

Submission on The Draft Decision Turitea Wind Farm



Paul Stichbury
Submitter 325
2 May, 2011

I submit the following on the Draft Decision. These are all matters which require serious consideration and have legal ramifications.

(A)The Board has approved a wind farm on a fault line

Chapter 5.5: 22

Mr Alexander also described:

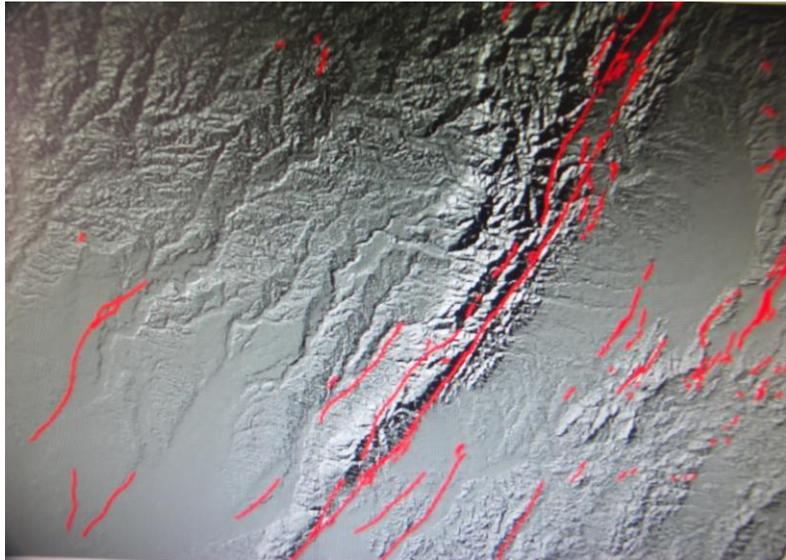
- earthquake hazards and faulting where he had identified two fault lines, but as both were outside the project area **fault rupture is not expected to be an issue.** (emphasis added)

<http://www.mfe.govt.nz/rma/call-in-turitea/rebuttal-evidence/gavin-alexander-appendix-1.pdf>

1. In light of the recent February 2011 Christchurch quakes, good luck with that. Such a comment is frankly risible. The cavalier disregard for the power of tectonic forces by the Board in this way is breathtaking. Even the September 2010 Christchurch earthquake has not alerted the Board to this issue. With a final cost for this wind farm running into many hundreds of millions of dollars, to dismiss this issue is completely irresponsible and runs counter to sound public policy.
2. In my opinion expert witnesses working for the applicant often cast evidence favourable to the applicant and do not have personal liability for downplaying possibilities. Such approaches by expert witnesses and other parties are understandable in terms of ensuring the next meal ticket, but are contrary to ethical codes, which never appear to be enforced.
3. Notably Mr Alexander's evidence, as an expert witness, and employee of Beca, has been accepted by the Board, contravening once again the Code of Conduct for expert witnesses. In my opinion, a truly independent seismic expert would have to admit the total unpredictability of fault

rupture on an active fault line. Furthermore, in defence of Mr Edwards, he did not say in his submission to the Board that fault rupture is not expected to be an issue. He stated that the Wellington Fault is within 1 kilometre of the proposed wind farm western boundary, at the base of the Tararua Ranges.

4. Further seismic expert input is required to determine whether a buffer of less than 1 km distance from the fault line is sufficient to preserve the integrity of 61, 125 metre turbines.
5. Mr Edwards also made it clear that a proper seismic study had not been done. “Further subsurface investigation and analysis is necessary, and is planned to be undertaken once the project is confirmed.”
6. This statement is certainly a cause for concern as it would seem to indicate that should problems be identified they would remain undisclosed and not subject to the oxygen of public scrutiny. There is no guarantee that this “further subsurface investigation” would prevent a huge financial risk being taken at the expense of the entire country, by Mighty River Power, in the drive to satisfy Minister Smith’s Kyoto “obligations.”
7. I provided the Board with an aerial photograph (courtesy of the Geography Department, Massey University) of the Pahiatua/Wellington fault with a description of the shutter ridges on the Pahiatua side, shutter ridges which are more dramatic than any found on the San Andreas fault. I have personally inspected these tectonic formations, as a member of a study group. They are on private land and not accessible to the general public.
8. I was the only submitter to make a substantive submission on the earthquake hazard, having taught this subject for years at secondary school. I believe the earthquake risk was relegated to the “too hard box” and has not received the serious consideration it deserves, as result of the pressure for consenting and urgency created by the Minister’s surprise call-in.
9. The Wellington fault line has an accurately recorded history with regular, well recorded, very severe movements greater than 7 on the Richter Scale. There is a high risk for a wind farm with 40 story turbines with a 70 ton nacelle and 41 ton rotor (total 111 tons) perched 80 metres above ground on a slender column.
10. Ideally, an independent review of the wind farm in relation to the major known active fault lines shown here should be commissioned, bearing in mind that the additional Kahuterawa fault, while not considered active or shown in this image, in this instance should certainly be deemed potentially so. Note: there is still no visible rupture identified from the devastating, February Christchurch earthquake and no guarantee whatsoever, that much deeper faults, under the city, are not primed to move, and which are unknown.



Source: <http://maps.gns.cri.nz/website/af/viewer.htm>

(B)The decision has been made on economic grounds, subverting RMA guidelines to avoid, remedy and mitigate.

It appears that the draft decision has been made considering the economic issues, i.e. a viable wind farm of 69 MW at the southern end. Economic considerations are outside the RMA. As a result of this economic consideration The Draft Decision has failed on the following points:

- 1 The amenity values of affected residents, in particular on the Pahiatua track, Polson Hill area, Greens Road and Kahuterawa Road, have not been adequately protected as required by the RMA. Only one turbine has been removed from group C. A legal precedent was set at the Motorimu hearings when turbines *above* and *dominating* local properties were removed. This precedent appears to have been sacrificed on economic grounds. The turbines at Motorimu were 80 metres in height as opposed to the proposed 125 metres at Turitea. A legal issue also arises because prior to the Decision to Change the Status of Turitea Reserve PNCC said that the nearest turbines to any property would be **1.5km**.

Tararua Three Turbines, from a distance of 8kms. Turbines 10 metres taller at Turitea



Will totally dominate residential property on the Pahiatua Track, Polson Hill, Aokautere, and the Kahuterawa valley, as depicted here.



- 2 None of the noise conditions recommended by an international expert, Dr Robert Thorne, have been accepted by the Board. Dr Thorne was proven to be right at Makara, but was ignored. I have been unable to find any evidence that the other favoured noise experts are qualified to measure and determine special audible characteristics. To dismiss special audible characteristics as a problem experienced at only Makara is naive. The penalty for special audible characteristics will push marginal noise compliance into non-compliance. Mr Lloyd did not do any actual noise modelling. For many properties the noise conditions will not be met and residents will effectively be left without redress, beyond calling a complaints phone number. For Mighty River Power and PNCC to set noise conditions is like a fox designing the chicken coop. I believe due process has not occurred with Dr Thorne's exclusion from this process. I am disappointed that evidence of the new noise standard providing adequate protection against severe annoyance has not been established. As a result of vested interests dominating the noise standard panel I consider it to be fraudulent and not based on acceptable scientific methodology. This issue has been accurately reported on in detail in the Christchurch Press. Professor Dickson is a truly independent expert and his concerns about the ethics and the scientific basis of the new noise standard do not seem to have received due consideration. Dose response curves do not form an acceptable scientific basis for the noise standard to provide adequate protection for residents. The test of science through empirical evidence and hypothesis testing must apply to all evidence and in my opinion the Board has only done this where it suits its purpose to create a wind farm of at least 69MW. The Board can only make decisions based on facts and the facts are missing from noise modelling, which can only be determined when the wind farm is up and running, thus the cautionary principle should apply. For further discussion of the noise standard and its creation see **appendix 1**.

- 3 The saying caveat emptor, i.e. let the buyer be aware applies to MRP's foolish bid to launch their flagship wind farm too close too many people. MRP has thrown significant funds away to selectively oil the squeaky wheels and to foist this monstrosity on unfortunate residents. Consideration of the money squandered by MRP should not be part of decision making.

- 4 The turbines removed by the Draft Decision should never have been there in the first place. They were the “sacrificial” turbines which lulled submitters into thinking their views had been taken into account. However, the turbines which have been left have not had the same rigorous criteria applied to them as to those which have been removed.

- 5 The compensation recommended by the Board to the Percy family is based purely on the need to maintain the economic viability of the wind farm. The Board has singled out just one affected party and done nothing to mitigate or remedy the impact on many others. The same ruling must apply to all affected parties. The “concession” to one landowner, Brian Green, is a red herring as the turbines proposed for the Waters property were so manifestly outrageous they would never have been approved under any circumstances. Ethically, I believe that the Board is entering a mine field by recommending monetary compensation in order to maximise the size of the wind farm.

- 6 Despite evidence provided to the Board of the reality of turbine fires and substation failures, neither of these issues is given serious attention in the conditions for the wind farm. A fire in the water collection area for Palmerston North would be catastrophic, and demands serious consideration. Notably, there has this year been a major failure of a substation at West Wind, requiring its complete replacement. Once again, I believe economic considerations are driving this draft decision at the expense of serious and legitimate safety concerns.

- 7 Submitters, such as myself, feel sidelined by the process where much of the process, such as conditions setting, takes place behind closed doors and between people who fly in and fly out and who do not have to live with the outcome. I, along with other submitters, feel we have been deliberately kept in the dark to preserve the agenda for an economically viable wind farm.

- 8 Turbines 118, 117, 116, 115, which are in front of Red Rock Knob, would have been eliminated, if the landscape assessment criteria used to eliminate others had been consistently applied. This is a glaring inconsistency and is presumably based on economic considerations. Turbines 115, 116, 117, 118 in group F, turbines 119, 114, 113, 112, 111, 120, 121, 52 in group H and turbines 110, 48, 47 in group G create serious shadow flicker during the mornings on Hardings Park and upper Kahuterawa Valley. Turbine 54, a solitary sentinel remnant of group K next to Tirohanga is completely inappropriate.

- 9 The Board quotes a capacity factor of the wind farm as being up to 45%. This maximum is speculative and is not borne out by the facts as per the following statement, with emphasis added, from NZ Windfarms. The draft decision should properly read, from 0 to *possibly* 45% (notwithstanding that at that level the wind turbines will be wearing out at a frenetic pace as the West Wind turbines are now, reportedly already requiring new bearings, etc). The March 9th 2011 TVNZ report on the neighbouring Te Rere Hau wind farm states:

“NZ Windfarms has downgraded its full-year guidance and expects to make a loss as construction delays and low wholesale prices sap revenue streams from its Manawatu development. New chairman Wyatt Creech said earnings were hindered by the construction delays at Te Rere Hau in Manawatu, **low wind volumes**, and soft wholesale prices due to high storage levels in hydro-lakes.”

<http://tvnz.co.nz/business-news/windfarms-expect-make-loss-4051060>

Low wind volumes are also reported by Trust Power in this Feb 16th 2011 article in the NZ Herald.

“Generation of 1763 GWh in this country for the nine months was up 9 per cent on a year earlier thanks to stronger hydro production, but New Zealand wind generation dropped 7 per cent after **lower production** at the Tararua Wind Farm during the third quarter, Dr Harker said.”

Note: the third quarter is also the windiest period of the year.

http://www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=10706490

- 10 The distracting effects and potentially hazardous impact of turbine shadow flicker on traffic using the Pahiatua track have been ignored. Where else in New Zealand has shadow flicker been permitted over a state highway? I provided the Board with a DVD demonstrating the impact of shadow flicker, but there is no mention of it in the draft decision, nor has the DVD I provided of disintegrating turbines, which can throw debris over a two kilometre radius, been acknowledged either. A serious health and safety issue arises. In both instances, distracting flicker and potentially disintegrating turbines, the roadway is beneath the offending turbines and to the windward side.

Obviously a turbine has a value, but what about a human life? Is the Board prepared to accept responsibility for any deaths or injury? At a minimum, turbines 69, 68, 67, 96 in group C, turbines 1, 98, 97 in group D and turbines 100, 99, 101, 102 in group E are a hazard to traffic as the sun moves past midday. The Pahiatua Track is a busy commuter road and, when the Gorge is closed periodically, carries an additional heavy burden of traffic. Safety must come before economics.

I firmly believe the Board has a duty of care to seek an indemnity or accommodation from the **NZ TRANSPORT AGENCY** concerning flicker and turbine disintegration. The following statement is made on the NZTA website: “The loss of life on New Zealand roads is unacceptable. Reducing road deaths

and injuries, and the significant social cost they incur, requires improvements across all facets of transport – driver behaviour, speeds, vehicles, and *roads*.”

- 11 Many wind farms are smaller than 69MW and in my opinion the amenity sacrificed to consent a wind farm of this size, from an unacceptable proposal in the first place, is not justified.

I suspect the Board has come under pressure from the Minister to consent, the net result, in my opinion being, what I consider an appalling trampling of rights and amenity, to meet an undisclosed government financial target.

- 12 The Board halted the process to allow Mighty River Power to submit a more acceptable, economically viable redesign, which the Board could then subsequently approve, rather than reject the original proposal outright. Mighty River Power then squandered this opportunity to get it right after hearing all the issues. Submitters questioned the fairness and equality of the process which had caused them considerable additional expense in money as well as time.

- 13 The climate has always changed and always will, regardless of whether this wind farm is consented or not. The hype about catastrophic manmade climate change is totally unproven. To date I have not seen any empirical evidence other than the well known man made urban heat island effect (UHI) and the localised impact of land clearance. Decisions must be made on fact and not socio-political constructs. Meeting NZ’s commitments under Kyoto was the reason the Minister provided for the call-in and, in my opinion, this has driven the process with inherent bias from key players, which has not been tested and weighted fairly against the other issues facing this wind farm. I believe it ethically appropriate that all decision makers declare their own personal and financial positions on the matter of man-made climate change, in order to be above suspicion regarding matters of great public importance, as indeed this wind farm is. The statement I made saying the city had been sacrificed for the emissions trading scheme stands unchallenged, as does the substantial evidence I provided the Board showing that the city has been subjected to a lengthy and comprehensive fraud.

- 14 The wind farm was fast tracked by Minister, Nick Smith for economic reasons ie Kyoto “obligations”, despite the Ministry for the Environment's own assessment that it did not merit being fast tracked. “the Kyoto Protocol was used to justify the call-in of the Turitea Wind Farm after it failed to meet other national significance criteria.” Manawatu Standard. 24/4/09.

Despite these apparent inconsistencies, we do acknowledge that even with the redesign, the wind farm would contribute towards meeting New Zealand’s future projected energy needs under the Kyoto Protocol and its current and likely future international commitments and potential benefits in assisting to address climate change.

To date I have been unable to find evidence to support such a statement. Global warming alarmism has nearly run its course. The chances of Kyoto being renewed in 2012 are about as remote as a snowfall in Cairo on a

summer's day. *Russia, China, the US, Japan, Canada and all South American countries, to name just a few have no intention of renewing Kyoto.*

I would appreciate the Board stating how the Turitea wind farm will “address climate change” as well as quantifying the drop in temperature this wind farm will supposedly make.

The Turitea wind farm application has not provided details of the back-up generation which will be regularly required for when the wind is not blowing, nor the carbon footprint that results from this back up generation.

The Board has the opportunity to explain the phrase “[current and likely future international commitments](#)” and quantify it in dollar terms, as this is precisely what it means – New Zealand owes money under Kyoto and Palmerston North will be the way to pay.

It's time the Board told the citizens of Palmerston North, and the hapless people the Board expects to live right under gigantic turbines, the amount of money their forced sacrifice of rights and amenity will generate. As a sign of good faith, the Board along, with Mighty River Power and Minister Smith must make a joint public statement on this matter as soon as possible. Since Kyoto will not be renewed, this wind farm is completely pointless.

- 15 The earthquake hazard to the wind farm has been dismissed, with the earthquake faults not even being identified or named in the draft decision. Here the Board has made a decision that economically catastrophic earthquakes won't happen because it says so. “[Fault rupture is not expected to be an issue](#)”

- 16 The Draft decision makes the outrageous recommendation that the Turitea wind farm be connected to an unspecified, at present non-existent, wind farm to the south. This is totally outside the Board's brief, formed no part of the hearing, had no expert witness input and is a naked move to bolster the economic viability of Turitea. To the casual observer it looks like a cosy little in house arrangement has been negotiated by the Board behind closed doors.

- 17 “[From an infrastructure perspective, the transmission lines required for the project will have **significant** effects, but we note that landowners have granted permission where these are located on private land](#)” (emphasis added)
Here the Board gives its blessing to a monumental visual eyesore, which will ruin amenity values for neighbours, but disingenuously notes that landowners have granted permission for these transmission lines, while at the same time neglecting to state that these same landowners have pocketed money from Mighty River Power. What the Board is doing here is failing to protect the landscape and the amenity rights of neighbours, as required under the RMA. There has been no mitigation whatsoever. The only reason for this is the economic imperative of Mighty River Power. Transmission lines details were coyly kept from the unwitting public. I do not recall any properly scaled photomontages supplied for public assessment. The public has even been forced to rely on the online map supplied by the Manawatu Standard for the draft decision turbine locations. <http://static2.stuff.co.nz/files/Turitea.pdf>
We are grateful to the Standard for providing this visual, but it, along with

clear infrastructure transmission images should have been provided by both the Board and Mighty River Power. Considering the drive to consent a viable wind farm, come what may, it is hardly surprising that this has not been done. These omissions are totally unacceptable, none the less. I believe this is deception by omission, which I believe the Board has overlooked. The focus has been on turbines, and the infrastructure impact has not been adequately addressed. On its own, this infrastructure would be the subject of a bitterly contested resource consent application, as has been the case in other parts of the country. In my opinion, the Board is here frankly admitting the serious impact of this infrastructure in the Draft Decision, so that it can claim some immunity from the certain public criticism when huge pylons are seen to march down Kahuterawa Valley road.

- 18 The draft decision makes these statements,
“A large number of rural residential properties are located on the slopes below the wind farm with the residents of these properties having major concerns primarily over visual and noise effects.”

“Landscape and Visual Amenity Effects

This is the first wind project in New Zealand which will impact on a large population base.”

Had it not been for the economic imperative driving the decision, this would have been all that was needed to reject the proposal on the mandated basis of

“ Sustainable management is managing the use, development and protection of natural and physical resources in a way which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

- 19 Both Dr Heffernan and Mr Henry, Mighty River Power employees lied to the Board under oath as expert witnesses. Despite my providing evidence of their perjury, the Board has not acknowledged this evidence, applied any sanctions or acknowledged the subversion of the Code of Conduct for expert witnesses.

I believe that this is a very important issue in a global sense and whether the Board considers it minor or just an unfortunate irritation in its drive to approve an economically wind farm, it cannot be left to stand unaddressed. In the meantime Dr Heffernan’s reinstated RadioLive interview, broadcast on 3rd September 2008, where he deliberately misleads the public about the wind farm, continues to attract significant internet traffic and when I last looked had been accessed 6,185 times.

<http://www.radiolive.co.nz/LUSHMighty-River-Powers-new-Kawerau-geothermal-power-station-up-and-running/tabid/506/articleID/8347/Default.aspx>

- 20 The claim by the Board that the legally protected native falcon is agile, when confronted with the tip of a turbine blade travelling at 220 km per hour in normal operation, is an unproven assertion and not a fact. The Board of Enquiry, headed by an Environment Court Judge, does not uphold the protection provided in law for this endangered species. The falcon is here the victim of the Board’s economic imperative.

- 21 In his rebuttal evidence, Dr Layton responds on the fundamental difficulty he sees with the views of Mrs Melhuish and Mr Leyland on alternatives to the *Turitea* proposal. That is that “...the Board is not a modern day electricity planning committee deciding from all the possible options what generation capacity is necessary, what kind of generation plants should be built and where they should be put. (emphasis added)

But that is exactly what the Board is doing. So did the Board just disqualify itself from presiding over this “enquiry?” The Board for economic reasons alone has approved a viable wind farm.

- 22 Creating an environment where wind farm noise will be clearly noticeable at times of quiet background sound levels is not an option the Board condones, especially where large numbers of residents are affected. It is the Board’s view that energy operations in New Zealand will have to learn not to place wind farms so close to residential communities if they are not prepared to accept constraints on noise limits under such conditions. (emphasis added)

Fine, but empty words, as the Board does indeed condone a noisy wind farm affecting not only large numbers of residents, but a city’s future viability, and as for energy operations having to learn to better place their installations, the Board, for economic considerations alone, has simply opted not to teach them.

It is my opinion that the Board will be forever tainted by the ongoing complaints, annoyance and dissatisfaction arising from this wind farm.

Do tell us when constraints will be placed on energy operations to protect residential communities.

The Board’s view in this instance is simply preposterous and further concrete evidence that the decision is based entirely on economics. The noise standard **NZS6808-2010** conveniently approved during the hearings is a sham and geared to expedite the *Turitea* wind farm. **See Appendix 1**

- 23 The unacceptably long lapse period provisionally granted by the Board is yet another example of giving Mighty River Power every opportunity to make its proposal economically viable. The Board makes this statement in the draft decision

Taking account of MRP’s reasons and these additional considerations, our provisional view is to approve the 10 year lapse period. We have invited the parties to advise us of any other **relevant factors** which they consider should be taken into account before we confirm our final decision on the lapse period. (emphasis added)

The only relevant factors are economic, relating to procurement, exchange rates, interest rates and *a future successful application by Mighty River Power for wind turbines at Motorimu to the south, as signalled in the Draft Decision.*

All of the above are driven by economic considerations, which invalidate the draft decision. It is truly surprising, considering the legal prohibition on using an applicant's economic ambitions as a basis for RMA decision making, that the Board should make such obvious and strenuous efforts in this direction.

(C) The secret document driving the process, dated 28 September 2005.

TURITEA WIND FARM DEVELOPMENT AGREEMENT

“10.1 Council to support

The Council agrees in its capacity as landowner(and subject to clause 17.2) to :

- (a) Support any application by Mighty River for the grant, renewal. Variation or continuation of any Consent necessary to give effect to Mighty River's rights under this Agreement including consent for the lease;
- (b) Support Mighty River's negotiations with Adjacent Owners, as requested by Mighty River; and
- (c) Provide such written evidence of this support (and any consent or approval) as Mighty River may reasonably require.”

and

10.2 Council not to oppose.

The Council agrees in its capacity as landowner (and subject to clause 17.2) that it will not, either directly or indirectly:

- (a) object to, oppose or impede
 - (1) any application by Mighty River for the grant, renewal, variation or continuation of any Consent necessary to give effect to Mighty River's rights under this agreement, including without limitation a subdivision consent for the lease;
 - (11) any action taken by Mighty River to give effect to Mighty River's rights under this Agreement; or
 - (111) the granting to Mighty River of any lease, restrictive covenant or easement necessary for the Wind Farm Project or the Investigation; or
- (B) fund, facilitate or promote any person, entity or group to take any action that would be in breach of this clause 10 if done by Council.

12.2 D “The liability of Council (other than in its statutory capacity) for breach of this contract or for any negligent act or omission shall be limited to **\$3,000,000** in aggregate during the term of this Agreement. This limitation of liability shall not apply to deliberate acts or omissions of Council that breach this Agreement.”

(Emphasis added)

NB: Clauses 17.3 and 17.4 relate to the need to maintain secrecy.

<http://www.mfe.govt.nz/rma/call-in-turitea/rebuttal-evidence/christopher-shaw-attachment-1-part-a.pdf>

Palmerston North ratepayers are completely unaware that PNCC literally handed the city's water supply and environment and ratepayers' amenity to MRP to do with as it wished. By doing this it voided the

The local Government Act

Purpose of local government

The purpose of local government is—

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.

http://www.legislation.govt.nz/act/public/2002/0084/latest/DLM170873.html?search=ts_act_local+government_rese&p=1&sr=1

Restricted by this contract, in order to avoid a massive financial penalty, PNCC has thrown ratepayers most affected by the wind farm to the wolves. PNCC has failed them dismally. Mighty River Power, on the other hand, emboldened by this contract, signed by Dr Heffernan, held out for the maximum result, and at the same time withheld vital information from the public. The overriding nature of the contract has meant that submitters against the proposal have been marginalised.

(D) Corrections required.

1/

Introduction

The proposed Turitea Wind Farm is located along the ridgelines of the northern Tararua Ranges in the Turitea Reserve and on surrounding farmland, 10 kilometres to the south east of Palmerston North.

This opening statement in the executive summary repeats a falsehood which Mighty River Power was forced to back away from. The draft states that the wind farm is 10km south-east of Palmerston North. It is not. The wind farm is *in* Palmerston North and is *less* than 10kms from the *centre* of the city. The city boundary extends to the top of the ranges. 10 kms south-east of the city places the wind farm in the Wairarapa. In my opinion, the reality should be correctly reported in a legal document.

2/ “The Turitea Reserve is the catchment which provides much of the water for Palmerston North City, with its population of around **68,000.**”

The estimated June 2010 population of Palmerston North was **80,600.**

Palmerston North is New Zealand's seventh largest city and eighth largest urban area. http://en.wikipedia.org/wiki/Palmerston_North

Note: the number of people affected by the wind farm directly is conceivably around 12,600, the number the Board has left off the city's actual population.

3/ **Submitters**

Some submitters while supporting wind farms in general, did not want

the Turitea wind farm in its location. **One submitter** rejected the notion of climate change altogether while the landowner submitters gave cogent reasons for their support all of which included climate change issues.

That submitter is clearly me. Do please name me, but also note that I did not “reject” that the climate changes (although, you will actually need to read my submissions), but that I exposed the blatant corruption behind the abuse of this science, where individuals stand to benefit.

None of the Board’s “experts” or those standing to profit from the wind farm presented cogent evidence, since that would require provable and quantifiable empirical scientific evidence. No such evidence was presented, nor was it provided by the private land owners who provided, in the Board’s words “cogent reasons,” Reasons are not evidence. In my opinion, the Board has been selective as to what it wants to hear to justify its aims on economic grounds and the private landowners obligingly performed to the sound of a cash register.

(D) Likely outcomes should the decision be ratified as it stands.

- 1/ Sufficient points of law exist for a High Court challenge
- 2/ PNCC being sued for loss of amenity as a result of failing to abide by the Local Government Act.
- 3/ Private participating landowners being sued for devaluing neighbouring property.

Conclusion

The Turitea Draft Decision is faulty on so many levels, that it constitutes, in my opinion, an epic and historic failure.

Paul Stichbury

Appendix 1

The following is a letter from John Carr in response to John Adams’ question as to who was on the NZS6808 review committee. It is published on www.palmerston-north.info

Note: one organisation representing the wind industry had **two** votes.

I refer to the letter published in last

week's edition by John Adams titled "No support for Fraser Clark's view".

He stated he was unable to find a list of the committee members for the new noise standard Acoustics-**Wind Farm Noise NZS6808-2010** published in February.

The list is:

Stephen Chiles, chairman, URS New Zealand Ltd. Represented the NZ Acoustical Society. Now advising Meridian Energy Ltd on Hurunui Wind

Vested interest

Nevil Hegley, consultant. Representing Energy Efficiency and Conservation Authority. Has consulted for Mighty River Power and Genesis Energy.

Vested interest

Malcolm Hunt, Malcolm Hunt Associates. Represented NZ Institute of Environmental Health Inc. Prepared the environmental noise effects report for Mt Cass wind farm, North Canterbury, on behalf of Mainpower.

Vested interest

Miklin Halstead, Marshall Day Acoustics. Represented the NZ Acoustical Society. The business has acted as consultant to a number of the wind energy companies.

Vested interest

Paul Botha, Meridian Energy Ltd. Represented the NZ Wind Energy Association. Now working on Meridian's Hurunui Wind, North Canterbury.

Vested interest

Fraser Clark, NZ Wind Energy Association. Replaced James Wellar. Represented NZ Wind Energy Association. Chief executive of NZ Wind Energy Association. James Wellar is a wind resource analyst from Tasmania who has consulted to wind energy companies.

Vested interest
No acoustical training

Philip Dickinson, Massey University. Represented Massey University. Professor of Acoustics and Human Health, Massey University.

*The only dissenter
&
The most qualified*

George Dodd, University of Auckland. Represented University of Auckland. Head of Acoustics Testing Service.

Matthew Borich, Wellington City Council. Represented Local Government NZ. Compliance specialist advice officer.

Noise Control Officer

Vern Goodwin, Southern Monitoring

Services. Represented Ministry of Health and Resource Management Law Association.

Rachel Treston, Ministry of Environment. Replaced Barbara Rouse. Represented Ministry of Environment. Senior analyst, resource management tools team.

Ruth Paul, chairman Makara and Ohariu Community Board. Represented executive of community boards.

It was noted in the standard that Dickinson did not support it.

The committee was funded by the Wind Energy Association and the Energy Efficiency Conservation Authority.

John Carr
Greta Valley
North Canterbury

No known acoustical training

No known acoustical training

The Press News

By PAUL GORMAN - The Press Last updated 05:00 18/08/10

The wind-energy industry exerted undue influence in setting new noise levels for the country's wind farms, opponents of the standard say.

Meeting minutes and voting papers of the Standards New Zealand committee on wind-farm noise, released under the Official Information Act (OIA), show: Six of 12 members were either wind-farm consultants, worked for a power company or were members of the Wind Energy Association, which partly funded the committee.

Concerns of AUT University public health senior lecturer Dr Daniel Shepherd about committee membership and the standard were dismissed as irrelevant by its members and as having "nothing of substance" they needed to deal with.

Strong opposition from committee member Professor Philip Dickinson to the standard, including his view that several statements in the draft standard were "blatantly false".

The Energy Efficiency and Conservation Authority's (Eeca) wish for a medical review of the proposed standard was overruled because the committee felt it was difficult to identify someone suitably qualified to do it and because of "what would be achieved by it".

A wind-farm expert working with wind-farm developer Meridian Energy, Malcolm Hayes, was allowed at a meeting, but anti-wind-farm lobbyist and author Nick Jennings was not.

The minutes show that as early as its first meeting, on July 10, 2008, committee members shied away from tougher turbine guidelines for power companies after Dickinson suggested 30 decibels (dBA) should be the maximum amount of turbine noise allowed to be heard inside a bedroom.

"A level of 35dBA was mentioned as a significant restraint for operators of wind-turbine generators to achieve under higher wind speeds, "the minutes said.

Two ballots were held, and three members who opposed the standard in the first vote supported it in the second, although one who initially supported it ultimately decided to abstain.

Committee chairman Stephen Chiles, who is advising Meridian on its proposed Project Hurunui wind farm in North Canterbury, told The Press the revised code was more stringent than its 1998 predecessor. The committee reviewed but did not change the lower limit from 40dBA of sound audible at a dwelling, or background noise levels plus 5dBA, although did lower it to 35dBA for areas of high amenity value. District plans generally allowed for 40 to 45dBA at night, "but a handful in rural areas allow for a limit of 35", he said.

Greta Valley businessman John Carr requested the committee papers as part of his campaign against the planned Project Hurunui wind farm and other proposed developments in North Canterbury. He said the OIA documents showed the new standard had been "tainted".

A truly independent committee should be formed to produce a new standard. Until such time, no district council or the Environment Court should consider any consent application from a wind energy company." Dickinson, the Massey University representative, voted against the standard in both ballots.

In comments on his first vote, he said the standard underestimated the sound residents would hear from turbines. Several statements in the draft standard were "blatantly false", he said.

In the second ballot, Dickinson called the standard "totally unacceptable" and labelled parts of it "arrogant and misinformed" and "totally false".

"If the standard progresses to be adopted in this form, the university will demand there be a short statement after the committee representation, saying: 'The Massey University representatives did not agree to this standard as written, considering it to be ethically and scientifically wrong'."

The paragraph was not included in the published standard. Instead, it said while Dickinson did not support it, he recognised "the revised standard is an improvement on the original".

Shepherd wrote to the committee in August 2008 questioning committee membership and saying health expertise was under-represented in favour of acoustics.

"It is understood some of the members of the review committee are acoustic consultants working for wind-farm developers. It is also understood that in forming the panel, a number of scoping group members have been excluded because their opinions do not align with those organisations sponsoring the standard.

"The inclusion of individuals enjoying financial arrangements with the sponsoring organisations and the exclusion of those not aligned with the sponsor immediately exposes the standard to critical evaluation that it cannot credibly defend."

Minutes show the committee said there was "nothing of substance" in Shepherd's comments.

After receiving no reply, Shepherd wrote again more than a year later saying it was disappointing little had been done to correct the standard's "substantial deficiencies".

"One issue that still remains is that committee members have not sufficiently declared, nor has Standards New Zealand sufficiently acknowledged, conflicts of interest."

In October 2009, Shepherd finally received a reply saying the committee was aiming for a standard with "reasonable balance".

Chiles defended the committee process as "very robust".

"The types of questions that John Carr and others are raising now were anticipated.

We were fully aware that everything we did would be under intense scrutiny," he said.

"All those bodies who have an axe to grind will be represented on the committee. You also have to have wind-farm operators with the technical knowledge to write a meaningful standard. It's a consensus-based process."

Hayes had been invited to attend a meeting because he was a "world-leading expert", but Jennings was a layperson who had picked up on a body of research on vibro-acoustic disease, supplied the committee with a bundle of papers and wanted to present that. "We didn't see the need for a layperson to take us through the process." Ruth Paul , who represented the Executive of Community Boards, changed her vote from "no" to "yes" after working with Wind Energy Association chief executive Fraser Clark and Meridian employee Paul Botha on a lower turbine noise limit of 35dBA for quieter areas.