

BEFORE THE HEARINGS PANEL

UNDER THE

Resource Management Act 1991

IN THE MATTER OF

the Proposed Kaipara District Plan

**STATEMENT OF EVIDENCE OF DAVID ERIC BADHAM ON BEHALF
OF NORTHPOWER LIMITED AND NORTHPOWER FIBRE LIMITED**

HEARING STREAM 9 (RENEWABLE ELECTRICITY GENERATION)

Planning

3 March 2026

1 EVIDENCE SUMMARY

- 1.1 This evidence has been prepared on behalf of Northpower Limited and Northpower Fibre Limited (**Northpower**) on Kaipara District Council's (**KDC**) Proposed Kaipara District Plan (**PDP**), and in particular the Renewable Electricity Generation Chapter (**REG**).
- 1.2 As outlined in the expert evidence of Andrea Greenhalgh, renewable electricity generation is of direct operational and strategic importance to Northpower. As an electricity distribution network operator in Northland, Northpower seeks a planning framework within the PDP that appropriately enables the investigation, development, operation, maintenance, repair, upgrading and repowering of renewable electricity generation activities.
- 1.3 Since notification of the PDP, significant amendments to national direction have come into force, including amendments to the National Policy Statement for Renewable Electricity Generation (**NPS-REG**), as well as the introduction of the National Policy Statement for Infrastructure and amendments to the National Policy Statement for Electricity Networks and associated National Environmental Standards. These instruments strengthen and clarify the directive requirement to enable renewable electricity generation activities in all locations and environments, while appropriately managing adverse effects.
- 1.4 I support many of the amendments recommended in the Section 42A Report, particularly those that better align the REG Chapter with amended national direction. However, several key matters remain outstanding:
 - (a) **Policy REG-P2** should expressly refer to "repair" to ensure clarity and consistency with Rule REG-R2 and to reduce regulatory uncertainty.
 - (b) **Rule REG-R7 (Community Scale renewable electricity generation activities)** should adopt a tiered framework, enabling permitted activity status in appropriate zones while retaining restricted discretionary status for other zones.

(c) **Rule REG-R8 (Large Scale renewable electricity generation activities)** should remove the non-complying activity status for non-compliance with NZS 6808:2010.

(d) **Rule REG-R9 (Upgrading and Repowering)** should not impose an arbitrary 10% height cap as it relates to solar renewable electricity generation activities, as this may unnecessarily constrain technological upgrades contrary to Policy H of the amended NPS-REG.

1.5 In my opinion, the amendments proposed in my evidence better give effect to higher order national direction, promote the efficient use and development of renewable energy resources, and provide a proportionate and effects-based regulatory framework that supports both environmental protection and infrastructure resilience within the Kaipara District.

2 INTRODUCTION

2.1 My full name is David Eric Badham. I am a Partner and Northland Manager of Barker and Associates, a planning and urban design consultancy with offices across New Zealand. I am based in the Whangārei office, but undertake planning work throughout the country, although primarily in Te Tai Tokerau / Northland.

Qualifications and experience

2.2 I have a Bachelor of Planning with Honours (1st Class) from the University of Auckland (2010). I have been a Full Member of the New Zealand Planning Institute since April 2015.

2.3 I have over 16 years' experience in planning. During this time, I have been employed in various resource management positions in local government and private companies within New Zealand and Australia including experience in:

(a) Resource consent planning in the Northland and Auckland regions, including an extensive range of work in the Whangarei, Kaipara and Far North districts.

- (b) Consideration of submissions and formulation of policy advice for Whangārei District Council, Kaipara District Council, Far North District Council and private clients (including Northpower within the Whangarei and Kaipara districts, and Top Energy within the Far North district).
 - (c) Providing planning advice, and engaging in consultation with and on behalf of iwi organisations and being involved in the preparation of cultural impact assessments.
 - (d) Monitoring and compliance of consent conditions in operational mining environments in Queensland, Australia.
 - (e) Preparing expert evidence in the Environment Court for cases relating to kauri dieback provisions in the Whangārei District Plan, for private Plan Change 78 – Mangawhai Central to the Kaipara District Plan and most recently for a resource consent for a private client in Mangawhai.
- 2.4 I attach a copy of my CV in **Attachment 1** which provides further detail on my experience and expertise, particularly as it relates to infrastructure and renewable energy.

Purpose and scope of evidence

- 2.5 This evidence addresses submission (#283) and further submission (#FS82) by Northpower on the PDP.
- 2.6 My evidence will address the following topics:
- (a) My involvement with the PDP on behalf of Northpower (Section 3);
 - (b) New and amended national direction (Section 4);
 - (c) Supported recommendations of the s42A (Section 5);
 - (d) REG provisions (Section 6);
 - (e) Section 32AA evaluation (Section 7); and
 - (f) Concluding comments (Section 8).

Code of conduct

- 2.7 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this statement of evidence. My qualifications as an expert as set out above. 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 I express.
- 2.8 B&A staff have assisted KDC with the formulation of section 32 evaluations for a number of PDP topics prior to the notification of the PDP. In regard to this matter, I confirm the following:
- (a) B&A is an independent planning consultancy providing planning and resource management advice and services. B&A act on behalf of a number of private and public clients throughout the country.
 - (b) I was not involved in the preparation of the Renewable Energy provisions, the section 32 evaluation or any related advice or further work following notification of the PDP.
- 2.9 Noting the above, I have no conflict of interest to declare in regard to the preparation of this evidence, the hearing of this topic, or my future engagement in relation to this topic as part of the PDP review.

3 INVOLVEMENT WITH PDP ON BEHALF OF NORTHPOWER

- 3.1 I have been engaged by Northpower since mid-2022 to provide independent planning evidence on the PDP, including:
- (a) Assisting with preparing Northpower's written feedback on the exposure draft PDP, dated 16 September 2022;
 - (b) Assisting with preparing Northpower's original submission on the PDP, dated 30 June 2025;
 - (c) Assisting with preparing Northpower's further submission on the PDP, dated 15 December 2025; and

(d) Ongoing planning advice associated with the above throughout the PDP process.

3.2 I confirm that I have reviewed the REG s42A report and the statement of corporate evidence of Andrea Greenhalgh on behalf of Northpower.

4 NEW AND AMENDED NATIONAL DIRECTION

4.1 The Reporting Officer has included a section on the new RMA National Direction in the s42A.¹

4.2 In short, this direction came into force on 15 January 2026, and of direct relevance to the REG topic and hearing, are the amendments to the National Policy Statement for Renewable Electricity Generation (**NPS-REG**). I also highlight that there is a new National Policy Statement for Infrastructure (**NPS-I**) and an amended National Policy Statement for Electricity Networks (**NPS-EN**), and National Environmental Standards for Electricity Network Activities (**NES-EN**) which are particularly relevant to Northpower's submissions and interests in the PDP. In my opinion, these are positive amendments, that give far greater weight to the operational and functional needs of infrastructure that has generally been missing in the traditional planning framework under the RMA.

4.3 Northpower's original submission specifically addressed new and amended national direction and requested that necessary changes are made throughout the process to give effect to the new and amended national direction.²

4.4 Based on Northpower's and other submissions on the PDP and the wider obligation under Section 55(2D) of the RMA to give effect to the national direction "as soon as practicable", I agree with the Reporting Officer that it is most practicable to make changes to the PDP provisions now to give effect to the new and amended national direction.

4.5 Overall, I consider that the Reporting Officer has made a number of positive amendments to the REG provisions which improve their ability to give effect to the new and amended national direction, however,

¹ See Section 2.3.2 of the s42A.

² See Section 2.4.3 of Northpower's original submission dated 30 June 2025.

there remain a number of areas that I identify in Section 6 where I consider further refinement is required.

5 SUPPORTED RECOMMENDATIONS OF THE S42A REPORT

5.1 The Reporting Officer has recommended the acceptance of a number of Northpower's submission points, or has recommended amendments which are consistent with the relief sought by Northpower. For some of those, Northpower has confirmed that it is satisfied with the recommendations. I briefly outline these submission points in **Attachment 2** and do not address them further within my evidence.

5.2 The remainder of my evidence below focuses on the areas in contention where I have a different opinion to that of the Reporting Officer.

6 REG PROVISIONS

6.1 This section sets out the outstanding matters that I consider need to be resolved in response to Northpower's submissions on the REG Chapter of the PDP. Where I have recommended further amendments to the REG provisions, these are outlined in **Attachment 3** to this evidence.

Objective REG-O3

6.2 Northpower sought to amend REG-O3 to change the reference in the title for "renewable electricity generation" to "renewable electricity generation activities" to be consistent with the wording within the objective and Policy 5.4.1 of the Northland RPS.³

6.3 I acknowledge that Reporting Officer has recommended acceptance of this submission point within the s42A report and considers⁴:

I agree with Northpower's request to amend the objective titles to refer to "... renewable electricity generation activities..." as it is consistent with the wording used in the objectives and "renewable electricity generation activities" includes the full range of activities required for REG (e.g. investigation and conveyance of generated electricity to electricity networks) as per the definition in the amended NPS-REG.

³ Submission 283.45.

⁴ Section 42A Report for Renewable Electricity Generation, paragraph 104.

- 6.4 However, although consequential amendments have been made to REG-O1 and REG-O2 in line with the same relief sought by Northpower, no corresponding change has been made to the title of REG-O3 to reflect the acceptance of this submission point.
- 6.5 This appears to be a minor oversight. For consistency with all of the other objectives, and for clarity, I therefore consider that the title of REG-O3 should also be amended to reference “renewable electricity generation activities”.

Policy REG-P2

- 6.6 Northpower sought that this policy also enables the “repair” of renewable electricity generation activities, and that the effective and efficient development, operation, maintenance, repair and upgrading of renewable electricity generation activities should also be recognised.⁵
- 6.7 The Reporting Officer has rejected this submission point in response, recommending instead:

That REG-P2 is amended from “Provide for...” to “Enable...” as requested by Transpower as this is consistent with REG-O2 (including my recommended changes) and the title of REG-P2. It is also aligned with the general direction in the amended NPS-REG to enable REG activities, noting that the direction to manage adverse effects of those activities is provided for in REG-P5 (i.e. the direction to enable REG activities must be read alongside other relevant policies).

In terms of the request from Northpower to include “repair” in REG-P2, I note that the definition of REG activities does not explicitly include “repair”, but I consider this forms part of “maintenance” (i.e. to keep REG assets operational). Therefore, I consider that a reference to “repair” is unnecessary in REG-P2 (and REG-R2) although I agree with Northpower that the activity of “repair” should be captured within the broad definition and interpretation of “REG activities”.

- 6.8 I consider that the Reporting Officer’s recommended amendments are an improvement on the notified wording, particularly through replacing “provide for” with “enable” in relation to renewable electricity generation activities.
- 6.9 I acknowledge that the definition of ‘renewable electricity generation activities’ in the NPS-REG does not specifically include the term “repair”.

⁵ Submission 283.48.

- 6.10 However, I consider that expressly including “repair” within this policy provides greater clarity and certainty for renewable electricity generation operators. Repair activities are often urgent, unplanned, and essential to ensuring the continued safe and efficient operation of renewable electricity generation activities. In practice, repairs can extend beyond routine maintenance and may involve reinstating components following weather events, equipment failure, or unanticipated damage. Explicitly referencing “repair” in the policy therefore avoids ambiguity in interpretation, reduces consenting risk for operators (e.g., the risk of resource consent being needed as a discretionary activity under REG-R10 for any other renewable electricity generation activity not listed in this chapter), and supports the overall intent of enabling the reliable operation of renewable electricity generation activities within the district.
- 6.11 Notwithstanding the above, I note that the term “repair” already features in the REG provisions, most notably REG-R2 which permits the operation, maintenance and repair of existing renewable electricity generation activities. There is no clear planning justification for why the term “repair” would be accepted within this rule, but then not included within REG-P2.
- 6.12 In my opinion, for these reasons, the inclusion of “repair” in REG-P2 is a necessary and helpful amendment that will clarify the application of the REG provisions.

Rule REG-R7 – Community Scale Renewable Electricity Generation Activities

- 6.13 Northpower sought amendments to REG-R7 to provide for community scale renewable electricity generation activities as a permitted activity, as follows, including to enable them within all zones:⁶

1. Activity status: ~~controlled~~ permitted

Where:

- a. No structure or device, including any attachments or turbine blades, exceeds a maximum height above ground level of 30m;
- b. There are no more than three turbines on a site;

⁶ Submission 283.64.

- c. Any wind generating structure is setback at least three times the height of the structure (including supporting structures) from the boundary of any other site in different ownership or road;
- d. Any solar generating structure is setback at least 15m or three times the height of the structure (including supporting structures) from the boundary of any other site in different ownership or road (whichever is the greater);
- e. All devices and supporting structures attached to land, including solar panels, cover a total area of no more than:
 - i. 1 hectare per site where there is existing boundary vegetation that screens the development from view from the road and adjacent properties; or
 - ii. 0.5 hectare per site where the development will be visible from the road or adjacent properties; and
- f. Compliance is achieved with NZS 6808:2010 Acoustics – Wind farm noise for any proposal involving wind generation (refer General District Wide Matters – Noise).

~~2. Matters over which control is reserved:~~

- ~~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.~~**

6.14 The Reporting Officer has recommended the rejection of this submission, and the following in response:⁷

I do not support changing the activity status of REG-R7 to permitted when the conditions are complied with. In my view, a controlled activity status is still enabling for this scale of REG activity. It provides applicants with certainty that consent must be granted if standards are complied with, while allowing KDC to assess and manage site-specific effects that may arise. While I acknowledge that a permitted activity status is arguably more aligned with the enabling intent of the amended NPS_REG, this must be balanced against its direction to manage adverse effects within the amended NPS-REG and the need to retain an appropriate level of control to manage potential adverse effects. In my view, a controlled activity framework achieves this balance more effectively than a permitted activity rule framework for community-scale REG activities and is still “enabling” for this REG activity.

I do not recommend that REG-R7 is amended to apply across all zones for the same reasons outlined in my response to this same request from Northpower in relation to REG-R1, REG-R5 and REG-R6. More specifically, I consider that community-scale REG activities have a greater potential to generate adverse amenity effects in zones with higher density (e.g. General Residential) or more sensitivity (e.g. Natural Open Space) and the zones listed in

⁷ Section 42A Report for Renewable Electricity Generation, paragraphs 207-208.

REG-R7 cover a large portion of the Kaipara District where community-scale REG activities are more likely to be proposed.

6.15 I disagree with this approach for the following reasons:

- (a) The amended NPS-REG provides clear and strong national direction that renewable electricity generation assets and activities are to be enabled in all locations and environments. The NPS-REG explicitly recognises the functional and operational constraints inherent to renewable electricity generation activities and requires planning frameworks to respond to those constraints rather than impose additional barriers. In this context, I consider that the notified rule (classifying community scale renewable electricity generation activities as a controlled activity in only a limited number of zones) does not give full effect to that directive.
- (b) Policy C(1) of the NPS-REG requires decision-makers to “recognise and provide for” renewable electricity generation assets and activities that have an operational or functional need to be in particular locations and environments. Importantly, this policy also states that no additional site assessment is needed to demonstrate operational or functional need. The intent is clear, in that district plans must anticipate and provide for renewable electricity generation activities wherever they may feasibly occur, without layering unnecessary consenting hurdles.
- (c) Policy F strengthens this direction by requiring decision-makers to enable renewable electricity generation assets and activities in all locations and environments. It further directs that when considering any residual adverse effects of renewable electricity generation assets and activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation. I consider that this represents a deliberate shift toward an enabling effects-based framework that recognises the national significance of renewable electricity generation and the need for planning frameworks to facilitate, rather than constrain, its development across the country.

- (d) While a controlled activity must be granted, subject to conditions of consent in accordance with the matters of control, the unnecessary application of a resource consent requirement will still result in increased costs and delays for applicants, with no immediate apparent benefit.
- (e) Under the new planning regime outlined in the recent Planning Bill, controlled activities are being removed in favour of a new four-category system (permitted, restricted discretionary, discretionary and prohibited). While I acknowledge that the new legislation is not yet operative, it signals a clear policy shift, and I question the reasoning of retaining a controlled activity status noting this impending change.
- (f) I consider that the notified standards, together with the relevant overlay chapter rules, already provide an appropriate and comprehensive framework for managing potential adverse effects. These provisions ensure that key environmental, landscape, ecological, cultural, and amenity values are appropriately protected. Where an activity does not meet the applicable standards or overlay requirements, it would default to requiring restricted discretionary resource consent, thereby ensuring that any non-compliance is subject to an assessment of effects in accordance with the matters of discretion. For these reasons, I do not consider the controlled activity status as notified to be necessary or sufficiently enabling for community-scale renewable electricity generation.
- (g) Notwithstanding the above, and given this rule relates to larger community scale renewable electricity activities, rather than smaller scale renewable electricity generation activities, I do accept that some distinction between zones should apply. For instance, I accept that a permitted activity status for community scale renewable electricity generation activities within the General Residential Zone would be unreasonable given the nature and purpose of residential activities anticipated within that zone, and there should be the ability for more targeted

consideration of adverse effects in such an instance. On this basis, I recommend the following tiered approach:

- (i) General rural zone, Light industrial zone, Heavy industrial zone, Māori purpose zone – permitted subject to the existing matters in REG-R7-1. Where these matters are infringed, this becomes a restricted discretionary activity.
- (ii) All other zones – immediately a restricted discretionary activity, subject to existing matters of discretion.

6.16 For the above reasons, I consider that the notified rule is neither sufficiently enabling nor aligned with amended NPS-REG's expectation regarding the provision of community scale renewable electricity generation activities. Given the nature and size of these activities, I agree that some distinction between certain zones should be applied, and I consider that the tiered approach that I have outlined above, will provide a more balanced and reasonable approach that still gives effect to the NPS-REG.

Rule REG-R8 – Large Scale Renewable Energy Generation Activities

6.17 Northpower sought amendments to REG-R8 to provide for large scale renewable electricity generation activities as a restricted discretionary activity, and non-compliance with this rule to result in a discretionary activity status, rather than a non-complying activity status.⁸

6.18 The Reporting Officer has accepted in part this submission, noting⁹:

I support the requests from Mercury and Northpower to amend REG-R8 to be a restricted discretionary activity rule as I agree that the adverse effects of REG activities (particularly wind and solar-generation) are well understood, as are the common mitigation measures. A restricted discretionary activity status also allows consent to be refused if adverse effects are not appropriately managed and/or the proposal is inconsistent with the relevant policy direction. However, I consider that the non-complying activity status should be retained when compliance is not achieved with NZS 6808:2010 Acoustics – Wind farm noise.

⁸ Submission 283.65.

⁹ Section 42A Report for Renewable Electricity Generation, paragraphs 215-216.

The submission from Northpower includes a requested set of matters of discretion, whereas the Mercury submission does not (it simply refers to specific matters of discretion for wind, solar, and other generation). I generally support the matters of discretion requested by Northpower, subject to some minor amendments to better align with the matters of discretion in other rules in the REG Chapter...

- 6.19 I acknowledge and support the Reporting Officer's recommendation to amend this rule to a restricted discretionary activity status. In my view, this represents a meaningful improvement to the notified version of the rule as it is more enabling for large scale renewable electricity activities, while still allowing Council to maintain appropriate oversight of the key effects that may arise. This activity status also ensures that any potential adverse effects can be specifically managed through targeted matters of discretion, rather than through the broader and more burdensome requirements associated with the application of a discretionary activity status.
- 6.20 However, I disagree with the Reporting Officer's recommendation to retain a non-complying activity status where an activity cannot demonstrate compliance with NZS 6808: 2010 Acoustics – Wind farm noise.
- 6.21 No justification is provided from the Reporting Officer as to why a non-complying activity status should be retained. In the absence of any specific justification, I consider that a non-complying activity status is overly onerous and does not give effect to the strong national direction within the amended NPS-REG, which requires councils to enable renewable electricity generation activities.
- 6.22 I consider that retaining a non-complying status in these circumstances creates a high regulatory threshold that is disproportionate to the nature of the potential effects, noting that noise effects can be fully assessed and appropriately managed through conditions. I consider that a discretionary activity status would be more consistent with the amended NPS-REG and would still allow Council to undertake a robust and comprehensive assessment of any adverse effects associated with non-compliance of this standard. A discretionary status also provides sufficient scope for Councils to decline an application if significant adverse effects cannot be avoided, remedied, or mitigated, while

avoiding the unnecessary barriers created by a non-complying activity pathway.

- 6.23 Similar to what I have outlined above, under the new planning regime outlined in the recent Planning Bill, non-complying activities are being removed in favour of a new four-category system (permitted, restricted discretionary, discretionary and prohibited). While I acknowledge that the new legislation is not yet operative, it signals a clear policy shift, and I question the reasoning of retaining a non-complying activity status noting this impending change.
- 6.24 Finally, there is a significant disconnect between the activity status applied where compliance is not achieved with NZS 6808:2010 Acoustics - Wind farm noise between REG-R7, REG-R8 and REG-R9. Under REG-R7.1.f, compliance with NZS 6808:2010 is required, and if that isn't demonstrated, a restricted discretionary activity resource consent is required pursuant to REG-R7.3. Likewise, REG-R9.1.c. requires compliance with NZS 6808:2010, with restricted discretionary resource consent triggered if it is not confirmed. Under REG-R8, this immediately becomes a non-complying activity. I can see no logical basis for non-compliance with the standard leading to a non-complying activity status in REG-R8, but then a restricted discretionary activity status in REG-R7 and REG-R9. An inconsistent regulatory response to the same noise standard undermines coherence within the REG framework and creates uncertainty for plan users.
- 6.25 For the reasons above, I therefore recommend that a discretionary activity status be adopted for non-compliance with NZS 6808: 2010 Acoustics – Wind, as per Northpower's submission.

Rule REG-R9 – Upgrading or Repowering Existing Renewable Electricity Generation Activities

- 6.26 Northpower sought an amendment to REG-R9 to remove the height limit in clause (1)(b)(i) as limiting any height increase to 10% is inappropriate for replacement structures or buildings for existing renewable electricity generation activities.

6.27 The Reporting Officer has rejected this submission, stating¹⁰:

In my view, REG-R9 requires defined parameters (height and footprint) to establish a threshold beyond which resource consent is required so that any additional environmental effects can be appropriately assessed. I acknowledge that the 10% height increase and 25% footprint thresholds within the rule are somewhat arbitrary and not derived from precise technical benchmarks. However, in the absence of any alternative, well justified parameters provided by submitters, I consider that the thresholds in REG-P9 as notified provide a pragmatic and proportionate means of enabling the efficient upgrading and repowering of existing REG activities, while retaining appropriate discretion for larger-scale upgrades and repowering to assess and manage any substantive new or increased adverse effects that may arise.

6.28 Ms Greenhalgh's evidence highlights that limiting any height increase resulting from upgrades to all existing renewable electricity generation activities to 10% is arbitrary, particularly given the wide variation in scale across different types of renewable electricity generation technologies, for instance between wind farms and solar farms. For example, the height of the solar farm, Te Puna Mauri ō Omaru in Ruawai is 2.8m, which consists of the solar panels and their mounting structures. REG-R9 as notified would only permit upgrades that increase the height of the solar panels by 28cm.

6.29 It is therefore clear that the physical form and operational requirements of wind turbines and solar farms differ significantly, and a uniform 10% cap does not reflect their technological differences. Ms Greenhalgh also references upgrades associated with battery energy storage system or lifts to the solar panels to accommodate agriculture. I rely on Ms Greenhalgh's evidence, and conclude that imposing such an inflexible 10% limit may unnecessarily constrain the ability of operators to modernise assets or adopt improved technology.

6.30 Furthermore, Policy H of the amended NPS-REG provides strong national direction to enable the upgrading of existing renewable electricity generation assets and activities. This includes recognising that these assets form part of the existing environment, having particular regard to the efficiencies and environmental benefits of increasing capacity and output within the same site, and providing flexibility to enable the upgrading of existing assets and activities. In

¹⁰ Section 42A Report for Renewable Electricity Generation, paragraphs 226.

this context, an arbitrary height cap of 10% does not align with the policy's intent to facilitate upgrades that improve efficiency, resilience, and overall generation capacity. Overall, Ms Greenhalgh concludes that there is an operational and functional need to enable upgrades and repowering of solar renewable electricity generation activities that result in a height increase of up to 3m.

- 6.31 On this basis, I consider that a more appropriate and technically robust, and therefore more enabling, approach would involve providing for an additional height increase limit of 3m for solar renewable electricity generation activities, and 10% for all other renewable electricity generation activities. I have outlined recommended wording to achieve this in **Attachment 3**. I appreciate that this amendment could be worded differently, and therefore proactively confirm that I am available to discuss this with the Reporting Officer as needed prior to, or following the hearing, if that would be of assistance to the Hearing Panel.

7 SECTION 32AA EVALUATION

- 7.1 Section 32AA of the RMA requires further evaluation where changes to provisions are proposed since the original section 32 evaluation was undertaken. I have recommended a number of amendments to the REG Chapter, which are outlined in **Attachment 3**.
- 7.2 By way of summary, I consider that the recommended amendments to the provisions that I have proposed will be the most appropriate way to achieve the purpose of the RMA in accordance with section 32(1)(a) for the following reasons:
- (a) **Sustainable Management (Section 5):** The recommended amendments will better enable the use and development of renewable electricity generation activities, which are critical to the health, safety, and social, cultural and economic well-being of people and communities within the Kaipara District. The changes also provide for environmental protection by recognising the operational and locational constraints associated with these activities, and managing potential adverse effects accordingly.

- (b) **Efficient Use and Development of Resources (Section 7(b)):** By more appropriately enabling renewable electricity generation activities, the proposed amendments support the efficient use and development of natural and physical resources, including the electricity distribution network and Kaipara’s renewable energy potential.
- (c) **Enablement of Renewable Electricity Generation Activities (amended NPS-REG):** The changes give effect to key directives in the amended NPS-REG. These include recognising and providing for renewable electricity generation assets and activities that have an operational or functional need to be in particular locations and environments, and enabling renewable electricity generation assets and activities in all locations and environments (Policies C and F).
- (d) **Enabling Functional and Operational Needs:** The recommended amendments better recognise and provide for the functional and operational needs of Northpower’s infrastructure, including flexibility for upgrades, and investigation activities. These are essential to supporting the growth and resilience of electricity supply in the district.
- (e) **Appropriate Management of Effects:** The recommended provisions provide an improved framework for managing the adverse effects of renewable electricity generation activities, with appropriate thresholds, matters of discretion, and rule triggers. These recognise the need for both robust environmental outcomes and the efficient operation of essential infrastructure.
- (f) **Costs and Benefits:** I consider that the benefits of the recommended amendments will outweigh any potential costs, as they allow for greater enablement of renewable electricity generation within the district, while recognising and providing for the benefits they provide, and appropriately managing adverse effects that may eventuate.

8 CONCLUDING COMMENTS

- 8.1 Overall, I consider that significant progress has been made toward recognising and providing for renewable electricity generation activities within the REG chapter of the PDP. I acknowledge and support many of the recommendations made by the Reporting Officer align with Northpower's submission and my own opinion and analysis.
- 8.2 However, a number of key issues remain unresolved. For the reasons outlined above and in the accompanying attachments, I recommend that the amendments proposed in my evidence are adopted. In my opinion, these changes are necessary to give effect to higher order policy documents, promote the sustainable management of natural and physical resources, and provide an enabling yet environmentally responsible framework for renewable electricity generation in the Kaipara district.

David Eric Badham

3 March 2026

Attachment 1 – David Badham CV



David Badham

Partner / Northland Manager

BPlan (1st Class Hons); MNZPI

David has over 16 years' experience as a planner across a number of fields including policy and plan development, infrastructure and renewable energy projects, and iwi and hapū engagement. He is skilled in working with multi-disciplinary teams and bringing together a diverse range of stakeholders to achieve positive planning outcomes. David's experience includes applying for and processing complex resource consent applications, input into regional and district plan reviews on behalf of private clients and councils, preparing non-statutory strategies and documents, environmental monitoring and iwi and hapū engagement.

Expertise

- Plan reviews and policy development
- Electricity infrastructure and renewable energy projects
- Iwi / hapū engagement
- Resource consent preparation
- Council hearing evidence and presentation
- Environment Court appeals, mediation and hearings
- Preparation of non-statutory strategies and documents
- Processing subdivision and land use resource consents on behalf of councils

Affiliations

- Full Member of NZPI
- Winner NZPI Best Practice Award Non-Statutory Planning 2018 for Te Tai Tokerau Papakāinga Toolkit

Projects / Key Experience

Top Energy Limited, Independent Planning Consultant (2021 – Ongoing): lead planning consultant for Top Energy on all planning matters in the Far North. This has included submissions, evidence and hearing attendance for the Proposed Far North District Plan review, including comprehensive review of the infrastructure and renewable energy provisions, preparation of resource consents for new energy infrastructure, and general planning and due diligence advice for new electricity projects.

Northpower Limited, Independent Planning Consultant (2017 – Ongoing): lead planning consultant for Northpower on all planning matters. This includes providing advice relating to plan changes in the Whangārei and Kaipara districts, including input on infrastructure and renewable energy provisions, applying for designations, resource consents and outline plans for new substations and associated energy infrastructure, and general planning and due diligence advice for new electricity projects.

Bridge Street Solar Farm, Ongaonga, Central Hawkes Bay (2025 – Ongoing): lead planning consultant for post lodgement responses and consenting for a large scale solar farm on a 90ha site.

Ruakaka Solar Farm, Whangārei (2024 – 2025): lead planning consultant for resource consent applications approved non-notified in June 2026 for a solar farm with approximately 25,000 panels and 16.9 MW of energy. This has included extensive technical input and direct engagement with local iwi and hapū.

Ranui Solar Farm, Kaitaia (2021 – 2022): lead planning consultant for resource consent applications lodged in mid-2021 and granted in early-2022 for the establishment of a utility scale solar farm with approximately 24 MW of energy.

**Attachment 2 – Areas of Agreement with the Reporting Officers /
S42A**

REG s42A Supported Recommendations

These include the following submission points:

- (a) S283.43 – support the Reporting Officer’s recommended amendments to REG-O1;
- (b) S283.44 – support the Reporting Officer’s recommended amendments to REG-O2;
- (c) S283.46 – support the Reporting Officer’s recommended amendments to REG-O4;
- (d) S283.47 – support the Reporting Officer’s recommended amendments to REG-P1;
- (e) S283.49 – support the Reporting Officer’s recommended amendments to REG-P3;
- (f) REG-PX – support the Reporting Officer’s consequential amendment to include a new policy REG-PX;
- (g) S283.50 – support the Reporting Officer’s recommended amendments to REG-P4;
- (h) S283.52 – support the Reporting Officer’s recommended deletion of REG-P6;
- (i) S283.54 – support the amendments to Policy REG-P8 to include “upgrading” and to apply to all renewable electricity generation activities to better align with Policy H of the amended NPS-REG;
- (j) S283.55– support the amendments to Policy REG-P9 which requires new sensitive activities to “avoid” reverse sensitivity effects on existing renewable electricity generation activities, which is in alignment with the amended NPS-REG;
- (k) S283.56 – support the Reporting Officer’s recommended amendments to REG-P10;
- (l) S283.58 – support the Reporting Officer’s recommended amendments to REG-R1;

- (m) S283.59 – support the Reporting Officer’s recommended amendments to REG-R2-R4;
- (n) S283.62 – support the Reporting Officer’s recommended amendments to REG-R5;
- (o) S283.63 – support the Reporting Officer’s recommended amendments to REG-R6;
- (p) S283.64 – support the Reporting Officer’s amendments to REG-R10; and
- (q) Amended definitions – support the Reporting Officer’s recommended amendments to definitions for “renewable electricity generation activities”, “small-scale renewable electricity generation activities”, “community-scale renewable electricity generation activities”, “large-scale renewable electricity generation activities”, “Repowering” and “ancillary renewable electricity generation activities.”

Attachment 3 – Track Change Version of Provisions

S42A recommended wording = **additions underlined text deletions ~~strikethrough text~~**

David Badham recommended wording = **additions underlined text deletions ~~strikethrough text~~**

REG Chapter

Objective REG-03

Managing adverse effects of renewable electricity generation activities

"Renewable electricity generation activities are development in a safe, efficient and effective way ~~that while~~ appropriately managinges adverse effects of the environment."

Policy REG-P2

Enable the effective development, operation, maintenance, repair and upgrade of renewable electricity generation activities

"~~Provide for~~ Enable the effective and efficient development, operation, maintenance, repair and upgrading of renewable electricity generation activities at a range of scales and sources, particularly from solar and wind energy resources of the Kaipara District."

Rule REG-R7

General rural zone, Light industrial zone, Heavy industrial zone, Māori purpose zone

1. Activity status: ~~Controlled~~ Permitted

Where:

- a. No structure or device, including any attachments or turbine blades, exceeds a maximum height above ground level of 30m;
- b. There are no more than three turbines on a site;
- c. Any wind generating structure is setback at least three times the height of the structure (including supporting structures) from the boundary of any other site in different ownership or road;

- d. Any solar generating structure is setback at least 15m or three times the height of the structure (including supporting structures) from the boundary of any other site in different ownership or road (whatever is the greater);
- e. All devices and supporting structures attached to land, including solar panels, cover a total area of no more than:
 - i. 1 hectare per site where there is existing boundary vegetation that screens the development from view from the road and adjacent properties; or
 - ii. 0.5 hectare per site where the development will be visible from the road or adjacent properties; and
- f. Compliance is achieved with NZS 6808:2010 Acoustics – Wind farm noise for any proposal involving wind generation (refer General District Wide Matters – Noise).

...

All other Zones

X. Activity status when compliance not achieved with REG-R7.1: Restricted Discretionary

x. Matters over which discretion is restricted:

- a. The location, scale and intensity of the activity;**
- b. Shadow flicker and glare;**
- c. Visual and landscape effects;**
- d. Noise and vibration effects;**
- e. Functional need or operational need to be in the location;**
- f. The community benefits associated with the activity;**
- g. Proposed measures to mitigate adverse effects, including siting, design, colour, finish, or landscaping; and**
- h. Proposed rehabilitation of the site at the end of the operational life of the activity.**

Rule REG-R8

1. Activity status: Restricted Discretionary

Where:

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

X. Matters over which discretion is restricted:

- a. **The location, scale and intensity of the activity;**
- b. **Shadow flicker and glare;**
- c. **Visual and landscape effects;**
- d. **Any effects on indigenous fauna and ecosystems;**
- e. **Functional need or operational need to be in the location;**
- f. **The benefits associated with the activity;**
- g. **Proposed measures to mitigate adverse effects, including siting, design, colour, finish, or landscaping; and**
- h. **Proposed rehabilitation of the site at the end of the operational life of the activity.**

**2. Activity status when compliance not achieved: ~~Non-complying~~
Discretionary**

Rule REG-R9

1. Activity status: Permitted

Where:

- a. The upgrade or repowering is located within the same site as the existing renewable electricity activity;
- b. Any replacement structure or building does not exceed the:
 - i. Height of existing structures and buildings by more than:
 - **3m for solar renewable electricity generation activities; or**
 - **10% for other renewable electricity generation activities.**
 - ii. Footprint of existing structures and buildings by more than 25%; and
- c. For wind farms, compliance is achieved with NZS 6808:2010 Acoustics – Wind Farm noise.