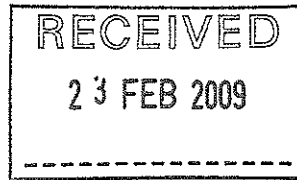




Department of Conservation
Te Papa Atawhai

23 February 2009



492

FreePost Call In
Ministry for the Environment
PO Box 10362
The Terrace
WELLINGTON 6143

Submission on the applications for resource consent lodged by Mighty River Power Ltd for the Turitea Wind Farm proposal

Please find enclosed a submission by the Director-General of Conservation in respect of the applications for resource consent for the Turitea Wind farm proposal. The submission seeks that conditions are imposed to address the adverse effects of the scheme. The submission attached identifies the Director-General's concerns.

The Conservancy are in on-going discussions with the applicant, and it may be that an agreement can be reached that addresses the concerns in the submission. We will provide the Board of Inquiry with the details should an agreement be reached prior to the decision on the applications being made.

Please contact Jasmine Hessel in the first instance if you wish to discuss any of the matters raised in this submission (phone 06 3492149 or 027 242 6127).

Yours sincerely

Doris Johnston
Acting Director -General
Department of Conservation

SUBMISSION ON MIGHTY RIVER POWER LTD APPLICATIONS FOR RESOURCE CONSENT

To: Freepost Call In
Ministry for the Environment
PO Box 10362
The Terrace
Wellington 6143

or

Email: turiteacallin@mfe.govt.nz
Fax: 04 439 7705

[Note: If you are emailing or faxing your submission, please mark in the subject line: 'Turitea Call In']

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 Full Name(s): Mr Alastair Morrison, Director-General of Conservation

Postal Address: C/- Wanganui Conservancy, Department of Conservation, Private Bag 3016, Wanganui
4540

Address for service: Work Ph: Telephone 06 349 2149 Fax 06 3488095

Email: jhessell@doc.govt.nz

Please tick the relevant boxes on the next page to identify whether you are making a submission on all applications for resource consents and notices of requirements 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 or notice of requirement, please note this when specifying the reasons for your submission.

The reasons for my submission are:

If you are attaching further information tick for yes



See Attachment 1 (attached)

Please use more pages if you need to.

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

See Attachment 1 (attached)

Please use more pages if you need to.

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

I wish to be heard in support of my submission (to speak at the public hearing)



I DO NOT wish to be heard and hereby make my submission in writing only



Signature(s):

Alastair Morrison

Date:

23 Feb 09

(Signature of submitter, or person authorised 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 consents and notices of requirement that your submission concerns. Use a clear tick in the appropriate box or boxes (✓).

My submission concerns **all of the** applications for resource consents and notices of requirement listed below

	Support	Oppose	Neutral
Manawatu-Wanganui (Horizons) Regional Council – Land-use Consents			
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.			
Manawatu-Wanganui (Horizons) Regional Council – Discharge Permits			
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 from 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.			
Palmerston North City Council – Land-use Consents			
RC0068: <ul style="list-style-type: none"> • to establish and operate a wind farm in the areas within the Palmerston North jurisdiction as generally shown on the included map • to undertake earthworks associated with tracking and roading, turbine construction and associated buildings in the areas within the Palmerston North jurisdiction as generally shown on the included map • for the western side of Pahiatua Aokautere Road not meeting access requirements at the location shown on the included map • for the storage of diesel (10,000L) 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 • for the construction of a 22kV electricity transmission line and substations as shown on the included map. 			
Tararua District Council – Land-use Consents			
1448: <ol style="list-style-type: none"> a. for a wind farm (which is not listed as a permitted or controlled activity) in the areas within the Tararua District as generally shown on the included map b. for land disturbance of more than 200m³ of soil and cleanfill material associated with tracking and roading, turbine construction, soil disposal and other associated works in areas within the Tararua District as generally shown on the included map c. for upgrades to South Range Road and the construction of new site access at the location shown on the included map d. for turbine and wind monitoring mast structures not meeting height requirements with the Tararua District e. for the modification of a Significant Natural Feature in Schedule 3.3 (ie, Tararua Ranges Ridgeline) f. for not meeting noise requirements g. for clearance of indigenous vegetation in the areas within the Tararua District as generally shown on the included map 			

Note: A copy of this submission form MUST also be sent to Mighty River Power 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 have served a copy of my/our submission to Mighty River Power Ltd as per Section 96(4) of the RMA.

ATTACHMENT 1

Introduction

1. As Director-General, I am the Chief Executive Officer of the Department of Conservation, a Department of State established pursuant to the Conservation Act 1987, and whose functions are set out in section 6 of that Act. I also have specific functions under the Conservation Act and the Wildlife Act 1953. This submission is intended to ensure that my and my Department's legislative duties and objectives are not compromised, and relates to all the applications for resource consents (collectively the "*Application*") associated with the Turitea Wind Farm proposal (the "*Proposal*"), lodged by Mighty River Power (the "*Applicant*").
2. The Department of Conservation supports the development of renewable energy resources, and has worked successfully with power providers throughout New Zealand in the development of sustainable energy resources. However, for the development to be sustainable, the benefits of renewable energy sources need to be balanced with the protection of natural values. There are a number of natural values associated with the area directly and indirectly affected by the Application.
3. Furthermore, with respect to this Proposal, and in addition to the reasons why the Minister called the Proposal in, there are other relevant matters that the Board of Inquiry is required to have regard to in section 141B(2)(a) to (g) of the Resource Management Act 1991. For example, these include, but are not limited to, technology, processes or methods which are new to NZ and which may affect the environment, and where the Proposal results or is likely to result in or contribute to significant or irreversible changes to the environment, including the global environment.
4. This submission primarily focuses on the actual and potential effects on natural values present. The BOI nevertheless must still consider the relevant matters of national importance set out in RMA s.6. One of the matters that the Board of Inquiry will need to consider is the potential impacts of the proposal on landscape values held by the community. The Department of Conservation's submission does not deal with this issue, and leaves it to the community and Applicant to cover these matters.

Adverse effects on indigenous vegetation

5. The Proposal has the potential to result in adverse effects on the natural values of the Turitea Local Purpose Reserve which is inconsistent with Part 2 of the RMA, including but not limited to sections 5 and 6(c), the protection of significant indigenous vegetation and significant habitats of indigenous fauna.
6. The indigenous vegetation at the Turitea Local Purpose Reserve is ecologically significant at a local level and its relative intactness and scale is notable at a local - regional level. In particular, the Department of Conservation has significant concerns regarding a series of turbine sites (at this stage 11 in total), associated roading, platforms and lay-down areas which encroach into the centre of the reserve and involve the most intensive vegetation clearance. The installation of these turbines will create a fragmentation effect reducing the availability of contiguous habitat within the reserve. The 11 turbine sites and associated works were also considered by the applicant's consultant as affecting significant vegetation which will be lost directly through the clearance, and as a result require significant mitigation.
7. There is an approximate loss of 25 hectares of indigenous vegetation associated with the Proposal. The mitigation re-vegetation/rehabilitation proposed by the applicant is inadequate given the values being affected. I consider there is considerable potential for the Proposal to be enhanced and modified to ensure it adequately avoids remedies and/or mitigates the effects of fragmentation, direct loss of habitats and damage to indigenous vegetation.

Adverse effects on indigenous terrestrial fauna and their habitats

8. The Application does not sufficiently address potential adverse effects on fauna known and/or likely to be present in the Proposal area (including: herpetofauna and invertebrates). I consider that there has not been sufficient pre-lodgment survey assessments undertaken in order to robustly quantify species populations within the Proposal area and reliably assess long term impacts through direct fatalities during construction activities and disturbance and loss of habitat.
9. Records show that at least five gecko and six skink species are likely or possible to be present in the reserve in particular. Of these species five are listed as Chronically Threatened (NZ Threat Classification System lists, 2005) (Wellington green gecko (*Naultinus elegans punctatus*), Pacific gecko (*Hoplodactylus pacificus*), Speckled skink (*Oligosoma infrapunctatum*), Small scaled skink (*Oligosoma microlepis*) and Ornate skink (*Cyclodina ornata*), with one species being Acutely Threatened (Southern North Island speckled skink (*Oligosoma* aff. *Infrapunctatum* "Southern North Island").
10. One of only three known populations of the native giant land snail *Powelliphanta traversi tararuaensis* is found in the nearby Kahuterawa valley, both in native forest and pine forest and it is likely that they may be found within the proposed wind farm site. Of the 754 invertebrates collected from three sites by the Applicant, greater than 90% were endemic or indigenous species. A peripatus species (*Peripatoides* sp.), several of which are protected, a native cockroach and prowling spider (*Zoropsidae*) were also discovered

Adverse effects on avifauna and bats and their habitats

11. The Proposal has the potential to adversely affect avifauna and bats. In particular:
 - (i) The Proposal has the potential to adversely affect local avifauna and bats through turbine strike, habitat destruction and displacement effects. Birds at risk include: Kereru (*Hemiphaga novaeseelandiae* - gradual decline 2005; not threatened 2008); Tui (*Prothemadera novaeseelandiae*- not threatened 2005/2008); N.I. Kaka (*Nestor meridionalis* – nationally endangered 2005; nationally vulnerable 2008); Bush Falcon (*Falco novaeseelandiae* - nationally vulnerable 2005/2008) and;
 - (ii) The Proposal has the potential to adversely affect migrating birds, including the Shining cuckoo (*Chrysococcyx lucidus lucidus* - not threatened 2005/2008) and Long-tailed cuckoo (*Eudynamys taitensis* - gradual decline 2005; nationally uncommon 2008), being on a possible migratory route for both species. Shining cuckoo migrate between New Zealand and the northern Australia-New Guinea region. Long-tailed cuckoo migrate between New Zealand and many islands in Oceania between the Bismarck and Tuamotu Archipelagos. The Applicant accepts both Shining and Long-Tailed cuckoos are likely to cross the Tararua Range, and/or travel the length of the range as part of this migration.
12. Inadequate pre-construction monitoring has been undertaken to determine the level of effects the Proposal presents to avifauna and bats, including those species listed above.
13. I am aware that there are other wind farms that have either been granted resource consent or are subject to consenting processes in the vicinity of the site. This raises concerns regarding the potential for significant cumulative effects to arise over time from the adverse effects of this Proposal combining with the adverse effects of other wind farms, notably with respect to impacts on birds moving through the Site.
14. I consider that all potential cumulative effects should be considered by the Board in determining whether to grant, and what conditions to impose on, this Proposal. The issue of precedent should also be considered, given the scale of the Proposal and the associated effects and risks.

Adverse effects on freshwater fauna and habitats

15. The Proposal has the potential to cause adverse effects on freshwater fauna and the life supporting capacity of the streams, rivers and wetlands within the Site area. The area contains tributaries of Turitea, Kahuterawa, Otangane, and Tainui Streams, Matarua Creek, and unnamed tributaries of the Manawatu River. Recent records from a few of these waterways include redfin bully (*Gobiomorphus huttoni*), long fin eel (gradual decline), koaro (*Galaxias*

brevipinnis), koura, banded kokopu (*Galaxias fasciatus*), and short jaw kokopu (*Galaxias postvectus* (sparse)) present in the upper reaches of the Kahuterawa Stream.

16. A number of stream crossings and culverts have been proposed as part of the Proposal. There are several components of the Application dealing with freshwater that the Department is supportive of, such as the approach to in-stream structures; the use of a fish ecologist; and the removal of turbines from Browns Flat (a wetland area). The Department of Conservation has some concerns about specific streams, and the use of sediment controls.

Archaeological/Historic site impacts

17. The Proposal has the potential to adversely affect archaeological/historic sites which occur within the Site through direct and indirect damage as a result of construction works associated with turbine instalment, road creation and associated works. Such sites presently known include the old cart burrow track and quarry area/remains.

Consistency with planning instruments and the Act

18. I consider that, in respect of those matters that I have identified above, the Proposal does not currently promote the sustainable management of the natural and physical resources of the environment as required by Part 2, in particular sections 5, 6 and 7 of the Resource Management Act. The Proposal, as currently framed without further mitigation measures, will not adequately address actual and potential adverse effects on the environment.
19. Further, for the reasons set out above, I consider that, overall, the Application as lodged is not in accordance with the relevant objectives and policies of the applicable national, regional and district planning instruments.

I seek the following decision from the Board of Inquiry:

20. Should the Board decide to grant the resource consents sought by the Applicant, I seek that my concerns as set out above be addressed through the imposition of effective conditions and/or modifications, which may include changes to the design of the proposal. Conditions I am seeking to address my concerns include:

Conditions to address actual and potential adverse effects on indigenous vegetation that:

- (i) require the Applicant to instruct an independent suitably qualified ecologist to have input into the final design phase of turbine placement. The ecologist would need to also have regard to pre-construction monitoring results for avifauna, terrestrial fauna, and freshwater fauna. The Applicant should be required to consult with the Department in respect of, and prior to, indigenous forest clearance;
- (ii) require appropriate measures for those areas of indigenous vegetation that will be impacted upon by the Proposal, including appropriate avoidance, remediation and/or mitigation for fragmentation and direct loss of vegetation;
- (iii) control the construction and operation of the infrastructure associated with the Proposal and access routes to manage any increased risk to the environment, including weed incursion;
- (iv) ensure that the Application sites are appropriately rehabilitated (with eco-sourced plants), including in the event that the Proposal is reduced in size or de-commissioned in the future;
- (v) ensure the final design and location of the transmission lines and structures takes account of and manages fire risk including from sparks from lines arcing in high winds, line breakage and insulator damage;

Conditions to address actual and potential adverse effects on terrestrial fauna that:

- (vi) require the adverse effects on herpetofauna and invertebrates are appropriately avoided, remedied or mitigated;
- (vii) require that, prior to approval of the final turbine placement design, scientifically robust skink/gecko surveys will be completed by an experienced herpetologist.
- (viii) require that further scientifically robust surveys for Powelliphanta snail species and other invertebrates of concern are undertaken prior to construction and protection plans being

developed for affected sites. This shall include a plan to avoid isolating parts of the population;

- (ix) provide for a process of protection for identified threatened species and that the minimisation of construction impacts is documented and followed;

Conditions to address actual and potential adverse effects on avifauna and bats that:

- (x) require that the Applicant complete scientifically robust monitoring pre- and post-commencement, involving monitoring of diurnal and nocturnal species and carcass surveys seasonally;
- (xi) put in place mechanisms (including decision-making processes) to ensure the Applicant addresses any adverse effects to avifauna detected from monitoring and/or as otherwise predicted or observed;
- (xii) put in place mechanisms (including decision-making processes) to ensure the Proposal is altered, including being possibly reduced in scale and intensity, in the event that pre- or post-commencement monitoring highlights adverse effects;
- (xiii) require the Applicant to provide appropriate mitigation which reflects the level of adverse effects potentially caused by the Proposal, but only in circumstances where such an approach is proven viable;

Conditions to address actual and potential adverse effects on freshwater fauna and values that:

- (xiv) require scientifically robust freshwater monitoring (ensuring adequate prevention of sediment movement, freshwater fauna monitoring pre, post and during construction) and further surveys of the instream/wetland values present on the Site including a pre-construction survey of *Namalycastis Tititeae* in order to determine its distribution within the development site. The data collected under all further such surveys shall be used as a baseline for ongoing monitoring during and post construction. Any impacts discovered should be documented and reported to the consent authority (governing body) in a timely manner along with proposed methods of protection and mitigation;
- (xv) address adverse effects on the life supporting capacity of all affected streams, including having an independent expert fish ecologist certify that the final design of culverts and other in-stream structures will be constructed to maintain effective fish passage at all flows;
- (xvi) prevent the disposal of spoil, discharges of contaminants to water, and impacts on water quality occurring in locations where this may have an adverse effect on indigenous flora, fauna, habitats and ecologically sensitive areas. In particular, the standard sediment control conditions currently used by Wellington and Auckland Regional Councils will be employed to avoid, remedy or mitigate effects on streams and rivers. (Note that Horizons Regional proposed ONE Plan sets aims for similar standards but is yet to be through the full statutory process);
- (xvii) ensure the final placement of Turbines and associated infrastructure are designed to avoid existing wetland areas, and to ensure that the current ecosystem functioning of wetland areas is maintained or enhanced during and post construction of the wind farm;

Conditions to address actual and potential adverse effects on archaeology/historic sites that:

- (xviii) ensure that the final design of the wind farm includes measures for the protection of all archaeological/historic features known, including the quarry feature highlighted in the applicant's report and the South Range Conservation Area;
- (xix) ensure that, should any archaeological/historical sites be uncovered at any time, all works in the vicinity cease until further investigation by a qualified expert can be undertaken and appropriate protection measures taken accordingly;

General

- (xx) A condition recording that the Applicant is required to obtain my written approval in respect of any catching alive (including for relocation) or killing (including incidental killing) of any protected wildlife as those terms are defined under the Wildlife Act 1953; and
- (xxi) Review conditions to address adverse effects that might arise from the operation of the wind farm.

I wish to be heard in support of my submission.