

BEFORE THE HEARINGS PANEL

IN THE MATTER OF: Proposed Waitomo District Plan

SUBMITTER: Ventus Energy

SUBMITTER NO: 42

EVIDENCE: Primary

**STATEMENT OF EVIDENCE OF
CRAIG MCGREGOR SHEARER ON BEHALF OF VENTUS ENERGY LIMITED**

14 June 2024

QUALIFICATIONS AND EXPERIENCE

1. My name is Craig McGregor Shearer. I am the director of Shearer Consulting Limited, an environmental and planning consultancy based in the Auckland region. I hold the qualification of Master of Arts in Geography (1978) from the University of Canterbury.
2. I have been a consultant for twenty years working for a variety of private and public sector clients on a range of projects, including preparing resource consent applications and providing evidence for council and Environment Court hearings. Until 2021 I sat as an independent hearings commissioner with chairing endorsement for many years, and regularly sat on hearing panels for councils across New Zealand.
3. I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses contained in the Consolidated Practice Note. The evidence is within my scope of expertise. I have not omitted to consider any material facts known to me that might alter or detract from my expressed opinions.
4. I appear on behalf of Ventus Energy NZ Limited ("**Ventus Energy**") an independent wind farm development company. Ventus Energy provided submissions (number 42) on the Proposed District Plan ("**PDP**").
5. I have read relevant the parts of the Proposed District Plan (PDP) relating to this evidence and the section 42A report of Cathy O'Callaghan for the Council in preparing this evidence.

SCOPE OF EVIDENCE

BACKGROUND

6. Ventus Energy holds resource consents from Waitomo District Council and Waikato Regional Council which provide for the construction of an eight turbine wind farm at Taumatotara West Rd, Te Anga - Taumatotara Wind Farm (T4). The maximum rotor tip height of the turbines is 180.5m, and the maximum diameter of the rotor area is to be 163m. Waitomo district is well placed to provide for wind farm development due to its elevated and mainly rural landscapes ideal for wind energy generation, to major transmission lines running through the district, the good proximity to the country's major electricity markets, and due to good connections provided by The Lines Company which supplies electricity to homes and businesses across the Waitomo district.

7. The general thrust of this tranche of submissions is to ensure the General Rural Zone provisions of the PDP recognise and support the value created by energy projects including infrastructure in the district.

SUBMISSIONS

8. There are a number of topics laid out in the section 42A report, within the overall General Rural Zone topic. The submissions of Ventus Energy fall mainly under the sub-topic of Topic 4: Energy in Ms O'Callaghan's S42A report. I follow her structure in this evidence.

Topic 4: Energy

GRUZ-03

9. In submission point 42.19 Ventus Energy overall supported but requested the following change to the third objective in the chapter, GRUZ-03, 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”.*

10. The rationale behind this proposed change was that the District Plan should recognise that land use changes through time as economic opportunities and imperatives change. For example, changes have seen the emergence of production forestry and horticultural sectors, replacing areas that have previously been the domain of beef and sheep farming. Recently we have seen the growth of semi-industrial uses in rural areas including energy initiatives such as wind and solar farms. Often new land uses, eg wind farms, work alongside traditional farming, especially grazing of stock. I have been around long enough to have observed these significant changes in rural areas of New Zealand
11. I understand Ms Callaghan's view that the objective already seeks to encourage innovation in the GRUZ that is adaptive to change and promotes rural viability, and that the proposed wording does not alter the application of the wording. That is a narrow interpretation of the submission in my opinion.
12. From my experience in the T4 hearing, the objective as written (in conjunction with others) provides ample scope for those opposed to new uses of rural land to argue against them, even if they are ultimately unsuccessful. My concern centres around the end of the objective *“maintaining rural character”*, which in my opinion is problematic

when one considers it alongside Objective GRUZ-05, which I will refer to later but wants rural character and amenity “*maintained and where possible, enhanced*”.

13. So how does one define “maintaining rural character”? It is total subjective, means different things to different people and, as I found out during the T4 hearing, along with amenity and other subjective matters it was used by submitters opposed to the proposal to say a wind farm at that location was inappropriate and should be declined. Using that logic, nothing would ever change in rural areas. Renewable energy initiatives and other rural change processes would encounter significant hurdles to overcome. We all know the “character” of rural areas throughout this district and indeed all over New Zealand have changed dramatically since man first occupied it.
14. I support the submission point lodged by Ventus Energy. If possible, I would strengthen it by deleting “and maintain rural character” all together. I simply do not see how a rural zone that encourages innovation and is adaptive to change can stand alongside maintaining rural character in the same sentence.

GRUZ-05

15. I have covered in part this submission point above.
16. I do derive some comfort from Ms Callaghan’s statement that specific objectives in the energy chapter would take some precedence although my reading of Chapter 6 which deals with the Plan’s General approach does not appear to be conclusive in this matter.
17. As pointed out in the submission point Rural Character and amenity are not defined in the Proposed Plan, although I acknowledge amenity values are defined in the RMA and can be adopted for the purposes of this Plan.
18. As the submission says, character and amenity are very subjective although well tested through the courts. I acknowledge these values need to be incorporated into the Plan. But applying the elements of rural character that comprise the wider rural environment as set out in the overview section of the GRUZ section, as Ms Callaghan suggests, means no change can occur in the GRUZ in the future as the overview section simply describes what is there now - not what may potentially happen in the future. RMA is not a conservation Act, where the environment is to be frozen in time.
19. If rural character and amenity are to be “maintained and enhanced”, then why not specify those areas where they have been assessed as being worthy of maintenance of enhancement, and provide for some debate around why? After all the Plan specifies protection of natural character of some specific areas (eg of wetlands and lakes) and, rivers

and their margins. In my opinion a general catchall for the GRUZ – which covers much of the district is not helpful. If there are specific areas where rural character and amenity areas that are worthy of maintenance and enhancement should be protected then identify them, and greater certainty would be provided.

GRUZ-07

20. The Ventus submission requested “energy infrastructure” be added to Objective 8 in the Zone. I accept Ms Callaghan’s point that the objectives in the energy chapter, particularly ENGY O2, provide for this, so I accept a change to the Objective is not needed.

GRUZ-P3-5

21. Ventus Energy sought to have policy 3, point 5 amended so in addition to farming, forestry, and quarrying activities being recognised as an established and accepted component of the rural environment, that “energy infrastructure” should also be added to the list, in recognition of the key role energy infrastructure plays in the rural community but also in the wider national benefit.
22. Presumably because the policy relates to reverse sensitivity Ms Callaghan the reporting officer has suggested adding existing energy infrastructure to the final point – 8 so it would read:

GRUZ-P3. Ensure that rural character, amenity and safety is maintained and that reverse sensitivity effects are minimised by:

*..... 8. Ensuring activities do not compromise the safe operation of the land transport network **or existing energy infrastructure.***

23. But when I read point 8 it is not really a reverse sensitivity policy at all. Reverse sensitivity occurs when residents complain about the effects of an existing lawfully established activity and seek to have its activities modified or even closed down. If successful this can have the effect of reducing the viability of the complained about activity. Often reverse sensitive is raised around noise – eg existing airport noise impacting on a new residential area or in a district like Waitomo when people escaping to a rural area for lifestyle reasons complaining about noise or odour from legitimate and established rural activities such dairy farming.
24. I have also experienced new neighbours complaining about a consented wind farm, mainly for visual reasons but also for perceived noise or shadow flicker reasons. So, this is why I recommend existing energy infrastructure – the use of land for which is just as legitimate as farming, quarrying and forestry – should be added into GRUZ-P3. It is not a matter of whether “communities necessarily accept energy infrastructure as a component of the GRUZ”, as set out in Ms Callaghan’s report - in fact and in reality energy infrastructure is a

key component of the GRUZ just as much as the other activities are, and it has a functional need to be located there.

25. I therefore recommend policy GRUZ-P3 be amended as suggested in the submission.

GRUZ-P6

26. The Ventus submission supports this policy –
“Activities that are not primary production activities should: 1. Not locate in rural areas unless there is a functional and operational need to establish in the general rural zone”
27. In my experience in Waitomo District, it is generally people living in rural areas but have no functional need to be there that are the most likely to complain about legitimate rural activities. Energy infrastructure does in most cases, for generation or transmission purposes, have a functional need to be located within the rural areas of Waitomo district.
28. P6 reinforces **GRUZ-08** which Ventus Energy also submitted on and supports.



Craig Shearer

14 June 2024