

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

**THIRD 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 9 October 2009, and the submissions made at the adjournment of the hearing on 14 October 2009, the following provides the next update as to progress of the design refinement process thus far:

- (a) As indicated in our earlier memorandum, Mighty River Power received all the updated photomontages reflecting the proposed refined layout from its consultants ERM towards the end of last week. Mr Brown is available to discuss the updated montages with the Project Team early next week.
- (b) As previously advised, if having reviewed the updated photomontages, Mr Brown considers his issues have been fully addressed, the revised layout and updated montages will be provided to other relevant experts (such as civil design, geotechnical, noise and ecology) within the Mighty River Power project team for assessment and comment. They will also be peer reviewed by Mighty River Power's other landscape experts. However, if Mr Brown considers further revisions are still required, then there will be a further iterative round and additional montages may be required.
- (c) Mighty River Power therefore expects to be able to advise whether any further iterations to the montages are required by the time of its next fortnightly update, which will be provided on Wednesday 11 November 2009.

Other matters

1.2 During the hearing on 14 October 2009, Ms Mildon queried whether any vegetation clearance for transmission lines had been specifically considered by Mighty River Power's ecologist, Mr Willie Shaw. By way of response, Counsel confirmed that the transmission line route was specifically considered by the ecologists who walked the 25 route and ensured that it had to be moved to avoid the vegetation clearance. Counsel further

undertook to provide the relevant references to where this is addressed in the ecological evidence, in the next update memorandum.

- 1.3 We accordingly note that the relevant passages from Mr Willie Shaw's evidence in chief are as follows:

Para 64 - Construction effects:

Vegetation Clearance for Transmission Lines

The transmission line routes between the Water Catchment Access Road and the western side of the Turitea valley have been positioned to avoid tawa-dominant forest in the lower valley. Small-scale clearance - approximately 15 m x 15 m - will be required within secondary indigenous vegetation to install each of the transmission towers. No clearance of indigenous vegetation will be required between the Reserve and the Linton sub-station. The transmission towers not located on access roads will be brought into the Reserve by helicopter, so no additional roading will be required, thereby further minimising the degree of vegetation clearance necessary for the construction of the transmission route.

Para 81 - Operational Effects:

Transmission Lines

No vegetation maintenance will be required where the transmission line alignment crosses farmland. Vegetation clearance is also very unlikely to be required in the Reserve as the alignment crosses valleys, with considerable differences in height between power lines and the vegetation canopy.



K R Price
Counsel for Mighty River Power Limited
28 October 2009