

BOARD OF INQUIRY

**Turitea Wind
Farm Proposal**

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

Sent by email:

**FURTHER DIRECTION ON THE REBUTTAL EVIDENCE
OF MR B COOMBS**

[1] In its opening submissions to the Turitea Wind Farm Proposal on 6 July 2009, counsel for Mighty River Power (MRP) filed a joint memorandum on behalf of MRP and the Palmerston North City Council (PNCC) on the issue of the rebuttal evidence of Mr B Coombs, a landscape architect for the company, exchanged on 5 June 2009.

[2] This evidence had been previously disallowed by Direction from the Chair of the Board on 26 June 2009 in response to a challenge from PNCC. The challenge had been made on the grounds that Mr Coombs had been asked to review and present the work he had undertaken in relation to MRP's submissions on Horizons Regional Council's Proposed One Plan (POP) which is in the early stages of its resolution. That reference is made throughout Mr Coombs' evidence. Mr Coombs had also analysed Mr C Anstey's s42A Report provided to Horizons Regional Council – which was considered not rebuttal evidence, (Mr Anstey is also a landscape architect).

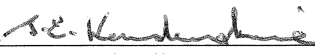
[3] The Board is now advised that further discussions between counsel representing the parties have taken place with the result that PNCC's objection which led to the Board's ruling has been withdrawn on the basis that only several paragraphs of Mr Coombs' evidence should now be removed. Counsel have agreed the substitution of new pages 12 and 13 highlighting the contested paragraphs as deleted (as shown in Attachment 1 to their memorandum).

[4] In the circumstances, counsel request that the Board allow the amended rebuttal evidence of Mr Coombs to be reinstated and invite a new direction accordingly.

[5] There was no helpful discussion in the joint memorandum about the status of the remainder of the deleted evidence and that will be a question of weight for the Board.

[6] In view however of the agreement between counsel that the remainder be reinstated with paras 4.14 - 4.16 only deleted, I direct that the paragraphs as now identified in counsel's Attachment 1 (attached to this Memorandum also) be deleted from Mr Coombs original rebuttal evidence and that the amended evidence be signalled to all the parties.

DATED at Wellington this 15th day of July 2009



S E Kenderdine
Environment Judge

Chair
Turitea Board of Inquiry

Attached: Attachment 1