

**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:**

**DECISION ON THE GRANT OF WAIVER TO LATE CIRCULATION  
OF EVIDENCE OF DR MICHAEL JAMES SALINGER  
AND DIRECTIONS**

***Introduction***

[1] On 17 September 2009 Mighty River Power Limited applied to the Board for a waiver to the late circulation of the evidence of Dr Michael James Salinger, climate change consultant and meteorologist, formerly of NIWA, seeking to have it accepted as part of the company's case in support of its application for resource consent for the Turitea wind farm.

[2] In accordance with the Board's directions issued in March 2009, Mighty River Power had previously exchanged its evidence in chief in respect of the Turitea wind farm on 1 May 2009. It received the evidence of other submitters on 22 May 2009. The hearing for the Turitea wind farm resource consents commenced on 6 July 2006.

[3] Dr Salinger's evidence was apparently served in hard copy to the Board on 4 September 2009 accompanied by Memorandum of Counsel. We are advised a copy of the

evidence was provided to counsel for Palmerston North City Council on the same day. The evidence of Dr Salinger was served on all submitters on 8 September 2009.

[4] No party challenged the service of the Salinger document but we note from the Project Co-Ordinator that the Adams family have advised that they wish to cross-examine Dr Salinger.

### ***Discussion***

[5] During the presentation of engineering and ecological evidence in the opening weeks of the hearing, it became clear that there was some confusion as to the predicted rainfall levels for the Turitea wind farm site. This data is important to ensure that sediment control measures are adequately sized, and to enable the Board to consider the potential effects of climate change on the construction and operation of the wind farm. On 31 August 2009, counsel for the company indicated to the Board that evidence could be prepared by Dr Salinger to address such matters.

[6] Mighty River Power considers that the inclusion of Dr Salinger's evidence assists the inquiry in assessing the potential effects of the Turitea wind farm, especially given the importance of adequately protecting the surrounding water catchments, including the Turitea Water Supply Catchment. His evidence is also seen as critical to understanding the potential effects of climate change on the environment and how this may affect the Turitea area.

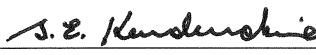
[7] The protection of the water supply in the Turitea catchment is paramount (among other issues) if this proposal is to be approved. The best evidence that may be obtained in terms of expected rainfall and the effects of climate change is therefore significant to the process of applying the precautionary principle to the sedimentary control measures proposed by the applicant.

[8] The Board therefore considers that the waiver as sought should be granted, but on the basis that other submitters should have the right to provide evidence in reply in accordance with s39(1) RMA (ie the procedure around receiving Dr Salinger's evidence late is fair in the circumstances).

[9] Notice only of any such evidence in reply from submitters is to be provided to the Project Co-ordinator by 7 October 2009.

[10] At that time, further directions will be provided as to whether it will be possible to hear Dr Salinger's evidence on 12 October or not, or whether it should be adjourned for submitters' evidence in reply to be filed and all evidence to be heard together at a later date.

**DATED** at Wellington this 29<sup>th</sup> day of September 2009

  
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S E Kenderdine  
Environment Judge

Chair  
Turitea Board of Inquiry