

**IN THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
TE WHANGANUI-A-TARA ROHE**

ENV-2024-WLG-001

UNDER the Resource Management Act 1991

IN THE MATTER the direct referral of applications for resource consents by
under section 87G of the Act for the Mt Munro Wind Farm

BY **MERIDIAN ENERGY LIMITED**
Applicant

STATEMENT OF EVIDENCE OF JAMES STUART LAMBIE

**ON BEHALF OF MANAWATŪ-WHANGANUI REGIONAL COUNCIL, GREATER
WELLINGTON REGIONAL COUNCIL, TARARUA DISTRICT COUNCIL, AND
MASTERTON DISTRICT COUNCIL**

TERRESTRIAL AND WETLAND ECOLOGY

Dated: 23 August 2024



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STATEMENT OF EVIDENCE OF JAMES STUART LAMBIE

A. INTRODUCTION

- [1] My name is James Stuart Lambie. I am an independent ecologist and biosecurity policy advisor. I have held this position since 2017.
- [2] I prepared a report on the application required by s 87F of the Resource Management Act 1991 (**RMA**) on behalf of Manawatū-Whanganui Regional Council (**Horizons**) and Wellington Regional Council (**WRC**) Tararua District Council (**TDC**), and Masterton District Council (**MDC**) (the **Consent Authorities**) dated 15 March 2024 (**s 87F Report**).
- [3] In my s 87F Report, I reviewed the application from Meridian Energy Limited (the **Applicant** or **Meridian**) for resource consent applications lodged with the Consent Authorities for the Mt Munro Wind Farm (**Mt Munro Project** or **Project**) in relation to terrestrial ecology and wetlands. The s 87F Report provided recommendations to improve or further clarify aspects of the resource consent applications, including with regard to conditions, should the Court be minded to grant resource consents.
- [4] I confirm I have the qualifications and experience set out at paragraphs 5-9 of my s 87F Report.
- [5] On 1 August 2024, I participated in expert conferencing on matters relating to terrestrial ecology (except native bats), resulting in a joint witness statement dated 1 August 2024 (the **Terrestrial Ecology JWS**). On 6 August 2024, I participated in expert conferencing on matters relating to freshwater ecology and wetlands, resulting in a joint witness statement dated 6 August 2024 (the **Freshwater Ecology and Wetlands JWS**). I confirm the contents of both of these JWS.
- [6] I address the issue of native bats specifically as part of my evidence below.

B. CODE OF CONDUCT

- [7] I repeat the confirmation provided in my s 87F Report that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in

the Environment Court Practice Note 2023. This evidence has been prepared in accordance with that Code. Statements expressed in this evidence are within my areas of expertise, except where I state I am relying on the opinion or evidence of other witnesses.

C. SCOPE OF EVIDENCE

[8] My statement will cover the following:

- (a) The extent to which issues identified in my s 87F Report have been resolved through mediation, Meridian evidence, expert conferencing and conditions;
- (b) A response to section 274 party evidence; and
- (c) Conditions.

[9] In addition to the material that was reviewed for my s 87F Report, I have reviewed the following:

- (a) Joint Statement of Planning Experts dated 9 August 2024 (**Planning JWS**);
- (b) Statements of Evidence of Dr Vaughan Keesing (Freshwater and Wetland Ecology), Dr Leigh Bull (Avifauna and Lizards), and Mr Thomas Anderson (Planning) dated 24 May 2024, on behalf of Meridian;
- (c) The proposed changes to conditions filed with Mr Anderson's evidence (the **Meridian conditions**);
- (d) A memorandum and associated drawings concerning the Old Coach Road widening from Tonkin and Taylor dated 11 July 2024, on behalf of Meridian;
- (e) Evidence of Janet McIlraith (s 274 party) dated 10 July 2024;
- (f) Evidence of Robin Olliver (s 274 party) dated 10 July 2024;

- (g) Evidence of Hastwell/Mt Munro Protection Society Inc. (s 274 party) dated 10 July 2024;
- (h) Evidence (Social Impact Report) of John Maxwell (s 274 party) dated 10 July 2024; and
- (i) Proposed consent conditions attached to the evidence of Damien McGahan on behalf of the Consent Authorities (the **August Proposed Conditions**).

D. OUTSTANDING ISSUES

- [10] My s 87F Report identified that the overall potential effects on terrestrial and wetland ecological values and threat to fauna and flora was low, subject to identified (and specific) qualifications. These included: the need for a response to potential effects on threatened plant species; putting a value around the total loss of wetland extent in each region; a value on the number of species involved in wetland effects offsetting; a response to potential effects on lizards and pipit; adaptive management responding to the potential effects on bats; and biosecurity.
- [11] Most of these matters are resolved through the Terrestrial Ecology JWS, the Freshwater Ecology and Wetlands JWS, the Planning JWS, the Meridian evidence of Dr Leigh Bull and Dr Vaughan Keesing, and the August Proposed Conditions. Issues which remain relate to the scope of the bat monitoring regime and related monitoring and management plan conditions.¹

The appropriateness of extending the monitoring to include short-tailed bats

- [12] Given the short-tailed bat (*Mystacina tuberculata*) has been recorded at Pukaha (Mt Bruce), I consider it is appropriate that the post-construction bat monitoring be in reference to both species. While I accept that it unlikely that Mt Munro has any suitable habitat, the proximity of the site to Mt Bruce warrants a precautionary approach, in my view. I also understand that the Automatic Bat Monitors (ABMs) that were deployed at Mt Bruce for the

¹ Condition EC9 and EC11.

Long-tailed Bat Impact Assessment (Appendix L of the Application) are capable of being tuned to both species simultaneously, meaning there is no additional field effort required to collect the additional data. I am of the view that the inclusion of short-tailed bats into the monitoring programme would not be overly onerous.

The purpose of the bat monitoring and management plan and intention of adaptive management

- [13] My s 87F Report identified that the overall effect on long-tailed bats is likely to be low, but there needs to be some form of response to address the uncertainty relating to turbine strike.² In my view, an adaptive management framework to refine the risk and response is appropriate. As I note above, I also consider that this framework should also extend to short-tailed bats.

- [14] Any adaptive management approach should involve a monitoring programme to detect whether the effects are higher than anticipated, coupled with a programmed response if the effects are no more than minor. On review of the Meridian conditions, I was concerned that the purpose of the monitoring and management plan for long-tailed bats was not clearly articulated. In my view, the purpose is to promote adaptive management by detecting and managing no more than minor effects - initially on-site through curtailment and subsequently off-site if curtailment does not resolve the effect. This purpose is set out in the proposed amended condition EC11 b).

- [15] To ensure that the monitoring programme is informed by the best available information, I have recommended some changes to EC11. First, I suggest that EC11(a) is amended to require the monitoring design is prepared with input from a suitably qualified and experienced biostatistician. Secondly, I suggest that E11 c) iii) is amended to read “at least” so that the design is not predetermined at this stage, but does include monitoring over the period when bats are likely to be most active. These changes have the benefit of

² Section 87F Report - James Lambie (Terrestrial Ecology), 15 March 2024, at [57].

ensuring that the monitoring design is checked for statistical robustness and is not restricted to just the most active period.

- [16] On review of the August Proposed Conditions with Ms Edwards and Ms Vivian for the Regional Councils, I have also recommended a suite of further amendments to ensure the conditions reflect the intent of the experts and also, are clear and effective from an implementation perspective. I set these out in Section F below; with the changes reflected in the August Proposed Conditions filed with planning evidence for the Consent Authorities.³

E. RESPONSE TO SECTION 274 PARTY EVIDENCE

- [17] As I note above, I have reviewed the section 274 party evidence.
- [18] The evidence of Janet McIlraith raises ecological issues. During expert witness conferencing, Dr Bull and I considered the issues raised by Ms McIlraith as we understood these to be. Our response is documented in the Terrestrial Ecology JWS.⁴ I have not changed my views on the matters raised by Ms McIlraith, but I would like to acknowledge that the evidence helped inform our discussion of how the removal of carcasses (including by predators) is accounted for during post-construction bird strike monitoring.

F. CONDITIONS

- [19] I have reviewed the discussion in the Planning JWS regarding ecological management, and note the planners agreed with recommendations described in the Terrestrial Ecology JWS.⁵ I have also reviewed the August Proposed Conditions. Following the ecological conferences, the following conditions (within my area of expertise) either required specific changes as agreed by the Terrestrial Ecology JWS or the Freshwater and Wetlands JWS:

³ Statement of Evidence – Damien McGahan (Planning), 23 August 2024, Attachment B.

⁴ Terrestrial Ecology JWS, at page 5, item 5.

⁵ Planning JWS, at pages 15-16, item 8.

- (a) EC1 (a): The experts agreed that this clause should feature an upper limit of wetland loss on 0.35 hectares in the Manawatū-Whanganui Region.⁶
- (b) EC4 (c)(ii): The experts agreed that the condition should read ‘...at least nine (9) species...’ (as opposed to seven).
- (c) EC8: The experts agreed that one year of post-construction bird strike monitoring is appropriate for the Project site. We considered that this monitoring programme should be supported by a specific Bird Strike Monitoring⁷ Plan, designed by a Suitably Qualified and Experienced Person that details how the three components of a post-construction bird strike study will be undertaken in the instance of the Mt Munro Project. I remain of the opinion that this condition is important. I have recommended a condition to address this matter, as included at Condition EC9 in the Proposed August Conditions.⁸
- (d) EC11: We agreed with the addition to the condition that:

if any mortalities of At Risk or Threatened species are detected, a review will be undertaken to determine if further monitoring is required, and if any remedial, mitigation or offsetting actions need to be implemented”.⁹

This is to address events that have a very low probability of occurring, but have the potential for high to very high levels of adverse effect if they did.

⁶ Alongside previous agreement that there will be no loss of wetland extent in the Greater Wellington Region.

⁷ Terrestrial Ecology JWS at item 6 says “...bird strike *management* plan...” but the intent is a plan that details how the monitoring will be undertaken, not the management of bird strike *per se*. I have adopted “Bird Strike *Monitoring* Plan” to avoid misrepresentation of what the plan is for.

⁸ August Proposed Conditions, at Condition EC9.

⁹ Terrestrial Ecology JWS, at pages 4-5, item 3. See Condition EC12 in August Proposed Conditions.

[20] In light of the above, I recommend the following amendments to conditions:¹⁰

- (a) I am of the view that the monitoring referred to EC10 should include short-tailed bat. The reference to “long-tailed” should be deleted.
- (b) Add a condition requiring the development of a Bird and Bat Collision Monitoring Plan to be submitted for certification.
- (c) Delete the reference to “long-tailed” from EC11, with the exception of EC11(a) which should list both species as being the subjects of the BMMP.
- (d) The BMMP referred to in EC11(a) should be prepared with input from a SQEP in biostatistics.
- (e) Add to the start of EC11(c). iii)., “At least” ...
- (f) Add a clause at or around EC11(e) iii). that the BCDP should include the design of a revised adaptive bat monitoring programme to measure the efficacy of the curtailment strategy.
- (g) There needs to be provision in EC11(e) for feedback to the Regional Councils on the curtailment strategy.
- (h) Add to EC11(e) reference to EC12 such that it is triggered by the detection of a bat collision event.

G. CONCLUSION

[21] The matters I raise in my s 87F Report have been addressed. I have suggested some changes to conditions relating to monitoring and managing the potential effects on bats.

23 August 2024

James Lambie

¹⁰ References are to the Condition numbering in August Proposed Conditions.