

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

**SECOND 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 25 September 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 has met with Mr Brown to discuss his proposed layout changes in more detail.
 - (b) As a result of those discussions, Mighty River Power has prepared further revisions to the proposed layout, which it is considered should significantly address the issues Mr Brown has identified with the existing layout. Having considered those revisions, Mr Brown has identified 11 existing viewpoints for which updated photomontages are to be prepared.
 - (c) ERM has accordingly been instructed to prepare the updated photomontages, and that is expected to take 1 ½ - 2 weeks. 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, as well as 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 further montages may be required.
 - (d) As a result, Mighty River Power remains of the view that hearing time to consider the design refinement proposal in December will be too early given the substantial amount of work involved.

Other matters

- 1.2 As indicated in our earlier memorandum, **attached** are:
- (a) A memorandum from Mr Kalafatelis responding to Mr Maassen's Memorandum of Counsel of early September; and

- (b) A report from ERM regarding the Zone of Visual Influence Bands shown in Memory Map to respond to queries from both submitters and the Board.



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