

BEFORE THE KAIPARA DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a resource consent application by Tararua
Wind Power Ltd (TWP) under section 88 of the
RMA for the Kaiwaikawe Wind Farm

MEMORANDUM OF COUNSEL FOR TARARUA WIND POWER LTD

18 January 2022

MAY IT PLEASE THE PANEL

1. On 22 November 2021 the Panel directed that further supplementary evidence of Mr Fuller (for Tararua Wind Power Ltd (“TWP”)) and Dr Williams (for the Director-General of Conservation (“DOC”)) regarding further baseline monitoring undertaken for Australasian Bittern and Long-Tailed Bats be filed/exchanged by 19 January 2022.¹
2. During the adjournment period and following the ecological surveys, TWP and DOC have engaged and jointly exchanged relevant monitoring data. Mr Fuller has been working hard (including returning early from his scheduled holiday) to draft his statement of supplementary evidence. Unfortunately, for a variety of reasons including because the provision and analysis of the data has taken longer than anticipated, TWP will not be able to file/exchange Mr Fuller’s supplementary evidence by 19 January 2022.
3. Counsel have discussed the above with counsel for Kaipara District Council and DOC. Neither party objects to a short extension of the evidence deadline to Friday 21 January 2022.
4. Therefore, TWP respectfully requests an extension to the supplementary evidence deadline to **5pm on Friday 21 January 2022**. Counsel consider it is appropriate that any extension apply to the evidence of both Mr Fuller and Dr Williams.
5. The extension will have a consequence for further legal submissions (in relation to the outcome of expert conferencing and any further evidence) which the Panel strongly encouraged be filed by 5pm on Friday 21 January 2022. Counsel respectfully suggests that the parties continue to file legal submissions on the expert conferencing by **5pm on Friday 21 January 2022**, and present legal submissions (if any) on the further evidence at the reconvened hearing.
6. Counsel regret any inconvenience to the Panel or parties as a result of the proposed extension.

Dated this 18th day of January 2022



JR Welsh/SJ Mutch
Counsel for Tararua Wind Power Ltd

¹ Direction 5 of the Hearing Panel (22 November 2022).