

BEFORE THE HEARING PANEL

Under **The Resource Management Act 1991**

And

In the matter of **The Proposed Kaipara District Plan, Renewable
Electricity Generation chapter**

By **Kaipara District Council**

**Evidence of Ronan Matthew Whitelock (Planning)
on behalf of the Director-General of Conservation / Tumuaki Ahurei
Submitter Number: 304
Dated 03 March 2026**

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Introduction

1. My full name is Ronan Matthew Whitelock.
2. I have been asked by the Director-General of Conservation (DGC) to provide planning evidence on the proposed Kaipara District Plan Renewable Electricity Generation Chapter (the Proposed Plan).

Qualifications and experience

3. I am employed by the Department of Conservation (“DOC”) as a Resource Management Planner. I have worked for DOC since March 2025. Before that I worked as a planning consultant at Terra Consultants for 2.5 years.
4. My experience as a planning consultant included preparing and lodging resource consent applications with district and regional councils. I also provided planning advice to clients, including guidance on proposed plan changes and interpretation of district, regional and national planning documents.
5. My experience at DOC includes interpreting plans and policy statements, assessing limited and publicly notified consent applications, and preparing submissions on notified resource consent applications and district plans. I have also assessed and provided comments on referral and substantive applications under the Fast Track Approvals Act 2025 and the COVID-19 Recovery (Fast-track Consenting) Act 2020, including for renewable electricity generation proposals¹. In addition, I presented expert planning evidence for the Ecosystems and Indigenous Biodiversity Chapter of the Napier City Proposed District Plan.
6. I hold a Bachelor of Environmental Planning, specified programme in Environmental Planning stream in Society and the Environment from the University of Waikato.
7. I am an intermediate member of the New Zealand Planning Institute.

¹ NBEA0003 - Annie’s Way Solar Farm, FTAA-2507-1807 - Ashbourne

Code of Conduct

8. While this is a council hearing, I confirm that I have read the code of conduct for expert witnesses as contained in clause 9 of the Environment Court's Practice Note 2023 (the Code). I have complied with the Code when preparing my written statement of evidence.
9. For the avoidance of doubt, in providing this evidence as an expert witness in accordance with the Code, I acknowledge that I have an overriding duty to impartially assist the Panel on matters within my area of expertise. The views expressed are my own expert views, and I do not speak on the DGC's behalf.
10. The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow. This includes, where relevant:
 - a. why other alternative interpretations of data are not supported;
 - b. any qualification if my evidence may be incomplete or inaccurate without such qualification;
 - c. any knowledge gaps and the potential implication of the knowledge gap;
 - d. if my opinion is not firm or concluded because of insufficient research or date or for any other reason;
 - e. an assessment of the level of confidence and the likelihood of any outcomes specified in my conclusion.
11. Unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

12. I have been asked to provide evidence in relation to the DGC's submission (submitter reference no. 304) and further submission (further submitter

reference no: FS45) on the Renewable Electricity Generation (REG) Chapter of the proposed Kaipara District Plan.

13. The DGC's submission covered a range of matters. I have focussed my evidence on matters which I disagree with in the s42A report. Unless addressed in this evidence, I agree with the recommendations made in the s42A report.
14. My evidence addressed the following issues:
 - a. Objective drafting of Objective REG-O-3 – Managing adverse effects of renewable electricity generation
 - b. Policy drafting of Policy REG-P4 – Managing adverse effects of renewable electricity generation activities
 - c. The matters of control in relation to Rule REG-R7 – Community scale renewable electricity generation activities
 - d. The activity status assigned to Rule REG-R8 – Large scale renewable electricity generation activities.
 - e. Matters of discretion to be assigned across Rules REG-R1, R3, R4, R5, & R6
 - f. The thresholds assigned to Rule REG-R9 – Upgrading or repowering existing renewable electricity generation activities
15. To assist the Panel, I have provided two appendices:
 - Appendix 1 – Recommended amendments to provisions
 - Appendix 2 – Section 32AA evaluation of my recommended amendments

Material Considered

16. In preparing my evidence I have read and relied on the following documents:
 - a. Proposed Kaipara District Plan (PDP) Renewable Electricity Generation Chapter,

- b. The Proposed Kaipara District Plan s32 Report – Renewable Electricity Generation,
- c. The National Policy Statement for Renewable Electricity Generation 2011, Amended December 2025 (NPS-REG),
- d. The DGC’s submission dated 30 June 2025,
- e. The DGC’s further submission dated 15 December 2025, and
- f. The s42A Report – Renewable Electricity Generation.

Executive Summary

- 17. I consider the approach taken in the s42A Report to give effect to the amended NPS-REG to be appropriate given the statutory planning framework, currently in force. However, I consider there are some provisions within the chapter that require amending to ensure that objectives and policies are clear and directive, and that rules provide appropriate and robust decision-making pathways so that effects on indigenous biodiversity can be considered across all aspects of a large-scale renewable electricity generation activity. Further, that the upgrades and repowering of existing activities are subject to appropriate permitted activity conditions.
- 18. It is important to note that my views generally align with the amendments made in the s42A Report. However, my recommendations seek to ensure the chapter gives effect to the amended NPS-REG, whilst also recognising and providing for the matters in section 6 of the RMA, and to ensure Council’s s31(1)(b)(iii) RMA function is implemented consistently.
- 19. I consider that a Discretionary Activity status for Rule REG-R8 is the most appropriate given the effects associated with large-scale REG activities. However, if the Panel finds it most appropriate for the activity status to be a Restricted Discretionary Activity, I consider the matters of discretion need to be broadened to provide consideration for any effects on indigenous flora values.

Statutory Considerations

20. The section 32 report identifies the overall context for this topic, including:
 - a. The purpose and principles of the Resource Management Act 1991, in particular section 6 (matters of national importance), 7 (other matters) & 8 (Treaty of Waitangi).
 - b. The requirements of s75 of the RMA for district plans to give effect to any National Policy Statement. Notably, the NPS-REG.
 - c. Additionally, to give effect to any Regional Policy Statement, in this context, the Northland Regional Policy Statement 2016 (the RPS).
21. The s42A report provides context to the recent changes of the NPS-REG which were gazetted on 15 January 2026 and how it should be implemented within the PDP:
 20. The amended NPS-REG does not specify a timeframe for it to be given effect to, but there is a general obligation in section 55(2D) of the RMA to give effect to NPSs "as soon as practicable". In my view, it is practicable to give effect to the amended NPS-REG through the PDP process as many of the provisions are generally aligned. This means that many of amendments required to the REG Chapter are primarily refining the existing provisions rather than making significant amendments to the scope and content of the notified REG Chapter.
22. Additionally, the s42A report notes other higher order documents relevant to this chapter, which includes:
 - a. The National Policy Statement for Highly Productive Land 2022 (NPS-HPL)
 - b. The National Policy Statement for Indigenous Biodiversity (NPS-IB)
 - c. The RPS
 - d. Iwi Management Plans:
 - Te Uri o Hau Kaitiakitanga o te Taiao
 - Patuharakeke Hapu Environmental Management Plan 2014
 - Nga Ture Mo Te Taiao O Te Roroa
23. I concur with the statutory documents considered within the Council's s32 and s42A reports.

24. Notwithstanding this, I note that neither the s32 report nor the s42A report lists the New Zealand Coastal Policy Statement 2010 (As amended in 2025) (NZCPS) or the National Policy Statement for Freshwater Management 2020 (Amended December 2025) (NPS-FM) as relevant policy documents. While this chapter aims to give effect to the amended NPS-REG, when section 6 values are affected by REG activities, the provisions of this chapter will need to be read alongside other provisions of the Plan, including those that give effect to the NZCPS and NPS-FM. As such, I consider the NZCPS and NPS-FM are relevant to this chapter.

Council's Functions:

25. Under s31(1)(b)(iii) of the RMA council is required to ensure that indigenous biological diversity is maintained at a district level. Which, to put it simply, means that across each district, any indigenous biodiversity losses must be at least made up for with indigenous biodiversity gains.
26. Typically, this function is achieved through the provisions of the NPS-IB. However, clause 1.3 of the NPS-IB confirms that nothing within the NPS-IB applies to the development, operation, maintenance, or upgrade of renewable electricity generation assets and activities as well as electricity network assets and activities. Nevertheless, this exemption does not affect obligations of Council under sections 6(c) and s31(1)(b)(iii) of the RMA in relation to indigenous biodiversity. Nor does it alter the requirement to 'give effect' to the other relevant documents under section 75(3) of the RMA. This is also the conclusion reached in the s42A report².

Objective REG-O3 – Managing adverse effects of renewable electricity generation

27. The DGC's submission on this objective [304.40] sought changes to ensure the management of effects involves avoiding, remedying or mitigating adverse effects. In response, the s42A officer notes that Objective 1(f) and Policy F in the amended NPS-REG establish a broad

² Section 42A Report – Renewable Electricity Generation, 17 February 2026, page 11, para[22(b)]
Whitelock Evidence, 03/03/2026, Proposed Kaipara District Plan, Renewable Electricity Generation Chapter

framework for considering and managing the adverse effects of REG activities, which goes beyond avoiding, remedying or mitigating adverse effects³.

28. While I concur with the s42A officer regarding the need to give effect to the amended NPS-REG, I consider that amendments are required to provide clear direction on what ‘managing effects’ means and how this is to be implemented by Policy REG-P4. In my opinion, clause (2) of Policy F in the amended NPS-REG provides clear direction - *“the adverse effects of REG assets and activities **must**, [my emphasis] where practicable, be avoided, remedied, or mitigated”* – as it requires adverse effects to be avoided, remedied, or mitigated where practicable through the use of the word “must”.
29. I propose the following drafting changes to Objective REG-O4 (green text) for the Panel’s consideration:

REG-O3 Managing Adverse effects of renewable electricity generation

Renewable electricity generation activities are developed in a safe, efficient and effective way ~~that~~ while ensuring that the adverse effects on the environment are avoided, remedied or mitigated appropriately managinges adverse effects on the environment.⁶

Policy REG-P4 – Managing adverse effects of renewable electricity generation activities

30. I note that at the time of submission, drafting the changes to the NPS-REG had not been gazetted. However, the s42A reporting officer recommends implementing Policy F of the amended NPS-REG in Policy REG-P4. Importantly, the s42A officer notes that the key directions in Policy F of the amended NPS-REG are⁴:

³ Section 42A Report – Renewable Electricity Generation, 17 February 2026, page 11, para[111]

⁴ Section 42A Report – Renewable Electricity Generation, 17 February 2026, page 40, para [142]

- a. REG activities must be enabled in all locations and environments.
 - b. Where REG activities impact environments and values provided for in section 6 the RMA, (such as outstanding natural landscapes and features), Policy F must be read alongside other national, regional and district plan provisions for those environments and values (e.g. the provisions relating to outstanding natural landscapes and features in the Natural Features and Landscape Chapter of the PDP).
 - c. Outside those environments and values provided for in section 6 of the RMA, adverse effects should be "*avoided, remedied, or mitigated where practicable*".
 - d. Particular regard should be had to adaptive management measures.
 - e. When considering any residual adverse effects of REG assets and activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation.
31. With regard to clause (2) of Policy F of the amended NPS-REG, the s42A officer considers it unnecessary for that clause to be repeated within Policy REG-P4, as the overview clarifies that the provisions in Part 2 – District Wide Matters of the plan apply. While I support the changes to the overview, I consider NPS-REG Policy F will be clearly implemented if it is reflected in the applicable REG chapter policy. In my opinion, the best way to give effect to Policy F of the amended NPS-REG is to implement it in full within Policy REG-P4. This will ensure that where REG activities are to be located within, or are likely to have adverse effects on environments and values provided in section 6 of the RMA, that the REG chapter provisions will be read alongside other plan provisions in the usual way.
32. I propose the following drafting (**green text**) of Policy REG-P4 for the Panel's consideration:

REG-P4 Managing adverse effects of renewable electricity generation activities

Manage the adverse effects of renewable electricity generation activities by:

1. Recognising ~~the need to enable that there will be unavoidable adverse effects on the environment from~~ renewable electricity generation activities in all locations and environments;
2. Where renewable electricity generation activities are proposed in or are likely to have adverse effects on environments and values provided for in section 6 of the Act, the provisions of this policy must be read alongside other relevant provisions;
3. ~~Ensuring that the adverse effects are avoided, remedied or mitigated where practicable;~~
4. Implementing effective ~~mitigation~~ measures to avoid, remedy or mitigate adverse effects, which may include:
 - a. *Appropriate location and design;*

- b. Screening and setbacks from sensitive activities;
- c. Adaptive management measures;
- d. Rehabilitation of the site at the end of its operational life; and

Having regard to any proposed offsetting or compensation measures for any residual¹⁸ adverse effects that cannot practicably be avoided, remedied or mitigated, including measures or compensation that benefit the local environment and community affected.

Rule REG-R7 – Community scale renewable electricity generation activities

33. I note that within the s42A officers recommended changes to Rule REG-R7, there are no matters of control included⁵. However, in the notified version of the rule, matters of control were provided. Whether this omission was a drafting error, or otherwise, I recommend the matters of control from the notified version are reinstated in this version of the rule. The s42A officer also recommends inclusion of a matter of control managing effects on indigenous biodiversity. For consistency, I recommend the following wording (green text):

REG-R7	Community scale renewable electricity generation activities
General rural zone, Light industrial zone, Heavy industrial zone, Māori purpose zone	X. Matters over which control is reserved
	<ul style="list-style-type: none"> a. The location, scale and intensity of the activity; b. Shadow flicker and glare; c. Noise and vibration effects; d. The extent to which any adverse effects are mitigated by design and siting, colour, size of the proposal; and e. Any screening or visual mitigation provided by landscaping. f. <u>Any effects on ecosystems and indigenous biodiversity</u>

Rule REG-R8 - Large scale renewable electricity generation activities

34. As notified, the rule was provided for as a discretionary activity. In their submissions, Northpower [283.65] and Mercury [316.16] sought that the activity status of this rule becomes a restricted discretionary activity (RDA)

⁵Appendix B: Officer's recommended amendments to the REG – Renewable Electricity Generation Chapter, 17 February 2026.

as the effects associated with large-scale REG activities are well understood and can be encapsulated within matters of discretion. This has been accepted by the s42A officer⁶.

35. I do not oppose the RDA status proposed by the s42A officer but in my opinion, I consider a discretionary activity status is more appropriate for Rule REG-R8. I do not consider that the effects associated with all largescale REG activities are always well understood, and their effects are often site specific and vary in scale. In my opinion, large-scale REG activities require robust decision-making. As such, a restricted discretionary activity status would require more comprehensive and targeted matters of discretion.
36. For example, there is uncertainty in the application of district-wide consent triggers such as, but not limited to, earthworks or the location of activities within overlays, in relation to the matter of discretion "*location, scale and intensity of the activity*"⁷. As such, the precautionary option would be to make the rule discretionary to ensure that all effects associated with a large-scale activity can be considered.
37. To assist the Panel, I consider there are two appropriate consenting pathways for these activities. Option 1, retaining discretionary activity as notified (my preference), and Option 2 restricted discretionary activity with stronger matters of discretion.

Option 1 – Retaining a Discretionary activity status as notified

38. I consider that large scale renewable electricity generation activities require robust decision-making processes, and that a discretionary activity status provides the appropriate platform for this. Under s104B of the RMA, the determination of a discretionary activity is not limited to specific matters of discretion. Instead, it provides a broader framework for assessment purposes, as well as for the imposition of consent conditions to manage the effects associated with an activity. In my view, limiting assessment and consent conditions to a list of matters of discretion under s104C of the

⁶ Section 42A Report – Renewable Electricity Generation, 17 February, page 59, para[215]

⁷ Rule REG-R8(2)(a)

RMA, where the matters of discretion are not clear and directive means that those potential adverse effects that may not be well understood will not necessarily be captured within the decision-making process. In my view, a discretionary activity is required when:

- The nature and type of activity require an assessment of all the effects of the activity; or
- The adverse effects of the activity are unknown or uncertain.

39. Rule drafting to this effect is set out below:

REG-R8 Large Scale renewable electricity generation activities

All
Zones

1. Activity status:
~~Restricted~~ Discretionary

2. Activity status when compliance not achieved: Non-Complying

Where:

- Compliance is achieved with NZS 6808:2010 Acoustics - Wind farm noise for any proposal involving wind generation.

Option 2 – Restricted Discretionary activity with strong matters of discretion

40. Conversely, if the Panel finds it most effective and efficient for Rule REG-R8 to be a restricted discretionary activity, I consider that the drafting of the matter of discretion - currently providing for consideration of “*any effects on indigenous fauna and ecosystems*” - needs to be broadened to provide for any effects on indigenous biodiversity generally. For example, under a strict reading of the proposed matter of discretion for indigenous fauna and ecosystems, indigenous flora could be excluded. Hence, the DGC’s submission recommended the wording “*any adverse effects on ecosystems and indigenous biodiversity*”. Further, I note the PDP includes a definition of indigenous biodiversity:

“means the living organisms that occur naturally in New Zealand, and the ecological complexes which they part, including all forms of indigenous flora, fauna, fungi and their habitats”.

41. Additionally, the RPS defines ecosystems:

“Refers to an integrated system composed of a biotic (living) community (including humans), its abiotic (non-living) environment, and their dynamic interactions (ecological processes)”⁸

42. On this basis, I propose a change of wording to this matter of discretion which reflects the definition of ecosystems and indigenous biodiversity provided in the PDP and the RPS.

43. My amendment (green text) is set out below:

REG-R8	Large Scale renewable electricity generation activities	
All Zones	1. Activity status: <u>Restricted</u> Discretionary	2 3. Activity status when compliance not achieved: Non-Complying
	Where:	
	a. Compliance is achieved with NZS 6808:2010 Acoustics - Wind farm noise for any proposal involving wind generation.	
	<u>2. Matters over which discretion is restricted:</u>	
	a. <u>The location, scale and intensity of the activity;</u>	
	b. <u>Shadow flicker and glare;</u>	
	c. <u>Visual and landscape effects;</u>	
	d. <u>Noise and vibration effects;</u>	
	e. <u>Any effects on indigenous fauna and ecosystems; ecosystems and indigenous biodiversity;</u>	
	f. <u>Functional need or operational need to be in the location;</u>	
	g. <u>The benefits associated with the activity;</u>	
	h. <u>Proposed measures to mitigate adverse effects, including siting, design, colour, finish, or landscaping; and</u>	
	i. <u>Proposed rehabilitation of the site at the end of the operational life of the activity.</u>	

Matters of discretion for Rules REG-R1, R3, R4, R5, & R6

⁸ Regional Policy Statement for Northland, May 2016, Page 148

44. As stated above in para [42], where I provide recommended amendments to a matter of discretion managing effects on indigenous biodiversity⁹. For completeness and consistency across the chapter, I recommend that this clause is amended in Rules REG-R1, R3, R4, R5, & R6 to ensure any effects on flora are considered, assessed, and managed. In addition, I recommend this clause be provided as a matter of control in REG-R7 (2. f). Wording to that effect has been provided below.

~~X. Any effects indigenous fauna and ecosystems on ecosystems and indigenous biodiversity.~~

Rule REG-R9 – Upgrading or repowering existing renewable electricity generation activities

45. The DGC’s submission sought various changes to this rule, including that upgrading and repowering occur within the same site as existing renewable electricity generation activities; within the General Rural Zone; and outside overlay areas. Additional matters of discretion were also sought to ensure any adverse effects on ecosystems, indigenous biodiversity and sensitive values in overlay areas are considered when resource consent is required [304.50].
46. The s42A officer identifies no need for additional controls or considerations on the location of existing REG activities, as they are already constrained to their existing site, which is consistent with the direction of Policy H(1)(c) of the amended NPS-REG¹⁰.
47. I agree with the s42A officer’s recommendation that no additional controls are needed regarding the location of upgrading or repowering existing REG activities. Despite this, I am concerned with the permissive nature of clause (b) of the rule, which allows an existing building or structure to be expanded by up to 10% in height and up to a 25% increase in footprint, without any threshold managing how many times an existing REG activity

⁹ Ibid at [42]

¹⁰ Section 42A Report – Renewable Electricity Generation, 17 February 2026, page 62, para[227]

can upgrade or repower. For example, the definition of structure under the PDP includes “any building, equipment, device, or other facility made by people which is fixed to land”, which includes solar panels, noting solar panels are not explicitly defined in the PDP. This means as a permitted activity, existing solar panels can expand by 10% in height and 25% in footprint without the need for consent. I consider this creates a gap in assessing and controlling potential adverse cumulative effects from the expansion of existing structures or buildings. I note that Policy H of the NPS-REG directs the approach these activities, particularly Policy H(1)(b):

*“Take in account the extent to which the effects of the proposed REG assets and activities are different in **scale**, intensity duration and frequency [emphasis on scale] from the effects of existing REG assets and activities.”*

48. On this basis, I consider that a limit needs to apply to manage the frequency in which these existing structures and buildings can expand in scale to manage the potential adverse cumulative effects. To address this, I propose that, within a 10-year period (the life of the plan), existing structures and buildings do not exceed these standards. I consider a 10-year period limit appropriate for permitted activities, as it still enables existing REG structures and buildings to expand and increase renewable electricity generation capacity. Activities seeking to expand beyond the permitted thresholds would require resource consent, with their effects assessed accordingly. Amendments to that effect are provided below (green text):

REG-R9	Upgrading and repowering existing renewable electricity generation activities	
All Zones	1. Activity status: Permitted Where: <ol style="list-style-type: none"> a. The upgrade or repowering is located within the same site as the existing renewable electricity activity; b. Any replacement structure or building 	2. Activity status when compliance not achieved: Restricted Discretionary 3. Matters over which discretion is restricted: <ol style="list-style-type: none"> a. Any adverse environmental effects from the upgrade or repowering that are

does not, within a 10-year period, exceed:

- i. Height of existing structures and buildings by more than 10%;
- ii. Footprint of existing structures and buildings by more than 25%; and
- iii. For wind farms, compliance is achieved with NZS 6808:2010 Acoustics - Wind farm noise.

- in addition to the existing renewable electricity generation activity;*
- b. *Proposed measures to mitigate adverse effects, including siting, design, colour, finish, or landscaping; and*
 - c. *The benefits of maintaining or increasing generation output from an existing renewable electricity generation site.*

Conclusion

49. Overall, the recommended amendments that I have provided to the REG Chapter will better ensure the plan gives full effect to the amended NPS-REG while remaining consistent with Part 2 of the RMA. In particular, the proposed changes will strengthen clarity and direction in the objectives, policies and rules so that adverse effects of renewable electricity generation activities are appropriately identified, assessed, and managed. This is especially important to ensure that effects on indigenous biodiversity are consistently assessed across all components of large-scale renewable electricity generation proposals.
50. My opinion generally aligns with the approach taken in the s42A report. However, the additional amendments in this evidence are necessary to remove ambiguity, and ensure the plan clearly recognises and provides for section 6 of the RMA and implements Council's obligations under section 31(1)(b)(iii) of the RMA. In my view, clear and directive policy guidance – rather than reliance on the chapter overview – is essential to provide robust and legally certain decision-making pathways.
51. With respect to Rule REG-R8, I maintain that retaining discretionary activity status is the most appropriate consenting pathway for large scale REG activities.

52. Finally, the recommended amendments to Rules REG-R7 and REG-R9 will improve plan effectiveness by restoring necessary matters of control and by introducing appropriate thresholds to manage cumulative effects from upgrading and repowering activities.



Ronan Matthew Whitelock

DATED this 03 day of March 2026

Appendix A – Recommended amendments to provisions

Appendix B – Section 32AA evaluation of recommended amendments