

Proposed Waitomo District Plan

Further Submissions to the notified Proposed District Plan

To: Waitomo District Council

Email: districtplan@waitomo.govt.nz

Name of Submitter: Ventus Energy Limited

Ventus Energy Limited makes the following further submission to the Waitomo District Council on the Proposed Waitomo District Plan, and contains:

- the particular parts of the original submission (as derived from the summary of submissions) that Ventus Energy has further submitted on;
- reasons for the submission; and
- the decision sought.

Ventus Energy **does wish** to be heard in support of this submission.

If others make a similar submission, Ventus Energy **will consider** presenting a joint case with them at a hearing.

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Further Submissions are attached on the following pages.

Ventus Energy Further Submissions

Submission number/point	Submitter	Support/Oppose	Plan Provision	Reason	Seek that the decisions be allowed/disallowed
47.01	Forest & Bird	Support	12 National Direction Instruments	Giving effect to the National Policy Statement on Indigenous Biodiversity should be incorporated into the relevant provisions throughout the PDP - in particular the exemption applied to renewable electricity generation assets and activities and electricity transmission network assets and activities.	Allow
47.18	Forest & Bird	Oppose	ENGY-P2	Using the word “protect” is too extreme and does not accord with managing the effects approach of the RMA, and as set out in the existing policy.	Disallowed
47.20	Forest & Bird	Oppose	ENGY-P4	The proposed change is in conflict with section 1.3(3) of the NPS-IB.	Disallowed
47.21	Forest & Bird	Oppose	ENGY-P5	The proposed change is in conflict with section 1.3(3) of the NPS-IB.	Disallowed
47.25	Forest & Bird	Oppose	ENGY-P13	ENGY-P13 is in line with NPS-REG which the Council is required to provide for but allowing renewable electricity generation in the rural production zone.	Disallowed
47.27-47.31	Forest & Bird	Oppose	Rules General	There are a number of rule changes requested, and the relief sought has not been articulated in the submission, so cannot be evaluated.	Disallowed
47.40	Forest & Bird	Oppose	ENGY-R20	The request for inclusion of “(j) The actual or potential effects on bats and birds” should be deleted as there is a specific chapter in the PDP (Ecosystems and Indigenous Biodiversity) where such issues should be raised.	Disallowed
47.79	Forest & Bird	Oppose	ECO-O1	Renewable electricity generation has a functional and operational need to locate where the renewable resource exists, which may be in SNA, therefore it will have as	Disallowed

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				minimal as possible impact on SNA there for we seek to retain the inclusion of “where practical”	
47.80	Forest & Bird	Oppose	ECO-O3	The Objective says “Provide for identified permitted activities which have been assessed as having no more than minor adverse effects on the values of significant natural areas”. This is entirely appropriate and for example could give effects to the NPS-REG which must be given affect to by the council, renewable electricity generation may have a functional and operational need to be in SNA.	Disallowed
47.81	Forest & Bird	Oppose	ECO-O4	The F & B wording is not supported firstly because by using the word “possible” means virtually “anything” regardless of cost both financially or to the environment, compared with the mor appropriate word “practicable”. And F & B want this applied to any area, “outside of significant natural areas”. This nullifies the reason for identifying SNAs and is inappropriate.	Disallowed
53.02	DOC	Support in part	New definition – Effects Management Hierarchy	Ventus Energy supports the Council providing for all NPS documents; however, this definition needs to match that contained in the NPS-IB 2023.	Disallowed
53.03	DOC	Support in part	Definition of Biodiversity offsets	The definition of Biodiversity Offset should be amended to align with the definition contained in the National Policy Statement for Indigenous Biodiversity 2023.	Disallowed
53.07	DOC	Oppose	New definition – Light Sensitive Area	Renewable electricity generation may have a functional and operational need to be in a light sensitive area, if that is where the renewable resource exists, and there is a requirement that those sites comply with Health and Safety at Work 2015 legislation which would include the use of artificial light.	Disallowed

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				Further, the DOC definition when applied elsewhere is contrary to the National Policy Statement-Indigenous Biodiversity (NPS-IB) when referring to electricity generation assets and activities.	
53.14	DOC	Oppose	ENGY-OX New	Renewable electricity generation has functional and locational needs, which means that avoidance of sensitive environments is not always achievable. However, effects of such activities are appropriately managed through the resource consenting process, and this objective is therefore unworkable and unnecessary. In addition, the DOC submission contradicts itself by one hand asking for “avoidance” and in the next sentence asking for adverse effects to be managed by applying the effects management hierarchy.	Disallowed
53.15	DOC	Oppose	ENGY-P5	DOC has requested “A bat protection are” be added to the list in the policy. This would appear to be contrary to the NPS-IB in relation to energy projects, but Ventus Energy is supportive in general of the concept of bat protection areas but greater definition of what they would look like and the range of the area is needed.	Disallowed
53.16	DOC	Oppose	ENGY-P13	The National Policy Statement-Indigenous Biodiversity (NPS-IB) specifically states in 1.3(3): <i>(3) Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities. For the avoidance of doubt, renewable electricity generation assets and activities, and electricity transmission network assets</i>	Disallowed

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				<p><i>and activities, are not “specified infrastructure” for the purposes of this National Policy Statement.</i></p> <p>The NPS is recent (published 7 July 2023), so the policy and the Proposed District Plan must be amended to ensure it gives effect to the NPS.</p> <p>Therefore DOC’s use of the effects management hierarchy is not relevant to removal of indigenous vegetation when it comes to energy assets and activities as defined above.</p>	
53.17	DOC	Oppose	ENGY-R9	<p>Ventus Energy disagrees with DOC’s submission and submits the rule needs to align with the NPS-IB 2023. For example, it is not appropriate for the introduction of bat protection areas when this is not aligned with the NPS-IB.</p> <p>The arbitrary provision on 5kW turbines should be removed.</p>	Disallowed
53.18	DOC	Oppose	ENGY-R11	<p>Renewable electricity generation may have a functional and operational need to be in ONL and as NZ moves towards 100% renewable new development of REG will be required. It is the role of the Waitomo DC to manage new resource consent applications and provide for renewable electricity generation under the NPS-REG. It is not appropriate to make renewable energy activities a non-complying activity over such large areas.</p>	Disallowed
53.19	DOC	Oppose	NU-P8	<p>Delete the proposed changes because the wording as written in the PDP provides greater flexibility and consistency with the NPS-IB.</p>	Disallowed
53.21	DOC	Oppose	NU-P12	<p>The Policy should be retained as written in the PDP as it is consistent with the NPS-REG and the NPS-IB and encourages the development of renewable energy.</p>	Disallowed
53.24	DOC	Oppose	NU-R20	<p>DOC seeks a blanket approach to a number of rules by applying the addition of the words <i>“Any adverse effects on indigenous vegetation and habitats of indigenous fauna and</i></p>	Disallowed

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				<p><i>proposed mitigation measures and the extent to which any adverse effect can be avoided, remedied or mitigated by applying the effects management hierarchy”.</i></p> <p>This does not provide flexibility for Council in managing network utilities, eg the networks from renewable energy or electricity transmission assets as specified in the NPS-IB. in that NPS these activities are exempt from the provision of the NPS-ID and so should also be exempt from the effects management hierarchy in these rules.</p>	
53.29	DOC	Oppose	ECO-P1	It is impractical to require a net gain from action to clear vegetation to maintain, repair or upgrade regionally and nationally significant infrastructure.	Disallowed
53.31	DOC	Oppose	ECO-X New	<p>Renewable electricity generation has a functional and operational need to locate where the renewable resource exists, which may be in a SNA, as will need to maintain, upgrade and repair electric power schemes. This proposal is unnecessary as the chapter outlines the levels of protection of SNA.</p> <p>SNAs are often poorly mapped so should not be used as proposed.</p>	Disallowed
53.32	DOC	Oppose	ECO-P2	Renewable electricity generation has a functional and operational need to locate where the renewable resource exists, which may be in SNA, and will need to undertake maintenance, repair and upgrade and for safe operation so there may be a requirement to remove vegetation. In this circumstance the DOC approach would appear to be contrary to the NPS-IB.	Disallowed
53.34	DOC	Oppose	ECO-px (new policy)	DOC have suggested a new policy aimed specifically at identifying bat habitats and requiring protection of the bats and their habitats within this overlay. Apart from being	Disallowed

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				<p>contrary to the NPS-IB in relation to renewable energy and electricity generation, it is a very unrealistic request. Bats are mobile and can fly over significant distances, and so conflict with electricity transmission lines or wind turbines which may be some distance away from the core “habitat” but on the fringes of it. It is not practical to have such a wide ranging and generalised policy.</p> <p>There is no comprehensive regional data, nor data for the Waitomo District at this point in time, so any areas located as a result of monitoring would need to be added via a plan change process – otherwise landowners would have no opportunity to submit on controls based on the habitats.</p>	
53.35	DOC	Oppose	ECO-P3	Under the Civil Defence Emergency Management Act 2002 renewable electricity generation is a lifeline utility and therefore is linked to the social wellbeing of people	Disallowed
53.36	DOC	Oppose	ECO-P4	The existing wording gives effect to the effects hierarchy and the changes are not required	Disallowed
53.37	DOC	Oppose	ECO-P5	<p>Renewable electricity generation has a functional and operational need to locate where the renewable resource exists, which may be in SNA and areas of national significance. Lawfully consented activities such as maintenance, repair or upgrade to ensure that they safe and helping New Zealand reach its 100% renewable electricity generation goal.</p> <p>Inserting the requirement to avoid adverse effects provides no flexibility to consider other options including those in National Policy documents.</p>	Disallowed

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53.45	DOC	Oppose	ECO-R10	<p>Renewable electricity generation has a functional and operational need to locate where the renewable resource exists, which may be in SNA, to undertake maintenance, repair and upgrade to ensure safety there will be a practical need to clear vegetation 100m² is too small for effective management of these operations.</p> <p>Hydro-electricity generation sits beside water bodies and there is a safety requirement to keep vegetation clear of structures.</p> <p>A range of SNA's are proposed in the PDP – and given there is a lack of survey to demonstrate the quality of the SNA's – controls could only apply to the highest level of SNA.</p>	Disallowed
53.51	DOC	Oppose	NATC-P2	<p>It is impractical to force lawful and consented activity to restore or enhance wetlands, rivers or their margins when there may be no effect. Therefore 'preserved' makes sense as that provides an incentive for a development to keep away from a wetland, lake etc.</p>	Disallowed
53.66	DOC	Oppose	LIGHT-OX and LIGHT-PX New	<p>As renewable electricity generation has a functional and operational need to locate where the renewable resource exists, which may be in SNA, there is also a level of light required for health and safety of employees that would require the use of artificial light. Safety is a particular issue for wind turbines and aviation (lights need to warn aviators at night), although lighting can be managed to minimise adverse effects.</p>	Disallowed
53.67	DOC	Oppose	LIGHT-RX	<p>As renewable electricity generation has a functional and operational need to locate where the renewable resource exists, which may be in SNA, there is also a level of light required for health and safety of employees that would</p>	Disallowed

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				require the use of artificial light. Safety is a particular issue for wind turbines and aviation (lights need to warn aviators at night), although lighting can be managed to minimise adverse effects.	