

Application to vary resource consent RM050019 by Taumatotara Wind Farm Limited under s127 of the Act

**SUMMARY STATEMENT AND SUPPLEMENTARY EVIDENCE OF CRAIG SHEARER  
(PLANNING)  
ON BEHALF OF TAUMATOTARA WIND FARM LIMITED (“T4”)**

**Introduction**

1. The existing environment in this application is that established by consent RM200019 which provides for a (maximum) 22 turbine windfarm to be established, with tip heights of the northern 11 turbines reaching 121.5m, and the southern 11 turbines 110m. Any evaluation of effects of the new proposal must be measured against the effects created by this baseline.
2. T4 holds an earthworks consent for the project, granted by Waikato Regional Council in August 2020.
3. T4 has applied, under s127, to vary the existing consent and proposes:
  - reducing the number of turbines to 8;
  - increasing tip heights of the 8 turbines to 180.5m;
  - increasing the rotor diameter to 163m;
  - increasing the ground clearance of the turbines from 10m to 17.5m;
4. The key considerations in making a determination from a planning perspective, are:
  - Whether effects are adverse, neutral, or positive in comparison to those already approved by the existing consent; and
  - Whether the varied application is consistent with the relevant statutory documents.

**Effects**

5. Overall, my evidence, informed by the evidence of the T4 experts, evaluates the effects of the proposal compared to the existing consented environment and finds effects of the new proposal to be positive overall. The main effects evaluated are:

- Landscape – Although from some viewpoints there will be low negative effects because the retained turbines will be higher, overall, the landscape effects will be positive. This can be attributed to the significant reduction in the number of turbines from 22 to 8, but also the increase in distance of 3<sup>rd</sup> party dwellings from the closest turbines. Shadow flicker as a consequence will be further from 3<sup>rd</sup> party dwellings.
- Transport - effects are found to be less due to the more limited number of turbine components that must be transported compared to the existing consented environment, and less new onsite road formation is needed with just 8 turbines.
- Noise effects will be less due to third party dwellings now being further from the wind farm.
- Effects on avifauna and long tailed bats is assessed as being less than the consented environment for a number of reasons, including the reduction in the number of turbines, the removal of turbines from the sensitive southern 3 km of the consented environment, and the increase in the ground clearance of the turbines to 17.5m from the consented 10m. No areas of indigenous vegetation will be impacted by the proposal.
- Cultural effects have been discussed with Ngaati Mahuta ki te Tai Hauāuru, and they have agreed to withdraw from the proceedings provided recommended conditions are applied to the resource consent if granted.
- In addition, there are positive effects from the proposal, as set out in section 8 of my evidence.

### **Statutory Documents**

6. My evidence finds a high degree of compliance with the various statutory documents. Of particular relevance to these proceedings are:
  - The National Policy Statement for Renewable Electricity Generation 2011 (“NPSREG”). The NPSREG was specifically promulgated to recognise the national significance of renewable electricity generation activities, such as windfarms, and if effects cannot be avoided, remedied or mitigated, regard should be had to offsetting measures or environmental compensation, including measures or compensation which benefit the local environment or community.

- The National Policy Statement for Indigenous Biodiversity (NPSIB). This document is important not for its policies, but because it specifically states at 1.3(3) that its policy direction does not apply to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities. Although my evidence is the effects on indigenous biodiversity is less than the consented environment, this clause in the NPSIB provides guidance to those who may disagree with my assessment of effects on the indigenous biodiversity. The NPSIB effectively downgrades the relevance of biodiversity matters in considering this type of application.
- The proposal has been assessed against the provisions of the Waikato RPS and the Waitomo District Plan and found to overall be consistent with their provisions.
- I did not evaluate the Proposed Waitomo District Plan (PWDP) in my evidence, mainly because it is at the very early stages of its development, with further submissions received but hearings not yet commenced. I have further added to my explanation of why the PWDP has not been considered in my supplementary evidence below.
- There are also a number of “other matters” set out in my evidence which provide high level strategic goals at a national level which in my opinion the project contributes to achieving.

7. As set out in my evidence, the proposal is consistent with Part 2 of the Act.

### **Submitters**

8. Wherever possible I have consulted with neighbours, although two did refuse to discuss the project with me. Although several concerns have been expressed, the major concerns expressed were visual. I do accept, as explained by Mr Moore that there will be some adverse landscape effects upon residents living to the north of the proposed wind farm, but these are considered to be at worst low-moderate. As set out above, in my opinion the varied proposal will overall have less effects compared with the consented environment.
9. Ngaati Mahuta ki te Tai Hauāuru submitted in opposition to the proposal but ongoing consultation and engagement has proven to be beneficial to both parties, and they are now in support of the project. Some other submitters expressing cultural concerns have also withdrawn from the proceedings, and it remains to be seen if any concerns still exist among other parties who submitted on cultural issues.

10. Several attempts have been made to resolve issues raised by DOC who remains opposed to the project. Other T4 evidence covers this issues.

#### **Section 42A officers**

11. There has been a significant amount of dialogue with Council officers during the development of the proposal, to the point where Mr Dawson in his report at 18.4 and 19 expresses the view that subject to conditions the application can be granted provided three provisos are satisfactorily addressed - these relate to landscape methodology matters, additional ecology conditions being accepted, and satisfying cultural/iwi effects.
12. Mana whenua, through Ngaati Mahuta ki te Hauāuru, has now confirmed its support for the variation proposal. Mr Moore has provided evidence on the landscape methodology used, so in my opinion T4 has satisfied two of the three concerns Mr Dawson highlighted in the final page of his evidence.
13. Mr Dawson's third concern – relating to additional ecology conditions being accepted, I only partly agree with. The ecology conditions the Council wishes to see applied are summarised in 4 points at clause 46 of Ms Bull's evidence. The concept of most of these are agreed. Both Council and T4 generally agree on the first - a condition requiring a baseline study for falcon, and the applicant agrees to a baseline survey for bats – the second point. T4 also agrees to the principle of the third point, standardised post-construction mortality monitoring. At issue at this stage is the wording and details of these conditions, such as timing and methodology.
14. The fourth condition promoted by Council includes curtailment of turbines, to minimise effects of bats. T4 does not agree with such a proposal.
15. Although on the basis of best practice I agree that changes to some of the ecology conditions are beneficial and T4 has agreed to changes, some of the Section 42A Report's proposed ecology conditions are not related to any adverse effects. Regardless T4 offers ecology conditions according to the principle of Augier.
16. As recently as last Friday I have discussed the conditions with Mr Dawson. With some of the ecology conditions excepted, we now only disagree on one condition, relating to noise. This is condition 15 in Mr Dawson's version on the conditions. The Council's view is that background sound level measurements should be undertaken "prior to commencing any development of the wind farm", including the civil works, roading etc, whereas T4's view is that such measurement should occur "prior to installation of the turbines".

17. Resolution of differences in ecology conditions has been hampered to some extent by the unavailability of the ecology experts to be involved in discussions..
18. Both T4 and Council have agreed to have further discussions on conditions during the hearings process (that is when there are breaks in the proceedings) to try and resolve differences.

### **Supplementary Evidence**

#### Department of Conservation

19. Since providing my evidence I have read the evidence of the Department of Conservation (DOC). I wish to comment on the evidence of Elizabeth Williams in particular. I do not agree with her assessment of the relevance of the NPSIB to these proceedings. Her view is the NPSIB does not apply to the assessment of the proposal<sup>1</sup>. She then refers to section 6(c) of the Act and section 31(1)(b)(iii) (which deals with functions of territorial authorities) as providing the authority in the RPS and the District Plan to assess the effects of renewable energy projects on biodiversity. I do not comment here on her view on the relevance of section 31 and Part 2 of the Act as Ms Chappell has covered this in her submissions, except to say I support Ms Chappell's view.
20. In respect of the relevance of the NPSIB to these proceedings, the NPS does in my opinion provide strong direction to these proceedings, and is not to be ignored, as implied by Ms Williams. As set out in my evidence in chief, the policy direction in the NPSIB does not apply in assessing the application against it provisions, and the RPS and District Plan must "give effect" to the NSIB under sections 62 and 75 of the RMA respectively – so the application cannot be required to be assessed against their policies when the reflect the NPSIB. Such NPSIB policies which do not apply include:
  - Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.
  - Policy 7: SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.
  - Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.

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<sup>1</sup> Clause 38 Elizabeth Williams evidence

Policy 15: Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved.

Policy 17: There is improved information and regular monitoring of indigenous biodiversity.

21. The above provisions are all relevant to the views expressed by DOC in particular in relation to bats, but also to the views of Leigh Bull for the District Council.
22. In summary it is my view the provisions of the NPSIB are relevant when assessing the proposal against the existing consented environment.

#### Proposed District Plan

23. In my opinion the PWDP has no relevance to these proceedings. This plan is in its early stages of development, having reached the acceptance of further submissions stage.
24. There are 58 submissions to the plan, as well as many further submissions. Of the 58 submissions, many are very detailed, with some having well over 100 submission points and one close to 200 submission points. There are literally thousands of submission points which potentially could lead to many changes throughout the plan as the development process continues.
25. By way of example, I note that at least one submitter (Federated Farmers) opposes the overlays (including SNAs) and wants amendments to them, including consultation with landowners. One submitter has requested one of the SNA's (UP040) near turbine 11 to be removed from the plan.
26. As there is a significant amount of process yet to occur and much of the PWDP will be reviewed as it moves into the hearings process, there is no certainty that the provisions in the PWDP will be retained when the plan is finally approved. As a consequence, no weight should be given to its provisions.

Craig Shearer

11 November 2023