

Replaces No. 8

SUBMISSION ON MIGHTY RIVER POWER LTD APPLICATIONS FOR RESOURCE CONSENT

Section 145 of the Resource Management Act 1991

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/Our Full Name(s): **TARARUA-AOKAUTERE GUARDIANS INC (TAG)**

Postal Address: **BOX 255, PALMERSTON NORTH**

Work Ph: **06 357 1435** Home Ph: Cell: **027 448 5826**

Work Fax: **06 357 1438** Home Fax: Email: **kevin@ideation.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:

Please see attached submission document

If you are attaching further information tick for yes

RECEIVED
23 FEB 2009

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 (✓)

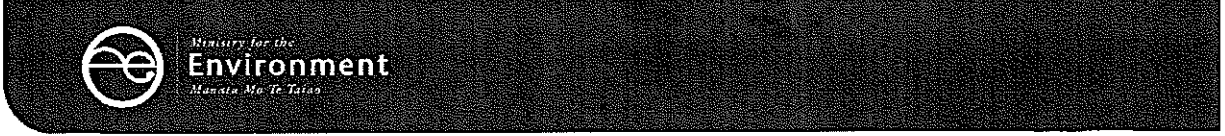
I/we wish to be heard in respect of my/our submission (to speak at the public hearing).

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

Signature(s): *Kevin Low*
Kevin William Low, President

Date: **22nd February 2009**

(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 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
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 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.			
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 city 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 city 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 (10,000 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 for the construction of a 220 kV electricity transmission line and substations as shown on the included map. 			
Tararua District Council - Land-use Consents			
1448: <ul style="list-style-type: none"> 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 for land disturbance of more than 200 m³ of soil and cleanfill material associated with tracking and roading, turbine construction, spoil disposal and other associated works in the areas within the Tararua District as generally shown on the included map for upgrades to South Range Road and the construction of new site access at the location shown on the included map for turbine and wind monitoring mast structures not meeting height requirements within the Tararua District for the modification of a Significant Natural Feature in Schedule 3.3 (ie, Tararua Ranges Ridgeline) for not meeting noise requirements 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 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
Manatū Mo Te Taiao

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 windfarm proposal.

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

TO: Ministry for the Environment
Name: Tararua-Aokautere Guardians Inc.
Address: P.O.Box 255
Palmerston North

1. **Introduction:**

The **TARARUA-AOKAUTERE GUARDIANS INC ("TAG")** is a group of affected residents, including residents of the wider Manawatu and Tararua regions that are concerned about various environmental issues associated with windfarms including the adverse effects of windfarms on natural landscape, and upon people and communities.

TAG opposes the application by Mighty River Power for resource consents MWRC 104553 to 104560 inclusive and PNCC RC0068 and TDC 1448 for the Turitea windfarm development.

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

2.1 **The application in its entirety.** TAG is 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 TAG submission are set out below:

3.1 The application is contrary to the objectives and policies of the Manawatu-Wanganui Regional Land and Water Regional Plan, of the operative and proposed Manawatu-Wanganui Regional Plans, of the operative and proposed 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 application fails 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 Act.

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

Noise

4.1 The application fails to adequately protect the health and well-being of nearby residents from the adverse effects of noise. The effect of noise upon individual homes 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.

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.

Cumulative effects

4.4 The windfarm will result in unacceptable cumulative effects on landscape, and is contrary to the Motorimu Environment Court decision, which called for a comprehensive cumulative effects assessment prior to any further windfarm development.

4.5 The windfarm will result in unacceptable cumulative effects on community amenity values, in terms of noise, visual impact and dominance.

National benefit

4.6 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.

- 4.7 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 windfarm development in the Tararuas called for by the Environment Court (Motorimu decision, 2008).
- 4.8 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

- 4.9 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.
- 4.10 In the alternative, if the Board decides that the ecological park is a form of mitigation associated with the proposal, TAG 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

- 4.11 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 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.
- 4.12 The application will produce adverse and distortional effects upon the future growth of residential and lifestyle development. Avenues for future residential growth outside of high-quality fertile land in Palmerston North are 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 adverse effects due to noise that are more than minor will prevent or impede this further development.

Ecological effects

- 4.13 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.
- 4.14 The proposed development fails to adequately assess erosion and high levels of sedimentation during earthworks exacerbated by intense rain events associated with high rainfall.
- 4.15 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.
- 4.16 The application is contrary to section 7(d), in terms of its adverse effect upon the intrinsic values of defined ecosystems.

- 4.17 The application is contrary to section 7(f), in terms of its adverse effect upon the maintenance and enhancement of the environment.
- 4.18 The application describes no plan for decommissioning, removing the visual elements and making good the environment.

Relief Sought

5. TAG seeks a decision by the Board of Inquiry to decline the resource consents in their entirety.
6. TAG wishes to present a joint case with Friends of the Turitea Reserve, Inc.
7. TAG would be willing to present a joint case with other submitters with similar interests.

DATED at Palmerston North this 22nd day of February 2009.



Kevin Low
President, Tararua-Aokautere Guardians Incorporated, P O Box 255, Palmerston North

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