

In the matter of:

**RESOURCE CONSENT APPLICATION BY MIGHTY
RIVER POWER FOR TURITEA WIND FARM**

and

IN THE MATTER OF:

ASSESSMENT OF ENVIRONMENTAL EFFECTS

SUPPLEMENTARY STATEMENT OF EVIDENCE

OF BRIAN EDWIN GREEN

4 SEPTEMBER 2009

- 1 On the 3 September 2009 I presented a Statement of Evidence in relation to the above matter.
- 2 As part of that I was asked by members of the Commissioners panel as to how we arrived at our statement that if a noise control zone was put in place we may not be able to use or subdivide our land up for residential purposes. This information was presented to a hearing between the Motorimu Wind Farm Limited and Palmerston North City Council and Horowhenua District Council and we attach a copy of the evidence of Jeff Baker who is a planning consultant from the Palmerston North City Council and we refer you to page 15, clauses 75 and 76.
- 3 I was also asked how I was aware that part of our property may be impacted by the noise control zone and I said that there was a plan that we had seen that I understand had been provided by Mighty River Power and we attach a copy of that and it shows you in black what we understand is a noise control zone and as you will see this slightly encroaches into our property. We further understand that there has been discussion at the hearing as to the accuracy of this line and evidence has been produced that in fact the noise control line would in fact come further into our property, hence our concern.

BRIAN EDWIN GREEN

DIRECTOR – MID CITY HOLDINGS LTD

**PROPERTY MANAGER – PALMERSTON NORTH
INDUSTRIAL & RESIDENTIAL DEVELOPMENTS LTD**

4th SEPTEMBER 2009

BEFORE THE ENVIRONMENT COURT

ENV-2007-WLG-000098

In the matter of an appeal under sections 120 and 121 of the
Resource Management Act 1991

between **MOTORIMU WIND FARM LIMITED**
Appellant

and **PALMERSTON NORTH CITY COUNCIL**
First Respondent

and **HOROWHENUA DISTRICT COUNCIL**
Second Respondent

STATEMENT OF EVIDENCE OF JEFF BAKER

29 FEBRUARY 2008



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The Receiving Environment

71. For the purpose of my assessment I have assumed that the consented turbines are present in the environment and therefore part of the receiving environment. The consented turbines in my opinion do not inappropriately compromise the key landscape values of the site and do not create serious adverse impacts on local residents. The new simulations by Isthmus to a large extent confirm to my mind the desirability of the outcome that was achieved by the Commissioners.
72. The submitters have accepted the outcome of the Commissioners' decision despite their overall opposition to the proposal. No doubt they will be concerned that their decision not to appeal should not have the result that the effects of the consented turbines provide a spring board for the applicant to argue incremental increases in those effects.
73. I consider that the concept of additional or cumulative effects beyond these consented is a sufficiently robust framework in which to analyse the effects of the additional 38 turbines for which consent is sought. The additional 38 turbines will individually and jointly (except numbers 42, 60, 69 and 73) have adverse effects of a magnitude greater than is appropriate having regard to the potential additional benefits.
74. I do query however, whether the applicant can have it both ways, which it appears to seek to do. On the one hand it says the benefits of renewable energy will not be achieved from the consented turbines for the purpose of assessing benefits of granting consent to the additional turbines yet assumes that the consented turbines will be constructed for the purpose of assessing effects on the receiving environment. A more balanced analysis might be that the benefits of the consented turbines are assumed to be achieved if they are part of the receiving environment and it is only the additional benefits derived from the 38 additional turbines that are to be considered in the Section 104 analysis.

Reverse Sensitivity

75. A 'reverse sensitivity' concern could arise if the additional 38 turbines were consented and the actual noise levels generated would constrain the location of future permitted dwellings on nearby privately owned properties. This issue would extend to those properties that are contained within the 40dBA contour line as shown on Figure 2, pg 22 of Malcolm Hunt's noise evidence.
76. The approach I have taken is that if a subdivision or land use proposal is a permitted or controlled activity on a particular nearby property (one where Council has to permit it or grant consent) then the potential for reverse sensitivity should be taken into account. In other words, if a wind farm is approved then a nearby property owner may lose the opportunity to develop their property for residential purposes.
77. However, in cases where a nearby development proposal would be a discretionary (restricted or unrestricted) the potential for reverse sensitivity effects have not been considered. This is because it is speculative whether a given proposal will be approved without knowing specific details.
78. Due to the small size of Malcolm Hunt's contour map, poor colour photo reproduction and it not having property boundaries shown on it, it is a difficult exercise to accurately distinguish the extent of the 40dBA line.

