

**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

**BY EMAIL**

**MINUTE TO THE PARTIES**

**TURITEA WIND FARM PROJECT – MRP IN REPLY TO REQUESTS  
FOR FURTHER INFORMATION**

[1] The letter from MRP (Karen Price) to Judge Thompson of 18 June 2009 refers (see attachment). Thank you Ms Price for the detailed information the letter contains. The acknowledgements below follow the numbering in your document.

1. We acknowledge that the CIA prepared by Tanenuiarangi Manawatu Inc should not have been referred to MRP to provide. Steps will be taken to have it provided from source – if that is possible.
2. The same issue applies to the concession under the Conservation Act 1987 relating to the Tararua State Forest Park between the Department of Conservation and Palmerston North City Council when it is finished.
3. It is helpful to have the Palmerston North Water Supply Bylaw (2008) addressed by your witnesses in their rebuttal evidence as it puts the bylaw on the table for discussion.

4. MRP's approach to addressing the question of the National Environment Standard for Sources of Human Drinking Water (NES) with appropriate conditions on the consents, if the project is approved, is noted - thank you.
5. 5 (a),(b),(c),(d),(e),(f). The information provided in these subparagraphs is relevant and helpful.
6. As to the proposed re-vegetation work this issue may be the subject of questioning from Board members at the hearing.

The Board is also appreciative of MRP's prompt responses to the authors of the s42A Reports.

Any further issues arising will be addressed at the hearing.

**DATED** at Wellington this 2<sup>nd</sup> day of July 2009

  
S E Kenderdine  
Environment Judge

Chair  
Turitea Board of Inquiry

cc: to MWH

18 June 2009

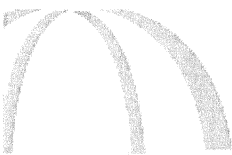
**BY EMAIL**

Judge C.J. Thompson  
Chair – Turitea Wind Farm Board of Inquiry  
C/-Caroline van Halderen  
Project Co-Ordinator  
Turitea Wind Farm Call-in  
MWH New Zealand  
PO Box 9624  
**WELLINGTON 6141**

**TURITEA WIND FARM PROJECT – REQUEST FOR FURTHER INFORMATION**

We refer your letter of 9 June 2009 regarding the further information requested by the Board of Inquiry in respect of the above. On behalf of our client, we respond to each of those requests (using the same paragraph numbering for ease of reference) as follows.

1. Mighty River Power does not consider it appropriate for it to provide a copy of the draft Cultural Impact Assessment that has been prepared by Tanenuiarangi Manawatu Inc (TMI), given that Mighty River Power was not the author of this document. Our client also notes that the draft document reflects the values and matters of importance to TMI, as one of the recognised Iwi groups potentially affected by the Turitea project. This is particularly relevant to note in light of the fact that other relevant Iwi groups have lodged submissions on their own behalf in respect of Mighty River Power's applications (although we note that the Board has declined to accept one of these submissions as being lodged out of time).
2. The concession under the Conservation Act 1987 relating to the Tararua State Forest Park concerns an existing road that extends into the Park. It is an agreement between the Department of Conservation and Palmerston North City Council (PNCC) as the relevant landowner, not Mighty River Power. Again, requests for a status update and/or copies of this document may therefore be most appropriately directed to those parties, rather than Mighty River Power. To assist, however, our present understanding is that this concession has been granted, subject to some drafting issues that are currently being worked through between the parties.
3. In accordance with the relevant provisions of the Resource Management Act 1991 (RMA), it was not necessary for Mighty River Power's application documents to assess the proposal against the Palmerston North Water Supply Bylaw (2008). This issue will be addressed in detail in opening legal submissions. However, noting the earlier section 42A report, and to assist the Board, this matter was addressed in Mighty River Power's rebuttal evidence (in particular that of Mr Andrew Watson and Mr Chris Shaw) exchanged on 5 June 2009.
4. Mighty River Power recognises and accepts the importance of the National Environmental Standard for Sources of Human Drinking Water (NES). However, we note that it was not necessary for this to be assessed in its application documents. We further note (as also outlined in Mighty River Power's rebuttal evidence, and as will be expanded upon in legal submissions) that relevant obligations under the NES are placed on PNCC, not Mighty River Power. Nevertheless, given the critical nature of this matter and to assist the Board in the



absence of PNCC's evidence addressing this matter, Mighty River Power proposes to proffer and be bound by relevant conditions (as should have been put forward by Council) to ensure these matters are addressed appropriately.

5. With respect to the Board's request for greater detail on the alternatives considered in determining the final layout for the Turitea Wind Farm proposal, we note as follows:
  - (a) Mighty River Power considers that the various factors that have influenced the final layout of the Turitea project, and the iterative process that was followed in this regard, have been outlined in both its application documents and evidence as necessary, having regard to the possible extent of the project's adverse effects on the environment. For example, as noted in paragraphs 3.3, 3.4 and 3.6 of Mr Henry's evidence in chief, development and refinement of the current wind farm layout has included the following:
    - (i) Prior to the siting of any turbine zones or access roads, certain areas were identified as "no go" areas within which no turbine zones or roads were to be located. These areas included:
      - The lower valleys of the Turitea Reserve, and areas adjacent to the water supply reservoirs;
      - Areas with steep topography and other physical features that would require significant earthworks for the formation of access roads and turbine platforms; and
      - Areas of ecologically sensitive vegetation.
    - (ii) Areas that fitted into any one of these criteria were eliminated from consideration as either potential turbine zone locations, or areas through which roading would be placed. Wherever possible, areas within the water catchment were avoided as well.
    - (iii) The initial layout (as determined in particular by yield considerations and geographical constraints) was then optimised through input from a variety of experts. The initial turbine zone locations and access routes identified were reviewed through desktop surveys, aerial photographs and site visits. Where significant concerns were raised with particular turbine sites and/or access route locations, turbine locations were either moved or deleted, and access routes realigned. Through this process, the original 136 turbine zone layout was agreed upon with the assessment of environmental effects (AEE) being prepared on the basis of that layout.
  - (b) Subsequent to the applications being notified, and as a result of on-going public consultation and engagement, Mighty River Power became aware of concerns held in the community that a number of the proposed turbine zones were too close to residential properties. Mighty River Power therefore resolved to modify the proposed layout to accommodate these concerns where practicable. This resulted in the deletion of 9 of the originally proposed turbine zones, 5 because of their proximity to residential properties, and 4 on the advice of Mighty River Power's ecologist (due to concerns as to potential impacts on the Browns Flat wetland, which had also been raised by the Department of Conservation and the Conservation Board).
  - (c) As noted in the submission and evidence on behalf of TMI, Mighty River Power is also in ongoing discussions with this Iwi regarding possible further modifications to the wind farm design and layout, as a result of its concerns regarding the potential impacts of turbine zone 55 on a site of cultural significance.