

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a Board of Inquiry appointed under s146 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

REBUTTAL EVIDENCE OF MARK ALAN CLIVE HENRY

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1 INTRODUCTION

- 1.1 My name is Mark Alan Clive Henry. My qualifications and relevant experience are set out in my evidence in chief. I confirm that I am authorised to give this rebuttal evidence on behalf of Mighty River Power.
- 1.2 I am providing this rebuttal evidence to comment on and respond to some of the primary evidence presented by submitters in respect of these applications that relate to matters of consultation and communication. In this regard, I will comment on the evidence of Mr Jeffrey Baker and Mr Jonathan Naylor of Palmerston North City Council (*Council*).
- 1.3 Specifically, I shall address:
 - (i) interaction with Palmerston North City Council regulatory staff and representatives in relation to the Turitea project; and
 - (ii) interaction with other Palmerston North City Council staff in relation to the Turitea project.

2 CONSULTATION WITH REGULATORY PLANNERS OF PALMERSTON NORTH CITY COUNCIL

- 2.1 In paragraph 12 of his Statement of Evidence, Mr Baker asserts that Mighty River Power did not consult with Palmerston North City Council (Council) regulatory planners. Mr Baker remarks “Council regulatory planners may have been able to assist the applicant in assessing options and identify significant constraints that might exist”. Mr Baker concludes the paragraph by noting that “assistance was available to MRP but was not sought”.
- 2.2 I do not accept Mr Baker’s assertions. In my opinion there has been significant interaction and consultation with Council regulatory planners and advisers in relation to the Turitea Wind Farm project. These interactions with regulatory staff began as early as July 2006 (being prior to my involvement in the project), where a meeting between Tony Parsons and Lorraine Marsh (on behalf Mighty River Power) and Virginia Shaw (Council planning manager) records discussions regarding the proposed wind farm layout. In the minutes to the meeting, under a heading “Noise/Planning Issues”, guidance was received from Virginia Shaw, noting: “Having viewed the indicative turbine layout, Virginia commented on

the increase of rural subdivisions in the area. She noted that any noise monitoring ... will need to take account "as of right subdivisions". The minutes of this meeting are attached as Appendix One.

2.3 My involvement with the Turitea project began in July 2007. An overview of the more recent interactions and consultation with Council regulatory planners and advisers is provided below. I note that I was personally involved in each of the interactions and consultations outlined:

- a) 30 October 2007: an introductory meeting between myself and Virginia Shaw in the Palmerston North City Council offices.
- b) 7 May 2008: a meeting between Mighty River Power representatives (including Beca planning staff) and regulatory staff from Palmerston North City Council (Virginia Shaw, Jeff Baker), held at the Palmerston North City Council offices. At this meeting the latest version of the proposed wind farm layout was presented and discussed. A "joint working group" (JWG) process was agreed where regular meetings would be held between Mighty River Power representatives and regulatory staff from Palmerston North City and Tararua District Councils to canvass technical and process issues ahead of the forthcoming RMA process.
- c) 29 May 2008: a JWG meeting held at the Palmerston North City Council offices. Attendances included Mighty River Power representatives (including Beca planning staff) and regulatory staff from Palmerston North City (Virginia Shaw, Jeff Baker and Helen Anderson (URS)) and Tararua District Council. The purpose of this meeting was:
 - o To update the respective Councils on the details of the project;
 - o To review the wind farm layout;
 - o To provide an overview of the effects being considered relative to that wind farm layout; and
 - o To provide an update on the consultation being undertaken and the outcomes of that consultation.

Guidance and advice was actively sought from Council staff attending, with Mr Baker offering insights into his recent experiences with the Motorimu Wind Farm. A

PowerPoint presentation was used to guide these discussions and a copy of that presentation is attached as Appendix Two. The meeting concluded with a site visit through the Turitea Reserve.

d) 23 July 2008: a further JWG meeting held at the Palmerston North City Council offices. Attendances included Mighty River Power representatives (including Beca planning staff) and regulatory staff from Palmerston North City (Virginia Shaw, Jeff Baker and Helen Anderson (URS)) and Tararua District Council. The purpose of this meeting was:

- To provide an update on project design;
- To give a summary of the technical assessments undertaken in support of the forthcoming applications for resource consents; and
- To provide an update on the consultation to date and the outcomes of that consultation.

Guidance and advice was actively sought from Council staff attending. A power point presentation was used to guide these discussions and a copy of that presentation is attached as Appendix Three.

e) 9 September 2008: a JWG meeting held at the Palmerston North City Council offices. Attendances included Mighty River Power representatives (including Beca planning staff), regulatory staff from Palmerston North City (Virginia Shaw, Jeff Baker and Helen Anderson (URS)), Tararua District Council and Horizon Regional Council. The purpose of this meeting was to seek feedback on the preliminary analyses (by the Council staff and their engaged experts) of the resource consent applications and supporting Assessment of Environmental Effects as lodged with the various Councils on 8 August 2008. The resulting discussions related to possible areas where s92 RMA requests for further information would be made.

f) 5 November 2008: a JWG meeting held at the Palmerston North City Council offices. Attendances included Mighty River Power representatives (including Beca planning staff), regulatory staff from Palmerston North City (Virginia Shaw, Jeff Baker and Helen Anderson (URS)), Tararua District Council and Horizon Regional Council. This meeting confirmed the adequacy of information provided under s92 RMA and discussed mechanical issues relating to notification.

- g) 9 December 2008: a site visit with Jeff Baker (Palmerston North City Council) and Clive Anstey (landscape adviser to Council) to the Turitea Reserve and surrounds. The representativeness of the photomontages undertaken by Mr Wyatt (and subject to s92 request for further information) was discussed during the visit. With reference to the rolling foothill country on the western side of the Ranges, I recall Mr Anstey noting that getting representative photo locations at Turitea was difficult compared to the relatively flat country adjacent to the Motorimu Wind Farm site.
- h) 15 January 2009: a meeting held at the Palmerston North City Council offices. Attendances included Mighty River Power representatives (including Beca planning staff), regulatory staff from Palmerston North City (Virginia Shaw, Jeff Baker and Helen Anderson (URS)), Tararua District Council and Horizon Regional Council. Noting that Ministerial Intervention had been confirmed, this meeting was more consultative than technical. The purpose of this meeting was:
- To introduce the modifications made to the wind farm layout in response to community feedback;
 - To provide an update on further technical work being undertaken; and
 - To provide an update on the consultation being undertaken and the outcomes of that consultation.

A power point presentation was used to guide these discussions and a copy of that presentation is attached as Appendix Four.

- 2.4 I note the timing of the meetings detailed in (e) and (f) of my paragraph 2.4 above are post-lodgement of Mighty River Power's applications for resource consent and the supporting Assessment of Environmental Effects with the relevant Councils. I am therefore surprised by the comment of Mr Baker at paragraph 19(d) of his Statement of Evidence where he refers to a preliminary view at the notification stage that Mighty River Power's experts had "understated some of the potential effects", because no such indication was provided at either of those meetings, even though there was a clear opportunity to do so.
- 2.5 In my opinion, there has been significant interaction and consultation with regulatory staff from Palmerston North City Council, and indeed from the other affected Councils (Tararua District and Horizons Regional) as well. The advice and guidance of Council staff, where offered, has been taken into account in the project design.

3 INPUT FROM OTHER AREAS OF PALMERSTON NORTH CITY COUNCIL

- 3.1 In paragraph 22 of his Statement of Evidence, Mr Naylor notes that virtually all decision making in relation to applications for resource consent has been “without any input from the Council”. I do not agree with this statement.
- 3.2 Since early 2006, Mighty River Power project representatives have had weekly meetings scheduled with Council representatives. These regular meetings have been held more often than not, either face to face or by way of video or phone conference, and involved Council officers Mr Mike Manson (Business Development Manager) and Mr Chris Pepper (Water and Wastes Services Manager). Mr Manson has been able to advise on matters relating to the wind farm development agreement between Mighty River Power and Palmerston North City Council, and on matters relating to the Ecopark. Mr Pepper has been able to advise on activities within the Turitea Reserve and particularly within the water supply catchment for which he has responsibility. Through this process, information regarding the EcoPark (as discussed in the rebuttal on Mr W Shaw) was shared in late June 2008. The proactive advice and guidance of these staff has been most helpful throughout the project and has informed our decision making in relation to the applications made for resource consent.
- 3.3 In October 2007, I also record that Council formally considered and approved the final wind farm layout for those turbines inside the Turitea Reserve. This approval was a requirement of the wind farm development agreement (clause 5.3(h)) between Mighty River Power and Palmerston North City Council. The evidence of Mr Chris Shaw introduces this agreement.
- 3.4 I note that Council was acting its capacity as administering authority for the Turitea Reserve under the Reserves Act 1977 when confirming this approval. However, information provided in support of this process included:
- A map showing the proposed turbine zones and roads within the Reserve (only);
 - Details of the amount of earthworks and vegetation clearance required in the Reserve (only); and
 - An overview of the effects on that vegetation affected.

- 3.5 Council's input through this approval informed our decision making in relation to the applications made for resource consent. The information provided through this approval process is attached as Appendix Five.
- 3.6 I also record that various meetings have been held with Mr Paddy Clifford (Chief Executive Officer) since December 2007, including one meeting that involved Mr Naylor in April 2008. Whilst these meetings have been more general in nature, the views of the Executive of Council were actively sought in relation to the project development, the wind farm layout and the use of call-in through the RMA process.
- 3.7 In paragraph 23 of his Statement of Evidence, Mr Naylor queries whether selection of turbine sites on private land outside the Turitea Reserve meet the spirit and intent of a October 2006 resolution in Council, to which he refers. I note that the criteria for site selection for turbines outside of the Reserve were the same as for those inside the Reserve. Council accepted those site selection criteria when approving (as administrators of the land) the layout within the Reserve.
- 3.8 Regardless, from my involvement in the project, I consider that Mighty River Power's approach to designing and siting the wind farm has very much focused on ensuring that adjoining landowners' enjoyment and stewardship of their properties is not unreasonably adversely affected.
- 3.9 Mighty River Power has used internal and external experts in assessing the environmental effects of the proposal to ensure that it is designed, constructed and operated in a way that minimises environmental effects to the fullest extent possible. That this has been a fundamental factor in developing the present proposal is, in my view, clearly demonstrated by the evidence that is before the Board on Mighty River Power's behalf, and is expanded on by those witnesses as appropriate.

4 CONCLUSIONS

- 4.1 I believe that there has been significant consultation and interaction with Palmerston North City Council staff and representatives in relation to the design and consideration of the Turitea wind farm. I confirm that the information and guidance derived from these interactions has informed our decision making in relation to the applications made for resource consents to authorise activities associated with the construction, operation and maintenance of the Turitea wind farm.

4.2 With regards to the social assessment of Mr Baines, I do not accept that Mighty River Power has been consulted as part of his analysis.

Mark Alan Clive Henry

5 June 2009