

Proposed Waitomo District Plan SUBMISSION FORM



Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

15 Queen Street, Te Kuiti 3910
PO Box 404, Te Kuiti 3941 0800 932 4357
districtplan@waitomo.govt.nz
www.waitomo.govt.nz

Closing date for submissions: 12pm on 23 December 2022

SUBMITTER DETAILS:

Name of submitter: Ventus Energy	
Contact person for communications: Glenn Starr	
Agent (if applicable): Craig Shearer, Shearer Consulting Ltd	
Postal address: 4 Park Road	
Suburb: Titirangi	Town/City: Auckland
Country:	Postal code: 0604
Daytime phone: 098172203	Mobile: 021735914
Email address for submitter: glenn starr glenn@ventusenergy.co.nz Email address for agent: craig@craigshearer.co.nz <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Please tick your preferred method of contact <input type="checkbox"/> Email <input type="checkbox"/> Please	Correspondence to both agent and submitter.
Trade competition and adverse effects: I could not gain an advantage in trade competition through this submission.	
Would you like to present your submission in person at a hearing? Yes If others make a similar submission, I will consider presenting a joint case with them at the hearing. Yes	

Please complete a line for every submission point, adding as many additional lines as you need:

The specific provisions of the proposal that my submission relates to e.g provision number, map number	Do you: Support, Oppose, Amend?	What decision are you seeking from Council? Retain, Amend, Add, Delete?	Reasons
17. Energy			
Overall energy chapter	Generally, Support	Retain, but with amendments	Ventus supports the general direction of the energy chapter but considers that some of the objectives, policies and rules needs to be “tidied up” to better reflect the importance of energy initiatives, but especially renewable electricity initiatives and to ensure consistency within the Plan provisions.
ENGY-O1 Increase the resilience of communities within the district by: 1. Enabling renewable electricity generation activities where appropriate; and 2. Encouraging the development of on-site and community scale renewable electricity generation activities; and 3. Recognising the positive benefits and contribution of renewable electricity generation towards reducing the effects of climate change.	Support in part and amend	Retain the Objective, but modify 1. as follows: 1. Enabling renewable electricity generation activities where appropriate ; and	Renewable energy initiatives should be encouraged and supported by Council policies so the intent of the Objective is supported. The qualifying and negative words “where appropriate” are not needed because there are other provisions such as district-wide matters that must be complied with and will influence the location of renewable energy generation.
ENGY O2. Recognise and provide for the national significance of renewable electricity generation activities by: 1. Maintaining or increasing the use and supply of renewable electricity to communities both within the Waitomo district and wider network; and 2. Protecting existing renewable electricity	Support in part and amend	Retain the Objective but modify, for example as follows: 1. Maintaining <u>and</u> /or increasing the use and supply of renewable electricity to communities both within the Waitomo district and wider network; and	This objective is clearly aimed at giving effect (in part) to the NPS for Renewable Electricity Generation 2011 (NPSREG). Objective 1 of the NPSREG uses the words “recognise “and “providing” but does not state “appropriate” (see 3.) so this word should be deleted from EBGY O2. I note that other provisions of the District Plan, eg district wide matters, must also be complied with.

The specific provisions of the proposal that my submission relates to e.g provision number, map number	Do you: Support, Oppose, Amend?	What decision are you seeking from Council? Retain, Amend, Add, Delete?	Reasons
<p>generation activities; and 3. Enabling the appropriate development of new renewable electricity generation activities; and 4. Acknowledging the functional and operational need of renewable electricity generation activities.</p>		<p>3. Enabling the appropriate development of new renewable electricity generation activities; and</p>	<p>In respect of 1., it should read and/or, and not just or so both “maintaining and increasing” are on the table for consideration.</p> <p>It is important this objective provides strong policy support for renewable electricity projects, especially large projects that will support the regional or national interest.</p>
<p>ENGY-P1. Enable the ongoing operation, maintenance, repair and minor upgrade of existing renewable electricity generation activities within the district, providing significant adverse effects on the environment are avoided, remedied or mitigated.</p>	<p>Support in part and amend</p>	<p>Retain the policy but amend as follows: Enable the ongoing operation, maintenance, repair, replacement and minor upgrade of existing renewable electricity generation activities within the district, providing significant adverse effects on the environment are avoided, remedied or mitigated.</p>	<p>Once established, renewable electricity generation activities should not have to go through an extensive consenting process for replacement. For example, wind turbine components sometimes need replacement, and at times whole turbines need replacement. Electricity transmission towers regularly need replacement as they age or due to other events eg storm damage..</p>
<p>ENGY-P4. Manage the development of new renewable electricity generation activities including community scale renewable electricity generation activities, recognising that developments will be of varying scale with different benefits and levels of effects. Matters to consider include: 1. The benefits of the activity, recognising that benefits may offset anticipated changes in amenity; and 2. Any functional or operational needs or constraints; and 3. The scale, intensity duration or</p>	<p>Support in part and amend</p>	<p>Retain the policy but amend as follows: Manage the development of new renewable electricity generation activities including community scale renewable electricity generation activities, recognising that developments will be of varying scale with different benefits and levels of effects. Matters to consider include: 1. The benefits of the activity, recognising that benefits may offset anticipated changes in amenity; and 2. Any functional or operational needs or constraints; and</p>	<p>It is submitted that clause 3. adequately covers the activity’s effects so there is no need to highlight just some of the effects which may occur.</p>

The specific provisions of the proposal that my submission relates to e.g provision number, map number	Do you: Support, Oppose, Amend?	What decision are you seeking from Council? Retain, Amend, Add, Delete?	Reasons
<p>frequency of the activity's effects including at the time of construction; and</p> <p>4. Adverse amenity, visual, traffic generation, safety, light overspill, shadow, earthworks, glare and noise effects; and</p> <p>5. Adequate separation distances from existing and consented sensitive activities to ensure conflict between activities, adverse effects and reverse sensitivity effects are minimised; and</p> <p>6. Effects on scheduled sites, features or overlays.</p> <p>In doing so, recognise large scale activities will be more appropriate within the industrial, rural production, and general rural zones.</p>		<p>3. The scale, intensity duration or frequency of the activity's effects including at the time of construction; and</p> <p>4. Adverse amenity, visual, traffic generation, safety, light overspill, shadow, earthworks, glare and noise effects; and</p> <p>5. Adequate separation distances from existing and consented sensitive activities to ensure conflict between activities, adverse effects and reverse sensitivity effects are minimised; and</p> <p>6. Effects on scheduled sites, features or overlays.</p> <p>In doing so, recognise large scale activities will be more appropriate within the industrial, rural production, and general rural zones.</p>	
<p>ENGY-P5.</p> <p>Allow activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation, however they must be avoided within:</p> <p>1. An identified outstanding natural landscape or an outstanding natural feature; or</p> <p>2. An area of outstanding natural character or high/very high natural character; or</p> <p>3. The site or surroundings of a heritage building or structure; or</p> <p>4. A significant archaeological site; or</p>	<p>Support in part</p>	<p>Amend as follows:</p> <p>Allow activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation, however they effects must be avoided, remedied or mitigated within:</p> <p>1. An identified as outstanding natural landscape or an outstanding natural feature; or</p> <p>2. An area of outstanding natural character or high/very high natural character; or</p> <p>3. The site or surroundings of a heritage</p>	<p>As this Policy just covers the investigative phase of renewable generation, "avoidance" is too extreme and contrary to the effects hierarchy in the RMA. Further, it appears that the plan provides a consenting process for such activities in the Plan, although it appears to be as a non-complying activity in the general approach provisions of the plan.</p>

The specific provisions of the proposal that my submission relates to e.g provision number, map number	Do you: Support, Oppose, Amend?	What decision are you seeking from Council? Retain, Amend, Add, Delete?	Reasons
<p>5. A site or area of significance to Māori; or 6. A significant natural area.</p>		<p>building or structure; or 4. A significant archaeological site; or 5. A site or area of significance to Māori; or 6. A significant natural area.</p>	
<p>ENGY-P6. Recognise that increasing levels of renewable electricity generation activities may alter existing visual amenity values, but the level of adverse visual effects may not be appropriate in some overlays, scheduled sites and features.</p>	<p>Support in part and amend</p>	<p>Retain the policy but amend as follows: Recognise that increasing levels of renewable electricity generation activities may alter existing visual amenity values., but the level of adverse visual effects may not be appropriate in some overlays, scheduled sites and features.</p>	<p>The reason for this amendment is that the first half of the policy recognises that visual amenity may be compromised by renewable electricity activities but then generalizes on “some overlays, scheduled sites and features” – these matters must be considered through other provisions and in particular provisions such as those dealing with Outstanding Natural Landscapes and Outstanding Natural Features. The policy as written may elevate the importance of lower level landscapes and features to be considered as if they are outstanding.</p>
<p>ENGY-P7. Manage new development and land use activities near existing renewable electricity generation activities to minimise reverse sensitivity effects.</p>	<p>Support</p>	<p>Retain</p>	<p>Ensures renewable electricity generation is able to be protected from new activities which generators may have an adverse effect upon.</p>
<p>ENGY-P13. Within the rural production zone where the removal of indigenous vegetation in a significant natural area is unavoidable to provide for regionally significant infrastructure, adverse effects must be remedied in the first instance, or mitigated or offset if this is not possible: 1. If offsetting adverse effects is the only practicable option, indigenous biodiversity values and ecological characteristics of the significant natural area will be maintained</p>	<p>Support in part</p>	<p>Retain the policy, but make a slight amendment to the provisions by adding the word “energy” in the opening statement as follows:is unavoidable to provide for regionally or nationally significant energy infrastructure</p>	<p>The amendment makes it clear that the provision relates to energy infrastructure, and also ensures the same consideration is given to nationally significant infrastructure as well.</p>

The specific provisions of the proposal that my submission relates to e.g provision number, map number	Do you: Support, Oppose, Amend?	What decision are you seeking from Council? Retain, Amend, Add, Delete?	Reasons
<p>by:</p> <p>a. Providing a biodiversity offset that is consistent with the framework detailed in Appendix 4 Biodiversity Offsetting Framework; and</p> <p>b. Ensuring the biodiversity offset can achieve no net loss of indigenous biodiversity values at a regional scale, preferably in the affected significant natural area, or where that is not practicable, in the ecological district in which the affected significant natural area is located.</p>			
<p>ENGY-R1. The operation, maintenance, repair, replacement, minor upgrade, demolition or removal of existing buildings and structures of any existing energy generation activity - Permitted</p>	Support	Retain	This rule allows normal activities associated with energy as a Permitted activity, including replacement of existing energy structures which is supported.
<p>ENGY-R10. Renewable energy exploration activities in the General Rural Zone – Permitted</p> <p>Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, - Non-complying</p>	<p>Support as a permitted activity in the GRZ.</p> <p>Oppose Non-complying status in the ONL, ONF, and ONC,</p>	<p>Retain</p> <p>Amend to discretionary</p>	<p>Provides for activities such as monitoring masts to determine wind profiles in the General Rural Zone.</p> <p>Ventus submits this is an extreme position for renewable energy exploration activities.</p>

The specific provisions of the proposal that my submission relates to e.g provision number, map number	Do you: Support, Oppose, Amend?	What decision are you seeking from Council? Retain, Amend, Add, Delete?	Reasons
batteries – Industrial, general rural and rural production zones and PREC3			
<p>NU-R17. Upgrading of existing above ground network utilities All zones and all precincts. All overlays, scheduled sites and features All roads and new roads approved as part of a resource consent</p> <p>PER activities must:</p> <p>1. <i>Comply with all the provisions in NU - Table 2.</i></p> <p><i>PER activities that do not comply with NU-R17.1 are RDIS activities, except any activity that does not comply with the provisions in NU-R53 and NU-R54 is a NC activity.</i></p>	Support in part	Amend Table 2 and in particular NU-R44 by reducing the number of performance standards required to be complied with to retain permitted activity status.	Table 2 provides a very extensive list of performance standards, covering 13 matters, some of which have sub-parts. Greater certainty should be provided to network utility providers by limiting the number of standards to those that are critical.
General Rural Zone			
<p>GRUZ-O3 Encourage innovation in the general rural zone that is adaptive to change and promotes rural viability while protecting the ongoing productivity of rural natural and physical resources and maintaining rural character.</p>	Support	Maintain and amend as follows: Encourage innovation in the general rural zone that is adaptive to change and promotes rural viability and new uses of rural land while protecting the ongoing productivity of rural natural and physical resources and maintaining rural character.	The District Plan should recognise that land use changes through time as economic opportunities and imperatives change, eg production forestry, horticulture, and at time semi-industrial uses of land.

The specific provisions of the proposal that my submission relates to e.g provision number, map number	Do you: Support, Oppose, Amend?	What decision are you seeking from Council? Retain, Amend, Add, Delete?	Reasons
<p>GRUZ-05. Ensure rural character and amenity is maintained and where possible, enhanced.</p>	Oppose	Delete	Rural Character and amenity is not defined in the Proposed Plan, and should be if there is to be such a policy. Ventus notes that rural character and amenity is very subjective, meaning different things to different people. For example, wind turbines are a legitimate use of rural land and should be included as contributing to rural character and amenity.
<p>GRUZ-07. In locations where effects can be appropriately managed, provide for rural based industry and intensive indoor primary production.</p>	Support in part	Amend as follows: In locations where effects can be appropriately managed, provide for rural based industry, <u>such as energy infrastructure</u> and intensive indoor primary production.	The changes reflect that energy industries such as solar farms and wind farms are legitimate rural based industries and activities.
<p>GRUZ-08. Only non-farming activities that are ancillary to a farming activity or have a functional and operational need to locate in the general rural zone shall be enabled.</p>	Support	Retain	This provides for energy infrastructure to be located in the Zone and is supported.
<p>GRUZ-P3. Ensure that rural character, amenity and safety is maintained and that reverse sensitivity effects are minimised by: 5. Recognising that farming, forestry and quarrying activities are an established and accepted component of the rural environment and may generate noise, odour, dust and visual effects;</p>	Support in part	Amend as follows: 5. Recognising that farming, forestry, and quarrying activities, <u>and energy infrastructure</u> are an established and accepted component of the rural environment and may generate noise, odour, dust and visual effects;	The Zone and this policy should recognise the key roles energy infrastructure, eg electricity lines, play n the rural areas of the district.

The specific provisions of the proposal that my submission relates to e.g provision number, map number	Do you: Support, Oppose, Amend?	What decision are you seeking from Council? Retain, Amend, Add, Delete?	Reasons
<p>GRUZ-P6. Activities that are not primary production activities should:</p> <ol style="list-style-type: none"> Not locate in rural areas unless there is a functional and operational need to establish in the general rural zone; 	Support	Retain	Provides for energy infrastructure in the zone.
Landscapes of high amenity value			
<p>Overview Landscapes of high amenity value “Landscapes of high amenity value are identified in the part of the district that is within the Waikato region. The Waikato Regional Policy Statement requires district plans to identify and appropriately recognise the qualities and characteristics of areas of amenity value. These landscapes are managed to maintain and enhance their rural character and naturalness while allowing for appropriate development, particularly the ongoing use of rural land for agricultural, pastoral and horticultural activities.....”</p>	Support in part	<p>Retain but amend the overview section relating to Landscapes of high amenity value as follows: Landscapes of high amenity value are identified in the part of the district that is within the Waikato region. The Waikato Regional Policy Statement requires district plans to identify and appropriately recognise the qualities and characteristics of areas of amenity value. These landscapes are managed to maintain and enhance their rural character and naturalness while allowing for appropriate development, particularly the ongoing use of rural land for agricultural, pastoral, and <u>horticultural activities, whilst also providing for key infrastructure activities, such as wind farms, reliant on locating within the rural zones.</u></p>	<p>This section does not recognise that some of these landscapes are also ideal locations for other appropriate development which needs a rural location, and in particular wind farms. Wind farms need to be located on ridges, and only some ridges have the right wind dynamics to be suited for a wind farm. They will of necessity need to be located on some landscape areas designated as having high amenity value. We can understand the need to avoid areas of outstanding natural landscape, but this should not be extended to landscapes of high amenity value, thus the reason for the amended overview, which also transfers to the Objective and Policy. Simply put, wind farms are an appropriate rural activity.</p>
<p>NFL-O4B (A new Objective or Policy)</p>		<p>Insert a new objective or policy which reads as follows: <u>Recognise that some landscapes of high amenity value provide excellent sites for renewable energy activities</u></p>	<p>The overview to the chapter says, in respect of landscape of high amenity value “<i>These landscapes are managed to maintain and enhance their rural character and naturalness while allowing for appropriate development, particularly the ongoing</i></p>

The specific provisions of the proposal that my submission relates to e.g provision number, map number	Do you: Support, Oppose, Amend?	What decision are you seeking from Council? Retain, Amend, Add, Delete?	Reasons
		<p><u>such as wind farms, and the positive benefits of such activities shall be considered in determining their effects upon such sites.</u></p>	<p><i>use of rural land for agricultural, pastoral and horticultural activities. Consequently, a working pastoral landscape is envisaged for these areas and the provisions heavily rely on the underlying general rural zone to manage the effects of non-farming activities....”</i></p> <p>This overview description nor NFL-04 and NFL-P4 do not recognise that some of these landscapes are also ideal locations for other development which needs a rural location, and in particular wind farms. As wind farms need to be located on ridges, they will of necessity need to be located on some landscape areas designated as having high amenity value. The addition of wind farms should be seen as positive additions to the landscape because of the contribution they make to providing renewable energy locally, regionally, and nationally.</p>
<p>NFL-R4. Any building that is greater than 8 m in height and/or greater than 300 m2 in size.</p>	<p>Support in part</p>	<p>Amend as follows: Any building or structure that is greater than 8 m in height and/or greater than 300 m2 in size.</p>	<p>This rule should also apply to structures as well as buildings. There are many structures (as per the RMA definition applicable to the Proposed Plan) that are commonly built in rural areas eg cell phone towers, pylons, wind turbines, and these should be given consideration in the same way as buildings are. This is particularly relevant in landscapes of high amenity value.</p>
<p>Ecosystems and Indigenous Biodiversity</p>			
<p>ECO-R16 Removal of indigenous vegetation for any other purpose (and where not compliant with ECO-R1 to ECO-R12) – Discretionary</p>	<p>Support in part</p>	<p>Retain, except make the following change to the Rule: Where: 1. The activity is located in a</p>	<p>This provides a suitable activity class/assessment for the removal of vegetation in a SNA, but the rule should also be applicable to SNA’s of regional significance as well.</p>

The specific provisions of the proposal that my submission relates to e.g provision number, map number	Do you: Support, Oppose, Amend?	What decision are you seeking from Council? Retain, Amend, Add, Delete?	Reasons
		<p>significant natural area – of regional or local significance local category; or</p> <p>2. The activity is located in a significant natural area – local or regional category and the land has been returned under Te Tiriti o Waitangi settlements;</p> <p>AND</p> <p>2. A report from an experienced ecologist is submitted at the time of application which demonstrates that the site is not vegetation or habitat that is currently a naturally uncommon or significantly underrepresented ecosystem or habitat for indigenous species or associations of indigenous species that are classified as threatened or at risk, endemic to the Waikato region or at the limit of their natural range.</p>	
Proposed DP Maps			
Significant Natural Areas	Oppose	We seek that the maps be amended to more accurately detail the location of SNA's.	A preliminary assessment of the Significant Natural Areas overlay has been undertaken and it appears some of the areas mapped, especially along and adjacent to Te Anga Road from Waitomo to Te Anga, along and adjacent to the Taumatotara West Road, and on farmland to the east of Taumatotara West Road (eg R16UP046) are inaccurate at some locations. As it is a significant undertaking Ventus Energy has not yet undertaken a detailed assessment to support its submission, but will do so for presentation to the Council/hearing at the

The specific provisions of the proposal that my submission relates to e.g provision number, map number	Do you: Support, Oppose, Amend?	What decision are you seeking from Council? Retain, Amend, Add, Delete?	Reasons
			appropriate time.
Outstanding Natural Landscapes	Oppose	We seek that the maps be amended to more accurately detail the location of areas of Outstanding Natural Landscape and Character.	Ventus believes that consideration should be given to a further review of the areas considered to be Outstanding Natural Landscapes and Character.



Signed:

Date: 22 / 12 / 2022

(A signature is not required if you make your submission by electronic means)

PRIVACY ACT NOTE: Please note that all information provided in your submission will be used to progress the process for this proposed district plan, and may be made publicly available.