

Replies (15)

# SUBMISSION ON MIGHTY RIVER POWER LTD APPLICATIONS FOR RESOURCE CONSENT

Section 145 of the Resource Management Act 1991

<b>To:</b> Freepost Call In Ministry for the Environment PO Box 10362 The Terrace Wellington 6143	<b>RECEIVED</b> 23 FEB 2009	<b>Email:</b> turiteacallin@mfe.govt.nz <b>Fax:</b> 04 439 7705 [Note: if you are emailing or faxing your submission, please mark in the subject line: 'Turitea Call In']
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This submission relates to the applications for resource consent lodged by Mighty River Power Ltd for the Turitea Wind Farm proposal as identified on the next page.

**CLOSING DATE AND TIME FOR SUBMISSIONS: 5.00 PM MONDAY 23 FEBRUARY 2009**

**Title:** Mr Mrs Miss Ms (Please circle the appropriate title(s) or print clearly below)

**My/Our Full Name(s):** FRIENDS OF TURITEA RESERVE INC (FOTR)

**Postal Address:** PO Box 20010, PALMERSTON NORTH, 4410

**Work Ph:** 06 355 2715      **Home Ph:**      **Cell:** 021 761671

**Work Fax:**      **Home Fax:**      **Email:** acookson@ihug.co.nz

Please tick the relevant boxes on the next page to identify whether you are making a submission on all applications for resource consent or just some of them (please identify).

Please also indicate on the back of this form (✓) whether you support, oppose, or are neutral in relation to the applications. If you are making a submission only on parts of an application for resource consent, please note this when specifying the reasons for your submission.

The reasons for my/our submission are: if you are attaching further information tick for yes

Please see attached submission document

Please use more pages if you need to.

I/we seek the following decision from the Board of Inquiry (provide precise details including the nature of any conditions sought):

Please see attached submission document

Please use more pages if you need to.

Use a clear tick in the appropriate box below (✓)

I/we wish to be heard in respect of my/our submission (to speak at the public hearing).

I/we DO NOT wish to be heard and hereby make my/our submission in writing only.

**Signature(s):** *Adrian Cookson*      **Date:** 28<sup>th</sup> January 2008.

**Adrian Cookson, Chairman**

(Signature of submitter, or person authorized to sign on their behalf is required. Note signature is not required for electronic (email) submissions. If this is a joint submission by two or more individuals, each individual's signature is required.)



Use the tick boxes below to indicate the called-in applications for resource consent that your submission concerns. Use a clear tick in the appropriate box or boxes (✓).

I/we make my/our submission concerning all applications for resource consent below

OR

My/our submission only concerns the applications for resource consent that I/we have ticked below:

	Support	Oppose	Neutral
<b>Manawatu-Wanganui (Horizons) Regional Council – Land-use Consents</b>			
104553: for vegetation clearance and land disturbance in rare or threatened habitats, near streams and on highly erodible land throughout the general wind farm site.			
104554: for the construction of a double culvert in an un-named tributary of the Kahuterawa Stream as shown on the included map.			
<b>Manawatu-Wanganui (Horizons) Regional Council – Discharge Permits</b>			
104555: for the discharge of dust to air from the concrete batching plants to be located as generally shown on the included map.			
104556: for the discharge of dust to air from the mobile crushing plant throughout the general wind farm site.			
104557: for the discharge of wastewater from two operations and maintenance facilities to land to be located as generally shown on the included map.			
104558: for the discharge of stormwater from substations to land to be located as generally shown on the included map.			
104559: for the discharge of cleanfill to land in the form of spoil disposal sites throughout the general wind farm site.			
104560: for the discharge of stormwater from roads, turbine platforms and other areas to land.			
<b>Palmerston North City Council – Land-use Consents</b>			
RC006a: <ul style="list-style-type: none"> <li>to establish and operate a wind farm in the areas within the Palmerston North city jurisdiction as generally shown on the included map</li> <li>to undertake earthworks associated with tracking and roading, turbine construction and associated buildings in the areas within the Palmerston North city jurisdiction as generally shown on the included map</li> <li>for the western side of Pahiatua Aokautere Road not meeting access requirements at the location shown on the included map</li> <li>for the storage of diesel (30,000 L) in bunded areas outside the Turitea water supply catchment, generally located at the two substation laydown areas shown on the included map, that exceeds the 0.2 effects ratio maximum in the rural zone</li> <li>for the construction of a 220 kV electricity transmission line and substations as shown on the included map.</li> </ul>			
<b>Taranaki District Council – Land-use Consents</b>			
144b: <ul style="list-style-type: none"> <li>for a wind farm (which is not listed as a permitted or controlled activity) in the areas within the Taranaki District as generally shown on the included map</li> <li>for land disturbance of more than 200 m<sup>2</sup> of soil and cleanfill material associated with tracking and roading, turbine construction, spoil disposal and other associated works in the areas within the Taranaki District as generally shown on the included map</li> <li>for upgrades to South Range Road and the construction of new site access at the location shown on the included map</li> <li>for turbine and wind monitoring mast structures not meeting height requirements within the Taranaki District</li> <li>for the modification of a Significant Natural Feature in Schedule 3.3 (ie, Taranaki Ranges Ridgeline)</li> <li>for not meeting noise requirements</li> <li>for clearance of indigenous vegetation in the areas within the Taranaki District as generally shown on the included map.</li> </ul>			

NOTE: A copy of this submission form MUST also be sent to Mighty River Power Ltd at:

Freepost – MRP  
 Mighty River Power Ltd  
 PO Box 445  
 Hamilton 3240  
 Attention: Stephanie Froggatt

Or email turitea@mightyriver.co.nz or fax (07) 857 0192

I/we have sent a copy of my/our submission to Mighty River Power Ltd as per Section 96(4) of the RMA.



Ministry for the  
**Environment**  
 Created on 21/04/04

New Zealand Government

**IN THE MATTER** of the Resource Management Act 1991  
**AND**

**IN THE MATTER** of resource consent applications MWRC  
104553 to 104560 inclusive and PNCC  
RC0068 and TDC 1448 by **MIGHTY  
RIVER POWER** for the Turitea wind farm  
proposal.

**SUBMISSION ON APPLICATION FOR RESOURCE CONSENT  
UNDER SECTION 145 OF THE RESOURCE MANAGEMENT ACT 1991**

**TO:** Ministry for the Environment  
**Name:** Friends of Turitea Reserve, Inc.  
**Address:** P.O Box 20010  
Palmerston North, 4410

**1. Introduction:**

The **FRIENDS OF TURITEA RESERVE INC ("FOTR")** is an incorporated society that aims to educate the public of, and promote the outstanding biodiversity and natural landscape values of the Turitea Reserve and surrounding environs ("the reserve"). It comprises a group of effected residents, including residents of the wider Manawatu, Tararua and Horowhenua regions, concerned about various ecological and environmental issues associated with development of the reserve, including the adverse effects of the Mighty River Power Limited ("MRP") wind farm, on native ecosystems and natural landscape, and also upon people and communities including their recreational amenity values.

FOTR opposes the application by MRP for resource consents MWRC 104553 to 104560 inclusive and PNCC RC0068 and TDC 1448 for the Turitea wind farm development.

**2. The particular parts of the application which FOTR opposes are:**

- 2.1 The applications in their entirety.** FOTR are of the opinion that the Board of Inquiry would be failing in its duty to the public and to future generations to grant resource consents in the present circumstances.

**3. The reasons for the FOTR submission are set out below:**

- 3.1 The application is contrary to the objectives and policies of the Manawatu-Wanganui policy statement, of the operative and proposed Manawatu-Wanganui Regional Plans (Manawatu-Wanganui Regional Land, Water Regional Plan and Manawatu-Wanganui Regional Air Plan), of the operative Tararua District Plan and of the operative Palmerston North City (PNCC) District Plan.
- 3.2 The application is contrary to the provisions of Sections 104, and Part II of the Resource Management Act 1991 ("RMA").
- 3.3 The applications fail to consider adequately alternative methods to prevent or reduce adverse effects.
- 3.4 The application is in all respects contrary to sound resource management and town planning practice and principles, and contrary to the provisions of the RMA.
- 3.5 The application fails to consider adequately: duty to take reasonable steps to contribute to protection of source of drinking water, thereby failing to comply with section 69U(1)(a) and 69U(1)(b) of the Health (Drinking Water) Amendment Act 2007.

**4. Furthermore, and without limiting the generality of the above:**

Noise

- 4.1 The application fails to adequately protect the recreational amenity values of individuals from the adverse effects of noise. The effect of noise upon individuals and their recreational amenity values within the locality will be adverse, and will be more than minor.
- 4.2 The application fails to demonstrate ways in which unreasonable noise will be avoided, contrary to section 16 of the RMA, and fails to comply with the general duty to avoid, remedy or mitigate potential adverse effects including noise under section 17 of the RMA. In this context, noise includes vibration.

Landscape and visual effects, and effects upon amenity values

- 4.3. The application will result in significant adverse landscape and visual effects, which cannot be avoided, remedied or mitigated.
- 4.4. The application is contrary to section 7(c) in terms of the adverse effects upon the maintenance and enhancement of amenity values. It will have significant adverse landscape effects, and significant adverse visual amenity effects on local residents and the wider community.
- 4.5. The application is contrary to section 7(d), in terms of its adverse effect upon the intrinsic values of defined ecosystems.

- 4.6. The application is contrary to section 7(f), in terms of its adverse effect upon the maintenance and enhancement of the environment.

#### Construction

- 4.7 The construction will produce unacceptable adverse effects in terms of dust, which are not adequately mitigated by the current proposal.

#### Cumulative effects

- 4.8 The wind farm will result in unacceptable cumulative effects on landscape in terms of noise, visual impact and dominance, and is contrary to the Motorimu Environment Court decision, which called for a comprehensive cumulative effects assessment prior to any further wind farm development.
- 4.9 The wind farm will result in unacceptable cumulative effects on community amenity values, in terms of visual impact and dominance.

#### National benefit

- 4.10 The proposed development fails to offer national or local benefits that would offset the significant adverse effects of the proposed development, in particular the benefits to be derived from the use and development of renewable energy, and the mitigation of the effects of climate change.
- 4.11 The application is premature. It should be withdrawn, pending national policy that will be confirmed in the context of the draft National Policy Statement on renewable energy, and by the overarching importance of a comprehensive cumulative effects assessment of further wind farm development in the Tararuas called for by the Environment Court.
- 4.12 The application is inappropriate at this time, in light of the current international financial crisis, and the slowdown in economic activity that has been forecast.

#### Local benefit

- 4.13 The ecological park which has been promoted in association with this development is not part of the resource consent application, and cannot be considered as a local benefit which might somehow mitigate the adverse effects of the proposal. Creation of the park relies on third party contractual arrangements which are not enforceable against the applicant, are uncertain, and should not be considered as any form of mitigation associated with this proposal.
- 4.14 In the alternative, if the Board decides that the ecological park is a form of mitigation associated with the proposal, FOTR argues that the adverse effects of turbines within the park offset any local benefit, as they will cause effects that are more than minor, are contrary to

provisions of the Reserves Act, and are contrary to Part II of the RMA, including sections 7(b), (c), (d), and (f), and the overarching purpose of section 5.

#### Social impacts on the community

- 4.15 The application is contrary to the duty-of-care the councils involved have to maintain a healthy community and preserve social well-being. The impact on community amenity is not mitigated in this application. The loss of recreation values, loss of green space, reduction of enjoyment of the environment and individual properties, and the sense of loss etc. that comes with a lack of connection with nature and perception of the Manawatu being derided as a "wind-mill city" are likely significant impacts on the community of 100,000 people.
- 4.16 The application will produce adverse and distortional effects upon the future growth of residential and lifestyle development. Avenues for future residential growth in Palmerston North are severely limited. A number of major subdivisions have occurred in the Turitea area, and a large number of further subdivisions are planned, to accord with Palmerston North City Council's stated desire to favour future residential development in the elevated poorer quality soils outside of flood plains. The adverse effects of the proposal, including landscape effects, amenity effects, and the proposed noise contour will prevent or impede this further development.
- 4.17 The application will produce adverse and distortional effects upon the future growth of residential and lifestyle development. A number of major subdivisions have occurred in the Turitea area, and a large number of further subdivisions are planned, to accord with Palmerston North City Council's stated desire to favour future residential development in the elevated poorer quality soils outside of highly fertile flood plains. The adverse effects of the proposal, including landscape effects, amenity effects, and the proposed noise contour will prevent or impede this further development.

#### Ecological effects

- 4.18 The proposed development fails to adequately avoid areas that are ecologically sensitive. Mitigation strategies for loss of natural forest during the anticipated life of the wind farm, fail to reproduce ecosystems that currently exist.
- 4.19 The proposed development fails to address ecological succession processes on different topography and altitude, and thus, losses of ridgeline vegetation are underestimated.
- 4.20 The proposed development fails to adequately assess the risk of bird strike, including but not restricted to, the New Zealand native Falcon, karearea, *Falco novaeseelandiae*, in an area of rich biodiversity with seasonal food sources.
- 4.21 The proposed development fails to adequately address the risk posed by introducing weeds into a largely weed-free environment.

- 4.22 The proposed development fails to adequately assess the highly erosive nature of the site and extreme levels of sedimentation during earthworks exacerbated by intense rain events.
- 4.23 The application fails to take account of the decommissioning of turbines at the end of the anticipated life of the wind farm and fails to address the remedial effects of the restoration of natural ecosystems.
- 4.24 The ecopark which has been discussed in the context of this application will produce significant adverse ecological effects for which the applicant will either have no responsibility, or devolved responsibility to a third party, Palmerston North City Council. To the extent that the ecopark is linked to the proposal for this wind farm, there is no adequate management plan in respect of the ecopark.

### **Relief Sought**

5. FOTR seeks a decision by the Board of Inquiry to decline the resource consents in their entirety.
6. FOTR wishes to present a joint case with Tararua-Aokautere Guardians, Inc.
7. FOTR would be willing to present a joint case with other submitters with similar interests.

**DATED** at Palmerston North this 22<sup>nd</sup> day of February 2009.

*Adrian Cookson*

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**Your name**

Chairman, Friends of Turitea Reserve Incorporated, PO Box 20010, Palmerston North, 4410

**Address for service**

20 Amuri Lane,

RD4,

Palmerston North, 4474

Telephone: 06 355 2715

Email:

[acookson@ihug.co.nz](mailto:acookson@ihug.co.nz)