

Judge Borthwick
Environment Court
Christchurch

Tipapa
Greta Valley
4 January 2012

Your Honour

MERIDIAN ENERGY. HURUNUI WIND.

I write in connection with your minutes of Record of Pre- Hearing Conference held on 5 December 2011. Thank you for the inclusion of your reply to my letter of 6 December 2011.

The Record that you have provided has resulted in a large number of questions that I wish clarification on. I also wish to raise what appear to be two important omissions from the Record. I will in this letter limit my questions to those most pressing.

1. Friends of Submitters. Paragraph 8 and 9.

I request that the Court seek as a matter of urgency from Meridian Energy, whether they accept your guidance and will agree to paying for an Independent counsel to act in the role of Friend of Submitters. Such person to be selected by the Submitters or appointed by the Environment Court. Should they reject your guidance I ask that the Court immediately appoint an Environment Commissioner in this role to be paid for by Meridian, as set out in Paragraph 9. I ask that a Friend of Submitters is appointed and takes up the role not later than 31 January 2012.

2. Parties' conference. Paragraph 7

I was overseas on the 19 December and was therefore unavailable to attend the Parties' conference. Please advise the date of a further parties' conference, as indicated, for all those unavailable on 19 December.

3. Expert conferencing. Paragraph 14.

Would I be correct to assume that your "more specific directions on conferencing...." will include your instruction at the meeting that submitters will be given the right to address certain specified experts prior to their commencement of conferencing. Am I correct that you allowed this for Landscape and Recreation, however did not allow it for Noise. I specifically requested that it also be allowed for Traffic and ask that to be included, although I note that you have omitted Traffic altogether to participate in expert conferencing in paragraph 14. In view of the very significant traffic dangers of the proposed access route, and the minimal traffic dangers of the proposed alternative access route I hope that expert conferencing for traffic is instructed to take place. I further request that you allow Health also to be included for submitter presentations.

4. Additional photographic evidence.

There is no mention in your Record of what I understood was your requirement, upon which there was some discussion at the meeting, that Meridian carry out additional photographic simulations of

the 133 metre wind turbines on the landscape. I, and I believe others in the community, require this to happen prior to the commencement of the Court hearing for presentation at the hearing. Whilst Meridian, as their lawyer correctly pointed out, has done a number from my property there is one location of importance and relevance to the Court that requires a photo simulation being done. Please confirm whether you have instructed, or intend to instruct, Meridian to carry out these additional simulations on my property, and others in the community who require photo simulations to be done from their properties.

I also raised at the meeting the matter of additional noise tests to be carried out by Meridian Energy on a number of selected properties, not signed up with Meridian, prior to the Court hearing for presentation at the hearing. I believe that there should be a minimum of eight additional tests to be carried out on neighbouring properties, and the results of these tests formerly recorded on the Court proceedings. I am unsure as to whether you gave instructions to Meridian at the meeting to do this.

Currently Meridian have set out in their application the results of just two background noise tests, both of which are on properties that have signed up to host turbines. Clearly this is unrepresentative as the owners of these two properties, will be paid many tens of thousands of annual income by Meridian to offset any noise concerns that they may experience, and therefore will not be complaining to Meridian or the Hurunui District Council about turbine noise exceeding the set down limits.

5. Further correspondence from Tipapa limited. Paragraph 22 (i).

To enable me to decide who I need to summons as a witness it is necessary for me to know the full list of 19 witnesses that Meridian's lawyer stated at the meeting that they intend to call. In addition I seek the full list of witnesses that Hurunui District Council intend to call. Since it is clear that Meridian have already selected their 19 witnesses, please can the Court require Meridian Energy to publish their list without further delay, in addition instruct Hurunui Council to publish their list of witnesses. If those that I, and maybe others, wish to summons are not on either of these two lists I, and maybe others, will then be in a position to contact those who we wish to summons as you have instructed in paragraph 22(iii), and advise the Court accordingly.

As regards the many further areas of clarification that I referred to at the start of this letter, I hope that a Friend of Submitters will be appointed without further delay, and therefore my having no need to write to you with these matters, and I am sure going forward multiple other questions that will arise as the matter proceeds in accordance with your timetable.

I confirm that this letter will be sent to all participating parties.

I look forward to your reply.

Yours Sincerely

John Carr

On behalf of Tipapa Limited.