

**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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**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:**

### **Update on design refinement process**

- 1.1 Further to our judicial conference call of Friday 11 September, we provide the following update on the design refinement process thus far:
- (a) Mr Stephen Brown has been instructed as a primary landscape architect in this role. Due to his hearing commitments, he was only able to provide us with his review of the layout on Wednesday of this week.
  - (b) Mighty River Power is now considering that reviewed layout and will be meeting with Mr Brown on Monday morning to understand at a more detailed turbine by turbine level what is proposed.
  - (c) Mr Wyatt and, as necessary, Mr Coombs, will also be involved reviewing the amended layout as appropriate.
  - (d) The next step will be for the civil design team to consider the amended layout and provide us with a realistic timeline for confirming civil design to support the changes. Once that is able to be achieved, new photomontages and detailed mapping can be commissioned for providing to experts in other relevant disciplines such as noise and ecology.
  - (e) To reduce the costs involved for third parties, Counsel for Palmerston North City Council has directed its experts to cease further caucusing (including on conditions) until details of the design refinement are available. Unfortunately we are unable to provide that timeframe at this stage, but will provide a further update in the week beginning 5 October.
  - (f) However, the initial indications from various experts as to timeframes mean that hearing time to consider the design refinement proposal in December will be too early given the work involved.

### **Other matters**

- 1.2 There is information that has been sought from Mighty River Power from the Board or Palmerston North City Council which is being progressed and will

be supplied as soon as possible. For example, Mr Jeff Baker provided on Wednesday the demographic data needed by Mr Kalafatelis to respond to Mr Maassen's Memorandum of Counsel of early September. Similarly, Commissioner Hudson has raised queries relating to Memory Map, and a report from ERM regarding that issue will be served as soon as possible.



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K R Price



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H C Andrews  
**Counsel for Mighty River Power Limited**  
**25 September 2009**