

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**

**Statement of Rebuttal Evidence of Ronan Matthew Whitelock (Planning)
on behalf of the Director-General of Conservation / Tumuaki Ahurei**

Submitter Number: 304

Dated 10 March 2026

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Introduction

1. My full name is Ronan Matthew Whitelock.
2. My qualifications and experience are set out in paragraphs 3 – 7 of my primary evidence dated 3 March 2026.
3. I reconfirm that I have read and am familiar with the Code of Conduct for expert witnesses as contained in clause 9 of the Environment Court's Practice Note 2023 and I have complied with the code when preparing this written statement of rebuttal evidence.

Scope:

4. In this statement of rebuttal evidence, I cover the following topics in relation to the evidence of Mr David Badham (Mr Badham) for Northpower Limited and Northpower Fibre Limited¹:
 - Activity status for Rule REG-R7 – Community scale renewable electricity generation activities
 - Activity status for Rule REG-R8 – Large scale renewable electricity generation activities

Activity Status of Rule REG-R7 – Community scale renewable electricity generation activities

5. The evidence of Mr Badham recommends a tiered approach for Rule REG-R7 where activities within the General Rural Zone, Light Industrial Zone, Heavy Industrial Zone, and the Māori Purpose Zone are permitted, and activities in all other zones are restricted discretionary. Further, Mr Badham suggests his recommendation is consistent with Policy F of the NPS-REG which requires decision makers to enable renewable electricity generation assets and activities in all locations and environments².
6. I do not support the recommendation for Rule REG-R7 to become a permitted activity. A permitted activity status provides the opportunity for

¹ Primary Evidence of David Badham, 3 March 2026

² Primary Evidence of David Badham, 3 March 2026, paragraphs 6.15 – 6.16

adverse effects associated with community scale REG activities to be unmanaged. In my opinion, a controlled activity status gives effect to the direction of Policy F of the NPS-REG more efficiently and effectively. Under s104A of the RMA, decision makers are required to grant consent on the basis that the matters of control are met. This framework enables community scale REG activities in all environments, while ensuring their actual and potential adverse effects are appropriately assessed and managed in accordance with the corresponding matters of control.

7. Mr Badham's primary evidence considers that the notified standards, together with the relevant overlay chapter rules, already provide an appropriate and comprehensive framework for managing potential adverse effects, particularly on "*...key environmental, landscape, **ecological**, cultural and amenity values...*" [my emphasis on ecological]³. As notified, there is no overlay and accompanying 'overlay chapter' in the PDP directed at managing ecological values that meet section 6(c) of the Act. Effects on these values are instead proposed to be managed through permitted activity rules in the Ecosystems and Indigenous Biodiversity Chapter (EIB), for example that provide for an area of vegetation clearance as of right⁴. It is not certain that vegetation clearance for community scale REG would always trigger consent under the EIB rules.
8. Without that safeguard a permitted activity for community scale REG could result in unassessed, unmanaged and/or cumulative effects on biodiversity, including biodiversity values that meets section 6(c) of the Act. In my opinion, a controlled activity status is appropriately enabling for REG at the community scale. It provides for consideration of adverse effects on matters that may otherwise not be managed such as ecosystems and indigenous biodiversity⁵, while giving certainty to applicant's that consent must be granted⁶.

³ Primary Evidence of David Badham, 3 March 2026, paragraph 6.15(f)

⁴ Rule ECO-R2, which permits 1,000m² of indigenous vegetation clearance in the Māori Purpose Zone, General Rural Zone, and Rural Lifestyle zone, and 500m² in all other zones.

⁵ Primary Evidence of Ronan Whitelock, 3 March 2026, paragraph 33

⁶ Resource Management Act 1991, Section 104A(a)

9. On this basis, I support the s42A Reporting Officer's recommendation to retain a controlled activity status⁷, subject to inclusion of a matter of control to address effects on ecosystems and indigenous biodiversity⁸.

Activity status of Rule REG-R8 – Large scale renewable electricity generation activities

10. I consider there is a general level of alignment between Mr Badham's evidence and my primary evidence on the appropriateness of a discretionary activity status. In particular, our evidence acknowledges that a discretionary activity provides the decision-maker with a robust and comprehensive framework⁹ to consider any adverse effects associated with the activity.
11. Mr Badham's primary evidence opposes the non-complying activity status that is triggered when compliance with *NZS 6808:2010 Acoustics - Wind farm noise for any proposal involving wind generation*¹⁰ is not achieved. He notes the s42A officer has not provided any rationale for why large scale REG activities should default to a non-complying activity status¹¹. It should be noted that I am not commenting on the merits of including *NZS 6808:2010* in the rule or the default to non-complying, but I am recording my agreement with Mr Badham that a discretionary activity allows Council to undertake a robust and comprehensive assessment of any adverse effects¹². Mr Badham further adds that a discretionary activity provides sufficient scope for Council to decline an application if significant adverse effects cannot be avoided, remedied, or mitigated¹³.
12. While Mr Badham's primary evidence suggests REG-R8 should become a restricted discretionary activity, his comments regarding the merits of a discretionary activity reinforce my opinion that large scale REG activities

⁷ Section 42A Report – Renewable Electricity Generation, 17 February 2026, page 11, paragraph 207

⁸ Primary Evidence of Ronan Whitelock, 3 March 2026, paragraph 33

⁹ Primary Evidence of David Badham, 3 March 2026, paragraph 6.22 & Primary Evidence of Ronan Whitelock, 3 March 2026, paragraph 36

¹⁰ Rule REG-R8 (1)(a)

¹¹ Primary Evidence of David Badham, 3 March 2026, paragraph 6.21

¹² Primary Evidence of David Badham, 3 March 2026, paragraph 6.22

¹³ Primary Evidence of David Badham, 3 March 2026, paragraph 6.22

can appropriately be provided for as discretionary, per the notified version of REG-R8.



Ronan Matthew Whitelock

DATED this 10 day of March 2026