

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of applications to the **WAIKATO DISTRICT COUNCIL** and **WAIKATO REGIONAL COUNCIL** by **WEL NETWORKS LTD** for resource consents to authorise the establishment, operation and maintenance of 28 wind turbines for the generation of electricity and associated activities on the Whauraroa Plateau near Te Uku

REQUEST FOR ADJOURNMENT AND ORDERS CONCERNING FURTHER EVIDENCE

Introduction

1. Counsel for WEL Networks refers to the conversation with the Chairman on 28 November 2007 concerning the Applicant's proposals for responding to issues raised in the evidence presented by submitters on that date.
2. Some of the evidence contains material of a highly technical nature which requires close consideration by WEL's technical advisors/witnesses. Aspects of that evidence calls for a substantive response to assist the Committee.
3. WEL wishes to consult with Dr Black in relation to health issues. He is out of New Zealand and it is not possible to obtain a detailed response from that witness prior to the date for presenting the Applicant's reply on Monday, 3 December 2007.
4. Given the importance of matters in issue, the Applicant wishes to ensure that any issues raised in that evidence are fully considered and substantive responses prepared if that is considered necessary or desirable in order to assist the Committee as much as possible. The Chairman is concerned that this evidence may fall outside the scope of strict rebuttal evidence.

Orders sought

5. Given these factors and the proximity of Christmas, the Applicant therefore requests an adjournment of the hearing until early in the New Year in order to enable such consideration to be given and evidence prepared. On that basis, the Applicant respectfully seeks the following orders (or orders along the following lines):
 - (a) That the hearing be adjourned to a date as soon as practicable after 30 January 2008.
 - (b) That pursuant to section 39 of the Act, the Committee directs that:

- (i) At least 10 working days before the resumption of the hearing, the Applicant is to file with Council briefs of evidence in respect of any further evidence it wishes to adduce (including evidence in rebuttal) and serve a copy on all submitters who appeared or were represented at the hearing.
- (ii) At least 5 working days before the hearing, any submitter who appeared or was represented at the hearing who wishes to tender further evidence in direct response to the evidence filed by the Applicant pursuant to direction (a) hereof, is to file with Council briefs of evidence and serve a copy on the Applicant.

Grounds

- 6. The main grounds which the Applicant relies on in making this application are that:
 - (a) Highly technical evidence has been tendered late in the hearing which requires further consideration and possibly substantive response.
 - (b) The most appropriate way to properly assist the Committee is to consider the issues raised and, where desirable, develop a full and substantive response via direct evidence from a suitably qualified expert witness rather than via reply submissions.
 - (c) It is appropriate that there be an opportunity for submitters to consider that evidence, and for the Applicant to consider any further evidence the submitters may produce.
 - (d) None of the submitters nor any other third parties would be prejudiced by the grant of an adjournment on the terms sought.
 - (e) The making of such an order is appropriate and fair in the circumstances.
- 7. WEL is grateful for the Committee's attention to this matter.

DATED this 29th day of November 2007

S J Berry

Counsel for WEL Networks Limited