

**BEFORE THE 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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**FIFTH MEMORANDUM OF COUNSEL FOR MIGHTY RIVER POWER LIMITED  
REGARDING THE DESIGN REFINEMENT PROCESS AND OTHER MATTERS**

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

### **Further update on design refinement process**

1.1 Further to our memorandum of 11 November 2009, the following provides the next update as to progress of the design refinement process thus far:

- (a) Mr Wyatt's team has completed a further set of photomontages to reflect the design refinements made to date. These montages have been provided to Mr Brown for comment.
- (b) Mr Brown and Mr Wyatt met with the project team on 17 November to review the revised draft photomontages and the revised layout. Mr Brown is now generally happy with the proposed layout, although there are some further minor refinements to be made.
- (c) Mr Wyatt is now tasked with providing the visual assessments from each of the relevant viewpoints so that proper comparisons can be made when the hearing resumes. Mr Wyatt's team is now working to finalise the photomontages, which will be provided to the wider project team shortly.
- (d) As discussed in our previous update memorandum, the GPS co-ordinates for the revised layout have now been provided to the civil design team. They have undertaken a preliminary review of the layout and have confirmed that the necessary civil design is technically feasible. The civil design team has now commenced the detailed work to deliver the new roading and platforms required by the design refinements.
- (e) Once available, the detail of the new road alignments and platforms is also to be provided to the wider project team to confirm earthwork volumes and sediment controls, and to confirm changes to the area of indigenous vegetation to be cleared, if any.

### **Process Timeline**

1.2 Mighty River Power shall commence consultation with interested parties on the revised layout in early January 2010.

- 1.3 In respect of the refined proposal, Mighty River Power considers it necessary to call further evidence from only a limited number of experts. This evidence will be circulated to the parties by 1 February 2010. These experts are expected to include:
- Doug Heffernan;
  - Allan Wyatt; and
  - Stephen Brown.
- 1.4 Messrs Hegley and Day have been engaged to undertake an assessment of any potential cumulative noise effects that may arise if the full Te Rere Hau extension is constructed, in addition to the refined Turitea proposal. If those reports identify any issues to be considered and resolved by the Board, they too will prepare briefs of evidence, which will also be circulated on 1 February.
- 1.5 In addition, it is proposed that the new layout also be served on 1 February with an accompanying report describing the new proposal. Relevant experts will confirm via that report that the effects of the refined Turitea proposal are no greater than the proposal as originally notified. The relevancy of the experts will be assessed once the civil redesign is completed and may include the following:
- Gavin Alexander;
  - Graham Levy;
  - Chris James;
  - Willie Shaw;
  - Brian Coffey;
  - Rod Clough;
  - Brent Layton; and
  - Andrew Watson.

#### **Other matters**

- 1.6 In our last update, we indicated that we would provide further comment on the Environment Court's decision in respect of Meridian Energy's Project

Hayes Wind Farm. However, in accordance with Her Honour's oral ruling during the judicial conference call of 16 November 2009, all new evidence shall be limited to those matters relating to the design refinements to the Turitea Wind Farm, and will not address the Project Hayes decision.



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K R Price  
**Counsel for Mighty River Power Limited**  
**24 November 2009**