice on behalf of Glenmark Community Against Wind Turbines Incorporated Society, so that our society is not prevented from continuing its opposition.

Sworn at Christchurch this
29th day of November 2011

Before me



Graeme Higginson

~~Solicitor~~ Solicitor High Court of New Zealand

SAM MALING
BARRISTER
CHRISTCHURCH

RECEIVED
23 MAY 2011
HURUNUI DISTRICT COUNCIL

A



Form 13

Submission on application concerning resource consent that is subject to public notification by Hurunui District Council
Sections 95A, 95B, 95C, 96, 127(3), 136(4) and 234(4),
Resource Management Act 1991

Please do not hesitate to phone Helga Rigg at Hurunui District Council (ph 314 0020) if you require any assistance.

To: Hurunui District Council, 66 Carters Road, PO Box 13, Amberley 7441(fax 03 314 9181)

- Name of Submitter: Glenmark Community Against Wind Turbines (Inc Society) (full name)
- This is a submission on a resource consent application from Meridian Energy Limited for land use consent to establish, operate and maintain a wind farm near Greta Valley.
- Location of application: The wind farm will be located over 6 properties as follows:
 - 1378, 1440 & 2118 Omihi Road
 - 589 & 700 Reeces Road
 - 294 Motunau Beach Road
- Resource consent ref: RC110011
- My submission is in ~~SUPPORT~~ / OPPOSITION (delete one and provide reasons)

Include whether you support or oppose the specific parts of the application or wish to have them amended and provide reasons for your views. This may be provided on a separate sheet if you need more space.

The Society opposes in full the application of Meridian Energy (see attached papers)

This is the Exhibit marked with the letter "A"
Referred to in the affidavit of Graeme Higginson
SWORN at Christchurch this 29th day of November 2011
Before me:

A Solicitor of the High Court of New Zealand

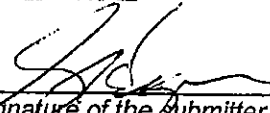
6. I seek the following decision from the consent authority:
[give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]

7. I wish or ~~do not wish~~ to be heard in support of my submission.

8. If others make a similar submission, I will consider presenting a joint case with them at the hearing.

Yes No

- 10.


Signature of the submitter (or person authorised to sign on their behalf)

Date 23 May 2011

11. Contact details for the submitter:

Address for service:

161 Peaces Rd
RD3 Amherley
7484

Phone No: 0331459934
Fax No: 0331459934
Email: 0272679950

Note to submitter:

The closing date for submissions is **Tuesday 24 May 2011**

You must serve a copy of your submission on the applicant as soon as reasonably practicable after you have served your submission on the consent authority. The applicant's address for service is:

Alison van Polanen
Meridian Energy Limited
PO Box 2454
Christchurch 8140.

If a Council hearing of the application is to be held, section 100A of the Resource Management Act 1991 (the Act) allows you to request that the application be heard by an independent commissioner(s) as opposed to elected members. If you wish to make a request under section 100A of the Act, you must do so in writing no later than 5 working days after the close of submissions. Please note that you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Submission on the application by Meridian Energy Ltd for land use consent to establish, operate and maintain a wind farm near Greta Valley

Submitter; Glenmark Community against Wind Turbines (Inc Society)
C/- Graham Higginson
161 Reeces Road
R D 3 Amberley
Phone 3145 994

Glenmark Community Against Wind Turbines oppose in total the application by Meridian Energy on the grounds that it is not meet the requirements of

Section 5 (2)(c) of the RMA. The construction, operation and maintenance of the wind farm will not enable the communities affected to provide for "their social, economic, and cultural well being and for their health and safety". It is not possible to avoid, remedy or mitigate the adverse effects of the activities on the community or the environment.

and

Section 7 © (e) (f). The affected area is valued by its residents for its amenity values. The word amenity in the Oxford Dictionary is defined as "Pleasantness of place". The people who live here value the rural peaceful nature of the area. The introduction of these large industrial machines will destroy this "pleasantness of place".

7 (e) refers to the "recognition and protection of the heritage values of sites, buildings, places or areas." Many of the residents of this area have history of generations. Their family heritage is enshrined in the hills and valleys of the area and its peaceful rural nature.

Section 7(f) refers to the 'Maintainance and enhancement of the quality of the environment.' The quality of the environment will be destroyed for many.

1. The society represents residents directly affected by the activities associated both with the construction and ongoing operation of the proposed windfarm.

The affected area includes a large area of rural land but also the townships of Greta Valley, Scargill, Motunau Beach and the area of Omihi with its associated school, sports grounds and community hall.

2. **Social.** This proposal has already caused severe problems socially within the area. In the past people who live in this area have relied upon each other and there has always been a helping hand available if needed. This proposal has pitted neighbour against neighbour. The divide between those who will benefit financially from the proposal, and those who will bear the effects, is ever widening.
3. **Economic.** Property values and the ability to sell are a significant issue for all landowners with regard to future financial security. Properties in the area affected have been valued for their ability to generate income but also for their rural landscape values and the quiet and peaceful lifestyle away from the city. Given a choice potential buyers will always favour a rural area without wind turbines. This has already been borne out with the withdrawal of potential buyers for property in the Glenmark area when they find out about the wind turbine proposal. People in the area have had to put on hold, plans for retirement or downsizing. Meridians proposal is taking hundreds of thousands of dollars from the residents of this area and should this proposal go ahead, this situation will be permanent. Private property rights include the right of use, the quiet enjoyment of the property, and the right of disposal. All these rights are put at risk by this Meridian proposal. Tourism activities in the area will be adversely affected.
4. **Health and Safety.** Information is being gathered in an ongoing basis throughout the world about the adverse affects of noise and vibration to the health of people and animals. Reports of sleep disturbance, headaches, high blood pressure, inability to concentrate, are common among people who live within 3 to 10 kilometres of wind turbines. This application should be denied on the grounds of increasing evidence throughout the world of severe health issues.
5. **Visual;** The visual effects of these turbines cannot be mitigated. They are ever present and change the landscape from a rural one to an ever moving industrial one. The visual effects on the residents of this area are not minor and cannot be ignored. The landscape report by Mr Rough commissioned by Meridian refers in 6.4.9 to the outdoor living areas of private dwelling being sheltered from visual effects by existing trees. This is an extraordinary statement. This is a working rural area. The visual effects will be evident from all parts of properties. The responsibility for mitigating the effects of the activity lie with Meridian, not those adversely affected.

6. **Transport.** State highway one from Cheviot to Amberley has a high accident rate already. The turbines are clearly visible from the highway and will act as a distraction to drivers, particularly as they come over the Omihi saddle. During the construction phase large volumes of traffic will be turning off the main highway past the Greta Valley School causing danger to all road users in this area. Residents will be affected by noise and inconvenienced by the increased volumes

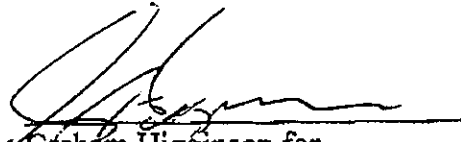
7. **District plan Rules. Buildings on Ridges.** Rule A1.2.20 states "(a)No building of structure outside urban areas on a ridgeline shall be visible against a backdrop of the sky when visible from any strategic, district arterial or collector road-----"

(1V) masts up to, but not exceeding 10 metres in height and with a maximum width of 0.65 metres (exclusive of antennas, mounting arms and supports" This windfarm proposal has 130 metre high turbines visible from state highway one and several district arterial roads. The effect cannot be mitigated. This proposal does not meet District Plan rules and should be denied on these grounds alone. Many residents in applying for consents have been subjected to this rule and have had to modify their intended structure to comply. Meridian will have to do the same.

8 **Siteing of windfarm** The Government is in favour of wind technology to meet its obligations under the ETS. Meridian is a state owned enterprise. The government through the Department of Conservation owns over half of the landmass of the South Island. They have recently acquired St James Station and own Molesworth Station. These areas are very sparsely populated, or have no population. Why are these areas not being used instead of this proposal being pushed in this area where the majority of residents strongly oppose and will be severely adversely affected.

9. **Compensation.** Should this proposal go ahead despite the objections of the residents, it must be acknowledged by Meridian that people who live in the area will be severely affected. Therefore Meridian must provide compensation. The amount of compensation should be aligned to the amount of electricity produced.

A survey of the area was done by Mr John Carr regarding this proposal. The results were 320 opposed, 48 in favour, 10 neutral. It is clear from this survey that affected residents do not consider that the landscapes character will be enriched by the turbines as referred to by Mr Rough in his landscape report. The effects on the residents will be major and not able to be mitigated by Meridian. We urge the council in the interests not only of its Glenmark community but the whole of the Hurunui district, to refuse this consent.



Graham Higginson for
Glenmark Community Against Wind Turbines Inc Soc

B

Form 33

Notice of person's wishing to be party to proceedings
Section 274, Resource Management Act 1991

To The Registrar
Environment Court
P O Box 2069
Christchurch

- 1. Hurunui Community Against Wind Turbines Inc
I, (~~Joseph~~ Full name), wish to be a party to the following proceedings:
ENV-2011-CHC-090 Hurunui Windfarm Direct Referral

I am a person who made a submission about the subject matter of the proceedings.

- 2. I ~~am~~/am not* a trade competitor for the purposes of Section 308C of the Resource Management Act 1991.

*Select one

~~*I am/am not directly affected by an effect of the subject of the appeal that~~

~~a) adversely affects the environment and~~

~~b) does not relate to trade competition or the effects of trade competition.~~

~~*Delete entire paragraph if you are not a trade competitor.~~

- 3. I am interested in all (or part of) the proceedings.

~~*The part of the proceedings I am interested in is: (explain which part or parts of the proceedings you are interested in).~~

~~*Delete if this does not apply.~~

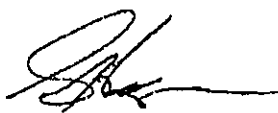
- 4. I am interested in the following particular issues: (explain which issues raised by the appeal you are interested in). e.g. landscape, tourism, recreation, health, noise, construction, traffic, economic effects, environmental effects. & all other clubs to do with wind farms

- 5. I ~~support~~ (or oppose or conditionally oppose) the relief sought because - (state why you support or oppose the relief sought, giving clear reasons for your views).

As per my submission

I ~~agree~~/do not agree to participate in mediation or other alternative dispute resolution of the proceedings.

Your decision

~~Christchurch~~ Graeme Higginson 
Signature of person wishing to be a party (or person authorised to sign on behalf of person wishing to be a party)

Date 28-11

Address for service of person wishing to be a party:

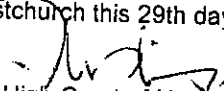
Telephone: 03 3145994

Fax/Email: 

Contact person: as Above

Your address RD3 AMBORLEY
WK CANTY

This is the Exhibit marked with the letter "B"
Referred to in the affidavit of Graeme Higginson
SWORN at Christchurch this 29th day of November 2011
Before me:


A Solicitor of the High Court of New Zealand