

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

**MEMORANDUM OF COUNSEL FOR MIGHTY RIVER POWER LIMITED
REGARDING PROCEEDURE AROUND SECTION 42A REPORT AUTHORS**

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MAY IT PLEASE THE BOARD:

- 1.1 This memorandum responds to an issue raised by Mr Maassen at the close of proceedings on Tuesday 7 July 2009, as to the appropriate procedure by which the authors of the various section 42A reports should be required to appear before the Board.
- 1.2 As indicated, Counsel have now had the opportunity to consider and take advice on this matter. As a result, we can confirm that Mighty River Power considers that the following would be a fair and appropriate amended procedure to be adopted with respect to the section 42A authors from that given orally by Judge Kenderdine on Wednesday 1 July:
- (a) All parties other than Mighty River Power will circulate any supplementary evidence regarding the section 42A reports by Wednesday 15 July 2009;
 - (b) Mighty River Power will circulate supplementary evidence regarding the section 42A reports on Monday 20 July 2009;
 - (c) There will be no right to file rebuttal evidence in response to the supplementary evidence;
 - (d) To provide them with the opportunity to hear the cross-examination of other relevant witnesses first, the section 42A authors will now be the last witnesses to be called in each of the relevant "hot tubs" (being hot tubs 2 (Civil engineering/water quality), 3 (traffic), 4 (noise), 6 (cultural), 7 (social) and 8 (landscape) as indicated in Counsel's email to the Board of 2 July 2009); and
 - (e) All parties will have the right to cross-examine the section 42A authors.

Nicholas Davidson

K R Price

N R W Davidson QC

K R Price
Counsel for Mighty River Power Limited
8 July 2009