



**Further Submissions
Waitomo District Council
District Plan Review**

Submission to the Waitomo District Council

July 2023

FURTHER SUBMISSIONS THAT ARE IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSIONS ON THE PROPOSED WAITOMO DISTRICT PLAN UNDER CLAUSE 8 OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991

To: Waitomo District Council
Email: districtplan@waitomo.govt.nz

Name of Submitter: King Country Energy Limited

King Country Energy Limited ('KCE') 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 KCE has submitted on;
- reasons for the submission; and
- the decision sought.

As a generator of electricity, KCE has an interest in the proposal that is greater than the interest the general public.

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

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

Address for service: c/- Manawa Energy
Private Bag 12055
Tauranga 3143
Attention: Nicola Foran
Email: nicola.foran@manawaenergy.co.nz
Phone: 021 908 951

Signature:



Chris Fincham

For, and on behalf of King Country Energy Limited.

King Country Energy's Further Submissions

Submission number/point	Submitter	Support/Oppose	Plan Provision	Reason	Seek that the decisions be allowed/disallowed
03.06	Heritage NZ	Oppose	ENGY-P1	All values should be considered when an application is made not just those specified in the overlays	Disallowed
03.07	Heritage NZ	Oppose	ENGY-P2	Part of effective management of a site is protecting the values of the overlays. Council assesses all applicants against all values rather than specific values in the overlays.	Disallowed
03.09	Heritage NZ	Oppose	ENGY-P5	There is no set definition for surrounds	Disallowed
03.24	Heritage NZ	Oppose	ENGY-R19	The Council should provide for the NPS-REG which includes providing for small scale and community renewable electricity generation.	Disallowed
03.25	Heritage NZ	Oppose	ENGY-R20	The Council should provide for the NPS-REG which includes providing for all scales of renewable electricity generation.	Disallowed
25.10	The Lines Company	Support	Definitions Infrastructure	KCE supports consistency between the Plan and higher order documents	Allowed
31.20	Transpower NZ	Support	Energy, Infrastructure and Transport	KCE supports the Council giving effect to the NPS-REG	Allowed
42.04	Ventus Energy	Support	ENGY-P1	KCE supports the Council giving effect to the NPS-REG	Allowed
42.06	Ventus Energy	Support	ENGY-P5	KCE supports this submission as it will provide for exploration of new generation opportunities in region	Allowed
42.07	Ventus Energy	Support	ENGY-P6	Renewable electricity generation may have a functional and operational requirement to be in areas of ONL, depending on the location of the renewable resource.	Allowed

42.09	Ventus Energy	Support	ENGY-P13	KCE supports the inclusion of nationally significant infrastructure	Allowed
42.25	Ventus Energy	Support	Overview: Landscapes of High Amenity value	Renewable electricity generation as a functional and operational requirement to be in areas of high amenity value.	Allowed
42.26	Ventus Energy	Support	Natural features and landscapes	KCE supports the Waitomo DC providing for the NPS-REG, renewable electricity generation as a functional and operational requirement to be in areas of high amenity value.	Allowed
42.28	Ventus Energy	Support	ECO-R16	KCE supports the Waitomo DC providing for the NPS-REG	Allowed
43.22	Graymount NZ LTD	Support	NFL-P1	KCE support the Council providing for all lawfully established activities as well as regionally and nationally significant infrastructure	Allowed
43.25	Graymount NZ LTD	Support	NFL-P4	KCE support the Council providing for all lawfully established activities as well as regionally and nationally significant infrastructure	Allowed
43.39	Graymount NZ LTD	Support	ECO-P5	KCE support the Council providing for all lawfully established activities as well as regionally and nationally significant infrastructure	Allowed
43.40	Graymount NZ LTD	Support	ECO-P13	KCE support the Council providing for all lawfully established activities as well as regionally and nationally significant infrastructure	Allowed
43.55	Graymount NZ LTD	Support	ECO-R16	KCE support the Council providing for all lawfully established activities as well as regionally and nationally significant infrastructure	Allowed
43.57	Graymount NZ LTD	Support	NATC-P2	KCE support the Council providing for all lawfully established activities as well as regionally and nationally significant infrastructure	Allowed

43.60	Graymount NZ LTD	Support	ASW-P2	KCE supports practical outcomes	Allowed
43.63	Graymount NZ LTD	Support	LIGHT-P1	There are health and safety considerations to the use and restriction of light	Allowed
43.88	Graymount NZ LTD	Support	GRUZ-P5	KCE supports this submission as it allows for appropriate methods of adverse effects based on the nature of the activity	Allowed
47.18	Forest & Bird	Oppose	ENGY-P2	Manage has a measure of use and protection while protection prohibits use, and it is the role of the Waitomo DC to manage the resources	Disallowed
47.21	Forest & Bird	Oppose	ENGY-P5	This submission is inconsistent with KCE's submission and that renewable electricity generation has functional and locational needs, which means that avoidance of sensitive environments is not always achievable.	Disallowed
47.25	Forest & Bird	Oppose	ENGY-P13	This 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
47.26	Forest & Bird	Oppose	ENGY-P14	KCE oppose this submission as it is inconsistent with its own submission.	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
47.34-47.38	Forest & Bird	Oppose	ENGY-R18	There are a number of rule changes requested, and the relief sought has not been articulated in the submission, so cannot be evaluated.	Disallowed
47.79	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	Disallowed

				have as 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 NPS-REG must be given affect to by the council, renewable electricity generation has a functional and operational need to be in SNA.	Disallowed
47.81	Forest & Bird	Oppose	ECO-O4	If there is removal of vegetation undertaken as part of any lawful and consented activity enhancing any restoration will require greater future clearance and potentially require more frequent clearance for functional or operational needs.	Disallowed
47.85	Forest & Bird	Oppose	ECO-P1	KCE oppose this submission as it is inconsistent with its own submission.	Disallowed
47.86	Forest & Bird	Oppose	ECO-PX New	KCE opposed this policy as it is inconsistent with the national direction contained in the NPS-IB 2023.	Disallowed
47.87	Forest & Bird	Oppose	ECO-P2	KCE oppose this submission as it is inconsistent with its own submission.	Disallowed
47.88	Forest & Bird	Oppose	ECO-P3	KCE oppose this submission as it is inconsistent with its own submission.	Disallowed
47.89	Forest & Bird	Oppose	ECO-P4	KCE would seek further detail on this policy before supporting its deletion	Disallowed
47.90	Forest & Bird	Oppose	ECO-P5	KCE oppose this submission as it is inconsistent with its own submission.	Disallowed
47.91	Forest & Bird	Oppose	ECO-P6	KCE oppose this submission as it is inconsistent with its own submission.	Disallowed
47.92	Forest & Bird	Oppose	ECO-P7	King Country Energy opposes this submission, as it is inconsistent with its broader submission.	Disallowed
47.98	Forest & Bird	Support in part	ECO-P13	King Country Energy supports this submission as part of it improves legibility of the chapeau to the policy, however, it does not support the addition to clause 5.	Disallowed

47.115	Forest & Bird	Oppose	ECO-R12	Renewable electricity generation has a functional and operational need to locate where the renewable resource exists, which may be in SNA, and there will require periodical removal of vegetation so it can operate safety and efficiently	Disallowed
47.116	Forest & Bird	Oppose	ECO-R13	Renewable electricity generation has a functional and operational need to locate where the renewable resource exists, which may be in SNA, and there will require periodical removal of vegetation so it can operate safety and efficiently	Disallowed
47.121	Forest & Bird	Oppose	ECO-RX New	KCE oppose this submission as it is inconsistent with its own submission.	Disallowed
47.129	Forest & Bird	Oppose	NFL-P4	For renewable electricity generation to undertake maintenance, upgrade or operate, it may need to clear vegetation to allow for the safe and efficient operation, there is often no way of avoiding these actions but they can be managed appropriately.	Disallowed
47.163	Forest & Bird	Oppose	General – earthworks provisions	For renewable electricity generation to undertake maintenance, upgrade or operate, it may need to clear vegetation to allow for the safe and efficient operation, there is often no way of avoiding these actions but they can be managed appropriately.	Disallowed
53.02	DOC	Support in part	New definition – Effects Management Hierarchy	King Country 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 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
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.	Disallowed
53.15	DOC	Oppose	ENGY-P5	As discussed above, 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 policy and the amendments proposes by this submitter is therefore unworkable and unnecessary.	Disallowed
53.16	DOC	Oppose	ENGY-P13	There are times that for maintenance, repair and upgrade of renewable electricity generation that requires removal of indigenous vegetation maybe required and if the effects hierarchy has been considered there might still be a need to remove the vegetation and any action should have a based level of “maintenance” rather than “restored or enhanced”	Disallowed
53.17	DOC	Oppose	ENGY-R9	King Country Energy supports the Council providing for all NPS documents, however, this Rule needs with align with the NPS-IB 2023.	Disallowed
53.18	DOC	Oppose	ENGY-R11	Renewable electricity generation may have a functional and operational need to be in ONL and as NZ moves	Disallowed

				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	
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	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 maintain, upgrade and repair hydro-electric power schemes. This proposal is unnecessary as the chapter outlines the levels of protection of SNA	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 there will be requirement to remove vegetation.	Disallowed
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	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 significant. 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.	Disallowed

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 to 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>	Disallowed
53.51	DOC	Oppose	NATC-P2	It is impractical to force lawful and consented activity to enhance any necessary clearance will create a larger clearance the next time it is required.	Disallowed
53.52	DOC	Oppose	ASW-P2	It is impractical to force lawful and consented activity to enhance any necessary clearance will create a larger clearance the next time it is required.	Disallowed
53.66	DOC	Oppose	LIGHT-OX and LIGHT-PX New	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	Disallowed
53.67	DOC	Oppose	LIGHT-RX	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	Disallowed