

**BEFORE A BOARD OF INQUIRY**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of a Board of Inquiry appointed under section 146 of the Resource Management Act 1991 to consider an application by Mighty River Power Limited for resource consents to construct, operate and maintain a wind farm at Turitea

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**SUBMISSIONS FOR NGAWAI FARMS LIMITED, JOSEPH POFF,  
MAURICE AND DOROTHY ALLEY AND JOHN AND KATHRYN LOVE  
DATED 29 MARCH 2010**

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## **MAY IT PLEASE THE BOARD:**

### **INTRODUCTION**

1. Ngawai Farms Limited, Joseph Poff, Maurice and Dorothy Alley and John and Kathryn Love ("landowners") supported Mighty River Power's original design, and would have liked the original design to proceed. They are disappointed that opposition to the original design has meant that the very valuable wind resource which is available on their properties may not be harnessed to the greatest extent possible,
2. In general the landowners support the submissions which they understand are to be made on behalf of Mighty River Power on the factual and legal issues relevant to the application for consents and the essential questions before the Board as to the proper application of the Resource Management Act to that application. No useful purpose would be served by pre-empting these, and the landowners' submissions will address only three issues that are particularly relevant from their perspectives.

### **SUMMARY OF LANDOWNERS' EVIDENCE AND REPRESENTATIONS IN RELATION TO ORIGINAL DESIGN**

3. Proofs of evidence were filed by Brian Waters (on behalf of Ngawai Farms Limited) and Joseph Poff. Representations were filed by Maurice and Dorothy Alley and John and Kathryn Love.
4. The main points of the evidence and representations are summarised below.

#### ***Mr Waters' Evidence***

5. Mr Waters appeared before the Board on 29 August 2009 to speak to his evidence. His oral presentation is recorded at pages 1935-1939 of the transcript. His evidence was unchallenged.
6. Mr Waters' evidence was that he and his family have farmed the land owned by Ngawai since 1964. The property is a 563 hectare block situated on the western boundary of the Reserve. Ngawai also leases and farms an adjoining 100 hectare block.

7. Mr Waters stressed his family's commitment to the environment and their careful stewardship of the land. Because the Ngawai property adjoins the Reserve, his family has assumed responsibility for securing the western boundary and controlling access by the general public to the Reserve through their property. Mr Waters gave evidence of observing the Reserve's deterioration from the infestation of pests and weeds, and how he and his family have controlled pests and weeds on the Ngawai land so that they do not contribute to this.
8. Mr Waters and his family supported the original design as a sustainable and responsible way of generating energy. As people who have worked the land for close to 50 years, their credentials as responsible guardians of the environment and the land cannot be questioned. He and his family see the placement of turbines on their property as continuing their commitment to sustainably and responsibly harnessing the available natural resources. They understand that the revenue generated from the wind farm by the Palmerston North City Council ("PNCC") will enable programmes to be established that will enhance pest and weed control in the Reserve, arrest its deterioration and preserve it for future generations. Mr Waters emphasised that the use of the turbines to generate revenue from the land is more environmentally friendly than other uses such as running livestock.
9. Regarding the objections to the wind farm, Mr Waters asked the Board to consider whether the subdivision of the surrounding land into lifestyle blocks detracts from the visual amenity of the area more than the placement of wind turbines. His evidence was that the possible establishment of wind farming in the Manawatu and the Turitea area has been a matter of public debate for close to 30 years and that this tells against objections by those who claim to have bought properties in the area without notice of the possibility of such development.

### ***Mr Poff's Evidence***

10. Joseph Poff appeared before the Board to speak to his evidence on 14 October 2009. Again, his evidence was unchallenged. His oral evidence is recorded at pages 2927 - 2932 of the transcript.
11. Mr Poff is also a farmer and runs beef and sheep on 193 hectares of land. He also carries on an electrical, air conditioning and refrigeration contracting business. Mr Poff's connection with his land goes back 29 years. He purchased his first block in 1990 and the balance in 2000. He has run the property as a working farm since 2006. He gave evidence of controlling gorse and other infestations by way of manpower rather than chemicals and recycling and re-using as much as possible. He sees himself as a caretaker of the land, with an obligation to leave it better than he found it.
12. Mr Poff was enthusiastic about the original wind farm design, which accorded with his commitment to sustainable management of natural resources. His evidence was that wind farming has always been part of his plans for his farm. He purchased the second (110 hectare) block with the installation of wind turbines in mind, and reconfigured the upper boundary for that purpose. His evidence was that wind farming is compatible with general farming activities and that in his observation wind farming has led to real improvements for the farms on which turbines have been installed.
13. Mr Poff has first hand experience of the noise effects of wind turbines. He lives less than 1.25 km from the nearest turbine of the Te Rere Hau wind farm, and is able to see more than a dozen Windflow 500 turbines from his bedroom window. His evidence is that he occasionally hears the turbines from Te Rere Hau but, as he says, he also hears other noises associated with the country. His evidence was that noise is not a significant issue for him, despite living just over a kilometre from the nearest turbine and despite those turbines being generally accepted as significantly noisier than those which Mighty River Power proposes to install.

14. With respect to objections emanating from some submitters who have purchased life style blocks around his farm, Mr Poff produced photographic evidence to support his contention that in most cases the dwellings face away from the proposed turbines, and that the predominant views, being views towards the City, will not be affected by the installation of the turbines. His evidence was that he has had to endure the alteration of his views as a result of the encroachment of life style properties, whose occupants are among those who now object to him utilising his property for an activity that is a discretionary use under PNCC's District Plan.
15. In his evidence, Mr Poff made the point that this application presents a one-off opportunity to harness an outstanding natural resource. If it is lost now, it will not come again.
16. He also commented that in a sense the landowners have found themselves in the position of carrying the argument for the large number of people who will benefit from the development. They have been prepared to do so because of their sense of the important opportunity that the application presents.

***Representation by Dr Maurice and Mrs Dorothy Alley***

17. Dr and Mrs Alley own a 187 hectare beef, sheep and forestry farm which backs on to the Reserve. They purchased their farm 30 years ago.
18. Dr Alley was Group Leader of Pathobiology at the Institute of Veterinary, Animal and Biological Sciences at Massey University until he retired from that position in 2003. He is still an Associate Professor of Veterinary Pathology at the University and works as a wildlife pathologist at the New Zealand Wildlife Health Centre. Dr Alley is able to comment with authority on a particular aspect of the wind farm, being its impact on birds in the Turitea Reserve. He endorses other expert opinion that wind turbines sited in the area will have little or no effect on bird life.
19. Dr and Mrs Alley support the wind farm for many of the reasons given by the other landowners i.e. care for the environment, concern about

the effects of climate change and commitment to a sustainable way of harnessing natural resources to generate electricity. In their representation, they expressed surprise that many of those who now object to the proposed wind farm on the grounds that it is a blight on the rural landscape are those who themselves changed the rural landscape with the proliferation of life style blocks.

20. Dr and Mrs Alley appeared before the Board on 28 August 2009 and their oral presentation can be found on pages 1929 – 1933 of the transcript.

***Representation by Mr John and Mrs Kathryn Love***

21. Mr and Mrs Love made a representation and appeared before the Board to speak to it on 14 October 2009. Their presentation (a full copy of which the Board has) can be found on pages 2932 – 2955 of the transcript.
22. Mr and Mrs Love have been farming in Turitea since 1982, when Mr Love worked as a shepherd and then farm manager for Manawahi Farm on Hart's Road. Mr and Mrs Love purchased their 648 ha property at 132 Greens Road in 1994, and have been fully engaged as farmers since. They have also leased other property for grazing, including in the now-subdivided Ngahere Park and Ngahere Heights.
23. Mr and Mrs Love too consider themselves guardians of the land. Their property too shares a boundary with the Reserve. They are committed conservationists and environmentalists, and detailed in their representation their conservation efforts on their farm. They have also detailed their involvement in the Palmerston North and Turitea Valley communities.
24. Their interest in wind farming began before they purchased their property. Their property is suitable for this because of the quality of the wind, and they purchased the property hoping to one day harness that resource. It is the same wind that makes conventional farming on the Love property challenging. As Mr Love put it in his oral presentation to the Board, those who oppose harnessing the wind through a wind farm should live and work on his property for a month

before commenting (pages 2941 – 2942 of the transcript). Mr and Mrs Love told the Board that [REDACTED] income they receive from the placement of turbines on their farm will be used for improvements to the land.

25. Mr and Mrs Love do not find the life style blocks aesthetically appealing and say that subdivision of that nature has detracted from their outlook. But, unlike those local residents who now vehemently oppose the wind farm, they have not complained about the loss of their views.
26. Mr and Mrs Love also replied to some of the opposing submissions, particularly those which appear to be directed at them personally. The appropriateness of some of those submissions will be addressed later.

#### **SUMMARY OF LANDOWNERS' EVIDENCE AND REPRESENTATIONS ON THE REVISED DESIGN**

27. The landowners all made written submissions on the revised design.
28. In summary, the landowners expressed disappointment in the revised design as it applied to their respective properties.
29. Mr Waters (transcript 3406-3408) stated that the revised design had deleted a possible 28 MW from his property, when he considered there would be no adverse effects outside the Ngawai boundary from the original design. With respect to the Ngawai property, he urged the Board to consent to the redesign without further deletions.
30. Mr Poff's written submission was to the effect that the deletion of the turbines on his property does not reflect a proper balance between the positive and negative aspects of the original design.
31. Dr Alley (transcript 3408-3412) stated that he had lost all the turbines on his property as proposed under the original design. He said that he and his family were saddened by this, particularly considering that under the original design the nearest houses were more than 2 kilometres from the turbines and that screening had not been considered. Dr Alley felt screening was a realistic option for those who disliked looking at turbines, citing evidence of existing shelter

belts. Dr and Mrs Alley urged the Board to consent the original wind farm design.

32. Mr and Mrs Love (transcript 3463-3472) opposed the revised design. In their view, three of the turbines (from 122 – 125) could have been recessed, and the deletion of turbines 132 and 133 was an imperceptible change from the plains. They urged the Board to consider reinstating five of the turbines deleted on their land in the revised design (15 MW), noting that under such a proposal two of the turbines would then be within the Reserve.

### **ISSUES OF PARTICULAR RELEVANCE TO LANDOWNERS**

33. The landowners are particularly concerned with the following issues:
- (a) Balancing the views of landowners and objectors;
  - (b) Safeguarding the environment for future generations; and
  - (c) Content of some of the opposing submissions.
34. They are addressed in that order below.

### **BALANCING THE VIEWS OF LANDOWNERS AND OBJECTORS**

35. The Board is well aware of the structure of the legislation.
36. The pivotal provision is, of course, s 5, which requires an examination of whether the activity for which consent is sought will promote the sustainable management of natural and physical resources.
37. Sustainable management is defined in s 5(2)(a), (b) and (c).
38. Then there are the subsidiary provisions of Part 2 – ss 6, 7, and 8. And finally, s104, which provides that in considering an application for resource consent and any submissions received, a consent authority must have regard to certain other matters.
39. The first of those s104 matters, ss (1)(a), provides that the consent authority must have regard to “any actual and potential effects on the environment”.

40. The term “environment” is defined in s2 so as to include:
- (a) *ecosystems and their constituent parts, including people and communities; and*
  - (b) *all natural and physical resources; and*
  - (c) *amenity values; and*
  - (d) *the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters.*
41. Thus the legislation requires the Board here to bring to account both positive and negative effects: Genesis Power Limited v Franklin District Council [2005] NZRMA 541 at para 61.
42. Two groups of affected people to have emerged at this hearing are the landowners on the one hand, and, on the other, a group of residents around the proposed site who have chosen to object. The landowners and these objecting residents have radically different perspectives on the effects of the proposal so far as they are each concerned.
43. It is the landowners’ perspective that I want to put to you. This needs to be brought to account just as much as the perspective of the objecting residents.
44. From the landowners’ point of view there is this to say:
- (a) Within living memory, the privately owned land surrounding the Reserve has been farmland employed by those who owned and lived on it to produce an income for them and their families;
  - (b) The landowners who participated in this hearing by giving evidence or making representations as the case may be, have owned and farmed their properties for considerable periods of time – the Waters, for example, for close to 50 years;

- (c) It is common ground – or very close to common ground – that the area (including the landowners' land) enjoys a world-class wind resource;
- (d) The establishment of a wind farm in the vicinity of the Reserve has been under active consideration for close to 30 years. Mr Waters produced a newspaper article dated 22 September 1981 on the subject, and provided detail about the course of the debate since then. The Board might recall that I invited His Worship The Mayor of Palmerston North – who seemed the most appropriate witness to put this to – to contradict this evidence (transcript 900-901);
- (e) Since 1994 the Palmerston North City District Plan – as notified and later adopted - has included wind farming as a discretionary activity on this land (see Baker 21 May 2009 at para 38);
- (f) Starting in 2004/ 2005, the Palmerston North City Council went to extraordinary lengths to effect a change to the purposes of the Turitea Reserve, in order to enable wind farming to be considered and permitted in the Reserve itself;
- (g) For many years the landowners have had aspirations (encouraged by the terms of the notified or adopted District Plan to allow wind farms as a discretionary activity) to diversify the use they make of their land by wind farming;
- (h) In so doing, they have hoped to be able to harness the natural resources of their land in such a way as to make more viable economic use of it and thereby provide for their families and successors in title;
- (i) In the meantime, there has been subdivision of some neighbouring land. The majority of the objecting residents have acquired lifestyle properties on the subdivided land;
- (j) They did so, of course, at times when a wind farm in the area was a distinct possibility;

- (k) The division of neighbouring land into lifestyle blocks and the consequent increase in the number of residential buildings and associated structures has, from the landowners' perspective, already substantially changed the surrounding environment in a way that detracts from the visual attributes of the area and the feel of the rural community;
  - (l) Now, when the time comes for the landowners to realise their long-held aspirations, they are met with objections from other residents wanting to preserve their borrowed visual amenity unchanged.
- 45. It is important that the Board give proper weight not only to the more widely appreciated positive effects of the proposal that will no doubt be urged upon it by the applicant and its other supporters, but also to the positive effects the wind farm will have for the landowners and others in a comparable position. For the landowners, the project will mean that they can make best use of a valuable and currently untapped natural resource on their land, diversify their farming operations to better provide for themselves, their families and future owners of their land, preserve and improve the rural nature of their land, generate wealth for the local, regional and national economies, and make a personal contribution to the generation of renewable energy.
- 46. Those positive effects deserve to be given proper significance, when weighed against the principal negative effect claimed by objectors, being loss of visual amenity. The landowners of course do not deny the right of the other residents to object on the grounds of loss of visual amenity, but say their objections should carry less weight here than they might otherwise.
- 47. Those objectors who came to the area more recently, particularly those who came after wind farming was introduced into the District Plan first as a proposed and later as an adopted discretionary activity, must be treated as having known what they were coming to. They could expect to see farming and residential development increase around them, because those are permitted activities in the rural zone.

To a lesser extent, they could expect to see the odd new garden centre or roadside stall pop up in the neighbourhood, because those are controlled activities. A little less likely perhaps, but still well within the realms of possibility, was the prospect that a quarry; or a sawmill; or a wind farm would be built in the area, because those were discretionary activities under the Plan. A wind farm on private land in the vicinity of the Turitea Reserve was a particular possibility because of the known wind resource, similar topography to land occupied by turbines to the north, and public debate about its utilisation.

48. Conversely, if they bought property in the Air Noise Zone, they could be confident they would not be surrounded by new houses, because building new houses there was prohibited under the Plan.
49. In other words, by the time they became resident in the area, the threshold of public approval for wind farms in the area had already been breached by the inclusion of wind farms as a discretionary activity in the District Plan.
50. It is well-known that a wind farm involves the erection of large turbines. We also know that the turbines are not generally able to be confined to a small parcel of land: they are likely to be spread over a wide area. If you live in the line of sight of a wind farm location, the chances are that you are not going to be able to avoid seeing turbines – possibly across a large expanse of the landscape. It is difficult or even impossible to internalise completely the visual effects of a wind farm.
51. Those must have been matters appreciated not only by prospective residents, but also by the Palmerston North community when it signalled in the District Plan its willingness to entertain applications to build wind farms in the area.
52. In some ways, I suppose, you could say this submission is founded on the same sorts of sentiments as underlie the principle of reverse sensitivity.
53. In Auckland Regional Council v Auckland City Council [1997] NZRMA 205 at 206 the Environment Court said:

*“The term “reverse sensitivity” is used to refer to the effects of the existence of sensitive activities on other activities in their vicinity, particularly by leading to restraints in the carrying on of those other activities.”*

54. Conventionally, the situations in which reverse sensitivity principles have been applied tend to be those involving consents for new sensitive activities wishing to be established in the vicinity of existing activities that produce potentially adverse effects such as noise, odour and discharge. Reverse sensitivity principles in those situations are applied in considering whether consents for the new activities should be granted, given the apparent inconsistency between the existing and proposed activities.
55. A classic example of a case in which the issue of reverse sensitivity was relevant is Independent News Auckland Limited and Auckland International Airport Limited v Manukau City Council (2004) 10 ELRNZ 16. There, the Environment Court allowed an appeal against the Manukau City Council’s decision to grant consent for a residential development beneath an approach path to the airport. The Court held that reverse sensitivity as a concept, although not specifically mentioned in the Act, had been recognised as an effect that required consideration (paragraph 57), and that in that particular case the reverse sensitivity effect would be “more than minor”.
56. In Auckland Regional Council, at page 214, the Court said, effectively, that Councils have a responsibility in their District Plans to protect persons intending to carry out benign activities on land from the adverse effects of existing activities in the vicinity:

*In our opinion, to reject provisions of the kind proposed, on the basis of leaving promoters to judge their own needs, of not protecting them from their own folly, and of failing to consider the effects of those who may come to the nuisance, would be to fail to perform the functions prescribed for territorial authorities.*

57. Here, it is not as though the Council has left future purchasers of residential properties in the area to figure out for themselves the chances of a wind farm being established on exposed private land in the area, or has left them in ignorance of that possibility.
58. In this case, the majority of the objecting residents were on notice, before moving to the area, of the potential for a wind farm nearby on private land. The visual impact of a wind farm in the area they were buying into must have been something that (at least at the time) they were content to live with, or they would have bought elsewhere. They must have been prepared to accept that aspect of the amenity values of the neighbourhood they were moving to.
59. As was said in Winstone Aggregates v Matamata-Piako District Council, (2004) 11 ELRNZ 48:

*It is inevitable that some lawful rural activities will at times be unable to totally internalise their effects. As described in para [9], the law does not require that. This is generally understood and accepted by those who live and work in rural areas. Having said that, we recognise that rural-residential life-stylers in particular may have a different view and it is they, together with those living in settlements near emitting sites, who generally have the greatest potential to generate reverse sensitivity effects. We think that there does need to be a measure of robustness about this. Those who come to the countryside to live have to expect some rural smells, and they may just have to face the choice of accepting that as a fact of life, or accepting that there may be controls placed on how they use their land.*

60. The landowners do not say that the application by Mighty River Power raises the issue of reverse sensitivity in the way it arose in cases such as Independent News Auckland. Obviously this is not a case where controls on the objectors' lands are in issue. But they do say that this is a case where, to the extent that wind turbines cannot be effectively

screened from view, the resident objectors might be expected to accept their presence in the distance as a fact of life.

61. In that way, the submission I make has strong echoes of reverse sensitivity about it.

## **SAFEGUARDING THE ENVIRONMENT**

62. The landowners' second submission focuses on one particular aspect of the statutory analysis, namely the requirement in s5(2)(a).

63. Since the World Commission on Environment and Development's Brundtland Report (1987), and the associated Legal Principles for Environmental Protection and Sustainable Development, there has been a growing international trend requiring decision makers in the planning and related areas to take into account the interests not only of present but of future generations.

64. There are any number of international examples of this trend, most recently, and relevantly, the United Nations Convention of Climate Change (1992) requiring inter-generational equity to be taken into account in decision making.

65. That Convention has of course been ratified here in the Climate Change Response Act 2002, Schedule 1 of which incorporates Convention principles. These include the principle that Convention parties:

*... should protect the climate system for the benefit of present and future generations of human kind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.*

66. That amounts to a positive duty on the part of present generations to make decisions about the use of resources in a way which will benefit future generations. Although the Resource Management Act predates

the Climate Change Responses Act, nevertheless that principle is well reflected in the (s5) purposes which include the promotion of sustainable management ie:

*... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonable foreseeable needs of future generations; and*
- (b) Safeguarding the life supporting capacity of air, water, soil and eco-systems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

67. That these principles are at the forefront of Resource Management Act decision making is clear from a number of important cases.
68. An example will serve to illustrate the point. The facts in Canterbury Regional Council v Selwyn District Council [1997] NZRMA 25 are unique and irrelevant here. But in discussing s5(2)(a) and adopting the argument advanced by counsel for the respondent, the Court (Judge Treadwell and Mr R G Dunlop and Ms J D Rowan) said:

*We think he put it rather aptly when he stated that its concern is to ensure present people and communities do not, in pursuit of their own wellbeing, consume or destroy the existing stock of natural and physical resources, so as improperly to deprive future generations of the ability to meet their needs.*

69. The landowners are committed to safeguarding the environment for future generations. Each one of them, in their evidence and representations, has spoken of their role as stewards of the land, as conservationists and as guardians of the present for the benefit of the future.
70. The landowners see the placement of wind turbines on their land as an important part of their contribution to the stewardship and guardianship that they have spoken about. They hold to the evidence that suggests that our planet faces a threat from human-kind's reliance on the consumption of fossil fuels, the threat manifesting itself in climate change. That evidence has been put before the Board through Professor Ralph Sims on behalf of Mighty River Power.
71. The exact nature and extent of that threat are unknown with any degree of precision. But while such a threat remains it is difficult to conceive of a more obvious situation calling for the application of the Resource Management Act's enabling provisions to allow Mighty River Power - and the landowners and others - to contribute to the diminution of that threat by harnessing a world-class resource capable of generating electricity in a sustainable manner and to that extent reduce reliance on the burning of fossil fuels.
72. The submission of the landowners is that that is amongst the most important considerations in this case.
73. They say that at least following the redesign of the proposed wind farm, that consideration should over-ride effects on persons living in the area who are concerned to protect the borrowed amenity of distant views.
74. I want to illustrate this point by juxtaposing the matters canvassed above with the concerns brought to this hearing by objectors.
75. On the one hand the Board has before it a matter of global importance. It is a matter that has particular significance in this country, where our future ability to earn a living in the world, is, to a considerable degree, dependent upon our retaining a reputation as a

guardian of the environment (it is notorious that that reputation is under real threat).

76. In this case, there is a direct clash between those considerations and the concerns of many objectors. Katrina Hindmarsh is one. Her evidence was not untypical. She said:

13. *Our property overlooks the end of the valley – Bryant Hill is a dominant feature to our east.*

14. *From my kitchen I can watch the farmer mustering sheep on the hills on the opposite side of the valley. My children get to watch top dressing planes sweeping over Bryant Hill and the surrounding farms on their yearly topdressing run. When the cattle are rounded up and the calves weaned, we can watch them coming down the hill and hear their bellowing in the valley below. We get to experience these aspects of country life, and feel a connection with the land, but still enjoy all the benefits that city life can offer within an easy commuting distance of Palmerston North.*

77. The question then is whether the kinds of global and national considerations that I have alluded to can seriously be expected to give way to Ms Hindmarsh's wish for an entirely unimpeded view of Mr Waters' mustering operation.

78. The point is as serious as that.

79. I leave it there.

#### **CONTENT OF SOME OPPOSING SUBMISSIONS**

80. The landowners do not wish to dwell on this.

81. However, it is important that the Board's attention is drawn to examples of submissions opposing the applications that are emotive and disparaging of the landowners, often without foundation.

82. A number of submitters have attempted to make something of the fact that the landowners will benefit financially from the placement of turbines on their properties, as if to suggest that their support for the applications has been “bought” and that they have been motivated by greed. The Board will no doubt give that point the weight it deserves, noting that following the redesign the Alleys who have lost all turbines on their farm, and the Loves, Ngawai and Mr Poff whose turbines have been substantially reduced, have not changed their positions at all and are continuing to participate in the hearing.
83. The Board may recall that I put to Mr Adrian Cookson, the FOTR Chair, some material posted on the FOTR website concerning Mr and Mrs Love’s property (see pages 1910 – 1913 of the transcript). I took him through the material and put it to him that much of it was wrong. Mr Cookson’s response was that he was unable to assist the Board as he was not the author of the material. He told the Board that the person responsible for the material was another submitter, Mr Paul Stitchbury. The Board may also recall that when Mr Stitchbury appeared to make his oral presentation on 2 September 2009, he flatly refused to answer any questions from Ms Davidson on the subject.
84. In other submissions, Mr Love has been labelled a “Johnny come lately” by a submitter. Presumably the fact that Mr and Mrs Love have lived and farmed in this district for nearly 30 years was lost on that submitter.
85. The accusations made by Mrs Grassick (transcript pp 3395-9) that Mr Poff has acted towards her in an intimidatory or offensive way were without foundation. In fact the reverse is the case but Mr Poff had too much respect for the Board, and considered it inappropriate, to put in a whole lot of irrelevant evidence on the point.
86. Clearly, some submitters are passionately opposed to the proposed wind farm. The landowners do not wish to trivialise their sincerity and strength of feeling. But sincerity and passion are no substitute for logic, analysis and mastery of facts and it is regrettable that in the

submissions that have made attacks and insinuations against the landowners, the logic, analysis and factual bases are often absent.

### CONCLUSION

87. The landowners understand that the original design is still before the Board. In the end, all the landowners urge upon the Board is that it takes a balanced approach to this application, having proper regard to all interests. In particular they ask that in considering what is an acceptable layout for the turbines the Board bears in mind what the landowners have said about the original and the revised designs.

Dated at Palmerston North this 29<sup>th</sup> day of March 2010

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Kenneth Johnston/Pamela Davidson  
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