

APPENDIX D: SECTION 32AA EVALUATION

Introduction

This section 32AA evaluation relates to the recommended amendments to the Renewable Electricity Generation chapter (**REG Chapter**) in the Kaipara Proposed District Plan (**PDP**) and supports the discussion, analysis and recommendation in the section 42A report.

A section 32AA evaluation is only required for changes recommended since notification of the PDP; if there is no change to the notified version, a section 32AA evaluation is not required. The level of detail in this report needs to be at a level of detail that corresponds to the scale and significance of the changes recommended.

Although there are numerous recommended changes to the REG provisions and associated definitions, the section 32AA evaluation has been structured to assess these amendments as a single package as the core rationale for all the material changes to the provisions is the same – to ensure the REG provisions are aligned with recent changes to the National Policy Statement for Renewable Electricity Generation 2011 (**amended NPS-REG¹**). Recommended amendments to the Overview section of the REG Chapter are not evaluated in this report as section 32AA only applies to recommended changes to objectives and provisions. Similarly, the amendments to the structure of REG-R10 are not evaluated in this report as these are consequential changes to align with the structure of similar ‘default’ or ‘catch-all’ activity rules across the PDP and do not change the effect of the rule.

Amendments to align REG provisions with the amended NPS-REG

As set out in Topic 3 of the section 42A report, I consider it appropriate, practicable and within scope to amend all four REG objectives to improve alignment with the amended NPS-REG. To achieve this, I have recommended amending REG-O1 to REG-O4 as follows:

REG-O1	Benefits of renewable electricity generation <u>activities</u>
The benefits of increasing renewable electricity generation activities at all scales are <u>recognised and provided for realised</u> in the Kaipara District.	
REG-O2	Enabling renewable electricity generation <u>activities to support well-being</u>
Renewable electricity generation activities are enabled at all scales to <u>provide for support</u> the environmental, economic, social and cultural well-being of people and communities in the Kaipara District, <u>and their health and safety</u> .	

¹ The NPS-REG was first gazetted in 2011 and was substantially amended on 18 December 2025 with those amendments coming into force on 15 January 2026.

REG-O3	Managing adverse effects of renewable electricity generation
Renewable electricity generation activities are developed in a <u>safe, efficient and effective</u> way that while appropriately manag <u>ing</u> es adverse effects on the environment.	

REG-O4	Adverse effects on renewable electricity generation activities
The efficient and effective operation, maintenance and upgrading of renewable electricity generation activities is not constrained or compromised by <u>protected from the adverse effects of new activities, including by avoiding</u> reverse sensitivity effects.	

I consider that my recommended amendments to REG-O1 to REG-O4 are the most appropriate way to achieve the purpose of the RMA, as demonstrated in the table below.

Evaluation of objectives	
Part 2 RMA	Comment
Section 5 Purpose	Enabling REG to be undertaken through REG-O1 and REG-O2 supports section 5(2)(a) to manage the use and development of natural resources (in this case, renewable energy resources such as wind and solar energy) to provide for the needs of people and communities in a way that meets the reasonably foreseeable needs of future generations (i.e. renewable electricity). REG-O3 and REG-O4 also seek to manage adverse effects of REG on the environment, as well as adverse effects of other activities on REG, which is consistent with section 5(2)(b) and (c) to safeguard the life-supporting capacity of the environment and avoid, remedy or mitigate adverse effects of activities on the environment.
Section 6 Matters of national importance	The combination of enabling and environmentally focused REG objectives, combined with the direction in both the NPS-REG and the Overview text to read the REG objectives alongside other chapters in Part 2 – District-wide matters of the PDP that seek to protect values and environments provided for under section 6 of the RMA, ensures that matters of national importance in section 6 are recognised and provided for. REG activities have the potential to impact section 6 matters such as the coastal environment (section 6(a)), outstanding natural features and landscapes (section 6(b)) and Māori values (section 6(e)) and may have an operational need or functional need to be in these environments and locations. However, the Part 2 – District-wide matters Chapters of the PDP managing these matters will continue to apply to REG activities, as directed by Policy F.2 of the NPS-REG.
Section 7 Other matters	The objectives in the REG Chapter are consistent with the following section 7 matters: <ul style="list-style-type: none"> • Section 7(b) to have particular regard to the efficient use and development of natural resources • Section 7(f) to have particular regard to the maintenance and enhancement of the quality of the environment

Evaluation of objectives	
Part 2 RMA	Comment
	<ul style="list-style-type: none"> Section 7(j) to have regard to the benefits to be derived from the use and development of renewable energy. <p>The REG objectives have appropriate regard for, and are consistent with, sections 7(b), (f) and (j) as they seek to enable REG activities in a manner that supports the efficient use natural resources such as wind and solar energy for electricity generation (REG-O1 and REG-O2), while managing adverse effects of REG on the environment (REG-O3). REG-O1 is directly relevant to section 7(j) as it seeks to ensure the benefits of increasing REG at all scales are recognised and provided for in the Kaipara District.</p> <p>A focus on enabling REG is also aligned with section 7(g) to have regard to finite characteristics of natural and physical resources and section 7(i) to have particular regard to the effects of climate change. Enabling REG and recognising the benefits through REG-O1 and REG-O2 inherently supports a reduced reliance on fossil fuel generated electricity (being a finite resource) and subsequent reduction in greenhouse gases contributing to climate change.</p>
Section 8 Treaty of Waitangi	The REG objectives do not raise any issues with the principles of the Treaty of Waitangi.

Identification of Options to Achieve the Objectives

The following reasonably practicable options have been identified to achieve the REG objectives:

- **Option 1** – Retain REG chapter policies and rules as notified
- **Option 2** – Amend REG chapter policies, rules and associated definitions as set out in Appendix B and Appendix C to ensure these are better aligned with the amended NPS-REG where practicable, appropriate and within scope of submissions

Preferred option

Retaining the REG chapter policies and rules as notified in the PDP is a valid potential option as most of these provisions are either fully or partially aligned with the amended NPS-REG and there is no requirement in the NPS-REG for a territorial authorities to change their plans to give effect to the amendments which came into force in January 2026. This also recognises that the NPS-REG amendments were being consulted on when submissions on the PDP closed, meaning submitters did not know exactly when and what amendments would come into force at the time they made their submissions. However, there is clear scope in submissions to improve the alignment of the REG

Chapter with the amended NPS-REG, and it is practicable to do this through the PDP (noting the general obligation in section 55(2D)(a) to give effect to NPD “as soon as practicable”). Accordingly, Option 1 is not the preferred option.

Option 2 includes amendments to eight out of 10 REG policies, eight out of 10 REG rules and five definitions to better align with the amended NPS-REG. These amendments are primarily “finetuning” the provisions to improve alignment and workability without any change to the underlying policy intent. In my view, these amendments are appropriate and will achieve an appropriate balance between enabling REG activities and providing them with a more supportive consenting pathway, while also ensuring that any actual or potential adverse environmental effects are appropriately considered and managed as appropriate. Although there are numerous amendments to provisions, in my view these are consistent with the intent of the REG provisions as notified with improved alignment with the amended NPS-REG where practicable and within scope of submissions.

Overall, Option 2 is the preferred option and will best achieve the REG objectives.

Evaluation of Preferred Option Against Objectives

This section contains an evaluation of the preferred option identified above, with the evaluation focusing on the package of recommended amendments to the REG policies and rules as a whole, with some commentary on specific recommendations where appropriate. It should be noted that the costs and benefits of the preferred option are largely the same as those identified in the original section 32 evaluation for the REG Chapter² as notified, given that outcomes being sought are generally the same. This section 32AA evaluation does not repeat the assessment of benefits and costs in the original section 32 evaluation. Rather, the table below focuses on the costs and benefits that, in my view are improved or reduced as a result of my recommended amendments.

Evaluation of Preferred Option Against Objective(s)		
	Costs	Benefits
Environmental	New direction in REG-PX to prevent assessment of alternative sites as part of demonstrating a functional or operational need may limit consideration of alternative sites that are more appropriate from an environmental perspective.	The recommendations include a package of amendments to achieve environmental benefits when considering REG applications. These include improved recognition of the environment in REG-P1.3, directing that adverse effects are “avoided, remedied or mitigated where practicable” in REG-P4(2) and for measures to “avoid, remedy or mitigate

²

www.kaipara.govt.nz/uploads/District%20Plan%20Review/PDP%20Chapter%2032%20reports/Renewable%20Electricity%20Generation%20s32%20FINAL.pdf

		adverse effects” ³ in REG-P4(3), introducing consideration of measures or compensation that benefit the local environment in REG-P4.4 and referring to <u>‘effects on indigenous fauna and ecosystems’</u> in the matters of discretion for REG-R1, REG-R3, REG-R4 and REG-R5. Collectively these amendments assist decision-makers in appropriately weighing up the benefits of REG activities against any potential or actual adverse environmental effects and allow for consideration of options to achieve local environmental benefits as part of applications.
Economic	Same economic costs as the notified REG provisions (refer to evaluation in original section 32 evaluation report for REG Chapter).	A more certain and enabling policy and rule framework for REG activities that is more closely aligned with the amended NPS-REG will result in a more efficient and certain consenting environment, lowering costs for REG projects compared to the policy and rule framework as notified.
Social	Same social costs as notified REG provisions (refer to evaluation in original section 32 evaluation report for REG Chapter).	Same social benefits as notified REG provisions (refer to evaluation in original section 32 evaluation report for REG Chapter).
Cultural	Potential opportunity cost associated with not including specific provisions to give effect to Policy E of the NPS-REG, which specifically recognises and provides for Māori interests. However, there is no clear scope in submissions to introduce completely new policy direction into the REG Chapter at this stage in the process and there no submissions explicitly	Same cultural benefits as notified REG provisions (refer to evaluation in original section 32 evaluation report for REG Chapter).

³ Noting that this policy is to be read alongside the other provisions in Part 2- District-wide matters in the PDP that relate to the protection of values and environments provided for in section 6 of the RMA where relevant.

	asking for better recognition of Māori interests in relation to the REG Chapter. Further, I note that the amended NPS-REG must be had regard to as relevant when considering resource consent applications under section 104(1)(b)(iii) of the RMA in addition to the provisions in the REG Chapter, ensuring there is no “gap” in the policy framework for REG activities in relation to Māori interests.	
Economic growth provided or reduced	No potential impact on economic growth identified	
Employment opportunities	No potential employment opportunities identified	
Uncertain or insufficient info	The NPS-REG amendments have recently come into effect, and the general intent is likely to form part of the national direction under future legislation intended to replace the RMA. Accordingly, there is a high degree of certainty and sufficient information on the higher order provisions that need to be given effect to through the REG Chapter.	
Risk of acting or not acting	Not applicable – there is sufficient certainty and information to act through the recommended amendments to give effect to the amended NPS-REG.	
Effectiveness		
<p>The proposed amendments will be more effective in striking an appropriate balance between enabling REG activities and protecting the environment when compared to the notified REG chapter. The revised policy and rule wording (and associated definitions) is clearer with respect to intent and implementation, which will:</p> <ul style="list-style-type: none"> • Assist decision-makers to assess and manage the effects of proposed REG activities in the future; • Reduce consenting barriers for REG projects (e.g. by avoiding the need to undertake detailed assessment of alternative locations); and • Support the overarching objectives of the amended NPS-REG to enable REG capacity and output to significantly increase while supporting the social, economic and cultural wellbeing of people and communities, and their health and safety. 		

Efficiency

The proposed amendments will be more efficient than the REG policies and rules as notified as:

- The improved alignment between the amended NPS-REG and the REG chapter will reduce the potential for confusion and conflict between national direction and the PDP, which assists with efficient interpretation and implementation.
- There will be reduced costs and uncertainty for REG applicants associated with potential requests for alternative site assessments and clear direction to recognise and provide for the operational need and functional need of REG activities to be in particular locations and environments.

Summary

For the reasons set out above, Option 2 is the most efficient and effective option for ensuring the REG chapter aligns with the amended NPS-REG as far as practicable through this Schedule 1 process and achieves the objectives in the REG Chapter. As such, Option 2 is the most appropriate option to achieve the objectives in accordance with section 32AA of the RMA.