

FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO, A SUBMISSION ON NPDC'S NOTIFIED PROPOSED DISTRICT PLAN

Clause 8 of Schedule 1 Resource Management Act 1991

To: New Plymouth District Council
Address: Private Bag 2025, New Plymouth 4342
Email: districtplan@npdc.govt.nz

Further Submitter Details

Name of further submitter: Todd Generation Ltd
Contact person (if different from above) Stephen Quinn
Postal address: DLA Piper, PO Box 2791, Wellington 6140
Email address for service: stephen.quinn@dlapiper.com
Phone number: 04 474 3217

I am: (please tick relevant box)

- a) A person representing a relevant aspect of the public interest.
(In this case, also specify the grounds for saying that you come within this category); or
- b) A person who has an interest in the proposal that is greater than the interest of the general public.
(In this case, also explain the grounds for saying that you come within this category); or
- c) The local authority for the relevant area.

Please state the grounds as to why you come within the category selected above:

Todd Generation Limited is a submitter on the Proposed District Plan and has significant interest in the New Plymouth District


Council Hearing (please tick relevant box)

Do you wish to be heard in support of your further submission? Yes No

If others make a similar submission would you consider presenting a joint case with them at a hearing? Yes No

Submission

The submission points, support or opposition, reasons and decisions sought are set out in the attached document.



25 August 2020

Signature of the person making further submission
or the person authorised to sign on behalf of the
person making further submission

Date

Name of Further Submitter Todd Generation Ltd

My specific further submission(s) are as follows:

(Please only insert one further submission point per line. Add further sheets as required)

I support/oppose the submission of: <i>(State the submission no., name and address of the person making the original submission)</i>	The particular part of the submission I support/oppose are: <i>(State the Submission No./Point no. of the original submission you support or oppose, together with any relevant provisions of the proposal)</i>			The reasons for my support / opposition are: <i>(State the nature of your further submission, giving reasons)</i>	I seek that the whole (or part) of the submission be allowed / disallowed: <i>(Give precise details of the decision you want the Council to make)</i>
Climate Justice Taranaki	311.55	Oppose	RPOZ	Oil and gas activities are typically located within the Rural Production Zone and make an important contribution to the economic and social wellbeing of the district, region and nation. Therefore, the RPOZ chapter correctly acknowledges this. It is unclear what changes to the Plan the submitter seeks.	Whole submission is disallowed
Aggregate and Quarry Association of NZ	477.22	Support	RPOZ/New Objective	Agree that the district's mineral resources should be recognised and provided for.	Whole submission is allowed

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Trustpower Ltd	544.116	Support	RPOZ-02	Agree that the objective should recognise and provide for activities that are not defined as primary production but need to be located in the rural production zone.	Whole submission is allowed
Climate Justice Taranaki	311.56	Oppose	RPOZ-04	Disagree that point 4 of the objective should be deleted as the character and amenity of the rural production zone is comprised of interspersed existing rural industry facilities with the use of land for intensive indoor farming, quarrying, oil and gas activities and cleanfills. The Rural Production Zone is a working environment and the Plan should recognise this.	Whole submission is disallowed

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Climate Justice Taranaki	311.57	Oppose	RPROZ-05	Disagree that the objective should include a direction to phase certain mainstay industries out.	Whole submission is disallowed
Te Rūnanga o Ngāti Mutunga	520.188	Oppose	RPOZ – New Policy	Consider the policy is unnecessary as the matters raised are already largely addressed by RPROZ-P6.	Whole submission is disallowed
Climate Justice Taranaki	311.59	Oppose	RPOZ-P2	Disagree that mining should be removed from the list of potentially compatible activities. Mining is an important activity, is predominantly located in the Rural Production Zone and has proven it can be a compatible activity within this zone.	Whole submission is disallowed

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Greymouth Petroleum Ltd	548.99	Support in part	RPOZ-P2	Agree that oil and gas activities should be on the list of potentially compatible activities but if Energy Activities were included this would address the submission point.	Part of submission is allowed
OMV NZ Ltd	573.66	Support in part	RPOZ-P2	Agree that petroleum exploration and petroleum production should be on the list of potentially compatible activities but if Energy Activities were included this would address the submission point.	Part of submission is allowed
Trustpower Ltd	544.117	Support in part	RPOZ-O2	Agree that non-renewable electricity generation activities should be on the list of potentially compatible activities but if Energy Activities were included this would address the submission point.	Part of submission is allowed

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Climate Justice Taranaki	311.60	Oppose	RPOZ-O3	Disagree that intensive indoor animal farming, mining, petroleum prospecting, petroleum exploration, petroleum production and waste disposal are incompatible activities within the Rural Production Zone as by their very nature this is the zone they are, and have to be, located in. They have a proven history that they can be compatible within this zone.	Whole submission is disallowed
Greymouth Petroleum Ltd	548.106	Support	RPROZ-P7	Agree that the policy would be strengthened by the replacement of minimise with avoid.	Whole submission is allowed
Taranaki Energy Watch	543.24	Oppose	RPOZ Rules	The submitter has provided no detail on what changes they seek to the RPOZ rules.	Whole submission is disallowed

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Ngāti Rāhiri Hapū o Te Atiawa Taranaki Soc Inc	503.19	Oppose in part	MFZ	Agree that SASM in the MFZ's should have protection but disagree that traditional reserved lands immediately adjacent to these zones should experience no effects. Not all effects can be controlled within the boundaries of MFZ's and many sites hold consents for their activities which do not require that all effects are internalised.	Part of submission is disallowed
Te Kotahitanga o Te Atiawa Trust	459.350a	Oppose in part	MFZ	It is unclear what changes the submitter seeks to the provisions and how this would affect Todd Generation Ltd.	Part of submission is disallowed
Te Kotahitanga o Te Atiawa Trust	459.350b	Oppose in part	MFZ	It is unclear what changes the submitter seeks to the provisions and how this would affect Todd Generation Ltd.	Part of submission is disallowed

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Climate Justice Taranaki	311.70	Oppose in part	MFZ-O1	Do not support removal of 'social wellbeing' as the economic contributions the activities within Major Facility Zones contribute have a positive impact on the social wellbeing of the nation, region and district as well.	Part of submission is disallowed
Climate Justice Taranaki	311.95	Oppose	MFZ-O3	Do not support removal of 'social wellbeing' as the economic contributions the activities within Major Facility Zones contribute have a positive impact on the social wellbeing of the nation, region and district as well. The harmful effects on human health stated by the submitter are unsubstantiated.	Whole submission is disallowed
Ngāti Rāhiri Hapū o Te Atiawa Taranaki Soc Inc	503.22	Oppose	MFZ-P5	Do not support the addition of the effects of smell to the policy. Odour emissions are the jurisdiction of the regional council and there is no justification for containing all and any effects within the boundaries of the site particularly when there are existing consents in place for many activities located within the Major Facility Zones that allow for effects outside the boundaries of the site.	Whole submission is disallowed

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PEPANZ	539.17	Support	MFZ-P6	Support deleting point 7 of policy as the MFZ's are typically hazardous facilities that should not be required to provide public access to the coast and/or any waterbodies.	Whole submission is allowed
Te Kotahitanga o Te Atiawa Trust	459.350c	Oppose in part	MFZ-P6	It is unclear what consequential changes the submitter seeks to the policy and how this might impact on Todd Generation Ltd.	Part of submission is disallowed
Te Kotahitanga o Te Atiawa Trust	459.350d	Oppose in part	MFZ-P7	It is unclear what consequential changes the submitter seeks to the policy and how this might impact on Todd Generation Ltd.	Part of submission is disallowed

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The Oil Companies	551.164	Support	MFZ-P8	Agree that reverse sensitivity effects should be avoided rather than minimised given the importance and significance of the activities within the Major Facility Zones.	Whole submission is allowed
Methanex	509.6	Support	MFZ-R3	Agree that addition to the rule will provide clarity for the removal of structures in all cases as a permitted activity.	Whole submission is allowed
Te Kotahitanga o Te Atiawa Trust	459.58	Oppose	ENGY-O2	Agree that the objectives should be consistent with the strategic direction but is concerned to ensure the objectives continue to appropriately provide for energy activities. It is unclear what changes the submitter seeks and how this might impact on Todd Generation Ltd.	Part of Submission is allowed

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PEPANZ	539.20	Oppose	ENGY-02	Supports the objective as notified and the direction to minimise adverse effects.	Whole submission is disallowed
Greymouth Petroleum	548.20	Support	ENGY-02	Agree that greater clarity as to the direction of the objective could be provided.	Whole submission is allowed
Climate Justice Taranaki	311.34	Oppose	ENGY - New Objective	A new objective is not required as these matters are addressed elsewhere.	Whole submission is disallowed

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Trustpower Ltd	544.34	Support	ENGY - New Objective	Agree that renewable energy infrastructure should be recognised and provided for.	Whole submission is allowed
Department of Conservation	550.43	Oppose	ENGY - Policies	A new policy is unnecessary as these matters are addressed elsewhere.	Whole submission is disallowed
Te Kotahitanga o Te Atiawa Trust	459.77	Oppose	ENGY-P13	The removal of the qualifier in this policy is not supported, policy should be retained as notified.	Whole submission is disallowed

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Trustpower Ltd	544.40	Support	ENGY-P16	Agree that amendments to the policy are required as the notified version is too restrictive.	Whole submission is allowed
Kāinga Ora	563.181	Support	ENGY-P16	Agree that amendments to the policy are required as the notified version is too restrictive.	Whole submission is allowed
Trustpower Ltd	544.39	Support	ENGY - New Policy	Agree that reverse sensitivity effects should be avoided and policy direction regarding the same is appropriate.	Whole submission is allowed

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Trustpower Ltd	544.44	Support	ENGY-R5	Agree that the new activities and on-going maintenance activities should be provided for.	Whole submission is allowed
Te Kotahitanga o Te Atiawa Trust	459.78	Oppose in part	ENGY-R6	It is unclear what changes the submitter seeks to the provisions and how this would affect Todd Generation Ltd.	Part of submission is disallowed
Department of Conservation	550.57	Oppose	ENGY-R7	The proposed amendments are overly prescriptive and not appropriate for this rule.	Whole submission is disallowed

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Trustpower Ltd	544.46	Support	ENGY-R7	Agree that the new activities and on-going maintenance activities should be provided for.	Whole submission is allowed
Department of Conservation	550.55	Oppose	ENGY-R8	The proposed amendments are overly prescriptive and not appropriate for this rule.	Whole submission is disallowed
Te Kotahitanga o Te Atiawa Trust	459.102	Oppose in part	ENGY-S3	It is unclear what changes the submitter seeks to the provisions and how this would affect Todd Generation Ltd.	Part of submission is disallowed

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Kāinga Ora	563.180	Support	ENGY-S3	Agree that rule could be amended to better enable appropriate levels of activity.	Whole submission is allowed
Trustpower Ltd	544.47	Support	ENGY - New Rule	Agree that maintenance, minor upgrading and replacement activities are appropriate.	Whole submission is allowed
KiwiRail Holdings Ltd	514.60	Support	NOISE-O3	Agree that additions to existing noise sensitive activities can also have reverse sensitivity effects and should be considered.	Whole submission is allowed

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Greymouth Petroleum Ltd	548.84	Support	NOISE-03	Supports intention to avoid reverse sensitivity effects.	Whole submission is allowed
Marsden Machinery Ltd	577.33	Support	NOISE-03	Supports intention to avoid reverse sensitivity effects.	Whole submission is allowed
Ian Humphrey	578.29	Support	NOISE-03	Supports intention to avoid reverse sensitivity effects.	Whole submission is allowed

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Bro Devon Ltd	579.33	Support	NOISE-03	Supports intention to avoid reverse sensitivity effects.	Whole submission is allowed
Gordon Staples Industries Ltd	580.27	Support	NOISE-03	Supports intention to avoid reverse sensitivity effects.	Whole submission is allowed
Marshall Day Acoustics	176.1a	Support	NOISE-S1	<p>Agree that the standard needs to be amended and is currently not supported by an appropriate evidence base.</p> <p>Todd Generation Ltd's submission sought to retain the notional boundary approach and the noise limits from the Operative New Plymouth District Plan.</p>	Whole submission is allowed

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Todd Energy Limited	511.17	Support	NOISE-S1/S2	Agree that noise amenity should be assessed from the notional boundaries instead of site boundaries.	Whole submission is allowed
Horticulture NZ	457.39	Oppose	NOISE-S1	The amendment sought may unnecessarily restrict appropriate activities.	Whole submission is disallowed
Todd Energy Limited	511.15	Support	HAZS - Overview	Agree that the HAZS Chapter overview should be clarified regarding quantifying offsite risks, because site risk for Significant Hazardous Facilities can change over time	Whole submission is allowed

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Taranaki Energy Watch Inc	543.10b	Oppose	HAZS - Objectives	Agree that consistency with the South Taranaki District Plan may be appropriate but notes that caution needs to be taken to ensure only appropriate controls are imposed.	Whole submission is disallowed
Taranaki Energy Watch Inc	543.10c	Oppose	HAZS - Policies	Agree that consistency with the South Taranaki District Plan may be appropriate but notes that caution needs to be taken to ensure only appropriate controls are imposed.	Whole submission is disallowed
Todd Energy Limited	511.16	Support	HAZS -P2	Agree that clarification of trigger as unacceptable offsite risk is appropriate.	Whole submission is allowed

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Todd Energy Limited	511.19	Support	HAZS - New policy	Support inclusion of new policy to reflect that site risk for Significant Hazardous Facilities can change over time.	Whole submission is allowed
Taranaki Energy Watch Inc	543.23	Oppose	HAZS-R New	Many of these matters are duplicated through the proposed objectives, policies and rules.	Whole submission is disallowed
Ted Wells	156.1c	Oppose	HAZS - New Rules	Setting the acceptable hazard risk of any activity in the district plan to 1x10 ⁻⁷ or higher is not appropriate.	Whole submission is disallowed

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Taranaki Energy Watch Inc	543.26	Oppose	New Petroleum Activity Risk Contour Definition	The term is not relevant to the objectives and policies within the notified HAZS section of the Proposed Plan.	Whole submission is disallowed
Taranaki Energy Watch Inc	543.18	Oppose	New Unacceptable Risk definition	The term unacceptable risk should be revisited and clarified as it does not align with current international good practice in contemporary risk planning and management guidance documents.	Whole submission is disallowed

Note to Further Submitter

This further submission on the Proposed District Plan must be received by the New Plymouth District Council by **5pm on Tuesday 25 August 2020**.

To get your further submission to us, either:

Post to: New Plymouth District Council, Reply Paid DX, DX Box NX10026, New Plymouth.

Attention: District Planning Team

Deliver to: Civic Centre, Liardet Street, New Plymouth
or to library and service centres at Bell Block, Inglewood or Waitara

Email to: districtplan@npdc.govt.nz

Visit our website: newplymouthnz.com/eplan

A copy of your further submission MUST be served on the original submitter within 5 working days after it is served on the local authority. Contact details for all submitters can be found on our Proposed Plan page at newplymouthnz.com/eplan.

Please note all information provided in your submission, including your personal information, will be made publicly available.

Your submission (or part of it) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of it):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.